



Legislation Text

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[COMMITTEE SUBSTITUTE FOR]ORDINANCE NO. 251028

Sponsor: Mayor Quinton Lucas and Councilmembers Nathan Willett and Johnathan Duncan, and Darrell Curls
COMMITTEE SUBSTITUTE

Amending Chapter 50, Code of Ordinances, by enacting a new section 50-206 and 50-207 for the purpose of prohibiting the sale of certain unregulated drugs and dangerous chemical inhalants within the City and providing for a delayed effective date.

WHEREAS, a number of vape shops, convenience stores, gas stations, and smoke shops within Kansas City 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, residents and community members have reported that unregulated psychoactive substances have contributed to addiction, dependence, and significant health harms among their loved ones;

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, KCHD reports that 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 City’s Public Safety Task Force has observed that several businesses associated with nuisance activity or repeated disorder incidents sell certain unregulated substances, and the Task Force routinely recommends that these businesses discontinue the sale of such products in order to reduce nuisance conditions and improve safety on and around the premises; and

WHEREAS, these recommendations from the Task Force reflect ongoing concerns that the availability of these unregulated substances contributes to conditions that negatively impact public safety, neighborhood stability and the effective use of City resources; 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 Kansas City residents; and

WHEREAS, regulating the sale of these products is reasonable and necessary to protect the health, safety, and welfare of Kansas City 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 KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances, is hereby amended by enacting a new Section 50-206, Kratom products, and Section 50-207, Prohibition on sale or distribution of dangerous chemical inhalants, to read as follows:

Sec. 50-206. Kratom products.

(a) *Definitions*

- (1) *Adulterated* means the addition of fentanyl or any other controlled substance, a synthesized alkaloid or semi-synthesized alkaloid, or another substance prohibited 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 definition as provided 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) *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) *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.

(b) *Prohibited kratom products*. 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

(5) Without obtaining a valid Kratom Retail License issued by the City.

(c) *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) A 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. Reasonable reliance on proof of age shall be a defense to any action for a violation of subsection (c)(1).

(d) *Suspension or Revocation of Business License*.

(1) A violation of this section by any owner, operator, manager, employee, or agent of the business is an administrative offense that constitutes grounds for suspension or revocation of a business license under Section 40-28 of the Code. A formal finding of guilt for violation of this section shall not be necessary to initiate proceedings under this subsection (d).

(2) The Director of the Multidisciplinary Public Safety Task Force or their designee is authorized to inspect licensed businesses, document violations of this section, issue notices of violation, and forward such notices to the Commissioner of Revenue, Director of Finance, or such other

employee of the Department of Finance designated by the Director of Finance for enforcement of this section.

(3) Upon receiving notice of a violation of this section from the Director of the Multidisciplinary Public Safety Task Force, the Commissioner of Revenue, Director of Finance, or such other employee of the Department of Finance designated by the Director of Finance for enforcement of this section may initiate proceedings to suspend or revoke the business license pursuant to the procedures providing in Chapter 40 of this Code. Each day a violation occurs shall be considered a separate offense for purposes of administrative enforcement. Notice and hearing procedures shall follow those set forth in Chapter 40 of this Code, and the procedures provided in this section shall be in addition to any procedures provided in Chapter 40 for the suspension or revocation of business licenses.

(e) *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.

(f) *Penalties.* Any person found guilty of a violation of this section shall be punished by a fine of not less than \$1.00 and not more than \$1,000.00 or by imprisonment for not more than six months, or be punished by both such fine and imprisonment. 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.

Sec. 50-207. Prohibition on sale or distribution of dangerous chemical inhalants for recreational use.

(a) *Definition.* For the purposes of this section, the term *dangerous chemical inhalant* means substances containing butyl nitrite, nitrous oxide, and amyl nitrite in any form.

(b) 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:

(1) 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

(2) 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.*

(1) A violation of this section by any owner, operator, manager, employee, or agent of the business is an administrative offense that constitutes grounds for suspension or revocation of a business license under Section 40-28 of the Code. A formal finding of guilt for violation of this section shall not be necessary to initiate proceedings under this subsection (c).

(2) The Director of the Multidisciplinary Public Safety Task Force or their designee is authorized to inspect licensed businesses, document violations of this section, issue notices of violation, and forward such notices to the Commissioner of Revenue, Director of Finance, or such other

employee of the Department of Finance designated by the Director of Finance for enforcement of this section.

(3) Upon receiving notice of a violation of this section from the Director of the Multidisciplinary Public Safety Task Force, the Commissioner of Revenue, Director of Finance, or such other employee of the Department of Finance designated by the Director of Finance for enforcement of this section may initiate proceedings to suspend or revoke the business license pursuant to the procedures providing in Chapter 40 of this Code. Each day a violation occurs shall be considered a separate offense for purposes of administrative enforcement. Notice and hearing procedures shall follow those set forth in Chapter 40 of this Code, and the procedures provided in this section shall be in addition to any procedures provided in Chapter 40 for the suspension or revocation of business licenses.

(d) *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.

(e) *Penalties.* Any person found guilty of a violation of this section shall be punished by a fine of not less than \$1.00 and not more than \$1,000.00 or by imprisonment for not more than six months, or be punished by both such fine and imprisonment. 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.

(f) Notwithstanding the foregoing, the prohibitions of this subsection shall not apply to the following:

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

Section 2. That this ordinance shall take effect sixty (60) days after its passage.

Section 3. That the City Manager is hereby directed to 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, including application requirements, licensing criteria, and proposed license fees. The City Manager or his designee shall present the proposed Kratom Retail Licensing Program to the City Council for review and approval within forty-five (45) days of the passage of this ordinance.

Approved as to form:

Andrew Bonkowski
Assistant City Attorney