
SENATE COMMITTEE ON HEALTH

Senator Akilah Weber Pierson, Chair

BILL NO: AB 1088
AUTHOR: Bains
VERSION: June 8, 2026
HEARING DATE: June 17, 2026
CONSULTANT: Vincent D. Marchand and Natalie Gehred

SUBJECT: Public health: kratom

SUMMARY: Adds kratom products to the Sherman Food, Drug, and Cosmetic Law. Requires kratom processors to register themselves and their products annually with CDPH and requires laboratory certificates of analysis for all products. Places limits of 75mg mitragynine and 0.57mg of 7-hydroxymitragynine per package and establishes poison prevention packaging and labeling requirements. Prohibits the sale or distribution of kratom products to anyone under 21 years of age at a premise or internet website or application that permits anyone under 21 to enter and remain or complete a purchase of any product. Prohibits the sale or distribution of a kratom product that has a child-attractive flavor. Establishes a 15% retail tax on kratom products purchased for use in the state to fund the Kratom Products Public Health and Safety Fund.

Existing law:

- 1) Enacts the Sherman Food, Drug and Cosmetic Law (Sherman Law), enforced by the California Department of Public Health (CDPH), which provides broad authority for CDPH to enforce food safety requirements, including that food is not adulterated, misbranded, or falsely advertised. Food labeling requirements generally adopt federal food labeling laws as the state requirement, but CDPH is permitted, by regulation, to adopt additional food labeling regulations. [HSC §109875, et seq.]
- 2) Establishes penalties for violations of the Sherman Law, including a fine of up to \$1,000, or up to \$10,000 for repeated violations. [HSC §111825]
- 3) Prohibits any manufacturer, wholesaler, retailer, or other person to sell, transfer, or otherwise furnish a dietary supplement containing either of the following to a person under 18 years of age:
 - a) A dietary supplement containing an ephedrine group alkaloid; or,
 - b) A dietary supplement containing any of the following: androstenediol, androstenedione, androstenedione, norandrostenediol, norandrostenedione, dehydroepiandrosterone. [HSC §110423.2]
- 4) Establishes a regulatory structure in CDPH, under the Sherman Law, for food, beverage and cosmetic products containing industrial hemp, and limits these products to containing no more than 0.3% concentration of tetrahydrocannabinol (THC). Prohibits industrial hemp from including cannabinoids produced through chemical synthesis. [HSC §111920, et seq. and §111920(f)]
- 5) Enacts the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to establish a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of both medicinal cannabis and cannabis products, and adult-use cannabis and cannabis products for adults 21 years of age and over, regulated by the Department of Cannabis Control (DCC). [BPC §26000, et seq.]

This bill:

- 1) Defines the following terms:
 - a) “Attractive to children” means uses of images attractive to children, including cartoons, toys, robots, real or fictional humans, fictional animals or creatures, and fruits and vegetables; likenesses to images, characters, or phrases that are popularly used to advertise to children; imitation of the packaging or labeling of food products typically marketed to children; the terms “candy” or “candies” or variants in spelling; brand names or imitations of brand names of food products typically marketed to children; packaging that is similar to products that do not contain kratom and are typically marketed to children; or anything else deemed attractive to children in light of all relevant facts and circumstances;
 - b) “Characterizing flavor” means a taste or odor other than the taste or odor of kratom leaf or kratom leaf extract, including, but not limited to, tastes or odors relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice, or a cooling sensation distinguishable by an ordinary consumer during the consumption of a kratom product;
 - c) “Child-attractive flavor” means a characterizing flavor, that is often used for the purpose of appealing to persons under 21 years of age;
 - d) “Kratom alkaloid” means 7-hydroxymitragynine, mitragynine, paynantheine, speciociliatine, speciogynine, and any chemically converted, synthesized, modified, or novel derivatives of these alkaloids;
 - e) “Kratom leaf” means the leaf of the kratom plant, also known as *Mitragyna speciosa*, in any form;
 - f) “Kratom leaf extract” means the material obtained by extraction of kratom leaves by any means;
 - g) “Kratom product” means a product consisting of kratom leaf, kratom leaf extract, or any kratom alkaloid regardless of whether it was derived from kratom leaf or kratom leaf extract; and,
 - h) “Processor” means the party responsible for manufacturing, packaging, labeling, or distributing a kratom product, or the party that advertises, represents, or holds itself out as manufacturing, preparing, packaging, or labeling a kratom product.
- 2) Requires the packaging of a kratom product offered for retail sale to meet the poison prevention packing standards under specified provisions of the federal Poison Prevention Packaging Act, as those regulations read on January 1, 2027.
- 3) Requires a kratom product produced, manufactured, distributed, sold, or offered for sale in the state of California to have a label that clearly and conspicuously provides all of the following information on each retail package:
 - a) “WARNING: It is illegal to sell kratom to any person under 21 years of age. Kratom is not approved as a medication or to assist in the treatment of opioid addiction. Kratom is not approved as a harm reduction product. Kratom may be habit forming.”;
 - b) The name and place of business of the processor; and,
 - c) Quantitative declarations of each kratom alkaloid within the package.
- 4) Prohibits an individual, business, or other entity from making any health claims regarding the use of a kratom product, either implicitly or explicitly, including, but not limited to: labeling, packaging, advertising, marketing, branding, or naming, including in a manner that resembles or references a drug product, a food, or a food additive.

- 5) Prohibits an individual, business, or other entity from selling, offering for sale, providing, or distributing a kratom product at a premise or on an internet website or application that permits a person under 21 years of age to enter and remain or permits a person under 21 years of age to complete a purchase of any product.
- 6) Prohibits an individual, business, or other entity from selling, offering for sale, providing, or distributing a kratom product with a child-attractive flavor, as defined.
- 7) Prohibits an individual, business, or other entity from selling, offering for sale, providing, or distributing a kratom product that exceeds either of the following limits or is otherwise prohibited by state or federal law:
 - a) 75 mg/package of mitragynine; or,
 - b) 0.57mg/package of 7-hydroxymitragynine (7-OH)
- 8) Requires a kratom processor to register with CDPH and annually register each kratom product it manufactures, packs, distributes, or labels. Annual registration of each kratom product must include a certificate of analysis from an independent laboratory, as specified, that shall confirm the contents of the kratom product and certify that the product complies with all requirements in this bill.
- 9) Authorizes CDPH to require an independent third-party test of a registered kratom product and requires CDPH to revoke the registration of a product if the processor does not tender payment for the test and an equitable administrative fee within 30 days of receipt of the invoice.
- 10) Authorizes CDPH to develop registration fees to implement this article based on the number of units produced by registrants and total annual sales in California. Requires that fees not exceed the reasonable regulatory costs of administration and exempts the calculation of estimated fees from the Administrative Procedure Act.
- 11) Authorizes CDPH to promulgate regulations or execute an interagency agreement with other state or local government agencies to implement this article. Requires processors to operate in good faith compliance and specifies that violations of this article shall be grounds for denying, suspending, forfeiting, revoking, or surrendering a registration.
- 12) Institutes a 15% retail sales tax on the purchase of a kratom product if the kratom product is purchased from a retailer located in the state or the address to which the retailer ships the purchased product is shipped is in the state. Authorizes the retailer to retain one percent of the tax as a reimbursement for costs associated with tax collection.
- 13) Requires each retailer to register for a permit with the California Department of Tax and Fee Administration (CDTFA) and authorizes CDTFA to collect the tax. Authorizes CDTFA to prescribe, adopt, and enforce regulations relating to the implementation, administration, and enforcement of the tax.
- 14) Establishes the Kratom Products Public Health and Safety Fund in the State Treasury for all revenues, interest, and penalties from the taxes in this bill. Continuously appropriates moneys in the fund to the following:
 - a) 25% to the University of California Kern County Medical Education Endowment Fund;

- b) 25% to the Board of State and Community Corrections;
- c) 20% to the Primary Care Account;
- d) 20% to the Specialty Care Account;
- e) 5% to CDPH for costs associated with regulating kratom products; and,
- f) 5% to CDTFA for administering the tax.

FISCAL EFFECT: The current version of this bill has not been analyzed by a fiscal committee.

PRIOR VOTES:

Assembly Floor:	76 - 0
Assembly Appropriations Committee:	14 - 0
Assembly Environmental Safety and Toxic	7 - 0
Materials Committee:	
Assembly Health Committee:	16 - 0

COMMENTS:

- 1) *Author’s statement.* According to the author, as a physician and addiction specialist, she presents this bill to establish urgently needed, comprehensive regulations on kratom. While kratom is an unapproved, non-benign substance that she advises her patients against using, it currently operates in a dangerous regulatory gray zone where it is widely accessible to minors. Unscrupulous companies are utilizing the Big Tobacco playbook to hook a new generation, exploiting legal loopholes under the false guise of "harm reduction." This bill will finally bring accountability to the kratom market by setting a strict legal age limit of 21, mandating child-resistant packaging, banning marketing tactics that appeal to kids, and prohibiting products that artificially increase natural chemical concentrations. California should not wait for another youth addiction crisis to unfold before acting.

- 2) *Kratom and its use.* According to a November 2023 report by the Congressional Research Service (CRS), kratom is a tree related to the coffee plant and is native to parts of Southeast Asia. Peoples indigenous to the tree’s range have traditionally consumed the leaves of the tree for medicinal and other purposes. Some commentators have raised safety concerns over kratom use, while others have suggested various beneficial uses. At low doses, kratom is a mild stimulant, but higher doses elicit sedative and analgesic responses due to alkaloids in the plant that activate opioid receptors. Studies indicate that kratom can be habit-forming, and a study in *Drug and Alcohol Dependence* of regular kratom leaf tea drinkers described physical and psychological withdrawal symptoms in those who ceased use. The CRS report additionally highlights that some kratom products intended for sale in the U.S. have been found to contain dangerous contaminants, such as salmonella and heavy metals.

According to the National Institute on Drug Abuse (NIDA), much is still unknown about kratom alkaloids, the short- and long-term health and safety impacts of kratom use, and kratom’s potential therapeutic uses. NIDA supports and conducts research on kratom to help inform kratom policy and health decision-making around kratom use. While kratom or its related compounds have not been approved by the FDA as safe and effective for any medical use, people report using kratom products to alleviate drug withdrawal symptoms and cravings, particularly for opioids, to alleviate pain, and to help manage mental health problems.

According to NIDA, people typically use kratom by swallowing raw plant matter in capsule or powder form, by mixing kratom powder into food or drinks, brewing the leaves as a tea, or taking liquid kratom extract. The 2022 National Survey on Drug Use and Health by the Substance Abuse and Mental Health Services Administration found that 0.7% (1.9 million people) of those 12 or older surveyed used kratom. The percentage was highest among young adults aged 18 to 25 (1.1% or 371,000 people) followed by adults 26 or older, then by adolescents aged 12 to 17 (0.1% or 26,000 people). However, kratom use is rising in the U.S.; social media analyses from the National Drug Early Warning System identify increasing kratom and 7-OH product discussion, rising steadily from May 2024 to May 2025.

- 3) *Mitragynine and 7-OH.* Kratom leaves contain a blend of many biologically active alkaloids that contribute to psychoactivity, the best studied of which are mitragynine and 7-OH. Mitragynine, the dominant alkaloid in kratom plants, is a partial μ -opioid receptor agonist that exhibits pain-blocking effects in animal studies, about 66 times less potent than morphine, according to a 2016 paper in the *Journal of Medicinal Chemistry*. Studies of mitragynine's reward and abuse potential are mixed; several animal studies of both whole kratom leaf extract and isolated mitragynine report a rewarding effect, while others do not. According to NIDA, scientists have observed that mitragynine may bind to adrenergic receptors, serotonin receptors, and dopamine receptors, which may be responsible for some of the arousing effects some users report experiencing. 7-OH is a metabolite of mitragynine, and is the alkaloid primarily responsible for the pain-blocking effects of mitragynine due to its conversion into 7-OH in the liver and gut, according to an article in *ACS Central Science*. Although often undetectable in fresh kratom leaves, oxidation of mitragynine into 7-OH can be achieved through a variety of processes, including drying and processing of kratom leaves, metabolism of mitragynine in the body, or chemical oxidation, according to a 2025 review in *Pharmaceutical Biology*. According to the FDA's 2025 review, 7-OH is much more potent than mitragynine. Receptor binding assays demonstrate that 7-OH has a 7- to 15-fold higher affinity for μ -opioid receptors than mitragynine, and functional activation assays reveal a 4- to 40-fold increase in potency. According to a 2016 paper in the *Journal of Medicinal Chemistry*, 7-OH is a powerful analgesic when administered subcutaneously in animal pain-blocking tests—over 350 times more effective than mitragynine and five times more effective than morphine. The 2025 FDA report also summarizes behavioral studies in animals that suggest that 7-OH is a rewarding, habit-forming substance, similar to other opioids. Given this pharmacological profile and potential for abuse, 7-OH has been declared a dangerous substance by the FDA, which warned consumers in 2025 that products containing 7-OH can cause serious harm and should be avoided. Like all drugs, the effects of a kratom product also depend on the amount taken, potency, formulation of the product, the way it is ingested, other drugs in a person's system, a person's underlying medical conditions, and a person's previous experience with the substance, according to NIDA.
- 4) *Labeling, packaging, and consumer safety concerns.* No specific testing, labeling, or warning is required for kratom products (see "Federal regulation of kratom" section below), meaning that consumers may not be aware of the specific alkaloid blends or dosages contained in a given product. Given the differences in potency and risk of dependence, the conflation of products containing kratom alkaloid extracts with botanical kratom has been highlighted as a safety concern by the FDA. One 2025 study of 7-OH supplemented products in *Drug and Alcohol Dependence* found that 92% were advertised as kratom, potentially misleading consumers about the potency of the product. Another 2025 market analysis in *Substance Use and Misuse* revealed that fewer than half of kratom product descriptions that contained mitragynine pseudoindoxyl (a derivative of 7-OH) mentioned an increased risk of

intoxication, tolerance, dependence, withdrawal, or addiction. The formats and packaging of some kratom products may also be appealing to children; the 2025 *Drug and Alcohol Dependence* market review of products containing mitragynine pseudoindoxyl found that 69% used child-appealing flavors or scents and 63% used bright colors in packaging or labeling.

- 5) *Adverse events and fatalities.* A 2021 analysis in *Pharmacotherapy* of 935 single-substance kratom exposure cases reported to National Poison Control between 2011 and 2018 found that most exposures occurred via oral ingestion—typically as tablets, capsules, or powder—with the most frequently reported adverse effects including agitation, rapid heartbeat, drowsiness, and vomiting. Although rare, severe adverse effects included seizures, withdrawal, hallucinations, respiratory depression, coma, and cardiac or respiratory arrest. A more recent analysis in the FDA’s 2025 report of 53 human exposures to 7-OH in the National Poison Data System from February to April 2025 found that the majority of cases (37) were single-substance exposures. Of the single-substance exposures, 35% resulted in “moderate clinical outcomes,” a designation used by poison control centers that indicates pronounced, prolonged, or systemic issues that require treatment but are not life-threatening (i.e., acid-base disturbances, disorientation, isolated and brief seizures, treatable blood pressure changes, or acute liver injury). Five of the single-substance exposure cases were children under 18 years of age. According to a 2026 report from the National Drug Early Warning System, from January 1, 2023 to April 30, 2026, 3,672 suspected nonfatal overdose emergency medical services (EMS) encounters involving 7-OH, mitragynine, or kratom use were recorded nationally. El Dorado and Placer counties in California had some of the highest 7-OH, mitragynine, or kratom-related EMS encounters, at approximately 0.5 per 10,000 people. Trend analysis shows that nationally, kratom-related EMS encounters increased from January 2023 to February 2025, rose sharply from March 2025 to September 2025, and increased again from December 2025 to April 2026.

Reports of deaths resulting from kratom are rare, which may be partially attributable to the fact that kratom alkaloids are not commonly included in toxicology panels, according to a review in *Pharmaceutical Biology*. An international study of 156 deaths involving kratom published in 2019 in the *Journal of Psychopharmacology* revealed the vast majority of these deaths occurred in young white males with a history of drug use. Kratom was the sole substance implicated in 27 of these cases, with cause of death most often related to pulmonary or cerebral edema or cardiovascular complications. Polysubstance cases involving kratom were more common, particularly in combination with other opioids, benzodiazepines, and recreational stimulants. A Centers for Disease Control and Prevention report on overdose deaths from 2016 to 2017 identified kratom in 0.56% of deaths (152 total). Nearly 60% of these deaths were determined to be caused by kratom, including seven for which kratom was the only substance detected in postmortem toxicology reports. The FDA’s 2025 review on 7-OH reports that between 2023 and 2025, the Drug Enforcement Administration’s (DEA) Toxicology Testing program database identified a threefold increase in fatalities involving kratom or kratom derivatives compared to the three years prior. According to the Los Angeles County Chief Medical Examiner, the county has identified ten deaths to date attributable to 7-OH in otherwise healthy young adults since they started testing for it late in 2025.

- 6) *Federal regulation of kratom.* According to the FDA, kratom is not lawfully marketed in the U.S. as a drug product, dietary supplement, or food additive in conventional food. No prescription or over-the-counter products containing kratom or kratom alkaloids are currently

approved. Kratom is also not appropriate for use as a dietary supplement; the FDA considers kratom a new dietary ingredient, which requires evidence of safety before marketing, and the FDA has concluded that there is currently inadequate information to provide reasonable assurance that the ingredient does not present a significant or unreasonable risk of illness or injury. Therefore, any dietary supplement containing kratom is considered adulterated and thus illegal under the Food, Drug, and Cosmetics Act. Finally, kratom is considered by the FDA to be an unsafe food additive, meaning that adding kratom to any conventional food renders the product adulterated and thus illegal under the Food, Drug, and Cosmetics Act. Accordingly, the FDA has issued import alerts for kratom and has seized kratom products marketed as dietary supplements.

In 2016, the DEA published a notice of intent to temporarily place mitragynine and 7-OH into Schedule I of the Controlled Substances Act, alongside other substances with no accepted medical use and a high potential for abuse. This effort was withdrawn after the DEA received numerous public comments and a bipartisan congressional letter that expressed concerns about overly hasty regulation. In October 2023, legislation was introduced in both the houses of Congress to “protect access to kratom.” According to the CRS report, these bills would have directed the Secretary of Health and Human Services to gather information about kratom and limited the authority to impose regulations on kratom more restrictive than those for foods, dietary supplements, or dietary ingredients. These bills contained a non-preemption clause, which would permit states to either ban or regulate kratom. These bills did not advance, and to date no bills have been introduced in the current congressional session. In recent years, the FDA appears to have directed its enforcement efforts towards products supplemented with 7-OH. In 2025, the agency published a technical report on 7-OH, issued consumer warnings, sent warning letters to retailers, and conducted seizures of 7-OH-containing products. According to a July 2025 press release from the FDA, the FDA formally recommended that the DEA move 7-OH to Schedule I.

- 7) *State regulation of kratom.* According to a Legislative Analysis and Public Policy Association report, as of January 2026, 30 states and the District of Columbia regulate kratom or its components in some manner. In seven states (Alabama, Arkansas, Connecticut, Indiana, Louisiana, Vermont, and Wisconsin), both mitragynine and 7-OH are controlled substances, while the others regulate the possession, sale, or manufacture of kratom products. Within these states, most restrict kratom sales to adults 21 years of age or older, although seven states restrict kratom sales to those over 18. The legality of 7-OH also varies in these states: while Ohio and Florida have scheduled 7-OH as a controlled substance, eleven states have banned the sale of products containing 7-OH at greater than 1% to 2% of the product’s alkaloid content (Arizona, Colorado, Georgia, Kentucky, Maryland, Mississippi, Oklahoma, Rhode Island, South Dakota, Texas, and Utah) or which contain synthetic 7-OH (Nebraska, Tennessee, and South Carolina). Twenty states, including California, do not have laws regulating kratom.
- 8) *Kratom regulation in California.* While there is no specific California statute on kratom, the Sherman Law regulates the manufacturing, processing, labeling, advertising, and sale of food, drugs, and cosmetics under the administration and enforcement of CDPH in accordance with the Federal Food, Drug, and Cosmetic Act. CDPH, like the FDA, treats kratom-containing products as adulterated and thus illegal to sell for consumption. In January 2026, CDPH issued a memo to licensed tobacco retailers regarding a “Prohibition on the Sale of Kratom and 7-OH Products,” stating that the retail and online sale of kratom and 7-OH is illegal under Health and Safety Code §110555 (adulterated food). This letter does not make a

distinction between leaf kratom and 7-OH containing products. According to CDPH, the department has seized more than \$5 million in kratom and 7-OH products statewide and continues enforcement action, including retailer education, warnings, inspections, and legal actions, in collaboration with the California Department of Alcoholic Beverage Control and CDTFE.

CDPH's Center for Environmental Health is responsible for enforcing the Sherman Law, including product testing and seizure, along with certain counties with delegated enforcement authority (Los Angeles, Orange, and San Bernardino). Additionally, the California Retail Food Code provides counties and other local environmental health departments with authority to enforce food laws, including preventing the sale of adulterated food. However, the Retail Food Code only applies to retail food facilities, leaving most local public health agencies without the authority to enforce prohibitions on the sale of specific ingredients at gas stations and other locations.

To address this limited enforcement capacity based on state law, numerous counties and cities have enacted local ordinances to regulate or prohibit the sale of kratom and 7-OH. For example, Riverside County, Fresno County, and Orange County prohibit the sale and distribution of kratom products to those under 21 and prohibit products that contain more than 2% 7-OH by alkaloid fraction. The cities of Oceanside and Jurupa Valley prohibit the sale, distribution, and possession of all kratom products, and Newport Beach prohibits the sale and distribution of kratom leaf and synthetic alkaloid products. The City of San Diego defines mitragynine and 7-OH as novel psychoactive drugs and has prohibited the sale, distribution, or possession of these products.

- 9) *Double referral.* This bill is double referred. Should it pass out of this committee, it will be referred to the Senate Committee on Revenue and Taxation.
- 10) *Related legislation.* AB 634 (Jeff Gonzalez) prohibits a person or entity from manufacturing, distributing, or offering for sale in this state a product that contains tianeptine. Provides that a party found liable for a violation of is liable for a civil penalty brought by the Attorney General, a city attorney, or county counsel, not to exceed \$2,500 for the first violation and not to exceed \$5,000 for each subsequent violation. *AB 634 is set to be heard in this Committee on June 17, 2026.*
- 11) *Prior legislation.* AB 8 (Aguiar-Curry, Chapter 248, Statutes of 2025) requires products containing concentrated cannabinoids other than CBD isolate that are derived from industrial hemp to comply with provisions of the Medicinal and Adult-Use Cannabis Regulation and Safety Act, requires out-of-state hemp manufacturers to register with the state, reverts the cannabis excise tax rate to 15%, and expands the authority for state and local enforcement agencies to inspect, seize, and destroy unlawful cannabis products.

AB 2217 (Weber of 2024) would have prohibited a person or entity from manufacturing, selling, delivering, distributing, holding, or offering for sale, in commerce a food product for human consumption that contains tianeptine. AB 2217 would have made a violation of these provisions punishable by a civil penalty not to exceed \$5,000 for a first violation and not to exceed \$10,000 for each subsequent violation, upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney. *AB 2217 was not heard in the Assembly Health Committee.*

AB 2365 (Haney of 2024) would have enacted the Kratom Consumer Protection Program to provide a regulatory structure for kratom products that would have required manufacturers and distributors to register with CDPH, adhere to certain requirements that include having products tested, and prohibit the sale to persons under 21. *AB 2365 was held on the Senate Appropriations Committee suspense file.*

AB 2223 (Aguiar-Curry of 2024) would have permitted cannabis licensees to manufacture, distribute, or sell products that contain industrial hemp, and established additional restrictions on industrial hemp products containing tetrahydrocannabinol (THC) or comparable cannabinoids. *AB 2223 was held on the Senate Appropriations Committee suspense file.*

AB 45 (Aguiar-Curry, Chapter 576, Statutes of 2021) establishes a regulatory structure in CDPH for food, beverage and cosmetic products containing industrial hemp, and limited these products to containing no more than 0.3% concentration of THC.

SB 94 (Committee on Budget and Fiscal Review, Chapter 27, Statutes of 2017) establishes a single system of administration for cannabis laws in California, combining the Medicinal Cannabis Regulation and Safety Act with the Adult Use of Marijuana Act to create the MAUCRSA.

- 12) *Support.* The California Narcotic Officers' Association and individual member law enforcement groups write that, in the absence of state or federal regulation of kratom, this bill establishes common sense restrictions on unregulated natural kratom and its dangerous derivative, synthesized 7-hydroxymitragynine (7-OH) products. They make a distinction between kratom, which has been consumed traditionally for its mild energy and analgesic properties, and 7-OH products, which contain predominately synthetic 7-OH and poses risks of addiction, toxicity, and misuse. They share that 7-OH products are highly addictive with the potential for overdose and opioid withdrawal symptoms upon cessation of use. These groups believe this bill will better protect consumers and youth from dangerous products that have resulted in addiction and death in California and across the country.
- 13) *Support if amended.* The Global Kratom Coalition, an alliance of leaf kratom consumers, experts, and industry leaders, are in strong support of working to enact common sense regulations on natural kratom products while ensuring dangerous synthetic and semi-synthetic products, like concentrated synthetic 7-OH products, are no longer allowed to be sold. However, they believe there are still technical issues that require additional work and urge the Committee to ensure that this bill provides adequate safety measures for California consumers without placing undue burdens on natural kratom vendors.
- 14) *Opposition.* A coalition letter from the Hispanic Leadership Fund, Taxpayers' Protection Alliance, Consumer Choice Center, Students for Sensible Drug Policy, Consumer Action for a Strong Economy, Families for America, and End It for Good write that despite over 700 deaths listed on the FDA Adverse Event Reporting System associated with mitragynine, this bill singles out concentrated 7-OH products for an effective prohibition. These groups call for a non-criminalized regulatory framework that prioritizes consumer protections for all kratom products, including removing kratom products from any retail establishment that is not 21 and up, age verification, licensing requirements, labeling standards, independent testing, and transparent reporting of potency and ingredients, to preserve access to safer and more affordable options for those seeking wellness or struggling with addiction. The California Retail and Distribution Fairness Association writes that this bill would eliminate access to

products that many Californians use responsibly, potentially pushing consumers toward more dangerous alternatives. This bill would also negatively impact small businesses throughout California, including smoke shops, distributors, and manufacturers that have invested substantial resources into complying with existing regulations and serving their customers responsibly. Infused Partners, a kratom consulting firm, writes that this bill, while intended to create a regulatory structure for kratom, eliminates the entire kratom market due to the flavor restrictions and mitragynine caps that require kratom to be sold in costly packaging. They highlight that this bill incentivizes the sale of dangerous 7-OH derivatives and that prohibition-based approaches can drive consumers toward these more dangerous substances such as MGM-15. Individual kratom and 7-OH consumers also write to state that they use these products to manage chronic pain and that the drugs provide a sense of wellbeing. Some say that by using kratom, they can avoid using physician-prescribed opioids or illicit substances, and one individual reported a reduction in their marijuana and alcohol use with kratom and 7-OH use. Consumers claim a ban on 7-OH products would decrease their quality of life and ability to function as productive members of their families and communities.

- 15) *Oppose unless amended.* The Holistic Alternative Recovery Trust writes that this bill creates a rushed and incomplete regulatory structure for kratom and 7-OH that undermines state and federal action, leaves some synthetic kratom analogs completely unregulated, and creates a market advantage for some industry groups over others. They oppose the alkaloid caps that effectively ban 7-OH products specifically and encourage amendments that focus the bill on child safety and allows more time to develop a more comprehensive regulatory structure. Kreleaf, an online kratom retailer, writes that if this bill passes, many thousands of Californians will die because 7-OH products are a lifeline for those escaping opioid addiction and pain. By implementing an arbitrary 0.57mg cap on 7-OH per package, this bill risks driving consumers back to illicit opioids like fentanyl and heroin. The California Statewide Law Enforcement Association writes that allowing kratom products to remain available while banning only one or some of its active compounds creates a significant loophole that will undermine enforcement efforts and continue to expose consumers, especially minors, to harmful substances. Furthermore, they share that in their enforcement experience, many entities involved in the manufacture and distribution of synthetic intoxicants operate underground or unlicensed facilities and suggest that revenue projections associated with registration fees may fall short as businesses relocate operations out of state or shift production to unregistered facilities. They request that this bill be amended to clearly and explicitly prohibit both kratom and 7-OH to align the bill with the CDPH's position and ensure a consistent, enforceable framework that fully addresses the risks at issue.
- 16) *Letter of concern.* The Reason Foundation states that while they applaud the decision to reject an outright prohibition of kratom, the per-package limits in this bill are arbitrary and unworkable, effectively amounting to a category-wide product ban. They state that there is, on average, 16mg mitragynine and 0.1mg 7-OH in each gram of kratom, and that kratom products are often sold in bulk 28g packages, meant to be consumed over an extended period of time, which would be prohibited by this bill. They are concerned such caps will incentivize the proliferation of small, maximum-potency, disposable, single-serving kratom products, rather than kratom products designed for adults to use at home over time. They believe the alkaloid caps in this bill should instead be 40mg of mitragynine and 10mg of 7-OH per serving, which they claim reflects a science-based per-serving limit. The Cato institute writes that although this bill's testing requirements, labeling standards, and age restrictions can help protect consumers, the elimination of a legal market for concentrated 7-

OH products is unlikely to eliminate demand and may push consumers towards unregulated drugs. They write that California can better protect public health through regulation, education, harm-reduction measures, and access to treatment than through policies that effectively prohibit products for which consumer demand remains strong.

17) *Permitting sales of kratom is counter to current position of FDA.* A comprehensive regulatory structure around kratom products may signal that the state deems these products to be sufficiently safe for those 21 years of age or older, with an acceptable level of risk for dependence or misuse. Given that the FDA has determined there is insufficient safety data to support the marketing of kratom products even as dietary supplements, it may be premature for the state to take a position on the safety of kratom products. Similarly, the concentration limits established in this bill may be perceived as recommended serving sizes or safe dosages. This bill would put the state of California in the position of authorizing the sale of products both the FDA and CDPH have determined cannot be legally sold for human consumption.

SUPPORT AND OPPOSITION:

Support: Arcadia Police Officers' Association
 Brea Police Association
 Burbank Police Officers' Association
 California Association of School Police Chiefs
 California Coalition of School Safety Professionals
 California Narcotic Officers' Association
 California Reserve Peace Officers Association
 Claremont Police Officers Association
 Corona Police Officers Association
 County of Santa Barbara
 Culver City Police Officers' Association
 Fullerton Police Officers' Association
 League of California Cities
 Los Angeles School Police Management Association
 Los Angeles School Police Officers Association
 Murrieta Police Officers' Association
 Newport Beach Police Association
 Palos Verdes Police Officers Association
 Placer County Deputy Sheriffs' Association
 Pomona Police Officers' Association
 Riverside Police Officers Association
 Riverside Sheriffs' Association
 Several individuals

Oppose: California Retail and Distribution Fairness Association
 California Statewide Law Enforcement Association (unless amended)
 Consumer Action for a Strong Economy
 Consumer Choice Center
 End It for Good
 Families for America
 Hispanic Leadership Fund
 Holistic Alternative Recovery Trust (unless amended)
 Infused Partners

Kreleaf (unless amended)
Students for Sensible Drug Policy
Taxpayers Protection Alliance
Several individuals

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