

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA, REGULATING AND PROHIBITING THE SALE, POSSESSION, DISTRIBUTION, AND MANUFACTURE OF KRATOM AND KRATOM-DERIVED PRODUCTS; PROVIDING FINDINGS OF FACT; PROVIDING DEFINITIONS; PROHIBITING THE SALE, PURCHASE, POSSESSION, MANUFACTURE, DISTRIBUTION, DELIVERY, OR DISPLAY OF KRATOM; PROVIDING FOR PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. TITLE. This Ordinance shall be known as the “Liberty County Kratom Regulation and Prohibition Ordinance.”

SECTION 2. AUTHORITY. This Ordinance is enacted pursuant to Article VIII, Section 1 of the Florida Constitution, Chapters 125 and 162, Florida Statutes, and the County’s home-rule police powers to protect the health, safety, and welfare of its residents.

SECTION 3. BOARD FINDINGS OF FACT. The Board of County Commissioners hereby makes the following findings:

A. *Mitragyna speciosa*, commonly known as “Kratom,” contains the psychoactive alkaloids mitragynine and 7-hydroxymitragynine, which act on opioid receptors and may produce dependence, withdrawal, and impairment of normal faculties.

B. The Florida Attorney General, by emergency rule (2025), classified 7-hydroxymitragynine as a Schedule I controlled substance in Florida due to its potency, addiction risk, and association with overdoses.

C. Kratom products sold within the State of Florida vary significantly in potency and purity and are often marketed without reliable manufacturing standards, resulting in inconsistent dosing and adulterated products.

D. Law enforcement agencies nationally and within Florida have documented harmful effects of Kratom, including hallucinations, tachycardia, seizures, and impaired operation of vehicles.

E. The U.S. Department of the Navy and Army prohibit the possession or use of Kratom by service members due to safety risks.

F. The Board finds that the unregulated sale, possession, distribution, and use of Kratom within Liberty County poses a direct threat to the health, safety, and welfare of the residents, particularly youth and vulnerable adults.

G. The Board further finds it necessary and proper to prohibit Kratom and kratom-derived products within Liberty County in order to safeguard the public.

SECTION 4. DEFINITIONS. For purposes of this Ordinance, the following definitions apply:

A. **Kratom.** Any portion of the plant *Mitragyna speciosa*, including but not limited to its leaves, powder, resin, extract, capsule, tablet, liquid, or any product containing mitragynine, 7-hydroxymitragynine, or any kratom alkaloid.

B. **Kratom Product.** Any product—whether natural, synthetic, concentrated, enhanced, or adulterated—containing kratom or any kratom alkaloid, regardless of the presence of other ingredients.

C. **Person.** Any natural person, firm, corporation, partnership, business entity, retailer, wholesaler, distributor, or establishment of any kind.

D. **Possess or Possession.** Actual or constructive care, custody, control, or dominion.

SECTION 5. PROHIBITED ACTS. It shall be unlawful for any person within Liberty County to:

A. Sell, offer for sale, deliver, distribute, or display any kratom or kratom product.

B. Purchase or receive any kratom or kratom product.

C. Possess, transport, carry, or use any kratom or kratom product.

D. Manufacture, compound, prepare, package, or label any kratom or kratom product.

E. Advertise, market, or otherwise promote kratom or kratom products in any form.

These prohibitions apply regardless of whether the product is labeled as “natural,” “herbal,” “not for human consumption,” or similar language.

SECTION 6. PENALTIES. A violation of this Ordinance shall be punishable as follows:

A. Criminal Penalties – A first-degree misdemeanor as provided under Florida law, punishable by up to one year in jail, one year probation, and/or a fine up to \$1,000.

B. Civil Penalties – Each violation may be enforceable under Chapter 162, Florida Statutes, with fines up to \$500 per violation per day.

C. Contraband – All kratom or kratom products possessed or displayed in violation of this Ordinance are declared contraband and subject to seizure and destruction.

SECTION 7. ENFORCEMENT. This Ordinance shall be enforced by:

A. The Liberty County Sheriff’s Office;

B. County Code Enforcement Officers;

C. Any other law enforcement agency with jurisdiction.

Retailers and establishments shall permit inspections of premises upon reasonable request.

SECTION 8. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional, the remaining portions shall remain in full force and effect.

SECTION 9. CODIFICATION. The provisions of this Ordinance may be codified into the Liberty County Code of Ordinances.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect immediately upon filing with the Florida Department of State.

SIGNATURES AND ATTESTATIONS

PASSED AND DULY ADOPTED by the Board of County Commissioners of Liberty County, Florida, this ___ day of _____, 2026.

**BOARD OF COUNTY COMMISSIONERS
LIBERTY COUNTY, FLORIDA**

By: _____
Dewayne Branch, Chairman of the Liberty County
Board of County Commissioners

ATTEST:

Jace Ford, Clerk of the Circuit Court
and Comptroller, Liberty County

(SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Kenneth L. Hosford, County Attorney

FILED WITH THE FLORIDA DEPARTMENT OF STATE

this ___ day of _____, 2026.

Jace Ford, Clerk of the Circuit Court