

MINUTES  
**SENATE AGRICULTURAL AFFAIRS COMMITTEE**

**DATE:** Thursday, February 26, 2026

**TIME:** 8:00 A.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Nichols, Vice Chairman Zito, Senators Lakey, Lent, VanOrden, Blaylock, Kohl, Semmelroth, and Taylor

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Nichols** called the meeting of the Senate Agricultural Affairs Committee (Committee) to order at 8:01 a.m.

**MOTION:** **Senator Lent** moved to have the presentation prior to **S 1282**. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**PRESENTATION:** **Mr. Roger Batt**, Legislative Educator, Idaho Grape Growers and Wine Producers Commission, provided a brief history of Idaho wine. He reported Idaho was currently home to 65 wineries and approximately 1,300 acres of vineyard production. Idaho had three American Viticulture Areas, which were federally designated and regulated grape-growing regions. **Mr. Batt** identified several challenges facing Idaho's wine industry, including inconsistent county land use ordinances for wineries, a water deficit in the Boise River, and labor shortages.

**Ms. Moya Dolsby**, Executive Director, Idaho Grape Growers and Wine Producers Commission, gave an overview of her team as well as their Commissioners. She explained the Idaho Wine Commission (IWC) was funded by the wine excise tax, optional industry assessments, and specialty crop grants. The specialty crop grant, "Idaho Made Wine for an Idaho Made Lifestyle", awarded the IWC \$125,000 in 2025. **Ms. Dolsby** reported that the Idaho wine industry's economic impact had grown from \$22 million in 2002 to \$314 million in 2023. She highlighted the IWC's top 2025 projects included the "Year of Tempranillo", IWC's blog and social media relations, 2025's harvest press release, a tasting room field trip to Walla Walla, Washington, and numerous education seminars.

**Mr. Jay Hawkins**, Commissioner and owner of Lanae Ridge Vineyard, gave a brief introduction and explained the significant up-front investment required to establish a vineyard; revenue started to accrue only at the end of the third year. He stated how grape growers faced rising costs, including increased wages, fuel, fertilizer, chemicals, and ongoing labor shortages. He also identified high agricultural land costs as a challenge, particularly for south-facing slope properties suitable for vineyards, which were increasingly sought after by residential developers. **Mr. Hawkins** explained the value of the IWC's educational seminars and expert-led training sessions, which he credited with improving his vineyard practices and grape quality (Attachment 1).

**PASSED THE GAVEL:** Chairman Nichols passed the gavel to Vice Chairman Zito.

**S 1282**

**Senator Nichols** explained **S 1282** established a regulatory framework for kratom products currently sold in Idaho. She defined kratom and its uses. She identified the federal government's concern regarding synthetic kratom use, and its elevated levels of 7-Hydroxymitragynine (7-OH). She noted natural kratom contained trace amounts of 7-OH. **Senator Nichols** stated **S 1282** reflected national distinctions by prohibiting adulterated, synthetic, or chemically-modified kratom substances. The legislation preserved access to natural leaf kratom and was requested by stakeholders and Idahoans. **Senator Nichols** explained the bill included provisions for product testing, labeling standards, age restrictions, and accountability for distributors and retailers. She deferred to Mr. Mac Haddow.

**Mr. Mac Haddow**, Senior Fellow in Public Policy, American Kratom Association (AKA), noted "natural" didn't necessarily mean safe. He explained the legislation would establish consumer protection standards and appropriate labeling restrictions while allowing continued access to natural kratom products. He explained naturally occurring levels of 7-OH should not exceed 2% of total alkaloids or 1 milligram in any serving, and that higher concentrations posed increased health risks. **Mr. Haddow** stated that the Food and Drug Administration (FDA) autopsy reviews had concluded that reported kratom-related deaths were rare and were associated with poly-drug use, adulterated products, or underlying health conditions. He described an FDA dose finding study relating to kratom (Attachment 2).

**DISCUSSION:** **Senator Kohl** referred to a study Mr. Haddow mentioned regarding 91 deaths that were primarily caused by kratom. **Mr. Haddow** responded that poorly constructed postmortem autopsies resulted in false reports.

**TESTIMONY:** The following spoke in favor of **S 1282**:

- Christopher Deoudes, Happy Hippo.
- Jamie Dublin, constituent.
- Jeremy DeLuca, constituent.
- Morgan Walton, constituent.
- Joshua Gallipeau, constituent.
- Robert Farias, CWL Brands.
- Lora Romney.
- Tyson Baker, Ktropix, TCC LLC.
- Patrick Soulliere II, Happy Hippo.
- Michael Larsen, Bedrock Botanicals.

The reasons to support **S 1282** included testifiers' personal relevance to kratom use and the need for regulation in the kratom marketplace. Many testifiers explained they used kratom to help manage chronic pain, anxiety, attention deficit hyperactivity disorder (ADHD) and opioid withdrawal. Several speakers said kratom was a natural alternative and allowed them to reduce or stop prescription opioids or other medications. Some stated the bill brought transparency and balance to the industry; industrial standards and accountability moved bad actors out of the kratom industry. **Ms. Romney** addressed kratom tolerance by explaining she had been utilizing the same dose of kratom for nine years. **Mr. Baker** explained that putting the customer first by setting strict guidelines and standards was the foundation for business longevity.

**DISCUSSION:** **Senator Taylor** asked Mr. Deoudes if he considered himself addicted to kratom, considering his 20 years of use. **Mr. Deoudes** responded there could be dependence potential if abused, but withdrawal symptoms were similar to those of a common cold, unless heavily abused. **Senator Kohl** asked Ms. Walton whether deaths were linked to 7-OH or natural leaf kratom. **Ms. Walton** responded 7-OH was a slippery slope that shone a bad light on natural leaf kratom. She believed deaths involving natural leaf kratom involved poly drug use. **Senator Kohl** referenced a letter from the Bonneville County Coroner's Office which said standard leaf and powdered versions of kratom proved to be lethal. He asked if the Legislature were to add regulations on natural leaf that deaths could be reduced. **Ms. Walton** stated proper testing and due diligence could help eliminate bad actors. **Senator Kohl** asked Mr. Farias if he could further discuss the limitations of liability outlined in **S 1282**. **Mr. Farias** explained manufacturers carried product liability insurance and believed everyone had the right to utilize the court system. **Senator Kohl** asked why **S 1282** prohibited cause of action. **Mr. Baker** responded many kratom companies were set up for potential civil cases but he did not know why the prohibition for cause of action was in the legislation. **Vice Chairman Zito** asked if there was a way to discern naturally occurring 7-OH and synthetic 7-OH in the body post-mortem. **Mr. Baker** explained naturally occurring 7-OH had considerably lower levels than synthetic 7-OH. He compared 7-OH to caffeine, saying if 7-OH was ingested, it would appear in your system.

**TESTIMONY:** The following spoke in favor of **S 1282**, but with amendment suggestions:

- Norman Litchfield, President, Idaho Society of Addiction Medicine (IDSAM).
- Cate Heil, IDSAM.

Both **Dr. Litchfield** and **Dr. Heil** supported the bill as a first step, but wished to see amendments regarding expanding regulation to botanical kratom, increasing the purchasing age, providing stronger warning labels, and higher penalties.

**DISCUSSION:** **Senator Lakey** asked why kratom was not scheduled and prescribed. **Dr. Litchfield** anticipated the federal government would schedule kratom, however, the federal government was slow to act. **Senator Blaylock** asked Dr. Litchfield if he supported a full kratom ban. **Dr. Litchfield** stated he personally supported a full ban, but believed some regulation was better than none.

**TESTIMONY:** **Mr. Edward Boyer**, emergency physician and medical toxicologist, was neither for nor against **S 1282**, but provided information regarding kratom. He explained his extensive research in relating to the plant.

**TESTIMONY:** The following opposed **S 1282**:

- Tia Rustici, KDA (Attachment 3).
- Ryan Rustici, constituent.
- Tracy Basterrechea, City of Meridian and Idaho Chiefs of Police.
- DeNae Jones, constituent.
- Peyton Jones, constituent.

The reasons to oppose **S 1282** included public health and youth access concerns, normalization of drug use, kratom-associated deaths, and lack of FDA approval for medical use. It was argued that a full ban was needed to close loopholes, and keep opioid-analogous substances out of communities. **Ms. Tia Rustici**, **Mr. Ryan Rustici**, **Ms. DeNae Jones**, and **Ms. Peyton Jones** specifically mentioned the passing of Ms. Kielee Rustici, in which her autopsy reported mitragynine, an active

compound in kratom, was the determining factor of death. Her family claimed Kielee had only used natural kratom powder. **Ms. Rustici** explained mitragynine and 7-OH both bind to the same opioid receptor as morphine. **Mr. Basterrechea** explained this legislation would normalize a product that was not approved by the FDA for medical use or as a dietary supplement. **Ms. DeNae Jones** explained **S 1282** gave the kratom industry blanket immunity from private lawsuits. **Ms. Peyton Jones** explained how kratom was aggressively marketed towards minors and **S 1282** prioritized industry profits over Idaho families.

**DISCUSSION:** **Senator Kohl** asked Mr. Basterrechea if natural leaf kratom posed a danger. **Mr. Basterrechea** answered affirmatively and attributed its danger to its addictive nature. **Senator Lakey** asked if Mr. Basterrechea was speaking on behalf of the Idaho Chiefs of Police. **Mr. Basterrechea** answered affirmatively. **Senator Kohl** asked Ms. Denae Jones if her family had pursued legal action against kratom distributors or sellers. **Ms. Jones** answered negatively.

**DISCUSSION:** **Mr. Haddow** reiterated that natural does not mean safe and that the FDA concluded there was a significant safety risk associated only with adulterated or chemically manipulated kratom products. **Senator Kohl** asked if a private cause of action was not allowed for both natural leaf kratom and synthetic products. **Mr. Haddow** explained the AKA believed in strict and significant penalties for any manufacturer, distributor, or retailer that knowingly produced or distributed a product that violated standards in statute. He explained the difficulties other states had faced regarding litigation, but said they were willing to accept recommendations on the topic. **Senator Lent** voiced his opposition to **S 1282** and his concern about the contrasting beliefs that were shared before the Committee. He pondered how many individuals had a commercial interest in **S 1282**. He opposed the prohibition of personal right of action. **Mr. Haddow** reiterated natural didn't mean safe and that balance was key. He added that natural kratom wasn't a primary focus for the federal government.

**Chairman Nichols** concluded by stating she was open to amendments, but **S 1282** established foundational provisions. She stated 19 other states had passed variations of a Kratom Association Act and requested **S 1282** be sent to the 14th Order of Business.

**MOTION:** **Senator VanOrden** moved to send **S 1282** to the 14th Order of Business for possible amendment. **Chairman Nichols** seconded the motion.

**NOTE:** **Senator VanOrden** believed 7-OH was causing harm when it was not regulated; **S 1282** was a step towards regulation. She made her concerns known about certain aspects of the legislation, but noted amendments would be made.

**SUBSTITUTE MOTION:** **Senator Lent** moved that **S 1282** be held in Committee subject to the call of the Chair. **Senator Taylor** seconded the motion.

**NOTE:** **Senator Lent** believed **S 1282** needed to be more polished before it be reintroduced to the Committee. **Senator Taylor** noted the Legislature should be careful, as there could be potential unseen consequences with **S 1282**. **Senator Lakey** noted he would like to see more regulation, how it would be scheduled or prescribed, and doses controlled by medical professionals. **Senator Kohl** shared his belief in protecting citizens' fundamental right of action. **Chairman Nichols** noted kratom was a legal product and any product could have good or bad consequences, depending on how it was used.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** **Chairman Nichols** requested a roll call vote on the substitute motion. **Vice Chairman Zito, Senators Lakey, Lent, VanOrden, Blaylock, Kohl, Semmelroth, and Taylor** voted aye. **Chairman Nichols** voted nay. The motion carried.

**PASSED THE GAVEL:** Vice Chairman Zito passed the gavel to Chairman Nichols.

**ADJOURNED:** There being no further business at this time, **Chairman Nichols** adjourned the meeting at 10:10 a.m.

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Senator Nichols  
Chair

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Rachel Verrette  
Secretary