



COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT

Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

February 18, 2026

Dear Licensed Tobacco Retailer/Licensed Food Facilities:

This communication is intended to inform retailers about California's prohibition on the sale and marketing of kratom and 7-hydroxymitragynine (7-OH) products for human consumption. Under state law, these substances are considered adulterated and illegal when sold or promoted for consumption, regardless of how they are labeled or described.

The information below outlines what retailers need to know, their responsibilities under the law, and the steps they should take to remain compliant and protect public health.

Prohibition on the Sale of Kratom and 7-OH Products

What you need to know about kratom and 7-hydroxymitragynine (7-OH)

The U.S. Food & Drug Administration has labeled kratom, and its constituent 7-OH, as unapproved substances as a drug or a food additive. Therefore, any product which includes kratom or 7-OH for human consumption is considered an adulterated food or drug under California Health & Safety Code §110555 or §111295, respectively.

What does this mean for retailers?

The marketing or sale for human consumption of any product containing kratom or 7-OH is illegal in California, no matter the age of the customer, and regardless of labeling, disclaimers, or how the supplier describes the product.

Who enforces this?

The California Department of Public Health (CDPH) has statewide authority to embargo, seize, and impound illegal products. Retailers are responsible for ensuring products on their shelves comply with state and federal law.

What should you do now?

- **Review inventory and remove from sale** any products containing kratom or 7-OH intended for human consumption
- **Do not purchase, restock, or accept shipments** containing kratom or 7-OH intended for human consumption
- **Train staff** to prevent restocking or continued sales

Why this matters

Kratom and 7-OH products vary widely in potency and have been linked to addiction, serious health effects, overdoses, and deaths, especially when combined with other substances. Additional

regulation is likely as public health agencies continue to study these products and respond to their risks.

Learn more about the health risks of kratom and 7-OH consumption by visiting the County of San Luis Obispo County's Overdose Prevention website:
www.slocounty.ca.gov/Kratom.



The County of San Luis Obispo Health Agency is sharing this information to help retailers stay informed and in compliance. If you have questions or need clarification about kratom products, please contact Amy Gilman; email: agilman@co.slo.ca.us or tel: 805-781-4305.

Thank you very much,

A handwritten signature in black ink, appearing to read 'Penny Borenstein'.

Penny Borenstein, MD, MPH
Health Officer/Public Health Director
County of San Luis Obispo

7-OH & KRATOM: FAST FACTS

WHAT IS 7-OH AND KRATOM?

- Kratom leaves have been used as a pain reducer, sedative and stimulant
- 7-OH is a potent opioid made from concentrating a part of the Kratom plant
- Products are made in gummy, tablet, liquid, and powder form
- Often sold in convenience stores, gas stations, smoke shops, and online retailers



Note: product images are select illustrative examples and do not represent the full scope of Kratom or 7-OH products on the market.

MISLEADING HEALTH CLAIMS

- Marketed as 'natural' or 'herbal supplements' that can boost mood and energy, treat anxiety and pain
- Natural does not mean safe, especially when the product is altered to increase potency
- 7-OH is actually a potent opioid similar to prescription opioid medications or heroin

HEALTH RISKS



- 7-OH can be 13 times more potent than morphine
- 7-OH side effects include withdrawal symptoms, insomnia and anxiety, rapid heart rate, seizures, and fatal respiratory depression
- Rapid tolerance, dependence and addiction
- Overdose and death - **Naloxone works in case of overdose!**

IS IT LEGAL?

- 7-OH is not approved by the FDA as a food, drug, or dietary supplement, and is **not legal to manufacture or sell for consumption**
- 7-OH products are sold in retail outlets and online, often labeled as something other than a food, drug or dietary supplement, or marked "not for human consumption"
- Call the CDPH Complaint Hotline at (800)495-3232 to report unlawful sales of kratom and 7-OH products

PROTECT YOURSELF



- Avoid using products containing kratom or 7-OH (carefully read labels to avoid accidental use)
- Know the signs of overdose
- Carry naloxone (multiple doses may be needed) & give rescue breaths to reverse overdose
- Call (800) 838-1381 for access to treatment



COUNTY OF SAN LUIS OBISPO
HEALTH AGENCY

Funded by the California Department of Health Care Services through a contract to the California Overdose Prevention Network, a program of the Public Health Institute