



HUDSON VALLEY BOTANICALS

Poughkeepsie, New York | Established 2017

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DRAFTING NOTES | DEFINITIONS, TESTING AND STATE LAW

For the Village of Montgomery Board of Trustees and Village Attorney, following the October 6, 2026 public hearing. Prepared by Scott Urbin, owner, Hudson Valley Botanicals LLC.

WHAT THE TERMS MEAN

Kratom leaf. The dried leaf of *Mitragyna speciosa*, a tree native to Southeast Asia, sold as powder, capsules or tea. Its main alkaloid is mitragynine. 7-hydroxymitragynine (7-OH) occurs in the leaf only in trace amounts: the FDA puts it under 2% of the leaf's alkaloids, about 0.01% to 0.04% of dry weight [1].

7-OH products. Tablets, shots and gummies made with concentrated 7-OH, which the FDA says is likely produced by chemically converting mitragynine. One pill the FDA cited contained 15 mg of 7-OH, roughly the amount in 40 to 150 grams of dried leaf [1]. These are the products S8925-A would ban and the DEA has proposed to schedule [2][3].

A DEFINITION THAT DRAWS THE STATE'S LINE

"Prohibited 7-OH Product" shall mean any product, in any form, that (a) contains 7-hydroxymitragynine at a concentration greater than two percent of the total alkaloid content of the product, or in an amount greater than one milligram per serving; or (b) contains 7-hydroxymitragynine, mitragynine pseudoindoxyl, or any analog or derivative thereof that has been synthesized, semi-synthesized, or isolated and added to the product. The term does not include the dried or powdered leaf of the plant *Mitragyna speciosa*, or a product made from such leaf, that does not meet paragraph (a) or (b) and is sold in compliance with the laws of the State of New York.

Paragraph (a) uses the thresholds in S8925-A, in Dutchess County Local Law No. 6 of 2026, and in Ulster County Proposed Local Law No. 16 of 2026. Measuring 7-OH as a share of total alkaloids, not of product weight, is what separates leaf from concentrates. A limit of 2% by weight would sit about 50 times above the top of the leaf range the FDA reports [1].

ENFORCING IT WITHOUT VILLAGE LAB COSTS

Any person who sells, offers for sale or distributes a kratom product in the Village shall keep, for each lot, a certificate of analysis from an independent laboratory accredited to ISO/IEC 17025, stating the product's 7-hydroxymitragynine content as a percentage of total alkaloids and in milligrams per serving, and shall produce it upon request of an enforcement officer. Failure to keep or produce a certificate shall be a violation of this chapter.

Inspectors can then enforce the limit with paperwork at the counter. Only a product whose certificate is missing or doesn't match needs to go to a lab, and labs typically charge roughly \$100 to \$250 per sample for a test that measures 7-OH.

WHEN THE STATE LAW TAKES EFFECT

S8925-A passed the Senate 61 to 0 and the Assembly 132 to 0 in June 2026 and has not yet been delivered to the Governor. If signed, it takes effect 90 days later. The bill says nothing about local laws [2], so whether it would preempt a village law is a question for the Village Attorney. A short clause avoids the question, and the Dutchess and Ulster texts I sent on September 23 both include one:

This Local Law shall be null and void on the date that statewide legislation containing the same or substantially similar provisions takes effect, or on the date that any provision hereof is preempted by state or federal law.

With that clause, a village law covers the gap until the State acts and then steps aside.

SOURCES

[1] FDA, "7-Hydroxymitragynine (7-OH): An Assessment of the Scientific Data and Toxicological Concerns Around an Emerging Opioid Threat," July 2025: <https://www.fda.gov/media/187899/download>

[2] New York State Senate, S8925-A of 2026, bill text and status: <https://www.nysenate.gov/legislation/bills/2025/S8925/amendment/A>

[3] Drug Enforcement Administration, July 1, 2026 press release on 7-OH: <https://www.dea.gov/press-releases/2026/07/01/dea-temporarily-schedule-7-oh-and-related-substances-protect-public>

Disclosure. Prepared by Scott Urbin, owner of Hudson Valley Botanicals LLC. I sell kratom leaf products in New York and have a financial interest in how this is resolved. These notes are not legal advice or an official document of the Village of Montgomery.