SUMMARY OF
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, AMENDING SECTIONS OF TITLE 5 "*BUSINESS LICENSES AND REGULATIONS*", OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF POCATELLO SPECIFICALLY ADDING CHAPTER 5.82 "*KRATOM COMMERCIAL SALES*", TO PROHIBIT THE COMMERICAL SALE OF KRATOM WITHIN CITY'S JURISDICTION; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

The full text of this ordinance is available at the City Clerk's Office, Pocatello Municipal Building, 911 North 7th, Pocatello, Idaho.

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THE FOREGOING SUMMARY IS APPROVED for publication this ____ day of November, 2026, by the City Council of the City of Pocatello.

CITY OF POCATELLO, a municipal corporation of Idaho

_____
MARK DAHLQUIST, Mayor

ATTEST:

_____
KONNI R. KENDELL, City Clerk

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I have reviewed the foregoing summary and believe that it provides a true and complete summary of Ordinance No. _____ and that the summary provides adequate notice to the public of the contents of this ordinance.

DATED this ____ day of November, 2026.

_____
JARED JOHNSON, City Attorney

PUBLISH:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, AMENDING SECTIONS OF TITLE 5 "*BUSINESS LICENSES AND REGULATIONS*", OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF POCATELLO SPECIFICALLY ADDING CHAPTER 5.82 "*KRATOM COMMERCIAL SALES*", TO PROHIBIT THE COMMERICAL SALE OF KRATOM WITHIN CITY'S JURISDICTION; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Pocatello recognizes its responsibility to protect the health, safety, and welfare of its residents and visitors; and

WHERAS, pursuant to Article XII, Section 2 of the Idaho Constitution and Idaho Code section 50-302, municipalities have authority to enact ordinances to promote the good government and welfare of its residents; and

WHEREAS, kratom is a botanical product derived from the *Mitragyna speciosa* plant and contains psychoactive alkaloids, including mitragynine and 7-hydroxymitragynine, commonly referred to as 7-OH, that can produce stimulant-like and opioid-like effects; and

WHEREAS, the United States Food and Drug Administration (FDA) has not approved kratom or its known alkaloids for medical use and has warned consumers of potential risks associated with kratom use, including serious adverse effects and concerns regarding product contamination; and

WHEREAS, kratom products are commercially available in a variety of forms, including powders, capsules, extracts, liquids, gummies, tablets, and other concentrated products, making it important to consider the potential risks associated with the range of products offered for sale; and

WHEREAS, in the absence of a comprehensive statewide framework establishing uniform requirements for kratom product manufacturing, testing, labeling, and content, the City

Council finds it necessary to evaluate whether the commercial sale of these products is consistent with the City's responsibility to protect public health and safety; and

WHEREAS, the City Council has considered available information regarding kratom, potential public-health risks, the limitations of existing product-safety safeguards, and the interests of the Pocatello community; and

WHEREAS**,** the City Council finds that prohibiting the commercial sale of kratom within the City is an appropriate local measure to protect the health, safety, and welfare of Pocatello residents and visitors; and

WHEREAS, the City Council intends for this ordinance to address the commercial sale of kratom within the City's jurisdiction, subject to applicable law; and

WHEREAS, at the City Council Work Session on October 8, 2026, Pocatello Police Department staff presented the proposed City Code update prohibiting the commercial sale of kratom; and

WHEREAS, the City Council held a Public Hearing on November 5, 2026, at which the proposed code was presented and recommendation made that the City Council adopt the addition as prepared; and

WHEREAS, the City Council has determined that the proposed amendment to Title 5 "Business Licenses" is in the best interest of the citizens of the City of Pocatello.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF POCATELLO AS FOLLOWS:

Section 1: That Pocatello Municipal Code 5.84 "Kratom Commercial Sales" of the Revised and Compiled Ordinances of the City of Pocatello, 1983, shall be added as a new section to read as follows:

CHAPTER 5.84
KRATOM COMMERCIAL SALES

5.84.010: Definitions

5.84.020: Prohibited Conduct

5.84.010: DEFINITIONS:

A. "Kratom" means any part of the plant Mitragyna speciosa, whether growing or not, and any compound, manufacture, salt, derivative, mixture, extract, or preparation of that plant, including but not limited to mitragynine, 7-hydroxymitragynine, paynantheine, speciociliatine, and speciogynine. Kratom also includes any synthetic or semisynthetic forms of the alkaloid compounds found in the plant.

B. "Kratom Product" means any food, food product, food ingredient, dietary ingredient, dietary supplement, beverage, or other substance containing kratom intended for human consumption.

5.84.020: PROHIBITED CONDUCT

It shall be unlawful for any person or any retail establishment to commercially sell or offer to sell to any person located within the City of Pocatello any Kratom or Kratom product.

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Section 2: That all other Sections and Chapters of Title 5 shall remain in full force and effect.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this _____ day of _____, 2026.

CITY OF POCATELLO, a municipal corporation of Idaho

_____
MARK DAHLQUIST, Mayor

ATTEST:

_____
KONNI R. KENDELL, City Clerk