

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING TITLE 6 AND TITLE 9 OF THE RIVERSIDE MUNICIPAL CODE BY AMENDING SECTION 6.24.080 REGARDING OTHER REQUIREMENTS AND PROHIBITIONS AND ADDING SECTION 9.04.235 ~~REGARDING REGULATING—PROHIBITING~~ THE SALE AND DISTRIBUTION OF KRATOM PRODUCTS.

WHEREAS, the City of RIVERSIDE (City) is empowered pursuant to California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, 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-hydroxymitragynine (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; and

WHEREAS, 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 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; and

WHEREAS, 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; and

WHEREAS, several cities and counties in California have taken steps to regulate or ban Kratom products, recognizing the need to protect public safety. The County of Orange has banned the sale or distribution of Kratom products with a level on 7-OH greater than 2 percent of the of

1 the total Kratom alkaloids in the product, and the cities of Newport Beach, San Diego and
2 Oceanside have enacted complete bans on the sale, distribution and possession of all Kratom
3 products, regardless of the concentration of 7-OH; and

4 WHEREAS, Assembly Bill 1088 was introduced in 2025 to regulate sales of Kratom and
5 Kratom products. AB 1088 passed the Assembly by unanimous vote on June 2, 2025 and was
6 referred to the Senate Committee on Health. AB 1088 did not become law; and

7 WHEREAS, On October 28, 2025, the Board of Supervisors of the County of Riverside
8 adopted Ordinance 1004 to prohibit the sale or distribution of any Kratom product or 7-OH product
9 to a person under 21 years of age, and to prohibit the sale or distribution of any Kratom product or
10 7-OH product with a level of 7-OH that is greater than 2 percent of the total Kratom alkaloids in
11 the product; and

12 WHEREAS, the Riverside Police Department does not believe that enforcement of a 2
13 percent 7-OH level in Kratom products is practical, in that vendors will intentionally misrepresent
14 the true concentration of 7-OH in their products, and laboratory testing of suspect products is time
15 consuming and expensive; and

16 WHEREAS, the state of California does not currently regulate Kratom or Kratom products,
17 and prohibitingrestricting their sale and distribution within the City of Riverside will promote the
18 health, safety, and welfare of the community.

19 The City Council of the City of Riverside does ordain as follows:

20 Section 1: The City Council finds that all the recitals, facts, and conclusions set forth
21 above in the preamble of this Ordinance are true and correct.

22 Section 2: Section 6.24.080 of the Riverside Municipal Code is amended as follows:
23 “Section 6.24.080 Other requirements and prohibitions.

24 A. *Lawful business operation.* In the course of tobacco retailing or in the operation of the business or
25 maintenance of the location for which a permit is issued, it shall be a violation of this chapter for a
26 permit holder, or any of the permit holder's agents or employees, to:

27 1. Violate any local, state, or federal law applicable to tobacco products, tobacco
28 paraphernalia, or tobacco retailing;

1 2. Violate any local, state, or federal law regulating exterior, storefront, window, or door
2 signage.

3 3. Engage in the sales of any nitrous oxide or device as defined in RMC section 9.04.225.

4 4. Engage in the sales of any kratom or kratom products as defined in RMC section 9.04.235.

5 ..."

6
7 Section 3: Section 9.04.235 of the Riverside Municipal Code is added as follows:
8 "Section 9.04.235 Regulating the sale and distribution of kratom products.

9 A. Definitions.

10 For purposes of this section, the following definitions apply:

11 1. 7-OH product means a product containing hydroxymitragynine.

12 — Attractive to children means any of the following:

13 a. Use of images that are attractive to children, including, but not limited to, images of any of
14 the following, except as part of required health warnings:

15 1. Cartoons, toys, or robots.

16 2. Any real or fictional humans.

17 3. Fictional animals or creatures.

18 4. Fruits or vegetables, except when used to accurately describe ingredients or flavors
19 contained in a product.

20 b. Likeness to images, characters, or phrases that are popularly used to advertise to children.

21 c. Imitation of candy packaging or labeling, or other packaging and labeling of cereals,
22 sweets, chips, or other food products typically marketed to children.

23 d. The terms "candy" or "candies" or variants in spelling such as "kandy" or "kandee."

24 e. Brand names or close imitations of brand names of candies, cereals, sweets, chips, or other
25 food products typically marketed to children.

26 f. Any other image or packaging that is easily confused with commercially available foods
27 that do not contain kratom and are typically marketed to children.

28 g. Any other packaging used that is attractive to children considering all relevant facts and
29 circumstances.

- 1 2. Kratom leaf means the leaf of the kratom plant, also known as *mitragyna speciosa*, any form.
- 2 3. Kratom leaf extract means the material obtained by extraction of kratom leaves by any means.
- 3 45. Kratom product means a product consisting of kratom leaf, kratom leaf extract, or both; any
4 part of a leaf of the plant *mitragyna speciosa* in fresh, dehydrated or dried form or a kratom
5 extract
- 6 or any product that contains any kratom alkaloid or metabolite.
- 7 6. Total kratom alkaloids means the sum of mitragynine, speciociliatine, speciogynine,
8 paynantheine, and 7-OH in a kratom product.
- 9 7. Synthesized means an alkaloid or alkaloid derivative that has been created by chemical
10 synthesis or biosynthetic means (including but not limited to: fermentation, recombinant
11 techniques, yeast derived enzymatic techniques) rather than traditional food
12 preparation techniques such as heating or extracting. It also includes alkaloids that have been
13 further exposed to chemicals or processes that would confer a structural change in the alkaloids
14 contained within the extract.

15 B. Prohibition on Sale and Distribution of Kratom and 7-OH Products.

- 16 1. Except as otherwise authorized by law, an individual, business, or other entity shall not
17 sell, attempt to sell, offer, provide, or distribute a kratom product or 7-OH product to any
18 person under 21 years of age.
- 19 Except as otherwise authorized by law, an individual, business, or other entity shall not sell,
20 attempt to sell, offer, provide, or distribute a kratom product or 7-OH product with a level of 7-
21 OH that is greater than 2 percent of the total kratom alkaloids in the product.
- 22 Except as otherwise authorized by law, an individual, business, or other entity shall not sell, attempt
23 to sell, offer, provide, or distribute a kratom product or 7-OH product that is attractive to children.
- 24 Any individual, business, or other entity that sells, attempts to sell, offers, provides, or distributes a
25 kratom product or 7-OH product shall conduct age verification to ensure compliance with
26 subdivision (1).

27 C. Violations and Penalties.

- 28 1. Any person who violates this chapter is guilty of a misdemeanor and upon conviction
thereof may be punished by a fine of not more than one thousand dollars (\$1,000) or by

1 imprisonment in the County Jail for a period of not more than six (6) months or by both such
2 fine and imprisonment. Each day any violation of any said provision of this chapter shall
3 continue shall constitute a separate offense.

4 2. Alternatively, violations may be addressed by administrative citations as set forth in

5
6 RMC Chapter 1.17 (Administrative Code Enforcement Remedies), Sections 200-430, Title
7 1 of this Code.

8 3. A violation of this section is grounds for revocation of a Tobacco Retail Establishment
9 Permit pursuant to RMC Chapter 6.24, Title 6 of this Code.

10 4. Use of criminal enforcement and/or administrative citations shall not prevent or
11 preclude the City from seeking injunctive relief and civil penalties in court for violation of
12 this article. This section shall not serve to limit any other legal remedies or actions that the
13 City may have to address violations of this section.”

14 Section 4: The City hereby finds that this ordinance is not subject to review under the California
15 Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2)
16 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the
17 environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have
18 a significant effect on the environment). In addition to the foregoing general exemptions, the City
19 Council further finds that this ordinance is categorically exempt from review under CEQA under the
20 Class 8 Categorical Exemption (regulatory activity to assure the protection of the environment),
21 CEQA Guidelines section 15308.

22 Section 5: The City Clerk shall certify to the adoption of this ordinance and cause
23 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter
24 of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its
25 adoption.

26 ADOPTED by the City Council this _____ day of _____, 2026.
27
28

PATRICIA LOCK DAWSON
Mayor of the City of Riverside

1
2 Attest:
3
4

DONESIA GAUSE
5 City Clerk of the City of Riverside

I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
6 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
7 _____ day of _____, 2026, and that thereafter the said ordinance was duly and
8 regularly adopted at a meeting of the City Council on the _____ day of _____, 2026,
9 by the following vote, to wit:

10 Ayes:

11 Noes:

12 Absent:

13 Abstain:

14
15 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
16 City of Riverside, California, this _____ day of _____, 2026.

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19 DONESIA GAUSE
20 City Clerk of the City of Riverside
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