



HUDSON VALLEY BOTANICALS

Poughkeepsie, New York | Established 2017

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July 2, 2026

Members of the Oneida County Board of Legislators

800 Park Avenue, Utica, New York 13501

Re: Regulation over prohibition; please choose harm reduction.

Dear Members of the Oneida County Board of Legislators,

My name is Scott, and I own Hudson Valley Botanicals (Garuda Kratom), a New York small business since 2017. I am writing to respectfully ask you to reconsider the proposed local law announced by County Executive Anthony J. Picente Jr., which would make the county's June 5 public health order a permanent countywide prohibition on the sale of kratom and kratom-derived products, and to choose a regulatory framework instead.

I share your concern for public safety, and I am not asking you to do nothing. Concerns about addiction and about unregulated products sold without oversight are legitimate, and they deserve a serious and effective response. I am asking you to make sure that response targets the actual problem. The products driving recent headlines and hospital visits are concentrated and synthetic derivatives of 7-hydroxymitragynine, commonly labeled "7-OH." These are chemically enhanced isolates that reach potencies never found in the natural leaf. As written, the proposed order does not distinguish between those engineered concentrates and traditional kratom leaf products. It treats a lab-made opioid-like isolate and a botanical leaf product as one and the same, and it prohibits both. I recognize that the county's stated concern centers on mitragynine and on compounds derived from it that can be altered into more dangerous substances. That is exactly what a targeted framework addresses directly: it prohibits the synthesized and adulterated material and uses testing to confirm that natural leaf has not been enhanced. A total ban reaches more broadly than that concern requires, because it also removes tested, unadulterated leaf, which is not the concentrated or synthetic material driving these risks.

This distinction is not a fringe position. Federal regulators themselves have now drawn exactly this line. On July 1, 2026, the U.S. Drug Enforcement Administration announced its intent to temporarily place concentrated and synthetic 7-OH, along with three related substances, into Schedule I of the Controlled Substances Act, after the U.S. Department of Health and Human Services found that they have no accepted medical use and a high potential for abuse. The agency was explicit that this action does not cover natural botanical kratom whose 7-OH remains below a set threshold, and that it instead reaches synthesized material and products with elevated 7-OH concentrations. In other words, the federal government is moving to remove the dangerous synthetic products from the market while leaving natural leaf in place. A countywide ban on all kratom would reach further than the DEA, the FDA, and HHS have determined is warranted, and would prohibit the very products federal regulators specifically chose not to reach.

New York State has been moving in the same direction. In December 2025, Governor Hochul signed two laws creating the state's first kratom rules: a prohibition on sales to anyone under 21, and mandatory ingredient disclosure and consumer warning labels. In June 2026, both houses of the State Legislature unanimously passed further legislation aimed specifically at synthetic 7-OH, the product public health officials have identified as the emerging threat. A separate measure under consideration in Albany, the Synthetic Kratom Kills Act (S10514 / A10969), would ban synthetic and adulterated kratom while regulating natural leaf through testing, labeling, and age limits. Notably, that bill expressly preserves the authority of counties to enact more stringent local restrictions.

In other words, Oneida County can adopt strong, targeted rules on these products without resorting to a blanket prohibition that also sweeps in natural leaf.

Oneida County would also be moving against the direction of its peers. Suffolk County introduced a countywide prohibition this spring (I.R. 1279-2026), but after extensive public testimony it recessed the vote rather than adopt the ban, and its legislators have openly weighed targeting only synthetic 7-OH while keeping natural leaf legal. Suffolk's Presiding Officer raised the same concern I would flag for you: removing a product that has been sold lawfully for years risks creating a black market where none existed. Rhode Island offers an even clearer example. In April 2026, it repealed its statewide kratom ban and replaced it with a framework that regulates natural leaf and prohibits synthetic 7-OH. More than a dozen states have now adopted Kratom Consumer Protection Act frameworks that take the same approach.

I respectfully urge the Board to amend the proposal to adopt KCPA-style framework language rather than prohibition. A sound local framework would:

- Ban synthetic, semi-synthetic, and adulterated kratom material, and cap 7-hydroxymitragynine at a low percentage of total alkaloids consistent with the state's approach.
- Require third-party laboratory testing and certificates of analysis for every batch.
- Mandate clear labeling of alkaloid content, serving size, and ingredients.
- Enforce the existing 21-and-over age restriction.
- Prohibit marketing or packaging designed to appeal to minors.

This approach removes the dangerous products from shelves while preserving a lawful, tested, and labeled market for adults. Prohibition does the opposite. It eliminates the regulated, accountable vendors and pushes consumers toward an unregulated market where no testing, labeling, or age verification exists. That is the outcome most likely to increase risk, not reduce it.

As a vendor, I hold my own business to the standard I am asking the county to require. Hudson Valley Botanicals sells natural kratom leaf products only, and does not carry or sell concentrated or synthetic 7-OH. We follow the age requirements of each jurisdiction we ship to. Where a state or locality sets a minimum purchase age, customers must upload a valid government-issued ID through a third-party verification service before an order can be placed, and we do not sell below that jurisdiction's legal age. We third-party lab test our products and post certificates of analysis, we label consistent with New York's current requirements, and we block orders to any locality that prohibits these sales. In keeping with that practice, we have already stopped shipping into Oneida County in response to the June 5 public health order, even as I ask you to reconsider its scope. A countywide prohibition would not touch the dangerous synthetic products, which state and federal authorities are already moving to control directly. It would instead penalize the responsible, transparent vendors who already operate the way a KCPA framework envisions.

The Board's 30-day review period is the right moment to make this change. I respectfully ask that you use that window to amend the proposal into a targeted framework rather than a blanket ban. I understand a public hearing will be scheduled during that period, and I would welcome the opportunity to testify or to submit written materials. I am glad to serve as a resource, including pointing you to the batch certificates of analysis we already publish on our website and sharing examples of how other states and counties have chosen to regulate these products instead of banning them. If any member of the Board has questions or would like clarification, please feel free to reach out to me directly. Thank you for your time and for your service to Oneida County.

Respectfully,

Scott U.

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SOURCES

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4. New York State Legislature passage of legislation targeting synthetic 7-OH, June 2026. New York State Assembly (Assemblymember Phil Steck). www.nyasembly.gov/mem/Phil-Steck/story/118530
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