SENATE BILL REPORT
SB 6287

As of February 6, 2026

Title: An act relating to the preparation, distribution, and sale of kratom products.

Brief Description: Concerning the preparation, distribution, and sale of kratom products.

Sponsors: Senators Salomon, Conway, Cortes, Shewmake, Stanford, Valdez and Wilson, J..

Brief History:
Committee Activity: Labor & Commerce: 1/27/26, 2/03/26 [DPS-WM, DNP, w/oRec]. Ways & Means: 2/06/26.

Brief Summary of First Substitute Bill

- Establishes restrictions on certain kratom products and creates specified labeling requirements.
- Prohibits kratom processors and retailers from distributing or selling kratom products to individuals under 21 years old.
- Makes any violation a gross misdemeanor and authorizes a civil action for damages.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: That Substitute Senate Bill No. 6287 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Saldaña, Chair; Conway, Vice Chair; Hunt, MacEwen and Stanford.

Minority Report: Do not pass.

Signed by Senator Schoesler.

Minority Report: That it be referred without recommendation.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Alvarado, Vice Chair; King, Ranking Member; Braun.

Staff: Marlon Llanes (786-7423)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Corban Nemeth (786-7736)

Background: Kratom is a product derived from the leaf of the plant Mitragyna speciosa and is sold in various forms, including as a food product or dietary ingredient. Kratom products may contain naturally occurring alkaloids, including mitragynine and 7-hydroxymitragynine.

Washington's Uniform Controlled Substances Act establishes criminal penalties for controlled substance-related conduct and defines relevant terms.

Summary of Bill (First Substitute): Product Standards and Labeling. A kratom processor or retailer is prohibited from preparing, distributing, selling, or exposing for sale, a kratom product that is mixed or packed with a nonkratom substance in a manner that affects the product's quality or strength to a degree that is likely to injure a consumer. A kratom processor or retailer is also prohibited from preparing, distributing, selling, or exposing for sale, a kratom product that contains a poisonous or otherwise harmful nonkratom substance, including a controlled substance. The bill prohibits kratom products that contains more than 2 percent 7-hydroxymitragynine in the alkaloid fraction, and prohibits products containing any synthetic alkaloid, including synthetic mitragynine or synthetic 7-hydroxymitragynine. A kratom product may not be prepared, distributed, sold, or exposed for sale, unless its package or label includes the full list of ingredients, the percentages of mitragynine and 7-hydroxymitragynine, and the identity and address of the kratom processor.

Age Restriction. A kratom processor or retailer may not distribute, sell, or expose for sale a kratom product to an individual under 21 years old.

Penalties and Enforcement. Any violation of these provisions is a gross misdemeanor. A person aggrieved by a kratom processor or retailer may bring a civil action for damages against the processor, the retailer, or both. A kratom processor or retailer is not liable for a violation related to the required labeling information if the processor or retailer relied in good faith on the representations of the manufacturer, packer, or distributor regarding the product's ingredients or the percentages of mitragynine and 7-hydroxymitragynine.

Local Ordinances. A city or county may adopt ordinances governing kratom products that are more restrictive than those provided in state law.

Definitions. The bill includes a June 30, 2027 expiration date and a June 30, 2027 effective date related to amendments to definitions used in the Uniform Controlled Substances Act.

EFFECT OF CHANGES MADE BY LABOR & COMMERCE COMMITTEE (First Substitute):

- Revises the definition of kratom products to include those that contain kratom extract, as defined.
- Provides that kratom extract may not contain controlled substances or residual solvents above certain standards.
- Replaces the prohibition on products containing synthetic alkaloids with a prohibition on products containing synthesized kratom material, alkaloids, or other plant constituents that have been isolated or manipulated to increase potency.
- Prohibits kratom products that are mixed with compounds known to inhibit certain enzymes.
- Prohibits a kratom processor or retailer from processing certain kratom products, in addition to preparing, distributing, and selling the products.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Original Bill (Labor & Commerce): *The committee recommended a different version of the bill than what was heard.* PRO: Banning concentrated 7-OH products is critical because severe reactions have occurred, including near-death incidents involving naloxone administration and rapid emergency response. These products function as potent opioid agonists, and policy needs to address the broader class of highly potent kratom-related compounds rather than narrowly naming only one compound. Other chemicals and synthetic variants can be similarly potent and can skirt a definition that focuses on a single named compound or a narrow definition of "synthetic," so the bill should be drafted to capture those high-risk products.

CON: Banning concentrated synthetic 7-OH products, establishing a minimum purchase age, and requiring labeling are on the right track, but the approach should focus on consumer safety while preserving access to natural kratom as a plant-based product. A private right of action creates excessive legal exposure for legitimate retailers and distributors and should be removed. Allowing local governments to adopt more restrictive ordinances creates a confusing patchwork of regulation, and the state should lead with a clear statewide framework rather than treating natural kratom like a controlled substance.

OTHER: Regulation is necessary, although many retailers already apply a minimum purchase age and ban concentrated synthetic 7-OH products. The enforcement approach should align with existing regulatory models rather than relying on a private right of action,

and LCB should oversee compliance to maintain consistency. Local patchwork should be avoided in favor of a uniform statewide approach, and adding a state licensing system and deterrence tools, including a sufficiently high tax to reduce youth access, creates a more comprehensive framework.

Persons Testifying (Labor & Commerce): PRO: Senator Jesse Salomon, Prime Sponsor; Dr. Jimmy Leonard, Washington Poison Center.

CON: Tony Sermonti, American Kratom Association; Molly Pfaffenroth, WFIA.

OTHER: Scott Waller, Washington Association for Substance misuse And Violence Prevention (WASAVP).

Persons Signed In To Testify But Not Testifying (Labor & Commerce): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: Our community expressed concern about kratom, and our city passed an ordinance banning the sale of kratom. The FDA has warned consumers not to use these products. This bill is important in keeping Washington a safe and healthy state. These are dangerous substances being marketed to our youth. There is no reason for these products to be sold in gas stations, much less to individuals under the age of 21. Law enforcement and emergency responders are treating kratom overdoses with Narcan, similar to opioid overdoses. The United States Navy has sent a memo to officers and members indicating that kratom can no longer be used by those under their jurisdiction. 7-OH products are highly addictive, and are being handed out at gas stations.

CON: There is a need for kratom regulation, but there needs to be a collaborative approach. Retailers are focused on selling these products safely. The enforcement mechanism in the bill is unworkable for small businesses due to the private right of action. These products should be age-restricted to consumers aged 21 and older. The provisions in the bill that prohibits combining kratom with other enzyme inhibitors should be removed. Synthetic products should be regulated, but natural kratom products are safe for consumption. Whole leaf kratom quieted my addiction cravings. The chronic pain community relies on kratom. This bill is moving in the right direction regarding restrictions on synthetic products. The ability for cities to ban the sale of kratom is concerning, because people rely on kratom for their mobility and daily quality of life. Kratom is the best harm reduction tool I have ever seen. The synthetic 7-OH products are causing problems. This needs to be regulated while preserving access to kratom. The restrictions in the bill lack scientific support and specificity. There needs to be testing infrastructure put in place prior to regulation. This bill would result in uneven enforcement.

OTHER: Kratom can cause dependance and withdrawal. Kids shouldn't be taking kratom. 7-OH products cause severe harms and have overdose risk—these products are different that traditional kratom.

Persons Testifying (Ways & Means): PRO: Cassidy Buechle-Curtis, Deputy Mayor, Cle Elum; Eric Onisko, Mason County substitute coalition/Mason County board of health chair; Scott Waller, Washington Association for Substance misuse And Violence Prevention (WASAVP); Taylor Mead.

CON: Walker Gallman, Global Kratom Coalition; Mac Haddow, American Kratom Association; Misty Brown; Jennifer Gillis, self; Melody Woolf; Molly Pfaffenroth, Washington Food Industry Association; John Shinholser; John Cleveland.

OTHER: Spencer Coffin.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.