

# Ordinance

Ordinance No. 92

OF THE  
CITY OF ATLANTIC CITY, N.J.

Date...10-22-2025..  
Date to Mayor..11-13-2025....

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

\_\_\_\_\_  
Legislative Counsel/ Robert Tarver, Esq.

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/ Robert Tarver, Esq.

REVISED 10/22/2025

Prepared by the Legislative Counsel

Council Members KURTZ & DUNSTON Present the following Ordinance:

**AN ORDINANCE PROHIBITING THE SALE, OFFER FOR SALE, DISTRIBUTION, OR DELIVERY OF KRATOM OR ANY PRODUCT CONTAINING KRATOM WITHIN THE CITY OF ATLANTIC CITY, AND ESTABLISHING PENALTIES AND ENFORCEMENT**

**WHEREAS**, “kratom” (*Mitragyna speciosa*) and products containing kratom’s active alkaloids, including mitragynine and 7-hydroxymitragynine, are marketed and sold in various retail forms within the United States; and

**WHEREAS**, reputable public health agencies have reported risks associated with kratom use, including dependence, adverse health effects, and potential adulteration of unregulated products.

**WHEREAS**, pursuant to the City’s police powers to protect the public health, safety, and welfare, it is necessary and appropriate to prohibit the sale and distribution of kratom products within Atlantic City.

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

**SECTION 1. DEFINITIONS.**

For purposes of this Ordinance, the following terms shall have the meanings indicated:

1. **City** means the City of Atlantic City, County of Atlantic, State of New Jersey.
2. **Kratom** means any part of the plant *Mitragyna speciosa*, whether growing or not; any derivative, extract, salt, or preparation thereof; and any product containing mitragynine, 7-hydroxymitragynine, or other kratom alkaloids, whether natural or synthetic, in any concentration.
3. **Kratom Product** means any food, beverage, powder, capsule, tablet, resin, gum, tincture, tea, smokeable product, aerosolizable/liquid solution, or other item intended for human consumption or use that contains kratom.
4. **Establishment** means any place of business, whether fixed or mobile, including but not limited to convenience stores, smoke/vape shops, gas stations, pharmacies, grocery stores, kiosks, seasonal or temporary vendors, licensed mercantile establishments, delivery services, and online sellers that deliver to an address in the City.
5. **Person** means any natural person, corporation, partnership, limited liability company, association, trust, or other legal entity, as well as owners, managers, operators, employees, and agents thereof.

6. Sell, Sale, Offer for Sale, Distribute, or Deliver includes any transfer, exchange, barter, gift in connection with any purchase, furnishing, advertising, displaying for sale, taking orders for delivery to a location within the City, or otherwise making available for consideration.

**SECTION 2. PROHIBITED ACTS.**

- A. It shall be unlawful for any Person or Establishment to sell, offer for sale, distribute, deliver, or possess with intent to sell any Kratom or Kratom Product within the City.
- B. It shall be unlawful for any Person or Establishment to advertise, market, or display any Kratom or Kratom Product for sale within the City to individuals under the age of 18..
- C. No Establishment shall accept, fulfill, or arrange for delivery of any Kratom or Kratom Product to an address located within the City, including sales initiated online or by telephone.
- D. Possession for personal use by an individual consumer is not criminalized by this Ordinance; however, nothing herein legalizes any conduct prohibited by federal or state law.

**SECTION 3. LICENSING; RELATION TO MERCANTILE OR BUSINESS LICENSES.**

- A. A violation of this Ordinance shall constitute a violation of any mercantile or business license issued by the City to the Establishment.
- B. In addition to any other penalties, the City's licensing authority may suspend or revoke the mercantile or business license of any Establishment that violates this Ordinance.
- C. Each day of a continuing violation shall constitute a separate offense for purposes of license action and penalties.

**SECTION 4. ENFORCEMENT.**

- A. This Ordinance shall be enforced by the Atlantic City Police Department, the Department of Licensing & Inspections, and any other City officials designated by the Business Administrator.
- B. Enforcement officials are authorized to conduct inspections of Establishments during normal business hours to ensure compliance, consistent with applicable law.

**SECTION 5. PENALTIES.**

- A. Any Person or Establishment that violates any provision of this Ordinance shall, upon conviction in the Atlantic City Municipal Court, be subject to one or more of the following, in the discretion of the Court, consistent with N.J.S.A. 40:49-5 and other applicable law:
  - 1. A fine of not less than \$250 and not more than \$2,000 per offense; and/or
  - 2. Imprisonment for a term not exceeding 90 days; and/or
  - 3. Community service for a period not exceeding 90 days.
- B. For businesses, civil penalties may be imposed per item and per day of violation. Product seizure and condemnation may be pursued where authorized by law.
- C. Penalties under this section are cumulative and in addition to license suspension or revocation under Section 3.

**SECTION 6. SEIZURE/DISPOSAL.**

When permitted by law, Enforcement Officials may seize Kratom or Kratom Products offered or possessed for sale in violation of this Ordinance. Upon final order of the Municipal Court or other court of competent jurisdiction, such products may be forfeited and disposed of in a safe manner.

**SECTION 7. APPEALS.**

Any license action taken under this Ordinance may be appealed in accordance with the procedures set forth in the City Code and applicable law.

**SECTION 8. CONSISTENCY WITH STATE AND FEDERAL LAW; PREEMPTION.**

- A. This Ordinance shall be construed so as not to conflict with any applicable state or federal law or regulation.
- B. If the State of New Jersey hereafter enacts a comprehensive regulatory scheme expressly preempting local regulation of kratom, the conflicting provisions of this Ordinance shall be deemed inoperative to the extent of such conflict, without affecting the remainder of this Ordinance.

**SECTION 9. SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the remaining provisions, which shall remain in full force and effect.

**SECTION 10. EFFECTIVE DATE; COMPLIANCE PERIOD.**

This Ordinance shall take effect upon final passage and publication as required by law. Establishments shall have 30 days from the Effective Date to remove from sale, return to supplier, or otherwise lawfully dispose of any Kratom or Kratom Products in their inventory.

October 23, 2025            10-A

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
BAILEY	X						LACCA	X					
CROUCH				X			MARSHALL	X					
DUNSTON	X						SHABAZZ	X				X	
KURTZ	X					X	TIBBITT				X		
RANDOLPH, PRESIDENT								X					
X-Indicates Vote    NV-Not Voting    AB-Absent    MOT-Motion    SEC-Second													

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on ...OCTOBER 22, 2025.....

Adopted on second and final reading after hearing on...NOVEMBER 12, 2025.....

Approved By.../s/ *Paula Geletei* Date *11-13-25* By Council.....Reconsidered \_\_\_\_\_ Over \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Mayor

Aye            Nay

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

/s/ *Paula Geletei* PAULA GELETEI, City Clerk