Warren County Board of Superbisors

RESOLUTION NO. 432 OF 2026

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

ENACTING LOCAL LAW NO. 9 OF 2026, ENTITLED "A LOCAL LAW PROHIBITING THE SALE OF KRATOM IN WARREN COUNTY"

WHEREAS, a proposed Local Law was duly presented to the Board of Supervisors and considered by them, said proposed local law entitled "A Local Law Prohibiting the Sale of Kratom in Warren County," and

WHEREAS, the Board of Supervisors adopted Resolution No. 380 of 2026, which authorized a public hearing to be held by the Board of Supervisors on the 20th day of November, 2026 in the Supervisors' Room in the Warren County Municipal Center on the matter of the proposed local law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at such public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Warren, New York, on this 20th day of November, 2026, does hereby enact and adopt Local Law No. 9 of 2026, as annexed hereto.

COUNTY OF WARREN
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 Kartom 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 mytragynine, 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 Miktragyna 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.

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.