



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 260163

Introduced March 5, 2026

Councilmember Gilmore Richardson

**Referred to the
Committee on Commerce & Economic Development**

AN ORDINANCE

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," to establish restrictions and regulations related to the sale of certain intoxicating substances and provide for associated penalties and enforcement, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

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CHAPTER 9-100. GENERAL PROVISIONS

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§ 9-105. Penalties.

(1) Except as otherwise provided in Chapters 9-600, 9-702, 9-800, 9-900, 9-1000, 9-1100, 9-1200, 9-1600, 9-4000, 9-4200, [and] 9-4400, *and 9-6700*, Sections 9-604, 9-622 and 9-623 of this Title, and subsection 11-707(1) of Title 11, any person who violates any provision of this Title or any regulation adopted hereunder shall, in addition to any other penalty indicated in this Title, pay a fine of no less than one hundred fifty dollars (\$150) nor more than three hundred dollars (\$300).

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CHAPTER 9-6700. INTOXICATING SUBSTANCES

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Section 9-6701. Definitions.

(1) *Container.* As defined by the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o); absent such definition, the innermost wrapping, packaging, or vessel in direct contact with a final hemp-derived cannabinoid product in which the final hemp-derived cannabinoid product is enclosed for retail sale to consumers, such as a jar, bottle, bag, box, packet, can, carton, or cartridge, excluding bulk shipping containers or outer wrappings that are not essential for the final retail delivery or sale to an end consumer for personal or household use.

(2) *Hemp.* As defined by the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o); absent such definition, the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total tetrahydrocannabinols concentration (including tetrahydrocannabinolic acid) of not more than 0.3 percent on a dry weight basis.

(3) *Hemp-Derived Cannabinoid Product.* As defined by the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o); absent such definition, any intermediate or final product derived from hemp (other than industrial hemp) that contains cannabinoids in any form and is intended for human or animal use through any means of application or administration, such as inhalation, ingestion, or topical application.

(4) *Hemp Product.* Any substance intended for human or animal use through any means of application or administration, such as inhalation, ingestion, or topical application that contains or is derived from hemp or industrial hemp.

(5) *Intoxicating Substance Retailer.* A person who, in the usual course of business, purchases or receives Intoxicating Substances for the purpose of sale to a consumer.

(6) *Intoxicating Substance Retailing.* The sale or offer for sale of any Intoxicating Substance to a consumer.

(7) *Industrial Hemp.* As defined by the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o); absent such definition, hemp that is:

(a) grown for the use of the stalk of the plant, fiber produced from such a stalk, or any other non-cannabinoid derivative, mixture, preparation, or manufacture of such a stalk;

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(b) *grown for the use of the whole grain, oil, cake, nut, hull, or any other non- cannabinoid compound, derivative, mixture, preparation, or manufacture of the seeds of such plant;*

(c) *grown for purposes of producing microgreens or other edible hemp leaf products intended for human consumption that are derived from an immature hemp plant that is grown from seeds that do not exceed the threshold for total tetrahydrocannabinols concentration specified for Hemp;*

(d) *a plant that does not enter the stream of commerce and is intended to support hemp research at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or an independent research institute; or*

(e) *grown for the use of a viable seed of the plant produced solely for the production or manufacture of any material described in subsections 9-6701(6)(a) through (d).*

(8) *Intermediate Hemp-Derived Cannabinoid Product. As defined by the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o); absent such definition, a hemp-derived cannabinoid product which is either: (a) not yet in the final form or preparation marketed or intended to be used or consumed by a human or animal; or (b) a powder, liquid, tablet, oil, or other product form which is intended or marketed to be mixed, dissolved, formulated, or otherwise added to or prepared with or into any other substance prior to administration or consumption.*

(9) *Intoxicating Substance. Any Hemp Product or Kratom Product.*

(10) *"Kratom extract." A food product that contains any part of a leaf from mitragyna speciosa, commonly known as kratom, which has been extracted and concentrated to provide more standardized dosing.*

(11) *Kratom Product. Any intermediate or final product that is intended for human or animal use through any means of application or administration, such as inhalation, ingestion, or topical application, and contains in any form mitragynine or 7 hydroxymitragynine that is:*

(a) *derived from any part of Mitragyna speciosa plant, including the seeds thereof and all derivatives, extracts, alkaloids, isomers, and compounds, whether growing or not;*

(b) *not capable of being naturally produced by a Mitragyna speciosa plant;*
or

(c) *capable of being naturally produced by a Mitragyna speciosa plant and was synthesized or manufactured outside the plant.*

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(12) *Public. Owned, leased, or operated by the Commonwealth of Pennsylvania, the United States, the City, or any other public or quasi-public governmental body or agency.*

Section 9-6702. Prohibition on Sales.

(1) *It shall be unlawful for any person to sell or offer for sale any product expressly excluded from the definition of Hemp under the Agricultural Marketing Act of 1946 (7 U.S.C. 1639o).*

(2) *Prior to the effective date of Section 781 of the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act of 2026 (Pub. L. No. 119-37), it shall be unlawful for any person to sell or offer for sale:*

(a) *any viable seeds from a Cannabis sativa L. plant that exceeds a total tetrahydrocannabinols concentration (including tetrahydrocannabinolic acid) of 0.3 percent in the plant on a dry weight basis;*

(b) *any intermediate hemp-derived cannabinoid products containing:*

(.1) *cannabinoids that are not capable of being naturally produced by a Cannabis sativa L. plant;*

(.2) *cannabinoids that are capable of being naturally produced by a Cannabis sativa L. plant and were synthesized or manufactured outside the plant; or*

(.3) *more than 0.3 percent combined total of total tetrahydrocannabinols (including tetrahydrocannabinolic acid) and any other cannabinoids that have similar effects (or are marketed to have similar effects) on humans or animals as a tetrahydrocannabinol (as determined by the Secretary of Health and Human Services); or*

(c) *any intermediate hemp-derived cannabinoid products which are marketed or sold as a final product or directly to an end consumer for personal or household use; or*

(d) *any final hemp-derived cannabinoid products containing:*

(.1) *cannabinoids that are not capable of being naturally produced by a Cannabis sativa L. plant;*

(.2) *cannabinoids that are capable of being naturally produced by a Cannabis sativa L. plant and were synthesized or manufactured outside the plant; or*

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(.3) *greater than 0.4 milligrams combined total per container of total tetrahydrocannabinols (including tetrahydrocannabinolic acid) and any other cannabinoids that have similar effects) on humans or animals as a tetrahydrocannabinol (as determined by the Secretary of Health and Human Services).*

(3) *It shall be unlawful for any person to sell or offer for sale any kratom product that meets any of the following criteria:*

(a) *Is mixed or packed with a nonkratom substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer;*

(b) *Contains a kratom extract with levels of residual solvents higher than the standards specified in the edition of the United States Pharmacopeia/National Formulary 467 that is current on the effective date of this paragraph;*

(c) *Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 2 percent of the overall alkaloid composition of the kratom product; or*

(d) *The kratom product contains a synthetic alkaloid, including a synthetic mitragynine, a synthetic 7-hydroxymitragynine or any other synthetically derived compounds of the kratom plant.*

(4) *It shall be unlawful for any person to sell or offer for sale any intoxicating substance that is not the subject of an application that has been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).*

(5) *It shall be unlawful for any person to sell or offer for sale any intoxicating substance to any individual under twenty-one (21) years of age.*

Section 9-6703. Licensed Sale of Intoxicating Substances.

(1) *Intoxicating Substance Retailer License Required.*

(a) *No person shall act as an Intoxicating Substance retailer without a current intoxicating substance retailer license for each location where the person engages in intoxicating substance retailing. Acting as an intoxicating substance retailer without a license is hereby declared a nuisance as a matter of law.*

(b) *Each intoxicating substance retailer shall prominently display the intoxicating substance retailer license at each location where the person engages in intoxicating substance retailing.*

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(c) *An intoxicating substance retailer license shall be issued to an applicant if, in addition to any other applicable requirement, all of the following requirements are met:*

(.1) *The applicant demonstrates that any intoxicating substance that would be sold or offered for sale has been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355).*

(.2) *If the applicant is an individual, such applicant is at least twenty-one (21) years of age.*

(.3) *The applicant has provided all material information required by the application.*

(.4) *The applicant has not made any material false statement in the application.*

(.5) *The applicant currently maintains a valid permit to dispense medical marijuana from the Pennsylvania Bureau of Medical Marijuana, if required.*

(.6) *The applicant currently maintains a valid commercial activity license and any license or permit required under this Title.*

(.7) *The location for which the intoxicating substance retailer license is sought is fixed, and not mobile.*

(.8) *The location for which the intoxicating substance retailer license is sought is not situated within:*

(.a) *A zoning district where such use is not expressly allowed;*

(.b) *500 ft. of any regulated use, as set forth in subsection 14-603(13) (Regulated Use);*

(.c) *500 ft. of any school (up to and including the 12th grade) or its adjunct recreation areas/play fields;*

(.d) *500 ft. of any public playground;*

(.e) *500 ft. of any public swimming pool;*

(.f) *500 ft. of any public park;*

(.g) *500 ft. of any public recreation center;*

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(.h) 500 ft. of any public library;

(.i) 500 ft. of any child care; or

(.j) Any of the following designated areas:

- (i) City Avenue from the Schuylkill Expressway to City Avenue.
- (ii) 63rd Street from City Avenue to Lebanon Avenue.
- (iii) Monument Road from City Avenue to Ford Road.
- (iv) Conshohocken Avenue.
- (v) Parkside Avenue from 52nd Street to Belmont Avenue.
- (vi) Haverford Avenue from City Avenue to Lansdowne Avenue.
- (vii) 54th Street from City Avenue to Overbrook Avenue.
- (viii) 54th Street from Arlington Street to Montgomery Avenue.
- (ix) Germantown Avenue from Erie Avenue to W. Cumberland Street.
- (x) Fairmount Avenue, both sides, from Broad Street to Pennsylvania Avenue.
- (xi) Ridge Avenue from Broad Street to 33rd Street.
- (xii) Cecil B. Moore Avenue from Broad Street to 24th Street.
- (xiii) Broad Street from Spring Garden to Lehigh Avenue.
- (xiv) Girard Avenue, both sides, from 4th Street to Broad Street.
- (xv) Lehigh Avenue, south side, from 33rd Street to Broad Street.

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- (xvi) Lehigh Avenue, both sides, Broad Street to 6th Street,*
- (xvii) Spring Garden Street from Broad Street to Pennsylvania Avenue.*
- (xviii) Spring Garden Street, north side, from Broad Street to 4th Street.*
- (xix) Krewstown Road from Grant Avenue to Bloomfield Avenue.*
- (xx) Grant Avenue from Krewstown Road to Blue Grass Road.*
- (xxi) Red Lion Road from Roosevelt Boulevard to Steven Road.*
- (xxii) Red Lion Road from Calera Road to Academy Road.*
- (xxiii) Fairdale Road from Knights Road to Whiting Road.*
- (xxiv) Bustleton Avenue from Cottman Avenue to County Line Road.*
- (xxv) Castor Avenue from Cottman Avenue to Bustleton Avenue.*
- (xxvi) Rhawn Street from Roosevelt Boulevard to Oxford Avenue.*
- (xxvii) Oxford Avenue from Cottman Avenue to City Limit.*
- (xxviii) Verree Road from Oxford Avenue to Bustleton Avenue*
- (xxix) Byberry Road from Roosevelt Boulevard to Philmont Avenue.*
- (xxx) Morrell Avenue from Frankford Avenue to Academy Road.*

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Road. (xxxi) *Academy Road from Byberry Road to Torrey*

(xxxii) *Knights Road from Fairdale Road to City Limit.*

(xxxiii) *The area bounded by Knights Road from Franklin Mills Circle in the north to Woodhaven Road in the south, Woodhaven Road from Knights Road in the west to Franklin Mills Circle in the east, and Franklin Mills Circle from Woodhaven Road in the south to Knights Road in the north.*

(.9) *Any other requirement adopted by the Department by regulation pursuant to this Section.*

(d) *An intoxicating substance retailer license is valid for one person at one location and may not be transferred from one person to another or from one location to another. A new intoxicating substance retailer license is required whenever an intoxicating substance retailer changes location or transfers ownership.*

(2) *License Expiration, Renewal, and Revocation.*

(a) *Term. An intoxicating substance retailer license shall be effective through the thirty-first day of December of the calendar year for which it is issued.*

(b) *Renewal. Any person lawfully issued an intoxicating substance retailer license pursuant to the provisions of this Section shall be entitled to renew such license, provided that all the requirements of this Section, and any other applicable requirements, are met.*

(.1) *An intoxicating substance retailer shall apply for renewal and submit the applicable renewal fee no later than sixty (60) days prior to expiration of the license term. Renewal applications submitted less than sixty (60) days prior to the expiration of the license term shall be subject to both the new application fee, and the renewal fee.*

(.2) *Applicants for renewal shall meet the requirements for an intoxicating substance retailer license set forth under subsection (1).*

(c) *Revocation of License.*

(.1) *An intoxicating substance retailer license may be revoked for any of the following reasons:*

(.a) *Failure to provide all information required as a condition of issuing an intoxicating substance retailer license;*

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(.b) *Making a material false statement in an application for an intoxicating substance retailer license or in a renewal application for an intoxicating substance retailer license;*

(.c) *Failure to maintain a valid medical marijuana permit from the Pennsylvania Bureau of Medical Marijuana, if required;*

(.d) *Failure to maintain a valid commercial activity license or any other license or permit required under this Title;*

(.e) *The person issued an intoxicating substance retailer license is delinquent in the payment of any City or School District of Philadelphia taxes, charges, fees, rents or claims, or any penalties or fines relating to the person's business for which the person is responsible, unless the person has entered into an agreement to pay any such delinquency and is abiding by the terms of such agreement.*

(.f) *The person issued an intoxicating substance retailer license engages in intoxicating substance retailing at any other location in the City in violation of any provision of this Section, or any City requirement with respect to intoxicating substance retailing.*

(.2) *New License After Revocation. A new intoxicating substance retailer license shall not be issued to an intoxicating substance retailer within ten (10) days after the first revocation within any thirty-six (36) month period, within fifteen (15) days after the second revocation within any thirty-six (36) month period, or within sixty (60) days after the third or subsequent revocation within any thirty-six (36) month period.*

(3) *License Fees. The application fee shall be fifty dollars (\$50), and the renewal fee shall be fifty dollars (\$50), except that the Department may alter these fee amounts by regulation, based on the total cost of the administration and enforcement of this Section. The application fee shall be paid at the time the application is submitted. The renewal fee shall be paid at the time the renewal application is submitted.*

(4) *Testing and Certification Required. Any intoxicating substance sold by a licensed intoxicating substance retailer shall be tested by a Drug Enforcement Agency (DEA) registered and licensed laboratory in Pennsylvania authorized to test such substances.*

(a) *Hemp products shall be certified by such laboratory as:*

(.1) *Having a total tetrahydrocannabinols concentration (including tetrahydrocannabinolic acid) of not more than 0.3 percent on a dry weight basis; and*

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(.2) *Being free from heavy metals, pesticides, solvents, mycotoxins, microbial and other contaminants.*

(.3) *Being free from any poisonous or otherwise deleterious ingredient, including, but not limited to, any of the following:*

(.a) *A controlled substance listed under section 4 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § § 780-104).*

(.b) *A controlled substance listed under 28 Pa. Code Ch. 25 Subch. A (relating to controlled substances, drugs, devices and cosmetics).*

(.b) *A substance that is temporarily scheduled as a controlled substance by the Secretary of Health pursuant to section 3(d) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § § 780-103(d)).*

(.4) *Being free from any substance that affects the quality or strength of the hemp product to such a degree as to render the hemp product injurious to a consumer.*

(b) *Kratom products shall be certified by such laboratory as:*

(.1) *Being free from any substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer.*

(.2) *Being free from any poisonous or otherwise deleterious nonkratom ingredient, including, but not limited to, any of the following:*

(.a) *A controlled substance listed under section 4 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § § 780-104).*

(.b) *A controlled substance listed under 28 Pa. Code Ch. 25 Subch. A (relating to controlled substances, drugs, devices and cosmetics).*

(.b) *A substance that is temporarily scheduled as a controlled substance by the Secretary of Health pursuant to section 3(d) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § § 780-103(d)).*

(.3) *Containing a kratom extract with levels of residual solvents below the standards specified in the edition of the United States Pharmacopeia/National Formulary 467 that is current on the effective date of this paragraph.*

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(.4) *Containing a level of 7-hydroxymitragynine in the alkaloid fraction of not more than 2 percent of the overall alkaloid composition of the kratom product.*

(.5) *Being free from heavy metals, pesticides, solvents, mycotoxins, microbials and other contaminants.*

(5) *Labeling Required. Any intoxicating substance sold by a licensed intoxicating substance retailer shall be labeled, in accordance with regulations adopted by the Department, in a manner that identifies to consumers that the product meets the criteria established in this Section, and otherwise complies with all applicable hemp and kratom and consumer protection laws and regulations:*

(a) *Hemp products shall be labeled as:*

(.1) *Having a total tetrahydrocannabinols concentration (including tetrahydrocannabinolic acid) of not more than 0.3 percent on a dry weight basis; and*

(.2) *Being free from heavy metals, pesticides, solvents, mycotoxins, microbials and other contaminants.*

(.3) *Being free from any poisonous or otherwise deleterious ingredient, including, but not limited to, any of the following:*

(.a) *A controlled substance listed under section 4 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § § 780-104).*

(.b) *A controlled substance listed under 28 Pa. Code Ch. 25 Subch. A (relating to controlled substances, drugs, devices and cosmetics).*

(.b) *A substance that is temporarily scheduled as a controlled substance by the Secretary of Health pursuant to section 3(d) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § § 780-103(d)).*

(.4) *Being free from any substance that affects the quality or strength of the hemp product to such a degree as to render the hemp product injurious to a consumer.*

(b) *Kratom products shall be labeled as:*

(.1) *Being free from any substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer.*

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(.2) *Being free from any poisonous or otherwise deleterious nonkratom ingredient, including, but not limited to, any of the following:*

(.a) *A controlled substance listed under section 4 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § § 780-104).*

(.b) *A controlled substance listed under 28 Pa. Code Ch. 25 Subch. A (relating to controlled substances, drugs, devices and cosmetics).*

(.b) *A substance that is temporarily scheduled as a controlled substance by the Secretary of Health pursuant to section 3(d) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § § 780-103(d)).*

(.3) *Containing a kratom extract with levels of residual solvents below the standards specified in the edition of the United States Pharmacopeia/National Formulary 467 that is current on the effective date of this paragraph.*

(.4) *Containing a level of 7-hydroxymitragynine in the alkaloid fraction of not more than 2 percent of the overall alkaloid composition of the kratom product.*

(.5) *Being free from heavy metals, pesticides, solvents, mycotoxins, microbials and other contaminants.*

Section 9-6704. Penalties and Enforcement.

A violation of any provision of this Chapter shall be classified as a Class III offense subject to the maximum fine set forth in subsection 1-109(3) of the Code, in addition to the penalties authorized pursuant to Section A-505.1 of the Philadelphia Administrative Code. Each day a violation continues shall constitute a separate offense.

Section 9-6705. Severability.

If a court of competent jurisdiction declares any part of this Chapter 9-6700 to be invalid, such judgment shall not affect the validity of this Section as a whole or any remaining part thereof. It is the intention of City Council that the remaining provisions of this Section would have been adopted as if such part found to be invalid had not been enacted.

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SECTION 2. This Ordinance shall be effective immediately, except that Section 9-6703 (“Licensed Sale of Intoxicating Substances”) shall take effect 90 days after it becomes law.

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Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.