

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
FOR ENGROSSED
4 SENATE BILL NO. 891

By: Murdock and Prieto of the
Senate

5 and

6 Pae of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to kratom products; amending 63 O.S.
12 2021, Sections 1-1432.2 and 1-1432.4, as amended by
13 Section 1, Chapter 278, O.S.L. 2024 (63 O.S. Supp.
14 2024, Sections 1-1432.2 and 1-1432.4), which relates
15 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 4. A kratom product containing any synthesized alkaloid
13 including synthesized mitragynine, synthesized 7-hydroxymitragynine
14 or any other synthesized compounds of the kratom plant;

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

19 6. A kratom product containing a level of any residual solvent
20 that was used in the manufacturing of the extract that exceeds the
21 residual level specified for pharmaceutical products in the document
22 "Q3C - Tables and List, Guidance for Industry, [June 2017] ICH
23 Revision 3" issued by the United States Department of Health and
24 Human Services, Food and Drug Administration.

1 B. Kratom products shall be accompanied by a label bearing the
2 following information prior to its sale in this state:

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

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

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

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

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

14 6. Any federal food allergen labeling requirements, if
15 applicable, and clear and adequate directions for the consumption
16 and safe and effective use of such product, including the
17 recommended serving size, the number of servings in the container,
18 and the number of servings that can be safely consumed in a day.

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

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

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

4 Provided further, packaging for powdered kratom products not in
5 capsule form shall have a calibrated measuring device included in
6 the container;

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

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

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

1 SECTION 3. This act shall become effective November 1, 2025.

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