

## **BILL NO. 26-**

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AN ORDINANCE ENACTING NEW SECTIONS OF THE CODE OF ORDINANCES TITLED NEW SECTION 17-240, KRATOM PRODUCTS AND DANGEROUS CHEMICAL INHALANTS -- DEFINITIONS, AND A NEW SECTION 17-241, PROHIBITION ON SALE OR DISTRIBUTION OF KRATOM PRODUCTS AND DANGEROUS CHEMICAL INHALANTS

WHEREAS, a number of vape shops, convenience stores, gas stations, and smoke shops within Lee's Summit sell products such as Kratom, 7-OH, and nitrous oxide; and

WHEREAS, these products are currently sold with little oversight, regulation, and enforcement and pose health and public safety concerns; and

WHEREAS, the Council understands that unregulated psychoactive substances have contributed to addiction, dependence, and significant health harms among their loved ones;

WHEREAS, that there are no FDA-approved medical uses for Kratom or its alkaloids, that Kratom is not legally marketed in the United States as a drug product, dietary supplement or food additive, and that federal health agencies warn against its use; and

WHEREAS, nitrous oxide is not approved by the FDA for recreational use and that it has issued strong warnings regarding misuse outside of approved medical, dental, food processing or industrial settings; and

WHEREAS, the purpose of this ordinance is to regulate the sale of certain unregulated substances, including kratom products and dangerous chemical inhalants, and to protect the health and safety of Lee's Summit residents; and

WHEREAS, regulating the sale of these products is reasonable and necessary to protect the health, safety, and welfare of Lee's Summit residents and to prevent the continued availability of unregulated substances and products that pose clear risks to individuals and neighborhoods;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF LEE'S SUMMIT:

Section 1. That Chapter 17, Code of Ordinances, is hereby amended by enacting a new Section 17-240, Kratom products and Dangerous Chemical Inhalants -- Definitions, and a new Section 17-241, Prohibition on Sale or Distribution of Kratom Products and Dangerous Chemical Inhalants to read as follows:

### **Sec. 17-240. Kratom products and Dangerous Chemical Inhalants -- Definitions**

- A. *Adulterated* means the addition of fentanyl or any other controlled substance, a synthesized alkaloid or semi-synthesized alkaloid, or another substance prohibited law;
- B. *Alkaloid fraction* means a portion of a plant or plant extract that contains primarily alkaloid compounds;
- C. *Business owner* means any person with legal ownership of a licensed business establishment.

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- D. *Controlled substance* means definition as provided by state law in section 195.010, RSMo.;
- E. *Dangerous Chemical Inhalant* means substances containing butyl nitrite, nitrous oxide, and amyl nitrite in any form.
- F. *Intoxicating Hemp-Derived Cannabinoid* means any cannabinoid derived from industrial hemp that has a psychoactive or intoxicating effect on the human body, including but not limited to:
1. Delta-8 Tetrahydrocannabinol;
  2. Delta-10 Tetrahydrocannabinol;
  3. Hexahydrocannabinol (HHC);
  4. Tetrahydrocannabinol acetate (THC-O);
  5. Tetrahydrocannabiphorol (THC-P);
  6. Any other chemical substance derived from hemp that can induce a psychoactive or intoxicating effect comparable to Delta-9-THC.
- G. *Intoxicating Kratom-Derived Product* means any product containing alkaloids derived from the plant *Mitragyna speciosa* (Kratom) that have been isolated, extracted, or concentrated to produce a psychoactive or intoxicating effect, specifically including:
1. 7-Hydroxymitragynine (7-OH);
  2. Pseudoindoxyl;
  3. Concentrated Mitragynine extracts.
- H. *Kratom leaf* means the leaf of the *Mitragyna speciosa* plant in fresh, dehydrated, or dried form;
- I. *Kratom leaf extract* means the material extracted from a kratom leaf through the application of a solvent consisting of water, ethanol, food-grade carbon dioxide, or another solvent allowed by federal or state law to be used in the manufacturing of a food ingredient;
- J. *Kratom product* means a food or dietary supplement that consists of, or contains, any part of a kratom leaf, a kratom leaf extract, or any kratom alkaloid, kratom constituent, or kratom metabolite. *Kratom product* shall not include any synthesized alkaloids or semi-synthesized alkaloids;
- K. *Licensed business establishment* means any business operating within the City pursuant to a license or permit issued by the City.
- L. *Operator* means any person who manages, directs, or controls the day-to-

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day operations of a licensed business establishment.

- M. *Proof of age* means a driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid;
- N. *Semi-synthesized alkaloids* means an alkaloid or alkaloid derivative of the kratom leaf that has been created by chemical synthesis or biosynthetic means, including, but not limited to, fermentation, recombinant techniques, yeast-derived techniques, and enzymatic techniques, rather than by traditional food preparation techniques such as heat or extracting.

### **Sec. 17-241. Prohibition on Sale or Distribution of Kratom Products and Dangerous Chemical Inhalants**

- (a) *Prohibited Acts -- Generally.* It shall be unlawful for any person to sell, offer, deliver, or distribute a kratom product:
  - (1) That is adulterated;
  - (2) That contains a level of 7-hydroxymitragnine in the alkaloid fraction that is greater than two percent of the alkaloid composition of the kratom product;
  - (3) That is a confection, mimics a candy product, or is manufactured, packaged, or distributed in a way that is appealing to children, including, but not limited to, the distinct shape of a human, an animal, or fruit;
  - (4) That is combustible or intended for vaporization; or
- (b) *Prohibited Acts -- Sale and display of kratom products to those under the age of 21.*
  - (1) It shall be unlawful for any person to sell, offer, deliver, or distribute any kratom products to any person under the age of 21.
  - (2) It shall be unlawful for any person to display or store kratom products in a retail location in a manner that will allow the products to be accessed by individuals under the age of 21.
  - (3) It shall be unlawful for any person to sell to any person a Kratom product or Dangerous Chemical Inhalant to any purchaser or recipient under the age of 21. Any seller may require proof of age from any prospective purchaser or recipient at any time.
  - (4) It shall be unlawful for any person to sell or deliver, possess with intent to sell or deliver, or manufacture with intent to sell or deliver any dangerous chemical inhalants:
    - A. In any tobacco retailer, head shop, vape shop, liquor store, convenience store, or in any other context or business location where the dangerous chemical inhalant is distributed for human consumption, regardless of the labeling of, or packaging of, the product asserting any claim to the contrary; or

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B. In any packaging or with flavoring marketed to entice human consumption as opposed to a recognized lawful use.

(c) *Suspension or Revocation of Business License.* A violation of this section by any owner, operator, manager, employee, or agent of the business is an administrative offense that may constitute grounds for suspension or revocation of a business license under Section 28-41 of this Code.

(5) *Public nuisance declared.* In addition to any penalty authorized by this section, a violation of this section is hereby deemed and declared to constitute a public nuisance.

(6) *Penalties.* Any person found guilty of a violation of this section shall be punished as provided in Section 1-13 of this code. Each day that a violation of this section continues shall be deemed a separate offense and shall be proceeded against as in the first instance.

(7) Notwithstanding the foregoing, the prohibitions of this section shall not apply to the following:

- a. The care or treatment of a disease, condition, or injury by a licensed medical or dental practitioner;
- b. Manufacturing process or industrial operations; or
- c. Propellant in food preparation for restaurants, food service, or housewares products when such retailer is regularly involved in such business.

SECTION 3. This Ordinance shall be in full force and effect after adoption effective on June 1, 2026.

SECTION 4. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

SECTION 5. This Ordinance shall be codified and set out in full in the "Code of Ordinances of the City of Lee's Summit, Missouri.

PASSED by the City Council of Lee's Summit, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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Mayor *William A. Baird*

ATTEST:

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City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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Mayor *William A. Baird*

ATTEST:

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City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney *Brian W. Head*