

ORDINANCE NO.

Amending Chapter 20, Code of Ordinances, by enacting a new Article II, entitled Kratom Retail License, for the purpose of regulating and licensing the sale of Kratom Products.

body

WHEREAS, the Kansas City Health Department (“KCHD”) has reported that the Overdose Fatality Review Board recently examined a case involving a polysubstance overdose in which Kratom was detected on the autopsy toxicology screen, and the Board is continuing to monitor and evaluate future cases involving these substances; and

WHEREAS, KCHD advises 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, on November 6, 2025, the City passed Committee Substitute for Resolution 250942, which directed the City Manager to evaluate Kratom regulations in other Missouri municipalities and make recommendations within thirty (30) days for any necessary code amendments to regulate Kratom in the City; and

WHEREAS, on February 12, 2026, the City Council Passed Ordinance No. 251028, which directed the City Manager develop a Kratom Retail Licensing Program, to be administered and enforced through the City’s Regulated Industries Division, governing the sale of Kratom Products within the City; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 20, Code of Ordinances, is hereby amended by enacting a new Article II, Kratom Retail License, to read as follows:

Article II, Kratom Retail License,

Sec. 20-50. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

- (4) *Controlled substance* means as defined by state law in section 195.010, RSMo.;
- (5) *Kratom leaf* means the leaf of the *Mitragyna speciosa* plant in fresh, dehydrated, or dried form;
- (6) *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;
- (7) *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;
- (8) *Kratom Retail License or License* shall mean a license issued by the City for the sale of Kratom Products;
- (8) *Licensed business establishment* means any business operating within the City pursuant to a license or permit issued by the City;
- (9) *Operator* means any person who manages, directs, or controls the day-to-day operations of a licensed business establishment.
- (10) *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;
- (11) *Retail dealer* means any person other than a wholesale dealer, jobber or manufacturer engaged in the business of selling or disposing of Kratom products, by personal handling or through a vending machine, to the ultimate consumer or agent;
- (12) *Sale* means any transfer of title or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for consideration or any agreement therefore;
- (13) *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. 20-52. License required for dealers and manufacturers; registration fee; amount of tax.

It shall be unlawful for any person to sell, offer, deliver, or distribute a Kratom Product within the City of Kansas City without a valid Kratom Retail License issued by the City.

Sec. 20-53. Issuance of license; restrictions on license; suspension or revocation of license.

- (a) *Application; issuance.* Every application for a Kratom Retail License shall be made upon a form prescribed, prepared and furnished by the manager of regulated industries, and shall set forth such information as they shall require. Upon approval of the application, the manager of regulated industries shall grant and issue to the applicant a Kratom Retail License as provided in this chapter. The application shall require, at minimum, the name of the applicant, the address of the business, and the name of any owners in the business and the percentages thereof of their ownership.
- (b) *License Fee.* A License fee of \$500.00 shall be paid to the City Treasurer before the respective Kratom Retail License prescribed in this section is issued.
- (c) *Denial.* The manager of regulated industries may deny an application for a Kratom Retail License if:
 - (1) The operator failed to submit a complete application within ninety (90) days;
 - (2) The operator made a material misstatement of fact or failed to make a complete disclosure of all pertinent information in the application for the license;
 - (3) The operator failed to pay the license fee required under subsection (b); or
 - (4) The operator or anyone with a more than 10% ownership interest in the proposed licensed business establishment has had any government issued business or operating license, including a Kratom Retail License, revoked within the last 3 years for violations of City, State, or Federal Law.
- (d) *Transfer; display; term.* Kratom Retail Licenses shall not be assignable and shall be valid only for the persons in whose names the licenses are issued, and for the transaction of business in the places designated therein, and shall at all times be conspicuously displayed at the places for which issued. All licenses shall expire on December 31 in each and every year, unless sooner suspended, surrendered or revoked for cause by the manager of regulated industries.
- (e) *Duplicates.* Whenever any license issued under the provisions of this section is defaced, destroyed or lost, the manager of regulated industries shall issue a duplicate license for the defaced, destroyed or lost license upon the payment of a fee of \$10.00.
- (f) *Suspension or revocation.* The manager of regulated industries shall have the authority to suspend for a period not to exceed 90 days or to revoke a Kratom Retail License whenever the manager finds that the holder of the license or his employee:
 - (1) Has failed to comply with any of the provisions of this chapter or any rules or regulations of the manager of regulated industries as prescribed or promulgated under this chapter, or other City, State, or Federal law;
 - (2) Has been convicted of an ordinance violation for violating any of the provisions of sections 20-52, 20-54, and 20-55, inclusive of this chapter;
 - (3) Has sold or distributed any Kratom Product on the licensed premises to any person under the age of 21 in violation of law; or

- (4) Has sold, distributed or displayed drug paraphernalia on the licensed premises in violation of law.

Upon suspending or revoking any Kratom Retail License, the manager of regulated industries shall request the holder thereof to surrender to him immediately the Kratom Retail License.

- (g) *Notice; hearing.* Before denying, suspending, or revoking any Kratom Retail License, the manager of regulated industries shall send notice in writing at least ten days before the proposed suspension or revocation date by certified mail to operator's last known address. If the operator disputes the proposed denial, suspension, or revocation, they shall submit a written request for hearing to the manager of regulated industries which must be received before the proposed suspension or revocation date. If the license holder fails to make a timely request for a hearing or fails to appear for a requested hearing, the license shall be denied, suspended or revoked. Upon receipt of a timely request for hearing, the manager of regulated industries shall stay a suspension or revocation pending the hearing, and shall hold a hearing without unnecessary delay.
- (h) *Hearing Procedure.* The City Manager or their designee shall serve as hearing officer for the requested hearing. Hearing procedures shall include but not be limited to the following:
 - (1) The applicant, operator, or business owner shall have full right to have counsel, to produce witnesses and to cross-examine all witnesses who may appear. All proceedings in the hearings shall be taken down stenographically, or recorded mechanically or electronically, or by a combination thereof, and shall be transcribed whenever required by law. Subpoenas may be issued by the manager of regulated industries or hearing office for any witness whose presence is desired at any hearing or proceeding before the hearing officer to suspend or revoke a license or permit, or to issue or refuse a license or permit or renewal thereof, and the subpoena may be served by any person designated by the manager of regulated industries or hearing officer. The subpoenas shall be served and return thereon shall be made in the same manner as is provided by law in civil suits in the circuit court of this state.
 - (2) Witnesses may also appear voluntarily at the hearings and testify. Before testifying in any hearing or proceeding before the hearing officer, all witnesses shall be sworn to tell the truth and nothing but the truth.
 - (3) With respect to a hearing before the hearing officer in connection with the manager of regulated industries' action on an application for an original license or permit or in connection with the manager of regulated industries' action to seek suspension or revocation of a license or permit issued under this chapter, the hearing officer shall issue its decision in writing within 30 days following the conclusion of the hearing unless the parties agree to an extension which shall not exceed an additional 30 days.
 - (4) The decision of the hearing officer shall include findings of facts and conclusions of law. The hearing officer's decision shall be served upon all the parties in person or by registered or certified mail to the party's last known address. If the hearing officer is not able to serve the decision notice upon a party in person or if any notice sent by mail is returned by the U.S. Postal service, then the hearing officer shall cause the notice to be posted at the principal entrance of the business or facility, and the posting shall constitute valid service. No suspension, revocation, or denial shall become effective until ten days after the decision has been issued by the hearing officer. The

hearing officer may stay enforcement of its decision for a period of time not to exceed 30 days to allow for the filing of an appeal of the decision.

- (i) *Judicial review.* Pursuant to RSMo ch. 536, the license holder may seek judicial review of a decision by the hearing officer to deny, suspend, or revoke the Kratom Retail Product License.
- (j) *Informal disposition.* Nothing contained in this section or in this chapter shall preclude the informal disposition of contested cases by stipulation, consent order or default, or by agreed settlement.

Sec. 20-54. General requirements for all Kratom Sales.

- (a) *Responsibility of Operator.* Operators are at all times responsible for the conduct of their business and at all times are directly responsible for any act or conduct of any employee on the premises which is in violation of the provisions of this chapter or the regulations of the director or manager of regulated industries.
- (b) *Duty to report.* In the event that any operator or an employee of the operator knows or should have known that an unlawful or violent act has been committed upon or about the licensed premises, the licensee, or the employee, shall immediately report the occurrence to the manager of regulated industries and the police department.
- (c) *Licenses posted on premises.*
 - (1) While doing any business during the time for which a Kratom Retail License has been granted, all licensees shall at all times post and keep displayed the license in a conspicuous place on the licensed premises so that any person visiting the premises may readily see the license, while the license is in effect. No licensee shall post the license or allow the license to be posted upon premises other than the premises licensed, or knowingly deface, destroy, or alter the license in any respect.
 - (2) For purposes of this chapter, if Kratom Products are sold, stored, distributed or consumed on the premises, and a Kratom Retail License is not posted in the manner as provided by this section, it shall be prima facie evidence that the premises is not licensed.
- (d) *Condition of premises.* All operators shall at all times keep the licensed premises safe, clean, and sanitary and in accordance with the applicable rules, regulations and ordinances of the City.
- (e) *Books and records.* Licensed business establishments shall, upon request, make available to the manager of regulated industries:
 - (1) All invoices of Kratom Products purchased, along with any corresponding documentation of the ingredients; and
 - (2) All accounting of sales of Kratom Products.
- (f) *Original Package Products.* All Kratom Products shall be sold only in the original packaging from the manufacturer.
- (g) *Sale and display of Kratom Products to those under the age of 21.*

- (1) No operator shall sell, offer, deliver, or distribute any Kratom Products to any person under the age of 21.
 - (2) No operator shall 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) Each operator, employee, or person selling Kratom Products shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of 21.
- (h) *Prohibited Kratom Product.* No operator, employee of an operator, or other person shall sell, offer, deliver, or distribute upon the licensed premises 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; or
 - (4) That is combustible or intended for vaporization.
- (i) *Business License Required.* No operator, employee of an operator, or other person shall sell, offer, deliver, or distribute upon the licensed premises a Kratom Product in the City unless they have an active business license with the City.
- (j) *Labeling Requirements.* No operator, employee of an operator, or other person shall sell any Kratom Product, including, but not limited to pre-packaged Kratom Products, that does not conspicuously disclose the concentration of alkaloid content (including semi-synthesized alkaloids) therein, expressed in milligrams. Such labels shall be in type not smaller than three millimeters in height and not more than 12 characters per inch.

Sec. 20-55. Posting of notice regarding sales to persons under age 21.

Every person selling Kratom Products shall keep posted in the place of business, in a conspicuous place readily visible and readable from the area in which Kratom Product sales are made, a notice to the public that the ordinances of the City prohibit the sale of Kratom Products to persons under the age of 21. The sign shall contain in red lettering at least one-half inch high on a white background the following: "It is a violation of law for Kratom Products to be sold or otherwise provided to any person under the age of 21 or for such person to purchase or attempt to purchase Kratom Products.

Sec. 20-56. Authority to prescribe additional rules and regulations.

In addition to the powers otherwise granted in this chapter to the manager of regulated industries, he is hereby authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations pertaining to the administration and enforcement of this chapter.

Section 20-57. Authority of the manager of regulated industries to enforce this Article.

The manager of regulated industries or his authorized agents, or any member of the police department, shall have the right, at any reasonable time, to inspect, and the operator shall allow inspection, of any licensed premises and all portions of the buildings thereof, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards and attics and all buildings used in connection with the operations carried on under the license and which are in the possession, or control of the licensee, and all places where the operator may keep or store Kratom Products, and to seize any and all objects which may appear to be in violation of any provisions of this chapter and hold in custody the objects as evidence until any matter pertaining thereto is finally adjudicated. The adjudication of a violation will include the determination of whether the object seized under this chapter is contraband. Upon the seizure, a receipt shall be given and, upon demand, if not forfeited, objects shall be returned to their lawful owner after the matter is finally adjudicated unless the objects are found to be contraband. Other than contraband, objects not claimed by their lawful owner within 90 days after final adjudication shall be deemed forfeited. If the objects seized are forfeited or found to be contraband, they shall remain in the custody of the manager of regulated industries or be delivered to the police department for disposal. All contraband and unclaimed objects that have not been delivered to the police department for disposal, to the extent allowed by law, shall be sold by the manager of regulated industries at public or private auction semiannually. All funds derived from the sales shall be deposited into the City's general fund to be expended as directed by the City Council. The manager of regulated industries shall have power to pay any fees required by the state or federal government as a result of the sale.

Sec. 20-58. Penalty for violation of chapter.

Any person found guilty of violating any of the provisions of sections 20-51 through 20-58, inclusive, shall be punished by imprisonment not to exceed 180 days or by a fine of not less than \$100.00 nor more than \$1,000.00, or by both such imprisonment and fine. Pursuant to section 20-53 of this chapter, the manager of regulated industries may also suspend for a period not to exceed 90 days, or revoke the permit or license of any such person convicted of such an ordinance violation.

Approved as to form:

Emalea Kohler
Assistant City Attorney