

ORDINANCE NO. 1709

AN ORDINANCE OF THE CITY OF CLE ELUM, WASHINGTON, RELATING TO THE PUBLIC HEALTH AND SAFETY, ESTABLISHING AN IMMEDIATE EMERGENCY MORATORIUM ON THE SALE AND DISTRIBUTION OF KRATOM WITHIN CITY LIMITS, SETTING SIX (6) MONTHS AS THE EFFECTIVE PERIOD FOR THE MORATORIUM, ESTABLISHING THE DATE OF THE PUBLIC HEARING ON THE MORATORIUM, ESTABLISHING FINES FOR VIOLATIONS OF THE MORATORIUM, AND DECLARING AN EMERGENCY.

WHEREAS, Article XI, Section 11 of the Washington State Constitution grants cities broad police powers to make and enforce within their limits regulations which are not in conflict with general laws and which include measures necessary to protect the public health, safety, and welfare; and

WHEREAS, RCW 35A.11.020 further authorizes code cities to exercise all powers possible for a city to have under the Constitution of this state, including adoption of regulations to protect public health, safety, and welfare; and

WHEREAS, the City of Cle Elum is committed to protecting the public health, safety, and welfare of its residents, particularly youth and vulnerable populations; and

WHEREAS, “kratom” refers to the plant *Mitragyna speciosa* and its leaves, or any derivative that contains any part of the leaf of the plant, or any extract, synthetic alkaloid, or synthetically derived compounds of such plant or its leaf containing mitragynine or 7-hydroxymitragynine (“7-OH”), including, but not limited to, any powder, capsule, pill, beverage, or other product intended for human consumption; and

WHEREAS, the U.S. Drug Enforcement Agency (“DEA”) has listed kratom as a Drug and Chemical of Concern, finding that consumption of kratom can produce both stimulant and sedative effects, and can lead to psychotic symptoms, psychological and physiological dependence, addiction, hallucinations, delusion, confusion, loss of appetite, anorexia, weight loss, and insomnia; and

WHEREAS, the U.S. Food and Drug Administration (“FDA”) has determined that 7-OH has a significant potential for abuse and associated harms consistent with opioid pharmacology, such that the FDA has expressed concern with the growing market of 7-OH products that may be appealing to children and teenagers, and has formally recommended regulation through scheduling under the Controlled Substances Act; and

WHEREAS, the FDA has not approved any prescription or over-the-counter drug products containing kratom or its two main chemical components, mitragynine and 7-OH; 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, the State of Washington has not enacted any laws or regulations governing the use of kratom; and

WHEREAS, the City Council finds that the continued sale and distribution of kratom without regulation creates an immediate threat to the public health and safety, and that a temporary moratorium is necessary to prevent harm to the community while the City evaluates

appropriate permanent controls;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. For purposes of this ordinance “kratom” refers to the plant *Mitragyna speciosa* and its leaves, or any derivative that contains any part of the leaf of the plant, or any extract, synthetic alkaloid, or synthetically derived compounds of such plant or its leaf containing mitragynine or 7-hydroxymitragynine (“7-OH”), including, but not limited to, any powder, capsule, pill, beverage, or other product intended for human consumption.

Section 2. Moratorium Imposed. A moratorium is hereby imposed prohibiting the sale or distribution of kratom in the City of Cle Elum. This moratorium goes into effect ten days after passage of this Ordinance and applies to all retail establishments selling or providing kratom as of the effective date of this Ordinance and any that sells for provides kratom after its effective date.

Section 3. Duration. This moratorium shall be in effect for six (6) months from the effective date of this Ordinance, unless earlier terminated, extended, or modified by the City Council.

Section 4. Public Hearing. A public hearing, or public hearings, on this moratorium will be held within sixty (60) days of adoption of this Ordinance, at a date and time to be set by the City Council.

Section 5. Declaration of Emergency. The City Council hereby declares that an emergency exists which necessitates that this public emergency Ordinance take effect immediately upon passage, in order to preserve and protect the public health, safety, and welfare.

Section 6. Violations of Moratorium. Individuals and businesses engaging in the sale or distribution of kratom during the term of the moratorium will be issued a civil fine in the amount of \$250 for the initial violation and \$1,000 for each subsequent violation. Every sale or distribution of kratom is considered an independent violation subject to fine.

Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

Section 7. Effective Date. This Ordinance shall take effect immediately upon passage.

PASSED by the City Council of the City of Cle Elum, Washington, at a regular meeting thereof this 14th day of October, 2025.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney