



HUDSON VALLEY BOTANICALS

Poughkeepsie, New York | Established 2017

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August 24, 2026

Hon. Bruce Patire

and the Co-Sponsors of Local Law T-4 (Intro): Chairwoman Hoffman, Vice Chairman Loveridge, Majority Leader Herrington, Legislators Bayly, Casale, Choquette, Film, Grant, Maloney and Wysocki
Rensselaer County Legislature, 99 Troy Road, East Greenbush, New York 12061

Re: Local Law T-4 (Intro) of 2026. Four questions for counsel before September 8, and one commitment.

Dear Legislator Patire and Co-Sponsors,

I own Hudson Valley Botanicals, a kratom company in Poughkeepsie, and I sell into Rensselaer County. I have a commercial interest in this law and would rather say so in the first sentence than have you learn it in the last.

I am not writing to relitigate the concentrates. The tablets, gummies and shots sold at concentrations the plant does not produce are the products the DEA moved against in July, and the per-item penalties and the criminal referral under Public Health Law §12-b in your draft are the right tools for them.

I am writing because four features of the text deserve the County Attorney's attention before adoption, while they are still easy to fix:

1. Section 1 grounds T-4 in Article IX of the Constitution alone. The Dutchess law cites Municipal Home Rule Law §10(1)(ii)(a)(12) and its county charter. The Municipal Home Rule basis is worth stating before someone else asks for it.
2. T-4 has no provision addressing S8925-A, which passed the Senate 61 to 0, passed the Assembly, and awaits the Governor. The Dutchess law retires itself the day corresponding state law takes effect. Without that clause, what T-4 becomes on signing is an open question.
3. Section 5 directs immediate confiscation when kratom is found in an inspection, before any finding of violation. The Dutchess law has no seizure provision at all, enforcing through inspections, notices, orders and hearings. The taking preceding the adjudication is worth a look.
4. The packet contains no SEQRA determination and no fiscal impact statement. Dutchess made a Type II SEQRA finding on the record and attached enforcement costs of \$15,000 this year and \$45,000 annually, for the narrower law.

A one-page technical note expanding on each, tied to the filed text, has gone to the County Attorney's office separately.

One more feature is worth weighing on the merits. Section 5's enforcement reaches the retailers inside the county, the ones you can already inspect, and their vehicles. Nothing in the text reaches an out-of-county seller shipping in. The Dutchess law does it in one sentence: a sale is deemed to occur in the county whenever a prohibited product is shipped to an address within it, any platform, wherever located. As written, T-4 closes the shops you can already regulate and leaves the mail untouched.

Whatever this body adopts, I will comply with it. If T-4 passes as written, Rensselaer County addresses come off my shipping map the day it is filed, exactly as I have done in every jurisdiction that has prohibited these products. The sellers who concern you will not do that. That is the strongest argument I know for drawing the county's line where the State drew it, at the concentrates, and keeping every penalty in your draft pointed at the products that cross it.

One procedural note, confirmed with the Clerk: the only public hearing on T-4 comes after passage, before the County Executive, so September 8 is the last point at which this body can weigh these questions. The Rules of the Legislature limit speakers to county residents, so I cannot raise any of this in chambers, but I will answer any member's questions in writing before the eighth. Thank you for reading this.

Respectfully,

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