

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3574 _____
Of the printed Bill

Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Daniel Pae _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3574

By: Pae of the House

and

Prieto of the Senate

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9 FLOOR SUBSTITUTE

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

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

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

20 Section 1-1432.2 As used in this act:

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

23 2. "Kratom leaf" means the leaf of the kratom plant, Mitragyna
24 speciosa, in fresh or dehydrated or dried form that undergoes no
post-harvest processing other than drying or size reduction by

1 cutting, milling, or similar procedure, and may be cleaned or
2 sterilized using standard treatments applied to food ingredients,
3 such as heat, steam, pressurization, or irradiation or other
4 standard treatments applied to food ingredients. The total alkaloid
5 content of kratom leaf material used in the kratom product shall not
6 exceed three and one-half percent (3.5%) measured on a dried weight-
7 to-weight basis;

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

- 10 a. water, ethanol, or food grade carbon dioxide (CO2), or
11 b. any other solvent allowed by federal or state
12 regulation for use in manufacturing a food ingredient.

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

19 4. "Kratom product" means a food ~~product~~ or ~~ingredient~~
20 ~~containing any part of the~~ dietary supplement that consists of or
21 ~~contains kratom leaf of the plant~~ *Mitragyna speciosa* or kratom leaf
22 ~~extract that does not contain any synthesized kratom alkaloids,~~
23 ~~other kratom constituents, or synthesized metabolites of any kratom~~
24 ~~constituent in which the level of 7-hydroxymitragynine, on a percent~~

1 weight basis, is not greater than one percent (1%) of the amount of
2 total kratom alkaloids, as confirmed with a high-performance liquid
3 chromatography testing method. For purposes of this paragraph,
4 "synthesized" refers to substances produced using directed synthetic
5 or biosynthetic chemistry, as opposed to traditional food
6 preparation techniques such as heating or extracting; and

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

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

16 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-1432.4, is
17 amended to read as follows:

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

20 1. A kratom product that ~~is adulterated with a nonkratom~~
21 ~~substance. A does not meet the definition for a kratom product is~~
22 ~~adulterated with a nonkratom substance if the kratom product is~~
23 ~~mixed or packed with a nonkratom substance and that substance~~
24 ~~affects the quality or strength of the kratom product to such a~~

1 ~~degree as to render the kratom product injurious to a consumer~~
2 pursuant to Section 1-1432.2 of this title;

3 2. A kratom product that is contaminated with a dangerous
4 nonkratom substance. A kratom product is contaminated with a
5 dangerous nonkratom substance if the kratom product contains a
6 substance that is not safe for human consumption;

7 3. A kratom product containing a level of 7-hydroxymitragynine
8 in the alkaloid fraction that is greater than ~~two~~ one percent (~~2%~~
9 1%) of the alkaloid composition of the product;

10 4. A kratom product containing any ~~synthetic~~ synthesized
11 alkaloid including ~~synthetic~~ synthesized mitragynine, ~~synthetic~~
12 synthesized 7-hydroxymitragynine or any other ~~synthetically derived~~
13 synthesized compounds of the kratom plant; ~~or~~

14 5. A kratom product containing any controlled substance listed
15 in the Uniform Controlled Dangerous Substances Act, unless the
16 product is compounded by a licensed pharmacist with the controlled
17 substance dispensed in accordance with a valid prescription;

18 6. A kratom product containing more than fifty (50) milligrams
19 of total alkaloids per serving; or

20 7. A kratom product containing a level of any residual solvent
21 that was used in the manufacturing of the extract that exceeds the
22 residual level specified for pharmaceutical products in the document
23 "Q3C - Tables and List, Guidance for Industry, [June 2017] ICH
24

1 Revision 3" issued by the United States Department of Health and
2 Human Services, Food and Drug Administration.

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

6 1. A list of the ingredients, which shall include the common or
7 usual name of each ingredient used in the manufacture of the
8 product, listed in descending order of predominance;

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

11 3. The amount of total kratom alkaloids, mitragynine, and 7-
12 hydroxymitragynine contained in the product;

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

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

17 6. ~~The suggested~~ Any federal food allergen labeling
18 requirements, if applicable, and clear and adequate directions for
19 the consumption and safe and effective use of the such product,
20 including the recommended serving size, the number of servings in
21 the container, the number of servings that can be safely consumed in
22 a day that does not exceed one hundred fifty (150) milligrams of
23 total alkaloid intake per day. Provided, liquid kratom products
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1 shall be packaged in a retail container that has clear serving size
2 markings and be subject to the following requirements:

3 a. products of less than eight (8) fluid ounces which
4 contain more than three servings shall be accompanied
5 by a calibrated measuring device, and

6 b. if such a product contains more than the eight (8)
7 fluid ounces, the requirements specified in
8 subparagraph a of this paragraph do not apply.

9 Provided further, packaging for powdered kratom products not in
10 capsule form shall have a calibrated measuring device included in
11 the container; and

12 7. Any precautionary statements as to the safety and
13 effectiveness of the product, including a warning that a consumer
14 should consult a healthcare professional on questions about the use
15 of kratom, that the product may be habit-forming, and a statement
16 that the kratom product is not intended to "diagnose, treat, cure,
17 or prevent any disease"; and

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

21 C. A vendor may not distribute, sell or expose for sale a
22 kratom product to an individual under eighteen (18) years of age.
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1 D. Upon request by the State Department of Health, the vendor
2 shall provide test results from a United States-based testing
3 facility to confirm the items listed on the product label.

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

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6 59-2-10331 GRS 02/26/24

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