



City of Philadelphia

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

BILL NO. 260163
(As Amended in Committee, 5/21/26)

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

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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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§ 9-6701. Definitions.

- (1) *Container.* As defined by the Agricultural Marketing Act of 1946 (7 U.S.C. § 1639o).
- (2) *Hemp.* As defined by the Agricultural Marketing Act of 1946 (7 U.S.C. § 1639o).
- (3) *Hemp-Derived Cannabinoid Product.* As defined by the Agricultural Marketing Act of 1946 (7 U.S.C. § 1639o).
- (4) *Intoxicating Hemp Product.* Any substance set forth in the Exclusions from the definition of Hemp under the Agricultural Marketing Act of 1946 (7 U.S.C. § 1639o).
- (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).
- (8) *Intermediate Hemp-Derived Cannabinoid Product.* As defined by the Agricultural Marketing Act of 1946 (7 U.S.C. § 1639o).
- (9) *Intoxicating Substance.* Any Intoxicating 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 or ingestion, and contains in any form mitragynine or 7-hydroxymitragynine that is:

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(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.*

(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.*

§ 9-6702. *Prohibition on Sales.*

(1) *It shall be unlawful for any person to sell or offer for sale any substance set forth in the Exclusions from the definition of Hemp under the Agricultural Marketing Act of 1946 (7 U.S.C. § 1639o).*

(2) *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) *Contains a synthetic alkaloid, including a synthetic mitragynine, a synthetic 7-hydroxymitragynine or any other synthetically derived compounds of the kratom plant.*

(3) *It shall be unlawful for any person to sell or offer for sale any intoxicating substance that is not considered appropriate for use as a dietary supplement or a safe food additive or the subject of an application that has been approved in accordance with under Sections 201, 301, 402, 409, or 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 321, 331, 342, 348, or 355).*

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(4) *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.*

§ 9-6703. *Permitted Sale of Intoxicating Substances.*

(1) *Intoxicating Substance Retailer Permit Required.*

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

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

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

(.1) *It shall be unlawful for any person to sell or offer for sale any intoxicating substance that is not considered appropriate for use as a dietary supplement or a safe food additive or the subject of an application that has been approved in accordance with under Sections 201, 301, 402, 409, or 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 321, 331, 342, 348, or 355).*

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

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

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

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

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

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

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

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(.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;

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

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

(.j) Any of the following designated areas:

Boundary. (i) City Avenue from the Schuylkill Expressway to City

(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.

Avenue. (vi) Haverford Avenue from City Avenue to Lansdowne

(vii) 54th Street from City Avenue to Overbrook Avenue.

Avenue. (viii) 54th Street from Arlington Street to Montgomery

Cumberland Street. (ix) Germantown Avenue from Erie Avenue to W.

Pennsylvania Avenue. (x) Fairmount Avenue, both sides, from Broad Street to

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- (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.
- (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.

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- Limit.* (xxvii) *Oxford Avenue from Cottman Avenue to City*
- Avenue* (xxviii) *Verree Road from Oxford Avenue to Bustleton*
- Philmont Avenue.* (xxix) *Byberry Road from Roosevelt Boulevard to*
- Academy Road.* (xxx) *Morrell Avenue from Frankford Avenue to*
- 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.*
- (xxxiv) *Aramingo Avenue Shopping Area.*
- (xxxv) *Mayfair Business Improvement District.*
- (xxxvi) *Cottman Avenue from Kindred Street to its terminus at the Delaware River*
- (xxxvii) *Frankford Avenue from Poquesing Creek to Harbison Ave, east side*
- (xxxviii) *Bustleton Avenue from Cottman Avenue to Roosevelt Boulevard, east side*
- (xxxix) *Grant Avenue from Roosevelt Boulevard to Milnor St, south side*
- (xl) *Aramingo Avenue from E Allegheny Avenue to Bridge Street, east side*
- (xli) *Allegheny Avenue from Kensington Avenue to Delaware Avenue, east side*

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- Frankford Creek, east side* (xlii) *Kensington Ave from Allegheny Avenue to*
- Frankford creek* (xliii) *Torresdale Avenue from Kensington Avenue to*
- Convent Lane* (xliv) *Torresdale Avenue from Harbison Avenue to*
- Avenue* (xlv) *Torresdale Avenue from Fidler Street to Grant*
- Boulevard, east side* (xlvi) *Harbison Avenue from Bridge Street to Roosevelt*
- Street* (xlvii) *Richmond Street from Allegheny Avenue to Brill*
- Creek* (xlviii) *State Road from Longshore Avenue to Poquesing*
- Road* (xlix) *Rhawn Street from Roosevelt Boulevard to State*
- Street* (l) *Welsh Road from Roosevelt Boulevard to Walker*
- Avenue* (li) *Rowland Avenue from Frankford Avenue to Solly*
- Delaware Avenue* (lii) *Castor Avenue from Kensington Avenue to N*
- 40th Street.* (liii) *Lancaster Avenue from 34th Street to 48th Street.*
- 40th Street.* (liv) *Spring Garden Street from 31st Street to*
- Avenue.* (lv) *Haverford Avenue from 31st Street to 52nd Street.*
- Street.* (lvi) *Girard Avenue from 34th Street to Belmont*
- Street.* (lvii) *40th Street from Girard Avenue to Chestnut*

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- (lviii) Belmont Avenue from Parkside Avenue to Haverford Avenue, east side.
- (lix) Market Street from 40th Street to 63rd Street, south side.
- (lx) Chestnut Street from 42nd Street to 63rd Street.
- (lxi) Walnut Street from 42nd Street to 63rd Street.
- (lxii) Baltimore Avenue from 42nd Street to 61st Street.
- (lxiii) 52nd Street from Wyalusing Avenue to Woodland Avenue.
- (lxiv) 56th Street from Market Street to Baltimore Avenue.
- (lxv) 60th Street from Market Street to Catharine Street.
- (lxvi) 62nd Street from Market Street to Catharine Street.
- (lxvii) 58th Street from Market Street to Woodland Avenue.
- (lxviii) Chester Avenue from 42nd Street to 57th Street, east side.
- (lxix) Woodland Avenue from 42nd Street to 57th Street, east side.
- (lxx) North 5th Street from Spencer Street to Somerville Avenue.
- (lxxi) Ogontz Avenue from Cheltenham Avenue to 67th Avenue.
- (lxxii) Wadsworth Avenue from Cheltenham Avenue to Michener Avenue.
- (lxxiii) 22nd Street from Lehigh Avenue to W Allegheny Avenue

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<i>Delphine Street</i>	<i>(lxxiv) 5th Street from W. Roosevelt Boulevard to</i>
<i>Street</i>	<i>(lxxv) Broad Street from Ruscomb Street to W. Venango</i>
<i>Westmoreland Street</i>	<i>(lxxvi) Broad Street from Lehigh Avenue to W.</i>
<i>Washington Lane</i>	<i>(lxxvii) Germantown Avenue from Staub Street to E.</i>
<i>Morton Street</i>	<i>(lxxviii) W. Cheltenham Ave from Wissahickon Avenue to</i>
	<i>(lxxix) Chestnut Hill Business Improvement District</i>
	<i>(lxxx) Mt. Airy Business Improvement District</i>
<i>Street to 25th Street</i>	<i>(lxxxii) Washington Avenue, both sides, from Broad</i>
<i>25th Street</i>	<i>(lxxxiii) Snyder Avenue, both sides, from Broad Street to</i>
<i>Street to Moore Street</i>	<i>(lxxxiv) Point Breeze Avenue, both sides, from Federal</i>
<i>Street to 23rd Street</i>	<i>(lxxxv) West Passyunk Avenue, both sides, from Broad</i>
<i>25th Street</i>	<i>(lxxxvi) Snyder Avenue, both sides, from Broad Street to</i>
<i>27th Street</i>	<i>(lxxxvii) South Street, both sides, from Broad Street to</i>
<i>10th Street</i>	<i>(lxxxviii) South Street, south side, from Broad Street to</i>
<i>23rd Street</i>	<i>(lxxxix) Oregon Avenue, both sides, from Broad Street to</i>
<i>Island Avenue</i>	<i>(lxxxix) Elmwood Avenue, both sides, from 65th street to</i>

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- 68th Street*
- (xc) *Woodland Avenue, both sides, from 58th Street to*
- (xci) *Old City Special Services District*
- (xcii) *South Street/Headhouse District*
- (xciii) *East Passyunk Business Improvement District*
- (xciv) *Northern Liberties Business Improvement District*
- (xcv) *Fishtown Kensington Area Business Improvement*
- District*
- (xcvi) *Center City District*
- (xcvii) *Allegheny Avenue from Kensington Avenue to*
- Delaware Avenue*
- (xcviii) *Delaware Avenue from Spring Garden Street to*
- Allegheny Avenue*
- (xcix) *Lehigh Avenue from Kensington Avenue to*
- Richmond Street*
- (c) *Girard Avenue from Front Street to Richmond*
- Street*
- (ci) *Aramingo Avenue from Allegheny Avenue to*
- Delaware Avenue*
- (cii) *Market Street from Front Street to Broad Street*
- (ciii) *Richmond Street from Delaware Avenue to*
- Allegheny Avenue*
- (civ) *Spring Garden Street from Delaware Avenue to*
- Broad Street*
- (cv) *Frankford Avenue from Allegheny Avenue to*
- Delaware Avenue*
- (cvi) *Callowhill Street from Delaware Avenue to*
- Broad Street*

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- Front Street* (cvii) *Kensington Avenue from Allegheny Avenue to*
- Street* (cviii) *Front Street from Oregon Avenue to Race Street*
- (cix) *York Street from Aramingo Avenue to Amber*
- Delaware Avenue* (cx) *Chestnut Street from Front Street to Broad Street*
- (cxi) *Walnut Street from Front Street to Broad Street*
- (cxii) *Washington Avenue from Broad Street to*
- Street* (cxiii) *South Street from Front Street to Broad Street*
- (cxiv) *Passyunk Avenue from Broad Street to South*
- Street* (cxv) *9th Street from Oregon Avenue to Spring Garden*
- Garden Street* (cxvi) *Broad Street from Oregon Avenue to Spring*
- Broad Street* (cxvii) *Christian Street from Columbus Boulevard to*
- the Walt Whitman Bridge* (cxviii) *Columbus Boulevard from Spring Garden St to*
- Broad Street* (cxix) *Snyder Avenue from Columbus Boulevard to*
- Broad Street* (cxx) *Oregon Avenue from Columbus Boulevard to*
- (cxxi) *W Lehigh Ave from N 3rd St to n Howard St*
- (cxxii) *N American St from W Huntingdon St to W*
- Somerset St* (cxxiii) *W Allegheny Ave from N Randolph St to N 2nd St*

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(cxxiv) 5th Street from W. Huntingdon to W. Clearfield

(cxxv) W Lehigh Ave from N Marshall St to N 5th St

(cxxvi) West Luzerne Street to N 5th St

(cxxvii) W Wyoming Avenue to N 5th St

(cxxviii) W. Erie Ave from N. Franklin St. To N 5th St.

(cxxix) Rising Sun Ave from N. 8th St. To W. Pike St.

(cxxx) W. Butler St. From N. Marshall St. To N.

Lawrence St.

(cxxxix) N. 6th St. From W. Pike St. To W. Erie Ave.

(cxxxii) N 6th St from W Berks St to W Susquehanna

(cxxxiii) Bustleton & Harbison Bustleton Ave from Unruh

Ave to Princeton Ave

(cxxxiv) Bustleton Ave to Bradford St

(cxxxv) Bustleton Ave to Leonard St

(cxxxvi) Bustleton Ave to Knorr Street

(cxxxvii) Bustleton Ave from Unruh Ave to Akron Street

(cxxxviii) E Alleghany Avenue to B Street

(cxxxix) E Alleghany Avenue to D Street

(cxl) Castor Ave from Comly St to Benner St

(cxli) Castor Ave from Robbins St to Glenview St

(cxlii) Castor Ave to Large St

(cxliii) E Wingohocking St from Castor to Adams Ave

(cxliv) Castor Ave from E Wingohocking St to Orthodox

St

(cxlv) E Wyoming Ave from Rosehill St to Tampa St

(cxlvi) E Wyoming Ave to E Mentor St

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- (cxlvii) *E Wyoming to E Thelma St*
- (cxlviii) *E Erie Ave from I St to Adams Ave*
- (cxlix) *Frankford Ave from E Hunting Park Ave to Adams Ave*
- (cl) *Torresdale Ave from Frankford Ave to Paul St*
- (cli) *Kensington Ave from E Pacific St to E Luzerne St*
- (clii) *Frankford Ave from E Berk St. To E. Sergeant St.*
- (cliii) *Frankford Ave from Benner St to Tyson Ave*
- (cliv) *Frankford Ave to Erdrick St*
- (clv) *Frankford Ave to Charles St*
- (clvi) *Frankford Ave to Hawthorne St*
- (clvii) *Frankford Ave to Mulberry St*
- (clviii) *Frankford Ave / Bridge-Pratt Frankford Ave from Allengrove St to Brill St*
- (clix) *Pratt St from Griscom St to Duffield St*
- (clx) *Frankford Ave from Adams Ave to Unity St*
- (clxi) *Kensington Ave from Adams Ave to Unity St*
- (clxii) *Frankford Ave / Margaret-Orthodox Frankford Ave from Unity St to Allengrove St*
- (clxiii) *Oxford Ave from Margaret St to Leiper St*
- (clxiv) *N Front St from Clearfield to E Ontario St*
- (clxv) *N Front St to N Lee St*
- (clxvi) *N Front St to Mascher St*
- (clxvii) *W Allegheny Ave from Mascher St to Ella St*
- (clxviii) *N Front St from Diamond St to E Cumberland St*

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- (clxix) Kensington Ave from E York St to E Lehigh Ave
- (clxx) Harbison Ave from Ditman St. To Aramingo Ave
- (clxxi) Torresdale Ave from Bridge St. To Fraley St.
- (clxxii) East Tioga Street to Rand Street and East Tioga
Street to Malta Street
- (clxxiii) I street to Train Intersection (No Street Name)
- (clxxiv) E Hunting Park Ave from Whitaker Ave to L St
- (clxxv) E Hunting Park Ave to E Lycoming St
- (clxxvi) Kensington Ave from E Indiana to E Estaugh St
- (clxxvii) E Allegheny Ave from Kensington Ave to Emerald
St
- (clxxviii) E Allegheny Ave from Kensington Ave to Reach
St
- (clxxix) Kensington Ave from E. Tusculum St. To E.
Orleans St.
- (clxxx) E Vanango Street to East Glenwood Ave
- (clxxx1) E Ontario Street to East Vanango Street
- (clxxx2) Oxford Ave from Pratt st to E Roosevelt St
- (clxxx3) Oxford Ave from Sanger St to E Roosevelt St
- (clxxx4) Oxford Ave from E Roosevelt St to Van Kirk St

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

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

(2) Permit Expiration, Renewal, and Revocation.

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(a) *Term.* An intoxicating substance retailer permit 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 permit pursuant to the provisions of this Section shall be entitled to renew such permit, 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 permit term. Renewal applications submitted less than sixty (60) days prior to the expiration of the license permit term shall be subject to both the new application fee, and the renewal fee, and the late renewal fee.

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

(c) *Revocation of Permit.*

(.1) An intoxicating substance retailer permit 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 permit;

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

(.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 permit 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 permit engages in intoxicating substance retailing at any other location in the City in violation of any

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provision of this Section, or any City requirement with respect to intoxicating substance retailing.

(3) *Permit Fees. The application and renewal fees shall be three-hundred (\$300), and the late 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 permitted intoxicating substance retailer shall be tested by a Drug Enforcement Agency (DEA) registered and licensed laboratory in Pennsylvania authorized to test such substances*

(a) *Intoxicating 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*

(.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).*

(.c) *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 intoxicating hemp product to such a degree as to render the 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.*

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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).*

(.c) *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.*

(5) *Labeling Required. Any intoxicating substance sold by a permitted 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) *Intoxicating 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:*

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(.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).

(.c) 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 intoxicating hemp product to such a degree as to render the 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.

(.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).

(.c) 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.

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§ 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.

§ 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.

* * *

SECTION 2. This Ordinance shall be effective November 12, 2026, except that Section 9-6703 (“Permitted Sale of Intoxicating Substances”) shall take effect upon the issuance of regulations by the Department.

Explanation:

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

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