

1 ENGROSSED SENATE
2 BILL NO. 1639

By: Prieto and Bullard of the
Senate

3 and

4 Pae of the House

5
6
7 An Act relating to kratom products; amending 63 O.S.
8 2021, Section 1-1432.4, which relates to labeling
9 requirements; modifying and adding labeling
requirements for kratom products; and providing an
effective date.

10

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

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

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

24

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 percent (2%) of
5 the alkaloid composition of the product;

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

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

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

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

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

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

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

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

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

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

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

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

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

22 SECTION 2. This act shall become effective November 1, 2024.
23
24

1 Passed the Senate the 4th day of March, 2024.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2024.

7
8 _____
9 Presiding Officer of the House
10 of Representatives