



Offered by Councilors John FitzGerald, Edward M. Flynn, Breadon, Culpepper, Durkan, Louijeune, Murphy, Pepén, Weber, and Worrell

CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY SIX

AN ORDINANCE AMENDING CHAPTER 16 OF THE CITY OF BOSTON CODE - ORDINANCES, PROHIBITING THE SALE AND USE OF SYNTHETIC MITRAGYNINE AND 7-HYDROXYMITRAGYNINE (7-OH) AND OTHER DANGEROUS CHEMICAL COMPOUNDS

WHEREAS, Kratom is a plant-derived substance that contains psychoactive compounds mitragynine and 7-hydroxymitragynine (7-OH), and when consumed, can produce stimulant-like effects at low doses and opioid-like effects at higher doses; *and*

WHEREAS, Kratom is commonly marketed and sold in forms including dried leaf powders, capsules, teas, gummies, energy drinks, concentrated extracts, inhalants etc. through retail outlets such as smoke shops, convenience stores, gas stations, specialty herbal shops, and online vendors; *and*

WHEREAS, Since 2016, federal health agencies have cautioned consumers about the health risks associated with consuming kratom, and in July 2025, the FDA recommended a scheduling action to control one of the compounds found in synthetic Mitragynine and 7-hydroxymitragynine under the Controlled Substances Act; *and*

WHEREAS, Many states and local jurisdictions have considered adopting legislation to regulate the sale and distribution of Kratom, including here in Massachusetts (HB.4261); *and*

WHEREAS, Across the City of Boston we have heard concerns from residents about the widespread and unregulated use of Kratom; *and*

WHEREAS, In 2015, when residents raised similar concerns about the unregulated use of other psychoactive substances, the City Council adopted CBC 16-59, an Ordinance prohibiting the possession, sale, manufacture, and distribution of synthetic cannabinoids, which are chemically synthesized compounds that bind to cannabinoid receptors. Kratom, which binds to one's opioid receptors is therefore not regulated under the Ordinance as currently written; *and*

WHEREAS, The sale and use of synthetic drugs poses an immediate threat to the public health and safety of the residents of Boston; therefore, the sale and use of such products should be prohibited. ***NOW THEREFORE BE IT***,

Ordained by the City Council of Boston, as follows: The City of Boston Code, Ordinances, Chapter 16, is hereby amended by adding the following new sections at the end thereof:

PROHIBITION OF THE POSSESSION OR SALE OF SYNTHETIC KRATOM MITRAGYNE AND 7-HYDROXYMITRAGYNE AND OTHER DANGEROUS CHEMICAL COMPOUNDS

Section One.

Purpose.

To prohibit the sale and use of synthetic Kratom Mitragynine and 7-Hydroxymitragynine (7-OH) and other dangerous chemical compounds, as it poses an immediate threat to the public health and safety of the residents of Boston; therefore, the sale and use of such products should be prohibited.

Section Two.

Definitions.

The following words, terms and phrases, whenever used in these sections, shall have the meanings set forth in this section, unless the context of their usage clearly indicates a different meaning.

“*Attractive to children*” means products that are packaged or designed, marketed or advertised for sale, or otherwise displayed in a manner that:

- a. Uses bright or neon colors;
- b. Resembles any existing branded consumer products, including foods and beverages, that do not contain cannabis;
- c. Features cartoons, symbols, or celebrities that are commonly used to market products to minors;
- d. Features images of minors; or
- e. Features words that refer to products that are commonly associated with minors or marketed to minors

“*Commissioner*,” shall mean the commissioner of the Boston Police Department or his or her designee.

“*Kratom leaf*” means the leaf of the kratom plant (*Mitragyna speciosa*) in fresh or dehydrated (dried) form.

“Kratom extract” means a substance or compound obtained by extraction of the *Mitragyna speciosa* leaf, intended for ingestion, containing more than trace amounts of *Mitragyna speciosa* and contains other alkaloids of the kratom plant, which does not contain any controlled substances or levels of residual solvents higher than is allowed in the U.S. Pharmacopeia 467.

“Person,” shall mean an individual, corporation, limited liability company, partnership, wholesaler, retailer, and any license or unlicensed business, including clerk, manager, or owner of business.

“Product” means each individual unit, container, package, bottle, can, pouch, capsule, tablet, gummy, serving, or other item displayed or marketed or advertised for retail sale or distribution to a consumer. Packaging that groups individual units shall not constitute a single product, rather each individual unit contained within such grouping shall be deemed a separate product for purposes of this ordinance, including the assessment of penalties.

“Prohibited Kratom Products” products intended for human consumption that:

- a. contains isolated, synthesized, converted, concentrated, enriched, enhanced, or added 7-hydroxymitragynine;
- b. contains any kratom-derived ingredient in which the concentration of 7-hydroxymitragynine exceeds the level naturally occurring in unadulterated *Mitragyna speciosa* leaf;
- c. contains kratom alkaloids in a beverage, shot, tincture, extract, concentrate, resin, tablet, capsule, gummy, or other processed product that is not an Unadulterated Kratom Product;
- d. has been otherwise altered through the addition, removal, concentration, conversion, synthesis, or enhancement of any naturally occurring kratom constituents.
- e.

“Synthesized” means an alkaloid or alkaloid derivative that has been created by chemical synthesis or biosynthetic means (including but not limited to; fermentation, recombinant techniques, yeast derived, enzymatic techniques), rather than traditional food preparation techniques such as heating or extracting. Or has been further exposed to chemicals and/or processes that would confer a structural change in the alkaloids contained within the extract.

“Unadulterated Kratom Products” products that contain only naturally occurring alkaloids present in the Kratom leaf and have not been altered by the addition, removal, concentration, conversion, synthesis or enhancement of its naturally occurring constituents and or 7-hydroxymitragynine. An Unadulterated Kratom Product may include other dietary ingredients and non-dietary substances lawful under the federal Food, Drug, and Cosmetic Act and FDA regulations. The following products shall be considered “unadulterated”:

- a. Natural Kratom leaf,

- b. Kratom leaf powder
- c. Kratom tea prepared solely from unadulterated *Mitragyna speciosa* leaf
- d. Kratom Extract
- e.

Section Three.

In the City of Boston, the manufacture, sale, distribution, possession and use of Kratom shall be limited by the provisions of this section.

Retail Restrictions.

It shall be unlawful to sell, offer for sale, provide, or otherwise distribute Unadulterated Kratom Products:

- a. To any person under the age of 21;
- b. In a manner that is attractive to children as defined by this section.

Online retailers of Unadulterated Kratom Products shall implement an age-verification system to ensure compliance with age restrictions.

Retail Prohibitions.

It shall be unlawful to display, sell, offer for sale, market or advertise for sale, provide, or otherwise distribute:

- a. Any Prohibited Kratom Extract Product as defined by this section.

Section Four.

Enforcement.

The Commissioner, or designee, shall have the authority to implement and enforce the provisions of these sections. The Commissioner, or designee, shall promulgate rules and regulations necessary to implement the provisions of these sections, pursuant to M.G.L., c. 30A.

Section Five.

Penalties.

Any person found to be in violation of this ordinance will be assessed the following civil penalties:

- a. In the case of a first violation, A penalty up to one thousand dollars (\$1,000.00) per product in the store for the first offense, and
- b. In the case of a second violation within a 12 month period, up to two thousand dollars (\$2,000.00) per item for a second offense.

Administrative Procedures.

In the interest of public health and safety, the Commissioner, and the appropriate City agency/department may initiate procedures to suspend/revoke the violator's permit/license to operate as follows:

- a. In the case of a third violation within a 12 month period, the Commissioner, and the appropriate City agency/department shall provide written notice to the violator of the intent to suspend their permit/license to operate for a period of 30 days as well as a written warning for permanent revocation, at the discretion of the Commissioner, should additional violations persist.
- b. In the case of any additional violations within a 12 month period, upon public notice and comment, the Commissioner and the appropriate City agency/department shall provide written notice to the violator of the intent to permanently revoke their permit/license to operate.

In addition to any penalty provided under this section, if any of the aforementioned substances or combination thereof listed under the provisions of these sections are found in the possession of any person, the substances will be forfeited by seizure by the Boston Police Department or its officers and may be destroyed by such law enforcement officials in a method consistent with the law.

The provisions of these sections may be enforced in accordance with the non-criminal disposition process of M.G.L. c. 40, s. 21D, provided that this section shall not preclude the City of Boston from proceeding to restrain a violation by injunction.

Section Six.

Severability

If any provision of these sections shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Section Seven.

Effective Date

The provisions of these sections shall be effective thirty days after passage.

Filed: July 22, 2026