

ORDINANCE NO. 26-05

AN ORDINANCE OF THE CITY OF ROYAL CITY,
WASHINGTON, ADOPTING A NEW CHAPTER 8.04 TITLED
“SALE AND DISTRIBUTION OF KRATOM PRODUCTS” OF
THE ROYAL CITY MUNICIPAL CODE

WHEREAS, pursuant to Article XI, Section 11 of the Washington Constitution, the City of Royal City (“City”) is authorized to “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws,” which include regulations necessary to protect public health, safety, and welfare; and

WHEREAS, kratom is a psychoactive substance made from the leaves of the *Mitragyna speciosa* plant containing the active compounds mitragynine and 7-hydroxymitragynine (“7-OH”) with opioid-like properties; and

WHEREAS, the U.S. Food and Drug Administration (“FDA”) has recommended a scheduling action to control 7-OH products under the Controlled Substances Act and has not approved kratom or derivatives for medical use; and

WHEREAS, the U.S. Drug Enforcement Agency has listed kratom as a Drug and Chemical of Concern, finding that kratom consumption can produce both stimulant and opioid-like effects and can lead to dependence, addiction, and negative psychotic and physical effects; and

WHEREAS, several states including Alabama, Arkansas, Connecticut, Louisiana, Indiana, Rhode Island, Vermont, and Wisconsin have banned the sale of kratom and kratom derived products.

WHEREAS, HB 2291 establishing the Kratom Consumer Protection Act (Act) to regulate kratom products, including establishing licensing requirements for kratom retailers and processors, enacting kratom product testing and labeling requirements, and prohibiting certain kratom products was introduced in the 2026 Washington legislative session but did not pass.

WHEREAS, cases of kratom-related toxicity and adverse effects have been reported, particularly when combined with other substances; and

WHEREAS, the safety profile of kratom products is not well established and its effect on minors is largely unknown; and

WHEREAS, kratom is not federally regulated in the United States and is not subject to government mandated safety checks, resulting in a lack of oversight and accepted safety standards for use, regulation of ingredients, purity levels, and dosage; and

WHEREAS, kratom products are sold or could be sold at various retail locations in Royal City posing a risk to the City’s residents, particularly youth and vulnerable populations; and

WHEREAS, prohibiting the sale and distribution of kratom products helps reduce the risk of accidental overdose, substance misuse, and long-term health impacts, and protects the public health, safety, and welfare of residents of Royal City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROYAL CITY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Chapter 8.04 of the Royal City Municipal Code titled “Sale and Distribution of Kratom Products” is adopted as follows:

Chapter 8.04
SALE AND DISTRIBUTION OF KRATOM PRODUCTS

Sections:

8.04.010 Purpose and Intent

8.04.020 Definitions.

8.04.030 Prohibition on Sale or Distribution of Kratom Products

8.04.040 Violations – Penalties

8.04.010 Purpose and Intent. The purpose and intent of chapter 8.04 RCMC is to protect the public health and safety of Royal City residents by prohibiting access to kratom products to all individuals, to include any products containing 7-hydroxymitragynine, mitragynine, or any extract, synthetic alkaloid, or synthetically derived compound.

8.04.020 Definitions. For the purposes of this chapter, the following words shall be defined as:

- A. “Advertise” means any communication to one or more persons identifying that kratom products are being offered or sold by any person, cooperative, organization, or legal entity, including but not limited to physical displays of kratom products, signs located at a business; signs located in places other than at a business, including billboards; advertisements on vehicles; advertisements in paper media such as newspapers, magazines, flyers, cards, or business cards; or advertisements in electronic media such as internet websites, social media, electronic classified advertisements, cell phone applications, and television or radio advertisements.
- B. “Distribute” means to furnish, give away, exchange, transfer, deliver or supply, whether or not for monetary gain.
- C. “Kratom” means the plant *mitragyna speciosa* or any part of such plant.
- D. “Kratom Product” means a food, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption that contains kratom or a kratom extract, whether natural or synthetic, that is manufactured or served as a powder, capsule, pill, beverage, liquid, or other edible form.

- E. “Kratom Extract” means a substance or compound obtained by extraction of the mitragyna speciosa leaf, intended for ingestion that contains alkaloids, such as mitragynine or 7-hydroxymitragynine, but does not contain any controlled substances or levels of residual solvents higher than is allowed in the United States pharmacopeia 467 as it exists on January 1, 2027.
- F. “Kratom Retailer” means any person that sells kratom products or that advertises, represents, or holds itself out as selling or maintaining kratom products within the City of Royal City.
- G. “Person” means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, limited liability company, association, society, and any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.
- H. “Sell or “sale” means to offer, carry, stock, furnish, exchange, transfer, deliver, or supply for monetary gain.

8.04.030 Prohibition on Sale or Distribution of Kratom Products. No person may sell, distribute, advertise for sale or distribution, or permit to be sold any Kratom Product in the City of Royal City.

8.04.040 Violations.

- A. Any person found to be in violation of the provisions of this Chapter shall be deemed to have committed a civil infraction and for each violation shall be subject to a civil penalty as follows:
 - 1. First violation in any twelve-month period, [redacted] penalty.
 - 2. Second violation in any twelve-month period, [redacted] penalty.
 - 3. Third and subsequent violations in any twelve-month period, C-1 penalty.

Each day of violation shall be deemed a separate violation.

- B. Any Kratom Retailer found to have committed a civil infraction as set forth in this Chapter may have its business license revoked or denied pursuant to RCMC 4.04.170.

Section 2. Severance. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 3. Effective date. This ordinance shall be in full force and effect sixty (60) days after its passage and publication of its summary as provided by law.

Section 4. Corrections. The City Clerk and the codifiers of this ordinance are authorized by the Ephrata City Council to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto which do not change the substantive meaning of the ordinance.

PASSED by the City Council of the City of Royal City, Washington, this _____ day of _____, 2026.

Ryan Piercy, Mayor

ATTEST:

Janice Flynn, Finance Director

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney

PASSED the _____ day of _____, 2026.

APPROVED the _____ day of _____, 2026.

PUBLISHED the _____ day of _____, 2026.