

**CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS**

ORDINANCE NO. 2025-67

**AN ORDINANCE PROHIBITING THE SALE OF
THC PRODUCTS, KRATOM, AND NOVEL PSYCHOACTIVE AND
SYNTHETIC DRUGS**

ADOPTED BY THE

CITY COUNCIL

CITY OF MONTICELLO

THIS 22ND DAY OF SEPTEMBER, 2025

Published in pamphlet form by authority of the City Council of the City of Monticello, Piatt County, Illinois, this 22nd day of September, 2025.

CITY OF MONTICELLO, ILLINOIS

ORDINANCE 2025 - 67

**AN ORDINANCE PROHIBITING THE SALE OF
THC PRODUCTS, KRATOM, AND
NOVEL PSYCHOACTIVE AND SYNTHETIC DRUGS**

WHEREAS, the City of Monticello (“*City*”) is a non-home rule municipality located in Piatt County, Illinois; and

WHEREAS, the corporate authorities of each municipality may do all acts and make all regulations which may be necessary or expedient for the promotion of health (65 ILCS 5/11-20-5); and

WHEREAS, Delta-8 tetrahydrocannabinol, also known as Delta-8 THC, and Delta-9 tetrahydrocannabinol, also known as Delta-9 THC, are psychoactive substances often manufactured from hemp-derived cannabidiol (CBD); and

WHEREAS, the City has received information relating to the sale of THC products in the City which are not regulated by the Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*) or the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*); and

WHEREAS, the City finds that the sales of unregulated THC products in the City may present adverse impacts upon the health, safety, and welfare of City residents, and impose additional costs, burdens, and impacts upon law enforcement and regulatory operations of the City; and

WHEREAS, novel psychoactive drugs and novel synthetic 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 City 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 preempted by existing state or federal law, the Mayor and City Council of the City of Monticello desire to abolish the sale of unregulated THC products, kratom, novel psychoactive drugs, and novel synthetic drugs in the City.

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

SECTION 1: RECITALS.

The forgoing recitals are hereby incorporated into this Ordinance herein as findings of the corporate authorities of the City of Monticello.

SECTION 2: AMENDMENT.

Chapter 93 of Title IX of the City of Monticello Code of Ordinances is hereby amended by adding a new Section 93.61 as set forth below:

**§93.61 SALE OF THC PRODUCTS, KRATOM, AND NOVEL
 PSYCHOACTIVE AND SYNTHETIC DRUGS
 PROHIBITED.**

- (A) Definitions. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them.
- (1) “Analog” means 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 psychoactive drug, a novel synthetic drug; or
 - (b) a substance which has, is represented has 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 psychoactive drug, or a novel synthetic drug.
 - (3) “Kratom” has the meaning defined in Section 5(a) of the Illinois Kratom Control Act, 720 ILCS 642/5(a), as may be amended.
 - (4) “Novel Psychoactive Drug” means any product, material, compound, isomer, acid, salt, mixture, preparation, or its analog, 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 I Schedule Drug, or any Federal II Schedule Drug as listed in 21 C.F.R. §§ 1308.11-1308.12 not otherwise regulated or prohibited by state law.

- (5) “Novel Synthetic Drug” means any “synthetic drug” as defined in the Illinois Controlled Substances Act, 720 ILCS 570/102(rr-10), as may be amended.
 - (6) “Person” means any person, firm, corporation, association, club, society, or other organization, including any owner, manager, proprietor, employee, volunteer or agent.
 - (7) “Tetrahydrocannabinol” or “THC” means any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol or tetrahydrocannabinolic acid (“THCA”), including, without limitation, delta-8-THC, delta-9-THC, delta-10-THC, tetrahydrocannabinolic acid, tetrahydrocannabipheryl, or hexahydrocannabinol, however derived. For the purposes of this definition, “isomer” means optical, position, and geometric isomers.
- (B) Sale of THC Products, Kratom, and Novel Psychoactive and Synthetic Drugs Prohibited. No person shall advertise, sell, offer for sale, give away, deliver, or distribute any products that contain:
- (1) THC, a chemical analog of THC, or any cannabinoid which can undergo aging, heating, or a decarboxylation process to develop and/or activate THC; or
 - (2) kratom, a novel psychoactive drug, or a novel synthetic drug, or a chemical analog of kratom, a novel psychoactive drug, or a novel synthetic drug.
- (C) Unlawful or prohibited acts include causing, permitting, concealing. Whenever in this section any act or omission is made unlawful or prohibited, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.
- (D) Exemptions. Nothing in this section shall unreasonably prohibit the cultivation, dispensing, and use of medical cannabis authorized by the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/140.

- (E) Penalties. Any person, firm, business, or corporation that violates any provision of this Section will be fined in an amount up to \$750.00, plus costs. Every day on which a violation occurs or continues shall be considered a separate and distinct offense.

SECTION 3: CONFLICT.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to the provisions of this Ordinance.

SECTION 4: SEVERABILITY.

If any part of this Ordinance is found or determined to be invalid by a court of competent jurisdiction, the invalid portion shall be stricken and the remainder of this Ordinance shall be in full force and effect.

SECTION 5: EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the Corporate Authorities on September 22, 2025, on a roll call vote as follows:

AYES:

NAYES:

ABSTAIN:

ABSENT:

Approved by the Mayor on September 22, 2025.

Larry Stoner, Mayor

ATTEST:

Robin Throneburg, City Clerk

Published in pamphlet form by the authority of the City of Monticello City Council on
September 23, 2025.

Robin Throneburg, City Clerk