



OKLAHOMA STATE COURTS NETWORK

Oklahoma Statutes Citationized

Title 63. Public Health and Safety

Chapter 1 - Oklahoma Public Health Code

Oklahoma Kratom Consumer Protection Act

Article Article 14 - Drugs, Devices, and Cosmetics

Section 1-1432.1 - Short Title

Cite as: 63 O.S. § 1-1432.1 (OSCN 2026), Oklahoma Kratom Consumer Protection Act

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

Historical Data

Laws 2021, HB 1784, c. 500, § 1, eff. November 1, 2021.



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Section 1-1432.2 - Definitions

Cite as: 63 O.S. § 1-1432.2 (OSCN 2026), Oklahoma Kratom Consumer Protection Act

As used in 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. "Independent testing laboratory" means a laboratory that:
 - a. does not have a direct or indirect interest in the entity whose product is being tested,
 - b. does not have a direct or indirect interest in a facility that processes, distributes, dispenses, or sells kratom products in this state or in another jurisdiction, and
 - c. is nationally accredited by an accrediting body as defined by Section 150.37 of Title 74 of the Oklahoma Statutes;
3. "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 cutting, milling, or similar procedure, and may be cleaned or sterilized using standard treatments applied to food ingredients, such as heat, steam, pressurization, or irradiation or other standard treatments applied to food ingredients. The total alkaloid content of kratom leaf material used in the kratom product shall not exceed three and one-half percent (3.5%) measured on a dried weight-to-weight basis;
4. "Kratom leaf extract" means the material obtained by extracting kratom using a solvent consisting of:
 - a. water, ethanol, or food-grade carbon dioxide (CO₂), or
 - b. any other solvent allowed by federal or state regulation for use in manufacturing a food ingredient.

The extracted material shall contain mitragynine as the most abundant alkaloid, measured on a weight-to-weight basis;

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

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

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

Historical Data

Laws 2021, HB 1784, c. 500, § 2, eff. November 1, 2021; Amended by Laws 2024, HB 3574, c. 278, § 1, eff. November 1, 2024 (superseded document available); Amended by Laws 2025, SB 891, c. 299, § 1, eff. November 1, 2025 (superseded document available).



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Section 1-1432.3 - Vendor Disclosure Requirements

Cite as: 63 O.S. § 1-1432.3 (OSCN 2026), Oklahoma Kratom Consumer Protection Act

A. A vendor that prepares, distributes, sells or exposes for sale a food or product that contains kratom as an ingredient or that is represented to be a kratom product shall disclose on the product label, website, or a quick response (QR) code on the product label linked to a website, the factual basis on which that representation is made.

B. A vendor shall not prepare, distribute, sell or expose for sale a food or ingredient that contains kratom as an ingredient or that is represented to be a kratom product that does not conform to the disclosure required by this section.

Historical Data

Laws 2021, HB 1784, c. 500, § 3, eff. November 1, 2021.



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Section 1-1432.4 - Prohibited Kratom Products – Label Requirements – Prohibiting Sale to Minors – Provide Test Results

Cite as: 63 O.S. § 1-1432.4 (OSCN 2026), Oklahoma Kratom Consumer Protection Act

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

1. A kratom product that does not meet the definition for a kratom product pursuant to [Section 1-1432.2](#) of this title;
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 one percent (1%) of the alkaloid composition of the product;
4. A kratom product containing any synthesized alkaloid including synthesized mitragynine, synthesized 7-hydroxymitragynine or any other synthesized compounds of the kratom plant;
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; or
6. A kratom product containing a level of any residual solvent that was used in the manufacturing of the extract that exceeds the residual level specified for pharmaceutical products in the document "Q3C - Tables and List, Guidance for Industry, [June 2017] ICH Revision 3" issued by the United States Department of Health and Human Services, Food and Drug Administration.

B. Kratom products shall be accompanied by a label 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 total kratom alkaloids, mitragynine, and 7-hydroxymitragynine contained in the product;
4. The amount of total kratom alkaloids, 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. Any federal food allergen labeling requirements, if applicable, and clear and adequate directions for the consumption and safe and effective use of such product, including the recommended serving size, the number of servings in the container, and the number of servings that can be safely consumed in a day. Provided, liquid kratom products shall be packaged in a retail container that has clear serving size markings and be subject to the following requirements:

- a. products of less than eight (8) fluid ounces which contain more than three servings shall be accompanied by a calibrated measuring device, and
- b. if such a product contains more than the eight (8) fluid ounces, the requirements specified in subparagraph a of this paragraph do not apply;
- 7. Any precautionary statements as to the safety and effectiveness of the product, including a warning that a consumer should consult a health care professional on questions about the use of kratom and that the product may be habit-forming; and
- 8. A statement that states, "These statements have not been evaluated by the United States Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease."
- 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, that is an independent testing laboratory as defined in Section 1-1432.2 of this title, to confirm the items listed on the product label.

Historical Data

Laws 2021, HB 1784, c. 500, § 4, eff. November 1, 2021; Amended by Laws 2024, HB 3574, c. 278, § 2, eff. November 1, 2024 (superseded document available); Amended by Laws 2025, SB 891, c. 299, § 2, eff. November 1, 2025 (superseded document available).



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Section 1-1432.5 - Penalties - Cause of Action - Standard of Proof

Cite as: 63 O.S. § 1-1432.5 (OSCN 2026), Oklahoma Kratom Consumer Protection Act

A. The owner or manager of a vendor who violates any of the provisions of Section 3 or 4 of this act shall be punished by an administrative penalty of not more than Five Hundred Dollars (\$500.00) for a first offense and not more than One Thousand Dollars (\$1,000.00) for a second offense. Upon a third offense, the vendor shall be prohibited from selling kratom products for a period of three (3) years. If the State Department of Health receives a complaint that the owner or manager of a vendor is selling kratom products during the period of suspension, then the State Department of Health shall forward the information to the applicable district attorney's office. If the owner or manager of a vendor commits such violation during the three-year period, the person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in a county jail for a term of not more than one (1) year, or by a fine of not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. A person aggrieved by a violation of Section 3 or 4 of this act may bring a cause of action in a court of competent jurisdiction for damages resulting from that violation including, but not limited to, economic, noneconomic or consequential damages.

C. A vendor does not violate the provisions of Section 3 or 4 of this act if the court finds by a preponderance of the evidence that the vendor relied in good faith on the representation of a manufacturer, processor, packager or distributor that the food product or dietary ingredient was a kratom product.

Historical Data

Laws 2021, HB 1784, c. 500, § 5, eff. November 1, 2021.