

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1784

By: Pae

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5  
6 AS INTRODUCED

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

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

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

11 SECTION 3. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 2-353 of Title 63, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. A vendor that prepares, distributes, sells or exposes for  
15 sale a food or ingredient that contains kratom as an ingredient or  
16 that is represented to be a kratom product shall disclose on the  
17 product label the factual basis on which that representation is  
18 made.

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

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1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2-354 of Title 63, unless there  
3 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 dangerous  
7 nonkratom substance. A kratom product is adulterated with a  
8 dangerous nonkratom substance if the kratom product is mixed or  
9 packed with a nonkratom substance and that substance affects the  
10 quality or strength of the kratom product to such a degree as to  
11 render the kratom product 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  
16 any controlled substance prescribed by the Uniform Controlled  
17 Dangerous 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.

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1 B. Kratom packaging shall be accompanied by a label bearing the  
2 following information prior to its sale in this state:

3 1. A list of the ingredients;

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

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

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

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

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

15 7. Clear and adequate directions for the consumption and safe  
16 and effective 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 2-355 of Title 63, unless there  
23 is created a duplication in numbering, reads as follows:

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

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

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

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

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17       58-1-6560       GRS       12/21/20

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