Village of Downers Grove

Report for the Village Council Meeting

Table 1 - Council Agenda item.

Subject	New Business Item – Ordinance Prohibiting the Retail Sale of Kratom and Similar Products
Submitted By	David Fieldman, Village Manager

Synopsis

At the request of Commissioner Gilmartin, the following proposal has been placed on the New Business Agenda.

Asking staff to prepare an ordinance prohibiting the retail sale of kratom, 7-hydroxymitragynine (7-OH), and tianeptine products in Downers Grove.

Pursuant to Village Council policy, this topic shall be a discussion item only to allow the Village Council to direct staff to prepare an action for consideration at a later date. If the Village directs staff to undertake this new business item, staff will prepare a draft Ordinance for Council review and consideration at an upcoming meeting.

Strategic Plan Alignment

The 2025-27 Long Range Plan Strategic Goals include *A Safe and Welcoming Community*.

Fiscal Impact

N/A

Recommendation

Action at the discretion of the Village Council.

Background

Commissioner Gilmartin prepared the following:

Subject: Seeking Your Support: Kratom, 7-OH, and Tianeptine – New Business Item for November 10

Mayor Barnett and Fellow Council Members,

At our November 10 meeting, I will introduce a New Business item asking staff to prepare an ordinance prohibiting the retail sale of kratom, 7-hydroxymitragynine (7-OH), and tianeptine products in Downers Grove. I'm sharing this now because I hope to earn your support, and I want everyone to have time to review the evidence before we meet.

What is kratom?

Kratom comes from the leaves of Mitragyna speciosa, a tree native to Southeast Asia. Its main active compounds, mitragynine and 7-OH, act on the same receptors in the brain as opioids. At low doses it works as a stimulant; at higher doses it produces sedative, opioid-like effects. Kratom is sold at gas stations, convenience stores, and smoke and vape shops. It comes as powders, capsules, liquid "energy" shots, and, increasingly, concentrated synthetic 7-OH tablets. These synthetic products are far stronger than the natural leaf. Kratom is not approved by the FDA for any medical use. Reported health risks include addiction, liver toxicity, seizures, and death.

Why now?

Four things have changed in the past year:

1. The products have changed. Concentrated 7-OH tablets, several times more

potent than morphine, have flooded store shelves. Kratom-related poison center reports more than doubled nationally in 2025 alone, the same year these products took off.

2. The harm has reached our area. Naperville reported four kratom-related overdoses this year, one of them fatal. Our County Health Department now calls kratom an addictive opioid and is recommending bans countywide.
3. We risk becoming the nearest place to buy. Naperville and Darien, our closest neighbors, have both banned sales, as have Wheaton, Carol Stream, and Bartlett (see the full list below). With neighbors on both sides of us closed to sales, buyers will look for the next closest store, and right now that is Downers Grove.
4. No one else is going to fix this soon. Federal action covers only some synthetic compounds, and Illinois bills to regulate or ban kratom stalled this spring. A pending state bill could also limit local authority, so we have a window to act while that decision is still ours.

Our own County Health Department is calling for bans.

This summer, the DuPage County Health Department and the DuPage Federation on Human Services Reform surveyed tobacco retailers across the county. Their findings (see presentation of findings below):

- More than one-third of retailers sold kratom or synthetic kratom, including 89% of smoke and vape shops and more than 1 in 5 gas stations.
- 7-OH tablets are sold in candy flavors like “Strawberry Banana” and “Grape Bubblegum,” in packaging that resembles Sour Patch Kids.
- One product contains 150 mg per tablet but lists a serving as one-eighth of a tablet.
- 59% of retailers placed these products near toys, candy, or snacks.
- Roughly three-quarters used low-cost, single-serving products and price

promotions, which are linked to higher use by young people and low-income residents.

The Health Department's first policy recommendation is "comprehensive kratom and synthetic kratom bans throughout DuPage County."

Kratom is not regulated.

The FDA does not allow kratom to be sold as a drug, dietary supplement, or food additive, yet it is sold openly. No one checks what is in these products or how strong they are. The FDA warns that "enhanced" products sold as natural leaf can contain up to 500% more 7-OH than the plant has naturally. A customer has no way to tell the difference.

The new products behave like opioids.

FDA studies found 7-OH to be several times more potent than morphine. FDA Commissioner Makary called it "an opioid that can be more potent than morphine." HHS has recommended that concentrated 7-OH be placed in Schedule I, alongside heroin. In August, the DEA used emergency powers to schedule several related compounds.

The harm is growing quickly.

A March 2026 CDC report found that kratom-related calls to poison centers rose about 1,200% between 2015 and 2025, from 258 to 3,434. Hospitalizations rose from 83 to more than 1,000, and the report counted 233 deaths over that period. In Naperville, the coroner attributed one of this year's four kratom-related overdoses to kratom as the cause of death.

Tianeptine is the same problem under a different label.

Tianeptine is often called "gas station heroin." It is an unapproved drug that acts on the brain's opioid receptors at high doses. The FDA warns it can cause addiction, seizures, respiratory depression, coma, and death. It is sold in the same stores as

kratom, under brand names like Zaza and Tianaa, and it is not federally controlled. Including it keeps retailers from simply replacing one dangerous product with another.

Our neighbors have already acted.

In DuPage County:

- Naperville voted 8-0 on September 1 to ban retail sales of natural and synthetic kratom, effective October 1.
- Darien voted 7-0 on October 19, after presentations from the County Health Department and the DuPage County Coroner. Its ban takes effect November 18.
- Wheaton adopted its ban on April 20, covering kratom, 7-OH, and other novel psychoactive substances. It took effect May 1.
- Carol Stream has banned the sale and possession of kratom products since 2024, with fines of $500 to $1,500 per violation, per day.
- Bartlett voted unanimously on October 20 to ban all kratom products and synthetic derivatives. Its Village President is now urging the DuPage Mayors and Managers Conference to encourage other towns to follow.
- Elk Grove Village, which sits partly in DuPage County, has also banned sales.

Elsewhere in the region, Des Plaines, Mount Prospect, Rolling Meadows, Batavia, Lake Zurich, Antioch, and Plainfield have taken similar action.

The state has not stepped in.

Illinois law only bars kratom sales to people under 18. It does not regulate product strength, labeling, or purity. Both kratom bills introduced this spring, SB 3160 and HB 4737, failed to advance. The Illinois Municipal League has flagged HB 4737 as a bill that could limit local authority.

What I am proposing:

An ordinance modeled on those in Naperville and Wheaton. It would:

- Prohibit the retail sale and distribution of all kratom, 7-OH, and tianeptine products in the Village, including products labeled “not for human consumption.”
- Set meaningful fines, treat each day of sale as a separate violation, and allow business licenses to be suspended for repeat violations.
- Not make it a crime for adults to possess these products.
- Give retailers a reasonable grace period, such as 30 days, to remove products from their shelves.

Under our New Business policy, the November 10 item will be a discussion only. My motion will be to direct staff to prepare an ordinance for Council consideration at a future meeting. I will also ask staff and the Police Department to share any local data on related calls or incidents in Downers Grove.

Sources:

DuPage County Health Department & DuPage Federation on Human Services Reform, “Tobacco Retailer Environmental Scan,” Summer 2026 (attached) https://www.dupagefederation.org/communityprofiles

Darien City Council Packet, October 19, 2026 (staff memo, County scan, and Darien’s ordinance) https://www.darien.il.us/media/ronppcnl/p261019.pdf

City of Darien, “Darien City Council Approves Ordinance Banning Kratom Sales” https://darien.il.us/reference-desk/news/darien-city-council-approves-ordinance-banning-kratom-sales/

Hinsdale Journal, “Darien bans kratom sales in unanimous 7-0 council vote” https://hinsdalejournal.com/articles/darien-bans-kratom-sales-in-unanimous-7-0-council-vote-mvjfk5f4

Village of Carol Stream Code of Ordinances, § 14-2-33 (Hemp-Derived Cannabinoids, Kratom and Synthetic Alternative Drugs)

https://codelibrary.amlegal.com/codes/carolstream/latest/carolstream_il/0-0-0-8366

Chicago Tribune, "Naperville City Council bans retail sale of kratom products," September 2, 2026

https://www.chicagotribune.com/2026/09/02/naperville-council-ban-kratom-sales-products/

Daily Herald, "Bartlett bans sale of kratom, synthetic drugs and nitrous oxide for recreational use," October 21, 2026

https://www.dailyherald.com/20261021/business/bartlett-bans-sale-of-kratom-synthetic-drugs-and-nitrous-oxide-for-recreational-use/?print

FDA, "Concentrated 7-OH Opioid Products"

https://www.fda.gov/media/187898/download

FDA press release, "FDA Takes Steps to Restrict 7-OH Opioid Products Threatening American Consumers," July 29, 2025

https://www.fda.gov/news-events/press-announcements/fda-takes-steps-restrict-7-oh-opioid-products-threatening-american-consumers

HHS, "HHS Recommends Science-Based Thresholds to Target Dangerous Enhanced Kratom Products"

https://www.hhs.gov/press-room/hhs-recommends-thresholds-enhanced-kratom-products-7-oh-mgpi.html

CDC, "Increases in Kratom-Related Reports to Poison Centers," MMWR, March 2026

https://www.cdc.gov/mmwr/volumes/75/wr/mm7511a1.htm

FDA, “New ‘Gas Station Heroin’ Tianeptine Product Trend”

https://www.fda.gov/consumers/health-fraud-scams/new-gas-station-heroin-tianeptine-product-trend

Illinois General Assembly, HB 4737 (Kratom Consumer Protection Act)

https://www.ilga.gov/Legislation/BillStatus?DocTypeID=HB&DocNum=4737&GAID=18&LegID=165854

Illinois General Assembly, SB 3160 (Kratom Prohibition Act)

https://www.ilga.gov/ftp/legislation/104/BillStatus/HTML/10400SB3160.html

Illinois Municipal League, “Proposed Legislation Imposing Local Preemption”

https://www.iml.org/file.cfm?key=151362

Attachments

Tobacco Retailer Environmental Scan

Village of Downers Grove

Council Action Summary

Table 1 - Council Action Summary.

Initiated By	Village Attorney
Effective Date	November 10, 2026
Recommendation From	
File Reference	
Nature of Action	Motion

Steps Needed to Implement Action.

Motion to direct staff to prepare an ordinance prohibiting the retail sale of kratom and other similar products in Downers Grove.

Summary of Item.

Adoption of this motion shall direct staff to prepare an ordinance prohibiting the retail sale of kratom and other similar products.

Record of Action Taken.

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TOBACCO RETAILER ENVIRONMENTAL SCAN

Summer 2026

DuPage County Health Department

DuPage Federation on Human Services Reform

This project was made possible by funds received from the

Illinois Department of Public Health

BACKGROUND

- Tobacco, THC derivatives and kratom/synthetic kratom pose significant and multiple health risks in our communities.

- Increased retailer density in communities has been associated with:
  - Greater initiation of use
  - Higher prevalence of use
  - Increased challenges with cessation

- The wide range of products sold, and promotional and marketing strategies retailers use increases risk to communities by directing efforts to young and vulnerable audiences

- Public health environmental scans provide a systematic way of collecting data about communities to document their features, assess risks and plan interventions

RESEARCH QUESTIONS

- Overarching Research Questions
  - Distribution and density of tobacco retailers across DuPage County
  - Tobacco, THC and kratom products sold
  - Marketing strategies employed to build interest and use

- Today's Focus
  - Kratom/synthetic kratom products sold
  - Marketing strategies, focus on vulnerable population

Distribution and Frequency of Product Sales by Retailer Type

Product	Percent of Stores Selling: Convenience Store	Gas Station	Liquor Store	Pharmacy Drug Retail Store	Specialty Food Store	Supermarket Grocery	Smoke Shops
Cigarettes	100%	100%	93%	100%	0%	88%	65%
Cigars	78%	75%	79%	79%	0%	50%	67%
Cigarillos	94%	90%	90%	93%	0%	63%	75%
Smokeless/chewing tobacco	78%	79%	38%	79%	0%	50%	68%
Nicotine pouches	94%	96%	59%	93%	0%	50%	77%
e-Cigs/Vapes	94%	90%	79%	79%	100%	25%	95%
Heated tobacco	0%	3%	0%	0%	0%	0%	51%
Hookah	0%	0%	7%	0%	0%	13%	61%
Loose tobacco	39%	15%	14%	14%	0%	25%	84%
Kratom/synthetic Kratom	11%	21%	3%	0%	0%	0%	89%
THC-edible, smokable	17%	12%	14%	0%	0%	13%	84%
THC drink	17%	14%	52%	0%	0%	13%	26%
Other	0%	3%	3%	0%	0%	0%	11%
Number of product types sold by retailer	**10**	**12**	**12**	**7**	**1**	**10**	**13**

75%-100% sampled retailers sold product	50%-74% sampled retailers sold product	25%-49% sampled retailers sold product	1% - 24% sampled retailers sold product	0% sampled retailers sold product

FINDINGS: KRATOM & SYNTHETIC KRATOM

- Kratom: tropical plant that produces stimulant and sedative effects; at high enough doses, opioid-like and psychotic symptoms

- Synthetic products concentrate kratom's psychoactive properties, increasing potency: 7-OH, mitragynine, pseudoindoxyl

- Historically unclassified, temporary Schedule One status recently passed for some (but not all) synthetic kratom products.



FINDINGS: KRATOM & SYNTHETIC KRATOM

- Over 1/3 of retailers sold kratom/synthetic kratom products
  - 89% of smoke/vape shops
  - Over 1 in 5 gas stations,1 in 10 convenience stores
- Kratom products sold in multiple forms: powder, pill, tablet, drink, different colors promise different effects



FINDINGS: KRATOM & SYNTHETIC KRATOM

Troubling take aways

- Youth Directed Marketing of Kratom/Synthetic Kratom
- Low-Cost Entry and Single Serving





FINDINGS: KRATOM & SYNTHETIC KRATOM

Troubling take aways

- Misleading Marketing Claims
- Misleading Dosing/Serving Size





FINDINGS: KRATOM & SYNTHETIC KRATOM

Troubling take aways

- Misleading Marketing Claims
  - mood, energy, focus claims
- Misleading Dosing/Serving Size







Feel Free Energy Drink Product Information



FINDINGS: ADVERTISING & MARKETING

- Heavy use of strategies to appeal to youth
  - Imagery that appeals to youth
  - Packaging to mimic standard candy, snacks
  - Product placement



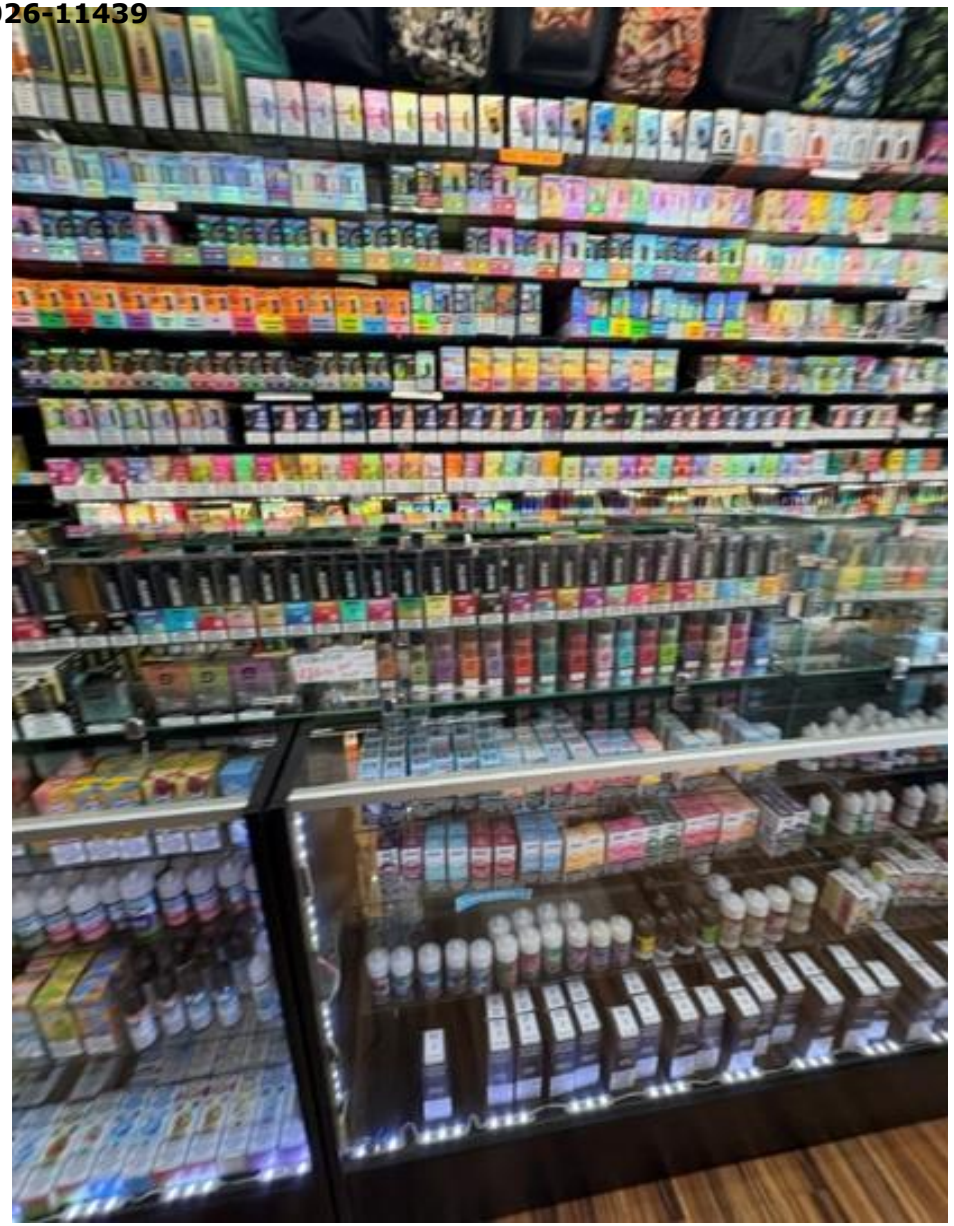




- Almost 6 of 10 of retailers (59%) placed products near toys, candy or snacks
- Placement influences experimentation, initiation and continued use







RETAILERS THAT DIDN'T HAVE ADVERTISING TYPICALLY HAD FLOOR TO CEILING WALLS OF PRODUCTS

FINDINGS: DISCOUNTS & PRICE PROMOTIONS

Single use, low cost, disposable products associated with greater use among vulnerable audiences

- Adolescent/YA
- Low Income

Strong majority of retailers use these discount and promotion strategies



FINDINGS: DISCOUNTS & PRICE PROMOTIONS



2 tobacco cigars for under $1

Single serving 7-OH synthetic kratom products





Single serving THC beverages for sale

FINDINGS: AGE OF SALE

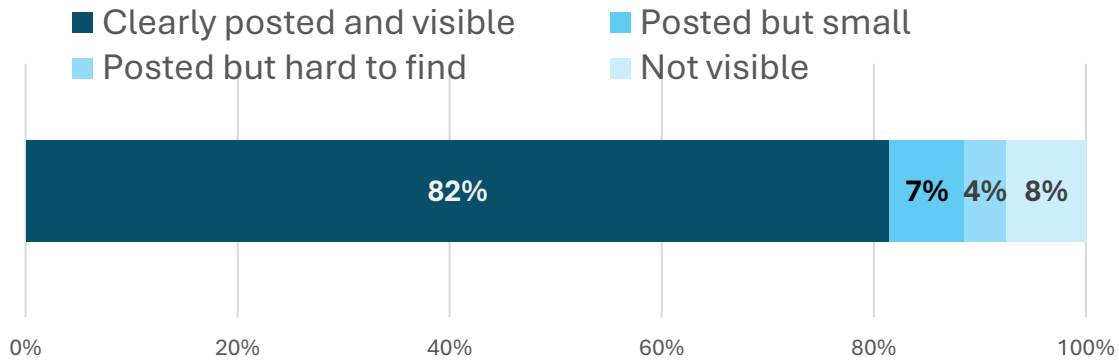
- Age of sale signs intended to discourage underage sale and use

- Strong majority of retailers posted age of sale clearly

- Age of sale signs ≠ age verification “carding”







RECOMMENDATIONS: POLICY

- Advocate for comprehensive kratom and synthetic kratom bans throughout DuPage County.

- **Public Health & Coalitions:** Monitor ongoing Federal and local response to emerging and evolving products
  - Scheduling changes, Municipal bans, Proposed state legislation SB3160

- **Legislators & Advocates:** Restrict strategies that target youth and vulnerable populations: advertising, promotion, design and placement
  - Cartoon imagery, candy/snack mimicking
  - Flavored products
  - Placement near youth appealing items, cueing and impulse buy locations
  - Low-cost, single use, disposable

RECOMMENDATIONS: EDUCATION & TREATMENT

- Awareness building media campaign about the harms of kratom/synthetic kratom

- **Public Health Leaders, Coalitions & Schools:** Continue and expand high-quality, evidence-based prevention education and awareness building
  - More comprehensive inclusion of kratom products into education and awareness building

- **Treatment & Support Service Providers:** Offer robust evidence-based treatment and recovery services, ex: CBT, withdrawal mgmt., care coordination, supportive services
  - Acknowledge and respond to evolving context

THANK YOU!

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