

ORDINANCE NO. 2026-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMECULA AMENDING TITLE 8 OF THE TEMECULA MUNICIPAL CODE TO REGULATE THE SALE, DISTRIBUTION, AND POSSESSION OF KRATOM PRODUCTS, AND MAKE A FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061 (b)(3)

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Procedural Findings. The City Council of the City of Temecula does hereby find, determine, and declare that:

A. It is the intent and purpose to prohibit the sale, distribution, or possession of kratom products (also known as 7-hydroxymitragynine or 7-OH) within the City of Temecula that contain more than two percent (2%) of 7-OH in the alkaloid fraction, recognizing the significant health risks associated with elevated concentrations of this alkaloid.

B. 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. The active compounds in kratom include mitragynine and 7-OH. While mitragynine is present in higher concentrations, 7-OH is more potent and is largely responsible for the stronger pain-relieving, sedative, and euphoric effects.

C. Research has shown 7-OH has euphoric and mood-enhancing effects, particularly at higher doses, which can increase its appeal for recreational use. Research has also shown that 7-OH binds to opioid receptors in the brain with greater affinity than morphine, making it significantly more powerful in relieving pain. 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. These risks are compounded when products contain higher concentrations of 7-OH.

D. Health officials, such as the United States Food and Drug Administration (FDA), and health advisories have raised concerns over the safety of kratom products, particularly those with higher concentrations of 7-OH, which may increase the potential for abuse and harm to public health. The FDA has issued several warning letters to various companies for illegally marketing products containing enhanced levels of 7-OH, culminating in a formal request to the U.S. Drug Enforcement Administration (DEA) on July 29, 2025, to place 7-OH products on the controlled substance list; however, the DEA has not taken action on this request to date.

E. On October 28, 2025, Riverside County adopted Ordinance No. 1004, which prohibits the sale and distribution of kratom products containing more than two percent (2%) of 7-OH in the alkaloid fraction to individuals under 21 years of age.

F. Several cities in California have taken similar steps to regulate or ban kratom products, recognizing the need to protect public safety, especially among vulnerable populations, including Laguna Niguel, Newport Beach, Oceanside, and San Diego.

G. The City of Temecula prioritizes public health and safety above all and seeks to restrict the sale, distribution, and possession of kratom and 7-OH products containing more than two percent (2%) of 7-OH in the alkaloid fraction, thereby reducing potential risks to public health and safety.

H. The City Council, at a regular meeting, considered the Ordinance on January 13, 2026, at a duly noticed public hearing, as prescribed by law, at which time the City Staff and interested persons had an opportunity to and did testify either in support or opposition to this matter.

I. Following the public hearing, the City Council considered the entire record of information received at the public hearing before the City Council.

Section 2. Environmental Findings. The City Council hereby finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Municipal Code amendments would have a significant impact on the environment. The Municipal Code amendments are minor policy changes, by way of imposition of regulations on a product that could harm public health. A Notice of Exemption has been prepared and will be filed in accordance with CEQA and the State CEQA Guidelines.

Section 3. The title of Chapter 8.56 (Psychoactive Bath Salts, Psychoactive Herbal Incense, and Other Synthetic Drugs) of Title 8 (Health and Safety) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text):

Chapter 8.56 (Psychoactive Products—Bath Salts, Psychoactive Herbal Incense, and Other Synthetic Drugs)

Section 4. Section 8.56.010 (Purpose and intent) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and Regulations) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text, and deletions shown in strikethrough text), with the remainder of Section 8.56.010 remaining unchanged:

“E. ~~An effective way to prevent and abate the health, safety and welfare concerns that exist as a result of the marketing, distribution and sale of synthetic drugs in manners that brazenly seek to circumvent state and federal law is through the administrative, civil and criminal~~

~~enforcement procedures set forth in Title 1 of this code. This chapter shall not apply to any activity already regulated by the state synthetic drug laws, the CSA or any other applicable state or federal law or regulation. Kratom (*Mitragyna speciosa*) and products derived from it contain the alkaloids mitragynine and 7-hydroxymitragynine (“7-OH”), with 7-OH being significantly more potent and capable of producing stronger psychoactive effects. Products with elevated concentrations of 7-OH increase the risk of addiction, overdose, and other adverse physical or psychological effects. To address the potential for misuse and the health and safety impacts associated with higher-potency kratom products, this chapter regulates kratom products containing more than two percent (2%) 7-OH in the alkaloid fraction.~~

F. An effective way to prevent and abate the health, safety and welfare concerns that exist as a result of the marketing, distribution and sale of synthetic drugs, kratom, and kratom-derived substances in manners that brazenly seek to circumvent state and federal law is through the administrative, civil, and criminal enforcement procedures set forth in Title 1 of this code. This chapter shall not apply to any activity already regulated by the state synthetic drug laws, the CSA or any other applicable state or federal law or regulation.”

Section 5. Section 8.56.020 (Definitions) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and Regulations) of the Temecula Municipal Code is hereby amended to add the following definitions (shown in underlined text), with all other existing definitions of Section 8.56.020 remaining unchanged:

“7-OH” means any natural, enhanced, converted, concentrated, or synthetic form of 7-hydroxymitragynine, whether occurring naturally in kratom or added to a product through chemical or manufacturing processes.

“Kratom leaf” means the leaf of the kratom plant (*Mitragyna speciosa*) in any form, including fresh, dried, or dehydrated.

“Kratom leaf extract” means the material obtained by extraction of kratom leaves by any means.

“Kratom product” means any product consisting of kratom leaf, kratom leaf extract, or both that contains 7-OH in a concentration equal to or greater than two percent (2%) of the total alkaloid content or any other product containing 7-OH in a concentration equal to or greater than two percent (2%) of the total alkaloid content.

“Total alkaloid content” means the sum of mitragynine, speciociliatine, speciogynine, paynantheine, and 7-OH in a Kratom product.

Section 6. The title of Section 8.56.030 (Possession, storage, provision, sale and distribution of synthetic drugs prohibited) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and Regulations) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text):

Section 8.56.030 (Possession, storage, provision, sale and distribution of synthetic drugs or Kratom products prohibited)

Section 7. Section 8.56.030 (Possession, storage, provision, sale and distribution of synthetic drugs or Kratom products prohibited) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and Regulations) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text), with the remainder of Section 8.56.030 remaining unchanged:

“A. It is unlawful for any person to possess, store, provide, distribute or sell any synthetic drug or Kratom product within the city.

B. It is unlawful for any person to store, provide, sell or distribute or to permit the storage, provision, sale or distribution of synthetic drugs or Kratom products from any real property owned, possessed, managed or controlled by that person in the city.

D. The enforcing officer may consider any of the following evidentiary factors to determine if the product is a synthetic drug or Kratom product:

D(8). Merely disclaiming a synthetic drug or Kratom product as "not safe for human consumption" will not avoid the application of this section.”

Section 8. Section 8.56.050 (Public nuisance) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and Regulations) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text):

“A. It is a public nuisance for any person to provide, distribute, or sell any prohibited synthetic drug or Kratom product.

B. It is a public nuisance for any person to allow the provision, distribution, or sale of any prohibited synthetic drug or Kratom product on property owned, controlled or managed by such person.

C. It is a public nuisance for any person to provide, distribute, or sell any substance claimed or represented to be a prohibited synthetic drug or Kratom product.

D. It is a public nuisance for any person to allow the provision, distribution, or sale of any substance claimed or represented to be a prohibited synthetic drug or Kratom product on property owned, controlled or managed by such person.

E. The storage, provision, sale or distribution of any synthetic drug or Kratom product from any property, structure or building in the city is declared to be a public nuisance.”

Section 9. The title of Section 8.56.060 (Confiscation of synthetic drugs) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and

Regulations) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text):

Section 8.56.060 (Confiscation of synthetic drugs or Kratom products)

Section 10. Section 8.56.060 (Confiscation of synthetic drugs or Kratom products) of Chapter 8.56 (Psychoactive Products and Other Synthetic Drugs) of Title 8 (Business License and Regulations) of the Temecula Municipal Code is hereby amended as follows (with additions appearing in underlined text):

“A. Because the use of synthetic drugs or Kratom products has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, cannibalism and death, any violation of this chapter presents a grave and imminent danger not only to the person consuming the synthetic drug or Kratom product, but also to the public at large. Any police officer who issues a criminal citation under this chapter shall confiscate any synthetic drugs or Kratom products and store them, pending the conclusion of the criminal case.”

Section 11. 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 12. Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

Section 13. Effective Date. This Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula
this day of , .

Jessica Alexander, Mayor

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Ordinance No. 2026- was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Temecula on the 13th day of January, 2026, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Temecula at a meeting thereof held on the day of , , by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk