

VILLAGE OF COBDEN

ORDINANCE NO. 2026-1067

AN ORDINANCE DECLARING THE SALE, DISTRIBUTION, AND POSSESSION WITH INTENT TO SELL OR DISTRIBUTE KRATOM WITHIN THE VILLAGE OF COBDEN A PUBLIC NUISANCE AND PROHIBITING THE SAME

Adopted by the
Village Board of Trustees
of the Village of Cobden
on this 20th day of January, 2026

Published in pamphlet form by the authority of the Village Board of Trustees of the Village of Cobden, Union County, Illinois, on this 21st day of January, 2026

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AN ORDINANCE DECLARING THE SALE, DISTRIBUTION, AND POSSESSION WITH INTENT TO SELL OR DISTRIBUTE KRATOM WITHIN THE VILLAGE OF COBDEN A PUBLIC NUISANCE AND PROHIBITING THE SAME

WHEREAS, the Village Board of the Village of Cobden finds that Kratom (*Mitragyna speciosa*), its alkaloids (including mitragynine and 7-hydroxymitragynine), and products containing Kratom pose a significant risk to public health and safety due to documented cases of addiction, overdose, withdrawal symptoms, liver toxicity, seizures, and death; and

WHEREAS, the U.S. Food and Drug Administration (FDA) has not approved Kratom for any medical use, has issued multiple warnings about its risks, has seized shipments, and continues to warn consumers not to use Kratom in any form; and

WHEREAS, the Drug Enforcement Administration (DEA) has listed Kratom as a “Drug of Concern” and previously placed it on its list of substances under consideration for scheduling; and

WHEREAS, numerous states and municipalities across the United States have enacted bans or strict regulations on the sale and distribution of Kratom due to public health concerns; and

WHEREAS, the unregulated sale of Kratom within the Village of Cobden constitutes a public nuisance that endangers the health, safety, and welfare of the citizens of Cobden;

NOW, THEREFORE, BE IT ORDAINED by the Village Board of the Village of Cobden, Illinois, as follows:

SECTION 1. Findings and Declaration of Public Nuisance

The sale, offering for sale, distribution, or possession with intent to sell or distribute Kratom (*Mitragyna speciosa*), including any parts of the plant, extracts, alkaloids (including but not limited to mitragynine and 7-hydroxymitragynine), or any substance or product containing Kratom, within the corporate limits of the Village of Cobden is hereby declared to be a public nuisance.

SECTION 2. Definitions

For purposes of this Ordinance:

- “Kratom” means the plant *Mitragyna speciosa*, any extract or derivative thereof, and any product or substance containing mitragynine, 7-hydroxymitragynine, or any other alkaloid of the *Mitragyna speciosa* plant.
- “Person” means any individual, partnership, corporation, association, or other legal entity.

SECTION 3. Prohibited Acts

It shall be unlawful for any person to:

1. Sell, offer for sale, barter, or display for sale any Kratom within the Village of Cobden.
2. Distribute or give away Kratom within the Village of Cobden.
3. Possess Kratom with the intent to sell, offer for sale, or distribute within the Village of Cobden.

SECTION 4. Exceptions

This Ordinance shall not apply to:

1. Possession of Kratom for personal use (provided it was lawfully obtained outside the Village limits prior to the effective date of this Ordinance or in compliance with any future state or federal law).
2. Law enforcement officers acting in their official capacity.
3. Licensed pharmacies filling valid prescriptions issued by a healthcare provider authorized under state and federal law (if and when Kratom ever receives FDA approval).

SECTION 5. Penalties

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by:

- A fine of not less than \$250 nor more than \$750 for the first offense.
- A fine of not less than \$500 nor more than \$750 and/or imprisonment for up to six (6) months for any subsequent offense. Each day a violation continues shall constitute a separate offense.

Additionally, any Kratom possessed, sold, or offered for sale in violation of this Ordinance is hereby declared contraband and subject to immediate seizure and forfeiture.

SECTION 6. Civil Remedies and Nuisance Abatement

In addition to criminal penalties, the Village may institute civil proceedings to enjoin violations of this Ordinance and to abate any public nuisance created by the sale or distribution of Kratom. The Village shall be entitled to recover its costs and reasonable attorney fees in any successful abatement action.

SECTION 7. Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. Effective Date

This Ordinance shall take effect thirty (30) days after its passage and publication as required by law.

PASSED and APPROVED this 20th day of January, 2026.

Larry J. Hackethal
Larry J. Hackethal, Village President
Village of Cobden, Union County, Illinois

ATTEST:

Karen Winzenburger
Karen M. Winzenburger, Village Clerk
Village of Cobden, Union County, Illinois

Trustee Austin Sellars, moved the adoption of the above and foregoing Ordinance; the motion was seconded by Trustee Jean A. Britt and the roll call vote was as follows:

Ayes: 6 – Britt, A. Brumleve, P. Brumleve, Maze, Sellars Stewart

Nays: 0 – None

Absent: 0 – None

Motion declared carried.

PRESENTED to the President and Board of Trustees of the Village of Cobden, Union County, Illinois, this 20th day of January, 2026.

PASSED by the President and Board of Trustees of the Village of Cobden, Union County, Illinois, this 20th day of January, 2026.

SIGNED by the President of the Board of Trustees of the Village of Cobden, Union County, Illinois, this 20th day of January, 2026.

(SEAL)

Larry J. Hackethal
Larry J. Hackethal, Village President
Village of Cobden, Union County, Illinois

ATTEST:

Karen Winzenburger
Karen M. Winzenburger, Village Clerk
Village of Cobden, Union County, Illinois

CERTIFICATE OF TRUE COPY

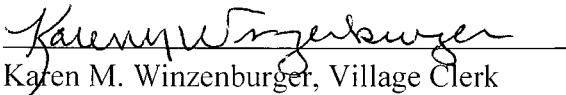
I, Karen M. Winzenburger, hereby certify that I am the duly elected and acting Village Clerk of the Village of Cobden, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said Village.

I do further certify that Ordinance No. 2026-1067 entitled:

"AN ORDINANCE DECLARING THE SALE, DISTRIBUTION, AND POSSESSION WITH INTENT TO SELL OR DISTRIBUTE KRATOM WITHIN THE VILLAGE OF COBDEN A PUBLIC NUISANCE AND PROHIBITING THE SAME"

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Cobden, Illinois, Village Board held on the 20th day of January, 2026.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 21st day of January, 2026.


Karen M. Winzenburger
Karen M. Winzenburger, Village Clerk