



Board Agenda Item 7

DATE: December 9, 2025

TO: Board of Supervisors

SUBMITTED BY: Supervisor Nathan Magsig, District 5
Joe Prado, Director, Department of Public Health

SUBJECT: Second Hearing to Amend Fresno County Ordinance Code, Title 10, Adding Chapter 10.72, Regulating and Prohibiting the Sale and Distribution of Kratom in Certain Forms and to Minors

RECOMMENDED ACTION(S):

Conduct second hearing and adopt the proposed Ordinance amending the Fresno County Ordinance Code, Title 10 Public, Peace, Morals and Welfare, by adding Chapter 10.72, Regulating and Prohibiting the Sale and Distribution of Kratom in Certain Forms and to Minors in Unincorporated areas of Fresno County to a Person Under 21 Years of Age, to be effective 30 days from approval; and waive reading of the Ordinance in its entirety.

There is no additional Net County Cost associated with the recommended action, which would add Chapter 10.72, Regulating and Prohibiting the Sale and Distribution of Kratom in Certain Forms and to Minors in Unincorporated areas of Fresno County to a Person Under 21 Years of Age to Title 10, Public Peace, Morals and Welfare to help safeguard the health and well-being of County residents. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board choose not to approve the recommended action, the County would continue without having an ordinance to effectively manage the sale of kratom products, which may increase potential risks to public health and safety.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Inspection and enforcement efforts may incur such impacts or costs in the future, associated with enforcement of the proposed amendment to the ordinance, which may be partially offset by cost recovery mechanisms. Staff will monitor impacted County departmental budgets accordingly.

DISCUSSION:

Marketed as a natural supplement, kratom can cause serious side effects, including hallucinations, seizures, liver damage, and even death. It is often used as an opioid substitute and is not approved by the U.S. Food and Drug Administration (FDA) for medical use.

Kratom 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-hydroxymitragynine. While mitragynine is present in higher concentrations, 7-hydroxymitragynine is

very potent and is largely responsible for its strong pain-relieving, sedative, and euphoric effects. 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. The potent effects of kratom alkaloids raise 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-hydroxymitragynine.

Several local agencies in California have taken steps to regulate or ban kratom products, recognizing the need to protect public safety, especially among vulnerable populations. For example, the cities of Newport Beach, San Diego, and Oceanside have all enacted a complete ban on the sale, distribution, and possession of all kratom products, irrespective of the concentration of 7-hydroxymitragynine content.

The U.S. Drug Enforcement Administration (DEA) has listed kratom as a “Drug of Concern” because it can lead to addiction, psychotic symptoms, and harmful physical effects such as confusion, insomnia, and nausea. The FDA warns that kratom is often used without medical supervision and is associated with serious health risks, including seizures, liver toxicity, physical dependence, substance use disorder, and even death. Newborns exposed to kratom in the womb have shown dangerous withdrawal symptoms after birth. The FDA has not approved any prescription or over-the-counter drug products containing kratom or its two main chemical components, mitragynine and 7-hydroxymitragynine. Kratom is not lawfully marketed in the U.S. as a drug product, a dietary supplement, or a food additive in conventional food. Most concerning is that kratom remains easily accessible to anyone, including children, through smoke shops and online retailers.

On November 18, 2025, your Board held the first hearing to add Chapter 10.72, Regulating and Prohibiting the Sale and Distribution of Kratom Products in Unincorporated Areas of Fresno County to Title 10, Public Peace, Morals and Welfare. Following discussion, a motion was approved revising the Ordinance to include prohibiting the sale of a kratom product in unincorporated areas of Fresno County to a person under 21 years of age; the sale of a kratom product must not be attractive to a person under 21 years of age; prohibits the sale to any person any product in the unincorporated areas of Fresno County with a level of 7-hydroxymitragynine that is greater than 2 percent of the total alkaloids in the product; all kratom products sold are to be placed behind the counter of a retail establishment and available only upon request of a lawful purchaser; and allow offering for sale to those persons at least 21 years of age in unincorporated areas of Fresno County "kratom leaf," as defined in section 10.72.020 B or a kratom product with a level of 7-hydroxymitragynine that is less than 2 percent of the total alkaloids in the product, provided there is compliance with all other regulations set forth in this ordinance.

Section 10.72.040 - Violations and Penalties remains unchanged. The County may, at its discretion, issue an administrative citation for any violation of section 10.72.030. The administrative penalty to be assessed for each violation of section 10.72.030 shall be as follows: (i) First violation, one thousand dollars (\$1000.00); (ii) Second occurrence of the same violation within one year of the first violation, two thousand dollars (\$2,000.00); (iii) Third or subsequent occurrence of the same violation within one year of the first violation, three thousand dollars (\$3,000.00). In addition, the County Counsel may institute a civil action to ensure compliance with section 10.72.030, including an action for injunctive relief and/or to recover damages incurred as a result of any violation. A violation of this Chapter is also grounds for a revocation of a business license, if applicable, pursuant to Title 6 of the Ordinance Code of the County of Fresno.

The Ordinance, if adopted, would take effect 30 days from the date of approval.

REFERENCE MATERIAL:

BAI #6, November 18, 2025

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance
Additional Information

CAO ANALYST:

Ron Alexander