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CONTACT: Zack Kaldveer, zkaldveer@phi.org, 510-938-2664

New California Data Finds Psychoactive Products Widely Available at Smoke Shops, Many Near Schools

Half of smoke shops visited carried kratom or 7-OH; a quarter had laughing gas and mushroom products were also common, while intoxicating hemp availability was low following California crackdown

OAKLAND, CA — Smoke shops across California are selling an array of psychoactive products that pose serious health risks and are readily accessible to young people, according to a new field survey of 86 retailers in 23 California communities.

The new policy brief, "[Searchlight on Smokeshops](#)," from Getting it Right from the Start at the Public Health Institute and the San Fernando Valley Partnership, working with 13 community partners, found kratom and/or the more potent 7-OH in 49% of all retailers visited—and 56% of smoke shops specifically. Nitrous oxide, or laughing gas, was observed in 24% of retailers, while 19% carried psychoactive mushroom products. Many of the stores were close to places where young people spend their days. Thirty-seven percent were within four blocks of a school or college, including 15% within just one or two blocks.

"Having a tobacco license is not a license to sell drugs to kids," said **Lynn Silver, MD, MPH, senior advisor at the Public Health Institute and director of Getting it Right from the Start**. "California has shown with intoxicating hemp that strong public health rules and enforcement can make a real difference. We need to sustain that urgency nationally for intoxicating hemp and extend it to the other addictive and potentially dangerous products now appearing on smoke-shop shelves."

The findings point to real progress in getting intoxicating hemp products off store shelves. After such products had become widely available, Gov. Gavin Newsom imposed emergency restrictions on their sale in September 2024, which were strengthened in 2025. Intoxicating hemp was observed in just 9% of retailers visited in the new survey—a finding the authors say suggests California's prohibition and enforcement may have substantially reduced availability.

But researchers warn that other psychoactive products are now common in the smoke-shop marketplace. Kratom and 7-OH act on opioid receptors and can be addictive; recreational nitrous oxide use can cause serious neurological injury, burns and death; and products sold as psychedelic mushrooms can cause significant impairment, psychosis, and other adverse health effects. Although the state of California reported 99% compliance for hemp and 97.75% for kratom and 7-OH on September 2, that data was limited to inspections of

alcohol licensees. It appears that these products continue to be sold far more frequently at tobacco retailers and that similar robust enforcement is needed for tobacco retailers.

“What we saw should concern parents and communities,” said **Albert Melena, executive director of the San Fernando Valley Partnership**. “Smoke shops and other retail establishments are selling an increasingly changing mix of psychoactive and intoxicating products, often located near schools and other places where young people gather. As new products emerge faster than state and federal regulatory systems can respond, local governments have an important role in protecting communities. Cities and counties can use their local control authority to address emerging products, close regulatory gaps, and reduce youth exposure and access.”

The findings come as California has another opportunity to address psychoactive products sold through tobacco retailers. [SB 936 \(Sen. Blakespear\)](#), which [passed the Legislature](#) unanimously, would prohibit tobacco retailers from selling nitrous oxide and restrict large, flavored and direct-inhalation nitrous oxide products while preserving legitimate medical, dental, culinary and other uses.

The brief calls on Gov. Gavin Newsom to sign the legislation. It also recommends:

- **Strengthening enforcement** of existing California restrictions on intoxicating hemp, kratom/7-OH and psychoactive mushroom products;
- **Making sales of a broader range of psychoactive substances a violation** of state and local tobacco retailer licenses with significant penalties;
- **Supporting the federal prohibition** on intoxicating hemp scheduled to take effect November 12, 2026;
- **Encouraging local governments** to use their regulatory and enforcement authority to stop these sales.

The authors emphasize that enforcement should focus on sellers, not users.

The survey was conducted from April 28 through July 20, 2026, by trained volunteer observers from nonprofit organizations and from local health departments who visited 86 retailers in 23 California communities, including 54 smoke/vape shops; all but one hemp store were tobacco retailers. The authors caution that the convenience sample is a field snapshot, not a statewide prevalence estimate, and that observers were not conducting official inspections and therefore could not always detect products hidden from view.

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Getting it Right from the Start, a project of the Public Health Institute, works with states, cities, counties and community partners to develop evidence-based model policies and provide guidance on cannabis policies that can help reduce harms, protect against youth and problem cannabis use, and advance social equity

San Fernando Valley Partnership is a nonprofit organization dedicated to building healthy, safe, and drug-free communities throughout Los Angeles County. Guided by the Strategic Prevention Framework (SPF), SFVP works to identify and address the underlying conditions that contribute to substance misuse. Through community engagement, capacity building, environmental prevention strategies, policy and systems change, SFVP helps communities develop sustainable solutions that reduce risk, strengthen protective factors, and promote long-term health and well-being.