

ORDINANCE NO. 1764

AN ORDINANCE ESTABLISHING A NEW SECTION 22 (PROHIBITION OF KRATOM, SYNTHETIC DRUGS, SYNTHETIC CANNABOIDS, PSYCHOACTIVE DRUGS, AND TETRAHYDROCANNABINOL PRODUCTS BUSINESSES) OF CHAPTER 91, TITLE IX OF THE CODE OF ORDINANCES FOR THE CITY OF FULTON, ILLINOIS

WHEREAS the City of Fulton is a municipality under the Illinois Municipal Act (65 ILCS 5/1-1-2(1)); and

WHEREAS, the City of Fulton 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, the City of Fulton has encountered synthetic stimulants, cannabinoids, or psychedelic/hallucinogens being sold at commercial businesses within its corporate boundaries containing compounds originally designed as synthetic alternatives to prohibited or regulated controlled substances such as tetrahydrocannabinol, cathinone, methcathinone, psilocybin, psilocin, methylenedioxymethamphetamine (MDMA) and methylenedioxy-N-ethylamphetamine (MDEA); and

WHEREAS, the City of Fulton has observed businesses in the City of Fulton 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 City of Fulton finds that kratom, psychoactive drugs, synthetic drugs, tetrahydrocannabinol products, synthetic cannabinoids may be purchased for recreational use currently as an alternative to otherwise regulated controlled substances banned or regulated at the Federal, State, and local levels; and

WHEREAS, the sale of kratom, psychoactive drugs, synthetic drugs, tetrahydrocannabinol products, synthetic cannabinoids, 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, agitation, nausea, tachycardia, elevated blood pressure, seizures, psychotic episodes, increased heart rate, panic attacks, paranoid behavior and non-responsiveness as well as negatively affecting cognitive functioning and even possibly causing death; and

WHEREAS, the City of Fulton is also aware of fatal consequences of use in other Illinois communities and in other State, which are believed to have resulted from the users' consumption of kratom, psychoactive drugs, synthetic drugs, tetrahydrocannabinol products, or synthetic cannabinoid; and

WHEREAS, to the extent not pre-empted by existing state or federal law, the City of Fulton deems it necessary and desirable to prohibit the sale of products containing kratom, psychoactive drug, synthetic drug, tetrahydrocannabinol products, synthetic cannabinoid to protect the public health, safety and welfare of the citizens of Fulton.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Fulton, Whiteside County, Illinois, as follows:

SECTION ONE: The foregoing recitals are incorporated herein as findings of the Mayor and the members of the City Council.

SECTION TWO: Title IX, Chapter 91(captioned Health and Safety) of the Code of Ordinances shall be amended to add a Section 22 which shall read as follows:

“§91.22: PROHIBITION OF KRATOM, SYNTHETIC DRUG, SYNTHETIC CANNABINOIDS, PSYCHOACTIVE DRUGS, AND TETRAHYDROCANNABINOL PRODUCTS BUSINESSES

(1) Definitions: For the purposes of this chapter, the following words and phrases shall have the meaning designated below, except when a particular context clearly requires a different meaning

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 Synthetic Drug, or a 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 Synthetic Drug, or a 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.

PSYCHOACTIVE DRUG: any compound, mixture, preparation, or substance, or its analog (including, but not limited to, salts, isomers, esters, ethers, 4-acetoxy-dimethyltryptamine, 4-AcO-DMT, salts of isomers, psilocybin, and psilocin), 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.

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 thiopene 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, alkylenedioxy, 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 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.

SYNTHETIC CANNABINOID: Any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and analog containing a cannabinoid receptor agonist, such as those found in the Schedules of Article II of the Illinois Controlled Substances Act (720 ILCS 570/21 et seq.).

TETRAHYDROCANNABINOL: Including without limitation, the following

- (a) Delta-1 cis or trans tetrahydrocannabinol,
- (b) Delta-6 cis or trans tetrahydrocannabinol, and its optical isomers;
- (c) Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers;
- (d) Delta-10 cis or trans tetrahydrocannabinol, and its optical isomers;
- (e) Delta-8 tetrahydrocannabinol acetate 8 ester;
- (f) Delta-9 tetrahydrocannabinol acetate 10 ester;
- (g) Delta-6a,10a tetrahydrocannabinol acetate ester;
- (h) Delta-10 tetrahydrocannabinol acetate ester;
- (i) A product derived from industrial hemp that was produced as a result of a chemical process that converted the industrial hemp or a substance contained in the industrial hemp into Delta-8, Delta-9, Delta-6a, 10a, or Delta-10 tetrahydrocannabinol including their respective acetate esters; and
- (j) Any other psychoactive substance derived therein

TETRAHYDROCANNABINOL PRODUCT: Any product containing tetrahydrocannabinol used for human consumption not regulated or prohibited by state law.

(2) Synthetic Drug, Synthetic Cannabinoid, and Product Containing Tetrahydrocannabinol Prohibited:

No business within the corporate limits of the City of Fulton shall manufacture, sell, offer for sale, give away, deliver or distributed any products that contain synthetic drugs, synthetic cannabinoids,

tetrahydrocannabinol products or an analog of synthetic drugs, synthetic cannabinoids, or tetrahydrocannabinol products.

(3) Psychoactive Drugs and Kratom Businesses Prohibited:

No business within the corporate limits of the City of Fulton shall manufacture, sell, offer for sale, give away, deliver or distribute any products that contain kratom or psychoactive drugs or an analog of kratom or psychoactive drugs.

(4) Public Nuisance Declared:

Operation of any prohibited kratom, psychoactive drug, synthetic drug, tetrahydrocannabinol product, synthetic cannabinoid or analog of kratom, psychoactive drug, synthetic drug, tetrahydrocannabinol product, or synthetic cannabinoid business establishment within the corporate limits of the City of Fulton in violation of this Section and Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

(5) Penalty:

Any person or entity violating any of the provisions of this Chapter shall, upon a finding of guilty, be punished by a fine of up to \$100 for the first violation, \$500 for the second violation, and \$750 for each violation thereafter. The Local Liquor Control Commissioner or Mayor has additional authority to suspend, revoke, and/or fine any City licensed business who has violated this ordinance three or more times pursuant to the same rules and procedures set forth in regard to liquor licenses as provided in Chapter 111 of this Code. Each day such violation continues constitutes a separable fineable offense.

(6) Exemptions: Any business subject to the Municipal Cannabis Retailers' Occupation Tax shall be exempt from the requirements of this Chapter."

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

SECTION FOUR: 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 FIVE: Except as set forth above in this Ordinance, all Chapters and Sections of the City of Fulton Code of Ordinances, as amended, shall remain in full force and effect.

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

PASSED by the Mayor and City Council of the City of Fulton, Whiteside County, Illinois, on the 23rd day of June, 2025, and deposited and filed in the office of the City Clerk on that date, pursuant to roll call vote as follows:

Elected Alderman: 8

AYES: 6

NAYES: 0

ABSENT: 2

Joel Wade

City Clerk of the City of Fulton, Illinois

Approved by the Mayor of the City of Fulton, Illinois, this 23rd day of June, 2025.

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Mayor of the City of Fulton, Illinois

ATTEST:

Joel Wade

City Clerk

Published in pamphlet form this 23rd day of June, 2025