



Legislation Details (With Text)

File #: 19-834 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 8/26/2019 **In control:** City Council

On agenda: 9/3/2019 **Final action:** 9/3/2019

Title: Pass the ordinance amending Sections 3-3-3 and 3-3-14 of the Naperville Municipal Code by placing age restrictions on the sale and possession of kratom.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. June 7, 2018 Liquor Commission Minutes, 3. 360 Youth Services Report, 4. August 9, 2018 Liquor Commission Minutes

| Date | Ver. | Action By | Action | Result |
|----------|------|--------------|--------|--------|
| 9/3/2019 | 1 | City Council | passed | Pass |

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance amending Sections 3-3-3 and 3-3-14 of the Naperville Municipal Code by placing age restrictions on the sale and possession of kratom.

DEPARTMENT: Legal Department

SUBMITTED BY: Jennifer Lutzke, Senior Assistant City Attorney

BOARD/COMMISSION REVIEW:

On August 9, 2018, the Liquor Commission unanimously recommended banning the retail sale of kratom.

BACKGROUND:

Kratom comes from the leaves of a tropical evergreen plant in the coffee family that, according to the U.S. Food and Drug Administration (“FDA”), grows naturally in Thailand, Malaysia, Indonesia and Papua New Guinea. Kratom can be brewed like a tea, crushed into power, smoked, snorted, or taken as a tablet or capsule. Kratom has been used as mood buster, energy supplement, and pain reliever. Proponents contend it assists with opioid addiction, but the FDA has warned people to avoid using kratom, saying “there’s no evidence to indicate that kratom is safe or effective for any medical use.”

Kratom has no FDA-approved uses, is listed by the U.S. Drug Enforcement Agency 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. Several states, including Indiana and Wisconsin, have banned kratom. Legislation was introduced in Illinois to ban kratom, but it did not advance. Illinois currently bans the sale to or possession of kratom by minors. Two other Illinois municipalities, Alton and Jerseyville, have banned kratom. The City’s Code does not prohibit the sale of kratom, but the City, under its home rule authority, can enact such

prohibition. In considering whether to place restrictions on kratom, consideration should be given to health, safety and welfare concerns.

DISCUSSION:

On June 7, 2018, the Liquor Commission reviewed a request to open a business specializing in the sale of kratom and cannabidiol. Safety concerns were raised regarding kratom and staff was directed to do additional research. At the next meeting, on August 9, 2018, a representative from the Naperville Chamber of Commerce voiced concerns about similarities between kratom and opioids. 360 Youth Services echoed similar worries about addictive effects. Following review of the information provided, the Liquor Commission unanimously recommended that staff draft an ordinance banning the retail sale of kratom for consideration by City Council. The petitioner decided not to open his business in Naperville, but other businesses have started selling kratom.

Liquor Commission meeting minutes from June 7, 2018 and August 9, 2018 as well as the 360 Youth Services report from June 19, 2018 are attached.

On August 20, 2019, City Council conducted first reading of the proposed revisions. After considering a ban on the sale of kratom, staff was directed to bring back revisions pertaining to age restrictions on the sale and possession of kratom. This item was bifurcated from the proposed amendment concerning the possession of tobacco and alternative nicotine products.

Now, the proposed ordinance does **not** prohibit all local retail sales of kratom, but instead it prohibits the local retail sale of kratom to persons under the age of twenty-one (21) and prohibits the possession of kratom by persons under the age of eighteen (18), which is consistent with Illinois state law (Kratom Control Act).

FISCAL IMPACT:

N/A