

1 ENGROSSED HOUSE  
2 BILL NO. 3574

By: Pae of the House

and

Prieto of the Senate

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6 An Act relating to public health and safety; amending  
7 63 O.S. 2021, Sections 1-1432.2 and 1-1432.4, which  
8 relate to the Oklahoma Kratom Consumer Protection  
9 Act; adding and modifying definitions; providing  
10 restrictions on the preparation, distribution, or  
11 sale of certain kratom products; and providing an  
12 effective date.

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

14 SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1432.2, is  
15 amended to read as follows:

16 Section 1-1432.2 As used in this act:

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

19 2. "Kratom leaf" means the leaf of the kratom plant, Mitragyna  
20 speciosa, in fresh or dehydrated or dried form that undergoes no  
21 post-harvest processing other than drying or size reduction by  
22 cutting, milling, or similar procedure, and may be cleaned or  
23 sterilized using standard treatments applied to food ingredients,  
24 such as heat, steam, pressurization, or irradiation or other  
standard treatments applied to food ingredients. The total alkaloid

1 content of kratom leaf material used in the kratom product shall not  
2 exceed three and one-half percent (3.5%) measured on a dried weight-  
3 to-weight basis;

4 3. "Kratom leaf extract" means the material obtained by  
5 extracting kratom using a solvent consisting of:

- 6 a. water, ethanol, or food-grade carbon dioxide (CO<sub>2</sub>), or
- 7 b. any other solvent allowed by federal or state  
8 regulation for use in manufacturing a food ingredient.

9 The extracted material shall contain mitragynine as the most  
10 abundant alkaloid, measured on a weight-to-weight basis, and at a  
11 level that is equal to or exceeds twice that of any other alkaloid  
12 present. The ratio of mitragynine to other alkaloids in the extract  
13 shall be equal to or greater than the ratio found in the starting  
14 material;

15 4. "Kratom product" means a food ~~product~~ or ~~ingredient~~  
16 ~~containing any part of the~~ dietary supplement that consists of or  
17 ~~contains kratom~~ leaf of the plant *Mitragyna speciosa* or kratom leaf  
18 extract that does not contain any synthesized kratom alkaloids,  
19 other kratom constituents, or synthesized metabolites of any kratom  
20 constituent in which the level of 7-hydroxymitragynine, on a percent  
21 weight basis, is not greater than one percent (1%) of the amount of  
22 total kratom alkaloids, as confirmed with a high-performance liquid  
23 chromatography testing method. For purposes of this paragraph,  
24 "synthesized" refers to substances produced using directed synthetic

1 or biosynthetic chemistry, as opposed to traditional food  
2 preparation techniques such as heating or extracting; and

3 ~~3.~~ 5. "Total kratom alkaloids" means the sum of mitragynine,  
4 speciociliatine, speciogynine, paynantheine, and 7-  
5 hydroxymitragynine; and

6 6. "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 2. AMENDATORY 63 O.S. 2021, Section 1-1432.4, is  
13 amended to read as follows:

14 Section 1-1432.4 A. A vendor shall not prepare, distribute,  
15 sell or expose for sale any of the following:

16 1. A kratom product that ~~is adulterated with a nonkratom~~  
17 ~~substance. A does not meet the definition for a kratom product is~~  
18 ~~adulterated with a nonkratom substance if the kratom product is~~  
19 ~~mixed or packed with a nonkratom substance and that substance~~  
20 ~~affects the quality or strength of the kratom product to such a~~  
21 ~~degree as to render the kratom product injurious to a consumer~~  
22 pursuant to Section 1-1432.2 of this title;

23 2. A kratom product that is contaminated with a dangerous  
24 nonkratom substance. A kratom product is contaminated with a

1 dangerous nonkratom substance if the kratom product contains a  
2 substance that is not safe for human consumption;

3 3. A kratom product containing a level of 7-hydroxymitragynine  
4 in the alkaloid fraction that is greater than ~~two~~ one percent (~~2%~~  
5 1%) of the alkaloid composition of the product;

6 4. A kratom product containing any ~~synthetic~~ synthesized  
7 alkaloid including ~~synthetic~~ synthesized mitragynine, ~~synthetic~~  
8 synthesized 7-hydroxymitragynine or any other ~~synthetically derived~~  
9 synthesized compounds of the kratom plant; ~~or~~

10 5. A kratom product containing any controlled substance listed  
11 in the Uniform Controlled Dangerous Substances Act, unless the  
12 product is compounded by a licensed pharmacist with the controlled  
13 substance dispensed in accordance with a valid prescription; or

14 6. A kratom product containing a level of any residual solvent  
15 that was used in the manufacturing of the extract that exceeds the  
16 residual level specified for pharmaceutical products in the document  
17 "Q3C - Tables and List, Guidance for Industry, [June 2017] ICH  
18 Revision 3" issued by the United States Department of Health and  
19 Human Services, Food and Drug Administration.

20 B. Kratom products shall be accompanied by a label, ~~or a quick~~  
21 ~~response (QR) code on the product label linked to a website,~~ bearing  
22 the following information prior to its sale in this state:  
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1 1. A list of the ingredients, which shall include the common or  
2 usual name of each ingredient used in the manufacture of the  
3 product, listed in descending order of predominance;

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 total kratom alkaloids, mitragynine, and 7-  
7 hydroxymitragynine contained in the product;

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

10 5. The name and the principal street address of the vendor or  
11 the person responsible for distributing the product;

12 6. ~~The suggested~~ Any federal food allergen labeling  
13 requirements, if applicable, and clear and adequate directions for  
14 the consumption and safe and effective use of the such product,  
15 including the recommended serving size, the number of servings in  
16 the container, and the number of servings that can be safely  
17 consumed in a day. Provided, liquid kratom products shall be  
18 packaged in a retail container that has clear serving size markings  
19 and be subject to the following requirements:

20 a. products of less than eight (8) fluid ounces which  
21 contain more than three servings shall be accompanied  
22 by a calibrated measuring device, and  
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1           b. if such a product contains more than the eight (8)  
2           fluid ounces, the requirements specified in  
3           subparagraph a of this paragraph do not apply.

4           Provided further, packaging for powdered kratom products not in  
5           capsule form shall have a calibrated measuring device included in  
6           the container; and

7           7. Any precautionary statements as to the safety and  
8 effectiveness of the product, including a warning that a consumer  
9 should consult a health care professional on questions about the use  
10 of kratom, that the product may be habit-forming, and a statement  
11 that the kratom product is not intended to "diagnose, treat, cure,  
12 or prevent any disease"; and

13           8. A statement that a kratom product label is prohibited from  
14 making any therapeutic claims unless approved by the United States  
15 Food and Drug Administration.

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

18           D. Upon request by the State Department of Health, the vendor  
19 shall provide test results from a United States-based testing  
20 facility to confirm the items listed on the product label.

21           SECTION 3. This act shall become effective November 1, 2024.

1 Passed the House of Representatives the 5th day of March, 2024.

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3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

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9 Presiding Officer of the Senate