Local Kratom Policy Considerations

Yolo County Board of Supervisors

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Joanna Locke, MD, MPH
Yolo County Health Officer

Brian Vaughn, MPH
HHSA Public Health Branch Director

What Is Kratom?

- Kratom is a tropical tree (Mitragyna speciosa).
- Its leaves contain mitragynine and 7-hydroxymitragynine (7-OH), which can produce stimulant-like effects at lower doses and opioid-like effects at higher doses.
- Kratom-related products are sold as powders, capsules, beverages, gummies, extracts, and concentrated formulations.
- Vast majority of kratom sales occur online and at smoke/vape shops



Why Is Kratom a Public Health Concern?

- Kratom use can lead to dependence, substance use disorder, and potentially serious adverse health effects.
- Kratom has not been established as a safe or effective treatment for opioid withdrawal or other medical conditions.
- Concentrated kratom extracts and 7-hydroxymitragynine (7-OH) products present additional risks due to their potency and opioid-like effects.
- Kratom has been identified in overdose deaths, often in combination with other substances.

Impacts of Kratom in Yolo County?

- Yolo County Public Health identified seven fatal overdoses involving kratom since 2017.
- Two involved kratom alone; five also involved other substances.
- Kratom products have been identified at local tobacco retailers.
- County Environmental Health lacks independent authority to enforce California's Sherman Law against these products.

Federal, State, and Local Policy Landscape

Federal: The FDA has not approved kratom for medical use or as a dietary supplement. The DEA has proposed Schedule I controls for concentrated 7-OH and related compounds.

California: State law prohibits the sale of kratom and 7-OH products intended for consumption. CDPH has primary enforcement authority under the Sherman Food, Drug, and Cosmetic Law.

Yolo County: Environmental Health does not currently have independent Sherman Law enforcement authority, limiting the County's ability to take direct enforcement action against retailers.

Other California Jurisdictions (local approaches vary):

- **TRL amendments:** Stockton has incorporated kratom restrictions into its existing tobacco retail licensing ordinance.
- **Standalone ordinances:** Fresno, Riverside, and San Mateo counties have adopted separate regulations restricting kratom sales.
- **Education and outreach:** Ventura County has emphasized retailer education and coordination with existing state enforcement efforts.

Yolo County Efforts to Date

- December 2025: Public Health sent letters to licensed tobacco retailers advising removal of kratom products
- Before the letter: Kratom products found in 18 of 70 inspections (26%)
- After the letter: Kratom products found in 2 of 40 inspections (5%)
- The results suggest retailer outreach had an impact, but outreach does not establish a direct local enforcement mechanism

Option #1 : Maintain the Current Approach

Approach

- Continue retailer education and outreach regarding existing state prohibitions.
- Refer suspected violations to the CDPH Food and Drug Branch for investigation and enforcement.

Opportunities

- Requires minimal additional County resources and infrastructure.
- Avoids duplicating existing state regulations.

Limitations

- Limited direct enforcement authority at the local level.
- Reliance on state enforcement priorities and resources may delay or limit local action.

Option #2: Amend the Existing TRL Ordinance

Approach

- Amend Yolo County's Tobacco Retail Licensing (TRL) ordinance to prohibit kratom sales by licensed tobacco retailers.
- Utilize existing TRL inspections, compliance processes, and enforcement mechanisms.

Opportunities

- Provides additional local enforcement authority over licensed tobacco retailers.
- Leverages existing regulatory infrastructure and retailer relationships.
- Could be expanded to address other emerging intoxicating substances.
- May facilitate consistent regulations across Yolo County if cities adopt similar provisions.

Limitations

- Existing state tobacco grant funds cannot be used for kratom enforcement.
- Limited to businesses covered by the TRL and generally to unincorporated Yolo County.

Option #3: Adopt a New Stand-Alone Ordinance

Approach

- Adopt a separate ordinance restricting or prohibiting local kratom sales.
- Establish independent enforcement authority and penalties.

Opportunities

- Could apply to a broader range of businesses beyond licensed tobacco retailers.
- Provides flexibility to address specific products, distribution methods, and emerging substances.
- Allows enforcement provisions tailored specifically to kratom.

Limitations

- Requires new administrative and enforcement infrastructure.
- Higher potential costs, staffing needs, and legal complexity.
- May duplicate existing state prohibitions and would generally apply only to unincorporated Yolo County.

Comparison of Local Kratom Policy Options

	Option 1: Education & State Enforcement	Option 2: Amend Existing TRL (Staff Recommendation)	Option 3: Standalone Ordinance
Approach	Continue education, outreach, and referrals to state agencies	Add kratom sales restrictions to existing TRL	Establish separate local kratom regulations
Retailer coverage	Countywide education; state enforcement	Licensed tobacco retailers	Broader range of retailers
Enforcement	Relies primarily on state authority	Local enforcement through TRL penalties	New local enforcement framework
Opportunities	Low cost; avoids duplicating state law	Uses existing infrastructure; could address emerging substances	Greatest flexibility; broader retailer coverage
Limitations	Dependent on state resources and priorities	Limited to TRL retailers; expands program responsibilities	Greater administrative burden and potential duplication
Resource/fiscal impact	Minimal additional resources	Additional resources needed; tobacco grant funds unavailable	Potentially significant new staffing and enforcement costs
Geographic reach	Countywide education and referrals	Unincorporated County; cities could adopt similar provisions	Unincorporated County; cities could adopt similar ordinances
Evidence of Effectiveness	Local experience suggests education and state enforcement can reduce retail availability; long-term impacts uncertain	TRLs have demonstrated effectiveness in improving tobacco retailer compliance;	Sales restrictions may reduce retail availability; limited evidence of effectiveness for kratom-specific ordinances

Next Steps

- Seek Board direction on the preferred policy approach.
- Staff will continue coordinating with state agencies on local education, outreach, and enforcement opportunities.
- Based on Board direction, staff will work with County Counsel to develop proposed TRL/ordinance language consistent with the Board's preferred policy approach.