



HUDSON VALLEY BOTANICALS

Poughkeepsie, New York | Established 2017

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MODEL LANGUAGE | VILLAGE OF MONTGOMERY PROPOSED LOCAL LAW ON KRATOM PRODUCTS

Prepared October 2026 by Scott Urbin, owner, Hudson Valley Botanicals LLC, for the Board of Trustees and the Village Attorney | Board of Trustees meeting, October 20, 2026 | Replaces my October 7 drafting notes

SUMMARY

This language aims proposed Chapter 50 at concentrated and synthetic 7-hydroxymitragynine (7-OH) products, using the line in S8925-A, which passed the State Senate 61 to 0 and the Assembly 132 to 0 in June and awaits delivery to the Governor. Like the DEA’s notice published October 14, it counts mitragynine pseudoindoxyl (MGPI) with 7-OH; that notice says natural 7-OH “makes up less than two percent of the total alkaloid content.” Sellers bear the cost of testing. The shipping and State-law clauses are adapted from Dutchess County Local Law No. 6 of 2026.

MODEL TEXT

1. Definitions. Use these terms in place of the draft’s definition of kratom:

“Kratom product” means any product that contains any part of the plant *Mitragyna speciosa* or any alkaloid or derivative of it, whether natural or synthetic, and any product marketed or labeled as kratom.

“Prohibited kratom product” means a kratom product that (a) contains 7-hydroxymitragynine (7-OH) or mitragynine pseudoindoxyl (MGPI), alone or combined, at a level that exceeds two percent of total alkaloids or one milligram per serving; (b) contains 7-OH or MGPI that was synthesized or semi-synthesized, or that was isolated and then added to the product; or (c) contains MGM-15, MGM-16, or any other analog of a kratom alkaloid that does not occur naturally in *Mitragyna speciosa*. Only (a) and (b) apply to 7-OH and MGPI.

“Serving” means the serving size stated on the product’s label or, if none is stated, one gram of the product (one milliliter for a liquid).

“Certificate of analysis” means a report on a lot of a kratom product, identified by the lot or batch number printed on its package, from a laboratory accredited to ISO/IEC 17025 that is not owned by or affiliated with the product’s seller or maker, stating the lot’s 7-OH content as a percentage of total alkaloids and in milligrams per serving and, once the Board of Trustees requires it by resolution, the lot’s MGPI content.

2. § 50-2. Replace the section in its entirety with:

A. It shall be unlawful for any person to sell, offer for sale, distribute, or otherwise provide any prohibited kratom product within the Village of Montgomery. A sale, offer for sale or distribution shall be deemed to occur within the Village whenever a prohibited kratom product is delivered or shipped to an address within the Village, wherever the seller is located, including through an online platform.

B. Every person who offers kratom products for sale at a location in the Village shall keep there a certificate of analysis for each lot and produce it on request of an official named in § 50-3. Offering a product for sale without a matching certificate is a violation of this chapter, and the product shall be removed from sale until one is produced. The seller shall pay for any Village test of a product that has no matching certificate or proves to be a prohibited kratom product.

C. (*Optional retail rules.*) Every person who offers kratom products for sale at a location in the Village shall check photo identification at each sale to confirm the buyer is 21 or older, keep kratom products behind the counter or in a locked case, and not sell them within 500 feet of a building used for school purposes or in packaging designed to appeal to children.

3. §§ 50-3 and 50-4. Keep as drafted; they cover every violation, including a missing certificate.

4. New section, State law. Add:

This local law shall be null and void on the day that statewide legislation incorporating the same or substantially similar provisions as are contained in this local law goes into effect after this local law takes effect, or in the event that a New York State or federal administrative agency issues and promulgates regulations preempting this local law.

SOURCES

S8925-A, status checked October 17, 2026: nysenate.gov/legislation/bills/2025/S8925/amendment/A; Assembly vote: nyassembly.gov. DEA notice, 91 FR 65370 (October 14, 2026): federalregister.gov/d/2026-20943. Dutchess County Local Law No. 6 of 2026 (Sections 4 and 7), filed copy: locallaws.dos.ny.gov.

Disclosure. I sell kratom leaf products, so as a seller I have a stake in this law. This outline is not legal advice or an official Village document.