

Committee Substitute No. 251028

Kratom & 7-OH

February 10, 2026

Finance, Governance, & Public Safety Committee



Challenges Associated with Retail Sale of Unregulated Intoxicating Products

- Lack of age restrictions
- Inconsistent or misleading labeling
- Increased risk of misuse, dependency, and substance-related health issues

Purpose of Ordinance 251028

- To protect public safety and public health by regulating the **retail sale** of unregulated Kratom, products and other psychoactive substances.
- To hold retailers accountable for the sale of harmful, unregulated intoxicants that contributes to adverse public health and safety impacts, public disorder, nuisance activity, and community harm.

Overview of CS 251028

- Creates two new sections in Chapter 50:
 - §50-206 – Kratom Products
 - Prohibits the retail sale/distribution of semi-synthetic and synthetic kratom products
 - Prohibits the retail sale and display of permissible unadulterated kratom products to those under 21
 - §50-207 – Dangerous Chemical Inhalants
 - Prohibits the retail sale of dangerous chemical inhalants
 - Both sections create tools for the City to suspend or revoke business licenses and impose criminal penalties for violations, and violators are deemed a public nuisance.

Section 50-206

Kratom Products

Kratom

- **What is It?**: Tropical tree (*Mitragyna Speciosa*) native to Southeast Asia.
- **Common Forms**: tablets, capsules, extracts, powders, teas, drinks/shots.
- **Common Uses**: Self-treating pain, coughing, diarrhea, anxiety, depression, opioid use disorder, and opioid withdrawal.
- **Intoxicating /Adverse Effects**: Atypical Opioid. Has both stimulant (low doses) and sedative effects (high doses). Can lead to psychotic symptoms and physio- and psycho-logical dependence.
- **Legal Status**: Not currently regulated by state or federal government though legislation has been introduced at both levels.
 - Federal legislation to go into effect November 12, 2026.



7-hydroxymitragynine (“7-OH”)

- **What is it?**: a naturally occurring alkaloid in the kratom plant that occurs in trace amounts.
- **Common Forms**: tablets, gummies, drink mixes, shots.
- **Common Uses**: Self-treating pain, anxiety, depression, opioid use disorder, and opioid withdrawal.
- **Intoxicating/Adverse Effects**: Euphoria, sedation, respiratory depression.
- **Legal Status**: Not currently regulated by state or federal government though legislation has been introduced at both levels. DOJ states such products are illegal.
- FDA Identified as “an emerging public health threat” with significant addiction potential.¹¹



WARNING: Use product **ONLY AS DIRECTED** on the label. This product may be habit-forming or lead to addiction if not used as directed. If you suspect addiction, seek medical help immediately. **DO NOT** use this product if you are pregnant or nursing. Do not operate vehicles or machinery while using. Not for sale to persons under 21. **DO NOT** use this product if you are taking medications, especially opioid medications, as the alkaloids in the product are active at all known opioid receptors. **DO NOT** use this product if taking other medications (e.g., pain relievers, opioids, antidepressants, blood pressure drugs, MAO inhibitors, stimulants, antihistamines) or if you consume alcohol, as these interactions may increase health risks. This product should not be used daily or for prolonged periods. Consult your doctor before using if you have a medical condition, use prescription medications or take dietary supplements.

HEALTH AND SAFETY WARNING: This product contains psychoactive alkaloids, which may include mitragynine, 7-hydroxymitragynine, and mitragynine pseudoindoxyl.

Supplement Facts

Serving Size 1/4 Tablet

Servings Per Container 4

Amount per 1/4 Tablet Serving	% Daily Value
7-Hydroxymitragynine (from Mitragyna Speciosa Aerial Parts)	10 mg *
Paraxanthine (a Caffeine Metabolite)	5 mg *

* Daily Value not established.

OTHER INGREDIENTS: Dextrose, Magnesium Glycinate, Magnesium Stearate, Artificial Flavor.

DISTRIBUTED BY:

Dope OHMZ
www.dopeohmz.com

**WARNING: Not child proof packaging.
UNDERAGE SALE PROHIBITED**

Kratom & 7-OH

- Not FDA approved for any medical use + FDA warns against use for medical treatment.
- “There are no prescription or over-the-counter drug products containing kratom or its known alkaloids that are legally on the market in the U.S.”
- Law enforcement agencies have identified Kratom & 7-OH as “Drug and Chemical of Concern.”
- KCHD has recommended a total ban of Kratom or at minimum regulating the substance.

Proposed Prohibited Kratom Products

- Adulterated kratom products
- Kratom products that contain more than 2% of 7-hydroxymitragine
- Kratom products that are manufactured, packaged, or distributed in a way that is appealing to children including confectionary form or in a form that mimics candy products
- Kratom products that are combustible or intended for vaporization
- Kratom Products containing synthetic or semi-synthetic alkaloids

Proposed Permissible Kratom Products

- Unadulterated kratom products
 - Kratom leaf & kratom leaf extract
- Contain less than 2% of 7-hydroxymitragrine in the alkaloid fraction

Proposed Age Restriction for Permissible Kratom Products

- Unlawful to sell, offer, deliver, or distribute Kratom Products persons under 21.
- Unlawful to display such products in a manner that allows it to be accessed by persons under 21

Proposed Requirements to Sell Kratom

- Retailers must obtain a license and pay a fee.
- Retailers must require proof of age
 - Reasonable reliance on proof of age is a defense.
- City Manager (or designee) to develop a proposed kratom retail licensing framework, including application requirements and proposed license fees.
 - Present to CC for review/approval within 45 days of passage of ordinance

Section 50-207

Prohibition on sale or distribution of dangerous chemical inhalants for recreational use.

Nitrous Oxide

- **What is it?**: A colorless gas used clinically as an inhalational anesthetic, analgesic, and anxiotic.
- **Common Street Names**: Whippets ; Laughing Gas
- **Common Forms**: aerosol containers used to dispense whipped cream
- **Commonly Used Recreationally**
- **Intoxicating/ Adverse Effects**: Rapid euphoric and hallucinogenic effects; can cause severe neurological, cardiovascular, and psychiatric symptoms with repeat use
- **Legal Status**: Legal but FDA recommends consumers not inhale These products can result in serious adverse health effects, including death, when inhaled.



Source: <https://www.fda.gov/food/alerts-advisories-safety-information/fda-advises-consumers-not-inhale-nitrous-oxide-products>

Nitrate Poppers

- **What is it?:** a nitrite is a liquid chemical substance that produces vapors occurring
- **Common Forms:** small containers that look like energy shots; also marketed as nail polish removers or cleaning products like room deodorizers
- **Common Uses:** inhaled or ingested for recreational use or sexual enhancement
- **Intoxicating/Adverse Effects:** Warm sensations and dizziness that disappears quickly; rapid heart beat, severe drops in blood pressure, death,
- **Legal Status:** illegal to sell for human consumption – exist in a gray area.

Proposed Regulation in §50-207

- Prohibits retail sale and delivery of these products for recreational use
 - Cannot sell in tobacco shops, head shops, vape shops, liquor stores, convenience stores, or any business where the substance is distributed for human consumption regardless of labeling/packaging

Exceptions outlined in §50-207

- Does not apply to manufacturing or industrial operations
- Food prep for restaurants, food services or housewares when the retailer is regularly involved in such business
- Licensed medical or dental practitioners

Administrative & Criminal Penalties

§§50-206 & 50-207

Administrative Enforcement & Penalties Applicable to §§50-206 & 50-207

- Gives the MPSTF Director (or his designee) authority to inspect business licenses, document and issue notices of violations
- Finance Director is responsible for enforcement, which includes suspension or revocation of business license
- Daily violations are separate offenses
- Violations deemed a public nuisance

Criminal Penalties Applicable to §§50-206 & 50-207

- 15 days to 6 months imprisonment and/or a \$750-\$1,000 fine
- Daily violations are separate offenses
 - Applies to owners, operators, managers, employees, and agents of a retailer

Summary

- Ordinance 251028 seeks to balance public health, consumer awareness & public safety in line with state and federal legislation:
 - Regulates the retail sale of unadulterated kratom and prohibits the sale of adulterated kratom products
 - Prohibits the retail sale of nitrous oxide and nitrate poppers
 - Imposes administrative and criminal penalties on retailers who violate, including a public nuisance declaration

Sources

1. [Notes from the Field: Recreational Nitrous Oxide Misuse — Michigan, 2019–2023 | MMWR](#)
2. <https://www.fda.gov/news-events/public-health-focus/fda-and-kratom>
3. https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf
4. <https://pmc.ncbi.nlm.nih.gov/articles/PMC12799471/>
5. <https://www.fda.gov/media/187899/download?attachment>
6. http://publichealth.lacounty.gov/sapc/docs/prevention/FactSheet/7-OH%20Flyer_093025.pdf
7. http://publichealth.lacounty.gov/sapc/docs/prevention/FactSheet/7-OH%20Flyer_093025.pdf
8. <https://www.fda.gov/food/alerts-advisories-safety-information/fda-advises-consumers-not-purchase-or-use-nitrite-poppers>
9. <https://www.californialawreview.org/print/poppers-legality>
10. <https://health.clevelandclinic.org/what-are-poppers-and-are-they-dangerous>
11. <https://www.fda.gov/food/alerts-advisories-safety-information/fda-advises-consumers-not-inhale-nitrous-oxide-products>
12. <https://www.cdc.gov/mmwr/volumes/74/wr/mm7412a3.htm>
13. <https://www.fda.gov/consumers/consumer-updates/products-containing-7-oh-can-cause-serious-harm>

Questions?