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**Return to:**

City of Troy  
116 E. Market Street  
Troy, Illinois 62294

2020R06751  
STATE OF ILLINOIS  
MADISON COUNTY  
02/28/2020 09:59 AM  
AMY M. MEYER, RECORDER  
REC FEE: 50.00  
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50.00 CITY

## Ordinance No. 2020 - 04

AN ORDINANCE Amending Chapter 133 of the Codified Ordinances of the  
City of Troy to Prohibit the Sale and Possession of Mitragynine  
and 7-Hydroxymitragynine, Also Known as Kratom

ADOPTED BY THE CITY COUNCIL  
OF THE CITY OF TROY, ILLINOIS  
THIS 18<sup>TH</sup> DAY OF FEBRUARY 2020

**Whereas**, the City Council of the City of Troy, Madison County, Illinois, has determined that abuse of dangerous drugs is a threat to the health, safety, and welfare of the citizens of the City of Troy; and

**Whereas**, the City Council of the City of Troy, hereby finds mitragynine and 7-hydroxymitragynine, also known as "Kratom", are dangerous drugs, and are illegal in many other states; and

**Whereas**, mitragynine and 7-hydroxymitragynine are not necessarily illegal under Illinois State statutes, but one or both are controlled substances in Australia, Canada, and the United Kingdom; and

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**Whereas**, the City of Troy, has determined that in order to protect and preserve the health, safety and welfare of its citizens, the City wishes to regulate unsafe drugs.

**Now, Therefore, Be It Ordained** by the Mayor and the City Council of the City of Troy, Illinois as follows:

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Troy, Illinois

SECTION 2: That *Chapter 133* of the Troy Municipal Code of Ordinances is amended to include the provisions described in Exhibit A.

SECTION 3: All ordinances or resolutions, or parts of ordinances or resolutions in conflict herewith, to the extent of such conflict, are hereby changed and amended to comply with this Ordinance; and to the extent the same cannot be so amended, are hereby repealed to the extent of such inconsistency.

SECTION 4: That if any section or provision of this Ordinance is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining sections or provisions of this Ordinance which can be given effect without the invalid section or provision, and to this end, the sections and provisions of this Ordinance are declared to be severable.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law and shall be published in pamphlet form by the authority of the City Council.

**Passed** by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this eighteenth (18<sup>th</sup>) day of February, 2020.

Aldermen:

Dawson YES

Knoll YES

Total:

Hellrung YES

Levo ABSENT

6 Ayes

Henderson YES

Manley YES

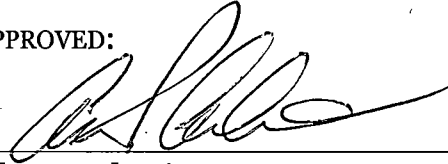
0 Nays

Italiano ABSENT

Turner YES

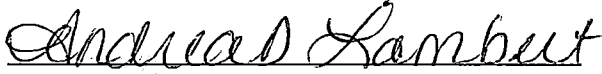
Ordinance 2020-04  
Passed February 18, 2020

APPROVED:



Allen P. Adomite  
Mayor, City of Troy, Illinois

ATTEST:



Andrea D. Lambert, City Clerk



Ordinance 2020-04  
Passed February 18, 2020

## Exhibit A

### MITRAGYNINE AND 7-HYDROMITRAGYNINE (KRATOM)

#### Chapter 133.60 – PURPOSE

This subchapter is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the city by prohibiting the use, possession, distribution or delivery of any substance containing mitragynine and 7-hydroxymitragynine, also known as "Kratom".

#### Chapter 133.61 – DEFINITIONS

KRATOM: also known as mitragynine or 7-hydroxymitragynine, is a stimulant generally produced from a tropical evergreen tree known as mitragyna speciosa.

#### Chapter 133.62 – CONTROLLED SUBSTANCES

Kratom, mitragynine, and 7-hydroxymitragynine, are each hereby declared and defined as a "controlled substance", as the term is used in this chapter and this Ordinance. Possession, use, or delivery of any of these controlled substances, is hereby declared illegal and a violation of City Ordinance.

#### Chapter 133.63 – OFFENSES AND PENALTIES

- A. Possession of Kratom, mitragynine, or 7-hydroxymitragynine - It is unlawful for any person to use, or to possess, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, or inject any of said controlled substances in violation of this Ordinance. Any person who violates this Section is guilty of an Ordinance violation and upon conviction may be fined not more than \$750.00 nor less than \$25.00.
- B. Manufacture or deliver of Kratom, mitragynine, or 7-hydroxymitragynine - It is unlawful for any person to manufacture, refine, distill, purify, deliver, or possess with intent to deliver, any of said controlled substances and is a violation of this Ordinance to do so. Any person who violates this Section is guilty of an Ordinance violation and upon conviction may be fined not more than \$750.00 nor less than \$25.00.
- C. Delivery of Kratom, mitragynine, or 7-hydroxymitragynine to a minor - Any person 18 years of age or over who violates subparagraph B above by delivering any of said controlled substances to a person under 18 years of age is guilty of special offense and upon conviction may be fined not more than \$750.00 nor less than \$25.00.

**END OF DOCUMENT**