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ABC Announces Compliance Education Effort Before Illegal Kratom Product Enforcement

Sacramento – To aggressively remove illegal and dangerous products containing kratom and 7-hydroxymitragynine products from stores, the Department of Alcoholic Beverage Control (ABC) is launching a compliance effort to ensure its licensees do not have these products on their shelves.

These potent opioid products are extremely dangerous and may lead to addiction, serious harm, overdose, and death, according to the [California Department of Public Health](#) (CDPH). Neither illegal kratom nor 7-hydroxymitragynine products can lawfully be marketed in the United States as a drug product, dietary supplement, or food additive. Claims that illegal kratom and 7-hydroxymitragynine products can treat pain, anxiety and opioid withdrawal are unproven. Side effects of illegal kratom and 7-hydroxymitragynine products include withdrawal symptoms, insomnia and anxiety, seizures, and fatal respiratory depression. Following guidance issued by [CDPH](#) and coupled with an extensive campaign to educate licensees, ABC will take strong enforcement action against businesses that continue to sell products containing illegal kratom and 7-hydroxymitragynine. “We want to ensure our licensees are aware of existing laws and take steps to remove these dangerous products from store shelves,” said Paul Tupy, director of the Department of Alcoholic Beverage Control. “We saw overwhelming compliance with illegal hemp products and fully expect to see the same with these products.”

Licensees who do not comply with the law could face criminal and administrative penalties.

In October 2023, ABC began enforcing efforts to [remove illegal hemp products](#) from licensee store shelves following an [emergency regulation](#). Since then, ABC agents have conducted nearly 17,000 individual site visits and removed 7,357 illegal products from shelves. More than 99 percent of all sites visited have been in compliance with the emergency order, with the majority of violations occurring in the three months immediately following the emergency regulation going into effect.

Under the Sherman Food, Drug and Cosmetic Act (aka Sherman Law), CDPH has authority specific to adulterated or misbranded food, drug, medical device and cosmetics. Food and dietary supplements containing kratom and/or 7-OH are adulterated pursuant to federal and state law. To date, CDPH has seized more than \$5 million worth of kratom and 7-OH products. CDPH continues to take action to remove products or raw materials containing kratom or 7-OH from retail facilities selling to consumers for consumption and from locations where these products are manufactured.

These enforcement efforts are in coordination with CDPH and the California Department of Tax Fee Administration who also have jurisdiction over regulation and enforcement:

- [About Kratom Fact Sheet for Local Environmental Health Agencies](#): This fact sheet was created to provide information to Local Environmental Health Agencies who may want to take voluntary action or educational efforts on kratom and 7-OH in their jurisdictions.
- [Prohibition on the Sale of Kratom and 7-OH Products to Tobacco Retailers](#): This letter addresses tobacco retailers to educate and inform retailers that kratom and 7-OH products are illegal to sell for consumption and that retailers may be subject to legal actions and enforcement measures.

More information about kratom may be found on CDPH's website [here](#). Anyone interested in filing a complaint concerning illegal kratom products at an ABC-licensed location can visit [ABC's website](#). Anyone who finds kratom or 7-OH products for sale for consumption should call the CDPH Complaint Hotline at (800) 495-3232 or [submit an electronic report here](#).

CONTACT

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