



STAFF REPORT
9/9/2026

TO: Honorable Mayor and City Council Members

FROM: Kendra Reif, Community Development Director

PREPARED BY: Kendra Reif, Community Development Director

SUBJECT: Introduction and First Reading of Ordinance No. 1232, Regulating the Sale and Distribution of Kratom Products

STAFF RECOMMENDATION:

Staff recommends that the City Council introduce for first reading, by title only, and waive further reading of Ordinance No. 1232 of the City Council of the City of Coachella, California, Regulating the Sale and Distribution of Kratom Products.

Alternative Actions:

1. Direct staff to revise the proposed ordinance based on City Council direction and return the ordinance for first reading at a future meeting.
2. Continue the item and direct staff to obtain additional information, conduct further stakeholder outreach, or evaluate alternative regulatory approaches before returning with a revised ordinance for City Council consideration.
3. Decline to introduce the proposed ordinance.

FISCAL IMPACT:

Implementation of the ordinance is anticipated to be accomplished using existing staff resources. Any enforcement costs would be absorbed within existing departmental budgets to the extent feasible. Administrative citation revenues may partially offset future enforcement costs.

EXECUTIVE SUMMARY:

The proposed ordinance would add Chapter 8.70 to the Coachella Municipal Code to regulate the sale, distribution, furnishing, marketing, display, and possession for sale of kratom products, 7-hydroxymitragynine products, commonly known as “7-OH,” and synthesized or semi-synthesized kratom alkaloid products. The ordinance is modeled on Riverside County Ordinance No. 1004, while adapting the enforcement provisions to the City’s municipal code framework and local enforcement needs.

Riverside County's ordinance prohibits sales to persons under 21 years of age, prohibits products with more than 2% 7-OH as a percentage of total kratom alkaloids, and prohibits child attractive packaging and marketing. The ordinance is intended to address emerging public health and safety concerns associated with concentrated 7-OH and kratom-derived products sold in retail settings, including smoke shops, convenience stores, gas stations, and online markets. The FDA has stated that 7-OH is a concentrated byproduct of kratom with potential for abuse due to its ability to bind to opioid receptors, and the FDA has recommended scheduling action for certain 7-OH products under the federal Controlled Substances Act.

BACKGROUND:

Kratom, or *Mitragyna speciosa*, is a tropical plant native to Southeast Asia. Products derived from kratom leaves are commonly sold in powder, capsule, tablet, gummy, drink, extract, and shot form. Kratom contains several alkaloids, including mitragynine and 7-hydroxymitragynine. According to the FDA, 7-OH occurs naturally in kratom only as a minor constituent, generally comprising less than 2% of the total alkaloid content in natural kratom leaves; however, 7-OH has substantially greater mu-opioid receptor potency than mitragynine and other opioids such as morphine.

The recent regulatory concern has focused less on traditional kratom leaf products and more on products containing added, enhanced, concentrated, synthesized, or semi-synthesized 7-OH. The FDA has issued warning letters to companies marketing products containing 7-OH, including tablets, gummies, drink mixes, and shots, and has stated that 7-OH is not lawful in dietary supplements, cannot lawfully be added to conventional foods, and is not contained in any FDA-approved drug product.

The FDA has also warned consumers that products containing 7-OH may cause serious harm, including addiction, anxiety, depression, gastrointestinal distress, insomnia, seizures, and withdrawal symptoms. The FDA has identified the retail availability of these products, particularly in smoke shops, gas stations, corner stores, and online sales channels, as a public health concern.

At the state level, the California Department of Public Health and the California Department of Alcoholic Beverage Control have also taken enforcement and educational actions concerning kratom and 7-OH products. ABC has reported that CDPH considers food and dietary supplements containing kratom and/or 7-OH to be adulterated under federal and state law, and that CDPH has seized more than \$5 million worth of kratom and 7-OH products.

In October 2025, Riverside County adopted Ordinance No. 1004 to regulate the sale and distribution of kratom products in the unincorporated county area. The County ordinance was intended to prohibit the sale, distribution, or possession of kratom and 7-OH products containing more than 2% 7-OH in the alkaloid fraction, recognizing the public health risks associated with elevated concentrations of 7-OH. The proposed Coachella ordinance follows that regional policy approach while creating a standalone City ordinance applicable within the City.

The ordinance also includes enforcement provisions tailored to the City's enforcement authority. Violations may be prosecuted as misdemeanors or infractions, or addressed through administrative citations, civil actions, injunctive relief, nuisance abatement, or other remedies authorized by the

Coachella Municipal Code or applicable law. The ordinance also authorizes lawful seizure and disposal of violating products after appropriate administrative, civil, or criminal determination; recognizes potential business license and permit remedies; and authorizes cost recovery for investigation, enforcement, abatement, storage, testing, disposal, and related costs.

These provisions are intended to provide City enforcement officials with practical tools to address retail sale and distribution of prohibited products while preserving due process and ensuring that any seizure, disposal, license action, or cost recovery is handled in accordance with applicable law. The ordinance does not purport to regulate lawful medical, pharmaceutical, or research activities otherwise authorized by state or federal law.

The proposed local regulations are also consistent with the regional approach adopted by Riverside County. Riverside County Ordinance No. 1004 includes the same core public health concepts: restricting sales to minors, limiting products with elevated 7-OH concentration, and prohibiting packaging attractive to children. Adoption of a City ordinance would allow the City to regulate and enforce these requirements within the City limits.

The proposed ordinance is intended to establish local standards and is not intended to authorize the sale, distribution, or marketing of any product that is otherwise prohibited or unlawful under federal or state law. By adopting regulations consistent with those recently enacted by Riverside County, the City seeks to provide clear enforcement authority within the City's jurisdiction while promoting regional consistency for retailers and protecting the health and safety of Coachella residents.

ENVIRONMENTAL REVIEW:

The City Council finds that this Ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15061(b)(3) and 15060(c)(2), as applicable because the regulation of Kratom product sales will not result in a direct or reasonably foreseeable physical change in the environment.

CONCLUSION:

Based on staff's research and analysis, staff finds that adoption of the proposed ordinance is in the public's best interest. Therefore, staff recommends that the City Council introduce for first reading, by title only, and waive further reading of Ordinance No. 1232 of the City Council of the City of Coachella, California, Regulating the Sale and Distribution of Kratom Products.

ATTACHMENTS:

1. Proposed Ordinance No. 1232