

Amendment in the Nature of a Substitution – Clerk Item 27-26

Introduced by: Legislators Patrick Mullaney, Rose Marie Walker and Deputy Minority Leader Arnold W. Drucker

Co-Sponsored by: Presiding Officer Howard J. Kopel, Deputy Presiding Officer Thomas McKeivitt, Alternate Deputy Presiding Officer Michael Giangregorio, Minority Leader Delia DeRiggi-Whitton, Alternate Deputy Minority Leader Debra Mulé, and Legislators Scott M. Davis, Viviana L. Russell, Carrié Solages, Olena Nicks, John J. Giuffré, Scott Strauss, Mazi Melesa Pilip, Cynthia Nuñez, Kayla Knight, Samantha Goetz, James Kennedy

LOCAL LAW NO. _____

A LOCAL LAW TO PROHIBIT THE SALE AND DISTRIBUTION OF KRATOM AND PRODUCTS CONTAINING KRATOM

APPROVED AS TO FORM



Majority Counsel

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Short Title. This law shall be known as the “Kratom Consumer Protection Act” and shall appear in the Miscellaneous Laws of Nassau County as Title 93.

§2. Legislative Intent.

This Legislature 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 disorder. Accordingly, the FDA issued an alert on all dietary supplements and bulk dietary ingredients that contain Kratom or mitragyna speciosa.

This Legislature 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.

This Legislature 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.

This Legislature finds that, to protect the health and safety of its residents, Kratom should not be sold in Nassau County.

§3. 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, krton, 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 term does not include an employee or agent of such distributor and/or retailer.

§4. Sale or distribution prohibited. No Person or Retail Distributor may sell, offer for sale or otherwise distribute Kratom in the County of Nassau 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.

§5. Enforcement and Penalties.

1. This law shall be enforced by the Nassau County Department of Health, the Nassau County Department of Consumer Affairs, and the Nassau County Police Department.
2. Any Person that violates section 4 of this title 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.
 - a. An additional fine of one thousand five hundred (\$1,500.00) dollars may be added for each subsequent violation of section 4.
3. Any Person that violates section 4 of this title 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.
 - a. An additional fine of two thousand five hundred (\$2,500.00) dollars may be added for each subsequent violation of section 4.

§6. **Severability.** If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or 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 of this law or in its application to the person, individual, corporation, firm, partnership entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

§7. **SEQRA Determination.** It is hereby determined by the Nassau County Legislature, the lead agency, and pursuant to the provisions of the State Environmental Quality Review Act ("SEQRA"), 8 NYECL section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, and Section 1611 of the County Government Law of Nassau County, that this Local Law will not have a significant impact on the environment and that no further environmental review or action is required.

§8. **Effective Date.** This law shall take effect immediately after becoming a law.