



COUNTY OF SAN DIEGO  
2020 FEB -3 AM 11:42  
CLERK OF THE BOARD  
OF SUPERVISORS

# COUNTY OF SAN DIEGO

## BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

### AGENDA ITEM

**DATE:** February 11, 2020

**02**

**TO:** Board of Supervisors

#### **SUBJECT**

**DECLARING KRATOM A PUBLIC NUISANCE IN THE UNINCORPORATED AREA OF THE COUNTY (DISTRICTS: ALL)**

#### **OVERVIEW**

Kratom is a tropical tree native to Southeast Asia with leaves that contain compounds that can have psychotropic effects. Kratom is often marketed as a treatment for muscle pain, or to suppress appetite and stop cramps and diarrhea. Kratom is also sold as a treatment for panic attacks. Users claim it works for mood enhancement and fatigue reduction, but safety issues and questions about its effectiveness are a public safety concern.

According to the San Diego County Medical Examiner’s office, mitragynine, the active ingredient in Kratom, has been associated with 10 deaths from 2014 to 2018. The Federal Drug Administration (FDA) has issued alerts in 2012, 2014, and 2016, and they continue to warn consumers not to use Kratom. In addition to the FDA warnings, the City of San Diego banned the sale, possession, and distribution of Kratom in 2016. There are no FDA-approved uses for Kratom and it is not legally marketed in the United States as a drug or dietary supplement. Furthermore, current data suggest that certain substances in Kratom have opioid properties that expose users to the risks of addiction, abuse, and dependence.

Today’s action directs the Chief Administrative Officer to draft an ordinance amendment declaring mitragynine and hydroxyl-mitragynine, the active ingredients in Kratom, to be a public nuisance and subject to civil abatement in the unincorporated area.

#### **RECOMMENDATION**

**SUPERVISOR DIANNE JACOB, SHERIFF BILL GORE, AND DISTRICT ATTORNEY SUMMER STEPHAN:**

Direct the Chief Administrative Officer to return to the Board within 30 days with a proposed ordinance amendment declaring mitragynine and hydroxyl-mitragynine to be a public nuisance and subject to civil abatement in the unincorporated area.

**SUBJECT: DECLARING KRATOM A PUBLIC NUISANCE IN THE UNINCORPORATED AREA OF THE COUNTY (DISTRICTS: ALL)**

**FISCAL IMPACT**

N/A

**BUSINESS IMPACT STATEMENT**

N/A

**ADVISORY BOARD STATEMENT**

N/A

**BACKGROUND**

Kratom is a tropical tree native to Southeast Asia with leaves that contain compounds that can have psychotropic effects. Kratom is often marketed as a treatment for muscle pain, or to suppress appetite and stop cramps and diarrhea. Kratom is also sold as a treatment for panic attacks. Users claim it works for mood enhancement and fatigue reduction, but safety issues and questions about its effectiveness are a public safety concern.

In 2012, the Board of Supervisor’s approved an action declaring synthetic stimulants and cannabinoids a public nuisance in the unincorporated area. The action was necessary to provide us with every tool available to combat the unfortunate increasing popularity of dangerous stimulants being sold and used in our communities. Unfortunately, that action did not include the prohibition of mitragynine and hydroxyl-mitragynine, the active ingredients in Kratom.

According to the San Diego County Medical Examiner’s office, mitragynine, the active ingredient in Kratom, has been associated with 10 deaths from 2014 to 2018. The Federal Drug Administration (FDA) has issued alerts in 2012, 2014, and 2016, and they continue to warn consumers not to use Kratom. In addition to the FDA warnings, the City of San Diego banned the sale, possession, and distribution of Kratom in 2016. There are no FDA-approved uses for Kratom and it is not legally marketed in the United States as a drug or dietary supplement. Furthermore, current data suggest that certain substances in Kratom have opioid properties that expose users to the risks of addiction, abuse, and dependence.

Today’s action directs the Chief Administrative Officer to draft an ordinance amendment declaring mitragynine and hydroxyl-mitragynine, the active ingredients in Kratom, to be a public nuisance and subject to civil abatement in the unincorporated area.

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today’s proposed action supports the Living Safely Strategic Initiative in the County of San Diego’s 2019-2024 Strategic Plan by drafting an ordinance amendment declaring mitragynine and hydroxyl-mitragynine, the active ingredients in Kratom, to be a public nuisance and subject to civil abatement in the unincorporated area.

**SUBJECT: PROHIBITING KRATOM IN THE UNINCORPORATED AREA OF THE COUNTY (DISTRICTS: ALL)**

Respectfully submitted,



DIANNE JACOB  
Supervisor, Second District



WILLIAM GORE  
Sheriff



SUMMER STEPHAN  
District Attorney

**ATTACHMENT(S)**

N/A

**SUBJECT: DECLARING KRATOM A PUBLIC NUISANCE IN THE UNINCORPORATED AREA OF THE COUNTY (DISTRICTS: ALL)**

**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:**          Yes        No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**  
    Yes        No

**PREVIOUS RELEVANT BOARD ACTIONS:**  
N/A

**BOARD POLICIES APPLICABLE:**  
N/A

**BOARD POLICY STATEMENTS:**  
N/A

**MANDATORY COMPLIANCE:**  
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):**  
N/A

**ORIGINATING DEPARTMENT:** Board of Supervisors, District 2

**OTHER CONCURRENCE(S):**    Sheriff, District Attorney

**CONTACT PERSON(S):**

Robert Spanbauer  
Name  
619-531-5522  
Phone  
Robert.spanbauer@sdcounty.ca.gov  
E-mail

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Phone  
\_\_\_\_\_  
E-mail