

**ORDINANCE PROHIBITING THE USE, PURCHASE,
POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF
KRATOM**

WHEREAS, the Mayor and Board of Aldermen of the City of Winona, Mississippi have determined that certain businesses within the City of Winona, Mississippi are selling certain substances that when ingested, produce intoxicating effects similar to THC or marijuana and/or Methcathinone; and

WHEREAS, the substances described below are not yet categorized as illegal controlled substances under state or federal law; and

WHEREAS, the substances described below are often used as an alternative to marijuana and other controlled substances and are potentially dangerous to users; and

WHEREAS, it has been determined that the effects of these substances are a health concern to the citizens of the City of Winona, Mississippi;

WHEREAS, the Mayor and Board of Aldermen of the City of Winona, Mississippi, have determined the need to establish regulations preventing the use, possession, purchase, distribution, sale or attempt to use, possess, purchase, distribute or sale or publicly display for sale, any one or more of the following chemicals within the city limits of the City of Winona, Mississippi; and therefore adopt the following regulations and penalties, and

WHEREAS, pursuant to Section 21-13-11 of the Mississippi Code Annotated (1972), this Ordinance Prohibiting The Use, Purchase, Possession, Distribution, Sale Or Offering For Sale Of Kratom is for the immediate and temporary preservation of the public peace, health and safety and shall become effective immediately upon its adoption, and prior to being recorded and published, as the best interests of the public will be served by the immediate effectiveness of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN THE CITY OF WINONA, MISSISSIPPI, TO-WIT:

SECTION 1:

1. No person shall use, possess, purchase, distribute, sale or attempt to use, possess, purchase, distribute or sale or publicly display for sale any one or more of the following chemicals within the city limits of the City of Winona, Mississippi:

(A) Products sold as "kratom", or any part of the plant *Mitragyna Speciosa*, *Mitragyna Speciosa* Korth, *Mitragyna speciosa* leaf extract, *Mitragyna speciosa* extract, whether growing or not, and any compound, manufacture, salt, derivative, capsule, tablet, caplet, gelcap, pill, powder, liquid, vegetative material, mixture, or preparation of the plant, including but not limited to any product containing mitragynine, or 7-hydroxymitragynine.

(B) or any similar structural analogs.

2. If any of the aforementioned substances shall be found in the possession of any person, unless specifically excluded herein, the substances shall be confiscated and destroyed by law enforcement officials.

3. It shall not be an offense under Section 1 above of this Ordinance if a person shall be acting at the direction of an authorized agent of the City of Winona, Mississippi to enforce or

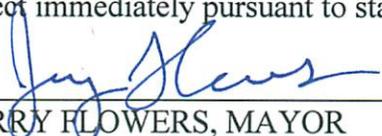
ensure compliance with this law prohibiting the use, possession, purchase, distribution or sale or the attempt to use, possess, purchase, distribute or sale or publicly display for sale the aforementioned substances.

4. This Ordinance shall not apply to any person who shall commit any act described in this Ordinance pursuant to the direction or prescription of a duly licensed physician or dentist authorized to direct or prescribe such act. This Ordinance shall not apply to the inhalation of anesthesia for a medical or dental purpose which inhalation of anesthesia shall be administered by or under the supervision of a duly licensed physician or dentist.
5. Any person found to be guilty of violating this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisoned in the county jail not to exceed six (6) months or both.
6. The City Clerk is hereby authorized to publish this ordinance in The Winona Times.

WHEREAS, the Ordinance Prohibiting The Use, Purchase, Possession, Distribution, Sale Or Offering For Sale Of Synthetic Cannabinoids Or Other Synthetic Products, having been first reduced to writing, was read, discussed and voted upon in a public meeting, and whereas a motion was duly made by Alderman Shelton, and seconded by Alderman Dance and a vote was held thereon with the following results, to-wit:

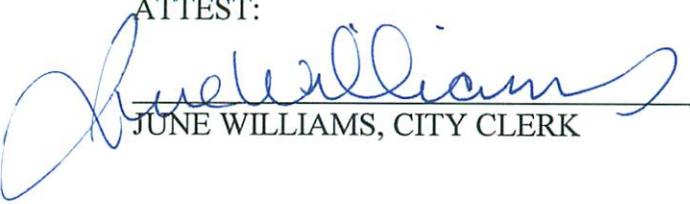
Alderman Austin voting Aye
Alderman Johnson voting Aye
Alderman Winbush voting Aye
Alderman Ware voting Aye
Alderwoman Minnieweather voting Aye

Thereupon, the Mayor declared said Motion carried and said Ordinance adopted to take effect immediately pursuant to statute on this the 4th day of August, 2020.



JERRY FLOWERS, MAYOR

ATTEST:



JUNE WILLIAMS, CITY CLERK



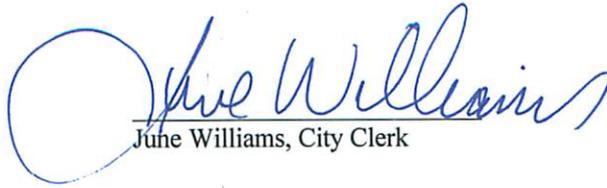
CERTIFICATE

I, June Williams, the undersigned Clerk of the City of Winona, Mississippi do hereby certify that the attached is a true and correct copy of the

**ORDINANCE PROHIBITING THE USE, PURCHASE,
POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF
SYNTHETIC CANNABINOIDS OR OTHER SYNTHETIC PRODUCTS**

as recorded for the Board meeting held on the 4th day of August, 2020.

This the 7th day of August, 2020.


June Williams, City Clerk

