



HUDSON VALLEY BOTANICALS

Poughkeepsie, New York | Established 2017

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TECHNICAL NOTE | LOCAL LAW T-4 (INTRO) OF 2026 | FOR THE OFFICE OF THE COUNTY ATTORNEY

Submitted directly to this office, and not filed as public comment, by Scott Urbin, owner of Hudson Valley Botanicals LLC of Poughkeepsie, a New York kratom vendor selling into Rensselaer County, with a commercial interest in this law. I am not an attorney. Each item below is offered as a question tied to the filed text, for whatever use this office finds appropriate.

1. AUTHORITY

Section 1 of T-4 recites Article IX of the New York Constitution. The corresponding Dutchess law, Resolution 2026136, enclosed, recites Municipal Home Rule Law §10(1)(ii)(a)(12) and Dutchess County Charter §2.031. Question: the Municipal Home Rule Law provision on which T-4 rests.

2. RELATIONSHIP TO STATE LAW

The chapter laws signed December 22, 2025 permit kratom sales to adults 21 and over; the age restriction is in effect now, and the mandated warning label and ingredient disclosure take effect December 22, 2026. S8925-A, passed the Senate 61 to 0 on June 2 and the Assembly on June 5 and awaiting the Governor, prohibits products above two percent 7-OH of total alkaloids or one milligram per serving, effective the ninetieth day after becoming law. Section 7 of the Dutchess law declares it null and void the day statewide legislation with the same or substantially similar provisions takes effect, or upon preemptive state or federal regulation. T-4 contains no corresponding provision. Questions: whether a countywide prohibition conflicts with the State's conditional permission, and T-4's status if S8925-A is signed.

3. CONFISCATION BEFORE ADJUDICATION

T-4 Section 5 directs that kratom found during a compliance check, inspection, or investigation “shall be immediately confiscated,” with destruction one year after a finding of violation; the taking precedes any hearing or finding. The Dutchess law contains no seizure provision, enforcing instead through inspections, notices, orders, and hearings under its Department of Health. Question: what pre- or post-deprivation process attaches to the confiscation.

4. SEQRA AND FISCAL REVIEW

The Dutchess resolution includes a SEQRA determination, Type II under 6 NYCRR §§617.5(c)(26) and (33), and a fiscal impact statement projecting \$15,000 in current-year and \$45,000 in annual enforcement cost for its narrower law. The T-4 packet reviewed here contains neither. Questions: whether a SEQRA determination will be made before adoption, and the projected enforcement cost of the broader prohibition.

5. EFFECTIVE DATE

Section 8 provides that T-4 takes effect upon filing with the Secretary of State, so inventory lawful on the filing date becomes prohibited the same day, with no sell-through period, while Section 6 calculates the penalty per item confiscated. The Albany County health order issued August 24 takes effect seven days after signing, and the Oswego County retail draft used ninety. Question: whether a compliance window is intended.

6. DRAFTING ITEMS

Section 3's operative definition reads “products containing mytragynine,” and Section 2 refers to the “Federal Drug Administration.” Both appear to be typographical and are noted only because they sit in the operative text of a penal local law. Separately, if the law is amended on September 8, whether the amended text must lie over in final form under the Municipal Home Rule Law before passage is a timing question this office is best placed to answer.

The filed text of Dutchess County Resolution 2026136 is enclosed for comparison. I am glad to answer questions in writing at any point before the vote on September 8.