



SHELLY HUGGINS, CITY CLERK

CITY OF HERRIN

300 NORTH PARK AVENUE

HERRIN, ILLINOIS 62948

(618)942-3175 · Fax (618)988-9115

Email: shuggins@cityofherrin.com

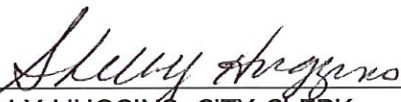
STATE OF ILLINOIS)
WILLIAMSON COUNTY)
CITY OF HERRIN)
CERTIFICATE OF PUBLICATION)

I, SHELLY HUGGINS, DO HEREBY CERTIFY that I am the duly qualified City Clerk of the City of Herrin, Illinois, Williamson County, and as such clerk, I am the keeper of the records and files of the City Council of said City.

I further certify that on May 12, 2025 the Corporate Authorities of the above municipality passed and approved Ordinance 8-2025 Banning the Possession, Sale and Delivery of Kratom and Derivatives within the City of Herrin, Illinois.

The pamphlet form of Ordinance 8-2025, included the Ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building and on the municipality's website, commencing on May 13, 2025 and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Herrin, Illinois at my office this 13th day of May, 2025.



SHELLY HUGGINS, CITY CLERK
HERRIN, ILLINOIS

SEAL

CITY OF HERRIN

ORDINANCE NO. 8-2025

BANNING THE POSSESSION, SALE AND DELIVERY OF KRATOM AND
DERIVATIVES WITHING THE CITY OF HERRIN, ILLINOIS

ADOPTED BY THE CITY COUNCIL OF THE
CITY OF HERRIN, ILLINOIS, MAY 12, 2025

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL OF
THE CITY OF HERRIN, WILLIAMSON COUNTY, ILLINOIS, THIS 13TH DAY OF
MAY, 2025.

Shelly Huggins
City Clerk

ORDINANCE NO. 8-2025

AN ORDINANCE BANNING THE POSSESSION, SALE AND DELIVERY OF KRATOM AND DERIVATIVES WITHIN THE CITY OF HERRIN, ILLINOIS

WHEREAS, the City of Herrin is a home rule unit of government and, pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution may exercise any power and perform any function pertaining to its government and affairs, including but not limited to “the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt;” and

WHEREAS the City Council of the City of Herrin, Illinois, is committed to promoting and protecting the public health, safety, and general welfare of its citizens; and

WHEREAS, Kratom (*Mitragyna speciosa*) is a plant native to Southeast Asia, the leaves of which contain psychoactive compounds that can produce stimulant and opioid-like effects depending on the dosage; and

WHEREAS, the U.S. Food and Drug Administration (FDA) has issued public health advisories warning that Kratom can cause addiction, respiratory depression, seizures, liver toxicity, and death, and has linked it to numerous adverse health events; and

WHEREAS, the U.S. Centers for Disease Control and Prevention (CDC) and the National Institute on Drug Abuse (NIDA) have issued similar warnings regarding Kratom, and have documented rising emergency room visits, poison control reports, and overdose cases connected to Kratom usage; and

WHEREAS, The Drug Enforcement Administration (DEA) has classified the active compounds in Kratom, including mitragynine and 7-hydroxymitragynine, as posing a risk of abuse and addiction and has listed Kratom as a drug and chemical of concern; and

WHEREAS, The Illinois General Assembly has taken steps to regulate Kratom, but has not enacted a statewide ban, leaving municipalities the discretion to impose additional restrictions necessary for their local circumstances; and

WHEREAS, several municipalities in Illinois and across the United States have taken action to ban or restrict Kratom due to the significant health and public safety risks it poses; and

WHEREAS, this Council has determined that the unregulated sale and possession of Kratom in Herrin presents an immediate and ongoing threat to the health and safety of the community, particularly to minors and vulnerable populations; and

WHEREAS, the City Council finds that a local ban on the sale, possession, and use of Kratom and its derivatives is a necessary and reasonable step to protect the residents of Herrin; and

WHEREAS, the City Council of the City of Herrin encourages and implores the Illinois General Assembly to likewise ban the sale, possession, and use of Kratom and its derivatives, in order to uniformly protect the public from this harmful substance and prevent its proliferation across communities.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Herrin, Illinois, as follows:

SECTION 1. PURPOSE

This chapter is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the City of Herrin by prohibiting the possession, distribution or delivery of any substance containing kratom as hereinafter defined, it being the specific finding of the City of Herrin that such substances have a dangerous effect upon anyone using said substances and have no practical medicinal or beneficial purposes

SECTION 2. DEFINITIONS

For the purpose of this Ordinance:

- A. "Kratom" means any part of the plant *Mitragyna speciosa*, whether growing or not, including its leaves, extracts, resins, compounds, salts, derivatives, isomers, or any preparation, mixture, or product containing any amount of *Mitragyna speciosa*.
- B. "Deliver" means the actual, constructive, or attempted transfer from one person to another of kratom, or any derivative thereof, whether or not there is an agency relationship, and includes a sale.
- C. "Derivatives" includes, but is not limited to, mitragynine, 7-hydroxymitragynine, or any synthetic or natural compound intended to mimic or replicate the effects of Kratom.
- D. "Sell" or "Sale" means to exchange or deliver for compensation or to offer to exchange or deliver for compensation.
- E. "Possess" or "Possession" means to have physical custody or control of an item, whether actual or constructive.

SECTION 2. PROHIBITIONS

- A. It shall be unlawful for any person, firm, business, or other entity to possess, sell, offer to sell, give, distribute, or deliver Kratom or any derivative thereof within the corporate limits of the City of Herrin.

SECTION 3. EXCEPTIONS

This Ordinance shall not apply to any person or entity lawfully authorized by federal or state law

to manufacture, prescribe, dispense, or conduct scientific research with Kratom or its derivatives, provided such activity is conducted in compliance with all applicable laws and regulations.

SECTION 4. PENALTIES

Any person or entity found to be in violation of this Ordinance shall be subject to a fine not exceeding seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

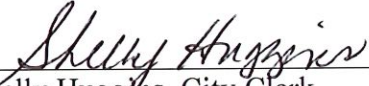
SECTION 5. SEVERABILITY

If any provision of this Ordinance is found to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in accordance with law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF HERRIN, ILLINOIS ON THE 12th DAY OF MAY, 2025.


Shelly Huggins, City Clerk

<u>NAME</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Alderman David Shoemake	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Alderman Sheila Ahlgren	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Alderman Paul York	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Alderman Randy Crompton	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Alderman Scott Kinley	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Alderman Steve Miller	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Alderman Brett Crouse	<u> x </u>	<u> </u>	<u> </u>	<u> </u>
Alderman Bill Sizemore	<u> </u>	<u> </u>	<u> </u>	<u> x </u>

APPROVED BY THE MAYOR OF THE CITY OF HERRIN THIS 12TH DAY OF MAY, 2025.


Steve Frattini, Mayor

ATTEST:


Shelly Huggins, City Clerk



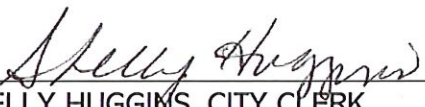
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