

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 1784

By: Pae of the House

and

Paxton of the Senate

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8  
9 COMMITTEE SUBSTITUTE

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

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

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

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

22 SECTION 2. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1-1432.2 of Title 63, unless  
24 there is created a duplication in numbering, reads as follows:

1 As used in this act:

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

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

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

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

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

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

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

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

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

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

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

21 4. A kratom product containing any synthetic alkaloid including  
22 synthetic mitragynine, synthetic 7-hydroxymitragynine or any other  
23 synthetically derived compounds of the kratom plant.

24

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

4 1. A list of the ingredients;

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

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

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

11 5. The common or usual name of each ingredient used in the  
12 manufacture of the product listed in descending order of  
13 predominance;

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

16 7. The suggested use of the product; and

17 8. Any precautionary statements as to the safety and  
18 effectiveness of the product.

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

21 SECTION 5. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-1432.5 of Title 63, unless  
23 there is created a duplication in numbering, reads as follows:

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

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

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

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

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