

Item #7(3)

**ADDITIONAL MATERIAL
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COMMISSIONER JACOBS**

Jupiter couple sues West Palm Beach kava bar, saying it got them addicted to opium-substitute kratom

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WEST PALM BEACH —

When Erica Siegel was handed a free drink outside The Purple Lotus Kava Bar downtown two years ago, she liked it — a lot.

Soon, the 39-year-old Jupiter woman was returning several times a day to grab a quick drink from the hipster hangout, conveniently located near her husband's office. At her urging, her husband, Michael, started joining her. But according to their attorney, the couple began to realize that their love of the odd beverages, with names like The Komodo and The Head Mod, was overpowering. "He realized they were addicted," said attorney Gary Russo.

This month, the couple filed a lawsuit against the bar, claiming it never warned them the drinks contained kratom, which has been used in Southeast Asia for centuries as a substitute for opium and is on the U.S. Drug Enforcement Administration's watch list because it can become addictive.

While the couple wants to be reimbursed for the thousands of dollars they spent on doctors and medication to break the kratom habit, Russo said their main mission is to warn others.

"They are trying to get the word out there to let people know what's going on," he said. "It turned their lives upside down as young parents."

Jim Scianno, who has owned the West Palm Beach kava bar for 10 years, disputed the couple's claims. "It's just an alternative, something healthy and safe to take the edge off," he said. "It's the nemesis of coffee." While caffeine cranks you up, he said, kratom and its sister compound, kava, promotes relaxation. Kava is a shrub native to islands in the South Pacific, while kratom is a tree that grows in Thailand and other parts of Southeast Asia. But their chemical compounds and the effects are the same.

"I don't see anything toxic about it," Scianno said. "I'm not seeing emergency rooms fill up." Local addiction counselors say they have seen an uptick in the number of patients seeking help for kava- and kratom-related problems. The substances are particularly

attractive — and dangerous — for recovering heroin or cocaine users who don't realize they are substituting one addiction for another.

While the DEA is concerned about the growing use of both kava and kratom, neither is a controlled substance, spokeswoman Barbara Carreno said. While the agency moved quickly to regulate bath salts and fake pot when both soared in popularity and began causing health problems, it hasn't done the same with kava or kratom. But records show use is increasing.

Nationally, the agency reported kratom was seized by police once in 2010, 44 times in 2011 and 81 in the first six months of 2012. No updated numbers were available.

While Scianno said he doesn't want to be forced to post warning signs in his bars, his Purple Lotus Facebook page, which has 5,233 friends, warns that too many drinks can cause a kava-induced stupor, nausea and loss of muscle control. "If too much Kava has been drunk and you feel uneasy, please don't drive," the web site advises.

In 2011, Palm Beach County Circuit Court Judge Stephen Rapp threw out a drunk driving charge against a 46-year-old Boynton Beach man, who claimed he was high on kava tea he drank with members of his recovery support group.

Russo said kratom or kava are not only problematic for people who are prone to addiction, but also that breaking the habit isn't easy. It took Michael Siegel about seven months of treatment. Erica Siegel is still struggling.

While states like Tennessee have banned kratom, Russo said at least people should be aware of the dangers. "We need to get some warnings out there," he said.