

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANDPOINT, IDAHO, AMENDING TITLE 5, POLICE REGULATIONS, CHAPTER 2 GENERAL OFFENSES, BY ADDING A NEW SECTION 5-2-11 BANNING THE SALE AND DELIVERY OF KRATOM PRODUCTS WITHIN THE CITY OF SANDPOINT; PROVIDING DEFINITIONS; ESTABLISHING PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council of the City of Sandpoint are committed to promoting and protecting the public health, safety, and general welfare of the citizens of the City;

WHEREAS, kratom (*Mitragyna speciosa*) is a tropical tree native to Southeast Asia, the leaves of which contain psychoactive compounds, primarily mitragynine and 7-hydroxymitragynine, that produce stimulant effects at low doses and opioid- and sedative-like effects at higher doses;

WHEREAS, kratom products are currently available for sale at various retail establishments throughout North Idaho, including within the City of Sandpoint;

WHEREAS, the U.S. Food and Drug Administration has warned consumers not to use kratom because of the risk of serious adverse events, including liver toxicity, seizures, and substance use disorder, and has determined that kratom is not lawfully marketed in the United States as a drug product, dietary supplement, or food additive;

WHEREAS, the U.S. Drug Enforcement Administration has listed kratom as a Drug and Chemical of Concern and has identified its active compounds, including mitragynine and 7-hydroxymitragynine, as posing a risk of abuse and addiction;

WHEREAS, the Idaho State Epidemiological Outcomes Workgroup has documented that between 2021 and 2023, kratom was listed as a contributing factor in the deaths of 47 Idahoans, and that kratom-related poison control calls continue to increase in the state;

WHEREAS, the Panhandle Health District has issued a districtwide public health warning regarding kratom and 7-hydroxymitragynine, noting that the Kootenai County Coroner has associated deaths with kratom use in North Idaho, and that concentrated preparations of kratom may cause seizures, addiction, and liver and kidney toxicity;

WHEREAS, kratom is not a controlled substance under the Idaho Uniform Controlled Substances Act, Idaho Code § 37-2701 et seq., and its sale is not subject to age restriction under state law, leaving residents of the City without the protections that state law currently affords with respect to other regulated substances;

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WHEREAS, the Idaho Legislature has not enacted a comprehensive statewide regulatory framework governing the sale or distribution of kratom, and municipalities therefore retain authority under Article XII, Section 2 of the Idaho Constitution and Idaho Code § 50-319 to enact local police-power regulations addressing kratom in the interest of public health and safety; and

WHEREAS, the Mayor and City Council find that the unregulated sale or delivery of kratom within the City presents an ongoing threat to the health and safety of the community, particularly to minors and other vulnerable populations, and that a local prohibition on the sale and delivery of kratom is a necessary and reasonable exercise of the City's police power to protect its residents;

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sandpoint, Bonner County, Idaho as follows:

Section 1. Title 5, Police Regulations, Chapter 2, General Offenses, is hereby amended by adding a new Section 5-2-11 to read as follows:

5-2-11: BANNING THE SALE AND DELIVERY OF KRATOM AND DERIVATIVES

A. Purpose. This section is enacted to protect, preserve, and promote the health, safety, and welfare of the citizens of the City by prohibiting the sale and delivery of any substance containing kratom as hereinafter defined, it being the specific finding of the City that such substances present significant risks of addiction, serious adverse health effects, and death, and that the absence of state or federal regulation of kratom sales within the City leaves residents without adequate protection.

B. Definitions. For purposes of this section:

"Deliver" or "Delivery" means the actual, constructive, or attempted transfer of kratom or any derivative thereof from one person to another, whether or not there is an agency relationship, and includes a sale.

"Derivative" means any compound derived or synthesized from kratom, including but not limited to mitragynine, 7-hydroxymitragynine, and any synthetic or natural compound intended to mimic or replicate the pharmacological effects of kratom or its active alkaloids.

"Kratom" means any part of the plant *Mitragyna speciosa*, whether growing or not, including its leaves, extracts, resins, compounds, salts, derivatives, isomers, and any preparation, mixture, or product containing any amount of *Mitragyna speciosa*.

"Sale" or "Sell" means to exchange or deliver for compensation, or to offer to exchange or deliver for compensation.

C. Prohibition. It shall be unlawful for any person, firm, business, or other entity to sell, offer to sell, give, distribute, or deliver kratom or any derivative thereof within the corporate limits of the City of Sandpoint.

D. Exceptions. This section shall not apply to any person or entity lawfully authorized by federal or state law to manufacture, prescribe, dispense, or conduct scientific research with kratom or its derivatives, provided that such activity is conducted in strict compliance with all applicable federal and state laws and regulations.

E. Penalties. Violation shall be a misdemeanor punishable pursuant to Section 1-4-1 of Sandpoint City Code. Each day upon which a violation continues shall constitute a separate and distinct offense.

Section 2. Severability. This ordinance is hereby declared to be severable. Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose of the ordinance before the declaration of partial invalidity.

Section 3. Repeal of Conflicting Provisions. All provisions of the Sandpoint Municipal Code or ordinances of the City of Sandpoint that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Enacted by the City Council as an Ordinance of the City of Sandpoint on the _____ day of _____, 2026.

Passed under suspension of the rules upon which a roll call vote was duly taken and enacted as an Ordinance of the City of Sandpoint at a regular meeting of the City Council held on the _____ day of _____, 2026.

Approved by the Mayor on the _____ day of _____, 2026

CITY OF SANDPOINT

By: _____

Jeremy Grimm, Mayor

ATTEST:

Meri Jane Bohn, City Clerk