

**ORDINANCE OF THE CITY OF FLOWOOD, MISSISSIPPI PROHIBITING THE USE,
PURCHASE, POSSESSION DISTRIBUTION, SALE OR OFFERING FOR SALE,
SYNTHETIC COCAINE OR OTHER SYNTHETIC PRODUCTS, OFTEN REFERRED
TO AS 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 and 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 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; and the U.S. Drug Enforcement Administration has listed kratom as a Drug and Chemical of Concern; and

WHEREAS according to the Mayo Clinic (<https://www.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 taken with prescription medicines, causing severe headache, the inability 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 and people who use kratom may begin craving it and require treatments given for opioid addiction, such as naloxone (Narcan) and buprenorphine (Buprenex); (4) Kratom adversely affects infant development and when 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 had 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; and now therefore, to preserve the health, safety and welfare of the citizenry,

BE IT ORDAINED that the City of Flowood hereby adopts the following this ordinance which prohibits the use, purchase, possession, distribution, sale or offering for sale of synthetic cocaine, or other synthetic products often referred to as kratom, as set forth herein-below, to-wit:

Section 1: Use, purchase, possession, distribution, sale or offering for sale of synthetic cocaine or other synthetic products often referred to as kratom are prohibited.

(A) No person shall use, possess, purchase, distribute, manufacture, sell or attempt to use, possess, purchase, distribute or 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 coke, cloud 9, peevee, 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, salt, derivative, capsule, tablet, caplet, gel cap, 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 speciose* 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 pseudo indoxyl.
- e. Or other similar product(s) with the active ingredients or with similar structural analogs commonly found in kratom, including:
 1. Corynantheidine, 7-Acetoxymitragynine, corynoxin A and B, 3-dehydromitragynin, 3-isocorynantheidin, 3-isopaynanthein,

isomitraphyllin, isospeciofolin, isospecionoxein, mitraciliatin, mitrafolin, mitragynalin, mitraphylin, mitraspecin, paynanthein, speciociliatin, speciofolin, speciogynine, specionoxein, speciophylline, and stipulatin.

- f. This shall include every variation of products sold using the trade name Kratom or similar trade names or descriptors, including, but not limited to: Krathom, Kakuam, Ketum, Kratum, Ithang, Thang, Thom, Biak, Biak-Biak, Mambog, Super K, Life Force K, K-Chill, Herbal Speedball, or K-shot.

(B) If any of the aforementioned substances shall be found in the possession of any person, unless specifically excluded herein, the substances shall be confiscated by law enforcement officials.

(C) It shall not be an offense under subsection (a) above of this section if a person shall be acting at the direction of an authorized agent of the city to enforce or ensure compliance with this law prohibiting the use, possession, purchase, distribution or sale or the attempt to use, possess, purchase, distribute or sale or publicly display for sale the aforementioned substances.

(D) This section shall not apply to any person who shall commit any act described in this section pursuant to the direction or prescription of a duly licensed physician or dentist authorized to direct or prescribe such act. This section shall not apply to the inhalation of anesthesia for a medical or dental purpose which inhalation or anesthesia shall be administered by or under the supervision of a duly licensed physician or dentist.

(E) Any person found to be guilty of violating this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000.00 or imprisoned in the county jail not to exceed six (6) months or both.

Section 2. For the protection of the health, safety and welfare of the citizenry, upon unanimous vote of the members of the Board of Aldermen, this Ordinance shall go into effect immediately. However, in the event the vote of the Board of Aldermen is less than unanimous, that this Ordinance shall go into effect thirty (30) days after the adoption hereof.

Section 3. Said Ordinance having been previously reduced to writing, a motion was made by Alderman McDaniel and seconded by Alderman Smith to adopt the Ordinance and no request having been made by the Mayor or any member of the Board of Aldermen that said Ordinance be read by the City Clerk before a vote was taken, and reading of such having been waived, said Ordinance was adopted by the vote of the Board of Aldermen, the results being as follows:

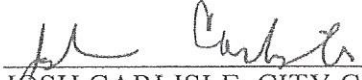
Alderman Harmon: Absent
Alderman Smith: AYE
Alderman Flynt: AYE
Alderman Robbins: NAY
Alderman McDaniel: AYE

The Mayor thereby declared the motion carried and the Ordinance adopted and approved on this the 1st day of August 2022.



GARY RHOADS, MAYOR

ATTEST:



JOSH CARLISLE, CITY CLERK

