

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1784

By: Pae of the House

and

6 Paxton of the Senate

7
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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