HUDSON VALLEY BOTANICALS
Poughkeepsie, New York | Established 2017
scott@hudsonvalleybotanicals.com | www.hudsonvalleybotanicals.com

MODEL LANGUAGE | INTRODUCTORY NO. 6 OF 2026

For the Saratoga County Board of Supervisors and the Office of the County Attorney | Submitted for the public hearing of October 14, 2026

These sections are written to replace Sections 3 to 6 and 9 to 11 of Introductory No. 6, with Section 1 revised to match. Figures in brackets are for the Board to set, and the New York laws they are drawn from are listed at the end. I am not an attorney. Revised October 13, 2026.

Section 1. Definitions.

(a) "Kratom product" means any product containing any part of the plant *Mitragyna speciosa*, or any alkaloid derived from it, whether natural, extracted, concentrated or synthesized.
(b) "7-OH" means 7-hydroxymitragynine, and "MGPI" means mitragynine pseudoindoxyl.
(c) "Prohibited kratom product" means a kratom product that (1) contains 7-OH or MGPI, alone or combined, in an amount greater than two percent of its total alkaloid content, or greater than one milligram per serving; or (2) contains MGM-15, MGM-16 or any other synthetic analog of a kratom alkaloid other than MGPI.
(d) "Serving" means the serving size stated on the label or, if none is stated, one gram (one milliliter for a liquid).
(e) "Lot" means a quantity of a kratom product identified by a single lot or batch number printed on its package.
(f) "Certificate of analysis" means a report by an independent laboratory on a specific lot, stating its 7-OH and MGPI content as a percentage of total alkaloids and in milligrams per serving.
(g) "Independent laboratory" means a laboratory, accredited to ISO/IEC 17025 for the methods used, that has no ownership or financial interest in any seller, manufacturer or distributor of the product tested.
(h) "Retail kratom seller" means any person who sells or offers kratom products to consumers at a location in the County.
(i) "Department" means the Saratoga County Department of Health.

Section 2. Prohibited products.

(a) No person shall sell, offer for sale, distribute or display for sale a prohibited kratom product in the County. A sale or distribution takes place in the County whenever a product is delivered to an address in the County, wherever the seller is located.
(b) Any person who sells a kratom product for delivery to an address in the County shall verify before delivery that the buyer is 21 or older.
(c) Nothing in this Local Law prohibits the sale to persons 21 or older of a kratom product that is not a prohibited kratom product, when sold in compliance with this Local Law.

Section 3. Retail rules. Every retail kratom seller shall:

(a) sell kratom products only to persons 21 or older, verified by government-issued photo identification;
(b) keep kratom products behind the checkout counter or in a locked case accessible only to employees;
(c) not sell kratom products at any location within [500] feet of a building used for school purposes;
(d) hold a current annual registration from the Department for each location; and
(e) keep at each location a certificate of analysis for every lot it offers, and produce it on request of the Department.

Section 4. Registration. The Department shall register retail kratom sellers annually. The registration fee shall be set by resolution of the Board in an amount not exceeding the reasonable cost of administering registration and inspections under this Local Law. After notice and an opportunity to be heard, the Department may suspend a registration for up to [30] days following a third violation within 36 months.

Section 5. Enforcement. The Department shall enforce this Local Law. It may inspect any location of a retail kratom seller during business hours, including during its tobacco and vaping compliance checks, examine certificates of analysis, and take reasonable samples for testing. It may embargo any prohibited kratom product, and any product offered without a matching certificate of analysis until one is produced. When a sample comes from a lot with no matching certificate, or is found to be a prohibited kratom product, the seller shall pay the cost of the test.

Section 6. Civil penalties. Violations are subject to civil penalties, imposed after notice and an opportunity to be heard: (a) for a violation of Section 2(a), up to $[1,500] for a first violation and up to $[3,000] for each later violation within 36 months; and (b) for any other violation, up to $[500] for a first violation and up to $[1,000] for each later violation within 36 months.

Section 7. Report to the Board. Within twelve months after this Local Law takes effect, the Department shall report to the Board on registrations, inspections, violations, laboratory results, sales to persons under 21, complaints, and the fees collected compared with the cost of enforcement.

Section 8. State law. Any provision of this Local Law shall cease to have effect when a State law covering the same subject takes effect after this Local Law, to the extent the State law covers it.

Section 9. Effective date. This Local Law takes effect when filed with the Secretary of State. Sections 3(d), 3(e) and 4 apply [90] days after that date, to allow sellers to register and obtain certificates.

Drawn from: S8925-A of 2026, passed by the State Legislature in June (7-OH limits); the DEA notice announced October 9, 2026 (MGPI counted with 7-OH); Dutchess County Local Law No. 6 of 2026 (named analogs, delivery into the county, civil penalties, health department enforcement, state-law clause); Oswego County Local Law No. 7 of 2026 (21 and over, behind the counter, school distance, $500 and $1,000 penalties); Ulster County Proposed Local Law No. 16 of 2026 ($1,500 and $3,000 penalties, 36-month window). Registration, certificates, testing costs, the default serving and the report are my suggestions.