

**PETITION TO THE SECRETARY OF HEALTH OF THE
COMMONWEALTH OF PENNSYLVANIA PURSUANT TO 35 P.S. § 780-103**

Radnor Township, a Pennsylvania home rule municipality, through its Board of Commissioners, and together with the individual residents identified below, hereby petitions the Acting Secretary of Health of the Commonwealth of Pennsylvania, Keara Klinepeter to seek the advice of the Pennsylvania Drug, Device and Cosmetic Board pursuant to 35 P.S. § 780-103, and thereafter (“the Drug Act”) 35 P.S. §§ 780-101, *et seq.*

WHEREAS, the DEA has identified Kratom as a “drug of concern.” (source: <https://www.dea.gov/factsheets/kratom>)

WHEREAS, the FDA has concluded that Delta-8 THC has psychoactive and intoxicating effects, and warns users against adverse effects of use, including death. (source: <https://www.wgal.com/article/fda-warning-delta-8-thc/38233600>)

WHEREAS, neither substance is currently listed as a controlled substance within the Commonwealth of Pennsylvania, and are therefore permitted to be sold, without restriction as to labeling, age, or location.

WHEREAS, Kratom has been regulated or banned entirely by Alabama (Ala. Code § 20-2-23), Arizona (36 AZ ST § 36-795), Georgia (Ga. Code Ann. § 16-13-122), Illinois, (720 Ill. Comp. Stat. Ann. 642/5), Indiana, (Ind. Code Ann. § 35-31.5-2-321), Minnesota, (Minn. Stat. Ann. § 152.027), Nevada, (Nev. Rev. Stat. Ann. § 597.998), Oklahoma (Okla. Stat. Ann. tit. 63, § 1-1432.4), South Dakota, (S.D. Codified Laws § 34-20B-115), Tennessee (Tenn. Code Ann. § 39-17-452), Utah, (U.C.A. 1953 § 4-45-101), and Wisconsin (Wis. Stat. Ann. § 961.14).

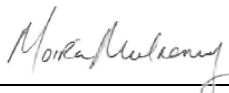
WHEREAS, Delta-8 THC has been or may be regulated or banned entirely by California (Cal. Health & Safety Code § 111920), Connecticut (Conn. Gen. Stat. Ann. § 21a-240), Florida, (Fla. Stat. Ann. § 893.03), Georgia (Ga. Code Ann. § 16-13-25), Mississippi (Miss. Code. Ann. § --(-) (-)-- (Official Classification Pending)), Nevada (Nev. Rev. Stat. Ann. § 453.139), New York (NY CANBS § 3 (McKinney)), North Dakota (N.D. Cent. Code Ann. § 4.1-18.1-04.3), Oregon (Or. Rev. Stat. Ann. § 571.339), Utah (Utah Code Ann. § 26-61a-102), as well as others.

WHEREAS, a retailer of both Kratom and Delta-8 THC has sought to open within walking distance to two middle schools within Radnor Township, Delaware County, Pennsylvania.

WHEREAS, the Drug Act gives the Secretary of Health of Pennsylvania the authority to add a substance to the list of controlled substances in Pennsylvania subject to certain preparatory procedures and investigations upon petition of “any interested party,” 35 P.S. § 780-103.

WHEREAS, Radnor Township and the individuals set forth below are such interested parties.

NOW THEREFORE, Radnor Township, together with those individuals set forth below, respectfully requests that the Acting Secretary request the advice of the Pennsylvania Drug, Device and Cosmetic Board with respect to the advisability of adding Kratom and Delta-8 THC as controlled substances.

By: 

Moira Mulroney, *President*



William White, *Secretary*

TO THIS PETITION, the following individuals join, stating that they are each interested parties and support the request made by Radnor Township in their individual capacities: