NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~**County**~~
~~**City**~~
of **Goshen**
~~**Village**~~
Village

Local Law No. 4 of the year 2026

A local law entitled "Kratom Consumer Protection Act"
(*Insert Title)*

Be it enacted by the **Village Board**
(*Name of Legislative Body)*
of the
~~**County**~~
~~**City**~~
of Goshen as follows:
~~**Village**~~
Village

Section 1. Title

A local law entitled "Kratom Consumer Protection Act."

Section 2. Purpose and Intent:

The Village Board for the Village of Goshen finds that the Federal Food and Drug Administration (FDA) determined that Kratom and its derivatives pose threats to public health and have the potential to be abused. The FDA warned consumers not to use Kratom because of the risk of serious adverse events, including liver toxicity, seizures, and substance use disorders. Accordingly, the FDA issued an alert on all dietary supplements and bulk dietary ingredients that contain Kratom or Mitragyna speciosa.

This Village Board further finds that mitragynine and 7-hydroxymitragynine (7-OH), the primary active alkaloids in Mitragyna speciosa (commonly known as Kratom), produce opioid-like effects and can cause dependence in users and withdrawal symptoms, and that long-term use

of Kratom has significant negative health effects, including anorexia, weight loss, nervousness, insomnia, constipation, and skin hyperpigmentation.

The Village Board further finds that Kratom is outlawed in several nations, including, but not limited to, Australia, Denmark, the United Kingdom, Italy, France, Singapore, Japan, South Korea, Vietnam, and Argentina. Presently Kratom is banned in Alabama, Arkansas, Indiana, Louisiana, Vermont, and Wisconsin, as well as many other jurisdictions throughout the Country. Recognizing the dangers associated with Kratom, in 2025, the State of New York enacted legislation levying a civil penalty for the distribution of Kratom to persons under the age of 21.

The Village Board finds that, to protect the health and safety of its residents, Kratom should not be sold in the Village of Goshen,

Section 3. **The Code of the Village of Goshen shall be amended by the addition of the following Article, to be include in Chapter 34 of the Village Code, entitled "Offenses."**

ARTICLE III: Kratom Consumer Protection Act

Section 34-33: Definitions.

Unless otherwise expressly stated in this local law, the following terms shall have the following meanings:

> "'Kratom" shall mean any part of the plant mitragyna speciosa, and the products derived from its leaves that are marked as herbal or supplements, and/or the plant's active chemical extract, mitragynine, also known as biak-biak, cratom, gratom, ithang, kakuam, katawan, keedemba, ketum, krathom, laton, madat, Maeng da leaf, nauclea, Nauclea Speciosa, or thang, and derivative 7-hydroxymitragynine (7-OH), whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation thereof.
>
> "Minor" shall mean any person under the age of twenty-one (21) years of age.
>
> "Person" shall mean any individual, company, partnership, corporation, limited partnership, joint venture or other legal entity.
>
> "Retail Distributor" means a grocery store, general merchandise store, drug store, smoke shop, gas station, on-line distributor and/or retailer or other entity or Person whose activities as a distributor and/or retailer relating to Kratom and/or Kratom products are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales, except that such tam does not include an employee or agent of such distributor and/or retailer.

Section 34-34 . **Sale or distribution prohibited**.

No Person or Retail Distributor may sell, offer for sale or otherwise distribute Kratom in the Village of Goshen to any Person. This prohibition will not apply to the sale or distribution of Kratom when the product is FDA-approved and/or prescribed by a licensed pharmacist in accordance with a physician's prescription.

Section 34-35. Enforcement and Penalties.

a. Any Person that violates this Article shall be guilty of a misdemeanor punishable by a fine of not more than one thousand ($1,000.00) dollars or imprisonment of not more than one year, or both.

    i. An additional fine of one thousand five hundred ($1,500.00) dollars may be added for each subsequent violation of this Article

b. Any Person that violates this Article by selling, offering for sale or otherwise distributing Kratom to a Minor shall be guilty of a misdemeanor punishable by a fine of not more than one thousand five hundred ($1,500.00) dollars or imprisonment of not more than one year, or both.

    i. An additional fine of two thousand five hundred ($2,500.00) dollars or imprisonment may be added for each subsequent violation of this Article.

Section 4. Severability

Any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and the remaining provisions shall remain in full force and effect.

Section 5. SEQRA

It is hereby determined by the Village of Goshen Village Board, the lead agency, and pursuant to the provision of the State Environmental Quality Review Act ("SEQRA"), 8 NYECL Section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, that this Local Law will not have a significant impact on the environment and that no further environmental review or action is required. local law constitutes an Unlisted Action under the State Environmental Quality Review Act.

Section 6. Effective Date

This local law shall take effect upon the filing of certified copies thereof with the Office of the Secretary of State in accordance with New York Municipal Home Rule Law**.**