

## ORDINANCE NO. 1004

## AN ORDINANCE OF THE COUNTY OF RIVERSIDE

## REGULATING THE SALE AND DISTRIBUTION OF KRATOM PRODUCTS

The Board of Supervisors of the County of Riverside does ordain as follows:

## **Section 1. FINDINGS AND PURPOSE.**

It is the intent of the Board of Supervisors to prohibit the sale, distribution, or possession of kratom and hydroxymitragynine (also known as 7-OH) products within unincorporated Riverside County that contain more than 2% of 7-OH in the alkaloid fraction, recognizing the significant health risks associated with elevated concentrations of this alkaloid.

Kratom (*mitragyna speciosa*) is a tropical tree native to Southeast Asia, and its leaves are often consumed in powdered or extract form for their stimulant and sedative effects. The active compounds in kratom include mitragynine and 7-OH. While mitragynine is present in higher concentrations, 7-OH is more potent and is largely responsible for the stronger pain-relieving, sedative, and euphoric effects.

Research has shown 7-OH has euphoric and mood-enhancing effects, particularly at higher doses, which can increase its appeal for recreational use. Research has also shown that 7-OH binds to opioid receptors in the brain with greater affinity than morphine, making it significantly more powerful in relieving pain. This greater potency raises significant concerns about its safety profile, especially regarding the potential for addiction, overdose, and adverse physical and psychological effects, including nausea, vomiting, and potential psychosis. These risks are compounded when products contain higher concentrations of 7-OH.

Health advisories have raised concerns over the safety of kratom products, particularly those with higher concentrations of 7-OH, which may increase the potential for abuse and harm to public health. The United States Food and Drug Administration (FDA) has issued several warning letters to various companies for illegally marketing products containing enhanced levels of 7-OH culminating in a formal request to the U.S. Drug Enforcement Administration (DEA) on July 29, 2025, to place 7-OH products on the controlled substance list.

Health officials, including the FDA, have raised concerns over the safety of kratom products, particularly those with higher concentrations of 7-OH, which may increase the potential for abuse and harm public health.

At least one county in California, and several cities in California, has recently taken steps to regulate or ban kratom products, recognizing the need to protect public safety, especially among vulnerable populations.

The Board of Supervisors, in its commitment to safeguarding the health and well-being of its residents by ensuring that products available for sale do not pose undue health risks, hereby restricts the sale and distribution of kratom and 7-OH products containing more than 2% of 7-OH in the alkaloid fraction, thereby reducing potential risks to public health and safety.

## **Section 2.** AUTHORITY.

This ordinance is enacted pursuant to the County's plenary police powers to protect public safety, health and welfare.

### **Section 3. DEFINITIONS.**

As used in this ordinance, the following terms shall have the following meanings:

- a. 7-OH product means a product containing hydroxymitragynine.
- b. Attractive to children means any of the following:
  - 1) Use of images that are attractive to children, including, but not limited to, images of any of the following, except as part of required health warnings:
    - a) Cartoons, toys, or robots.
    - b) Any real or fictional humans.
    - c) Fictional animals or creatures.
    - d) Fruits or vegetables, except when used to accurately describe ingredients or flavors contained in a product.
  - 2) Likeness to images, characters, or phrases that are popularly used to advertise to children.
  - 3) Imitation of candy packaging or labeling, or other packaging and labeling of cereals, sweets, chips, or other food products typically marketed to children.
  - 4) The terms “candy” or “candies” or variants in spelling such as “kandy” or “kandee.”

- 1 5) Brand names or close imitations of brand names of candies, cereals, sweets, chips, or other
- 2 food products typically marketed to children.
- 3 6) Any other image or packaging that is easily confused with commercially available foods that
- 4 do not contain kratom and are typically marketed to children.
- 5 7) Any other packaging used that is attractive to children considering all relevant facts and
- 6 circumstances.
- 7 c. Kratom leaf means the leaf of the kratom plant, also known as mitragyna speciosa, any form.
- 8 d. Kratom leaf extract means the material obtained by extraction of kratom leaves by any means.
- 9 e. Kratom product means a product consisting of kratom leaf, kratom leaf extract, or both; any part
- 10 of a leaf of the plant mitragyna speciosa in fresh, dehydrated or dried form or a kratom extract
- 11 or any product that contains any kratom alkaloid or metabolite.
- 12 f. Total kratom alkaloids means the sum of mitragynine, speciociliatine, speciogynine,
- 13 paynantheine, and 7-OH in a kratom product.
- 14 g. Synthesized means an alkaloid or alkaloid derivative that has been created by chemical synthesis
- 15 or biosynthetic means (including but not limited to: fermentation, recombinant techniques, yeast
- 16 derived enzymatic techniques) rather than traditional food preparation techniques such as
- 17 heating or extracting. It also includes alkaloids that have been further exposed to chemicals or
- 18 processes that would confer a structural change in the alkaloids contained within the extract.

19 **Section 4. PROHIBITION ON SALE AND DISTRIBUTION OF KRATOM AND 7-OH**  
20 **PRODUCTS.**

- 21 a. Except as otherwise authorized by law, an individual, business, or other entity shall not sell,
- 22 attempt to sell, offer, provide, or distribute a kratom product or 7-OH product to a person under
- 23 21 years of age.
- 24 b. Except as otherwise authorized by law, an individual, business, or other entity shall not sell,
- 25 attempt to sell, offer, provide, or distribute a kratom product or 7-OH product with a level of 7-
- 26 OH that is greater than 2 percent of the total kratom alkaloids in the product.

- 1       c. Except as otherwise authorized by law, an individual, business, or other entity shall not sell,  
2           attempt to sell, offer, provide, or distribute a kratom product or 7-OH product that is attractive  
3           to children.
- 4       d. Any individual, business, or other entity that sells, attempts to sell, offers, provides, or distributes  
5           a kratom product or 7-OH product shall conduct age-verification to ensure compliance with  
6           subdivision (a).
- 7       e. No person or entity shall offer for sale any kratom product that contains or is adulterated with  
8           synthesized or semi-synthesized kratom alkaloids or kratom constituents.

9       **Section 5.     VIOLATIONS AND PENALTIES.**

10      Any person or entity who violates this ordinance is guilty of a misdemeanor and upon conviction thereof  
11       may be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the  
12       County jail for a period of not more than six (6) months or by both such fine and imprisonment. This section  
13       shall not serve to limit any other legal remedies or actions that the County may have to address violations  
14       of section 4.

15       **Section 6.     SEVERABILITY.**

16      If any section, paragraph, sentence, clause, phrase or portion of this article is held invalid or unconstitutional  
17       by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not  
18       affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would  
19       have adopted this article irrespective of the invalidity of any particular portion thereof and intends that the  
20       invalid portions should be severed, and the balance of the article be enforced.

21       **Section 7.     EFFECTIVE DATE.**

22      This ordinance shall take effect thirty (30) days after its adoption.

23      **Adopted:** 1004 Item 3.2 of 10/28/2025 (Eff:11/26/2025) (Pub:11/06/2025)