

Administrative Regulations Notice

April 2024

The Department for Public Health has filed the following new administrative regulations with the Legislative Research Commission (LRC). A link to these administrative regulations will be available on the LRC website at <https://apps.legislature.ky.gov/law/kar/titles/902/> in the coming weeks.

902 KAR 45:001. Definitions for hemp-derived cannabinoid products. This administrative regulation establishes the terms used for hemp-derived cannabinoid product sampling and testing requirements, cannabinoid processing and manufacturing, and retail sales including sells at food service establishments.

902 KAR 45:012E. Hemp-derived cannabinoid product retail and food service establishment requirements. This administrative regulation establishes the requirements for retail sale of hemp-derived cannabinoid products, and methods for use of hemp-derived cannabinoid as an additive to food products.

902 KAR 45:021. Hemp-derived cannabinoid products registration, processing, manufacturing, storage and distribution requirements. This administrative regulation establishes the registration, processing, and manufacturing procedures for hemp-derived cannabinoid products, and the labeling and packaging requirements for products containing hemp-derived cannabinoids.

902 KAR 45:031E. Hemp-derived cannabinoid product sampling and testing requirements. This administrative regulation establishes the hemp-derived cannabinoid product sampling and testing requirements.

This emergency administrative regulation is needed pursuant to KRS 13A.190(1)(a)3. to continue the process of regulating delta-8 tetrahydrocannabinol and any other hemp-derived substances. This emergency administrative regulation is necessary to implement the requirements of HB 544, 2023 Ky. Acts ch. 78, which requires the cabinet to regulate covered products, as specified in Executive Order 2022-799, to prohibit the sale of intoxicating products to anyone under twenty-one (21) years of age, to set the laboratory testing requirements, and to require products be labeled in accordance with the Act and KRS 217.037.

This emergency administrative regulation will be filed with an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

The public comment information for the emergency administrative regulations is:

PUBLIC HEARING AND PUBLIC COMMENT PERIOD:

A public hearing on this administrative regulation shall, if requested, be held on June 24, 2024, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by June 17, 2024, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until June 30, 2024. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, KY 40621; Phone: 502-564-7476; Fax: 502-564-7091; CHFSregs@ky.gov.

A public hearing on this administrative regulation shall, if requested, be held on July 22, 2024, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by July 15, 2024, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until July 31, 2024. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, KY 40621; Phone: 502-564-6746; Fax: 502-564-7091; CHFSregs@ky.gov.

Please note this emergency administrative regulation is regarding hemp-derived cannabinoid products and **is not** related to the medicinal cannabis program established by Senate Bill 47 from the 2023 legislative session.