

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANAHEIM ADDING CHAPTER 6.105 (KRATOM) TO TITLE 6 OF THE ANAHEIM MUNICIPAL CODE (PUBLIC HEALTH AND SAFETY) TO REGULATE THE SALE, DISTRIBUTION, AND POSSESSION OF KRATOM IN ORDER TO PROTECT PUBLIC HEALTH AND SAFETY

WHEREAS, the City of Anaheim (“City”) is a municipal corporation organized under the Constitution and laws of the State of California, and is empowered by Article XI, Section 7 of the California Constitution to adopt and enforce ordinances and regulations within its jurisdiction so long as they do not conflict with general laws; and

WHEREAS, the City is further authorized under California Health and Safety Code section 101450, as amended, to take measures necessary to preserve and protect public health, including by adopting ordinances, regulations, and orders consistent with general laws; and

WHEREAS, it is the intent of the City to prohibit the sale, distribution, or possession of kratom and 7-hydroxymitragynine products within the City that contain more than 2% of 7-hydroxymitragynine in the alkaloid fraction, recognizing the significant health risks associated with elevated concentrations of this alkaloid; and

WHEREAS, kratom (*Mitragyna speciosa*) is a tropical tree native to Southeast Asia, and its leaves are commonly consumed in powdered or extract form for their stimulant and sedative effects; and

WHEREAS, the active compounds in kratom include mitragynine and 7-hydroxymitragynine (“7-OH”), the latter being significantly more potent and largely responsible for the stronger pain-relieving, sedative, and euphoric effects associated with kratom use; and

WHEREAS, scientific studies have shown that 7-OH binds to opioid receptors in the brain with greater affinity than morphine, making it significantly more powerful in relieving pain but also raising serious concerns regarding addiction, overdose, and adverse physical and psychological effects, including nausea, vomiting, and potential psychosis; and

WHEREAS, these risks are amplified when products contain elevated concentrations of 7-OH or are enhanced through synthetic or semi-synthetic processes that increase potency beyond naturally occurring levels; and

WHEREAS, the United States Food and Drug Administration (“FDA”) has issued multiple warning letters to companies marketing kratom products with elevated or synthetic 7-OH content, and in July 2025 formally requested that the U.S. Drug Enforcement Administration (“DEA”) classify 7-OH products as controlled substances; and

WHEREAS, health advisories have consistently raised concerns regarding kratom products with higher concentrations of 7-OH, which increase the potential for abuse and harm to public health; and

WHEREAS, the County of Orange and several cities in California, including Newport Beach, San Diego, and Oceanside, have adopted ordinances restricting or prohibiting the sale, distribution, or possession of kratom products to protect community health; and

WHEREAS, it is the intent of the City to safeguard public health and safety by prohibiting the sale, distribution, or possession of kratom and 7-OH products containing more than two percent (2%) of 7-hydroxymitragynine in the alkaloid fraction, prohibiting synthetic enhancements, and restricting packaging and marketing practices that target minors; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.; herein referred to as “CEQA”) and the State of California Guidelines for Implementation of the California Environmental Quality Act (commencing with Section 15000 of Title 14 of the California Code of Regulations; herein referred to as the “State CEQA Guidelines”), the City is the “lead agency” for the preparation and consideration of environmental documents for this ordinance; and

WHEREAS, the City Council finds and determines that this ordinance is not subject to the requirements to prepare environmental documentation pursuant to State CEQA Guidelines Sections 15060(c)(2) and 15060(c)(3) because the proposed chapter will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a “project,” as that term is defined in Section 15378 of the State CEQA Guidelines. Further, this ordinance is covered by the common sense exemption pursuant to Section 15061(b)(3), which is that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANAHEIM AS FOLLOWS:

SECTION 1. Anaheim Municipal Code Chapter 6.105 is hereby added to read in full as follows:

6.105 KRATOM.

.010 Authority and Purpose. This Chapter is enacted pursuant to the City’s plenary police powers to protect public safety, health, and welfare. The express purpose of this Chapter is to protect public health and safety by regulating access to kratom products containing more than 2% of 7-hydroxymitragynine in the alkaloid fraction.

.020 Definitions. For purposes of this Chapter only, the following definitions shall apply.

.0201 “7-OH product” means any product containing 7-hydroxymitragynine.

.0202 “Attractive to children” means any of the following:

.01 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.

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

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

.0203 “Kratom leaf” means the leaf of the kratom plant, also known as *mitragyna speciosa*, in any form.

.0204 “Kratom leaf extract” means material obtained by extraction of kratom leaves by any means.

.0205 “Kratom product” means any product consisting of kratom leaf, kratom leaf extract, or both.

.0206 “Synthesized” means an alkaloid or alkaloid derivative that has been created by chemical synthesis or biosynthetic means (including but not limited to: fermentation, recombinant techniques, yeast derived enzymatic techniques) rather than traditional food preparation techniques such as heating or extracting. It also includes alkaloids that have been further exposed to chemicals or processes that would confer a structural change in the alkaloids contained within the extract.

.0207 “Total kratom alkaloids” means the sum of mitragynine, speciociliatine, speciogynine, paynantheine, and 7-hydroxymitragynine in a kratom product.

.030 Prohibition on Sale or Distribution of Kratom and 7-OH Products.

.0301 Except as otherwise authorized by law, an individual, business, or other entity shall not sell, attempt to sell, offer, provide, or distribute a kratom product or 7-OH product to a person under 21 years of age.

.0302 Except as otherwise authorized by law, an individual, business, or other entity shall not sell, attempt to sell, offer, provide, or distribute a kratom product or 7-OH product with a level of 7-hydroxymitragynine that is more than 2 percent of the total kratom alkaloids in the product.

.0303 Except as otherwise authorized by law, an individual, business, or other entity shall not sell, attempt to sell, offer, provide, or distribute a kratom product or 7-OH product that is attractive to children.

.0304 Any individual, business, or other entity that sells, attempts to sell, offers, provides, or distributes a kratom product or 7-OH product shall conduct age-verification to ensure compliance with section 6.105.030.0301 of this Chapter.

.0305 No person or entity shall offer for sale any kratom product that contains or is adulterated with synthesized or semi-synthesized kratom alkaloids or kratom constituents.

.040 Packaging of Kratom and 7-OH Products. Packaging of a kratom product or a 7-OH product offered for retail sale shall be child resistant for the life of the product. Both of the following packages are considered child resistant for the purposes of this Chapter:

.0401 A package that has been certified as child resistant under the requirements of the Poison Prevention Packaging Act of 1970 (15 U.S.C. Sec. 1471 et seq.) and any regulations promulgated pursuant to that act.

.0402 Plastic packaging that is at least four mils thick and heat sealed without an easy-open tab, dimple, corner, or flap, provided that the package maintains its child resistance throughout the life of the product.

.050 Violations and Penalties. Any person who violates any provision of this Chapter is guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the City or County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Alternatively, violations may be addressed through the use of an administrative citation as set forth in Chapter 1.20 (Civil Citations). Use of criminal enforcement and/or civil citations shall not prevent or preclude the City from seeking injunctive relief and civil penalties in court for violations of this Chapter. This section of this Chapter shall not serve to limit any other legal remedies or actions that the City may have to address any provisions of this Chapter.

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

SECTION 2. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be printed once within fifteen (15) days after its adoption in the *Anaheim Bulletin*, a newspaper of general circulation, published and circulated in the City of Anaheim.

SECTION 3. EFFECTIVE DATE

This ordinance shall take effect and be in full force thirty (30) days from and after its final passage.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the \_\_\_\_ day of \_\_\_\_\_, 2025, and thereafter passed and adopted at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2026, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ANAHEIM

By: \_\_\_\_\_  
MAYOR OF THE CITY OF ANAHEIM

ATTEST:

\_\_\_\_\_  
CITY CLERK OF THE CITY OF ANAHEIM

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