

ORDINANCE NO. 628-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA, AMENDING THE MURRIETA MUNICIPAL CODE BY ADDING NEW CHAPTER 9.40 PROHIBITING THE SALE, DISTRIBUTION AND POSSESSION OF KRATOM

Summary: This ordinance amends portions of Title 9 of the City of Murrieta Municipal Code, by adding a new chapter, Chapter 9.40 Sale, Distribution, and Possession of Kratom Prohibited.

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 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 already 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 prohibit the sale, distribution, or possession of kratom and other products within the City of Murrieta, recognizing the significant health risks associated with this substance.

**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 SALE, DISTRIBUTION, AND POSSESSION OF KRATOM PROHIBITED

§9.40.010 Title

§9.40.020 Purpose and Intent

§9.40.030 Definitions

§9.40.040 Sale, Distribution, or Possession of Kratom Prohibited

§9.40.050 Violations and Penalties

§9.40.060 Severability

§9.40.070 Exclusions

§9.40.010 Title

This chapter shall be known as the “Kratom Prohibition 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 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) “Kratom leaf” means the leaf of the kratom plant, also known as mitragyna speciosa, any form
- (b) “Kratom leaf extract” means the material obtained by extraction of kratom leaves by any means.
- (c) “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.
- (d) “Total kratom alkaloids” means the sum of mitragynine, speciociliatine, speciogynine, paynantheine, and 7-hydroxymitragynine in a kratom product.
- (e) “Synthesized kratom alkaloids” 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 Sale, Distribution, or Possession of Kratom Prohibited

It is unlawful to sell, advertise for sale, offer for sale, or distribute, directly or indirectly, any kratom product within the City.

§9.40.050 Violations and Penalties

Each violation of the provisions of section 9.40.040 shall constitute a separate offense and shall be treated as an infraction or misdemeanor, as 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.

§9.40.070 Exclusions

This prohibition in Section 9.40.040 shall not apply to persons who manufacture, sell, or offer to sell, distribute, or possess kratom drugs or substances that have been approved by the United States Food and Drug Administration and are dispensed or possessed in accordance with federal or state law, or to persons who are otherwise specifically permitted by federal or state law to possess such drugs or substances based on the laws in effect at the time of the manufacture, sale, distribution, or possession.”

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. _____ was duly introduced on the 4th day of November, 2025, 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. 628-26 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: 2026

Adopted Ordinance: 2026

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

Cristal McDonald, City Clerk