

Approaches to the Regulation of “Gas Station Drugs” and Vaping Retailers

Community & Economic Development Committee

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LEE'S SUMMIT
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Presentation -

- Vape Retailers – Operations & Prevalence
 - Incidental retailers
- Missouri SB927
- KCMO Ordinance “Gas Station” Drugs
- Local Regulation

“How” of Vaping Retailers -

- Sustain operations through a combination of:
 - Aggressive Mark-ups
 - Low Overhead
 - Addictive Product Cycle
 - Diversified Inventory (CBD, Delta-8/9, Kratom)
- Operational Challenges:
 - State/local prohibiting of products that make business profitable.
 - Legal compliance (i.e. rigorous age verification)
 - Advertising limits (rely on “vape shops near me”)

State Legislation -

- Missouri SB927 focuses on the regulation and sale of kratom products.
 - Kratom is a plant-derived substance that some use recreationally or for pain management.
 - 7-OH (7-hydroxymitragynine) is a derivative of the plant kratom. Created by isolating compounds in the plant to make it **more potent**.
 - Sold as gummies, candies, liquid shots, tablets, etc.
 - Available in gas stations and smoke shops across Missouri.
 - Stimulant effect like caffeine, but also opioid-like effect and addictive (like heroin and fentanyl).

State Legislation -

- The bill prohibits the advertisement, distribution, or sale of kratom products.
 - All kratom products – prohibits sale to minors (21+)
 - Ban on High Potency, Regardless of Age. Limits 7-OH content to no more than 2% of the product's alkaloid composition.
 - Confection or candy-like. Bans on products to appeal to children.
 - Vaporization/Combustion. Bans products intended for vaporization or smoking.
 - Adulterated. Prohibits products mixed with dangerous non-kratom substances.
- Not a wholesale ban on kratom but prohibits forms with high levels of 7-OH and forms that mimic candy or are geared to kids.

KCMO “Gas Station Drugs” Ordinance -

- Ordinance would ban the sale of unregulated psychoactive products.
 - Kratom and kratom derivatives (a plant-derived stimulant/sedative)
 - Delta-8 and Delta-9 THC edibles (hemp-derived psychoactive products)
 - Nitrous oxide cartridges (“laughing gas”, whippets)
 - Synthetic cannabinoids and similar unregulated intoxicants.
- Sold at gas stations, convenience stores, vape shops, and smoke shops.

Penalties & Enforcement -

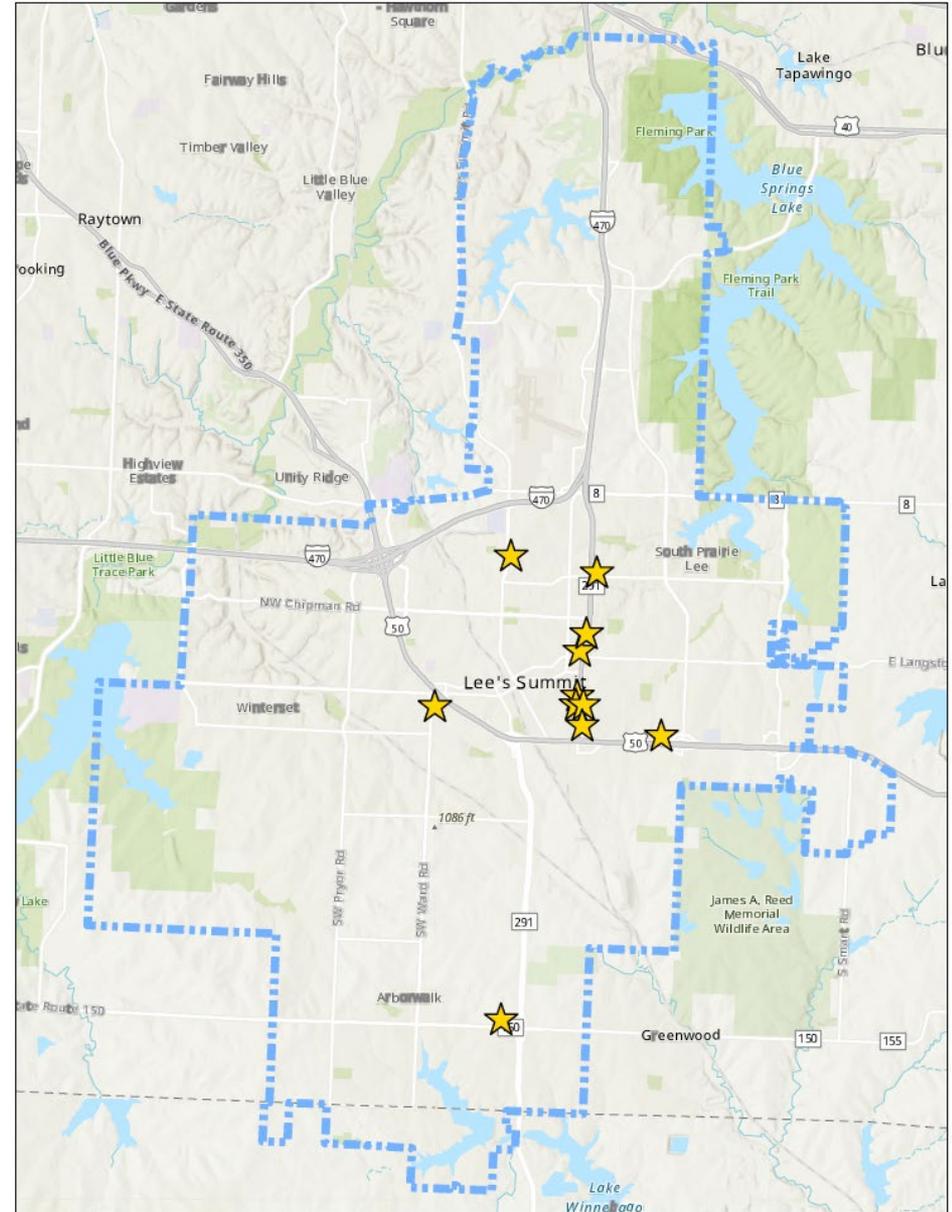
- Fines for businesses selling banned products would range from \$750-\$1,000 daily.
- Continued non-compliance could lead to suspension or revocation of business license.
- Proposed ordinance doesn't identify enforcement arm (i.e. "Multidisciplinary Public Safety Task Force"), but appears to be some combination of:
 - Public Health Department
 - Police Department
 - Finance (Business License)

Why a Ban?

- U.S. Food & Drug Administration has not approved for safety or medical use, despite being sold openly and marketed as “legal alternatives”.
- Unregulated by federal government.
- Public health risks, including overdoses.
 - National Drug Early Warning System – tracked thousands of EMS encounters for kratom/7-OH related events.
- Tool to improve neighborhood safety and reduce loitering +/-of disorder around businesses that sell items.

Local Regulation of Vaping Retailers:

- Map shows vaping retailers (or similar) in Lee's Summit. But it doesn't include:
 - Gas Stations
 - Convenience Markets
 - Smaller grocery retailers
 - Specialty supplement and vitamin stores
 - Head Shops
 - Tobacco Shops or Cigar Stores



Local Regulation of Vaping Retailers

- Several jurisdictions in KC Metro treat vaping retailers as general retail:
 - Lee's Summit
 - Lenexa**
 - KCMO (proposing to prohibit sale of products had by many vaping stores)
 - Olathe**
 - Overland Park**
- Blue Springs, MO
 - 500 ft. buffer from other tobacco stores, residential and civic uses
 - # of stores cannot exceed 1 per 12K residents
 - Additional requirements for video surveillance and exterior lighting.

Local Regulation of Vaping Retailers

- Independence, MO

- 500 feet from other tobacco store, residential use/district, church, school, or park. SUP for use less than 500 ft.
- # of stores cannot exceed 1 per 15K residents
- Additional requirements for video surveillance, outdoor light levels, alarm system, visibility into business, automatic door lock, height strips, no loitering/trespass signs.

Local Regulation of Vaping Retailers

- Shawnee, KS**
 - 5,280 ft. buffer from other e-cig stores, 200 ft. from residential, civic, or daycare.
 - Requires e-cigarette retail license

** Kansas SB355 – would require the manufacturers of e-cigarettes to be licensed by the state.

- Currently, stores must be licensed to sell. This would extend to manufacturers and distributors.

- Per author of bill, goal to curb unsafe, unregulated products that dominate marketplace.

Next Steps

- Presentation to solicit feedback from CEDC on next steps.
- Direction could warrant additional CEDC discussion or preparation of ordinance (or both) depending on scope and magnitude of direction provided.

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