

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1784

By: Pae of the House

and

**Paxton** of the Senate

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10                                   COMMITTEE SUBSTITUTE

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

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

20                   SECTION 1.           NEW LAW           A new section of law to be codified  
21                   in the Oklahoma Statutes as Section 2-351 of Title 63, unless there  
22                   is created a duplication in numbering, reads as follows:

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

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2-352 of Title 63, unless there  
3 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 2-353 of Title 63, unless there  
17 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 2-354 of Title 63, unless there  
7 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  
20 any controlled substance prescribed by the Uniform Controlled  
21 Dangerous 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 2-355 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

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

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

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

18 SECTION 6. This act shall become effective November 1, 2021.  
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20 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED  
21 SUBSTANCES, dated 02/11/2021 - DO PASS, As Amended and Coauthored.  
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