

ORDINANCE 686-AC

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES AMENDING CHAPTER 14, ARTICLE I, OF THE NEEDLES MUNICIPAL CODE BY ADDING SECTION 14-21, "SALE OF KRATOM PROHIBITED."

WHEREAS, the City of Needles is a charter city organized and existing under the Constitution and laws of the State of California, and Article XI, section 7 of the California Constitution and the City Charter authorize the City to adopt ordinances to protect the public health, safety, and welfare through the exercise of its police powers; and

WHEREAS, kratom (*Mitragyna speciosa*) is a botanical substance containing psychoactive alkaloids that may produce stimulant and opioid-like effects and has been associated with adverse health consequences, including dependence, withdrawal, and other serious medical conditions; and

WHEREAS, kratom products are sold in a variety of forms and are often marketed and distributed without consistent manufacturing standards, potency limitations, ingredient verification, dosage controls, or labeling requirements, creating potential risks to consumers; and

WHEREAS, the City Council finds that the unregulated commercial sale and distribution of kratom products poses a potential threat to the public health, safety, and welfare of the residents and visitors of the City of Needles, particularly minors and other vulnerable populations, and that existing federal and state law does not provide a comprehensive regulatory framework sufficient to address these concerns at the local level; and

WHEREAS, after considering available public health information and the experiences of other California jurisdictions, the City Council finds that prohibiting the commercial sale and distribution of kratom within the City of Needles is a reasonable and appropriate exercise of the City's police powers to protect the public health, safety, and welfare.

NOW, THEREFORE, the City Council of the City of Needles does ordain as follows:

SECTION 1. Incorporation of Recitals. The recitals reflected above are true and correct and incorporated herein by this reference as the cause, purpose, and foundation for the action taken by the City Council through this Ordinance.

SECTION 2. CEQA. Pursuant to section 15060(c)(2) of the California CEQA Guidelines, adoption of the subject Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and therefore is not subject to CEQA. Additionally, pursuant to section 15060(c)(3) the activity is not a "project" as defined in section 15378 because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. Findings. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve an amendment to the Needles Municipal Code ("Needles Code").

SECTION 4. Approval. The City Council HEREBY APPROVES an amendment to the Needles Municipal Code by adding Section 14-21, "Sale of Kratom Prohibited," to Chapter 14, Article I, as set forth in Exhibit A, which Exhibit is attached hereto and incorporated herein by this reference.

SECTION 5. Effective Date. This action shall become final and effective thirty (30) days after the adoption of this Ordinance by the City Council as provided by the Needles Code.

SECTION 6. Severability. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 7. Certification. The City Clerk shall certify the introduction and adoption of this Ordinance.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 11th day of August 2026, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 8th day of September 2026, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Janet Jernigan, Mayor

ATTEST: _____
Candace Clark, City Clerk

Approved as to form: _____
City Attorney

EXHIBIT A

Section 14-21. Sale of Kratom Prohibited

(a) Findings and Purpose.

Kratom (*Mitragyna speciosa*) is a botanical substance that contains psychoactive compounds, including mitragynine and 7-hydroxymitragynine, which may have opioid-like effects. Kratom products are often sold without adequate regulation, labeling, dosage controls, or consumer warnings. The City Council finds that the sale and distribution of kratom and kratom products presents a potential risk to public health and safety, particularly to minors and vulnerable populations.

(b) Definitions.

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

“Kratom Product” means the leaf of the plant *Mitragyna speciosa*, or any product derived from the plant *Mitragyna speciosa*, including its leaves, extracts, powders, capsules, resins, concentrates, or any compound containing mitragynine or 7-hydroxymitragynine, whether natural or synthetic.

“Leaf” means any or all parts of the leaf of the plant *Mitragyna speciosa* that contain mitragynine or 7-hydroxymitragynine.

“Sale” or “Sell” means any transfer, exchange, or distribution of kratom products for consideration, including but not limited to retail sales, wholesale transactions, internet sales, delivery services, or promotional giveaways.

“Person” means any individual, firm, partnership, association, corporation, limited liability company, or other legal entity.

(c) Prohibition on Sale.

No person shall sell, offer for sale, advertise for sale, distribute, or possess with intent to sell any Kratom Product within the geographic boundaries of the City.

(d) Exemptions.

This section shall not apply to:

- (a) The possession or use of Kratom Products by an individual for personal consumption, provided such possession is not accompanied by intent to sell; or
- (b) Any activity expressly authorized by applicable law or regulation for bona fide medical, academic, or scientific research purposes.

(e) Enforcement and Penalties.

It is unlawful for any person to violate or fail to comply with this section. A violation of this section shall constitute a misdemeanor; however, the City may, in its discretion, prosecute any such violation as an infraction pursuant to Section 520 of the Needles City Charter. As an alternative to criminal prosecution, the City may redress any violation of this section by civil action. In addition to or in lieu of criminal prosecution, the City may seek civil remedies pursuant to Chapter 2A of the Municipal Code. Any repeated violation of this section shall constitute good cause for revocation of the person’s City business license pursuant to Chapter 12 of the Needles Municipal Code.