



**MIKE DEWINE**  
GOVERNOR  
STATE OF OHIO

**Executive Order 2025-08D**

The Emergency Adoption of Rule 4729:9-1-01.1 of the Ohio Administrative Code by the Ohio Board of Pharmacy

**WHEREAS**, kratom is a plant found in southeast Asia that is marketed in Ohio as an opioid alternative, despite having no approved uses<sup>1</sup>; and

**WHEREAS**, the effects of kratom depend on dose, with low doses having stimulant effects and high doses having opioid-like effects; and

**WHEREAS**, mitragynine is the primary psychoactive substance naturally found in kratom; and

**WHEREAS**, mitragynine can be easily altered by chemists to produce dangerous mitragynine-like compounds, such as 7-hydroxymitragynine (“7-OH”)<sup>2</sup>; and

**WHEREAS**, dangerous mitragynine-like compounds, such as 7-OH, bear public health and safety risks as their potency are often significantly greater than that of morphine<sup>3</sup>; and

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<sup>1</sup> US Food and Drug Administration. 7-Hydroxymitragynine (7-OH): An Assessment of the Scientific Data and Toxicological Concerns Around an Emerging Opioid Threat. <https://www.fda.gov/media/187899/download?attachment>. Last accessed Dec. 10, 2025.

<sup>2</sup> Cayman Chemical. NPS Snapshot: Kratom-Derived Semi-Synthetic Opioids. <https://cdn2.caymanchem.com/cdn/cms/caymanchem/LiteratureCMS/NPS%20Snapshot%20Kratom-Derived%20Semi-Synthetic%20Opioids.pdf>. Last accessed Dec. 10, 2025; Krotulski, AJ; Denn, MT; Brower, JO; Papsun, DM; Logan, BK. (2025) *Evaluation of Commercially Available Smoke Shop Products Marketed as “7-Hydroxy Mitragynine” & Related Alkaloids*, Center for Forensic Science Research and Education, United States.

<sup>3</sup> Cayman Chemical. NPS Snapshot: Kratom-Derived Semi-Synthetic Opioids. <https://cdn2.caymanchem.com/cdn/cms/caymanchem/LiteratureCMS/NPS%20Snapshot%20Kratom-Derived%20Semi-Synthetic%20Opioids.pdf>. Last accessed Dec. 10, 2025; Krotulski, AJ; Denn, MT; Brower, JO; Papsun, DM; Logan, BK. (2025) *Evaluation of Commercially Available Smoke Shop Products Marketed as “7-Hydroxy Mitragynine” & Related Alkaloids*, Center for Forensic Science Research and Education, United States; Makary, Marty. “FDA Warns Healthcare Professionals About 7-OH.” July 29, 2025. <https://www.fda.gov/media/187898/download?attachment>. Last accessed Dec. 10, 2025; US Food and Drug Administration. 7-Hydroxymitragynine (7-OH): An Assessment of the Scientific Data and Toxicological Concerns Around an Emerging Opioid Threat. <https://www.fda.gov/media/187899/download?attachment>. Last accessed Dec, 10, 2025.

**WHEREAS**, adverse effects of products containing dangerous mitragynine-like compounds, such as 7-OH, have prompted the US Food and Drug Administration (“FDA”) to suggest that those products are the next wave of the opioid crisis<sup>4</sup>; and

**WHEREAS**, according to the FDA, “[t]his public health threat is troubling and requires immediate and impactful policies to educate consumers and take regulatory action that limits access to 7-OH containing products.”<sup>5</sup>; and

**WHEREAS**, Section 3719.45 of the Ohio Revised Code authorizes the Ohio Board of Pharmacy (“Board of Pharmacy”) to add a previously unscheduled compound, mixture, preparation, or substance to Schedule I by emergency rule if the Board determines the compound has no accepted medical use in treatment in this state and poses an imminent hazard to the public health, safety, or welfare; and

**WHEREAS**, the Board of Pharmacy found that mitragynine-related compounds have no accepted medical use in treatment in this state, have a high potential for abuse, and pose an imminent hazard to the public health, safety, or welfare; and

**WHEREAS**, Section 119.03(G) of the Ohio Revised Code authorizes the Governor, on the request of a State agency, to suspend the normal rule making procedures with respect to specific rules when an emergency exists necessitating the immediate adoption, amendment, or rescission of such rules. When such a determination is made, the agency may immediately adopt, amend, or rescind such rules, but the rules are only valid for one hundred and eighty (180) days; and

**WHEREAS**, the Board of Pharmacy has requested a determination whether an emergency exists that requires 4729:9-1-01.1 on an emergency basis and that would therefore permit the Board of Pharmacy, pursuant to Section 3719.45 of the Ohio Revised Code, to immediately adopt this rule.

**NOW THEREFORE**, I, Mike DeWine, Governor of the State of Ohio, have determined, upon the request of the Board of Pharmacy, that an emergency exists requiring the immediate adoption of rule 4729:9-1-01.1 of the Ohio Administrative Code.

Further, I hereby order that the procedures prescribed by Section 119.03 of the Ohio Revised Code with respect to the adoption or amendment of the specified rule be suspended and that the Board of Pharmacy be permitted to adopt the rule immediately by filing it electronically with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review (“JCARR”).

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<sup>4</sup> Makary, Marty. “FDA Warns Healthcare Professionals About 7-OH.” July 29, 2025. <https://www.fda.gov/media/187898/download?attachment>. Last accessed Dec. 10, 2025; US Food and Drug Administration. Preventing the Next Wave of the Opioid Epidemic: What You Need to Know About 7-OH. <https://www.fda.gov/media/187913/download?attachment>. Last accessed Dec. 10, 2025.

<sup>5</sup> US Food and Drug Administration. 7-Hydroxymitragynine (7-OH): An Assessment of the Scientific Data and Toxicological Concerns Around an Emerging Opioid Threat. <https://www.fda.gov/media/187899/download?attachment>. Last accessed Dec. 10, 2025.

Furthermore, I hereby order that this Executive Order be filed in electronic form with the Board of Pharmacy, the Secretary of State, the Director of the Legislative Service Commission, and JCARR.

Nothing in this Executive Order and Emergency Rule shall be construed to apply to natural kratom in vegetation form.

I signed this Executive Order on December 12, 2025, in Columbus, Ohio, and it will expire one hundred and eighty (180) days from the effective date of the emergency rule, or upon the adoption of the rule through the normal JCARR process, whichever is sooner.

  
Mike DeWine, Governor



ATTEST:

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Frank LaRose, Secretary of State