

NOTICE OF PROPOSED ADOPTION OF ORDINANCE NO. 2015

PLEASE TAKE NOTICE that on September 28, 2026, at 6:00 p.m. in the Council Chambers, Upland City Hall, 460 North Euclid Avenue, Upland, California, the City Council of the City of Upland shall consider the adoption of Ordinance No. 2015, entitled "An Ordinance of the City Council of the City Of Upland, California Adding Chapter 9.50 (Flavored Tobacco; Nitrous Oxide; Kratom Products) to Title 9 (Public Peace And Welfare) of the Upland Municipal Code, Regulating the Sale of Flavored Tobacco, Oil Burners, Nitrous Oxide, and Kratom Products within the City". The aforementioned ordinance was introduced for first reading on September 14, 2026, by the City Council. A summary of that Ordinance is as follows:

Summary of Ordinance No. 2015

Ordinance No. 2015 would add Chapter 9.50 to Title 9 of the Upland Municipal Code to regulate the sale and distribution of flavored tobacco products and tobacco product flavor enhancers, oil burners, nitrous oxide and nitrous oxide devices, and kratom and 7-OH products.

Specifically, the Ordinance would prohibit the sale, display for sale, or possession with intent to sell flavored tobacco products and tobacco product flavor enhancers. It would create rebuttable presumptions regarding intent to sell and whether a product has a characterizing flavor. It would also prohibit tobacco retailers from selling or displaying oil burners or colored glass oil burner pipes. The Ordinance would generally prohibit the sale or distribution of nitrous oxide and nitrous oxide devices, subject to specified lawful-use exemptions, including food, wholesale, vehicle-performance, medical, dental, and pharmacy uses.

The Ordinance would also prohibit the sale or distribution of kratom or 7-OH products to persons under 21 years of age, products containing more than two percent 7-OH by total kratom alkaloids, products attractive to children, and products containing synthesized or semi-synthesized kratom alkaloids or constituents. Violations would constitute misdemeanors and public nuisances and could result in civil enforcement, daily civil penalties of \$250 to \$1,000, and applicable business and tobacco retailer license revocation. The Ordinance would provide appeal procedures and escalating waiting periods before a new tobacco retailer license may issue after successive revocations. It would take effect 30 days after adoption.

A certified copy of the entirety of the text of Ordinance No. 2015, together with the Code to be adopted thereby, is available in the office of the City Clerk, Upland City Hall, 460 North Euclid Avenue, Upland, California, and is open for public inspection at that location.

A certified copy of the entirety of the text of Ordinance No. 2015, together with the Code to be adopted thereby, is available in the office of the City Clerk, Upland City Hall, 460 North Euclid Avenue, Upland, California, and is open for public inspection at that location.

Keri Johnson, CMC, CPMC
Upland City Clerk