

Kratom in Context

A one-page backgrounder for the Dutchess County Legislature, prepared for the record on the proposed kratom local law. August 2026.

What kratom is

Kratom is the leaf of *Mitragyna speciosa*, a Southeast Asian tree in the coffee family, consumed there traditionally for centuries and sold in the United States as ground leaf powder, capsules, and tea. The leaf's primary alkaloid is mitragynine; the compound 7-hydroxymitragynine ("7-OH") occurs in natural leaf only in trace amounts, below 0.05 percent [1].

Who uses it

Federal survey data (NSDUH, 2021 to 2023 combined) put past-year kratom use at 0.68 percent of U.S. adults, stable across those years, roughly 1.7 million adults annually; the number of Americans who have ever tried it grew from 4 million to 5 million between 2019 and 2023 [2][3]. Applied to Dutchess County's approximately 235,000 adult residents, the federal rate implies on the order of 1,600 county adults using kratom in a typical year. That local figure is an illustrative estimate; no county-level survey exists.

Two very different products share the name

Traditional products are plain leaf, with alkaloids at the levels the plant produces. Since roughly 2023, a second category has spread through gas stations and smoke shops: tablets, gummies, and shots containing 7-OH concentrated or synthesized to many times any natural level. The CDC's poison-center study, the source of the widely cited 1,200 percent increase in kratom-related exposure calls, states that the sharp 2025 increase "coincides with the emergence of high-potency, semisynthetic formulations, including 7-hydroxymitragynine" [3].

Where federal and state authorities have drawn the line

DEA (July 2026): temporary Schedule I placement of 7-OH above 0.05 percent (or 1 mg per processed article), plus three related synthetic compounds, taking effect in August 2026. Natural leaf below the threshold is expressly not covered [1][4].
FDA: has identified concentrated 7-OH products as an emerging public health threat [5].

New York State: laws signed December 22, 2025 prohibit all kratom sales to persons under 21 and require warning labels and full ingredient disclosure (S4552-A/A2340-A; S8285/A5852-A) [6]. In June 2026 both houses passed, without a dissenting vote, S8925-A, prohibiting products with 7-OH above 2 percent of total alkaloids or 1 mg per serving; it awaits executive action [7]. S10514, pending, would add statewide testing, labeling, and age enforcement while preserving stricter local laws [8].

New York counties: Suffolk County adopted, and its County Executive signed in July 2026, a local law permitting only naturally derived leaf products subject to testing and regulation while prohibiting synthetic and altered-alkaloid products, after months of public testimony [9]. Nassau County banned kratom outright earlier in 2026; Washington County has advanced a prohibition containing an exception for FDA-approved products; and similar proposals are pending in Oneida County (vote scheduled August 12) and before committee in Warren County. Dutchess County is deciding amid a live statewide debate between the two models.

Among the states, roughly eight now prohibit kratom entirely while eighteen-plus regulate it under Kratom Consumer Protection Act frameworks with age, testing, and labeling rules, and the movement runs in both directions [10]. In April 2026, Rhode Island became the first state ever to reverse a kratom prohibition, replacing its 2017 ban with a licensed, 21-and-over, tested-product framework after lawmakers concluded the ban had not stopped illegal sales (R.I. Gen. Laws Ch. 21-28.12) [10].

[1] Federal Register, July 6, 2026, Temporary Placement of 7-Hydroxymitragynine Above a Specified Threshold in Schedule I: [federalregister.gov/documents/2026/07/06/2026-13580](https://www.federalregister.gov/documents/2026/07/06/2026-13580)

[2] Prevalence and Correlates of Past-year Kratom Use Among US Adults, NSDUH 2021-2023 (weighted prevalence 0.68% of adults, stable across years); [samhsa.gov/data](https://www.samhsa.gov/data) (NSDUH).

[3] CDC, MMWR, "Increases in Kratom-Related Reports to Poison Centers": [cdc.gov/mmwr/volumes/75/wr/mm7511a1.htm](https://www.cdc.gov/mmwr/volumes/75/wr/mm7511a1.htm)

[4] DEA press release, July 1, 2026: [dea.gov/press-releases/2026/07/01/dea-temporarily-schedule-7-oh-and-related-substances-protect-public](https://www.dea.gov/press-releases/2026/07/01/dea-temporarily-schedule-7-oh-and-related-substances-protect-public)

[5] FDA, "Hiding in Plain Sight: 7-OH Products": [fda.gov/news-events/public-health-focus/hiding-plain-sight-7-oh-products](https://www.fda.gov/news-events/public-health-focus/hiding-plain-sight-7-oh-products)

[6] Governor of New York, December 22, 2025 signing release:

[governor.ny.gov/news/governor-hochul-signs-two-pieces-landmark-legislation-protect-new-yorkers-against-harmful](https://www.governor.ny.gov/news/governor-hochul-signs-two-pieces-landmark-legislation-protect-new-yorkers-against-harmful)

[7] New York S8925-A of 2026 (Senate 61-0, June 2; Assembly 132-0, June 5): legiscan.com/NY/bill/S08925/2025

[8] New York S10514 of 2026: nysenate.gov/legislation/bills/2025/S10514

[9] Suffolk County, amended I.R. 1279-2026, adopted and signed July 2026: scnylegislature.us

[10] Rockefeller Institute of Government, "The Evolving Kratom Policy Landscape" (April 2026, covering the Rhode Island reversal and the state ban/regulation split): rockinst.org/blog/the-evolving-kratom-policy-landscape/

Prepared by Scott Urbin, owner of Hudson Valley Botanicals, a Dutchess County kratom retailer since 2017, in support of amending the proposed local law rather than adopting a blanket prohibition. My interest in the outcome is stated plainly; every figure above is drawn from the government and survey sources cited. scott@hudsonvalleybotanicals.com