



# Agenda Item

## Orange City Council

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**Item #:** 10.2.

1/13/2026

**File #:** 25-0673

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**TO:** Honorable Mayor and Members of the City Council

**THRU:** Jarad Hildenbrand, City Manager

**FROM:** Russell Bunim, Community Development Director

### 1. SUBJECT

Introduction and First Reading of Ordinance No. 01-26 adding Chapter 9.45 to the Orange Municipal Code prohibiting the sale and distribution of kratom products.

### 2. SUMMARY

The proposed Ordinance prohibits the sale and distribution of kratom products within City limits. At present, the Orange Municipal Code contains no regulations addressing kratom. The intent of the Ordinance is to safeguard public health and welfare by restricting products that the United States Food and Drug Administration has identified as having opioid-like properties and posing risks to community safety.

### 3. RECOMMENDED ACTION

Introduce and conduct First Reading of Ordinance No. 01-26. An Ordinance of the City Council of the City of Orange adding Chapter 9.45 of the Orange Municipal Code prohibiting the sale and distribution of kratom products.

### 4. FISCAL IMPACT

None.

### 5. STRATEGIC PLAN GOALS

Goal 1: Maintain Strong Emergency and Safety Services

### 6. DISCUSSION AND BACKGROUND

The recreational misuse of kratom, a plant with opioid-like properties, poses risks of addiction, abuse, and dependence, creating significant public health concern. Unlike tobacco, which is regulated at the state, federal, and local levels to prevent sales to minors, kratom currently has no age restrictions or regulations in California or the City of Orange.

Kratom products are widely sold in convenience stores, supermarkets, liquor shops, gas stations, and especially tobacco retailers. They are marketed in multiple forms, including powders, capsules, pills, beverages, teas, gummies, smoking wraps, vaping liquids, and edibles, and contain psychoactive alkaloids that act as stimulants at low doses and produce sedative, opioid-like effects at higher doses. The products are increasingly linked to overdose deaths.

Federal agencies including the United States Drug Enforcement Administration (DEA) and the National Institute on Drug Abuse (NIDA) have linked kratom use to adverse effects such as hallucinations, psychosis, dependence, tachycardia, hypertension, nausea, seizures, and liver injury. The United States Food and Drug Administration (FDA) has not approved kratom for any medical use and has stated that no drug products containing kratom or its primary compounds, mitragynine and 7-hydroxymitragynine (7-OH), are legally marketed in the United States. The FDA has further warned that concentrated 7-OH is a potent opioid-like substance with significant abuse potential, posing an emerging public health threat. According to a recent FDA report, the Substance Abuse and Mental Health Services Administration estimated that 1.7 million Americans aged 12 and older used kratom products in 2021.

Locally, the Orange City Council adopted Ordinance No. 12-25 on June 24, 2025, requiring tobacco retailers to obtain a Tobacco Retailer Permit and comply with state, federal, and local tobacco control regulations. Since implementation, Code Enforcement has processed approximately 100 applications, and inspections have revealed widespread sales of kratom alongside drug paraphernalia, nitrous oxide, cannabis, banned flavored tobacco, and other illicit products, raising significant public health and safety concerns.

Several states have banned kratom entirely. In California, some jurisdictions such as the Cities of Newport Beach, Tustin, Stanton, Oceanside, and San Diego prohibit its sale and distribution, while others, including the County of Orange, and Cities of Huntington Beach and Laguna Niguel, restrict sales to individuals 21 and older.

Kratom has no FDA approved uses and is not legally marketed in the United States as a food additive, dietary supplement, or drug ingredient. Despite this, kratom products remain widely available for sale in the City, underscoring the need for the proposed Ordinance to regulate their sale and distribution.

**Proposed Ordinance:** If adopted, the proposed Ordinance would prohibit the sale, distribution, and advertising of all kratom products. Upon approval, staff will conduct a notice and education campaign to licensed businesses via hand delivery, mail, and email. Businesses that fail or refuse to comply with the Ordinance will face enforcement actions to ensure compliance.

**Proposed Appeals Fee:** The City will present a separate Resolution to the City Council establishing a fee to recover administrative costs associated with appeals, including expenses for the hearing officer and staff responsible for reviewing and preparing the hearing report.

## 7. ATTACHMENTS

- Ordinance No. 01-26
- Orange County Health Care Agency Public Information Factsheet
- United States Food and Drug Administration News Release