

RESOLUTION NO. 308-26

**AUTHORIZING PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. 2 OF 2026 –
A LOCAL LAW OF THE COUNTY OF HAMILTON PROHIBITING THE SALE
AND/OR DISTRIBUTION OF KRATOM IN ALL FORMS
WITHIN HAMILTON COUNTY**

DATED: OCTOBER 1, 2026

BY MR. RHODES:

BE IT RESOLVED, that proposed Local Law No. 2 of the year 2026 entitled, “A LOCAL LAW OF THE COUNTY OF HAMILTON PROHIBITING THE SALE AND/OR DISTRIBUTION OF KRATOM IN ALL FORMS WITHIN HAMILTON COUNTY” be and the same is hereby introduced to the Board of Supervisors, and be it further

RESOLVED, that a copy of the aforesaid proposed Local Law be laid upon the desks of each member of the Hamilton County Board of Supervisors, and be it further

RESOLVED, that the Hamilton County Board of Supervisors shall hold a public hearing on the said proposed Local Law at the County Office Complex, Route 8, Lake Pleasant, New York, on the 5th day of November 2026, at 11:00 AM, and be it further

RESOLVED, that the Chairman of the County Board of Supervisors publish or cause to be published a public notice in the official newspaper of the County of said public hearing at least five (5) days prior thereto.

Seconded by Mr. Fernandez and adopted by the following vote:

AYES: RHODES, SNYDER, TOMLINSON, WELLS, SCHMID, PARASCANDOLA,
ARSENAULT, FERNANDEZ, HUNT

NAYS: NONE

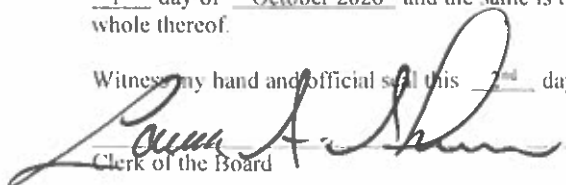
STATE OF NEW YORK)

COUNTY OF HAMILTON) SS:

SUPERVISORS' CHAMBERS)

I, Laura A. Abrams, Clerk of the Board of Supervisors of Hamilton County, hereby certify that I have compared the foregoing resolution with the original resolution, adopted by the Board of Supervisors of said County, at a duly called and held meeting of said Board on the 1st day of October 2026 and the same is true and correct transcript there from and the whole thereof.

Witness my hand and official seal this 2nd day of October 2026.


Clerk of the Board

HAMILTON COUNTY

PROPOSED LOCAL LAW NO. 2 OF THE YEAR 2026

A LOCAL LAW OF THE COUNTY OF HAMILTON PROHIBITING THE SALE AND/OR DISTRIBUTION OF KRATOM IN ALL FORMS WITHIN HAMILTON COUNTY

WHEREAS, the HAMILTON COUNTY BOARD OF SUPERVISORS, following Public Comment relative to same and approved on November 5, 2026, enacts as follows;

1. AUTHORITY

The Hamilton County Board of Supervisors adopts this Local Law pursuant to the provisions of the New York State Constitution, Article IX.

2. LEGISLATIVE PURPOSE AND INTENT

The opioid-like plant *Mitragyna Speciosa*, and parts thereof, are commonly referred to as "Kratom." Kratom can be consumed and used in several forms, including as a tea, powder and/or pill/capsule. The United States Federal Drug Administration (FDA) has warned against the use of Kratom due to the risks of serious adverse effects and has issued an alert on consuming dietary supplements and ingredients that contain Kratom in either its natural and/or synthetic forms. The FDA has found that Kratom has a potential for abuse, and poses an imminent hazard to public health, safety and welfare.

This Local Law prohibits the sale and/or distribution of Kratom in Hamilton County, and authorizes officials and employees of the Hamilton County Public Health Department, Hamilton County Community Health and Mental Services Department and law enforcement agencies to conduct regulatory inspections of entities, individuals and operations suspected of Kratom sale, and to pursue enforcement remedies against such entities, individuals and operations to protect the public health, safety, and welfare, and to promote the public good for all within Hamilton County.

3. DEFINITIONS

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

1. "Kratom" shall mean the plant *Mitragyna Speciosa*, and any and all parts thereof, as well as products containing mytragynine, and any and all products derived or believed to be derived from *Mitragyna Speciosa* leaves, and any and all synthetic derivative and/or derivations thereof.
2. "Product derived from Kratom and/or *Mitragyna Speciosa* leaves" shall mean any substance directly from Kratom, or its naturally occurring alkaloids, through extraction, isolation, concentration, chemical conversion, synthesis or modification, and any and all synthetic derivations thereof.

3. "Person" shall mean any individual real and/or legal, company, partnership, corporation, limited partnership, joint venture or other legal entity.
4. "Retailer" shall mean any Person that sells, offers for sale, or maintains Kratom and products derived from Kratom.
5. "Sale" shall mean the offer by a Person and/or Retailer to provide for the purchase of Kratom and/or products derived from Kratom in exchange for money.
6. "Distribution" shall mean the offer by a Person and/or Retailer to provide Kratom and/or products derived from Kratom with and/or without the exchange of money.

4. PROHIBITION OF SALE AND/OR DISTRIBUTION

It is prohibited for any Person and/or Retailer to sell and/or distribute Kratom and/or any products derived from Kratom and *Mitragyna Speciosa* leaves in Hamilton County.

This prohibition does not apply to the individual possession of, or the sale and/or distribution of FDA-approved Kratom and/or Kratom dispensed or distributed by a licensed pharmacist consistent with a prescription for same from a licensed physician.

5. INSPECTION AND ENFORCEMENT

The inspection and enforcement provisions of this Local Law shall begin effective with its filing with New York State Secretary of State and pursuant to the provisions of Paragraph 8. Thirty (30) days prior to this effective date, the County shall issue public notice of the date effective for this Local Law.

The Hamilton County Department of Public Health, the Hamilton County Mental and Community Health Services Department and any and all law enforcement agencies having jurisdiction in Hamilton 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 Person and/or Retailer within the County of Hamilton and any vehicle used by such Person and/or Retailer. Such compliance checks and regulatory inspections may occur during routine facility and/or person checks, pursuant to a report of suspected sale/distribution, complaint and/or request for investigation, as part of a criminal investigation and/or as part of any action(s) undertaken by any governmental Department of the County of Hamilton relative to the suspected sale/distribution of Kratom and/or product(s) derived from Kratom.

If any Kratom and/or product(s) derived from Kratom are found during a compliance check, inspection or investigation relative to the suspected sale/distribution of same, it shall be considered a violation of this Local Law and said Kratom and/or product(s) derived from Kratom shall be immediately confiscated by the investigatory and/or enforcing entity. One (1) year after seizure for violating the terms of this Local Law, such confiscated Kratom and/or products derived from Kratom shall be destroyed.

Under no circumstances pursuant to the terms of this Local Law shall any Kratom and/or products derived from Kratom be returned to the Person and/or Retailer from which said were seized pursuant to a violation of this Local Law.

6. PENALTIES

Any Person and/or Retailer that violates the terms of this Local Law shall be subject to immediate confiscation and/or seizure of all the Kratom and/or products derived from Kratom found in violation of this Local Law, and said Person and/or Retailer shall receive a written notice of violation from the enforcing agency/department setting forth that a violation of the Local Law has occurred, the total amount(s) of Kratom and/or products derived from Kratom confiscated and the amounts of civil penalty(ies) to be imposed.

Any Person and/or Retailer that engages in the unlawful sale and/or distribution of Kratom and products derived from Kratom in violation of this Local Law shall be subject to the imposition of a civil penalty of not more than Five Hundred Dollars (\$500.00) per each item of Kratom and products derived from Kratom found to be in violation and seized.

Each and every subsequent violation of this Local Law shall be subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00) per each item found to be in violation and seized.

Payment of any and all civil penalties imposed for violation(s) of this Local Law shall be made to the Hamilton County Treasurer.

The continued and willful violation of this Local Law by any Person and/or Retailer may result in the potential for criminal prosecution pursuant to New York State Public Health Law Section 12-b.

7. VALIDITY AND SEVERABILITY

Should any word, section, clause, paragraph, sentence part and/or provision of this Local Law be declared invalid by any court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

8. EFFECTIVE DATE

This Local Law shall take effect upon its filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law. Notification of the effective date of this Local Law and of the effective date of the enforcement of its provisions herein referenced in Paragraph 5.

9. GOVERNING LAW

This Local Law shall be governed by and construed in accordance with the laws of the State of New York.