

ORDINANCE NO. 19-_____

**AN ORDINANCE AMENDING TITLE 3 (BUSINESS AND LICENSE REGULATIONS),
CHAPTER 3 (LIQUOR AND TOBACCO CONTROL), SECTION 3 (DEFINITIONS) AND
SECTION 14 (PROHIBITED ACTS)
OF THE NAPERVILLE MUNICIPAL CODE**

WHEREAS, the Mayor and the City Council of the City of Naperville, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety and welfare of its citizens; and

WHEREAS, kratom is a substance that affects the same opioid brain receptors as morphine and appears to have properties that expose users to the risks of addiction, abuse, and dependence; and

WHEREAS, kratom that has no FDA-approved uses, is listed by the DEA as a “drug of concern,” and the FDA warns consumers not to use any products labeled as containing the botanical substance kratom or its psychoactive compounds, mitragynine and 7-hydroxymitragynine; and

WHEREAS, Illinois state law (Kratom Control Act) prohibits a minor under 18 years of age from purchasing or possessing kratom; and

WHEREAS, the City of Naperville desires to enact an ordinance to update its codes to place restrictions on the retail sale of kratom; and

WHEREAS, in exercise of its home-rule authority, the City, through its Mayor and City Council, has found and determined that amending the City Code to make regulations regarding the sale of kratom within the City is in the best interest of the City's citizens;

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: 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 as follows:

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

ALCOHOLIC LIQUOR through KNOWINGLY * * *

KRATOM:	Any parts of the plant <u>Mitragyna speciosa</u> , 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 WINE OR VINOUS BEVERAGE * * *

SECTION 2: 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 as follows:

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

1.-17. * * *

18. 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.

19. 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.

SECTION 3: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk