

ORDINANCE NO. 26-_____

AN ORDINANCE
AMENDING TITLE 3 (BUSINESS AND LICENSE REGULATIONS),
CHAPTER 3 (LIQUOR AND TOBACCO CONTROL),
SECTION 3 (DEFINITIONS),
SECTION 12 (ADDITIONAL LIQUOR LICENSE RESTRICTIONS), AND
SECTION 14 (PROHIBITED ACTS AND CONDITIONS); AND
CHAPTER 6 (RETAIL DEALERS AND ESTABLISHMENTS),
ARTICLE A (CIGARETTE AND TOBACCO DEALERS)
OF THE NAPERVILLE MUNICIPAL CODE

RECITALS

- A. **WHEREAS**, kratom (*Mitragyna speciosa*) is an herbal extract and psychoactive substance containing alkaloids such as mitragynine and 7-hydroxymitragynine, which produce stimulant-like or opioid-like effects and present a potential for addiction and psychological dependence; and
- B. **WHEREAS**, the U.S. Food and Drug Administration (FDA) has not approved kratom for any medical use and has issued multiple public health warnings regarding its safety risks, including reports of seizures, liver damage, addiction, and overdose deaths associated with its consumption; and
- C. **WHEREAS**, retail markets have been flooded with adulterated, highly concentrated, or synthetically altered kratom derivatives (such as enhanced 7-OH products) that exponentially increase toxicity and public health dangers; and
- D. **WHEREAS**, numerous municipalities have responded to these risks by enacting complete retail bans or imposing severe restrictions on the sale of kratom in the interest of public safety; and
- E. **WHEREAS**, pursuant to its home rule powers, the City of Naperville is authorized to enact local regulations that address emerging public health hazards and protect residents from dangerous, and unregulated substances; and
- F. **WHEREAS**, the City of Naperville has determined that prohibiting the retail sale of kratom within municipal boundaries is a necessary exercise of its home rule authority to reduce risks to public health and safety.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals incorporated. The foregoing Recitals are hereby incorporated in this Section 1 as though fully set forth herein.

SECTION 2: Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 3 (Definitions) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language as follows:

3-3-3: - DEFINITIONS: For the purposes of this Chapter, the following words and phrases shall have the following meanings:

<u>ALCOHOL VAPORIZER</u>	<u>A device that is designed, manufactured, or promoted to mix alcoholic liquor with oxygen, air, or another gas to produce a mist or vapor intended for recreational inhalation.</u>
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ALCOHOLIC LIQUOR through
KNOWINGLY * * *

KRATOM	Any parts of the plant Mitragna speciosa, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, including, but not limited to mitragynine and 7-hydroxymitragynine.
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LEGAL GUARDIAN through
PARENT * * *

PALCOHOL:	Any powder or crystalline substance containing alcohol, produced for human consumption.
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PERSON OF NONAGE through
PHARMACY * * *

<u>POWDERED ALCOHOL</u>	<u>Any powder or crystalline substance containing alcohol, as defined in section 1-3.01 of the Illinois Liquor Control Act (235 ILCS 5/1-3.01, as amended), produced for human consumption.</u>
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RECKLESSLY through
SMALL BATCH WHISKEY

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SMOKING ALCOHOL INHALATION:	A process by which ethanol or alcoholic liquor is inhaled directly into the respiratory system using a vaporizing or nebulizing device.
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SPECIALTY MARKET through
SPIRITS

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SYNTHETIC ALTERNATIVE DRUG:	Any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, as those terms are defined herein.
SYNTHETIC CANNABINOID:	Any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to any quantity of a natural or synthetic material, compound, mixture, preparation, substance and analog containing a cannabinoid receptor agonist, such as those found in the Schedules of Article II of the Illinois Control Substances Act (720 ILCS 570/201 et seq.).
SYNTHETIC PSYCHEDELIC/HALLUCINOGEN:	Any compound that mimics the effects of a federally controlled Schedule I substance, including, but not limited to a natural or synthetic material, compound, mixture, preparation, substance and analog containing substances which have a hallucinogenic effect on the central nervous system and/or brain, as found in the Schedules of Article II of the Illinois Control Substances Act (720 ILCS 570/201 et seq.).
SYNTHETIC STIMULANT:	Any compound that mimics the effects of a federally controlled Schedule I substance like cathinone, methcathinone, MDMA and MDEA, including, but not limited to, a natural or synthetic material, compound, mixture, preparation, substance and analog containing substances which have a stimulant effect on the central nervous system, as found in the Schedules of Article II of the Illinois Control Substances Act (720 ILCS 570/201 et seq.).

TASTING through
TAVERN

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TETRAHYDROCANNABINOL:	Including without limitation, the following: (a) Delta-1 cis or trans tetrahydrocannabinol, (b) Delta-6 cis or trans tetrahydrocannabinol, and its optical isomers; (c) Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers; (d) Delta-10 cis or trans tetrahydrocannabinol, and its optical isomers; (e) Delta-8 tetrahydrocannabinol acetate ester; (f) Delta-9 tetrahydrocannabinol acetate ester; (g) Delta-6a, 10a tetrahydrocannabinol acetate ester; (h) Delta-10 tetrahydrocannabinol acetate ester; (i) A product derived from industrial hemp that was produced as a result of a chemical process that converted the industrial hemp or a substance contained in the industrial hemp into Delta-8, Delta-9, Delta-6a, 10a, or Delta-10 tetrahydrocannabinol including their respective acetate esters; and (j) Any other psychoactive substance derived therein.
TETRAHYDROCANNABINOL PRODUCT:	Any product containing tetrahydrocannabinol used for human consumption.

THIRD-PARTY PROMOTER through
WINE OR VINOUS BEVERAGES

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SECTION 3: Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 12 (Additional Liquor License Restrictions) of the Naperville Municipal Code is hereby amended by deleting the stricken language as follows:

3-3-12: - ADDITIONAL LIQUOR LICENSE RESTRICTIONS:

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|---|---|---|---|
| 1. Liquor Sales and Service Hours: | * | * | * |
| 2. Refilling Original Liquor Packages: | * | * | * |
| 3. Quantity Sales For On Premises Liquor Consumption: | * | * | * |
| 3.1. Promotional Drinks: | * | * | * |
| 3.2. Happy Hours Prohibited: | * | * | * |

~~3.3. Palcohol And Smoking Alcohol:~~

~~3.3.1. No person shall sell, offer for sale, deliver, receive, possess, or purchase for resale in the City any product consisting of or containing powdered alcohol.~~

~~3.3.2. It shall be unlawful to advertise, use, sell, give away, possess, or deliver smoking alcohol.~~

4. Third-Party Promoters:	*	*	*
5. Political Campaign Contributions Prohibited:	*	*	*
6. Service of Shots:	*	*	*
7. Downtown Establishments:	*	*	*
8. Liquor Confinement:	*	*	*
9. Location Restrictions:	*	*	*
10. Sanitary Conditions:	*	*	*

SECTION 4: Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 14 (Prohibited Acts and Conditions) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language as follows:

3-3-14: - PROHIBITED ACTS AND CONDITIONS:

1.	*	*	*
2.	*	*	*
3.	*	*	*
4.	*	*	*
5.	*	*	*
6.	*	*	*

7.	*	*	*
8.	*	*	*
9.	*	*	*
10.	*	*	*
11.	*	*	*
12.	*	*	*
13.	*	*	*
14.	*	*	*

15. It shall be unlawful to sell, offer for sale, distribute, deliver, purchase, or possess Powdered Alcohol ~~synthetic alternative drugs, alcohol, or an Alcohol Vaporizer.~~

16.	*	*	*
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~~17. It shall be unlawful for any business to sell, offer for sale, give away, or deliver kratom or a product containing kratom by any means to any person under the age of twenty-one (21) years.~~

~~18. It shall be unlawful for any person under the age of eighteen (18) years to purchase, possess, or use kratom or any product containing kratom.~~

~~19. It shall be unlawful for any business to sell, offer for sale, give away, or deliver a tetrahydrocannabinol product by any means to any person under the age of twenty-one (21) years.~~

~~20. It shall be unlawful for any person under the age of twenty-one (21) years to purchase, possess, or use a tetrahydrocannabinol product.~~

SECTION 5: Title 3 (Business and License Regulations), Chapter 6 (Retail Dealers and Establishments), Article A (Cigarette Dealers and Establishments) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language as follows:

ARTICLE A. - CIGARETTE AND TOBACCO DEALERS RESTRICTIONS ON KRATOM, ALTERNATIVE SYNTHETIC DRUGS, TETRAHYDROCANNABINOL, AND SIMILAR PRODUCTS

3-6-A1: - DEFINITIONS: For the purposes of this Article, the following definitions apply:

<u>KRATOM</u>	<u>Any parts of the plant Mitragyna speciosa, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, including, but not limited to mitragynine and 7-hydroxymitragynine.</u>
<u>SYNTHETIC ALTERNATIVE DRUG:</u>	<u>Any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, as those terms are defined herein.</u>
<u>SYNTHETIC CANNABINOID:</u>	<u>Any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to any quantity of a natural or synthetic material, compound, mixture, preparation, substance and analog containing a cannabinoid receptor agonist, such as those found in the Schedules of Article II of the Illinois Control Substances Act (720 ILCS 570/201, as amended).</u>
<u>SYNTHETIC PSYCHEDELIC/HALLUCINOGEN:</u>	<u>Any compound that mimics the effects of a federally controlled Schedule I substance, including, but not limited to a natural or synthetic material, compound, mixture, preparation, substance and analog containing substances which have a hallucinogenic effect on the central nervous system and/or brain, as found in the Schedules of Article II of the Illinois Control Substances Act (720 ILCS 570/201, as amended).</u>
<u>SYNTHETIC STIMULANT:</u>	<u>Any compound that mimics the effects of a federally controlled Schedule I substance like cathinone, methcathinone, MDMA and MDEA, including, but not limited to, a natural or synthetic material, compound, mixture, preparation, substance and analog containing substances which have a stimulant effect on the central nervous system, as found in the Schedules of Article II of the Illinois Control Substances Act (720 ILCS 570/201, as amended).</u>

TETRAHYDROCANNABINOL:	Including without limitation, the following: (a) Delta-1 cis or trans tetrahydrocannabinol, (b) Delta-6 cis or trans tetrahydrocannabinol, and its optical isomers; (c) Delta-3.4 cis or trans tetrahydrocannabinol, and its optical isomers; (d) Delta-10 cis or trans tetrahydrocannabinol, and its optical isomers; (e) Delta-8 tetrahydrocannabinol acetate 8 ester; (f) Delta-9 tetrahydrocannabinol acetate 10 ester; (g) Delta-6a, 10a tetrahydrocannabinol acetate ester; (h) Delta-10 tetrahydrocannabinol acetate ester; (i) A product derived from industrial hemp that was produced as a result of a chemical process that converted the industrial hemp or a substance contained in the industrial hemp into Delta-8, Delta-9, Delta-6a, 10a, or Delta-10 tetrahydrocannabinol including their respective acetate esters; and (j) Any other psychoactive substance derived therein.
TETRAHYDROCANNABINOL PRODUCT:	Any product containing tetrahydrocannabinol used for human consumption.

3-6-A2: - LIMITATIONS ON THE SALE AND DISTRIBUTION OF SUBSTANCES AND PRODUCTS:

1. Kratom Ban: It shall be unlawful for any business to sell, offer for sale, distribute, or deliver Kratom or any product containing Kratom.
2. Synthetic Alternatives Ban: It shall be unlawful to sell, offer for sale, distribute, or deliver Synthetic Alternative Drugs.
3. Tetrahydrocannabinol Age Restriction: It shall be unlawful for any business to sell, offer for sale, distribute, or deliver Tetrahydrocannabinol or any product containing Tetrahydrocannabinol to any person under the age of twenty-one (21) years.

3-6-A3: - AGE LIMITATIONS ON THE PURCHASE AND POSSESSION OF SUBSTANCES AND PRODUCTS:

1. Kratom: It shall be unlawful for any person under the age of eighteen (18) years to purchase, possess, or use Kratom or any product containing Kratom.
2. Tetrahydrocannabinol: It shall be unlawful for any person under the age of twenty-one (21) years to purchase, possess, or use Tetrahydrocannabinol or a product containing Tetrahydrocannabinol.

SECTION 6: Authorization for Technical and Minor Revisions. The City Attorney is hereby authorized to make such technical, conforming, and minor substantive revisions to this Ordinance and to the Naperville Municipal Code as may be necessary or appropriate to carry out the intent and purpose of this Ordinance. Such revisions may include making changes consistent with the legislative intent, all without further action by the Mayor and City Council; provided, however, that no revision shall materially alter the substantive meaning or intent of this Ordinance without the prior approval of the Council.

SECTION 7: Savings Clause. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, illegal, or unenforceable by a court of competent jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision or application of this Ordinance, which can be given effect without the invalid, illegal, or unenforceable provision or application. The provisions of this Ordinance are declared severable.

SECTION 8: Effective date. This Ordinance shall take full force and effect upon its passage and approval, in accordance with law, and shall be effective as of September 18, 2026.

PASSED this _____ day of _____, 2026.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2026.

ATTEST:

Scott A. Wehrli, Mayor

Dawn C. Portner, City Clerk