CITY OF GOLD BAR, WASHINGTON
ORDINANCE #798

AN ORDINANCE OF THE CITY OF GOLD BAR, WASHINGTON, ADOPTING A NEW MUNICIPAL CODE CHAPTER 8.25, RELATING TO THE PROHIBITION OF THE SALE, ADVERTISEMENT OF, AND DISTRIBUTION OF KRATOM PRODUCTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Gold Bar ("City") is a non-charter optional municipal code city incorporated under the laws of the State of Washington and as such has the power to enact ordinances for the protection of the public health, safety, and general welfare; and

WHEREAS, pursuant to Article XI, Section 11 of the Washington Constitution, the 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 includes 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, the U.S. Drug Enforcement Agency has issued notice of the intent to add kratom-sourced alkaloids above a specific threshold to Schedule 1 of the Controlled Substances Act; 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, while the FDA has been evaluating classifying kratom and the alkaloids it contains under the Controlled Substances Act (21 U.S.C. ch. 13 § 801 et seq.) since July 2025, 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, under RCW 69.50.600, Washington cities may enact only those laws and ordinances relating to controlled substances that are consistent with the Washington State Controlled Substances Act, and local laws and ordinances that are inconsistent with the requirements of state law shall not be enacted, are preempted, and should be repealed; and

WHEREAS, the State of Washington has not enacted any laws or regulations governing the sale, advertisement of, distribution or use of kratom or its derivatives; and

WHEREAS, the protection of the public health and safety is a paramount priority for the City; and

WHEREAS, kratom and kratom derivative products sold at various retail locations in Gold Bar pose a risk to the City's residents, particularly to youth and vulnerable populations; and

WHEREAS, prohibiting the sale, advertisement, and distribution of products containing kratom or kratom derivatives will likely help reduce the risk of accidental overdose, substance misuse, and long-term health impacts, and protects the public health, safety, and welfare of residents of Gold Bar; and

WHEREAS, in the interest of public health, safety, and welfare, the City Council desires to adopt a new Gold Bar Municipal Code Chapter 8.25 to regulate the sale, advertisement, and distribution of kratom products to protect the public health, safety, and welfare of residents of Gold Bar;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLD BAR, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section I **Adoption of Chapter 8.25, Prohibition of the Sale, Advertisement of, and Distribution of Kratom**
Section II **Title 8.25.010, Purpose and Intent**
Section III **Title 8.25.020, Definitions**
Section IV **Title 8.25.030, Sale, Advertisement, and Distribution of Kratom Products Prohibited**
Section V **Title 8.25.040, Violation - Penalty**
Section VI **Severability**
Section VII **Effective Date (have not added a six month sunset clause)**

Section I, Adopting New GBMC Chapter 8.25, Prohibition of the Sale, Advertisement of, and Distribution of Kratom

A new Gold Bar Municipal Code Chapter 8.25 to be titled "Prohibition of the Sale, Advertisement of, and Distribution of Kratom," is hereby adopted and added to Title 8 to read as follows.

Section II, 8.25.010, Purpose and intent

The purpose and intent of this chapter is to protect the public health and safety of city residents by prohibiting the sale, advertisement of, and distribution of kratom products.

Section III, 8.25.020, Definitions

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

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” or “kratom product” means any kratom analogue, food product, food ingredient, dietary ingredient, dietary supplement, or beverage that contains any part of 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 ingestible form.

D. “Kratom retailer” means any person that sells or distributes kratom products or that advertises, represents, or holds itself out as selling or maintaining kratom products.

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

Section IV, 8.25.030, Sale, advertisement, and distribution of kratom products prohibited

No person, cooperative, organization, or legal entity may knowingly sell, distribute, advertise for sale or distribution, or permit to be sold, any kratom product in the City of Gold Bar.

Section V, 8.25.040, Violation—Penalty

A. Any person, cooperative, organization, or legal entity who violates Section 8.25.030 shall be issued a class 1 civil infraction under Chapter 7.80 RCW with a fine of two hundred fifty dollars. 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 twenty-four-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 to have violated Section 8.25.030 may have its City of Gold Bar business license revoked or denied pursuant to Section 5.04.085.

Section VI, Severability

This ordinance is severable and if any portion of it shall be declared invalid or unconstitutional, the remaining portion shall remain valid and enforceable.

Section VII, Effective Date

This ordinance shall take effect from, and after, its passage, approval, and publication as provided by law.

Passed by the City Council of the City of Gold Bar this _____ day of _____, 2026.

Attest: _____, Lisa Stowe, Clerk/Treasurer

Attest: _____, Steven Yarbrough, Mayor

First Reading: _____
Posted: _____
Second Reading: _____
Passed: _____