SUPPORTS

MEMORANDUM IN SUPPORT OF S.8925-A (Ryan)/A.9156-B (Steck)

AN ACT to amend the general business law, in relation to prohibiting the sale of 7-hydroxymitragynine products

The New York State Association of County Health Officials (NYSACHO) supports efforts to establish comprehensive statewide consumer protections addressing synthetic, semi-synthetic, adulterated, and high-potency kratom-derived products.

Local health departments play an essential role in protecting the health and safety of New York's communities. As the retail marketplace for kratom-derived products continues to evolve, particularly with the emergence of concentrated 7-hydroxymitragynine (7-OH), synthetic derivatives, and other enhanced products, it is important that New York State establish clear and consistent regulatory standards to address potential public health risks.

The U.S. Food and Drug Administration (FDA) has raised concerns regarding concentrated 7-OH products, citing reports of addiction, seizures, withdrawal symptoms, and other serious adverse effects. These products can differ substantially from traditional kratom leaf products in their composition, concentration, and potential health effects. The availability of products containing synthesized or adulterated compounds, particularly those marketed in ways that may appeal to younger consumers, warrants a comprehensive public health response.

New York has taken an important first step by restricting the sale of kratom products to individuals under the age of 21. However, additional protections are needed to address product composition, potency, manufacturing standards, laboratory testing, labeling, packaging, and marketing practices. NYSACHO supports a targeted regulatory framework that prioritizes consumer safety by prohibiting synthesized and adulterated kratom products and establishing appropriate restrictions on unusually high-potency 7-OH products, while avoiding an unnecessarily broad prohibition on traditional natural kratom leaf products.

NYSACHO also supports requirements for independent laboratory testing, accurate disclosure of alkaloid content, batch and lot identification, appropriate health and medication-interaction warnings, child-resistant packaging, and meaningful age verification for products that remain lawful for adult sale. These protections are important to ensure consumers have access to accurate product information and that products available in the marketplace meet appropriate safety standards.

Importantly, statewide action must be accompanied by clear enforcement responsibilities and adequate state resources. Local health departments already carry significant responsibilities for protecting public

health and responding to emerging community health concerns. NYSACHO believes that enforcement of statewide product restrictions should remain the responsibility of the appropriate state agencies, with state-provided guidance, training, laboratory standards, and resources. New regulatory requirements should not result in additional unfunded responsibilities being shifted to counties or local health departments.

NYSACHO further supports preserving the authority of counties and municipalities to enact local protections that are equal to or more stringent than statewide requirements. A consistent statewide regulatory framework, coupled with the ability of local governments to respond to community-specific concerns, will strengthen consumer protections and support coordinated public health efforts throughout New York State.

For these reasons, NYSACHO supports the adoption of comprehensive statewide protections addressing synthetic, semi-synthetic, adulterated, and high-potency kratom-derived products, including the provisions contemplated in S.10514/A.10969 or successor legislation. NYSACHO also supports prompt executive action on S.8925-A/A.9156-B while broader consumer protections are advanced through the legislative process.

NYSACHO appreciates the opportunity to support efforts to protect the health and safety of New Yorkers through thoughtful, evidence-informed, and appropriately resourced statewide public health policy.

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