

ORDINANCE

AN ORDINANCE AMENDING ARTICLES 8-2, 8-42, AND 23A-12 OF THE OAK PARK VILLAGE CODE REGARDING REGULATIONS ON SALES OF INTOXICATING HEMP AND KRATOM AND LICENSING AND TAXATION OF RETAIL SALES OF KRATOM

WHEREAS, the Village of Oak Park, as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit, the Village of Oak Park's powers are construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

WHEREAS, the Village Board has determined to amend the Oak Park Village Code with respect to licensing and taxation of sales of kratom as set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Oak Park, Cook County, Illinois, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein by reference.

Section 2. Village Code Amendments. The Village Code of Ordinances of the Village of Oak Park, Illinois, is amended as set forth below, with additions bold and double-underlined and ~~deletions struck through~~.

AMENDMENT ONE:

Article 8-42 ("Intoxicating Hemp and Kratom") of the Village Code is retitled to "Intoxicating Hemp."

AMENDMENT TWO:

Section 8-42-1 ("Definitions") of the Village Code is amended and will read as follows:

INTOXICATING HEMP DISPENSING ESTABLISHMENT: A person engaged in the sale at retail, giving away, or delivery with the intent of selling at retail of intoxicating hemp.

INTOXICATING HEMP: Any product, material, compound, isomer, acid, salt, mixture, or preparation:

A. Used or intended for human consumption;

B. That is not made, manufactured, sold, given away, bartered, exchanged, distributed, furnished, marketed, advertised, or otherwise held out for sale by cannabis business establishments duly licensed under, and in accordance with, the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.) or the

Cannabis Regulation and Tax Act (410 ILCS 705/1-1, et seq.); and

C. That contains or claims to contain: (1) any amount of synthetic cannabinoids of any kind, inclusive of acid forms, regardless of name, and including but not limited to THC-O, delta- 8 THC, and delta-10 THC, (2) a total delta-9 THC content concentration level in excess of 0.3% on a dry weight basis, or (3) a total delta-9 THC content in excess of 0.5 milligrams per labeled serving or individual unit or 2.5 milligrams per package regardless of the number of labeled servings or individual units therein, ~~or (4) Kratom.~~

~~KRATOM: Any parts of the plant *Mitragyna speciosa*, whether growing or not, and any compound, manufacture, salt, derivative mixture, or preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine, as defined in Section 5(a) of the Kratom Control Act, 720 ILCS 642/5(a), as may be amended.~~

PERSON: An individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

SYNTHETIC CANNABINOID: A cannabinoid-like compound that was produced using chemical synthesis, chemical modification, or chemical conversion, including in vitro biosynthesis or other bioconversion of such a method. Synthetic cannabinoids include the conversion of cannabinoids from one chemical structure to another, such as THC that was produced by the conversion of cannabidiol.

TETRAHYDRO- CANNABINOL OR "THC": 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, tetrahydrocannabiphenol, or hexahydrocannabinol, however derived. For the purposes of this definition, "isomer" means optical, position, and geometric isomers.

TOTAL DELTA-9 THC CONTENT: The value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expressed the potential total delta-9 THC content derived from the sum of the THC and THCA content and reported on a dry weight basis, to be calculated either by using a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, or by using a liquid chromatograph technique, which keeps the THCA intact, and using the following conversion: $[Total\ THC = (0.877 \times THCA) + THC]$ which calculates the potential total THC in a given sample.

UNDERAGE PERSON: An individual under the age of 21 years old.

AMENDMENT THREE:

Section 8-42-5 ("Sunset and Repeal") of the Village Code is created and will read as follows:

This Article 8-42 will be repealed and of no further force or effect at 11:59 p.m. on November 11, 2026.

AMENDMENT FOUR:

Article 8-43 ("Kratom") of the Village Code is created and will read as follows:

8-43-1: DEFINITIONS:

The words and phrases below are defined as follows for the purposes of this article:

KRATOM DISPENSING ESTABLISHMENT: A person engaged in the sale at retail, giving away, or delivery with the intent of selling at retail of kratom.

KRATOM: Any product, material, compound, isomer, acid, salt, mixture, or preparation:

A. Used or intended for human consumption; and

B. That contains or claims to contain any parts of the plant *Mitragyna speciosa*, whether growing or not, and any compound, manufacture, salt, derivative mixture, or preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine, as defined in Section 5(a) of the Kratom Control Act, 720 ILCS 642/5(a), as may be amended.

PERSON: An individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

UNDERAGE PERSON: An individual under the age of 21 years old.

8-43-2: UNDERAGE SALES; PROHIBITION:

A. Underage Sale Prohibited: No person and no kratom dispensing establishment, or any officer, associate, member, representative, agent, or employee of such establishment, may sell, give, or deliver kratom to an underage person.

B. Photo Identification: If a kratom dispensing establishment, or any

officer, associate, member, representative, agent, or employee of such establishment, believes or has reason to believe that a sale, giving, or delivery of kratom is prohibited because of the insufficient age of the prospective purchaser, they must, before making such sale or delivery, demand presentation of adequate written evidence of identity, including, without limitation, a photograph, and of the fact that the purchaser or recipient is over the age of 21 years ("identification card"), issued by a federal, state, county, or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operations license or identification card issued to a member of the Armed Services.

C. No Sale: If a kratom dispensing establishment, or any officer, associate, member, representative, agent, or employee of such establishment, believes or has reason to believe that the ultimate recipient of kratom to be purchased is of insufficient age or is using a forged or false identification card, they may not make the sale.

8-43-3: DISPLAY; PACKAGING; SIGNAGE:

A. Display: Products containing kratom must be displayed in a kratom dispensing establishment from behind a sales or service counter so that no person may access it without assistance by an establishment employee.

B. Prohibited Packaging: A kratom dispensing establishment cannot display, sell, give, or deliver any product containing kratom which includes (i) packaging or labeling with images designed or likely to appeal to children, including, without limitation, cartoons, toys, fruit, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or (ii) packaging or labeling that imitates any product available for consumption without kratom as a commercially available candy or snack food.

C. Signage: A kratom dispensing establishment must post a sign informing the public of the age restrictions in this article and informing the public of potential health effects of kratom at or near every display of kratom. Each sign must be plainly visible and state:

THE SALE OF KRATOM TO PERSONS UNDER TWENTY- ONE YEARS OF AGE IS PROHIBITED BY LAW.

KRATOM PRODUCTS HAVE NOT BEEN EVALUATED OR APPROVED BY THE UNITED STATES FOOD & DRUG ADMINISTRATION FOR SAFE USE.

The text of such signs must be in red letters on a white background with letters at least one inch in height. The Village Manager is authorized to modify the language of signage required in this Section and kratom dispensing establishments must post signage with modified language within 30 days of notification from the Village. The Village must provide signs required in this Article to kratom dispensing establishments

at no cost to the establishments.

8-43-4: LICENSE REQUIRED; FEE:

No person may own or operate within the Village a kratom dispensing establishment without first obtaining a license from the Village. The additional license fee for kratom dispensing establishments is set forth in Section 8-2-1 of this Code.

8-43-5: VIOLATIONS; PENALTIES:

A. Any violation of this article may be subject to administrative adjudication as provided for in this Code.

B. Every act or omission constituting a violation of any provision of this article, by any officer, director, manager, agent, or employee of a kratom dispensing establishment is deemed to be an act of the owner of such establishment, and the owner is subject to punishment in the same manner as if the act or omission had been done or omitted by them personally.

C. A violation of Section 8-43-2 is punishable by a fine not less than five hundred dollars (\$500.00) or exceeding seven hundred fifty dollars (\$750.00). A violation of Section 8-43-3 is punishable by a fine in the amount set forth in Section 1-1-5 of the Village Code.

AMENDMENT FIVE:

Section 8-2-1.C.4 ("Preemption") of the Village Code is renumbered to Section 8-2-1.C.5.

AMENDMENT SIX:

Section 8-2-1.C.4 of the Village Code is created and will read as follows:

Kratom Dispensing Establishments: Kratom dispensing establishments must pay an additional business license fee of three hundred dollars (\$ 300 .00).

AMENDMENT SEVEN:

Article 23A-12 ("Kratom Tax") of the Village Code is created and will read as follows:

23A-12-1: DEFINITIONS:

The words and phrases below are defined as follows for the purposes of this article:

KRATOM: As defined in Section 8-43-1 of the Village Code.

KRATOM DISPENSING ESTABLISHMENT: As defined in Section 8-43-1 of the Village Code.

MANUFACTURER: Any person who makes or fabricates kratom products.

PERSON: As defined in Section 8-43-1 of the Village Code.

PURCHASER: Any person who purchases in a retail sale.

RETAIL SALE or SOLD AT RETAIL: Any sale to a person for use or consumption, and not for resale.

SALE or PURCHASE: Any transfer of ownership or title or both, any exchange or barter, in any manner or by any means whatsoever for a valuable consideration.

UNIT: Any closed container which is labeled by a manufacturer of kratom and used to contain or convey kratom.

23A-12-2: TAX IMPOSED:

A tax is imposed upon the privilege of purchasing at a retail sale, in the Village, a unit of kratom. This tax must be paid by the purchaser, and nothing in this Article may be construed to impose a tax on the occupation of kratom dispensing establishments or manufacturers of kratom. The tax is levied at the rate of \$ 1.31 per unit of kratom sold at retail.

23A-12-3: LIABILITY FOR PAYMENT:

A. The ultimate incidence of and liability for payment of said tax will be borne by the person who seeks the privilege of purchasing at retail a unit of kratom within the Village.

B. The tax herein levied must be paid in addition to any and all other taxes and charges. It is the joint and several duty of the owner, operator, and manager of every kratom dispensing establishment to secure said tax from the purchaser and pay to the Village the taxes due in accordance with any rules and regulations which may be prescribed by the Village Manager and as otherwise provided in this Article.

23A-12-4: COLLECTION OF TAX:

Every person required to collect the tax levied by this Article must secure said tax from the purchaser at the time they collect payment for the purchase of a unit of kratom.

23A-12-5: RULES AND REGULATIONS:

The Village Manager may promulgate rules and regulations not inconsistent with the provisions of this Article concerning the enforcement and application of this Article. The term "rules and regulations" includes, but is not limited to, a case-by-case determination of the applicability of the tax imposed by this Article.

23A-12-6: FILING OF RETURN:

Every kratom dispensing establishment within the Village must file tax returns showing tax receipts received during each month period on forms prescribed by the Village Manager. The returns are due on or before the thirtieth day of the calendar month succeeding the end of the monthly filing period. At the time of filing said returns, the kratom dispensing establishment must pay to the Village all taxes due for the period to which the tax return applies. Each kratom dispensing establishment filing a tax return under this Article may retain an amount of money equal to two percent (2 %) of the total tax due as compensation for services rendered in the collection and payment of such tax.

23A-12-7: FAILURE TO PAY TAX:

If for any reason any tax is not paid when due, a penalty at the rate of two percent (2%) per month on the amount of tax which remains unpaid will be due and owing. Whenever any person fails to pay any tax as herein provided, the Village Attorney, upon the request of the Village Manager, may bring or cause to be brought an action to enforce the payment of the tax on behalf of the Village in any court of competent jurisdiction.

23A-12-8: RECORDS:

A. Every owner, manager, or operator of a kratom dispensing establishment in the Village must keep books and records which at a minimum include a daily sheet showing:

1. The amount of taxable sales receipts within the twenty-four (24) hour period; and

2. The actual tax receipts collected for the tax imposed under this Article for the date in question.

B. The Village Manager or their designee has at all reasonable times full access to said books and records. The books and records of a kratom dispensing establishment must be retained for a minimum of twenty-four (24) months.

C. The financial records of any kratom dispensing establishment submitted pursuant to this Article or any rule and regulation promulgated hereunder will not be available for public inspection to the extent permitted by law, in order to protect the owner's right to privacy.

23A-12-9: SUSPENSION OR REVOCATION OF LICENSE FOR FAILURE TO PAY TAX:

In addition to other penalties authorized by this action, the Village Manager may revoke or suspend any license issued by the Village if they determine the licensee has failed to comply with the duties imposed under this Article pursuant to the procedures in Article 8-1 of the Village Code. The suspension or revocation of the license will not release or

discharge the owner, manager, or operator from civil liability for payment of the tax nor from prosecution of any offense.

23A-12-10: PROCEEDS TO BE PAID TO VILLAGE FINANCE DIRECTOR:

All proceeds resulting from the imposition of the tax under this Article, including penalties, must be paid to the Finance Director of the Village of Oak Park and will be credited to and deposited in the General Fund of the Village.

23A-12-11: VIOLATIONS; PENALTIES:

A. Every act or omission constituting a violation of any provision of this Article, by any owner, officer, director, manager, agent, operator, or employee of a kratom dispensing establishment is deemed to be an act of the owner of such establishment, and the owner is subject to punishment in the same manner as if the act or omission had been done or omitted by them personally.

B. Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with or resisting or opposing the enforcement of any of the provisions of this Article, except when otherwise specifically provided, upon being found liable therefore will be punished by a fine in the amount set forth in Section 1-1-5 of the Village Code. Each day of violation constitutes a separate and distinct offense.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity thereof will not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict. This Ordinance will take effect upon passage and may be published in pamphlet form by the Office of the Village Clerk.

Section 4. Effective Date. This Ordinance will be in full force and effect after its passage, approval and publication as required by law.

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ADOPTED this __ day of _____, 2026, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Enyia				
Trustee Leving Jacobson				
Trustee Straw				
Trustee Taglia				
Trustee Wesley				

APPROVED this __ day of _____, 2026.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this __ day of _____, 2026.

Christina M. Waters, Village Clerk