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AN ORDINANCE ESTABLISHING A NEW CHAPTER 25 (PROHIBITION OF KRATOM, NOVEL SYNTHETIC AND PSYCHOACTIVE DRUG BUSINESSES), OF TITLE 7 (BUSINESS AND LICENSE), OF THE ORLAND PARK VILLAGE CODE

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WHEREAS, the Village of Orland Park is a home rule municipality as defined by Article VII, § 6 of the Illinois Constitution of 1970; and

WHEREAS, the Village of Orland Park has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of its citizens; and

WHEREAS, Novel Synthetic Drugs and Novel Psychoactive Drugs have been documented to cause effects such as hallucinations, agitation, psychosis, aggression, suicidal ideations and death, a significant increase in medical aid emergencies, and may also lead to an increase in associated criminal activity. Some of these drugs are commonly known as “spice,” “bath salts,” or “gas station heroin”; and

WHEREAS, numerous incidences have occurred and been observed of businesses in the Village of Orland Park offering for sale compounds labeled as “Kratom” and others claiming that these substances are legal and unregulated, despite advertising psychoactive and intoxicating effects; and

WHEREAS, although state and federal laws prohibit some synthetic drugs, drug makers continually alter the composition of the compounds in their products so as to escape the purview of the law; and

WHEREAS, the sale of these products, including to minors, is a danger to public health as these products may cause hallucination, vomiting, tremors, anxiety, dizziness, confusion, erratic behavior, aggression, suicidal ideation, psychosis and loss of consciousness, as well as negatively affecting cognitive functioning and even possibly causing death; and

WHEREAS, to the extent not pre-empted by existing state or federal law, the President and Board of Trustees of the Village of Orland Park desire to abolish the manufacture, sale and distribution of any novel psychoactive with the intoxicating effect or the potential for the intoxicating effects, by any business licensed in the Village of Orland Park.

BE IT ORDAINED by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: Title 7 (Business and License) of the Orland Park Village Code, Chapter 25 (PROHIBITION OF KRATOM, NOVEL SYNTHETIC AND PSYCHOACTIVE DRUG BUSINESSES) shall be created that will read as follows:

CHAPTER 25: KRATOM, NOVEL SYNTHETIC AND PSYCHOACTIVE DRUG BUSINESSES PROHIBITED

“7-25-1: DEFINITIONS:

ANALOG: either of the following: (a) A substance the chemical structure of which is substantially similar to the chemical structure of a Federal Schedule I Drug, a Novel Synthetic Drug, or a Novel Psychoactive Drug; or (b) A substance which has, is represented as having, or is intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to, or greater than, the stimulant, depressant, or hallucinogenic effect on the central nervous system of a Federal Schedule I Drug, a Novel Synthetic Drug, or a Novel Psychoactive Drug.

KRATOM: any part of the plant *Mitragyna speciosa*, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine.

NOVEL PSYCHOACTIVE DRUG: any compound, mixture, preparation, or substance, or its analog (including salts, isomers, esters, ethers, and salts of isomers), containing substances which have a psychedelic, psychotropic, hallucinogenic or other effect on the central nervous system or brain similar to the effect of any Federal Schedule I Drug or Federal Schedule II Drug, as listed in 21 C.F.R. §§ 1308.11 – 1308.12, not otherwise regulated or prohibited by state law.

NOVEL SYNTHETIC DRUG: any synthetic cathinone not regulated or prohibited by state law.

SYNTHETIC CATHINONE: (a) Any chemical compound which is not approved by the United States Food and Drug Administration or, if approved, which is not dispensed or possessed in accordance with state and federal law, not including bupropion, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in one or more of the following ways: (1) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents. Examples of this class include 3,4-methylenedioxycathinone (bk-MDA); (2) By substitution at the 3-position with an acyclic alkyl substituent. Examples of this class include 2-methylamino-1-phenylbutan-1-one (Buphedrone); (3) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

7-25-2 NOVEL PSYCHOACTIVE AND SYNTHETIC DRUG AND KRATOM BUSINESSES PROHIBITED:

No Business licensed by the Village of Orland Park shall manufacture, sell, offer for sale, give away, deliver or distribute any products that contain kratom, or a novel psychoactive or novel synthetic drug, or a chemical analog of kratom, or a novel psychoactive or novel synthetic drug.

7-25-3 PUBLIC NUISANCE DECLARED:

Operation of any prohibited kratom, novel psychoactive or novel synthetic drug business establishment within the Village of Orland Park in violation of the provisions of this Chapter 25 is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

7-25-4 PENALTY: Any person violating any of the provisions of this Chapter shall, upon conviction, be punished by a fine according to the fine schedule located in Appendix B of Title 1, Chapter 4, Section 1-4-1 of the Village Code. Each day such violation continues constitutes a separate fineable offense. Fines may be assessed in administrative adjudication, and/or through a local ordinance violation brought in the Circuit Court.”

SECTION 3:

All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 4:

Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such holding.

SECTION 5:

Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Orland Park Village Code, as amended, shall remain in full force and effect.

SECTION 6:

This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.