



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>25,000</u>	<u>25,000</u>	<u>25,000</u>	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>25,000</u>	<u>25,000</u>	<u>25,000</u>	_____	_____

# ADDITIONAL FTE  
POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes \_\_\_\_\_ No X  
Budget Account No.: Fund 0001 Agency 740 Org 2533 Object 8201 Program Code \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact**  
Approximately \$25,000 annual fiscal impact if staff recommendation is approved. Source of funding would be contingency reserves.

**C. Department Fiscal Review:**

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and /or Contract Administrator Comments:**

[Signature]  
OFMB 3/2/15  
2/26 2/26 3/2/15

[Signature]  
Contract Administrator 2/27/15

**B. Legal Sufficiency:**

[Signature] 3/2/15  
Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

**(Background and Justification Continued from Page 1)**

**Background and Justification:** The kratom tree is a tropical tree native to Thailand, Malaysia, Burma (Myanmar), and other areas of Southeast Asia. Kratom is legal in the United States and in most states including Florida, and can readily be purchased from a variety of retail sources including internet outlets. According to National Institute of Health researchers, kratom has for centuries been used in Southeast Asia for coughs, diarrhea, muscle aches, and pains. It appears to be growing in popularity in the United States where it is consumed mainly as a tea, although it also may be smoked or taken in gel caps. Consumption of its leaves produces both stimulant effects at low doses and sedative effects at high doses and prolonged kratom consumption may lead to addiction [Florida Department of Law Enforcement (FDLE) Fusion Center Brief dated 8/8/14]. Kratom is not controlled under the federal Controlled Substance Act but is listed as a “drug of concern” by the Drug Enforcement Administration (DEA). Most sources agree that kratom has the potential to be dangerous and cause adverse health effects, particularly when taken in high doses. Effects on the body include: respiratory depression, psychosis, delusions, tremors, nausea, anorexia, vomiting, insomnia and severe withdrawal signs and symptoms. Earlier this year, the U.S. Food and Drug Administration (USDA) issued an import alert on shipments of dietary supplements and bulk dietary ingredients that contain kratom citing the fact that kratom is “a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury” (USDA Import Alert #54-15, 06/16/2014). Legislation adding kratom to the schedule of controlled substances in the State of Florida has been filed for consideration during the 2015 Legislative session (HB 287 by Jacobs).

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ORDINANCE NO. 2015-\_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PERTAINING TO POSTING OF KRATOM WARNING SIGNS; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; PROVIDING FOR APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida, finds that the use of the plant substance kratom also known as *Mitragyna speciosa*, including dietary supplements containing kratom, is a potential public health concern in Palm Beach County; and

**WHEREAS**, kratom is considered highly addictive and has effects on the body including: respiratory depression, psychosis, delusions, tremors, nausea, constipation, anorexia, vomiting, insomnia, and severe withdrawal signs and symptoms; and

**WHEREAS**, the Federal Drug Enforcement Administration (DEA) has placed kratom on its list of drugs and chemicals of concern; and

**WHEREAS**, the U.S. Food & Drug Administration has concluded that there is inadequate information on kratom to provide reasonable assurance that kratom and products containing kratom do not present a significant or unreasonable risk of illness or injury; and

**WHEREAS**, potential consumers or users of kratom should be aware of the risk and potential for harm associated with use and consumption of kratom and products containing kratom; and

**WHEREAS**, the posting of signs with information related to kratom consumption and use will make the public aware of the potential health and behavioral effects and federal agency placement of kratom on its list of drugs and chemicals of concern; and

**WHEREAS**, the Palm Beach County Substance Awareness Coalition has endorsed posting of these types of signs as an effective measure to generate awareness and discourage use of kratom; and

**WHEREAS**, the Board of County Commissioners finds that it will serve the public health, safety and welfare of the citizens of Palm Beach County to educate the public as to the risks associated with kratom use.

1           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

3           Section 1. Definitions

4           The following words, phrases, or terms when used in this Ordinance shall, unless the content  
5 otherwise indicates, have the meanings provided below. No attempt is made to define ordinary  
6 words which are used in accordance with their established dictionary meaning except when  
7 necessary to avoid misunderstanding.

- 8           a) *Business Establishment* includes, but is not limited to, any place of business or any  
9 club, organization, person, firm, corporation or partnership, such as: a golf club; country  
10 club; veteran's fraternal or benevolent organization; grocery store; drug store; night  
11 club; bottle club; bar; tavern; restaurant; grill; kava bar, filling station; convenience  
12 store; or any other building, structure or location or portion thereof, wherein one person  
13 directly or indirectly pays another for the purchase or dispensing of kratom or a product  
14 containing kratom.
- 15           b) *Conspicuously posted* means clearly visible, easily readable and immediately apparent  
16 upon viewing.
- 17           c) *Dispense* means the storing, handling, apportionment, preparation, gift, distribution, or  
18 serving, directly or indirectly, of any amount of kratom or a product containing kratom  
19 to or for any person by any officer, owner, operator, lessee, or employee of a business  
20 establishment. For purposes of this definition, permitting or allowing any person to  
21 carry kratom or kratom containing products on the premises of any business  
22 establishment to be consumed thereon shall constitute "dispensing" of such substances.
- 23           d) *Person* means an individual, person, firm, joint venture, partnership, corporation, estate,  
24 trust, business trust, syndicate, fiduciary, association, and all other groups or  
25 combinations.
- 26           e) *Sale* means any transfer of kratom or kratom containing products for consideration, or  
27 any gift of kratom or kratom containing products in connection with or as a part of a  
28 transfer of any property or product for consideration.
- 29           f) *Vendor of* kratom or kratom containing products means any person who owns or  
30 operates a business establishment which sells or dispenses kratom or kratom containing  
31 products for consumption on or off the premises.

1                   **Section 2. General Requirements**

2           a) All persons who own or operate a business establishment in Palm Beach County which  
3           sells or dispenses kratom or kratom containing products for consumption on or off the  
4           premises shall conspicuously post a notice within said business establishment. Failure  
5           to post such required notice pursuant to the requirements of this Section 2, shall  
6           constitute a violation of this Ordinance.

7           b) Required notice shall consist of one or more signs or notices, each of which is not less  
8           than ninety-three square inches (8-1/2"x11"), with at least a 14-point type, which  
9           contains the following information, clearly discernable by persons to whom kratom or  
10          kratom containing products may be sold or dispensed:

- 11                   1. The word "WARNING"
- 12                   2. The DEA has placed KRATOM on its list of Drugs and Chemicals of  
13                    Concern.
- 14                   3. Kratom is considered highly addictive and has effects on the body including  
15                    respiratory depression, psychosis, delusions, tremors, nausea, anorexia, and  
16                    insomnia.
- 17                   4. Posted Pursuant to Palm Beach County Code Section (Insert Section #)

18                   **Section 3. Enforcement**

19           It is unlawful to violate any provisions of this Ordinance. Such violations may be  
20           enforced by all means available at law including but not limited to enforcement proceedings  
21           before Palm Beach County Code Enforcement Special Masters, the prosecution of violations in  
22           the name of the State of Florida pursuant to the authority granted by Sec. 125.69, Florida  
23           Statutes, as may be amended, or any other lawful actions as are necessary to prevent or remedy  
24           any violation of this Ordinance.

25                   **Section 4. Severability**

26           If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
27           reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,  
28           such holding shall not affect the remainder of this Ordinance.

29                   **Section 5. Repeal of Laws in Conflict**

30           All local laws and ordinances in conflict with any provisions of this Ordinance are  
31           hereby repealed to the extent of such conflict.

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**Section 6. Inclusion in the Code of Laws and Ordinances**

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 7. Captions**

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

**Section 8. Applicability**

All provisions of this Ordinance shall apply to the unincorporated areas of Palm Beach County, Florida, and to all municipalities within Palm Beach County that elect to have the provisions of this Ordinance apply within their respective jurisdictions.

**Section 9. Effective Date**

The provisions of this Ordinance shall become effective on July 1, 2015.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2015.

SHARON R. BOCK  
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Mayor

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Assistant County Attorney

Filed with the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 2015.

## Palm Beach County Kratom Prevention Initiative Palm Beach County Substance Awareness Coalition

Objective: Create and implement “Kratom” prevention and educational strategies to reduce the proliferation of this potentially harmful and currently legal substance by utilizing the resources of the preventive framework currently in place with PBCSAC and its partners

Strategies:

- 1) **Information dissemination:** Through pre-produced or self-produced educational materials, disseminate the latest information on the substance Kratom including facts about what it is, risks associated with use, availability and signs of use to parents and adults of the community. Simultaneously, acquire or produce informational and educational materials to be distributed to teens, focusing on the dangers of risky drug behavior in general and the importance of good decision making. This will be achieved through several channels:
  - a. Create a web site specifically designed to inform and educate on the dangers of drugs such as Kratom. The Coalition has already secured the web address [www.dontbeaguineapig.com](http://www.dontbeaguineapig.com) and will begin building out the site. This site will be linked to our main site and promoted through all dissemination channels
  - b. Coalition On Wheels (COW): Utilizing the mobile coalition event trailer and attending monthly community events to build awareness and distribute appropriate information.
  - c. Digital/Social Media Campaign: Creation of a specific brief video to be positioned on all Coalition and partner digital platforms including social media.
  - d. Parental Informational Campaign: Targeted media as well as targeted collateral distributed throughout the Coalitions network of parent groups and meetings.
  - e. Integrate messaging into the youth summit/coalition efforts to mobilize the youth to be proactive contributors to creating solutions



**2. Collaborative Prevention Strategy:** The Coalition currently convenes several of the leading prevention program organizations including the public schools and PBSO. Through these relationships, the layering of specific information regarding Kratom can be included in specific program offerings adding to efficiency and aiding in evaluation initiatives

- a. Contract with LSIS to provide school and community based presentations throughout the county. ( Attached)
- b. Engage other Prevention Partners to collaborate on effective distribution of materials as it pertains to the education of Parents about Kratom
- c. Engage the Prevention Partners to collaborate on effective distribution of materials as it pertains to the education of teens about risky drug behavior and good decisions. "Don't be a guinea pig" Campaign.
- d. Leverage media outlet resources to promote and educate teens about risky drug behavior and good decisions. "Don't be a guinea pig" Campaign

**3. Signage:** Working with the emerging issues task force, develop an approved sign to be posted at all vendor outlets of Kratom .

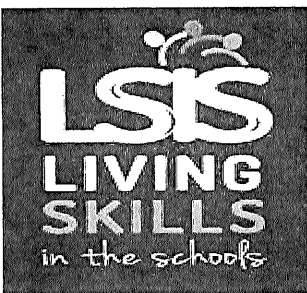
- a. Support the passage of a county wide ordinance requiring the posting of signage.

**SAMPLE SIGN**

<p style="text-align: center;"><b>WARNING</b></p> <p><b>The DEA has placed KRATOM on its list of Drugs and Chemicals of Concern.</b> It is considered highly addictive and has effects on the body including: psychosis, delusion, nausea, anorexia, and insomnia</p>
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These strategic initiatives are an achievable and measurable process that again utilizes the strengths of the Coalition in an effort to bring efficient and proactive awareness to an emerging issue.

We welcome the opportunity to discuss the specifics of these initiatives further as the implementation date approaches.



Living Skills in the Schools (LSIS) has evolved over the last 15 years since its inception, to include a variety of programming. In response to the current environment that is impacting vulnerable populations of our community, an adjunct Parent to Parent program has been mobilized to meet the need and demands for education of some of the latest Drug Trends. The Ian Mautner Foundation is a subsidiary of the LSIS program, whose primary function is to provide Kratom education throughout Palm Beach County Schools and its Community. The foundation was created in memory of Ian Mautner, who took his own life and was found to be under the influence of Kratom.

The Parent to Parent initiative is led by Linda Mautner in addition to other parent advocates who share compelling real- life testimonials about evolving drug trends. The impact of education combined with experience provides young adults and families with the knowledge to make informed choices and aid in preventing life-threatening consequences.

Based on our historical reach, we are forecasting the following penetration and resource allocation for the fiscal year 2015:

70 presentations on Drug Trends @ \$100

- 10 private schools
- 30 public schools
- 10 college classes
- 20 vulnerable community populations

Collateral: website, brochure, reporting, pre-post surveys @\$500

Total forecasted program budget: \$7500

Statistical data through the National Institute on Drug Abuse has found that for each dollar spent in prevention there is a net benefit of \$7.00 to our community.

Additionally we look at typical minimum participant rates for presentations to touch approx. 30 people per session, for a forecasted reach of approximately 2100 participants, making the proportional cost per participant to approximately .30 cents

We respectfully ask that a portion of the funds allocated toward community education of Kratom and these rising drug trends be allocated to the LSIS (Ian Mautner Foundation).

Many Thanks  
Suzanne Spencer  
Executive Director  
Living Skills in the Schools

## Monthly Activity Schedule for Kratom Prevention Plan

### April 2015

Activity	Billing Amount
Develop, coordinate, manage, engage, support and evaluate efforts.	1,000
Disseminate Kratom prevention materials at community events via C.O.W.	0
Purchase informational/ educational Kratom information for dissemination plan 10,000 pieces	2,000
Provide information to prevention partners for dissemination at parent presentations throughout the county	0
Develop prevention web site specific to Kratom and other unique drugs. "Dontbeaguineapig.com"	2,500

### May 2015

Activity	Billing Amount
Develop, coordinate, manage, engage, support and evaluate efforts	1,000
Disseminate Kratom prevention materials at community events via C.O.W.	0
Develop/place vinyl sign on C.O.W. about "Dontbeaguineapig.com" web site	250
Produce and make available, store signage in accordance with proposed ordinance, for vendors.	500
Provide information to prevention partners for dissemination at parent presentations throughout the county	0

### June 2015

Activity	Billing Amount
Develop, coordinate, manage, engage, support and evaluate efforts	1,000
Disseminate Kratom prevention materials at community events via C.O.W.	0
Produce educational video about the dangers of Kratom and other drugs for placement on web sites and social media outlets	750
Provide information to prevention partners for dissemination at parent presentations throughout the county	0

### July 2015

Activity	Billing Amount
Develop, coordinate, manage, engage, support and evaluate efforts	1,000
Disseminate Kratom prevention materials at community events via C.O.W.	0
Provide information to prevention partners for dissemination at parent presentations throughout the county	0

### August 2015

<b>Activity</b>	<b>Billing Amount</b>
Develop, coordinate, manage, engage, support and evaluate efforts	1,000
Provide 6 community, school based presentations throughout the county	875
Provide information to prevention partners for dissemination at parent presentations throughout the county	0
Disseminate Kratom prevention materials at community events via C.O.W.	0

### September 2015

<b>Activity</b>	<b>Billing Amount</b>
Develop, coordinate, manage, engage, support and evaluate efforts	1,000
Provide 6 community, school based presentations throughout the county	875
Disseminate Kratom prevention materials at community events via C.O.W.	0
Provide information to prevention partners for dissemination at parent presentations throughout the county	0

### October 2015

<b>Activity</b>	<b>Billing Amount</b>
Develop, coordinate, manage, engage, support and evaluate efforts	1,000
Provide 6 community, school based presentations throughout the county	875
Provide information to prevention partners for dissemination at parent presentations throughout the county	0

### November 2015

<b>Activity</b>	<b>Billing Amount</b>
Develop, coordinate, manage, engage, support and evaluate efforts	1,000
Provide 6 community, school based presentations throughout the county	875
Disseminate Kratom prevention materials at community events via C.O.W.	0
Provide information to prevention partners for dissemination at parent presentations throughout the county	0

### December 2015

<b>Activity</b>	<b>Billing Amount</b>
Develop, coordinate, manage, engage, support and evaluate efforts	1,000
Provide 6 community, school based presentations throughout the county	875
Disseminate Kratom prevention materials at community events via C.O.W.	0
Provide information to partners for dissemination at parent presentations	0

### January 2016

<b>Activity</b>	<b>Billing Amount</b>
Develop, coordinate, manage, engage, support and evaluate efforts	1,000
Provide 6 community, school based presentations throughout the county	875
Disseminate Kratom prevention materials at community events via C.O.W.	0
Provide information to prevention partners for dissemination at parent presentations throughout the county	0

### February 2016

<b>Activity</b>	<b>Billing Amount</b>
Develop, coordinate, manage, engage, support and evaluate efforts	1,000
Provide 6 community, school based presentations throughout the county	875
Disseminate Kratom prevention materials at community events via C.O.W.	0
Provide information to prevention partners for dissemination at parent presentations throughout the county	0

### March 2016

<b>Activity</b>	<b>Billing Amount</b>
Develop, coordinate, manage, engage, support and evaluate efforts	1,000
Provide 6 community, school based presentations throughout the county	875
Disseminate Kratom prevention materials at community events via C.O.W.	0
Provide information to prevention partners for dissemination at parent presentations throughout the county	0

# **WARNING**

**The DEA has placed KRATOM on its list  
of Drugs and Chemicals of Concern**

**KRATOM is considered highly addictive  
and has effects on the body including:**

- **Respiratory Depression**
- **Psychosis**
- **Delusions**
- **Tremors**
- **Nausea**
- **Anorexia**
- **Insomnia**



Posted Pursuant to  
Palm Beach County Code Section XXXXXXXX