Item 38/2026

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Lisa L. Kim	From:	Omar Sandoval
Dept:	City Manager	Dept:	City Attorney
		Date:	2/10/2026

Subject: Introduction and First Reading of an Ordinance adding Chapters 6.48 and 6.50 to Title 6 of the Garden Grove Municipal Code prohibiting the sale and distribution of kratom products and restricting the sale and distribution of nitrous oxide products. (Action Item)

OBJECTIVE

For the City Council to introduce an ordinance prohibiting the sale and distribution of kratom products and restricting the sale and distribution of nitrous oxide products.

BACKGROUND

After the adoption of regulations by the County restricting the sale and distribution of kratom and nitrous oxide products, and a report by Supervisor Janet Nguyen presented to the City Council, the City Council directed the City Attorney to prepare an ordinance establishing similar regulations to apply in the City.

Kratom

Kratom is a tropical tree native to Southeast Asia. Kratom leaves contain psychoactive compounds, including mitragynine and 7-hydroxymitragynine, which can produce stimulant effects at low doses and sedative effects at high doses. According to the Drug Enforcement Administration (DEA) and the National Institutes of Health (NIH), kratom use symptoms, dependence, and numerous side effects such as nausea, vomiting, sweating, tachycardia, seizures, hallucinations, and hepatotoxicity. According to the DEA, the abuse of kratom has increased markedly in recent years. Although kratom is often marketed for relief of pain, anxiety, opioid withdrawal, and fatigue, there are no FDA-approved medical uses for the substance. The FDA continues to monitor reports of adverse events, and current data suggest kratom's opioid-like properties may expose users to risks of addiction, abuse, and dependence. Kratom is not currently regulated at the federal level, nor is it prohibited statewide in California. An informational fact sheet regarding kratom prepared by the Orange County Health Care Agency is attached as Attachment 1.

Since the adoption of similar regulations in the County and nearby cities, the City has seen a proliferation of kratom products being displayed for sale, particularly in smoke shops, liquor stores, and gasoline convenience stores. Photos of kratom products found in City businesses are shown in Attachment 2.

Nitrous Oxide

Nitrous oxide, often referred to as "laughing gas", "NOX," or "whippets," is a colorless and odorless gas with legitimate applications in medical, dental, industrial, and food preparation. However, the recreational misuse and abuse of nitrous oxide is becoming a more prevalent public health issue in Orange County, driven by its low cost and easy retail access. According to the DEA, the recreational misuse and abuse of nitrous oxide can cause permanent vitamin deficiencies in the blood and can cause long-term neurological effects, including paralysis and death. An August 2025 Special Report of the Orange County Health Care Agency pertaining to nitrous oxide is attached as Attachment 3.

The possession and sale of nitrous oxide is currently regulated under California Penal Code sections 381b through 381e. The California Penal Code prohibits the possession of nitrous oxide with the intent to inhale for intoxication, makes it unlawful to sell or distribute nitrous oxide to anyone under the age of 18, requires those who sell or dispense the gas to maintain transaction records available for inspection, and makes it a misdemeanor to provide nitrous oxide to someone who is known or should reasonably be known to intend inhalation, particularly if such use results in great bodily harm or death.

DISCUSSION

The proposed ordinance attached as Attachment 4 will enact a prohibition on the sale and distribution of kratom products and will enact restrictions on the sale and distribution on Nitrous Oxide products.

The ordinance prohibits individuals or businesses from selling, offering, providing, distributing or storing kratom products for commercial purposes.

The ordinance prohibits any person from selling, offering, distributing or otherwise providing nitrous oxide to any other person, including any device to dispense or administer nitrous oxide, or any device that contains any quantity of nitrous oxide, subject to specific exemptions such as when contained in a food product for use as a propellant or for use in medical or dental practices, or when otherwise permitted under applicable law.

FINANCIAL IMPACT

There is no financial impact in the adoption of this ordinance.

RECOMMENDATION

It is recommended that the City Council:

- Introduce and conduct the first reading of an ordinance prohibiting the sale and distribution of kratom products and restricting the sale and distribution of nitrous oxide products, and pass it to second reading.

ATTACHMENT(S)

1. Orange County Health Care Agency Fact Sheet on Kratom
2. Orange County Health Care Agency Special Report on Nitrous Oxide
3. Photos of kratom products
4. Ordinance