



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** BOARD OF SUPERVISORS  
**DISTRICT 3**  
**File #:** 26-333

Board Meeting Date: 4/21/2026

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors  
**From:** Supervisor Ray Mueller, District 3  
**Subject:** Introduction of Ordinance Banning the Sale and Distribution of Kratom and 7-OH Products

### **RECOMMENDATION:**

Introduce an ordinance adding Chapter 4.128 to the San Mateo County Ordinance Code banning the sale and distribution of kratom and 7-hydroxymitragynine (7-OH) products, and waive the reading of the ordinance in its entirety.

### **BACKGROUND:**

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. Kratom contains two primary alkaloids: mitragynine and 7-hydroxymitragynine (7-OH). While 7-OH occurs naturally in small amounts in kratom leaves, manufacturers increasingly concentrate or synthesize 7-OH to produce highly potent products with opioid-like effects.

The U.S. Food and Drug Administration (FDA) has issued stark warnings regarding concentrated kratom 7-OH, noting that these “concentrated 7-OH opioid products are far more dangerous than traditional kratom leaf products.” (Makary, M. A. (2025, July 29). *Letter to Colleagues regarding 7-hydroxymitragynine (7-OH)*. U.S. Food & Drug Admin. Retrieved from <<https://www.fda.gov/media/187898/download?attachment>>.)

Alarming, research cited by the agency indicates that 7-OH is “13 times more potent than morphine,” while a 2025 National Institute on Drug Abuse study found that “7-OH resulted in respiratory depression at a magnitude three times more severe than morphine.” (Makary, M.A. (2025, July 29). *Beware: Synthetic kratom - 7-OH - is powering a new opioid crisis*. N.Y. Post. Retrieved from <<https://nypost.com/2025/07/29/opinion/beware-synthetic-kratom-7-oh-powers-a-new-opioid-crisis/>>.)

These kratom and 7-OH products, including tablets, gummies, drink mixes, and liquid extract shots, are widely sold in gas stations, smoke shops, and online retailers, often marketed as dietary

supplements or wellness products.

Public health officials are witnessing a nationwide surge in medical emergencies linked to enhanced kratom products. According to the FDA Commissioner, the agency is “seeing increases in adverse events and related reports to poison control,” warning that “aside from addiction, 7-OH side effects include withdrawal symptoms, insomnia and anxiety, seizures, and fatal respiratory depression.” (Makary, *Letter to Colleagues, supra.*) These products have also been found to cause nausea, vomiting, constipation, liver damage, high blood pressure, dizziness, confusion, and hallucinations, as well as more serious risks such as overdose and death, particularly when combined with alcohol, medications, or illicit drugs.

No federal or state law expressly bans the sale of kratom or 7-OH. Because kratom products are largely unregulated and often lack clear labeling, consumers frequently cannot determine the potency or dosage of active ingredients. However, due to the explosive popularity and high abuse potential of these products, federal regulatory agencies are already preparing to restrict them. The FDA has confirmed it has “already issued warning letters to several firms for illegally distributing 7-OH products” and is “working alongside our partners at the [federal Drug Enforcement Agency (DEA)] to move forward with adding certain 7-OH products to the controlled substances schedules.” (Makary, *Letter to Colleagues, supra.*) The DEA has also listed kratom as a “Drug of Concern.” In October 2025, the California Department of Public Health issued a statewide consumer warning stating that kratom and 7-OH products may cause addiction, overdose, and death and are illegal to sell for human consumption in California under California’s Sherman Food, Drug, and Cosmetic Law.

**DISCUSSION:**

Because no federal or state law expressly bans the sale of kratom or 7-OH, these interpretations of law by federal and California regulatory agencies could be subject to legal challenge. To ensure kratom and 7-OH are lawfully and unambiguously banned in the County, and to provide the County with the ability to enforce these bans to protect the public health, the proposed Ordinance would ban the sale, attempted sale, offer to sell, distribution, or provision of kratom and 7-OH products in the unincorporated areas of the County.

Violation of the Ordinance would constitute a public nuisance, and violators would be subject to criminal penalties, including imprisonment up to one year in jail; administrative fines; revocation of applicable retail licenses and permits; and any other enforcement mechanism authorized by law.

The County Attorney’s Office has reviewed and approved the Ordinance as to form.

**COMMUNITY IMPACT:**

This Ordinance seeks to protect the health, safety, and welfare of San Mateo County residents from the harms of kratom and 7-OH use.

**FISCAL IMPACT:**

There is no direct fiscal impact to the County associated with adoption of the Ordinance. However, enforcement by the County will likely result in future costs in an amount currently unknown.