



Legislation Details (With Text)

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File created: 5/31/2017 **In control:** COMMON COUNCIL

On agenda: **Final action:** 6/20/2017

Effective date:

Title: An ordinance relating to sale, possession, and use of the herbal depressants kratom and kava in the city.

Sponsors: ALD. RAINEY, ALD. PEREZ, ALD. DONOVAN, ALD. BORKOWSKI, ALD. WITKOWSKI, ALD. COGGS, ALD. STAMPER

Indexes: DRUGS - REGULATION AND LICENSING

Attachments: 1. Notice Published 7-7-17

Date	Ver.	Action By	Action	Result	Tally
5/31/2017	0	COMMON COUNCIL	ASSIGNED TO		
6/8/2017	0	PUBLIC SAFETY AND HEALTH COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
6/20/2017	0	COMMON COUNCIL	PASSED	Pass	13:0
6/28/2017	0	MAYOR	SIGNED		
7/7/2017	0	CITY CLERK	PUBLISHED		

170238
ORIGINAL

ALD RAINEY, PEREZ, DONOVAN, BORKOWSKI, WITKOWSKI, COGGS AND STAMPER
An ordinance relating to sale, possession, and use of the herbal depressants kratom and kava in the city.
105-52 cr

This ordinance prohibits the sale, possession, and use of two herbal depressants, kratom and kava, in the city of Milwaukee.

Whereas, According to the U.S. Drug Enforcement Administration, kratom, also known as herbal speedball, provides an opioid-like effect; kava, also known as the intoxicating pepper, provides users a feeling of sedation and muscle weakness; and

Whereas, These herbs are considered controlled substances in Australia, Canada, France, Germany, Malaysia, Singapore, Switzerland, and the United Kingdom; and

Whereas, In the Milwaukee area, these herbs are becoming popularized in over-the-counter, mood-enhancing beverages such as “Legal Lean” that are targeted toward children; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 105-52 of the code is created to read:

105-52. Kratom and Kava Prohibited 1. POSSESSION, SALE, AND USE PROHIBITED. No person shall possess, purchase, display for sale, attempt to sell, sell, give, barter or use any chemical derivative of kratom or kava.

2. MEDICAL AND DENTAL USE ALLOWED. Acts prohibited under par. 1 shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided use is permitted under state and federal laws.

3. PENALTIES. Any person violating this section shall, upon conviction, be subject to a forfeiture of not less than \$100 nor more than \$500 together with the cost of prosecution, and upon default shall be imprisoned as provided by law.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB167452-1

Adam Wickersham

01/11/2017