From:	Dale Morgan
To:	Public Testimony
Cc:	MayorQ; Willett, Nathan; Berry, Rita; Williamson, Annie; Santner, John
Subject:	Concerns Regarding Ordinance 251028 ("Gas Station Drug" Ordinance)
Date:	Monday, December 8, 2025 4:52:43 PM

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Dear Mayor Lucas and Members of the Kansas City Council,

My name is **Dale Morgan**, and I serve as Board President of the **Psychedelic Society of Kansas City (PSKC)**. I am a licensed EMT in the state of Missouri and have been a harm reduction advocate for over 7 years.

I am writing to respectfully urge you to **vote No on Ordinance 251028** as currently drafted.

While we share the goal of protecting public safety and addressing genuinely dangerous products, we believe this ordinance is **overbroad, vague, and likely to cause serious unintended harm** to public health, small businesses, and vulnerable communities.

In summary, our key concerns are:

1. **Overbroad and unclear definitions**
   Ordinance 251028 bans any "novel psychoactive" substance with effects similar to Schedule I or II drugs. This language is so broad that it may inadvertently criminalize legal products such as **kava, ashwagandha,** and other teas or herbal supplements. Ordinary business owners will struggle to know what is allowed.

2. **Public health setback via paraphernalia ban**
   The ordinance revives a wide-ranging **drug paraphernalia ban**, which would likely make it harder to distribute **drug-checking kits, safe-use supplies, and other harm-reduction tools**. Decades of public health research show that harm-reduction equipment reduces overdoses, infections, and other harms. Criminalizing these tools will push use further underground and make it more dangerous.

3. **License revocation without a criminal conviction**
   The ordinance allows the City to **suspend or revoke business licenses based on alleged violations, even without a formal finding of guilt**. This represents a serious erosion of due process and could disproportionately impact small and immigrant-owned businesses that lack the resources to contest such actions.

4. **Chilling effect on education and free speech**
   Under the ordinance, simple statements describing what a legal product does—such as a clerk saying that kava is relaxing—could be used as evidence of an offense. This will discourage **honest safety education** by clerks, public health workers, and harm-reduction organizations at a time when accurate information is desperately needed.

5. **Misclassification of nitrous oxide and "poppers"**
   Nitrous oxide and alkyl nitrites ("poppers") are treated as equivalent "dangerous

chemical inhalants," despite different uses and risk profiles. This raises significant cultural and equity concerns, particularly for **LGBTQ+ communities** where poppers are commonly and openly used.

6. **Mandatory jail sentences for conduct involving legal products**
   The ordinance imposes **mandatory jail time (15–182 days per offense)** and substantial fines for selling products that remain legal under Missouri law. This is punitive, costly, and unlikely to improve public safety. It risks replicating failed **War on Drugs** policies that filled jails without addressing the root causes of substance use.

We believe Kansas City can and should pursue **smarter, evidence-based alternatives**, such as targeted regulation (age limits, clear labeling, lab testing), civil—not criminal—enforcement against bad actors, and expanded education and harm-reduction strategies developed in consultation with public health experts and affected communities.

PSKC stands ready to work collaboratively with city leadership to help design policies that truly protect health and safety without criminalizing legal products or undermining constitutional protections.

Our full press release, including more detailed analysis and recommendations, is available here:
https://psychedelickc.org/gas-station-drug-ordinance/

Thank you for your time and consideration, and for your service to Kansas City.

Respectfully,

Dale Morgan

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