

TO: Mayor and City Council

FROM: Rob de Geus, City Manager

SUBJECT: PUBLIC SAFETY COMMITTEE REPORT – INTRODUCTION OF ORDINANCE NO. 312-26 AMENDING THE MUNICIPAL CODE TO PROHIBIT THE SALE OF ALL KRATOM PRODUCTS WITHIN CITY LIMITS

OVERVIEW

This report requests City Council consideration of the Public Safety Committee's (Mayor Pro Tem Halpern and Councilmember Honig) recommendation to amend the Municipal Code and establish an ordinance prohibiting the sale of all Kratom products within Westlake Village city limits.

BACKGROUND

Kratom is an herbal substance made from the leaves of the *Mitragyna speciosa*, a tropical tree native to Southeast Asia. Kratom contains a natural compound mitragynine but the more concentrated and potent 7-hydroxymitragynine (or 7-OH) is the synthetic version prevalent in many products today. At low doses, this compound can have stimulative properties but with high doses it can have sedative or opioid-like effects.

In the United States, Kratom is commonly sold as powders, capsules, extracts, and beverages. People report using it for various reasons, including pain relief, mood enhancement, and managing withdrawal symptoms. Kratom has also reportedly been used to self-treat symptoms of Post-Traumatic Stress Disorder. However, these uses are not Food and Drug Administration (FDA) approved, and scientific evidence is still limited.

Despite these perceived benefits, Kratom also carries important risks including addiction, withdrawal symptoms, nausea, elevated heart rate, and even seizures. Additionally, because Kratom is not FDA-regulated, some products have been found to contain contaminants like heavy metals or bacteria, which can lead to serious health issues. These risks have led the FDA to recommend a scheduling action to control 7-OH products under the Controlled Substances Act.

Lastly, the Las Virgenes Unified School District recently passed Resolution No. 12-25 urging local city councils within the District's boundaries to adopt and enforce city

ordinances that ban the sale, distribution, or possession of unregulated kratom and kratom-related products, in order to protect the health, safety, and well-being of our students, families, and the broader community. Prohibiting the sale of unregulated products that pose significant health risks especially on the youth will have significant health benefits as they progress through their early developmental phases.

FINDINGS AND ALTERNATIVES

Kratom has become an active area of discussion among public health agencies and policymakers. Kratom is currently not FDA approved. In fact, the FDA is currently recommending the compound, 7-OH, be classified as a Schedule 1 controlled substance making it federally illegal.

Legislators have introduced California Assembly Bill 1088 (Public Health; Kratom) that would prohibit sales to anyone under 21 and prohibit any marketing that is geared towards children. As of September 2025, Assembly Bill 1088 has passed the California Assembly and is now under consideration in the Senate. While that bill is under consideration, the California Department of Health has started advising consumers about the risks involved and has even started removing Kratom products from stores and manufacturing sites.

Over the past several years local jurisdictions have started introducing legislation with various levels of restrictions regarding the sale and possession of Kratom. The cities of San Diego and Oceanside both banned the sale and possession of Kratom back in 2016. Newport Beach banned the sale of Kratom products in September 2025. Orange County and Riverside County adopted an ordinance prohibiting the sale of Kratom products that contain more than 2% of the 7-OH compound.

On November 7, 2025, the Los Angeles County Department of Public Health posted a news release advising retailers to discontinue sales of any Kratom product and warned of impending inspections after six deaths were linked to the 7-OH compound. Staff confirmed with the Department of Health that this ban does apply to retailers within Westlake Village.

Staff are aware of at least two retailers that sell Kratom products within city limits. The proposed ordinance will amend Chapter 5.1 (“Health Code”) of Article 5 (“Sanitation and Health”) of the Westlake Village Municipal Code by adding a new Section 5.1.030 to read as follows:

- Define Kratom as:
 - ‘Kratom’ means any part of the plant *Mitragyna speciosa*, whether in natural, powdered, extracted, synthesized, or any other form, including any compound, derivative, or preparation of that plant.
 - ‘Kratom product’ means any product intended for human consumption that contains kratom, including but not limited to powders, capsules, tablets, extracts, resins, tinctures, beverages, or edibles.

- No person shall sell, offer for sale, advertise, furnish, exchange, distribute, or provide any kratom or kratom product.
- No person shall display kratom or kratom products in any retail establishment or make such products available in a manner that would reasonably lead to a sale, transfer, or distribution.

On December 11, 2025, the Public Safety Committee discussed the concerns related to Kratom and recommended that staff establish an ordinance prohibiting the sale of all Kratom products in Westlake Village.

FISCAL IMPACT

Enacting an ordinance prohibiting the sale of a specific product does not have a significant fiscal impact. It may have a minor impact on Sales tax, but any projected shortfall will be minimal, and no budget amendment will be needed.

RECOMMENDATION

It is recommended that the City Council approve the Public Safety Committee’s recommendation and introduce Ordinance No. 312-26 amending the Municipal Code to prohibit the sale of all Kratom products in Westlake Village. Should the City Council concur, the appropriate motion is as follows:

MOTION: "I move that the City Council waive full reading and introduce Ordinance No. 312-26 amending the Municipal Code to prohibit the sale of all Kratom products in Westlake Village, approved a CEQA exemption and schedule the second reading for February 11, 2026."

ROLL CALL: Yes

Prepared by: Travis Hamilton
Administrative Analyst

Attachment: 1. Ordinance No. 312-26

ORDINANCE NO. 312-26

AN ORDINANCE OF THE CITY OF WESTLAKE VILLAGE AMENDING THE WESTLAKE VILLAGE MUNICIPAL CODE CHAPTER 5.1 TO PROHIBIT KRATOM PRODUCTS AND APPROVING A CEQA EXEMPTION DETERMINATION

**THE CITY COUNCIL OF THE CITY OF WESTLAKE VILLAGE DOES ORDAIN
AS FOLLOWS:**

Section 1. Findings and Intent.

A. The City possesses broad police power under Article XI, Section 7 of the California Constitution to enact regulations to protect the public health, safety, and welfare of its residents.

B. Kratom is derived from the plant *Mitragyna speciosa* and contains psychoactive alkaloids including mitragynine and 7-hydroxymitragynine, which act on opioid receptors in the human brain and produce stimulant, sedative, and euphoric effects.

C. Scientific research and public health reporting associate kratom use with serious adverse effects including liver toxicity, seizures, respiratory depression, dependency, withdrawal, and death.

D. The United States Food and Drug Administration has determined that kratom is not lawfully marketed as a food, drug, or dietary supplement in the United States and that kratom products sold as dietary supplements are adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act.

E. The California Department of Public Health has determined that kratom is not an approved drug or dietary supplement and is considered an unsafe food additive, making its sale unlawful in California.

F. Although federal and state law restricts kratom's lawful marketing status, kratom products continue to be sold widely in retail settings, often in highly concentrated or synthetic forms that increase the risk of overdose, addiction, and other serious harms.

G. The absence of a comprehensive federal or state regulatory framework governing the formulation, potency, labeling, and sale of kratom creates a substantial risk to public health and consumer safety.

H. Retail sale and commercial distribution of kratom within the City's territory presents a local public health and safety concern that is appropriately addressed through municipal regulation.

I. It is the intent of the City Council to prohibit the sale, offering for sale, distribution, and display of kratom and kratom products in order to reduce the availability of an unregulated psychoactive substance and protect residents, particularly minors and vulnerable populations, from harm.

Section 2. Code Amendment. Chapter 5.1 (“Health Code”) of Article 5 (“Sanitation and Health”) of the Westlake Village Municipal Code is amended by adding a new Section 5.1.030 to read as follows:

“5.1.030. Kratom Sales.

A. For purposes of this Section, the following definitions apply.

1. ‘Kratom’ means any part of the plant *Mitragyna speciosa*, whether in natural, powdered, extracted, synthesized, or any other form, including any compound, derivative, or preparation of that plant.

2. ‘Kratom product’ means any product intended for human consumption that contains kratom, including but not limited to powders, capsules, tablets, extracts, resins, tinctures, beverages, or edibles.

B. No person shall sell, offer for sale, advertise, furnish, exchange, distribute, or provide any kratom or kratom product.

C. No person shall display kratom or kratom products in any retail establishment or make such products available in a manner that would reasonably lead to a sale, transfer, or distribution.

D. This Section does not prohibit the possession of kratom by an individual for personal use. This Section regulates only commercial activity occurring within the City.”

Section 3. CEQA. The City Council finds that this Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) on the grounds that it can be seen with certainty that the prohibition on the sale of kratom, as provided in this Ordinance, will not have a significant effect on the environment.

Section 4. Severability. If any provision of this ordinance or its application is held invalid, such invalidity shall not affect the other provisions or applications of the ordinance.

Section 5. Effective Date. The ordinance shall take effect thirty days after adoption.

Section 6. Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published in the manner prescribed by law.

PASSED, APPROVED and ADOPTED this 11th day of FEBRUARY 2026.

Susan McSweeney, Mayor

ATTEST:

Antoinette Mann, City Clerk

