

CITY OF SPOKANE VALLEY

Request for Council Action

Meeting Date: March 3, 2026

Department Director Approval:

Check all that apply: consent old business new business public hearing
 information admin. report pending legislation executive session

AGENDA ITEM TITLE: Ordinance 26-003 Second Reading: Adopting SVMC 7.55 – Kratom Sale & Distribution

GOVERNING LEGISLATION: Washington State Constitution Article XI, Section 11; RCW 35A.11.020; RCW 35.22.280; Chapter 7.80 RCW

PREVIOUS COUNCIL ACTION TAKEN: On December 23, 2025, Council heard an administrative report on kratom and options for a code text amendment regulating the sale of kratom products. On February 10, 2026, Council heard a first reading of Ordinance 26-003.

BACKGROUND: Kratom is a tropical tree from Southeast Asia. It contains two primary psychoactive alkaloids: Mitragynine and 7-hydroxymitragynine (“7-OH”). At low doses, kratom acts as a mild stimulant; however, at high doses, it acts like an opiate and can produce sedative and psychoactive effects. Historically, leaves from the kratom tree have been used as a mild stimulant, an alternative medicine to treat a variety of symptoms, and an alternative to opioids and stimulants to reduce withdrawal symptoms. Kratom products are sold over the counter and come in many forms. It is typically ingested through tablets, capsules, extracts, and tinctures. Kratom products are sold in many retail settings in Spokane Valley.

The U.S. Food and Drug Administration (“FDA”) has identified that 7-OH has a significant potential for abuse and associated harms, including heightened risks to youth. Likewise, the Drug Enforcement Agency (“DEA”) has listed kratom as a “Drug of Chemical Concern” as it can lead to addiction, dependency, hallucinations, confusion, psychosis, and other significant adverse impacts. Several cases of psychosis have been reported and common side effects include nausea, itching, sweating, dry mouth, constipation, increased urination, tachycardia, vomiting, drowsiness, and lack of appetite.

On the other hand, kratom has been identified as a potential means for harm reduction for persons with opioid use disorder, as well as alcohol and stimulant use disorder. However, research and clinical studies are lacking and kratom is not approved by the FDA. Despite its potential to ease symptoms of withdrawal from other substances, kratom is typically self-prescribed with no oversight and carries its own risk of addiction with continued use. Long term use may cause negative effects, including anorexia, insomnia, seizure, liver damage, high blood pressure, and hallucinations. Because kratom is not regulated at the federal or state level, kratom products currently sold may vary widely in purity, dosage, and composition. This creates a public health concern, particularly for young people and vulnerable populations who may be exposed to products with unknown potency or contaminants, increasing the risk of adverse effects or potential for abuse and addiction. Additionally, kratom is often used alongside controlled substances, such as fentanyl and methamphetamine, increasing the negative effects of both substances. In 2025, Mitragynine was listed as a contributing factor, along with other substances, in two Spokane County deaths.

At the state level, Washington does not currently regulate or prohibit the sale or possession of kratom. However, multiple bills are being considered at the legislative level, two in the Senate and one in the House: Senate Bills 6287 and 6196 and House Bill 2291. Senate Bill 6287 establishes restrictions on kratom products, creates labeling requirements, and prohibits sale to

individuals under the age of 21. Senate Bill 6196 levies a 95% tax on kratom. Neither Senate Bill includes preemption language that would limit the City's ability to regulate kratom products.

House Bill 2291 ("HB 2291") prohibits the sale of kratom to individuals under the age of 21, but otherwise allows sales to adults. It also requires retailers and processors to obtain licenses; prohibits unsecured displays of kratom products in retail establishments open to minors; prohibits public consumption of kratom products; imposes labeling and processing requirements, including maximum allowed levels of 7-OH; requires processors to obtain independent testing and analysis of kratom products before sale or distribution; and imposes an 11% tax on kratom products to fund a youth regulated substance prevention account.

While HB 2291 is aimed at protecting public health and safety, if passed as currently written, it includes a preemption clause that would require the City to repeal any ordinance regulating kratom. The City met with the bill sponsor and followed up with Councilmember Kelly testifying at the January 30 Committee hearing, urging lawmakers to amend the preemption clause and allow local jurisdictions to adopt local regulations, including prohibition to individuals over 21. Staff also provided the Legislature with amended language.

Following the public hearing, the bill was removed from the Legislature's February 4 executive session and the bill sponsor communicated the Committee's intent to pause the bill as there was not sufficient time to address questions prior to the Policy Committee cutoff on February 4. The Committee plans to work on this bill with stakeholders over the interim and if the Senate bills return to the House, they will be prepared to answer those questions. As mentioned, the Senate bills do not include preemption.

Locally, Spokane has lifted its deferment pending legislative action, and Spokane City Council will most likely have a second reading on a proposed ban on March 2, 2026. The City of Cle Elum has adopted an ordinance banning kratom after passing a six-month moratorium prohibiting the sale and distribution of kratom last October.

Background information on kratom was presented for Council's consideration at the December 23, 2025 Council meeting. Council gave consensus to move forward with a first reading. A first reading was heard by Council at the February 10, 2026 Council meeting, and Council passed a motion to move forward with a second reading. The attached ordinance prohibits the sale of kratom products in Spokane Valley and classifies unlawful kratom sales as a class I civil infraction. Minor changes were made to comply with Chapter 7.80 RCW governing civil infractions, including designating each separate sale, distribution, and advertisement of kratom as a separate offense each day the violation is committed, continued, or permitted. The substantive changes are as follows:

7.55.040 Violation - Penalty

A. Any person, cooperative, organization, or legal entity who violates SVMC 7.55.030 shall be issued a class 1 civil infraction with a fine of \$250. Each separate sale, advertisement, or distribution of Kratom is considered an independent violation subject to the penalties listed herein. In the case of a single violation occurring over a period of multiple days, each 24-hour period the violation is committed, continued, or permitted shall be a separate and distinct violation subject to the penalties herein.

B. Any Kratom retailer found guilty of violating SVMC 7.55.030 may have its business license revoked or denied pursuant to SVMC 5.05.080.

OPTIONS: Approve Ordinance 26-003 or take other action deemed appropriate.

RECOMMENDED ACTION OR MOTION: Move to approve Ordinance 26-003 prohibiting the sale of Kratom products within Spokane Valley and establishing a penalty for a violation of such prohibition.

BUDGET/FINANCIAL IMPACTS: None anticipated.

STAFF/COUNCIL CONTACT: Caitlin Prunty, Deputy City Attorney, Dave Ellis, Spokane Valley Police Chief, Lieutenant Rob Satake, Spokane Valley Police Department

ATTACHMENTS: Proposed Ordinance 26-003: An Ordinance of the City of Spokane Valley, County of Spokane, State of Washington Adopting Title 7, Chapter 55 of the Spokane Valley Municipal Code Relating to the Sale of Kratom Products; PowerPoint Presentation

**CITY OF SPOKANE VALLEY
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 26-003**

**AN ORDINANCE OF THE CITY OF SPOKANE VALLEY, COUNTY OF SPOKANE, STATE
OF WASHINGTON, ADOPTING TITLE 7, CHAPTER 55 OF THE SPOKANE VALLEY
MUNICIPAL CODE RELATING TO THE SALE OF KRATOM PRODUCTS.**

WHEREAS, pursuant to Article XI, Section 11 of the Washington Constitution, the City of Spokane Valley (“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* tree; and

WHEREAS, the U.S. Drug Enforcement Agency has listed kratom as a Drug of Chemical 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, cases of kratom-related toxicity and adverse effects have been reported, particularly when combined with other substances; and

WHEREAS, the U.S. Food and Drug Administration (“FDA”) has determined that 7-hydroxymitragynine (“7-OH”), a naturally occurring alkaloid in the kratom plant, is a dangerous substance; and

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

WHEREAS, kratom products are sold at various retail locations in Spokane Valley 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 Spokane Valley.

NOW, THEREFORE, the City Council of the City of Spokane Valley, Washington ordains as follows:

Section 1. Purpose. City Council finds that the sale and distribution of kratom in the City causes harm to 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.

Section 2. New Chapter. Chapter 7.55 is adopted as follows:

Chapter 7.55

SALE AND DISTRIBUTION OF KRATOM PRODUCTS

Sections:

| | |
|----------|--|
| 7.55.010 | Purpose and Intent |
| 7.55.020 | Definitions. |
| 7.55.030 | Prohibition on Sale or Distribution of Kratom Products |
| 7.55.040 | Violations – Penalties |

7.55.010 Purpose and Intent.

The purpose and intent of chapter 7.55 SVMC is to protect the public health and safety of Spokane Valley 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.

7.55.020 Definitions.

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

“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.

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

“Kratom” or “Kratom Product” means any kratom analogue, food product, food ingredient, dietary ingredient, dietary supplement, or beverage that contains any part of the leaf of the plant *mitragyna speciosa*, including extracts containing natural or synthetic alkaloids mitragynine or 7-hydroxymitragynine or any synthetically derived compound of such plant and is manufactured as a powder, capsule, pill, beverage, or any other consumable form.

“Kratom retailer” means any person, cooperative, organization, or legal entity that sells kratom products or that advertises, represents, or holds itself out as selling or maintaining kratom products within the City of Spokane Valley.

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

7.55.030 Prohibition on Sale or Distribution of Kratom Products

No person, cooperative, organization, or legal entity may sell, distribute, advertise for sale or distribution, or permit to be sold any Kratom Product in the City of Spokane Valley.

7.55.040 Violation - Penalty

A. Any person, cooperative, organization, or legal entity who violates SVMC 7.55.030 shall be issued a class 1 civil infraction with a fine of \$250. Each separate sale, advertisement, or distribution of Kratom is considered an independent violation subject to the penalties listed herein. In the case of a single violation occurring over a period of multiple days, each 24-hour period the violation is committed, continued, or permitted shall be a separate and distinct violation subject to the penalties herein.

B. Any Kratom retailer found guilty of violating SVMC 7.55.030 may have its business license revoked or denied pursuant to SVMC 5.05.080.

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be 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, sentence, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall be in full force and effect five days after publication of the Ordinance Summary.

Passed this _____ day of _____, 2026.

Laura Padden, Mayor

ATTEST:

Marci Patterson, City clerk

Approved as to form:

Office of the City Attorney

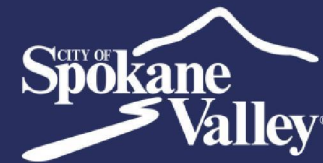
Date of Publication: _____

Effective Date: _____

KRATOM

Second Reading of Ordinance 26-003 prohibiting sale and distribution of kratom products.

Chief Dave Ellis, SVPD
Caitlin Prunty, Deputy City Attorney
March 3, 2026





AGENDA

- ▶ HISTORY
- ▶ DRAFT ORDINANCE

History

- ▶ December 23, 2025: Administrative Report
 - ▶ Background information on Kratom
 - ▶ Council gave consensus to move forward with a first reading
- ▶ February 10, 2026: First Reading
 - ▶ Draft ordinance
 - ▶ Council passed motion to move forward with a second reading

Ordinance 26-003

Creates chapter 7.55 SVMC

- ▶ Prohibits sale, distribution, and advertisement of any kratom product within Spokane Valley
 - ▶ Violation is a class 1 civil infraction with \$250 fine
 - ▶ Kratom retailer found guilty of violation may have business license revoked

Ordinance 26-003

Changes

- ▶ Added billboards to the definition of “Advertise”
- ▶ Added advertising for distribution to prohibitions
- ▶ Added “per violation, per day” language

Ordinance 26-003

7.55.030 Prohibition on Sale or Distribution of Kratom Products

No person, cooperative, organization, or legal entity may sell, distribute, advertise for sale or distribution, or permit to be sold any Kratom Product in the City of Spokane Valley.

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B. Any Kratom retailer found guilty of violating SVMC 7.55.030 may have its business license revoked or denied pursuant to SVMC 5.05.080.

THANK YOU.
Questions?

SPOKANE VALLEY CITY HALL

