

There came on for consideration at a duly constituted meeting of the Mayor and Members of the Board of Aldermen of the City of Madison, Mississippi, held on the 17th day of September, 2024, the following Ordinance:

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF MADISON PROHIBITING THE USE, PURCHASE, POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF SYNTHETIC COCAINE, OTHER SYNTHETIC PRODUCTS, OR KRATOM

WHEREAS, the U.S. Food and Drug Administration ("FDA") has issued several warnings (<https://www.fda.gov/news-events/public-health-focus/fda-and-kratom>) addressing illegal marketing of the drug's unproven ability to treat opioid withdrawal, heavy metals found in kratom products, and a recall on kratom products due to a risk of salmonella; and

WHEREAS, there are no FDA approved uses for the drug. The FDA is concerned that kratom, which affects the same opioid brain receptors as morphine, appears to have properties that expose users to the risks of addiction, abuse, and dependence; and

WHEREAS, in November 2017, the FDA issued a public safety advisory warning for consumers not to use kratom because "it appears to have properties that expose users to the risks of addiction, abuse, and dependence"; and

WHEREAS, kratom is not controlled under the Controlled Substances Act, and there are no state regulations or prohibitions against the possession and use of kratom. The FDA has not approved kratom for any medical use. In addition, U.S. Drug Enforcement Administration has listed kratom as a Drug and Chemical of Concern; and

WHEREAS, according to the Mayo Clinic (<http://mayoclinic.org/healthy-lifestyle/consumer-health/in-depth/kratom/art-20402171>), (1) studies on the effects of kratom have identified many safety concerns and no clear benefits, (2) kratom has been reported to cause abnormal brain function when take with prescription medicines, causing sever headache, the inability to communicate or confusion; (3) in a study testing kratom as a treatment for symptoms of opioid withdrawal, people who took kratom for more than six months reported withdrawal symptoms similar to those that occur after opioid use. Too, people who use kratom may being craving it and require treatments given for opioid addiction, such as naloxone (Narcan) and buprenorphine (Buprenex); (4) Kratom adversely affects infant development. When kratom is used during pregnancy, the baby

may be born with symptoms of withdrawal that require treatment; and (5) as of April 2018, more than 130 people in 38 states became ill with Salmonella after taking kratom. Salmonella poisoning may be fatal, and as of then, the FDA has linked more than 35 deaths to Salmonella-tainted kratom. Salmonella contamination has no obvious signs, so the best way to avoid becoming ill is to avoid products that may contain it.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF MADISON, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters and things set forth in the above preamble are hereby accepted and stated as the findings of the Governing Authority.

SECTION 2. That the Code of Ordinances for the City of Madison be and the same is hereby amended to add the following Ordinance, to read as follows:

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF MADISON PROHIBITING THE USE, PURCHASE, POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF SYNTHETIC COCAINE, OTHER SYNTHETIC PRODUCTS, OR KRATOM

Section 1. Use, purchase, possession, distribution, sale or offering for sale of synthetic cocaine, other synthetic products, or kratom is prohibited.

- (a) No person shall use, possess, purchase, distribute, manufacture, sell or attempt to use, possess, purchase, distribute, sale or publicly display for sale any one or more of the following within the City:
 - (1) Products sold as "bath salts" under the trade names: Ivory wave, bliss, white lightning, hurricane Charlie, super code, cloud 9, peeve, ocean magic, white dove, and other trade names, and/or containing one or more of the following compounds or chemicals:
 - a. u3,4-Mehtylene-dioxymethcathinone (Methylone);
 - b. u3,4-Methyenedioxy-pyrovalerone (MDPV);
 - c. u4-Methylmeth-cathinone (Mephedrone);
 - d. u4-Methoxymeth-cathinone;
 - e. u4-Fluorometh-cathinone.
 - (2) Products sold as "kratom," or any part of the plant *Mitragyna Speciosa*, *Mitragyna Speciosa* Korth, *Mitragyna speciosa* leaf extract, *Mitragyna speciosa* extract, whether growing or not, and any compound, manufacture, sale, derivative, capsule, tablet, caplet, gelcap, pill, powder, liquid, vegetative material, mixture, or preparation of the plant, including but not limited to any product containing mitragynine, or 7-hydroxymitragynine.
 - (3) This includes any *Mitragyna speciosa* specific alkaloids, isomers, esters, ethers, salts, and salts of isomers, and ethers, including but not limited to

synthetics or natural products which include the active ingredients in kratom, such as:

- a. Ajmalicine (raubasine);
- b. Mitraphylline;
- c. Rhynchophylline;
- d. Mitragynine pseudoindoxyl;

Section 2. Violations and Penalties. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in a sum not to exceed One Thousand Dollars (\$1,000.00) and/or imprisoned for up to One Hundred and Eighty 180 days per day for each offense.

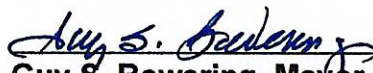
Section 3. Severability and Validity Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. Effective Date. This Ordinance shall be published according to law, spread on the Minutes of the City of Madison, and shall take effect thirty (30) days from and after its passage as provided by law.

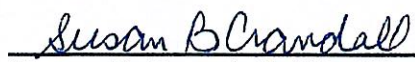
THE ABOVE AND FOREGOING ORDINANCE, having previously been reduced to writing, and no request being made by the Mayor or any member of the Board of Aldermen that the Ordinance be read by the City Clerk before any vote was taken, was introduced by Alderman Strain, seconded by Alderman Tatum and was adopted by the following roll call vote:

Alderman Strain:	Aye
Alderman Tatum:	Aye
Alderman Peeler:	Aye
Alderman Jarvis:	Absent
Alderman Tankersley:	Aye
Alderman Hudgins:	Aye
Alderman Bowering:	Pro Tempore

WHEREUPON, the foregoing Ordinance was declared passed and adopted at a regularly scheduled meeting of the Mayor and Board of Aldermen of the City of Madison, Mississippi, on this the 17th day of September, 2024.


Guy S. Bowering, Mayor Pro Tempore

ATTEST:


Susan B. Crandall, City Clerk

