


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: September 10, 2025

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 25-0002-S82
Assignment No: 25-09-0753

SUBJECT: AB 1088 (Bains) Public Health: Kratom

CLA RECOMMENDATION: Adopt Resolution (Padilla – McOsker) to include in the City’s 2025-2026 State Legislative Program SUPPORT for AB 1088 (Bains), which would add kratom products containing 7-hydroxymitragynine to the Sherman Food, Drug, and Cosmetic Law and prohibits the sale of kratom products and 7-hydroxymitragynine products to persons under 21 years of age.

SUMMARY

On August 26, 2025, the Resolution (Padilla – McOsker) was introduced in support for AB 1088 (Bains), which would add kratom products containing 7-hydroxymitragynine (7-OH) to the Sherman Food, Drug, and Cosmetic Law and prohibits the sale of kratom products and 7-OH products to persons under 21 years of age. The Resolution states that kratom is currently legal and accessible online and in stores in many areas of the United States. The Resolution further states the abuse of kratom has increased in recent years with several cases of psychosis being reported, where individuals addicted to kratom exhibited psychotic symptoms, including hallucinations, delusion, and confusion.

Therefore, the Resolution recommends support for AB 1088 (Bains), which would impose a series of regulations for kratom including prohibiting the sale of kratom products and 7-OH products to persons under 21 years of age, require the packaging of kratom products and 7-OH products to be child resistant, and prohibits the sale of a kratom product or 7-OH product that are attractive to children or that contain a level of 7-OH that exceeds 2% of the total kratom alkaloids in the product.

BACKGROUND

According to the Substance Abuse and Mental Health Services Administration’s National Survey on Drug Use and Health, an estimated 1.7 million Americans aged 12 and older used kratom in 2021. Kratom contains two major psychoactive ingredients, mitragynine and 7-OH, which interact with opioid receptors in the brain. When consumed in small doses kratom produces a mild stimulant effect, in moderate to high amounts kratom produces opioid like effects, but at a very high doses it acts like a sedative. Kratom is often used to self-treat conditions such as pain, coughing, diarrhea, anxiety and depression, opioid use disorder, and opioid withdrawal. The cost of Kratom is relatively inexpensive, selling for \$9 to \$20 per ounce on the internet. In 2019, the kratom industry generated \$1.3 billion in sales with estimates showing nearly 25 percent of kratom sales in California.

While these products are widely available and can be legally sold in states that have not banned kratom products, none have been approved by the Federal Drug Administration (FDA). According to the Drug Enforcement Administration, the abuse of kratom has increased in recent years with several cases of psychosis being reported, where individuals addicted to kratom exhibited psychotic symptoms, including hallucinations, delusion, and confusion. As a result, in 2022 the FDA named kratom a substance of concern and warns against using kratom due to the risk of opioid dependence and addiction.

As the use of kratom has rose in the United States, so have calls to poison control centers about kratom exposure. From 2011 to 2017, the national poison center reporting database documented 1,807 calls related to kratom exposure. Though the long-term effects of kratom use are not yet well understood, harmful contaminants such as heavy metals and disease-causing bacteria have been found in some kratom products.

Currently pending before the State Legislature is AB 1088 (Bains), which would add kratom products containing 7-hydroxymitragynine (7-OH) to the Sherman Food, Drug, and Cosmetic Law and prohibits the sale of kratom products and 7-OH products to persons under 21 years of age. The bill would also require the packaging of kratom products and 7-OH products to be child resistant and prohibits the sale of a kratom product or 7-OH product that are attractive to children or that contain a level of 7-OH that exceeds 2% of the total kratom alkaloids in the product.

BILL STATUS – AB 1088

02/20/25 Introduced

03/10/25 Referred to Committee on Health and Committee on Environmental Safety and Toxic Materials

04/21/25 Re-referred to Committee on Health

04/23/25 Re-referred to Committee on Health and Committee on Environmental Safety and Toxic Materials

05/21/25 Re-referred to Committee on Appropriations

06/03/25 In Senate

06/11/25 Referred to Committee on Health



Xochitl Ramirez

Analyst

SMT:xr

Attachment: 1. Resolution

RESOLUTION RULES, ELECTIONS, INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council; and

WHEREAS, kratom leaves contain two major psychoactive ingredients, mitragynine and 7-hydroxymitragynine, which interact with opioid receptors in the brain; and

WHEREAS, according to the National Institutes of Health Center for Complementary and Integrative Health (NCCIH), people may use kratom to try to overcome opioid addiction, however, kratom itself may have the potential to be addictive; and

WHEREAS, though the long-term effects of kratom use are not yet well understood, harmful contaminants such as heavy metals and disease-causing bacteria have been found in some kratom products; and

WHEREAS, kratom is currently legal and accessible online and in stores in many areas of the United States with estimates showing that nearly 25 percent of kratom sales are in California; and

WHEREAS, in 2016 the City of San Diego and the City of Oceanside banned the use and sale of kratom followed by the City of Newport Beach in 2024 who approved an ordinance to prohibit the sale and distribution of kratom; and

WHEREAS, according to the Drug Enforcement Administration, the abuse of kratom has increased in recent years with several cases of psychosis being reported, where individuals addicted to kratom exhibited psychotic symptoms, including hallucinations, delusion, and confusion; and

WHEREAS, AB 1088 (Bains) would add kratom products containing 7-hydroxymitragynine (7-OH products) to the Sherman Food, Drug, and Cosmetic Law and prohibits the sale of kratom products and 7- OH products to persons under 21 years of age; and

WHEREAS, the bill would also require the packaging of kratom products and 7-OH products to be child resistant and prohibits the sale of a kratom product or 7- OH product that are attractive to children or that contain a level of 7-OH that exceeds 2% of the total kratom alkaloids in the product;

NOW, THEREFORE, BE IT RESOLVED, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2025-2026 State Legislative Program SUPPORT for AB 1088 (Bains) which would add kratom products containing 7-hydroxymitragynine to the Sherman Food, Drug, and Cosmetic Law and prohibits the sale of kratom products and 7-hydroxymitragynine products to persons under 21 years of age.

PRESENTED BY: 
IMELDA PADILLA
Councilmember, 6th District

SECONDED BY: 


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