

ORDINANCE NO. 629-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, AMENDING THE MURRIETA MUNICIPAL CODE BY ADDING NEW CHAPTER 9.40 THEREOF REGULATING THE SALE AND DISTRIBUTION OF KRATOM AND SYNTHETIC 7-OH

Summary: This ordinance amends portions of Title 9 of the City of Murrieta Municipal Code, by adding a new chapter, Chapter 9.40 “Regulating the Sale and Distribution of Kratom and Synthetic 7-OH”.

WHEREAS, 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; and

WHEREAS, the naturally occurring active compounds in kratom include mitragynine and 7-hydroxymitragynine. While mitragynine is present in higher concentrations, 7-hydroxymitragynine is more potent and is largely responsible for the stronger pain-relieving, sedative, and euphoric effects; and

WHEREAS, 7-hydroxymitragynine binds to opioid receptors in the brain and has been shown to have euphoric and mood-enhancing effects, particularly at higher doses, which can increase its appeal for recreational use; and

WHEREAS, 7-hydroxymitragynine is believed to be more potent than morphine, and 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, and these risks are compounded when products contain higher concentrations of 7-hydroxymitragynine; and

WHEREAS, Scientific research and health advisories have raised concerns over the safety of kratom products, particularly those with higher concentrations of 7-hydroxymitragynine, which may increase the potential for abuse and harm to public health; and

WHEREAS, Several cities in California have outright banned all kratom products in an effort to protect public safety, especially among the vulnerable population; and

WHEREAS, The City Council is committed to safeguarding the health and well-being of its residents by ensuring that products available for sale do not pose undue health risks; and

WHEREAS, it is the intent of the City Council to regulate the sale and distribution of kratom and other products within the City of Murrieta that contain more than a 2% concentration of 7-hydroxymitragynine in the alkaloid fraction by anyone less than twenty-one (21) years of age, recognizing the significant health risks associated with elevated concentrations of this alkaloid.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. New Chapter 9.40 is added to the Murrieta Municipal to read as follows:

“Chapter 9.40 REGULATION OF THE SALE AND DISTRIBUTION OF KRATOM

§9.40.010 Title

§9.40.020 Purpose and Intent

§9.40.030 Definitions

§9.40.040 Regulation of the Sale and Distribution of Kratom

§9.40.050 Violations and Penalties

§9.40.060 Severability

§9.40.010 Title

This chapter shall be known as the “Kratom Regulation Ordinance” and may be so cited.

§9.40.020 Purpose and Intent

It is the purpose of these regulations to aid in the reduction of the consumption of kratom, as the purported effects include addiction, psychosis, and other physical ailments, and recent studies have found an increase in use by those under the age of 18. The city desires to restrict the consumption of (a) kratom by people under the age of twenty-one (21) years of age and (b) 7-hydroxymitragynine, where state law and current city regulations are silent, in furtherance of creating a safer community.

§9.40.030 Definitions

For purposes of this chapter, the following definitions apply.

(a) “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 fictitious humans.

(C) Fictional or real 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 of the 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 or packaging that is easily confused with commercially available foods that do not contain kratom and are typically marketed to children.
 - (7) Any other packaging used that is attractive to children considering all relevant facts and circumstances.
- (b) “Kratom leaf” means the leaf of the kratom plant, also known as *mitragyna speciosa*, any form
 - (c) “Kratom leaf extract” means the material obtained by extraction of kratom leaves by any means.
 - (d) “Kratom product” means a product consisting of 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.
 - (e) “Total kratom alkaloids” means the sum of mitragynine, speciociliatine, speciogynine, paynantheine, and 7-hydroxymitragynine in a kratom product.
 - (f) “Synthesized” means an 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.

§9.40.040 Regulation of the Sale and Distribution of Kratom

A. It is unlawful to sell, attempt to sell, or offer, provide, or distribute, directly or indirectly, any kratom product to a person under 21 years of age.

B. It is unlawful to sell, attempt to sell, offer, provide, or distribute any product with a level 7-hydroxymitragynine that is greater than 2 percent of the total alkaloids in the product.

C. It is unlawful to sell, attempt to sell, offer, provide, or distribute a kratom product or a product containing 7-hydroxymitragynine that is attractive to children.

D. Any individual, business, or other entity that sells, attempts to sell, offers, provides, or distributes a kratom product shall conduct age verification to ensure compliance with subdivision (A).

E. It is unlawful to offer for sale any kratom product that contains or is adulterated with synthesized or semi-synthesized kratom alkaloids or kratom constituents.

§9.40.050 Violations and Penalties

Each violation of section 9.40.040 shall constitute a separate offense and shall be treated as an infraction or a misdemeanor, at the discretion of the City Attorney, pursuant to the provisions of Murrieta Municipal Code Section 1.32.010 except as provided by state law.

§9.40.060 Severability

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

SECTION 2. This Ordinance is categorically exempt from environmental review, per the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, 14 California Code of Regulations Section 15061(b)(3) as it can be seen with certainty that the adoption of this ordinance has no possibility to significantly impact the environment.

SECTION 3. This ordinance shall take effect thirty (30) days after its adoption.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. The City Clerk shall certify to the adoption of this ordinance and shall publish a summary of this Ordinance and post a certified copy of the full ordinance in the office of the City Clerk at least five (5) days prior to the adoption of the proposed ordinance; and within fifteen (15) days after adoption of the ordinance, the City Clerk shall publish a summary of the ordinance with the names of the council members voting for and against the ordinance.

PASSED AND ADOPTED this ___th day of _____, 2026.

Jon Levell, Mayor

ATTEST:

Cristal McDonald, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF MURRIETA)

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Ordinance No. 629-26 was duly introduced on the 3rd day of March, 2026, passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the ___th day of _____, 2026, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cristal McDonald, City Clerk

I, Cristal McDonald, City Clerk of the City of Murrieta, California further certify that Ordinance No. 629-26 was duly published according to law and the order of the City Council of said City and the same was so published in Press Enterprise, a newspaper of general circulation on the following date(s):

Introduced Ordinance:

March 9, 2026

Adopted Ordinance:

_____, 2026.

In witness whereof, I have hereunto subscribed to my name this __ day of _____,
2026.

Cristal McDonald, City Clerk