

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

HCR 1010

4
5 By: Representative Haak
6 By: Senator Bledsoe

7
8 **HOUSE CONCURRENT RESOLUTION**

9 TO ENCOURAGE THE UNITED STATES CONGRESS TO ESTABLISH
10 A MAXIMUM LIMIT OF OPIATE ALKALOID CONTAMINATION OF
11 POPPY SEEDS AND ENSURE THE SAFETY OF IMPORTED POPPY
12 SEEDS AND TO ISSUE IMPORT REQUIREMENTS AND CONDUCT
13 TESTING TO ENSURE THAT IMPORTED SEEDS DO NOT EXCEED
14 THE MAXIMUM THRESHOLD OF OPIATE CONTAMINATION.

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17 **Subtitle**

18 TO ENCOURAGE THE UNITED STATES CONGRESS
19 TO ESTABLISH A MAXIMUM LIMIT OF OPIATE
20 ALKALOID CONTAMINATION OF POPPY SEEDS AND
21 ENSURE THE SAFETY OF IMPORTED POPPY SEEDS
22 AND TO ISSUE IMPORT REQUIREMENTS AND
23 CONDUCT TESTING.

24
25 WHEREAS, in 2016, Stephen Hacala Jr. passed at twenty-four (24) years
26 of age from morphine intoxication after drinking poppy seed tea without being
27 aware that the poppy seed coats were contaminated with a lethal amount of
28 morphine, also known as "opium latex"; and

29
30 WHEREAS, Stephen Hacala Jr.'s parents, Steve and Betty Hacala, who are
31 residents of Rogers, Arkansas, desire to raise awareness of the dangers of
32 unprocessed poppy seeds and to advocate for changes in policy, control, and
33 enforcement to stop the unlawful and dangerous importation and distribution
34 of morphine-contaminated poppy seeds; and

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36 WHEREAS, consumption of opiate alkaloid-contaminated poppy seeds poses



1 a substantial public health threat that has been overlooked as a component of
2 the larger opioid epidemic; and

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4 WHEREAS, poppy seeds originate from the opium poppy, *Papaver*
5 *somniferum*, a plant that can produce substantial amounts of naturally
6 occurring opioids called "opiate alkaloids", including morphine, codeine, and
7 thebaine; and

8
9 WHEREAS, producers who grow *Papaver somniferum* primarily for seed
10 production may use "low morphine" cultivars, although there is no generally
11 defined delineation between the opiate alkaloid content of these cultivars
12 and others; and

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14 WHEREAS, opiate alkaloids work to inhibit neuronal pain pathways and
15 have substantial analgesic effects, but also can produce euphoria and other
16 potentially unwanted effects, including nausea, sedation, respiratory
17 depression, slow heart rate, and constipation; and

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19 WHEREAS, the risk of overdose death from opioids can be compounded with
20 the concurrent usage of other substances, especially benzodiazepines, which
21 also cause respiratory depression; and

22
23 WHEREAS, the United States Drug Enforcement Administration lists
24 specific opioids, including morphine, codeine, and thebaine, as well as
25 "poppy straw" and "poppy straw concentrate", as Schedule II controlled
26 substances with a "high potential for abuse which may lead to severe
27 psychological or physical dependence"; and

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29 WHEREAS, the United States banned domestic cultivation of *Papaver*
30 *somniferum* in the Opium Poppy Control Act of 1942, and trade agreements
31 further limit cultivation of the poppy plant to certain countries; and

32
33 WHEREAS, appropriate preventive controls such as washing the seeds
34 during processing can reduce the presence of opiate alkaloids in poppy seeds
35 to safe levels; and

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1 WHEREAS, while concentrations of individual opiate alkaloids in
2 contaminated seeds can vary by batch, morphine is generally found in the
3 highest concentrations; and
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5 WHEREAS, between 2012 and 2017, the European Food Safety Authority
6 collected and tested one thousand one hundred sixty-four (1,164) poppy seed
7 samples from ten (10) countries and detected morphine contamination levels of
8 a mean of fifty-seven and eight-tenths milligrams per kilogram (57.8 mg/kg),
9 a median of thirteen and six-tenths milligrams per kilogram (13.6 mg/kg), a
10 ninety-fifth percentile of two hundred fifty-three milligrams per kilogram
11 (253 mg/kg), and a maximum of five hundred ninety-six milligrams per kilogram
12 (596 mg/kg); and
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14 WHEREAS, another study from 2020 found that purchased seeds in the
15 United Kingdom that originated from at least four (4) different countries had
16 morphine concentrations ranging from undetectable to sixty-four milligrams
17 per kilogram (64 mg/kg); and
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19 WHEREAS, high concentrations of opiate alkaloids in contaminated poppy
20 seeds lead to the potential for ingestion of therapeutic or toxic doses; and
21

22 WHEREAS, the lethal dose of morphine can range widely, due to
23 differences in individual tolerance; and
24

25 WHEREAS, consumer practices such as brewing the contaminated poppy
26 seeds into a tea or other liquid may concentrate the opiate alkaloid content,
27 which increases the risks of reaching or exceeding effective doses of opioids
28 from the consumption of poppy seeds; and
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30 WHEREAS, ingestion of these teas is typically used for the purposes of
31 intoxication or claimed health benefits, including the treatment of pain,
32 anxiety, and opioid withdrawal; and
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34 WHEREAS, extracting opiate alkaloids from contaminated poppy seeds or
35 poppy into a liquid for consumption is well documented historically, and
36 sometimes with resulting adverse events and deaths; and

1
2 WHEREAS, standard recipes for tea or other drinks can rely on
3 substantial quantities of seeds for opiate alkaloid extraction; and
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5 WHEREAS, a 2018 study by Deborah Powers et al. brewed tea with samples
6 of poppy seeds purchased online from twenty-two (22) different samples and
7 analyzed the opiate alkaloid content of teas brewed with the seeds finding
8 that morphine concentrations in some samples were high enough to yield two
9 thousand seven hundred eighty-eight milligrams per kilogram (2,788 mg/kg) of
10 morphine in a tea form, in addition to variable amounts of codeine and
11 thebaine; and
12

13 WHEREAS, in addition to the risks of clinical effects, the consumption
14 of contaminated poppy seeds also poses a risk of exceeding drug testing
15 thresholds, even in the amounts found on some common popular baked goods; and
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17 WHEREAS, a study by Kimberly L. Samano et al. in 2015 found morphine
18 concentrations as high as one thousand four hundred eight nanograms per
19 milliliter (1,408 ng/ml) in urine samples two (2) hours after study
20 participants ingested a Ukrainian-style poppy seed roll prepared from
21 approximately fifteen grams (15 g) of seeds purchased from a Kansas spice
22 market; and
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24 WHEREAS, the risk of contaminating poppy seeds with high levels of
25 opiate alkaloids before they reach the consumer can be largely mitigated
26 through appropriate preventive controls by producers; and
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28 WHEREAS, the United States Drug Enforcement Administration issued a
29 notice in November 2019 confirming that poppy seeds contaminated with opium
30 alkaloids are considered Schedule II controlled substances pursuant to 21
31 U.S.C. § 812 of the Controlled Substances Act; and
32

33 WHEREAS, however, a United States agency has not issued regulations,
34 guidance, or recommendations identifying a maximum permissible threshold of
35 opiate alkaloid contamination of poppy seeds or describing the manufacturing
36 practices recommended to reduce the presence of opiate alkaloids in poppy

1 seeds; and

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3 WHEREAS, as a result of this inaction, contaminated poppy seeds are
4 readily available at local retailers and online; and

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6 WHEREAS, some manufacturers and retailers intentionally market heavily
7 contaminated poppy seeds, using specific language such as “raw” or “unwashed”
8 to signal that their products contain higher concentrations of opiates than
9 properly processed seeds; and

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11 WHEREAS, policies from vendors, such as an Amazon.com, Inc. policy to
12 limit the sale of poppy seeds to one-pound bags or less and to require poppy
13 seeds to be from approved brands, may help discourage the sale of
14 contaminated poppy seeds; and

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16 WHEREAS, the United States Congress, the United States Food and Drug
17 Administration, and the United States Drug Enforcement Administration should
18 take action to preserve the health and safety of all citizens of this nation,

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20 NOW THEREFORE,

21 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL
22 ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

23

24 THAT the House of Representatives of the Ninety-Third General Assembly
25 of the State of Arkansas, the Senate concurring, encourages the United States
26 Congress, the United States Food and Drug Administration, and the United
27 States Drug Enforcement Administration to:

28 (1) Issue regulations and guidance establishing a maximum
29 permissible threshold of opiate alkaloid contamination of poppy seeds sold in
30 the United States and describing current good manufacturing practices to
31 reduce the presence of opiate alkaloids in poppy seeds; and

32 (2) Issue import requirements and conduct testing of imports to
33 ensure the safety of imported seeds, including an import alert specifying
34 steps to ensure that imported seeds do not exceed the maximum threshold of
35 opiate alkaloid contamination.

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1 BE IT FURTHER RESOLVED THAT upon adoption of this resolution, an
2 appropriate copy be provided by the Chief Clerk of the House of
3 Representatives to the United States Food and Drug Administration, the United
4 States Drug Enforcement Administration, the majority leader of the United
5 States Senate, the Speaker of the United States House of Representatives, and
6 the members of the Arkansas congressional delegation.

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