

**FILE OF THE COUNCIL OF THE
CITY OF POTTSVILLE, PA**

1st Reading – October 12, 2026

Ordinance Number _____

Bill Number 32/2026

Introduced by _____

Enacted by Council _____

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF POTTSVILLE, TO ADD CHAPTER 199, SYNTHETIC DRUGS, AND REGULATING THE SALE AND/OR DISTRIBUTION OF SYNTHETIC CANNABINOIDS, SYNTHETIC CATHINONES, TIANEPTINE, KRATOM, KRATOM ALKALOIDS, SYNTHETIC OR SEMI-SYNTHETIC OR OPIOID-LIKE KRATOM DERIVATIVES, SEMI-SYNTHETIC HEMP-DERIVED CANNABINOIDS, PHENIBUT, AND NITROUS OXIDE FOR HUMAN CONSUMPTION OR INGESTION OR RECREATIONAL INHALATION; AND, PROHIBITING THE MANUFACTURE AND PRODUCTION THEREOF FOR HUMAN CONSUMPTION OR INGESTION OR RECREATIONAL INHALATION, AND ESTABLISHING PENALTIES THEREFOR.

WHEREAS, the City of Pottsville has experienced an increase in emergency presentations, impaired driving incidents, and polysubstance use associated with products marketed as Synthetic cannabinoids, Synthetic cathinones, Tianeptine, Kratom, Kratom Alkaloids, Synthetic or Semi-Synthetic or Opioid-like Kratom derivatives, Semi-synthetic hemp-derived cannabinoids, Phenibut, and Nitrous oxide and other branded or synthesized derivatives; and

WHEREAS, these products are frequently sold in concentrated, adulterated, or chemically modified forms not traditionally associated with raw botanical material; and

WHEREAS, synthetic and semi-synthetic mitragynine analogues and other various synthetic drug versions have emerged which significantly increase potency and risk of dependency; and

WHEREAS, in an effort to protect the health, safety and welfare of the citizens of the City of Pottsville, the City of Pottsville desires to implement a comprehensive program to promote the public's health, safety and welfare by prohibiting the sale, distribution, manufacture and production

of certain Synthetic Drugs, by add new Chapter 199 (Synthetic Drugs) in the Codified Ordinances of the City of Pottsville.

NOW THEREFORE, BE IT ORDAINED, by the City of Pottsville duly assembled that:

SECTION 1: § 199-1 DEFINITIONS AND INTERPRETATION

The following words, terms and phrases when used in this Ordinance shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; words in the singular shall include the plural; and words in the masculine shall include the feminine and neuter.

A. **SYNTHETIC DRUGS:** Synthetic cannabinoids, Synthetic cathinones, Tianeptine, Kratom, Kratom Alkaloids, Synthetic or Semi-Synthetic or Opioid-like Kratom derivatives, Semi-synthetic hemp-derived cannabinoids, Phenibut, and Nitrous oxide and other branded or synthesized derivatives for human consumption or ingestion or recreational inhalation.

B. **SYNTHETIC CANNABINOIDS:** A class of man-made molecules that are chemically similar to molecules that appear naturally in cannabis plants and are intended to bind the same receptors in the brain as naturally occurring cannabinoids, such as Tetrahydrocannabinol (THC) or cannabidiol (CBD). Includes but is not limited Spice, K2, Scooby Snax, Ninja, Yucatan, Mojo, and similar products sold as “herbal incense” or “potpourri”.

C. **SYNTHETIC CATHINONES:** Lab-made stimulants chemically related to substances found in the khat plant and includes but is not limited “bath salts,” , MDPV, mephedrone, and related analogs sold as “plant food” or “jewelry cleaner”.

D. **TIANEPTINE:** 7-[(3-chloro-6,11-dihydro-6-methyl-5,5-dioxido-1,2,3,4-tetrahydrobenzo[c,f][1,2]thiazepin-11-yl)amino] heptanoic acid, including its isomers, esters, ethers, salts, and includes but is not limited “gas station heroin”; brands include Zaza, Tianaa, Neptune’s Fix, Pegasus, TD Red.

E. **KRATOM:** Any part of the plant *Mitragyna Speciosa*, including leaves, powder, resin, extract, concentrate, or encapsulated material intended for human consumption or ingestion.

F. **KRATOM ALKALOIDS:** Includes but is not limited to Mitragynine, 7-Hydroxymitragynine, Speciogynine, Paynantheine, Speciociliatine

G. **SYNTHETIC OR SEMI-SYNTHETIC KRATOM DERIVATIVE:** Any chemically altered, synthesized, concentrated, enhanced, isomerized, acetylated, or laboratory-modified compound structurally or pharmacologically related to Mitragynine or 7-Hydroxymitragynine. Including but not limited to: Enhanced extracts exceeding naturally occurring alkaloid concentrations, Laboratory-produced Mitragynine analogues, and Compounds marketed as "legal opioid alternatives" derived from Kratom Alkaloids.

H. **SEMI-SYNTHETIC HEMP-DERIVED CANNABINOID:** A chemical compound created in a laboratory by chemically modifying (synthesizing/isomerizing) a naturally occurring plant-based precursor extracted from legal hemp—such as converting non-intoxicating Cannabidiol (CBD) into psychoactive or structurally altered compounds, and includes but is not limited to delta-8 THC, delta-10 THC, HHC, THCP, THC-O, and related compounds.

I. **PERSON:** Any individual, partnership, corporation, limited liability company, trust, association, vendor, distributor or other entity

J. **MANUFACTURE:** The production, preparation, propagation, compounding, conversion or processing of Synthetic Drugs, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of Synthetic Drugs, or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of Synthetic Drugs, as an incident to lawful research, teaching or chemical analysis and not for sale.

K. **PRODUCE OR PRODUCTION:** Planting, cultivating, tending or harvesting or the mixing of or combining any chemicals, herbs or any materials, whether solid or liquid, that result in the creation of Synthetic Drugs.

L. **DISTRIBUTE:** To deliver either with or without Synthetic Drugs.

M. **KNOWLEDGE:** A person acts knowingly with respect to a material element of this Ordinance when:

1. The element involves the nature of his/her conduct or the attendant circumstances so that the person knows or should have known that the conduct is of that nature or that such circumstances exist; and

2. If the element involves a result of the person's conduct, the person knows or should have known that it is practically certain that the conduct will cause such a result.

3. The results of his/her conduct, described by the section defining the offense, when he/she knows or should have known that such a result is likely to be caused by his/her conduct.

SECTION 2: § 199-2 PROHIBITED CONDUCT

It shall be unlawful for any person, individual, firm, partnership, corporation, limited liability company, trust, association, vendor, distributor or other entity to knowingly, recklessly or under any circumstances where one should know to:

1. Sell at retail or wholesale Synthetic Drugs;
2. Give, exchange, deliver, distribute, aid, assist or abet another person in obtaining Synthetic Drugs;
3. Manufacture any Synthetic Drugs;
4. Produce any Synthetic Drugs.

SECTION 3: § 199-3 VIOLATIONS

Any person, individual, firm, partnership, corporation, limited liability company, trust, association, vendor, distributor or other entity violating any provision of this ordinance, shall upon conviction hereof, be guilty of a summary offense, and shall be fined not to exceed THREE HUNDRED DOLLARS (\$300.00) for any One (1) offense, recoverable with costs, together with judgment or imprisonment not to exceed NINETY (90) days per offense.

SECTION 4: SEVERABILITY

Should any section or provision of this amendment be declared illegal, invalid, or unconstitutional by any court or competent jurisdiction, such decision or declaration shall not affect the validity or enforcement of the Codified Ordinances of the City of Pottsville.

SECTION 5: REPEALER

All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

SECTION 6: VALIDITY

If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

SECTION 7: EFFECTIVE DATE

This Ordinance shall become effective ten (10) days after adoption.

ORDAINED AND ENACTED THIS _____ day of _____, 2026.

CITY OF POTTSVILLE

Mayor Thomas B. Smith

ATTEST:

Lisa M. Shuman, City Clerk