SENATE FLOOR VERSION
February 8, 2024

SENATE BILL NO. 1639 By: Prieto of the Senate

and

Pae of the House

An Act relating to kratom products; amending 63 O.S. 2021, Section 1-1432.4, which relates to labeling requirements; modifying and adding labeling requirements for kratom products; and providing an effective date.

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

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

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

1. A kratom product that is adulterated with a nonkratom substance. A kratom product is adulterated with a nonkratom substance if the kratom product is mixed or packed with a nonkratom substance and that substance affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer;

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

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

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

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

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

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

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

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

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

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

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

6. ~~The suggested~~ Clear and adequate directions for the consumption of and safe and effective use of the product, including the recommended serving size, the number of servings in the container, the number of servings that can be safely consumed in a day, and the time frame within which safe consumption should occur; ~~and~~

7. Any precautionary statements as to the safety and effectiveness of the product, including a warning that a consumer should consult his or her physician on questions about use of kratom and a statement that the kratom product is not intended to "diagnose, treat, cure, or prevent any disease"; and

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

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

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

SECTION 2. This act shall become effective November 1, 2024.

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
February 8, 2024 - DO PASS