

STATE OF LOUISIANA
CITY OF WEST MONROE

ORDINANCE NO. _____

MOTION BY: _____

SECONDED BY: _____

ORDINANCE TO ENACT SEC. 11-5032 OF THE CODE OF ORDINANCES, CITY OF WEST MONROE, LOUISIANA, PROHIBITING THE SALE OR DISTRIBUTION OF MITRAGYNINE SPECIOSA (SOMETIMES REFERRED TO AS "KRATOM"); TO ESTABLISH AN EFFECTIVE DATE; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, in consideration of the risks presented to the health and well-being of the citizens of Louisiana, including the risk of addiction, the Louisiana Legislature by Act No. 416 (of the 2023 Regular Session) adopted La. R.S. 14:91.10, which prohibits the sale or distribution of mitragynine speciosa (sometimes referred to as "Kratom") in the State of Louisiana to persons under the age of twenty-one; and

WHEREAS, Act 416 also adopted La. R.S.40:1300.51, et seq., creating a "Local Option for Mitragynine Speciosa" and specifically authorizing local governments (including municipalities like the City of West Monroe) to “ . . . enact an ordinance to prohibit the sale or distribution of mitragynine speciosa products or to regulate the sale or distribution of mitragynine speciosa products in a manner that is more restrictive than provided for in La. R.S. 14:91.10.” ; and,

WHEREAS, the City of West Monroe finds that the health risks associated with mitragynine speciosa products -- including but not limited to the risk of addiction and the risk of said products containing harmful contaminants - warrant a prohibition of the sale or distribution of such products within the municipal limits of the City of West Monroe.

NOW, THEREFORE:

SECTION 1. BE IT ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that Sec. 11-5032 of the Code of Ordinances of the City of West Monroe, Louisiana, is hereby enacted, to provide as follow

“Sec. 11-5032. Prohibiting the sale of mitragynine speciosa products; defining certain terms; penalty.

(a) No person shall sell or distribute or cause to be sold or distributed a product containing mitragynine speciosa within the municipal boundaries of the City of West Monroe;

(b) For purposes of this Section:

(1) "mitragynine speciosa" means a product containing either or both of the following:

a. Mitragynine; or

b. 7-Hydroxy- mitragynine.

- (2) the term “sell or distribute or cause to be sold or distributed” shall not prohibit
- a. the manufacture of a product containing mitragynine speciosa; or
 - b. the sale, resale, or transport of a product containing mitragynine speciosa to a business which is located outside the boundaries of the City of West Monroe if:
 - (i) the business has a proper occupational license where it is located; and
 - (ii) the sale and/or distribution of mitragynine speciosa is not prohibited at the intended destination.

(c) Any person who violates the provisions of this section shall be fined not more than five hundred dollars (\$500.00), imprisoned for not more than six (6) months, or both.

(d) If a vendor, seller or retailer holding an occupational license or alcohol beverage license issued by the City of West Monroe is convicted of a second or subsequent violation of this Section, that occupational license and any alcoholic beverage license shall be subject to revocation by the City of West Monroe, in addition to the above-stated penalties.”

SECTION 2. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that if any provisions or sections of this ordinance are held invalid, such invalidity should not affect the other provisions or sections of this ordinance which can be given in effect without the invalid provisions or sections, and to this end the provisions and sections of this ordinance are hereby declared severable;

SECTION 3. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that for cause determined to be in the best interests of the City of West Monroe and its citizens, this enactment shall be effective on February 1, 2025.

The above Ordinance was read and considered by Sections at a public meeting of the Mayor and Board of Aldermen, in regular and legal session convened, voted on by yea or nay vote, passed and adopted the 7th day of January, 2025, the final vote being as follows:

YEA: _____

NAY: _____

NOT VOTING: _____

ABSENT: _____

ATTEST:

ANDREA PATE, CITY CLERK
CITY OF WEST MONROE
STATE OF LOUISIANA

APPROVED THIS 7TH DAY OF
JANUARY, 2025

STACI ALBRITTON MITCHELL, MAYOR
CITY OF WEST MONROE
STATE OF LOUISIANA