

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1784

By: Pae

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7 COMMITTEE SUBSTITUTE

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

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

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

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

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2-352 of Title 63, unless there
24 is created a duplication in numbering, reads as follows:

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, or a quick response (QR) code on the product label
18 linked to a website, the factual basis on which that representation
19 is made.

20 B. A vendor shall not prepare, distribute, sell or expose for
21 sale a food or ingredient that contains kratom as an ingredient or
22 that is represented to be a kratom product that does not conform to
23 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 nonkratom
7 substance. A kratom product is adulterated with a nonkratom
8 substance if the kratom product is mixed or packed with a nonkratom
9 substance and that substance affects the quality or strength of the
10 kratom product to such a degree as to render the kratom product
11 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, or a quick
2 response (QR) code on the product label linked to a website, bearing
3 the following information prior to its sale in this state:

4 1. A list of the ingredients;

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

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

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

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

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

16 7. The suggested 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:

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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