FRANKLIN COUNTY, IDAHO
ORDINANCE NO. _____

AN ORDINANCE PROHIBITING THE SALE, COMMERCIAL DISTRIBUTION, AND POSSESSION OF KRATOM AND KRATOM-CONTAINING PRODUCTS WITHIN FRANKLIN COUNTY; PROVIDING DEFINITIONS, EXCEPTIONS, ENFORCEMENT, PENALTIES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, kratom is derived from the leaves of the plant *Mitragyna speciosa and or synthetic forms* and may be sold in forms including powders, capsules, extracts, tablets, beverages, and other products; and

WHEREAS, kratom products may contain psychoactive alkaloids and may present public-health and safety concerns; and

WHEREAS, the Board of County Commissioners desires to protect the health, safety, and welfare of Franklin County residents by restricting the commercial sale and distribution of kratom products to the fullest extent permitted by law;

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Franklin County, Idaho, as follows:

SECTION 1. PURPOSE AND SCOPE

The purpose of this ordinance is to prohibit the retail sale and commercial distribution of kratom and kratom-containing products within Franklin County to the fullest extent permitted by Idaho law.

This ordinance is intended to apply throughout Franklin County, including incorporated and unincorporated areas, to the fullest extent of the County's lawful authority. Nothing in this ordinance independently grants the County authority to regulate within incorporated municipalities where that authority is not otherwise provided by law.

SECTION 2. DEFINITIONS

A. Kratom. The plant commonly known as kratom, scientifically identified as *Mitragyna speciosa*, including its leaves, plant material, extracts, and derivatives.
B. Kratom Product. Any product containing kratom or kratom-derived alkaloids, including but not limited to mitragynine and 7-hydroxymitragynine, whether sold as a powder, capsule, tablet, extract, liquid, beverage, food, dietary supplement, concentrate, or other preparation intended for human consumption.

C. Person. Any individual, corporation, partnership, association, business, or other legal entity.
D. Retail Sale. A sale, offer for sale, exchange, or other transfer of a product to a consumer for payment or other consideration.

SECTION 3. PROHIBITION

A. Sale and Commercial Distribution. No person or business shall sell, offer for sale, distribute for commercial purposes, or otherwise provide a kratom product to a consumer within the geographic area where this ordinance may lawfully be enforced.
B. Possession. Except as expressly permitted by applicable state or federal law, no person shall knowingly possess kratom or a kratom product within the geographic area where this ordinance may lawfully be enforced.
C. Advertising and Display. No person or business shall knowingly advertise or display kratom products for retail sale in violation of this ordinance.
D. Evasion. No person or business shall evade the prohibitions of this ordinance by selling, distributing, possessing, or offering a kratom product under another name, labeling it as a supplement or food, or combining it with other ingredients.
E. Geographic Application. This section applies only within the geographic area where the County has lawful authority to enforce this ordinance. Nothing in this section shall be construed to expand the County's jurisdiction beyond the authority granted by Idaho law.

SECTION 4. EXCEPTIONS

This ordinance shall not prohibit conduct expressly required or authorized by applicable state or federal law where that law preempts or otherwise prevents enforcement of this ordinance.

SECTION 5. ENFORCEMENT

The Franklin County Sheriff's Office and other County officials authorized by law may investigate suspected violations of this ordinance and refer matters for prosecution or other lawful enforcement action.

Enforcement of the possession prohibition shall be subject to applicable constitutional protections, evidentiary requirements, and limitations on the County's authority under state and federal law.

SECTION 6. PENALTIES

A violation of this ordinance shall be subject to the penalty provisions of Franklin County Code § 10.99, as amended, to the extent applicable. Each day a continuing violation exists may be treated as a separate offense where authorized by law. The County may also pursue available civil remedies and recover eligible enforcement costs as permitted by law.

SECTION 7. SEVERABILITY

If any provision of this ordinance is held invalid or unenforceable, the remaining provisions shall remain in effect to the extent they can be given effect independently.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect as provided by Idaho law following its adoption and publication.

ADOPTED by the Board of County Commissioners of Franklin County, Idaho, this _____ day of _____, 2026.

ATTEST:

_____
Camille Larsen, County Clerk

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, IDAHO

_____
Robert C. Swainston, Chairman

_____
Zan Bowles

_____
Zach Stewart