



Legislation Text

File #: O-351-25, Version: 2

TMC Ch. 513.17

Sale of Kratom

Melden, Williams, Hobbs, Morris

Enacting Toledo Municipal Code (TMC), Part Five, Subsection 513.17 Prohibiting the Sale of Kratom (7-Hydroxymitragynine) to Ban Synthetic Derivatives; and declaring an emergency.

SUMMARY & BACKGROUND:

Kratom is an herbal extract that comes from the leaves of an evergreen tree called *Mitragyna speciosa*. The tree grows in Southeast Asia. Kratom users can chew the tree's leaves, swallow or brew dry kratom, or add the extract to a liquid.

People who use natural leaf kratom report that at low doses, kratom acts as a stimulant. That means it makes them more alert and gives them more energy. At higher doses, people who use it report that it reduces pain and makes them feel calm and less anxious.

The Food and Drug Administration has drawn a distinction between natural leaf Kratom and synthetics. The FDA has recommended that synthetic, concentrated 7-hydroxymitragynine products be classified as a Schedule I substance due to its dangerous and addictive nature. Concentrated 7-hydroxymitragynine products contain 7-OH at concentrations much higher than can be found in natural leaf Kratom. Consumers are often misled by products branded to be “natural supplements” or natural leaf Kratom but are synthetic based 7-OH products.

Some people take kratom to ease the symptoms of quitting opioids. Kratom may be easier to get than prescription medicines. But it carries its own risk of addiction, according to an article from the Mayo Clinic. According to the Drug Enforcement Administration, it carries risks of dependency, withdrawal, and psychotic symptoms. When someone tries to quit using kratom after long-term use, it can mimic the withdrawal pattern of opioids, causing muscle pain, insomnia, and mood swings.

Poison control centers in the United States received more than 3,400 reports about use of kratom from 2014 through 2019. These included reports of death. Side effects reported included high blood pressure, confusion and seizures.

NOW THEREFORE Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Part Five, Subsection 513.17, be enacted to read as follows:
513.17 Kratom Sale Prohibited

(a) As used in this section, unless the context otherwise requires, “kratom product” means any product or ingredient containing:

- (1) A synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine or mitragynine pseudoindoxy; or,
(2) Any product containing more than 2% of 7-hydroxymitragynine in the alkaloid fraction.

(b) No person shall knowingly sell or offer for sale a Kratom product.

(c) Whoever violates subsection (b) hereof is guilty of sale of a Kratom product, a misdemeanor of the first degree.

SECTION 2. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to protect the health and safety of persons attempting to use the drug Kratom.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council