

SENATE FLOOR VERSION

February 10, 2025

SENATE BILL NO. 891

By: Murdock of the Senate

and

Pae of the House

An Act relating to kratom products; amending 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), which relates to definitions used in the Oklahoma Kratom Consumer Protection Act; modifying definitions; 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:

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

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

2. "Kratom leaf" means the leaf of the kratom plant, *Mitragyna speciosa*, in fresh or dehydrated or dried form that undergoes no post-harvest processing other than drying or size reduction by

1 cutting, milling, or similar procedure, and may be cleaned or
2 sterilized using standard treatments applied to food ingredients,
3 such as heat, steam, pressurization, or irradiation or other
4 standard treatments applied to food ingredients. The total alkaloid
5 content of kratom leaf material used in the kratom product shall not
6 exceed three and one-half percent (3.5%) measured on a dried weight-
7 to-weight basis;

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

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

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

19 4. "Kratom product" means a food or dietary supplement that
20 consists of or contains kratom leaf or kratom leaf extract that does
21 not contain any synthesized kratom alkaloids, other synthesized
22 kratom constituents, or synthesized metabolites of any kratom
23 constituent in which the level of 7-hydroxymitragynine, on a percent
24 weight basis, is not greater than one percent (1%) of the amount of

1 total kratom alkaloids, as confirmed with a high-performance liquid
2 chromatography testing method. For purposes of this paragraph,
3 "synthesized" refers to substances produced using directed synthetic
4 or biosynthetic chemistry, as opposed to traditional food
5 preparation techniques such as heating or extracting;

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

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

16 SECTION 2. This act shall become effective November 1, 2025.

17 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
February 10, 2025 - DO PASS