

Warren County Board of Supervisors

RESOLUTION NO. 380 OF 2026

RESOLUTION INTRODUCED BY SUPERVISORS STRAINER, GILLIGAN, BRUNO, MADAY, BUTLER, WILD AND O'NEILL

INTRODUCING PROPOSED LOCAL LAW NO. 9 OF 2026, ENTITLED "A LOCAL LAW PROHIBITING THE SALE OF KRATOM IN WARREN COUNTY," AND AUTHORIZING PUBLIC HEARING THEREON

RESOLVED, that proposed Local Law No. 9 of 2026 entitled "A Local Law Prohibiting the Sale of Kratom in Warren County," attached hereto and made a part hereof, be, and the same hereby is, introduced before the Warren County Board of Supervisors, and in order to give interested members of the public the opportunity to be heard thereon, the Board of Supervisors shall hold a public hearing at the Supervisors' Rooms in the Warren County Municipal Center on the 20th day of November, 2026, at 10:00 a.m., on the matter of the adoption of said proposed Local Law No. 9 of 2026, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to give notice of such public hearing in the manner provided by law.

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PROPOSED LOCAL LAW NO. 9 OF 2026****“A LOCAL LAW PROHIBITING THE SALE OF KRATOM IN WARREN COUNTY”**

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York as follows:

SECTION 1. TITLE.

This Local Law shall be entitled “A Local Law Prohibiting the Sale of Kratom in Warren County.”

SECTION 2. LEGISLATIVE INTENT.

The opioid-like plant *Mitragyna speciosa*, and parts thereof, are commonly known as “Kratom.” Kratom can be consumed in several forms, including as a tea, powder, or pill. The Federal Drug Administration (FDA) has warned of Kratom use due to risks of serious adverse effects and has issued an alert on consuming dietary supplements and ingredients that contain Kratom. The FDA has found that Kratom has a high potential for abuse, and poses an imminent hazard to public health, safety and welfare.

This Local Law prohibits the sale of Kratom in Warren County and authorizes all law enforcement agencies to conduct regulatory inspections of entities suspected of Kratom sale and to pursue enforcement remedies against such entities as is necessary to protect the public health, safety and welfare.

SECTION 3. DEFINITIONS.

For the purposes of this Local Law, the following terms shall mean:

“Kratom” shall mean the plant *Mitragyna speciosa*, and parts thereof, as well as products containing mitragynine, and the products derived from *Mitragyna speciosa* leaves.

“Person” shall mean any individual, company, partnership, corporation, limited partnership, joint venture or other legal entity.

“Product derived from *Mitragyna speciosa* leaves” shall mean any substance created directly from Kratom, or its naturally occurring alkaloids, through extraction, isolation, concentration, chemical conversion, synthesis, or modification.

“Retailer” shall mean any Person that sells, offers for sale, or maintains Kratom products.

SECTION 4. PROHIBITIONS.

No Person shall sell, offer for sale, or otherwise distribute Kratom in Warren County. This prohibition does not apply to the sale or distribution of FDA-approved Kratom and/or Kratom dispensed by a licensed pharmacist consistent with a prescription from a licensed physician.

SECTION 5. INSPECTION AND ENFORCEMENT.

All law enforcement agencies having jurisdiction in Warren County are hereby authorized to enforce the provisions of this local law, including the ability to conduct regulatory inspections and compliance checks of any suspected Retailer within the County of Warren and any vehicle used by such Retailer.

Such compliance checks and regulatory inspections may occur during routine facility checks, pursuant to a complaint, or as part of a criminal investigation.

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If Kratom is found during a compliance check, inspection, or criminal investigation, it shall be immediately confiscated. One year after a finding of a violation of this local law, such confiscated Kratom shall be destroyed.

SECTION 6. PENALTIES.

Any Person that violates the terms of this local law shall receive a notice of violation from any law enforcement agency, setting forth the charge(s), the total amount of Kratom confiscated, maximum civil penalty, related surcharges and hearing date.

Any Person that engages in the unlawful distribution or sale of Kratom shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) per item confiscated.

Each subsequent violation of this local law shall be subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00) per item confiscated.

Willful violation of this local law may result in criminal prosecution under New York State Public Health Law §12-b.

SECTION 7. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but, shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 8. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State.