

Northampton Board of Health Regulation
**Prohibiting the Manufacturing, Sale, and Distribution of Synthetically Derived Cannabinoids,
Kratom Products and Unregulated Novel Intoxicating Products**

A. Authority:

This regulation is promulgated under the authority granted to local Boards of Health by Massachusetts General Laws, Chapter 111, Sections 31 and 122, which authorize Boards of Health to adopt reasonable health regulations and take action to protect the public from sources of disease and health risks.

B. Statement of Purpose

The Northampton Board of Health recognizes that the manufacturing, sale, and distribution of synthetic and unregulated substances, including but not limited to synthetically derived cannabinoids, kratom products (both natural and synthetic forms), and other novel intoxicating products, present an emerging and significant threat to public health, particularly for youth and other vulnerable populations.

These substances are often produced without regulatory oversight and sold without proper labeling, dosage guidance, or ingredient transparency. As a result, they are associated with unpredictable and potentially harmful health effects. Despite these risks, such products are readily available in convenience stores, vape shops, and online marketplaces where few, if any, safeguards are in place to protect consumers.

Accordingly, the Northampton Board of Health seeks to establish regulations that proactively reduce access to these unregulated products, prevent associated harms, and protect the health and well-being of our community.

C. Definitions:

For the purposes of this regulation, the following words shall have the following meanings:

Board of Health: The Northampton Board of Health.

Board of Health Agent: Any person designated by the Northampton Board of Health or the Northampton Department of Health and Human Services to carry out and enforce the provisions of this regulation. A Board of Health Agent shall have all powers assigned under Massachusetts General Laws, including inspection authority, issuance of orders, and initiation of enforcement actions.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Kratom: Any part of the plant *Mitragyna speciosa*.

Natural Raw Kratom: Any unaltered form of the plant *Mitragyna speciosa*, including its leaves (whole, crushed, or powdered), stems, or other plant parts, that have not been chemically altered, synthesized, or had their alkaloid concentrations artificially increased or mixed with any other ingredients.

Person: Any individual, firm, partnership, association, corporation, company, or organization of any kind

Permit Holder: Any person or entity that holds a permit with the Department of Health & Human Services in the City of Northampton.

Retail Establishment: Any physical location engaged in the sale of consumer goods, including but not limited to a store, kiosk, gas station, vape shop, smoke or shop.

Synthetically Derived Kratom: Any kratom product that has been altered from its natural plant form through chemical synthesis or the use of synthetic alkaloid analogs or concentrates beyond what occurs naturally in the plant.

Synthetically Derived Cannabinoid: Any cannabinoid that is altered by a chemical reaction that changes the molecular structure of any natural cannabinoid derived from the plant Cannabis to another cannabinoid found naturally in the plant Cannabis. Synthetically Derived Cannabinoids include but are not limited to delta-8 and delta-10.

Unregulated Synthetic Products: Any psychoactive substance not approved by the U.S. Food and Drug Administration FDA or Massachusetts Cannabis Control Commission and not specifically authorized for sale under Massachusetts law, and not exempted under this regulation including novel intoxicating products.

Unregulated Novel Intoxicating Products: Any substance, compound, or mixture, whether natural, synthetic, or semi-synthetic, that is intended for human consumption or ingestion, inhalation, absorption, or any other method of introduction into the human body, that:

1. Has psychoactive, intoxicating, or mood-altering effects;
2. Is not approved by the U.S. Food and Drug Administration for such use; and
3. Is not otherwise regulated or scheduled under Massachusetts or federal law.

This definition includes, but is not limited to, novel cannabinoids, synthetic opioids, synthetic stimulants, synthetic hallucinogens, and any chemical analogs or derivatives thereof, except for those lawfully prescribed or otherwise legally authorized.

D. Prohibition

No person, business, or other entity shall sell, offer for sale, distribute, or otherwise provide for human consumption any of the following within the City of Northampton:

1. Kratom (both natural and synthetic forms)
2. Synthetically Derived THC
3. Unregulated Novel Intoxicating Products

E. Exemptions

This regulation does **not** apply to:

1. Cannabis products sold through state-licensed medical or adult-use dispensaries regulated by the Massachusetts Cannabis Control Commission.

F. Enforcement and Penalties:

1. Any person or entity charged with violating this regulation shall receive a notice of violation from the Northampton Board of Health or its designated agent.
2. It shall be the responsibility of the establishment owner and/or his or her manager or business agent to ensure compliance with this regulation. In the case of a violation, the violator shall receive:
 - I. **First offense:** \$300 fine.
 - II. **Second offense:** \$300 fine and 3 day suspension of all BOH permits.
 - III. **Third offense:** \$300 fine and 30 day suspension of all BOH permits.
 - IV. **Subsequent offenses:** \$300 fine and possible revocation of all BOH permits.
3. Every day that a violation exists shall be deemed to be a separate offense. Separate but simultaneous violations shall be treated as separate violations. Multiple permit suspensions may not be served concurrently.
4. Any person who receives notice of a violation of this regulation may request a hearing before the Board. The request must be made in writing and filed within seven (7) days of the date the violation was received.
5. The authority to inspect establishments for compliance and to enforce this regulation shall be held by the Northampton Board of Health and its designees and the Northampton Police Department.
6. Any person may register a complaint pursuant to this regulation to initiate an investigation and enforcement with the Northampton Board of Health and its designees.
7. Before suspending or revoking any permit issued by the Board, the Board shall provide notice of the intent to suspend or revoke such permit, which notice shall contain the reasons therefor and shall establish a time and date for a hearing, to be held no earlier than seven (7) days from the date of the notice. The permit holder or their designee shall have the opportunity to be heard and shall be notified of the Board's decision and the reasons therefore in writing. If after hearing, the Board finds that a second or subsequent violation of this regulation occurred, the Board shall suspend or revoke the subject permit. For purposes of such suspensions or revocations, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings concerning the same offense. Upon suspension or revocation of a permit, all permitted products must be removed from the retail establishment. Failure to remove such products shall constitute a separate violation of this regulation.
8. Failure to comply with the terms of a permit suspension imposed pursuant to this regulation may subject the permit holder to an additional suspension of all Board-issued permits for thirty (30) consecutive business days or possible permit revocation.

G. Severability:

If any provision of this regulation is declared invalid or unenforceable, all other provisions shall not be affected thereby but shall be in full force and effect.

H. Effective Date:

This regulation shall take effect on November 1, 2025.

Signatures:

Name	Signature	Date
Joanne Levin		
Cynthia Suopis		
Suzanne Smith		
Janet Grant		

Dated: _____

Appendix: Additional Information on Kratom and Synthetically Derived Cannabinoids

Whereas, hemp is defined as “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 delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.”¹

Whereas, tetrahydrocannabinol (THC) is the chemical responsible for most of marijuana’s psychological effects.²

Whereas, adult-use marijuana can be distinguished from hemp because it contains more than 0.3 percent (0.3%) delta-9 THC concentration, which is a naturally occurring cannabinoid.

Whereas, delta-8, delta-10, and other forms of THC are isomers of delta-9 and, except for trace amounts, are not found naturally in the plant cannabis, but are instead synthetically produced in laboratories.³

Whereas, in Massachusetts, adult-use marijuana is legal, but products containing delta-8, delta-10, and other synthetically derived cannabinoids are not.⁴

Whereas, delta-8 and similar synthetically derived products are psychoactive.⁵

Whereas, Synthetically Derived Kratom, a tree-like plant indigenous to Southeast Asia, produces stimulant and sedative effects when orally ingested in tablet, capsule, or extract form. Synthetically Derived Kratom leaves can be chewed or dried and ingested as a tea. Use of Synthetically Derived Kratom can lead to psychotic symptoms, and psychological and physiological dependence because it contains mitragynine and 7-hydroxymitragynine, two major psychoactive ingredients.⁶

Whereas, neither synthetic, hemp-derived products like delta-8 nor Synthetically Derived Kratom are regulated by the federal government or in Massachusetts.

¹ Implementation of Agricultural Improvement Act of 2018, 85 Fed. Reg. 51,640 (Aug. 21, 2020).

² Alina Bradford, *What is THC?*, LIVESCIENCE (May 18, 2017), [available at](https://www.livescience.com/24553-what-is-thc.html) <https://www.livescience.com/24553-what-is-thc.html>.

³ Kristina Etter, *I Stand Corrected: The Truth About Delta-8 THC*, MEDIUM (March 17, 2021), [available at](https://medium.com/seed-stem/i-stand-corrected-the-truth-about-delta-8-thc-e8085725ed9e) <https://medium.com/seed-stem/i-stand-corrected-the-truth-about-delta-8-thc-e8085725ed9e>.

⁴ MASS. DEPT. OF AGRIC. RES., HEMP IN MASSACHUSETTS: FAQs, [available at](https://www.mass.gov/guides/hemp-in-massachusetts-faqs#-is-it-legal-to-manufacture-delta-8-thc-from-hemp?-(last%20visited%20Feb.%2013,%202023)) [https://www.mass.gov/guides/hemp-in-massachusetts-faqs#-is-it-legal-to-manufacture-delta-8-thc-from-hemp?-\(last visited Feb. 13, 2023\)](https://www.mass.gov/guides/hemp-in-massachusetts-faqs#-is-it-legal-to-manufacture-delta-8-thc-from-hemp?-(last%20visited%20Feb.%2013,%202023)).

⁵ See U.S. FOOD & DRUG ADMIN., 5 THINGS TO KNOW ABOUT DELTA-8 TETRAHYDROCANNABINOL – DELTA-8 THC, [available at](https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc) <https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc> (last visited February 13, 2023).

⁶ DRUG ENFORCEMENT ADMIN., GET SMART ABOUT DRUGS, [available at](http://www.getsmartaboutdrugs.gov) <http://www.getsmartaboutdrugs.gov> (last visited February 13, 2023).

Whereas, the Massachusetts Supreme Judicial Court has held that “[t]he right to engage in business must yield to the paramount right of government to protect public health by any rational means.”⁷

Whereas, the United States Food & Drug Administration has not approved “any prescription or over-the-counter drug products containing Synthetically Derived kratom or its two main chemical components, mitragynine and 7-hydroxymitragynine.”⁸

Therefore, in furtherance of its mission to protect, promote, and preserve the health and well-being of its residents, and pursuant to the authority granted to the Northampton Board of Health pursuant to G. L. c. 111, §31, the Board of Health enacts this Regulation Prohibiting the Manufacturing, Sale, and Distribution of Synthetically Derived Cannabinoids and Synthetically Derived Kratom.

⁷ Druzik v. Bd. of Health of Haverhill, 324 Mass. 129, 139 (1949) (citing Lawrence v. Bd. of Registration in Med., 239 Mass. 424, 428 (1921)).

⁸ FDA. (2025, July 29). FDA and Kratom. U.S. Food and Drug Administration. <https://www.fda.gov/news-events/public-health-focus/fda-and-kratom>