



HUDSON VALLEY BOTANICALS

Poughkeepsie, New York | Established 2017

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August 27, 2026

**Hon. Joanne Cunningham, Chairwoman
and Members of the Albany County Legislature**

112 State Street, Albany, New York 12207

Re: Local legislation under Section 7(3) of Emergency Public Health Order No. 1 of 2026

Dear Chairwoman Cunningham and Members of the Legislature,

I own Hudson Valley Botanicals, a kratom company based in Poughkeepsie that has operated since 2017 and ships to customers across New York, including addresses in Albany County. I have a commercial interest in this subject and would rather say so at the outset. As of September 1 I am blocking shipments to Albany County addresses, as I do in every jurisdiction that prohibits these products.

Section 7(3) of Emergency Public Health Order No. 1 of 2026 states the Commissioner's intent that the Order serve as an interim measure and respectfully requests that this body consider local legislation on the subject. Section 7(2) provides that the Order remains in effect until superseded by local law. I am writing to ask that you take up that invitation, and to suggest what the local law might say.

The two prohibitions in the Order. Section 2(2) prohibits "Prohibited Kratom Products," defined in Section 1(c) as products containing 7-hydroxymitragynine above 0.05% by dry weight or more than one milligram per serving, together with synthetic derivatives including MGM-15 and MGM-16. That definition expressly provides that natural leaf in raw, dried, powdered, brewed, or encapsulated form below the threshold is not a Prohibited Kratom Product. Section 2(1) sits above it and prohibits all kratom categorically.

The request. That the local law adopt the Section 1(c) definition and the Section 2(2) prohibition, without the categorical layer. Concentrated and synthetic 7-OH products, the ones described throughout the Order's findings, would remain prohibited countywide. Natural leaf would remain available to adults 21 and over, subject to the state age restriction already in effect and the labeling requirements taking effect in December.

This is not outside language. It is the county's own definition, drafted by county counsel, and Section 8 already contemplates this outcome: if the categorical prohibition is stayed or invalidated, including as applied to natural-leaf products, Section 2(2) continues in full force automatically. The narrower rule was written to stand on its own.

It is also where the other levels of government have drawn the line, as the Order's own recitals set out. The DEA's July 2026 scheduling action set its threshold so that natural leaf falls outside it. S8925-A passed the Senate 61 to 0 and the Assembly unanimously in June, prohibiting 7-OH above two percent of total alkaloids or one milligram per serving while leaving leaf sales lawful statewide. The Order itself describes the Dutchess County law as prohibiting high-potency 7-OH concentrates while preserving natural leaf. That text is enclosed; it was drafted by a county law department, adopted unanimously on August 10, and can be adapted section for section.

On the gap the Order identifies. The recitals explain that S8925-A has not yet been signed and would not take effect for ninety days after it is, leaving a window in which no enactment reaches high-potency 7-OH at retail here. The threshold prohibition closes that window, and because Section 7(2) provides that an effective state prohibition supersedes the Order, a county law matching the state thresholds is least likely to require revisiting.

On the finding that leaf and concentrate cannot be sold apart at retail. This is the strongest argument in the Order, and it is also an argument for requiring the certificate rather than prohibiting the category. Section 4(2) already builds that machinery: on an inspector's demand, a seller must produce an independent laboratory certificate establishing 7-OH and total alkaloid content, and a product without one may be embargoed pending testing. That paragraph expressly anticipates enforcement proceeding under Section 2(2) alone.

On my own practices: my products are leaf only, with no 7-OH concentrates or synthetic derivatives and no plans to add them. Every batch is tested by an independent laboratory with the certificates published, and my labeling meets the state's requirements. I am glad to provide the underlying documents or answer questions in writing from any member.

Respectfully, Scott Urbin | Owner, Hudson Valley Botanicals LLC | Poughkeepsie, NY