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TOWN OF AMSTERDAM
NOTICE OF PUBLIC HEARING

PROPOSED LOCAL LAW NO. 3 OF 2026
PROHIBITING THE SALE AND DISTRIBUTION OF KRATOM AND KRATOM-DERIVED PRODUCTS WITHIN THE TOWN OF AMSTERDAM

PLEASE TAKE NOTICE that the Town Board of the Town of Amsterdam, New York, will hold a public hearing on Wednesday, November 18, 2026, at 5:55 p.m., at the Town Hall, 283 Manny's Corners Road, Amsterdam, New York, concerning proposed Local Law No. 3 of 2026, entitled:

"A LOCAL LAW PROHIBITING THE SALE AND DISTRIBUTION OF KRATOM AND KRATOM-DERIVED PRODUCTS WITHIN THE TOWN OF AMSTERDAM."

The purpose of the proposed local law is to prohibit the commercial sale and distribution of kratom and kratom-derived products within the jurisdictional limits of the Town of Amsterdam, Montgomery County, NY subject to applicable state and federal law.

PLEASE TAKE FURTHER NOTICE that all interested persons will be given an opportunity to be heard regarding the proposed local law at the time and place stated above.

A copy of the proposed local law is available at www.townofamsterdam.org under Town News or for public inspection during regular business hours at the Town Clerk's Office, 283 Manny's Corners Road, Amsterdam, New York.

By Order of the Town Board

Linda Bartone Hughes
Town Clerk
Town of Amsterdam

To be published in Recorder on Friday, November 6th

TOWN OF AMSTERDAM
COUNTY OF MONTGOMERY, STATE OF NEW YORK

PROPOSED LOCAL LAW NO. 3 OF 2026

A LOCAL LAW PROHIBITING THE SALE AND DISTRIBUTION OF KRATOM AND KRATOM-DERIVED PRODUCTS WITHIN THE TOWN OF AMSTERDAM

BE IT ENACTED by the Town Board of the Town of Amsterdam, Montgomery County, State of New York, as follows:

SECTION 1. TITLE

This Local Law shall be known and may be cited as the **"Town of Amsterdam Kratom Sales Prohibition Law."**

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

The Town Board of the Town of Amsterdam finds that products commonly known as kratom, derived from the plant *Mitragyna speciosa*, are increasingly available for retail purchase in various forms, including powders, capsules, tablets, extracts, beverages, concentrates and other preparations.

The Town Board further finds that kratom contains active alkaloids, including mitragynine and 7-hydroxymitragynine, and that federal and state public health authorities have identified health and safety concerns associated with kratom and certain kratom-derived products, including the potential for dependence, adverse health effects and risks associated with concentrated, adulterated, synthetic or semi-synthetic products.

The Town Board recognizes that the State of New York has enacted laws regulating the sale and labeling of kratom products, including prohibiting their sale to persons under twenty-one years of age.

The Town Board determines that additional local action concerning the commercial availability of kratom is appropriate to protect the health, safety and welfare of persons within the Town.

Accordingly, pursuant to the authority granted to the Town under Article IX of the New York State Constitution, the Municipal Home Rule Law and other applicable provisions of law, the purpose of this Local Law is to prohibit the commercial sale and distribution of kratom and kratom-derived products within that portion of the Town of Amsterdam over which the Town possesses jurisdiction to regulate such activity.

SECTION 3. DEFINITIONS

For purposes of this Local Law, the following terms shall have the meanings set forth below:

KRATOM — Any part of the plant *Mitragyna speciosa*, whether growing or not, and any compound, manufacture, salt, derivative, mixture, extract or preparation of such plant, including products containing mitragynine or 7-hydroxymitragynine.

KRATOM-DERIVED PRODUCT — Any product containing kratom, mitragynine, 7-hydroxymitragynine, or any synthesized, semi-synthesized, concentrated or chemically modified derivative thereof, regardless of whether the product is sold as a powder, capsule, tablet, liquid, beverage, extract, concentrate, edible product or in any other form intended for human consumption.

PERSON — Any natural person, individual, corporation, company, partnership, limited liability company, association, business entity, retailer, wholesaler, distributor or other legal entity.

SALE or SELL — To sell, offer for sale, exchange, give, furnish, supply, distribute or otherwise provide a product as part of a commercial transaction, whether directly or indirectly.

SECTION 4. PROHIBITION

A. No person or business establishment shall sell, offer for sale, distribute or otherwise provide kratom or any kratom-derived product within the jurisdictional limits of the Town of Amsterdam.

B. No person or business establishment shall possess kratom or a kratom-derived product with the intent to sell or distribute such product within the Town.

C. No retail establishment shall display kratom or any kratom-derived product for purposes of sale within the Town.

D. This Local Law shall apply to sales conducted in person and to orders placed electronically, by telephone or by any other means when the kratom or kratom-derived product is sold from a business location within the Town.

E. Nothing contained in this Local Law shall be construed to prohibit the mere personal possession of kratom by an individual when such possession is not associated with its sale, distribution or other commercial activity.

SECTION 5. APPLICABILITY

This Local Law shall apply throughout all areas of the Town of Amsterdam in which the Town possesses legal authority to regulate the sale and distribution of kratom and kratom-derived products.

Nothing contained herein shall be construed as an attempt to exercise regulatory authority within an incorporated village where such authority is reserved to the village or otherwise restricted by New York State law.

SECTION 6. ENFORCEMENT

This Local Law may be enforced by any police officer, peace officer, code enforcement officer or other Town official authorized by the Town Board and permitted by law to enforce the provisions of this Local Law.

Upon reasonable cause to believe that a violation has occurred, the enforcing official may issue an appearance ticket, notice of violation or other process authorized by law.

SECTION 7. PENALTIES

A. Any person or business entity violating any provision of this Local Law shall be subject to a civil penalty of:

1. **Not more than $500** for a first violation;
2. **Not more than $1,000** for a second violation occurring within two years of the first violation; and
3. **Not more than $2,500** for each third or subsequent violation occurring within two years of a prior violation.

B. Each separate sale or distribution prohibited by this Local Law shall constitute a separate violation.

C. Each day during which a continuing violation exists may constitute a separate violation.

D. The Town may institute an action or proceeding in a court of competent jurisdiction seeking injunctive relief to restrain, prevent or abate a violation of this Local Law, in addition to any other remedy available at law.

SECTION 8. NO CONFLICT WITH STATE OR FEDERAL LAW

Nothing in this Local Law shall be interpreted or enforced in a manner inconsistent with applicable New York State or federal law.

Where a provision of this Local Law conflicts with a provision of state or federal law that expressly or impliedly preempts local regulation, the applicable state or federal law shall control to the extent of such conflict.

SECTION 9. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder of this Local Law, which shall remain in full force and effect.

SECTION 10. SUPERSESSION

To the extent permitted by the New York State Constitution, Municipal Home Rule Law and other applicable law, this Local Law is intended to supersede any inconsistent local provision that would otherwise prevent the Town from exercising the authority set forth herein.

SECTION 11. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State of the State of New York as required by the Municipal Home Rule Law, provided that enforcement of the prohibition contained herein shall commence **thirty (30) days following such effective date** to provide affected businesses with a reasonable period to remove prohibited products from sale.

ADOPTED: _____, 2026

TOWN BOARD OF THE TOWN OF AMSTERDAM

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Town Supervisor

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Council Member

_____

Council Member

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Council Member

_____

Council Member

ATTEST:

_____

Town Clerk