

ORDINANCE NO. 1232

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, ADDING CHAPTER 8.70 TO TITLE 8 HEALTH AND SAFETY OF THE COACHELLA MUNICIPAL CODE TO REGULATE THE SALE AND DISTRIBUTION OF KRATOM PRODUCTS WITHIN THE CITY OF COACHELLA

WHEREAS, Article XI, Section 7 of the California Constitution authorizes cities to adopt and enforce ordinances and regulations to protect the public health, safety, and welfare; and

WHEREAS, the City of Coachella (“City”) possesses broad police powers to regulate businesses, commercial activities, and other matters affecting the public health, safety, welfare, and the environment; and

WHEREAS, Government Code Sections 37100 and 38771 authorize the City to adopt ordinances necessary to protect the public health, safety, and welfare to declare and abate public nuisances; and

WHEREAS, kratom (*Mitragyna speciosa*) and products containing hydroxymitragynine (also known as 7-OH) have raised public health and public safety concerns relating to potency, dependency, youth access, impaired driving, and marketing practices attractive to children; and

WHEREAS, the City Council of the City of Coachella (“City Council”) desires to protect the public safety, health, and welfare of the City’s residents by adopting local regulations consistent with the regional-approach provided for under Riverside County Ordinance No. 1004; and

WHEREAS, the City Council finds that adoption of this Ordinance is a proper exercise of the City’s police powers to protect the public safety, health, and welfare; and

WHEREAS, the City Council further finds that adoption of this Ordinance serves the best interests of the residents of Coachella.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES ORDAIN AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS. The City Council hereby finds that all of the foregoing recitals presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council.

SECTION 2. FINDINGS AND PURPOSE

It is the intent of the City Council to prohibit the sale, distribution, or possession for sale, marketing, labeling, display, or maintaining for sale of kratom and hydroxymitragynine (also known as 7-OH) products within the City of Coachella 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 to 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 City Council, 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 3. CHAPTER 8.70 ADDED TO TITLE 8 OF THE COACHELLA MUNICIPAL CODE.

Title 8 of the Coachella Municipal Code is hereby amended to add Chapter 8.70 to read in its entirety as follows:

CHAPTER 8.70 – REGULATION OF KRATOM PRODUCTS

8.70.010 – Intent and Purpose.

A. The purpose and expressed intent of this Chapter is to regulate within the City of Coachella the sale and distribution of kratom products and 7-OH products in order to reduce public health and safety risks associated with unregulated, high-potency, synthesized, and semi-synthesized kratom products. The City Council recognizes the health and safety risks posed by these readily accessible products and hereby exercises its authority to regulate kratom products pursuant to Article XI,

Section 7 of the California Constitution and other applicable laws authorizing the City to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

B. Additionally, the purpose and expressed intent of this Chapter is to establish reasonable regulations governing the sale and distribution of kratom products and 7-OH products in order to protect public health, safety, and welfare, including by restricting sales to persons under twenty-one (21) years of age, requiring age verification, limiting the concentration of 7-OH, prohibiting products that are attractive to children, and restricting products containing synthesized or semi-synthesized kratom alkaloids, constituents, or derivatives.

8.70.020 – Definitions.

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

“7-OH product” means a product containing hydroxymitragynine.

“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.”
5. Brand names or close imitations of brand names of candies, cereals, sweets, chips, or other food products typically marketed to children.
6. Any other image, packaging, labeling, or marketing that a reasonable person would conclude is primarily designed or likely to appeal to children, based on the totality of the packaging, labeling, and marketing context.
7. Any other packaging used that is attractive to children considering all relevant facts and circumstances.

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

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

“Kratom product” means a product consisting of kratom leaf, kratom leaf extract, or both; any part of a leaf of the plant *mitragyna speciosa* in fresh, dehydrated or dried form or a kratom extract or any product that contains any kratom alkaloid or metabolite.

“Semi-synthesized” means an alkaloid, alkaloid derivative, kratom constituent, or kratom derivative that has been chemically or biosynthetically converted, altered, enhanced, concentrated, or otherwise modified from a naturally occurring kratom alkaloid or constituent, including through a process that confers a structural change in the alkaloid or constituent.

“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.

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

8.70.030 – Prohibition on Sale and Distribution of Kratom and 7-OH Products.

A. Except as otherwise authorized by law, an individual, business, or other entity shall not sell, attempt to sell, offer for sale, provide, furnish, give away, or distribute a kratom product or 7-OH product to a person under twenty-one (21) years of age.

B. Except as otherwise authorized by law, an individual, business, or other entity shall not sell, attempt to sell, offer for sale, provide, furnish, give away, or distribute a kratom product or 7-OH product with a level of 7-OH that is greater than two percent (2%) of the total kratom alkaloids in the product.

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

D. Any individual, business, or other entity that sells, attempts to sell, offers for sale, provides, furnishes, gives away, or distributes a kratom product or 7-OH product shall conduct age verification to ensure compliance with subsection A. Age verification shall be conducted by reviewing a valid government-issued photo identification establishing that the purchaser or recipient is at least twenty-one (21) years of age.

E. Except as otherwise authorized by law, no individual, business, or other entity shall sell, attempt to sell, offer for sale, provide, furnish, give away, distribute, possess for sale, market, label, display,

or maintain for sale any kratom product or 7-OH product that contains or is adulterated with synthesized or semi-synthesized kratom alkaloids, kratom constituents, or kratom derivatives.

F. Nothing in this Chapter shall apply to lawful medical, pharmaceutical, scientific, or research activities authorized under applicable federal or state law.

8.70.040 – Violations and Penalties.

A. Any person or entity violating any provision of this Chapter may be charged as a misdemeanor or an infraction, at the discretion of the City Attorney or other official authorized by law. In the event a misdemeanor charge is filed, the City Attorney is authorized, to the extent permitted by law, to reduce the charge to an infraction.

B. In addition to, or in lieu of, criminal enforcement, violations of this Chapter may be enforced by administrative citation, civil action, injunctive relief, nuisance abatement, or any other administrative, civil, equitable, or criminal remedy authorized by the Coachella Municipal Code or other applicable law.

C. A violation of this Chapter may be punished as a misdemeanor by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment in the County jail for a period not exceeding six (6) months, or by both such fine and imprisonment, to the extent permitted by law. A violation charged as an infraction shall be punishable as provided by law.

D. Each person or entity that violates this Chapter is guilty of a separate offense for each and every day, or portion thereof, during which the violation is committed, continued, maintained, or permitted.

E. The remedies provided in this Chapter are cumulative and not exclusive, and nothing in this Chapter shall preclude the City from pursuing any other remedy or penalty authorized by the Coachella Municipal Code or applicable law.

8.70.050 – Product Seizure, Evidence, and Disposal.

A. Any kratom product, 7-OH product, synthesized or semi-synthesized kratom alkaloid product, package, container, advertisement, record, document, or other item that is sold, offered for sale, provided, furnished, distributed, possessed for sale, marketed, labeled, displayed, or maintained in violation of this Chapter may be seized, impounded, held as evidence, or otherwise handled in accordance with applicable law.

B. Any administrative citation, seizure, impoundment, disposal, business license action, cost recovery determination, or other administrative enforcement action taken under this Chapter shall be subject to the notice, hearing, appeal, and judicial review procedures set forth in Chapter 3.28 of this Code governing administrative appeals, unless a different procedure is required by this Code or applicable law.

C. Before any seized product or item is destroyed or otherwise disposed of, the City shall provide notice and an opportunity for administrative review in accordance with Chapter 3.28 of this Code governing administrative appeals, unless the product or item is contraband, evidence in a criminal

matter, subject to a court order, abandoned, or otherwise authorized for disposal under applicable law.

D. Any item seized pursuant to this Chapter shall be handled in accordance with applicable law enforcement, code enforcement, evidentiary, administrative, and due process requirements.

E. Upon a final administrative, civil, or criminal determination that a seized product or item violates this Chapter, or upon other lawful authorization, such product or item may be destroyed or otherwise disposed of in a manner approved by the Chief of Police or designee and consistent with applicable law.

F. Nothing in this section limits the authority of a peace officer, code enforcement officer, or other authorized enforcement official to seize contraband, evidence, or other property pursuant to any other applicable law.

8.70.060 – Business License and Permit Remedies.

A. A violation of this Chapter may constitute grounds for denial, suspension, revocation, or nonrenewal of any City business license, business tax certificate, permit, entitlement, approval, or other City authorization held by or requested by the violator, to the extent authorized by this Code and applicable law.

B. The City may withhold issuance or renewal of a City business license, business tax certificate, permit, entitlement, approval, or other City authorization for any business or property where violations of this Chapter have occurred until all violations are corrected and all final penalties, fines, and recoverable administrative costs have been paid, to the extent authorized by this Code and applicable law.

C. The remedies set forth in this section are cumulative and shall not limit the City's authority to impose any other administrative, civil, criminal, licensing, permitting, or nuisance abatement remedy available under this Code or applicable law.

8.70.070 – Cost Recovery.

A. The City may recover all costs incurred in investigating, enforcing, prosecuting, and abating violations of this Chapter, including, but not limited to, staff time, inspection costs, attorneys' fees where authorized by law, administrative costs, abatement costs, storage costs, testing costs, disposal costs, and any other costs recoverable under this Code or applicable law.

B. Cost recovery under this section may be pursued by administrative process, civil action, collection action, nuisance abatement proceeding, lien, special assessment, or any other method authorized by this Code or applicable law.

SECTION 4. CEQA DETERMINATION.

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.

SECTION 5. SEVERABILITY.

If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after adoption.

SECTION 7. PUBLICATION.

The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Coachella, pursuant to all legal requirements.

SECTION 8. CERTIFICATION.

The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be published in accordance with California Government Code Section 36933.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Coachella on the 9th day of September 2026.

Dr. Frank Figueroa
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

BEST, BEST & KRIEGER

City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Ordinance No. 1232 was duly introduced at a regular meeting of the City Council on the 9th day of September 2026 by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Delia Granados
Deputy City Clerk