

2026 State of the State Address
Gov. Kelly Armstrong
House chamber, State Capitol
Sept. 2, 2026

Good morning. First Lady Kjersti, Lieutenant Governor Strinden, Justices of the North Dakota Supreme Court, Mr. Speaker, legislators, elected officials, tribal leaders, family and friends, and fellow citizens. Thank you for joining us today, and welcome.

It is my constitutional duty and great honor to address this special session of the 69th Legislative Assembly.

Calling a special session is not a decision I take lightly. And I recognize the timing of this session is less than ideal, with harvest underway, school starting and the Labor Day Weekend ahead.

However, as I said one month ago when we announced this special session, we are here to address a public safety and a public health issue that simply cannot wait for the regular legislative calendar to run its course.

People were overdosing and dying from a product they could buy off the shelf without any regulations or age restrictions. That's why we took it off the shelves until you all could convene.

I know you have a lot of work to do, and I promise to be brief. But for context, it's worth revisiting what drove the timing of this special session.

On July 1st, the DEA notified us of its intent to classify powerful synthetic kratom products as Schedule 1 narcotics as early as August 5th. That would put these opioid-like substances on the same schedule with LSD and heroin – drugs with a high potential for abuse and no legitimate medical use.

The DEA's notice prompted the North Dakota Board of Pharmacy to approach our office about approving an emergency order to add synthetic kratom to North Dakota's Schedule 1 list to align with the federal action.

From my time as an attorney and in the state Senate, I know that scheduling a drug in an emergency rule does not magically create enforcement authority in state law for local police. That needs to happen through the legislative process. It would have been

irresponsible of me to sign a pharmaceutical order and then not give law enforcement, retailers and communities the ability to enforce that order.

So, that's Step 1 of what I'm asking you to do this week: Ban the sale, possession and distribution of synthetic kratom by adding it to the Schedule 1 list in state law, clarify the authority to enforce that ban, and set reasonable criminal penalties for the purchase and sale of all synthetic kratom.

On August 26th, the DEA implemented a two-year ban on three potent opioid compounds that are chemically related to 7-OH, which is one of the two psychoactive alkaloids found naturally in kratom. These three compounds are commonly known as pseudo, MGM-15 and MGM-16. They're sold under brand names like Kama, Hydroxie, Fruity Perks and Happie Tabs.

I'm not an expert on these substances, but the folks at the DEA are. And here's what they had to say about them.

Quote: "They are easily purchased on the internet, as well as in gas stations, corner shops, and vape shops. These products are available in consumer-friendly forms, including flavored chewable tablets, which increases their appeal to a broader demographic."

"Also, the aggressive marketing of these semisynthetic opioids as 'precision-formulated products,' 'botanical extracts,' or as 'mood boosters' for the treatment of health conditions is deeply concerning. The branding creates a false sense of safety for unknowing consumers who may equate the term 'botanical' with lower risk."

"Furthermore, there is a paucity of data on quality control or standardized dosage available for these products, making their use especially dangerous." End quote.

As for 7-OH itself, the DEA's stated intent is to ban it at any level above the trace amount that occurs naturally in the kratom leaf. Last week, the public comment period on that proposed rule was extended until Sept. 10.

Which brings me to the second step I'm asking you to take, and that's to ban kratom in all its forms, as several other states have done and as recommended by public health officials and our state's top law enforcement officer, Attorney General Drew Wrigley, who has provided valuable leadership and guidance on this issue.

I'm not interested in anecdotal "wonder drug" testimonials. I'm interested in verifiable data, and the problem with this product is there is none.

Kratom is not regulated by the FDA. It is not regulated by the USDA. The synthetics are now regulated by the DEA. But that doesn't mean natural kratom is A-OK.

Because the fact is, it's still completely unregulated. The consumer can never be 100% certain that what's on the label is what's in the bottle. If you find that unnerving, that's the correct reaction.

What the U.S. Food and Drug Administration has said about kratom is this: Quote, "FDA continues to warn consumers not to use kratom because of the risk of serious adverse events, including liver toxicity, seizures, and substance use disorder." End quote.

At the very least, we should have a 21-and-older age restriction on purchasing kratom, and a truth-in-labeling law so consumers actually know what they're taking.

But how would that even work? Who is going to test the products to ensure that 7-OH levels aren't too high and that they are not laced with synthetics? The state certainly does not have that capacity. And I don't think anyone in this room wants to spend the money to add a separate testing program and staff for a product that is packaged out-of-state or overseas with little to no regulatory oversight and far outside the jurisdiction of North Dakota law enforcement.

What we're left with is the kratom industry to police itself. Name me another psychotropic substance where we allow that to happen. You can't.

No, the correct answer also happens to be the simplest one: Ban kratom and kratom products all together, just as Alabama, Arkansas, Connecticut, Indiana, Kansas, Louisiana, Tennessee, Vermont and Wisconsin have already done.

We empathize with those addicted to these products, because we know the road to recovery is never easy.

Our Behavioral Health Division has an entire page of addiction recovery resources available at **hhs.nd.gov**, and we have eight state-operated Behavioral Health Clinics across the state whose locations also are on the website, along with a directory of local treatment providers.

Our four largest cities have opioid treatment programs with experience in treating kratom addiction and withdrawal. And counselors are always available at the 9-8-8 hotline for those experiencing a behavioral health crisis.

The task ahead of you is challenging and deserves your full attention. Getting the criminal policy correct on this is especially important – I don't want to make someone a felon in September for something they could buy legally over the counter in July.

Also, I am aware of the risk of calling a special session in September of an election year. There will be some who cannot resist the urge for political grandstanding.

My unsolicited advice is this: If whatever political statement you are trying to make does not involve preventing people from overdosing on an over-the-counter drug that you can buy without an ID, you're probably on the wrong side of said political issue.

Others may still ask: Why not wait four months until regular session? Because the risk is that it's not four months – it's almost a year. Regular session convenes in January, and unless non-budget bills get an emergency clause – which requires a two-thirds vote in both chambers, no small hurdle – the bill doesn't take effect until August 1st of 2027.

We cannot wait that long to provide certainty and address this health risk. Our law enforcement, our retailers, and most of all our citizens deserve clarity.

Thank you for giving this subject the serious attention it demands. I look forward to signing legislation that provides clarity and protects the health and well-being of the citizens of North Dakota.

God bless you, God bless the great State of North Dakota, and God bless the United States of America.