

STAFF REPORT REGULAR MEETING

AGENDA DATE: June 2, 2026

DEPARTMENT: City Attorney

TITLE:

Regulation of designer drugs

SUMMARY:

Requesting direction from the Commission regarding regulation of designer drugs

BACKGROUND AND JUSTIFICATION:

When regulation of kava was first discussed in April of 2025, our office researched possibilities. We found two options utilized by other local governments. Examples were provided to the City Manager's office for discussion with Commissioners in one-on-one meetings. One of the options for regulation is through zoning restrictions such as distance requirements. The Commission gave consensus on June 24, 2025, regarding the regulation of kava, kratom, and other designer drugs, more specifically to add an item to a future agenda regarding utilizing zoning to limit certain types of businesses in the Downtown area, specific to THC and entertainment, and establish a buffer zone. Our office sent a letter on August 26, 2025 addressing this consensus direction, namely that action on this type of regulation must be postponed due to restrictions imposed by the legislature that prohibit adoption of regulations that are more restrictive or burdensome until October 1, 2027.

The other option for regulation of such products we found utilized by local governments is through regulation of certain identified substances deemed "designer drugs". Sarasota County is the only local government with such regulations, which were adopted in 2014. The regulations in Sarasota County are enforced by the Sheriff's Office. Officers enter retail establishments and inspect the packaging and labeling of products offered for sale. The violations are prosecuted as misdemeanor violations. The Sarasota County Code provisions regulating "designer drugs" is attached for your review. Consensus for such regulation was requested at the priorities workshop held on December 2, 2025, and withdrawn after discussion. Also discussed at the December 2, 2025, meeting was whether the City could impose hours of operation on businesses selling such products. At least one Commissioner has expressed interest in pursuing this avenue for regulation of various "designer drugs" including kratom, synthetic kratom, and delta-8.

The State of Florida has taken some action regarding enforcement of kratom. In 2023, the legislature adopted Section 500.92, Florida Statutes, the "Florida Kratom Consumer Protection Act". Therein, "kratom product" is defined as a "food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption..." that contains certain ingredients and makes the sale, delivery, barter, furnishing, or giving of such product to a person under 21 years of age illegal. The FDA has since determined kratom is inappropriate for use as a dietary supplement and it may, therefore, not be marketed as a drug product, dietary supplement, or food additive in the U.S. In August of 2025 under authority granted by Section 893.035, Florida Statutes, Attorney General Uthmeier filed an emergency rule to classify 7-OH, a natural alkaloid in the kratom plant, as a Schedule 1 controlled substance in Florida. The 2026 legislative session included HB 1205 and SB 994, each proposing amendments to the Florida Kratom Consumer Protection Act, which died in committee.

Prior to expenditure of additional resources, the City Attorney's Office is seeking direction from the City Commission regarding regulation of designer drugs.

MOTION:

Provide direction regarding regulation of designer drugs.

ATTACHMENT(S):

Sarasota County regulations