

AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI, IMPOSING A MINIMUM AGE FOR THE PURCHASE AND SALE OF KRATOM PRODUCTS WITHIN THE CITY, AND ENACTING A NEW SECTION OF CHAPTER 210 RELATED THERETO.

WHEREAS, the City of Chesterfield, Missouri (the "City") recognizes that the drug KRATOM is not regulated by the Controlled Substances Act; and,

WHEREAS, KRATOM can cause psychoactive effects (i.e., impairing or mind-altering) in those who consume it; and,

WHEREAS, KRATOM products can cause psychotic symptoms, can be psychologically or physiologically addictive, has resulted in KRATOM positive deaths, and are unregulated with respect to product testing, minimum age to purchase, and places of sale, which has resulted in KRATOM products being sold at CBD stores, tobacco stores, vape shops, and gas stations; and,

WHEREAS, many KRATOM products are being marketed without regard for a consumer's age; and,

WHEREAS, KRATOM products pose a threat to the health and safety of minors, sometimes leading to respiratory depression, psychosis, hallucinations, and other adverse effects; and,

WHEREAS, the City finds it necessary to enact regulations related to the sale of KRATOM products to protect the general public health, safety, and welfare, and specifically to protect those under the age of twenty-one from the adverse effects associated with the consumption of KRATOM products;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:

Section I: Section 210.1950 of the City of Chesterfield Municipal Code shall be adopted as follows:

A. As used in this section, the following definition shall apply:

KRATOM PRODUCTS

Any product containing any part of the leaf of the plant *Mitragyna speciosa*. There shall be a rebuttable presumption that a sealed container or product labeled as containing KRATOM, *Mitragyna speciosa*, mitragynine, and/or 7-hydroxymitragynine is a KRATOM product.

B. Providing KRATOM Products To Minors - Unlawful.

1. No person shall procure for, sell, vend, give away or otherwise supply any KRATOM products in any quantity whatsoever to any person under the age of twenty-one (21) years, except when prescribed by a licensed healthcare provider.
2. It shall be a defense to prosecution under Section 210.1950(B)(1) that the defendant sold the KRATOM products to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age and the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was at least twenty-one (21) years of age.

C. Misrepresentation Of Age To Obtain KRATOM Products.

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any KRATOM products, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any KRATOM products.

D. No person under the age of twenty-one (21) years shall purchase or attempt to purchase, or have in his/her possession, any KRATOM products.

E. KRATOM products may only be displayed for sale in such a manner that a person cannot have possession of the KRATOM product prior to the sale of the KRATOM product.

F. It is the intent that each and every subsection of Section 210.1950 shall be severable from every other section.

Section II: This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

Section III: This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 15th day of July, 2024.

Bob Nation
Presiding Officer

Bob Nation
Bob Nation, Mayor

ATTEST:

Vickie McGownd
Vickie McGownd

FIRST READING HELD: 7/15/24