

ORDINANCE NO. 2019-011

**AN ORDINANCE AMENDING TITLE 9 OF THE CASTLE ROCK MUNICIPAL CODE
BY THE ADDITION OF A NEW CHAPTER 9.24 ENTITLED SALE OF KRATOM TO
MINORS PROHIBITED**

WHEREAS, the Town of Castle Rock is a home rule municipal corporation and the Town Council is empowered to adopt such ordinances as are necessary and convenient to protect the health, safety and welfare of the community; and

WHEREAS, Colorado currently has no substantive state regulations relating to the sale and distribution of kratom; and

WHEREAS, in 2016, the U.S Food and Drug Administration (“FDA”) banned the import of kratom labelled for human consumption in the form of dietary supplements; and

WHEREAS, in 2016, the Drug Enforcement Agency (“DEA”) referred to kratom as an imminent hazard to public safety, initially planning to classify kratom as a Schedule I Controlled Substance, postponing any action until further scientific study by the FDA; and

WHEREAS, in 2018, the FDA released a statement providing evidence of kratom compounds’ opioid properties, also raising concerns about kratom’s potential for abuse, addiction, and serious health consequences, including death; and

WHEREAS, in 2018, the Centers for Disease Control (“CDC”) concluded an investigation regarding an unknown source *Salmonella* kratom contamination that resulted in 199 people infected, including 4 cases in Colorado, further warning that kratom could be contaminated with *Salmonella* and could make people sick; and

WHEREAS, in 2018, the FDA issued warning letters to three marketers and distributors of kratom products, including one in Colorado, for deceptive medical claims for which there is no reliable scientific proof to support their use; and

WHEREAS, in 2018, the FDA released a statement providing evidence of kratom supplements containing heavy metals, raising concerns about their safety for human consumption; and

WHEREAS, in 2019, the Clinical Toxicology Journal published an article compiling data from the National Poison Data System indicating a scientifically significant increase in kratom related calls to poison control centers in recent years, including children and adolescents; and

WHEREAS, in 2019, the CDC released a statement providing evidence between July 2016–December 2017 of 91 deaths where kratom was listed as a cause for death in data collected from 32 states; and

WHEREAS, in 2019, the Town created a kratom website, online feedback form, and posts on various social media platforms to receive public comment related to the potential regulation of kratom within the Town; and

WHEREAS, in 2019, the Town held a Kratom Regulation Review and Advisory Roundtable, comprised of representatives from the Kratom industry, law enforcement, and regulatory agencies to discuss potential regulations; and

WHEREAS, in 2019, the Town conducted a Kratom Open House to receive public comment related to the proposed prohibition on the sale of kratom to minors; and

WHEREAS, the Town Council has been made aware that there are current businesses potentially marketing and selling kratom available to minors within the Town of Castle Rock; and

WHEREAS, the Town Council considers that a prohibition on kratom sales to minors is necessary for the preservation and protection of the public health, safety and welfare of the citizens and visitors of the Town of Castle Rock.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Title 9 of the Castle Rock Municipal Code is amended by the addition of a new Chapter 9.24 entitled Sale of Kratom to Minors Prohibited, to read as follows:

**Chapter 9.24
Sale of Kratom to Minors Prohibited**

9.24.010 - Definitions.

Kratom means a product that contains *Mitragyna speciose*, mitragynine, or 7-hydroxymitra-gynine or *Mitragyna speciose*, mitragynine, or 7-hydroxymitra-gynine derivatives and is intended to be ingested, absorbed, inhaled, chewed, or applied to the skin of an individual.

Minor means a person under the age of eighteen (18) years of age.

9.24.020 - Prohibition.

It shall be unlawful for any person to sell kratom to any minor.

9.24.030 - Penalty.

Any person who is convicted of, or pleads guilty or no contest to a violation of this Chapter shall be punished by a fine of not more than three hundred dollars

(\$300.00) per violation or count.

Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 21st day of May, 2019 by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 4th day of June, 2019, by the Town Council of the Town of Castle Rock by a vote of __ for and __ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Elizabeth Allen, Assistant Town Attorney