

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 1784

By: Pae of the House

and

Paxton of the Senate

7 An Act relating to public health and safety; creating  
8 the Oklahoma Kratom Consumer Protection Act; defining  
9 terms; requiring kratom vendors to disclose certain  
10 information on product label; making certain acts  
11 unlawful; providing penalties; authorizing aggrieved  
12 person to bring cause of action under certain  
13 circumstances; providing for codification; and  
14 providing an effective date.

13 AMENDMENT NO. 1. Page 1, strike the title, the enacting clause and  
14 entire bill and insert

15 "[ public health and safety - Oklahoma Kratom  
16 Consumer Protection Act - information on product  
label - codification - effective date ]

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1-1432.1 of Title 63, unless  
20 there is created a duplication in numbering, reads as follows:

21 Sections 1 through 5 of this act shall be known and may be cited  
22 as the "Oklahoma Kratom Consumer Protection Act".  
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1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-1432.2 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Food" means a food, food product, food ingredient, dietary  
6 ingredient, dietary supplement or beverage for human consumption;

7 2. "Kratom product" means a food product or ingredient  
8 containing any part of the leaf of the plant *Mitragyna speciosa*; and

9 3. "Vendor" means a person that sells, prepares or maintains  
10 kratom products or that advertises, represents or holds itself out  
11 as selling, preparing or maintaining kratom products and includes a  
12 manufacturer, wholesaler, store, restaurant, hotel, catering  
13 facility, camp, bakery, delicatessen, supermarket, grocery store,  
14 convenience store, nursing home or food or drink company.

15 SECTION 3. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1-1432.3 of Title 63, unless  
17 there is created a duplication in numbering, reads as follows:

18 A. A vendor that prepares, distributes, sells or exposes for  
19 sale a food or ingredient that contains kratom as an ingredient or  
20 that is represented to be a kratom product shall disclose on the  
21 product label, or a quick response (QR) code on the product label  
22 linked to a website, the factual basis on which that representation  
23 is made.

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1 B. A vendor shall not prepare, distribute, sell or expose for  
2 sale a food or ingredient that contains kratom as an ingredient or  
3 that is represented to be a kratom product that does not conform to  
4 the disclosure required by this section.

5 SECTION 4. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1-1432.4 of Title 63, unless  
7 there is created a duplication in numbering, reads as follows:

8 A. A vendor shall not prepare, distribute, sell or expose for  
9 sale any of the following:

10 1. A kratom product that is adulterated with a nonkratom  
11 substance. A kratom product is adulterated with a nonkratom  
12 substance if the kratom product is mixed or packed with a nonkratom  
13 substance and that substance affects the quality or strength of the  
14 kratom product to such a degree as to render the kratom product  
15 injurious to a consumer;

16 2. A kratom product that is contaminated with a dangerous  
17 nonkratom substance. A kratom product is contaminated with a  
18 dangerous nonkratom substance if the kratom product contains a  
19 poisonous or otherwise deleterious nonkratom substance including any  
20 controlled substance listed in the Uniform Controlled Dangerous  
21 Substances Act;

22 3. A kratom product containing a level of 7-hydroxymitragynine  
23 in the alkaloid fraction that is greater than two percent (2%) of  
24 the alkaloid composition of the product; and

1 4. A kratom product containing any synthetic alkaloid including  
2 synthetic mitragynine, synthetic 7-hydroxymitragynine or any other  
3 synthetically derived compounds of the kratom plant.

4 B. Kratom packaging shall be accompanied by a label, or a quick  
5 response (QR) code on the product label linked to a website, bearing  
6 the following information prior to its sale in this state:

7 1. A list of the ingredients;

8 2. That the sale or transfer of kratom to a person under  
9 eighteen (18) years of age is prohibited;

10 3. The amount of mitragynine and 7-hydroxymitragynine contained  
11 in the product;

12 4. The amount of mitragynine and 7-hydroxymitragynine contained  
13 in the packaging for the product;

14 5. The common or usual name of each ingredient used in the  
15 manufacture of the product listed in descending order of  
16 predominance;

17 6. The name and the principal mailing address of the  
18 manufacturer or the person responsible for distributing the product;

19 7. The suggested use of the product; and

20 8. Any precautionary statements as to the safety and  
21 effectiveness of the product.

22 C. A vendor may not distribute, sell or expose for sale a  
23 kratom product to an individual under eighteen (18) years of age.  
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1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-1432.5 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. The owner or manager of a vendor who violates any of the  
5 provisions of Section 3 or 4 of this act shall, upon conviction, be  
6 guilty of a misdemeanor punishable by a fine of not more than Five  
7 Hundred Dollars (\$500.00) for a first offense and a fine of not more  
8 than One Thousand Dollars (\$1,000.00) for a second offense. Upon  
9 conviction for a third offense, the vendor shall be prohibited from  
10 selling kratom products for a period of three (3) years. The owner  
11 or manager of a vendor who sells kratom products during the period  
12 of suspension shall, upon conviction, be guilty of a misdemeanor  
13 punishable by imprisonment in a county jail for a term of not more  
14 than one (1) year, or by a fine of not more than Two Thousand  
15 Dollars (\$2,000.00), or by both such fine and imprisonment.

16 B. A person aggrieved by a violation of Section 3 or 4 of this  
17 act may bring a cause of action in a court of competent jurisdiction  
18 for damages resulting from that violation including, but not limited  
19 to, economic, noneconomic or consequential damages.

20 C. A vendor does not violate the provisions of Section 3 or 4  
21 of this act if the court finds by a preponderance of the evidence  
22 that the vendor relied in good faith on the representation of a  
23 manufacturer, processor, packager or distributor that the food  
24 product or dietary ingredient was a kratom product.

1 SECTION 6. This act shall become effective November 1, 2021.”

2 Passed the Senate the 22nd day of April, 2021.

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5 Presiding Officer of the Senate

6 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
7 2021.

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10 Presiding Officer of the House  
11 of Representatives

1 ENGROSSED HOUSE  
2 BILL NO. 1784

By: Pae of the House

3 and

4 Paxton of the Senate  
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7 An Act relating to public health and safety; creating  
8 the Oklahoma Kratom Consumer Protection Act; defining  
9 terms; requiring kratom vendors to disclose certain  
10 information on product label; making certain acts  
11 unlawful; providing penalties; authorizing aggrieved  
12 person to bring cause of action under certain  
13 circumstances; providing for codification; and  
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 7. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 2-351 of Title 63, unless there  
18 is created a duplication in numbering, reads as follows:

19 Sections 1 through 5 of this act shall be known and may be cited  
20 as the "Oklahoma Kratom Consumer Protection Act".

21 SECTION 8. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 2-352 of Title 63, unless there  
23 is created a duplication in numbering, reads as follows:

24 As used in this act:

1. "Food" means a food, food product, food ingredient, dietary  
ingredient, dietary supplement or beverage for human consumption;

1           2. "Kratom product" means a food product or ingredient  
2 containing any part of the leaf of the plant *Mitragyna speciosa*; and

3           3. "Vendor" means a person that sells, prepares or maintains  
4 kratom products or that advertises, represents or holds itself out  
5 as selling, preparing or maintaining kratom products and includes a  
6 manufacturer, wholesaler, store, restaurant, hotel, catering  
7 facility, camp, bakery, delicatessen, supermarket, grocery store,  
8 convenience store, nursing home or food or drink company.

9           SECTION 9.           NEW LAW           A new section of law to be codified  
10 in the Oklahoma Statutes as Section 2-353 of Title 63, unless there  
11 is created a duplication in numbering, reads as follows:

12           A. A vendor that prepares, distributes, sells or exposes for  
13 sale a food or ingredient that contains kratom as an ingredient or  
14 that is represented to be a kratom product shall disclose on the  
15 product label, or a quick response (QR) code on the product label  
16 linked to a website, the factual basis on which that representation  
17 is made.

18           B. A vendor shall not prepare, distribute, sell or expose for  
19 sale a food or ingredient that contains kratom as an ingredient or  
20 that is represented to be a kratom product that does not conform to  
21 the disclosure required by this section.

22           SECTION 10.           NEW LAW           A new section of law to be codified  
23 in the Oklahoma Statutes as Section 2-354 of Title 63, unless there  
24 is created a duplication in numbering, reads as follows:



1 A. A vendor shall not prepare, distribute, sell or expose for  
2 sale any of the following:

3 1. A kratom product that is adulterated with a nonkratom  
4 substance. A kratom product is adulterated with a nonkratom  
5 substance if the kratom product is mixed or packed with a nonkratom  
6 substance and that substance affects the quality or strength of the  
7 kratom product to such a degree as to render the kratom product  
8 injurious to a consumer;

9 2. A kratom product that is contaminated with a dangerous  
10 nonkratom substance. A kratom product is contaminated with a  
11 dangerous nonkratom substance if the kratom product contains a  
12 poisonous or otherwise deleterious nonkratom substance, including  
13 any controlled substance prescribed by the Uniform Controlled  
14 Dangerous Substances Act;

15 3. A kratom product containing a level of 7-hydroxymitragynine  
16 in the alkaloid fraction that is greater than two percent (2%) of  
17 the alkaloid composition of the product; and

18 4. A kratom product containing any synthetic alkaloid including  
19 synthetic mitragynine, synthetic 7-hydroxymitragynine or any other  
20 synthetically derived compounds of the kratom plant.

21 B. Kratom packaging shall be accompanied by a label, or a quick  
22 response (QR) code on the product label linked to a website, bearing  
23 the following information prior to its sale in this state:

24 1. A list of the ingredients;

1           2. That the sale or transfer of kratom to a person under  
2 eighteen (18) years of age is prohibited;

3           3. The amount of mitragynine and 7-hydroxymitragynine contained  
4 in the product;

5           4. The amount of mitragynine and 7-hydroxymitragynine contained  
6 in the packaging for the product;

7           5. The common or usual name of each ingredient used in the  
8 manufacture of the product listed in descending order of  
9 predominance;

10          6. The name and the principal mailing address of the  
11 manufacturer or the person responsible for distributing the product;

12          7. The suggested use of the product; and

13          8. Any precautionary statements as to the safety and  
14 effectiveness of the product.

15          C. A vendor may not distribute, sell or expose for sale a  
16 kratom product to an individual under eighteen (18) years of age.

17          SECTION 11.        NEW LAW        A new section of law to be codified  
18 in the Oklahoma Statutes as Section 2-355 of Title 63, unless there  
19 is created a duplication in numbering, reads as follows:

20          A. A vendor who violates any of the provisions set forth in  
21 Section 3 or 4 of this act shall, upon conviction, be guilty of a  
22 misdemeanor punishable by imprisonment in a county jail for a term  
23 of not more than one (1) year, or by a fine of not more than One  
24 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

1 B. A person aggrieved by a violation of Section 3 or 4 of this  
2 act may bring a cause of action in a court of competent jurisdiction  
3 for damages resulting from that violation including, but not limited  
4 to, economic, noneconomic or consequential damages.

5 C. A vendor does not violate the provisions of Section 3 or 4  
6 of this act if the court finds by a preponderance of the evidence  
7 that the vendor relied in good faith on the representation of a  
8 manufacturer, processor, packager or distributor that the food  
9 product or dietary ingredient was a kratom product.

10 SECTION 12. This act shall become effective November 1, 2021.

11 Passed the House of Representatives the 1st day of March, 2021.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2021.

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Presiding Officer of the Senate

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