

Administrative Regulations Notice

August 2023

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

Hemp-derived cannabinoid products; packaging and labeling requirements.

902 KAR 45:190E. The amendment to this emergency administrative regulation clearly defines hemp-derived cannabinoid products that are for adult-use only and separates these from nonintoxicating hemp-derived cannabinoid products, adds requirements for processing facilities, revises the requirements for manufacturing facilities, adds product testing requirements to incorporate the federal Food and Drug Administration standards for product safety, adds the requirement for a retail store to register with the department, and adds enforcement actions should a processing or manufacturing facility violate the provisions of this administrative regulation.

This emergency regulation is needed pursuant to KRS 13A.190(1)(a)3. to immediately begin the process of regulating delta-8 tetrahydrocannabinol and any other hemp-derived substances. These regulations are needed to implement 2023RS HB 544, which requires the cabinet to promulgate an emergency administrative regulation with applicability to covered products that implements Executive Order 2022-799, prohibits the sale of intoxicating products to anyone under twenty-one (21) years of age, sets the laboratory testing requirements, and requires products be labeled in accordance with the act and KRS 217.037.

The public comment information for this emergency administrative regulation is:

A public hearing on **this emergency administrative regulation** shall, if requested, be held on **September 25, 2023**, 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 **September 18, 2023**, 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 emergency 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 the **proposed emergency administrative regulation** until **September 30, 2023**. Send written notification of intent to attend the public hearing or written comments on the proposed emergency version of this 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 emergency administrative regulation shall be made available upon request.

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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.