

EXECUTIVE SUMMARY

To: City of Pocatello Legal Department

From: Mallarie Bascom, Licensing Enforcement Officer

Subject: Proposed Ordinance Prohibiting the Commercial Sale of Kratom Within the City of Pocatello

Date: 06/23/2026

Purpose

The purpose of this proposal is to prohibit the commercial sale of kratom products within the City of Pocatello in order to promote public health and safety, reduce youth access to unregulated psychoactive substances, and align with actions recently taken by the City of Idaho Falls.

Background

On June 5, 2026, the Idaho Falls City Council adopted an ordinance prohibiting the sale of kratom within city limits. The ordinance was developed following a public health alert issued by the Bonneville County Coroner's Office on October 8, 2025, and presentations to the City Council by law enforcement and legal staff regarding public safety concerns associated with kratom products.

Findings Relied Upon by Idaho Falls

- Six kratom-related death investigations occurred within an eighteen-month period in Bonneville County.
- Four fatalities were determined to be caused solely by mitragynine toxicity, the primary psychoactive compound found in kratom.
- Kratom-related deaths accounted for approximately 18% of overdose deaths investigated by the Bonneville County Coroner during that period.
- Decedents ranged in age from 19 to 42 years old.
- Kratom is currently marketed and sold in retail establishments despite not being approved by the FDA for any medical use.
- Idaho currently has no statewide age restrictions, testing requirements, labeling standards, or licensing requirements governing kratom sales.
- Municipalities possess authority under Idaho law to enact ordinances protecting public health, safety, and welfare.

Proposed Pocatello Objectives

- Protect public health and safety.
- Reduce accessibility to kratom products.
- Limit youth exposure to unregulated psychoactive substances.
- Establish a local regulatory framework while statewide policy remains undeveloped.
- Support regional consistency among Idaho communities.

Recommended Ordinance Language (very similar to Idaho Falls)

(A) Definitions

(1) "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.

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

(B) Prohibited Conduct

It shall be unlawful for any person to sell or offer to sell to any person located within the City any Kratom or Kratom Product.

Recommended Rollout Plan

Preparatory Phase –

- Meet with those necessary to determine if this is something the City would like to move forward with proposed code language aligns with our goal for the ordinance.
- Determine whether the proposed code language aligns with our goal for the ordinance.
- Work session with Council

Phase 1 – Identification and Notification (30 Days)

- Identify known retailers currently selling kratom products.
- Prepare educational letter from the City.
- Mail letters and provide courtesy email notice when available.

Phase 2 – Public Information Campaign (30 Days)

- City press release.
- Social media announcements.
- FAQ sheet.
- Emphasize public health and safety rationale

Phase 3 – Compliance Verification (15-30 Days)

- Conduct outreach visits to known retailers.
- Verify removal of kratom products.
- Document compliance efforts.
- Provide final written warnings if necessary.

Phase 4 – Enforcement

- Begin enforcement on effective date.
- Conduct follow-up inspections as complaints or observations warrant.
- Issue citations pursuant to City Code.

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Background:

Kratom is an herbal product that has dose-dependent effects. At low doses, it can increase alertness and energy. At high doses, it can act as a sedative with opioid-like properties. Kratom is commonly used to self-treat things like opioid withdrawal, pain management, anxiety or depression, and fatigue. It has not been approved by the FDA for any medical use or health condition and, in fact, the FDA advises against its use.

According to the Idaho Department of Health and Welfare, there have been at least 83 kratom-related overdoses in Idaho since 2020, noting the decedents ranged in age from their late teens to middle-aged adults. Idaho currently has no statewide age restrictions, testing requirements, or labeling standards for kratom.

During the 2026 Idaho legislative session, lawmakers attempted to address kratom from two angles but, ultimately, both failed.

House Bill No. 864 aimed to classify kratom as a Schedule 1 controlled substance, thus prohibiting and criminalizing its sale, use, and possession.

Senate Bill 1418 aimed to regulate the sale of kratom, add an age limit of 21, impose penalties, and outlaw the sale of synthetic kratom products.

The purpose of this proposed ordinance is to prohibit the commercial sale of kratom products within the City of Pocatello in order to promote public health and safety, reduce youth access to unregulated psychoactive substances, and align with actions recently taken by the City of Kellogg, City of Idaho Falls, Bonneville County, and Bingham County in order to establish a regulatory framework while statewide policy remains undeveloped and support regional consistency among Idaho communities.

Recommended Language (closely matching Idaho Falls):

(A) Definitions

(1) “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.

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Recommended Rollout Plan:

Phase 1 – Identification and Notification (30 Days)

Phase 2 – Public Information Campaign (30 Days)

Phase 3 – Compliance Verification (15-30 Days)

Phase 4 – Enforcement