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January 6, 2026

The Honorable Jesse Arreguín
Chair, Senate Public Safety Committee
1020 N Street, Room 545
Sacramento, CA 95814

Re: SB 758 (Umberg), Prohibiting the sale of kratom and nitrous oxide - SUPPORT

Dear Senator Arreguín,

I am writing on behalf of the Kern County Board of Supervisors to express our strong support for SB 758 (Umberg), which proposes to prohibit the sale of kratom and nitrous oxide (N₂O) products in California. Kern County is on the front lines of the addiction and overdose crisis, and our communities urgently need statewide action to close dangerous retail loopholes that are harming youth, undermining recovery, and burdening local public health and safety systems.

Kratom, marketed as a “natural” remedy, contains psychoactive alkaloids (mitragynine and 7-hydroxymitragynine). The U.S. Food and Drug Administration (FDA) has made clear there are no approved medical uses for kratom, it is not lawfully marketed as a dietary supplement or food, and the agency warns consumers not to use kratom for medical treatment¹. FDA further highlights the higher opioid potency of 7-hydroxymitragynine and ongoing enforcement actions against products infused with this alkaloid.

Similarly, the Drug Enforcement Administration lists kratom as a “Drug and Chemical of Concern,” noting stimulant and opioid-like effects, documented adverse events, dependence, withdrawal, and psychosis².

Despite these federal warnings, kratom products are widely sold in corner stores, vape shops, and gas stations, often with youth-appealing branding, variable potency, and no reliable safeguards. The result is predictable: experimentation among young people, relapse risks for individuals in recovery, and increased community harms.

Nitrous oxide misuse is also surging as large, candy flavored cylinders (“whippets” or “whip-its”) flood retail outlets and online vendors with minimal age verification. These products are often

¹ <https://www.fda.gov/news-events/public-health-focus/fda-and-kratom>

² <https://www.dea.gov/sites/default/files/2025-01/Kratom-Drug-Fact-Sheet.pdf>

marketed in brightly colored containers with names such as “Galaxy Gas”, “Miami Magic”, “Infuzd”, and “Space Gas” among others. Public health reports associate N₂O misuse with oxygen displacement, B-12 depletion, neurological injury, paralysis, falls and crashes, and even death. Recent analyses show a sharp national rise in fatalities linked to misuse. California counties and cities, including Orange County jurisdictions and Laguna Niguel, have begun adopting ordinances to curtail sales or distribution, but the current patchwork is insufficient.

Here at home, Kern County continues to fight the opioid epidemic. While 2025 provisional data show declines, fentanyl remains a leading cause of death for adults under 45, underscoring the need to reduce gateway and relapse risks posed by unregulated psychoactive products like kratom and easily accessible inhalants like N₂O.

Local governments, including ours, have limited tools to address retail sales when products are not scheduled or uniformly regulated under state law. SB 758 would provide a clear, statewide standard that prevents back-door distribution, reduces youth access, and relieves counties from chasing storefront bans city-by-city.

This bill will stop retail sales of kratom and nitrous oxide that exploit loopholes, target youth, and threaten recovery, create statewide uniformity, ending the patchwork that pushes sales across city boundaries and undermines local enforcement, and protect legitimate, professional uses (medical/dental anesthesia and lawful culinary applications) while curbing misuse and illicit retail marketing practices.

A statewide prohibition on the sale of kratom and nitrous oxide is a common-sense public health measure that will save lives, fortify recovery, and support local enforcement. For these reasons, the Kern County Board of Supervisors strongly supports SB 758 and urges you to vote YES on this measure when it comes before your Committee.

Sincerely,



Phillip Peters, Chairman
Kern County Board of Supervisors

cc: Honorable Members, Senate Public Safety Committee
The Honorable Tom Umberg, California Senate District 34
Honorable Members, Kern Legislative Delegation
Kern County Public Health Department
Kern County Behavioral Health and Recovery Services
Shaw Yoder Antwih Schmelzer & Lange