

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB891 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Daniel Pae

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

PROPOSED POLICY  
COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 891

By: Murdock and Prieto of the  
Senate

and

Pae of the House

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to kratom products; amending 63 O.S. 2021, Sections 1-1432.2 and 1-1432.4, as amended by Section 1, Chapter 278, O.S.L. 2024 (63 O.S. Supp. 2024, Sections 1-1432.2 and 1-1432.4), which relates to the Oklahoma Kratom Consumer Protection Act; modifying definitions; removing certain packaging requirements; removing a certain labeling requirement; updating statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-1432.2, as amended by Section 1, Chapter 278, O.S.L. 2024 (63 O.S. Supp. 2024, Section 1-1432.2), is amended to read as follows:

1 Section 1-1432.2. As used in ~~this act~~ the Oklahoma Kratom  
2 Consumer Protection Act:

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

5 2. "Kratom leaf" means the leaf of the kratom plant, *Mitragyna*  
6 *speciosa*, in fresh or dehydrated or dried form that undergoes no  
7 post-harvest processing other than drying or size reduction by  
8 cutting, milling, or similar procedure, and may be cleaned or  
9 sterilized using standard treatments applied to food ingredients,  
10 such as heat, steam, pressurization, or irradiation or other  
11 standard treatments applied to food ingredients. The total alkaloid  
12 content of kratom leaf material used in the kratom product shall not  
13 exceed three and one-half percent (3.5%) measured on a dried weight-  
14 to-weight basis;

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

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

20 The extracted material shall contain mitragynine as the most  
21 abundant alkaloid, measured on a weight-to-weight basis, and at a  
22 level that is equal to or exceeds twice that of any other alkaloid  
23 present. The ratio of mitragynine to other alkaloids in the extract  
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1 shall be equal to or greater than the ratio found in the starting  
2 material;

3 4. "Kratom product" means a food or dietary supplement that  
4 consists of or contains kratom leaf or kratom leaf extract that does  
5 not contain any synthesized kratom alkaloids, other synthesized  
6 kratom constituents, or synthesized metabolites of any kratom  
7 constituent in which the level of 7-hydroxymitragynine, on a percent  
8 weight basis, is not greater than one percent (1%) of the amount of  
9 total kratom alkaloids, as confirmed with a high-performance liquid  
10 chromatography testing method. For purposes of this paragraph,  
11 "synthesized" refers to substances produced using directed synthetic  
12 or biosynthetic chemistry, as opposed to traditional food  
13 preparation techniques such as heating or extracting;

14 5. "Total kratom alkaloids" means the sum of mitragynine,  
15 speciociliatine, speciogynine, paynantheine, and 7-  
16 hydroxymitragynine; and

17 6. "Vendor" means a person or entity that sells, prepares or  
18 maintains kratom products or that advertises, represents or holds  
19 himself, herself, or itself out as selling, preparing or maintaining  
20 kratom products and includes a manufacturer, wholesaler, store,  
21 restaurant, hotel, catering facility, camp, bakery, delicatessen,  
22 supermarket, grocery store, convenience store, nursing home or food  
23 or drink company.

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1 SECTION 2. AMENDATORY 63 O.S. 2021, Section 1-1432.4, as  
2 amended by Section 2, Chapter 278, O.S.L. 2024 (63 O.S. Supp. 2024,  
3 Section 1-1432.4), is amended to read as follows:

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

6 1. A kratom product that does not meet the definition for a  
7 kratom product pursuant to Section 1-1432.2 of this title;

8 2. A kratom product that is contaminated with a dangerous  
9 nonkratom substance. A kratom product is contaminated with a  
10 dangerous nonkratom substance if the kratom product contains a  
11 substance that is not safe for human consumption;

12 3. A kratom product containing a level of 7-hydroxymitragynine  
13 in the alkaloid fraction that is greater than one percent (1%) of  
14 the alkaloid composition of the product;

15 4. A kratom product containing any synthesized alkaloid  
16 including synthesized mitragynine, synthesized 7-hydroxymitragynine  
17 or any other synthesized compounds of the kratom plant;

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

22 6. A kratom product containing a level of any residual solvent  
23 that was used in the manufacturing of the extract that exceeds the  
24 residual level specified for pharmaceutical products in the document

1 "Q3C - Tables and List, Guidance for Industry, [June 2017] ICH  
2 Revision 3" issued by the United States Department of Health and  
3 Human Services, Food and Drug Administration.

4 B. Kratom products shall be accompanied by a label bearing the  
5 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. Any federal food allergen labeling requirements, if  
18 applicable, and clear and adequate directions for the consumption  
19 and safe and effective use of such product, including the  
20 recommended serving size, the number of servings in the container,  
21 and the number of servings that can be safely consumed in a day.

22 Provided, liquid kratom products shall be packaged in a retail  
23 container that has clear serving size markings and be subject to the  
24 following requirements:

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

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

7 ~~Provided further, packaging for powdered kratom products not in~~  
8 ~~capsule form shall have a calibrated measuring device included in~~  
9 ~~the container;~~

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

16 8. A statement that ~~a kratom product label is prohibited from~~  
17 ~~making any therapeutic claims unless approved by the United States~~  
18 ~~Food and Drug Administration~~ says "These statements have not been  
19 evaluated by the United States Food and Drug Administration. This  
20 product is not intended to diagnose, treat, cure, or prevent any  
21 disease".

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 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, 2025.

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