



Memorandum

Jewel Williams Johnson
Legislator, District 8
Chair, Committee on Health
Michaelian Office Building

To: Sunday Vanderburgh

From: Jewel Williams Johnson

Date: May 18, 2026

Re.: Proposal to Prohibit the Sale and Distribution of Kratom in Westchester County

TITLE: Prohibit the Sale and Distribution of Kratom in Westchester County

SPONSOR: Legislator Jewel Williams Johnson

PURPOSE OR GENERAL

IDEA OF BILL: To prohibit the sale, distribution, possession and storage with intent to sell, of kratom products within Westchester County.

INTENT:

To create a local law banning kratom (*Mitragyna speciosa*) and its derivatives in Westchester County, and to establish civil penalties for any individual or establishment found to be selling, distributing, or possessing kratom with intent to sell. This law is intended to protect public health and safety by addressing the risks associated with this unregulated substance.

JUSTIFICATION:

Kratom is a plant-derived substance that produces opioid-like effects and is widely available in smoke shops, convenience stores, and online marketplaces. New York State passed legislation regulating the sale and marketing of kratom nevertheless, kratom is not approved for any medical use by the U.S. Food and Drug Administration and remains largely unregulated. Public health concerns associated with kratom include dependency, withdrawal symptoms, and adverse health effects such as seizures and respiratory depression. Inconsistent product potency and contamination risks further endanger consumers. Additionally, there is widespread availability of kratom, particularly in establishments accessible to minors.

In 2016, Suffolk County enacted legislation and enacted legislation that went further in 2026, prohibiting the sale of kratom, recognizing the substance as a public health concern and taking proactive measures to limit its availability within the county. Recently, Nassau County enacted

legislation prohibiting the sale of kratom, recognizing the substance as a potential threat to public health. Kratom is also banned in 32 other states and counties in the United States which include, but are not limited to Alabama, Arkansas, Connecticut, Indian, Louisiana, Vermont, Wisconsin, San Diego, Oceanside, Newport Beach, and San Mateo Counties. It is also banned in California as of April 2026. Westchester County seeks to take similar action to safeguard its residents.

Although bans on the sale of certain products may exist, gaps in enforcement can arise when establishments claim that such products are merely being stored and not offered for sale. The presence of kratom products on the premises of a retail establishment creates a reasonable inference that such products are intended for distribution or sale. This proposed law addresses that loophole by establishing a rebuttable presumption that kratom products found within a retail establishment are being offered for sale.

This law is intended to eliminate the availability of kratom within the County and provide clear enforcement mechanisms to prevent its sale, distribution, and storage.

PRESENT LAW:

There is currently no local law in Westchester County prohibiting the sale or distribution of kratom.

FISCAL IMPACT: TBD

cc: James Silverberg, Legislative Director
 Dylan Tragni, Chief of Staff