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

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

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

11 **Section 2. AUTHORITY.**

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

14 **Section 3. DEFINITIONS.**

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

16 a. 7-OH product means a product containing hydroxymitragynine.

17 b. Attractive to children means any of the following:

18 1) Use of images that are attractive to children, including, but not limited to, images of any of
19 the following, except as part of required health warnings:

20 a) Cartoons, toys, or robots.

21 b) Any real or fictional humans.

22 c) Fictional animals or creatures.

23 d) Fruits or vegetables, except when used to accurately describe ingredients or flavors
24 contained in a product.

25 2) Likeness to images, characters, or phrases that are popularly used to advertise to children.

26 3) Imitation of candy packaging or labeling, or other packaging and labeling of cereals, sweets,
27 chips, or other food products typically marketed to children.

28 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.
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- 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 BOARD OF SUPERVISORS OF
24 THE COUNTY OF RIVERSIDE,
25 STATE OF CALIFORNIA

26
27 By: 
28 V. Manuel Perez, Chairman

1 ATTEST:

2 CLERK OF THE BOARD

3
4 By: 

5 Deputy

6 (Seal)

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9 APPROVED AS TO FORM:

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11 By: 

12 Minh C. Tran

13 County Counsel