



Revised Board Agenda Item 6

DATE: November 18, 2025

TO: Board of Supervisors

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

SUBJECT: Proposed Amendment to the Ordinance Code of Fresno County, Adding Chapter 10.72, "Regulating and Prohibiting the Sale and Distribution of Kratom ~~Products to Minors~~ in Unincorporated Areas of Fresno County ~~to a Person Under 21 Years of Age~~" to Title 10, "Public, Peace, Morals and Welfare"

RECOMMENDED ACTION(S):

..TITLE

1. Conduct first hearing to amend Fresno County Ordinance Code, Title 10, to add Chapter 10.72, "Regulating and Prohibiting the Sale and Distribution of Kratom ~~Products to Minors~~ in Unincorporated Areas of Fresno County ~~to a Person Under 21 Years of Age~~", waive reading of the Ordinance in its entirety and set the second hearing for December 9, 2025;
2. Designate County Counsel to prepare fair and adequate summary of the proposed Ordinance; and
3. Direct the Clerk of the Board to post and publish the required summaries in accordance with Government Code Section 25124(b)(1).

..REPORT

There is no additional Net County Cost associated with the recommended actions, which would add 10.72, "Regulating and Prohibiting the Sale and Distribution of Kratom ~~Products 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 actions, the County would continue without having an ordinance to effectively manage the sale of kratom ~~products to residents under the age of 21~~, which may increase potential risks to public health and safety.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. 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.

Approval of the recommended actions will restrict the sale and distribution of kratom and other products containing ~~more than 2% of~~ 7-hydroxymitragynine in the alkaloid fraction in unincorporated areas of Fresno County, as well as synthetically created substances intended to mimic the effects of kratom to persons under 21 years of age, thereby reducing potential risks to public health and safety. ~~No person or entity shall offer for sale in unincorporated areas of Fresno County any kratom product if such person or entity is not also authorized to offer for sale tobacco products. These entities will be required to stock kratom products behind the counter of a retail establishment and available only upon request of a lawful purchaser.~~

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

If the recommended actions are approved by your Board, the second reading will be scheduled for December 9, 2025.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance
On file with Clerk - Summary of Ordinance

CAO ANALYST:

Ron Alexander