

REGULATION OF THE REVERE BOARD OF HEALTH RESTRICTING THE SALE OF KRATOM PRODUCTS

WHEREAS, kratom, a tree-like plant indigenous to Southeast Asia containing mitragynine and 7-hydroxymitragynine, two major psychoactive ingredients, produces stimulant and sedative effects when orally ingested in tablet, capsule, or extract form and kratom leaves can be chewed or dried and ingested as tea¹; and

WHEREAS, use of kratom can potentially lead to psychological and physiological dependence, particularly among vulnerable populations; and

WHEREAS, kratom is not regulated by the Commonwealth of Massachusetts or the federal government; and

WHEREAS, businesses in the City of Revere are currently able to sell an unregulated and potentially addictive product to adults and minors in both synthetic and natural leaf forms; and

WHEREAS, the Massachusetts Supreme Judicial Court has held that “[t]he right to engage in business must yield to the paramount right of government to protect public health by any rational means”²; and

WHEREAS, the Revere Board of Health presented evidence and heard various testimonies at multiple public meetings of the board relative to the health effects of kratom and determined that kratom poses an emerging public health threat; and

WHEREAS, given the lack of standardized labeling and regulatory oversight at this time, limiting regulation solely to synthetic forms would create enforcement challenges and may increase the potential for consumer harm;

NOW, THEREFORE, it is the intention of the Revere Board of Health to ban the retail sale of all kratom products.

A. Purpose.

The purpose of this regulation is to protect the public health of Revere residents, workers, students, and visitors.

¹ Drug Enforcement Admin., Get Smart About Drugs, available at <https://www.getsmartaboutdrugs.gov/drugs/kratom> (last visited April 30, 2026)

² *Druzik v. Bd. of Health of Haverhill*, 324 Mass. 129, 139 (1949) (citing *Lawrence v. Bd. of Registration in Med.*, 239 Mass. 424, 428 (1921))

B. Authority.

This regulation is promulgated pursuant to the authority granted to the Revere Board of Health by Massachusetts General Law chapter 111, section 31, which states that “[b]oards of health may make reasonable health regulations.” Pursuant to this authority, the Board of Health designates the City of Revere Health Department or the Department of Municipal Inspections (a/k/a Inspectional Services Department) and its inspectors to carry out its role in the administration and enforcement of this regulation.

C. Definitions.

For the purpose of this regulation, the following words shall have the following meanings:

Board: shall mean the Revere Board of Health.

Kratom: shall refer to the leaves or herbal extract from the leaves or other parts of an evergreen tree in the *Rubiaceae* family native to Southeast Asia called *Mitragyna Speciosa*, that contains as its primary compounds mitragynine and 7-hydroxymitragynine, which produces stimulant-like effects in low dosages and opioid-like effects in high dosages, and it may be marketed in different forms, including but not limited to smokeable products, tea, capsules, and as an additive to soft drinks or other products.

Person: any individual, firm, partnership, association, corporation, company, or organization of any kind, including but not limited to an owner, operator, manager, proprietor, or person in charge of any establishment, business, or retail store.

D. Sale of kratom products.

No person shall manufacture, distribute, sell, or offer for sale kratom in any of its forms, as defined herein, or any kratom-derived products, or any products containing kratom as an additive in the City of Revere.

E. Violations.

1. Any person who violates this regulation shall be penalized by a non-criminal disposition process as provided in Revere Revised Ordinances Chapter 1.12, Article II, Chapter 1.16, and/or in the manner provided in M.G.L. c. 111, §§ 31, 187.
 - a. Each day or portion thereof shall constitute a separate offense.
 - b. A first offense of this Regulation may result in a warning.
 - c. Second and subsequent offenses of this Regulation shall result in a fine of up to \$300.

2. Written notice of any violation of this regulation shall be sent to the establishment where the violation occurred and shall specify the nature of the violation, order any corrective actions that must be undertaken to remedy any violation of this regulation, and order any preventative measure necessary to avoid future violations.

F. Effective date.

This regulation shall take effect on _____.

Signatures of Board members:
