

CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. O-38-26

**AN ORDINANCE AMENDING TITLE 8, POLICE REGULATIONS,
OF THE DARIEN CITY CODE TO ADD A NEW CHAPTER 24,
“KRATOM PRODUCTS”**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN**

THIS 19th DAY OF OCTOBER, 2026

**Published in pamphlet form by authority
of the Mayor and City Council of the City of
Darien, DuPage County, Illinois, this
20th day of October, 2026.**

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**AN ORDINANCE AMENDING TITLE 8, POLICE REGULATIONS,
OF THE DARIEN CITY CODE TO ADD A NEW CHAPTER 24,
“KRATOM PRODUCTS”**

WHEREAS, kratom (*Mitragyna speciosa*) is an herbal extract and psychoactive substance containing alkaloids such as mitragynine and 7-hydroxymitragynine, which produce stimulant-like or opioid-like effects and present a potential for addiction and psychological dependence; and

WHEREAS, the U.S. Food and Drug Administration (FDA) has not approved kratom for any medical use and has issued multiple public health warnings regarding its safety risks, including reports of seizures, liver damage, addiction, and overdose deaths associated with its consumption; and

WHEREAS, retail markets have been flooded with adulterated, highly concentrated, or synthetically altered kratom derivatives (such as enhanced 7-0H products) that exponentially increase toxicity and public health dangers; and

WHEREAS, numerous municipalities have responded to these risks by enacting complete retail bans or imposing severe restrictions on the sale of kratom in the interest of public safety; and

WHEREAS, pursuant to its home rule powers, the City of Darien is authorized to enact local regulations that address emerging public health hazards and protect residents from dangerous, and unregulated substances; and

WHEREAS, Illinois state law already prohibits the sale and distribution of products containing any quantity of kratom to any minor under 18 years of age; and

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WHEREAS, the City of Darien has determined that prohibiting the retail sale of kratom within municipal boundaries is a necessary exercise of its home rule authority to reduce risks to public health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, ILLINOIS, as follows:

SECTION 1: Recitals Incorporated. The foregoing Recitals are hereby incorporated in this Section 1 as if fully set forth herein.

SECTION 2: Amendment. Title 8, “Police Regulations,” is hereby amended by adding a new Chapter 24, “Kratom Products” to provide as follows:

TITLE 8. POLICE REGULATIONS

CHAPTER 24. KRATOM PRODUCTS.

8-24-1: RESTRICTIONS ON KRATOM ALTERNATIVE SYNTHETIC DRUGS, TETRAHYDROCANNABINOL AND SIMILAR PRODUCTS.

8-24-A-1: DEFINITIONS.

For the purposes of this Chapter Section, the following definitions apply:

KRATOM	Any parts of the plant <i>Mitragyna speciosa</i>, 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.
SYNTHETIC ALTERNATIVE DRUG	Any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, as those terms are defined herein.
SYNTHETIC CANNABINOID	Any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to any quantity of a natural or synthetic material, compound, mixture preparation, substance and analog.

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8-24-A-2: LIMITATIONS ON THE SALE AND DISTRIBUTION OF SUBSTANCES AND PRODUCTS:

1. **Kratom Ban:** It shall be unlawful for any business to sell, offer for sale, distribute or deliver Kratom or any product containing Kratom.

2. **Synthetic Alternatives Ban:** It shall be unlawful to sell, offer for sale, distribute, or deliver Synthetic Alternative Drugs.

3. **Tetrahydrocannabinol Age Restriction:** It shall be unlawful for any business to sell, offer for sale, distribute, or deliver Tetrahydrocannabinol to any person under the age of twenty-one (21) years.

8-24-A-3: AGE LIMITATIONS ON THE PURCHASE AND POSSESSION OF SUBSTANCES AND PRODUCTS:

1. **Kratom:** It shall be unlawful for any person under the age of eighteen (18) years to purchase, possess, or use Kratom or a product containing Kratom.

2. **Tetrahydrocannabinol:** It shall be unlawful for any person under the age of twenty-one (21) years to purchase, possess, or use Tetrahydrocannabinol or a product containing Tetrahydrocannabinol.

8-24-A-4: VIOLATIONS; MINIMUM FINE; ENFORCEMENT ORDERS

1. All violations of this Chapter shall be processed through the City's administrative adjudication system in accordance with the provisions of Title 9, Chapter 7 of the Darien City Code, "Administrative Hearing System." The minimum fine to be assessed by the Hearing Officer for a violation of this Chapter shall be Five Hundred & 00/100 (\$500.00) Dollars.

2. In addition, the City may request the Hearing Officer to enter orders prohibiting further violations of this Chapter or compelling removal of all substances on premises which are in violation of this Chapter.

SECTION 2: Home Rule. This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent the terms of this ordinance

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should be inconsistent with any non-preemptive state law, this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 3: Effective Date. This Ordinance shall be in full force and effect upon passage, approval, and publication as provided by law. The prohibition set forth in this Ordinance shall go into effect 30 days after passage of this Ordinance. City staff is directed to notify all businesses potentially affected by this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 19th day of October, 2026.

AYES: 7 – Belczak, Gustafson, Kenny, Leganski, Schauer, Stompanato, Sullivan

NAYS: 0 – NONE

ABSTAIN: 0 – NONE

ABSENT: 0 – NONE

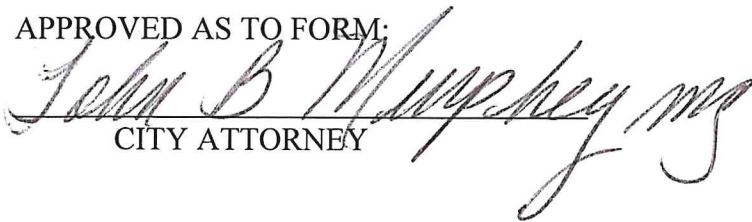
APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 19th day of October, 2026.

ATTEST:


JOANNE E. RAGONA, CITY CLERK


JOSEPH MARCHESE, MAYOR

APPROVED AS TO FORM:


CITY ATTORNEY



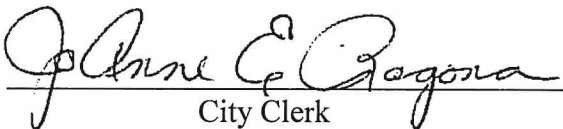
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, JoAnne E. Ragona, do hereby certify that I am the duly qualified CITY CLERK of the CITY OF DARIEN of DuPage County, Illinois, and as such officer I am the keeper of the records and files of the City;

I do further certify that the foregoing constitutes a full, true and correct copy of **ORDINANCE NO. O-38-26 “AN ORDINANCE AMENDING TITLE 8, POLICE REGULATIONS, OF THE DARIEN CITY CODE TO ADD A NEW CHAPTER 24, “KRATOM PRODUCTS”**” of The City of Darien, Du Page County, Illinois, Duly Passed and Approved by the Mayor and City Council at a Meeting held on October 19, 2026.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal this 19th day of October, 2026.




City Clerk