

## **TOWN OF MONUMENT**

### **ORDINANCE NO. 35-2019**

#### **AN ORDINANCE PROHIBITING THE SALE OF KRATOM OR SUBSTANCES CONTAINING KRATOM**

**WHEREAS**, pursuant to C.R.S. § 31-15-103, the Board of Trustees for the Town of Monument (Board) is empowered to make and publish ordinances for the public good, including those reasonably expected to protect the lives, health, and safety of its citizens; and

**WHEREAS**, Colorado currently has no substantive state regulations relating to the sale and distribution of kratom; and

**WHEREAS**, the U.S Food and Drug Administration (“FDA”) has not approved kratom for use as a drug, food ingredient, or dietary supplement; and

**WHEREAS**, in 2016, the Drug Enforcement Agency (“DEA”) referred to kratom as an imminent hazard to public safety, initially planning to classify kratom as a Schedule 1 Controlled Substance, postponing any action until further scientific study by the FDA; and

**WHEREAS**, in 2018, the FDA released a statement providing evidence of kratom compounds’ opioid properties, and raising concerns about its potential for abuse, addiction, and serious health consequences, including death; and

**WHEREAS**, in 2018, the FDA released a statement providing evidence of kratom supplements containing heavy metals, raising concerns about their safety for human consumption; and

**WHEREAS**, in 2019, the scientific journal, Clinical Toxicology, published an article compiling data from the National Poison Data System indicating a statistically significant increase in kratom-related calls to poison control centers in recent years, including children and adolescents; and

**WHEREAS**, in 2019, the Center for Disease Control released a statement providing evidence of 91 deaths, between July 2016 to December 2017, where kratom was listed as a cause of death in data collected from thirty-two U.S. states; and

**WHEREAS**, the Board has been advised that the regulation of sales of kratom have also been banned or restricted in Alabama, Arkansas, Tennessee, Vermont, Wisconsin, Illinois, Rhode Island, Louisiana, the cities of Denver, Castle Rock, San Diego, and Sarasota County (Florida), as well as a number of foreign countries, including those where kratom is derived from a native plant species.

**WHEREAS**, based on recommendation of the Tri-County Health Department, the City of Parker, Colorado and the City of Greenwood Village, Colorado recently enacted legislation banning the sale at retail of any kratom products for human consumption.

**WHEREAS**, in the interest of the health, safety, and welfare of the citizens of the Town of Monument, the Board bans the sale of kratom in the Town of Monument at least and until such time as standards and regulations are adopted by the state or federal government to protect consumers.

**NOW, THEREFORE, BE IT ORDAINED BY BOARD OF TRUSTEES OF THE TOWN OF MONUMENT, COLORADO THAT:**

**Section 1. Findings and Intent.** The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations by the Board.

**Section 2. Sale of Kratom prohibited.** The Monument Municipal Code is amended by the addition of a new Chapter 8.34, entitled “**Sale of Kratom prohibited**” as follows:

**Chapter 8.34 - KRATOM REGULATIONS**

**8.34.010 – Prohibition of sale of kratom.**

No Business shall sell or offer to sell within the Town any kratom products.

**8.34.020 – Definitions.**

“Kratom” means a product that contains *Mitragyna speciose*, mitragynine, or 7-hydroxymitragynine or *Mitragyna speciose*, mitragynine, or 7-hydroxymitragynine derivatives in any form that is intended to be ingested, absorbed, inhaled, chewed, or applied to the skin of an individual.

**8.34.030 – Penalty.**

Any person who is convicted of, or pleads guilty or no contest to a violation of this Chapter shall receive a penalty fine of not more than one thousand [\$1,000] dollars or ninety [90] days in jail or both per violation.

**PASSED AND RESOLVED** by the Board of Trustees of the Town of Monument, El Paso County, Colorado, this 18<sup>th</sup> day of November 2019, by a vote of 5 for and 2 against.

ATTEST

TOWN OF MONUMENT

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Laura Hogan, Town Clerk, CMC

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Don Wilson, Mayor