

ORDINANCE NO. 1719

AN ORDINANCE OF THE CITY OF CLE ELUM, WASHINGTON, ADDING A NEW CHAPTER 8.70 PROHIBITION OF SALE AND DISTRIBUTION OF KRATOM TO THE CLE ELUM MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

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, federal health authorities have identified kratom and its derivative 7-hydroxymitragynine (7-OH) as substances of concern, with the U.S. Drug Enforcement Administration noting that kratom consumption can cause stimulant and sedative effects, psychotic symptoms, dependence, addiction, and other serious adverse health effects, and the U.S. Food and Drug Administration determining that 7-OH has significant abuse potential consistent with opioid pharmacology, poses associated harms, may appeal to children and teenagers, and warrants 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 held a public hearing on November 25, 2025, and heard public testimony regarding the emergency moratorium on the sale and distribution of kratom within City limits; and

WHEREAS, the City Council finds that the sale and distribution of kratom in the City causes harm to the public health, safety, and welfare and that it is in the best interest of the City to permanently prohibit the sale and distribution of kratom within the City limits.

NOW, THEREFORE,

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

Section 1. Recitals. The City Council adopts and incorporates herein the recitals above as findings and determinations in support of this ordinance.

Section 2. New Chapter Added to EMC. A new Chapter 8.70 is hereby added to the Cle Elum Municipal Code to read as follows:

CHAPTER 8.70 - PROHIBITION OF THE SALE AND DISTRIBUTION OF KRATOM

Sections:

8.70.010 Definitions.

8.70.020 Sale and Distribution of Kratom Prohibited.

8.70.030 Violation – Penalty.

8.70.010. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth in this section:

“Distribute” means to furnish, give away, exchange, transfer, deliver, or supply, whether or not for monetary gain.

“Kratom” or “kratom product” means 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.

“Sell” or “sale” means to furnish, exchange, transfer, deliver, or supply for monetary gain.

8.70.020 Sale and Distribution of Kratom Prohibited.

It is unlawful to sell, advertise for sale, offer for sale, or distribute, directly or indirectly, any kratom product in the City of Cle Elum.

8.70.030 Violation – Penalty.

Individuals and businesses engaging in the sale or distribution of kratom 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.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, or phrase of this ordinance.

Section 4. Corrections. Upon approval of the City Attorney, the City Clerk, and Code Publishing Company, codifier of the ordinance is authorized to make any necessary technical corrections to this ordinance, including, but not limited to, correction of scrivener and clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 5. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication.

PASSED by the City Council of the City of Cle Elum, Washington, at a regular meeting thereof this 13th day of January 2026.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney