



CABINET FOR HEALTH
AND FAMILY SERVICES

Kratom & Other Intoxicating Substance Regulation

October 22, 2025

KY Legislative Summary: 2021 – 2025

Year	Legislative Actions
2021	Public Health (DPH) to regulate CBD (non-intoxicating) (KRS 217.039)
2023	DPH to regulate <u>all</u> hemp-derived cannabinoids (HB 544)
2024	1. ABC to regulate all vapes and made illegal <u>all</u> non-FDA-approved vapes 2. DPH to regulate kratom products (HB 293)
2025	1. ABC to regulate nicotine vapes 2. Other vapes again made legal returning hemp vapes to DPH 3. ABC to regulate all cannabis-infused beverages(CIBs) [removed from DPH] 4. DPH & ODCP to educate on dangers of 7-OH (Kratom) products

HB 544 (2023) DPH Regulations (1 of 4)

Regulation	Note
902 KAR 45:190E Hemp-derived cannabinoid products; packaging and labeling requirements	Filed as an emergency regulation 8/1/2023 Emergency regulation effective 8/1/2024 Amended after comments version filed 10/13/2023 Expired 4/27/2024
902 KAR 45:001 Definitions for hemp-derived cannabinoid products	Filed as both emergency and ordinary regulations 4/24/2024 Emergency regulation effective on 4/24/2024 Amended after comments version filed 9/10/2024 1 st committee hearing 10/15/2024 2 nd committee hearing 11/18/2024 Effective 11/18/2024

HB 544 (2023) DPH Regulations (2 of 4)

Regulation	Note
902 KAR 45:012 Hemp-derived cannabinoid product retail and food service establishment requirements	Filed as both emergency and ordinary regulations 4/24/2024 Emergency regulation effective 4/24/2024 Amended after comments version filed 9/10/2024 1 st committee hearing 10/15/2024 Heard by ARRS again 11/13/2024 2 nd committee hearing 2/5/2025 Ordinary regulation effective 2/5/2025

HB 544 (2023) DPH Regulations (3 of 4)

Regulation	Note
902 KAR 45:021 Hemp-derived cannabinoid products registration, processing, manufacturing, storage and distribution requirements	Filed as both emergency and ordinary regulations 4/24/2024 Emergency regulation effective 4/24/2025 Amended after comments version filed 9/10/2024 1 st committee hearing 10/15/2024 2 nd committee hearing 11/18/2024 Ordinary regulation effective 11/18/2024

HB 544 (2023) DPH Regulations (4 of 4)

Regulation	Note
902 KAR 45:031 Hemp-derived cannabinoid product sampling and testing requirements	Filed as both emergency and ordinary regulations 4/24/2024 Emergency regulation effective 4/24/2024 Amended after comments version filed 9/10/2024 1 st committee hearing 10/15/2024 2 nd committee hearing 11/18/2024 Ordinary regulation effective 11/18/2024

Product Registration Overview

- 🛡️ Product Registration:
 - All intoxicant products must be registered
 - Unregistered products will be prohibited from sale

- 🛡️ Product registration includes the review of:
 - Business's permit/license to operate
 - State regulations (if out-of-state)
 - Product testing - certificate of analysis (COA)
 - Label
 - Product packaging (child-resistant)

- 🛡️ Product Testing:
 - Mandatory third-party lab testing to verify active compounds and potency
 - Absence of harmful contaminants (e.g., heavy metals, microbes, solvents)

Retail Regulation Overview

- 🛡️ Distinguish adult-use (intoxicating) from non-intoxicating cannabinoids
- 🛡️ Prohibit adult-use (intoxicating) product sales to minors
- 🛡️ Prohibit plant material products: flower/buds, pre-rolls, etc.
- 🛡️ Labeling requirements and child resistant packaging
- 🛡️ Restrictions to label graphics that appeal to children
- 🛡️ Consumer warnings about hazards associated with product use
- 🛡️ Testing limits and standards
- 🛡️ Record keeping requirements
- 🛡️ Limitations on food service use of cannabinoid products

Retail Inspections

- 🛡️ Educate retailers on regulations
- 🛡️ ID/age verification
- 🛡️ Registered products being sold
- 🛡️ Products behind counter/out of reach from children
- 🛡️ Product label checks/verification:
 - Images
 - Warning statements
 - QR codes link to a valid COA and the warning statements
 - COAs linked on label matches the batch number
 - Testing is within limits for cannabinoids, residual solvents, pesticides, heavy metals, mycotoxins, acetates and pathogens



“Kentucky’s hemp program stands out as a model of safety, transparency, and innovation due to its prioritization of registration and rigorous testing of hemp products. In Kentucky, all hemp-derived cannabinoids must undergo purity testing and remain compliant with THC limits. Packaging and labeling must also be clear and meet rigorous standards, similar to those in the adult-use markets of other states.”

Product Registration Overview

Product Category	Total Submitted	Approved (%)	Denied (%)	Pending (%)
Beverages	456	177 (39%)	179 (39%)	100 (22%)
Gummies	345	142 (41%)	150 (43%)	53 (15%)
Other Edibles	136	35 (26%)	63 (46%)	38 (28%)
Topicals	34	13 (38%)	9 (26%)	12 (35%)
Vapes	247	10 (4%)	214 (87%)	23 (9%)
Total (All Types)	1,218	377 (31%)	615 (50%)	226 (19%)

* As of 9/30/25

Permitted Businesses

Retail	1,961
Processing	11
Manufacturing	111
Warehouse / Distribution	55
Cosmetics	4
Total:	2,142

* Continue to receive 40+ new permits each month.

* As of 9/30/25

Enforcement Actions

488 Retail inspections since March 2025

191 Product embargos

126 Cease orders

1 Permit suspension

1 Court issued injunction

7 Contraband seizure and destruction*

1 Misdemeanor citation*

* We partner with local law enforcement to execute these actions. Data as of 9/30/25.

Kratom Overview

- 🛡️ Kratom is an unregulated herbal substance with opioid-like and stimulant effects
- 🛡️ Kratom has two main chemical components: mitragynine and 7-hydroxymitragynine (7-OH)
- 🛡️ 7-OH is more potent, naturally present in scant amounts, but often artificially concentrated with much more dangerous effects
- 🛡️ Kratom is not approved by the U.S. FDA and is not federally regulated
- 🛡️ Both the U.S. Food and Drug Administration (FDA) and Drug Enforcement Agency (DEA) have issued public cautions on kratom

Regulations for Kratom

- 🛡️ 2024 HB 293 assigns kratom regulation to Department for Public Health:
 - Prohibits sale to persons under age 21
 - Specifies limits on 7-OH content, synthetic intoxicants, and contaminants
- 🛡️ Recently established Drug and Supplement Branch regulating cannabinoids will also regulate kratom
- 🛡️ Establish a coherent regulatory framework to ensure consumer safety, product consistency, and legal clarity for emerging intoxicant products
- 🛡️ Key Elements:
 - Modeled on Hemp Cannabinoid Regulations
 - Focused on product registration, testing, and retail compliance

Summary

- 🛡️ Extensive state legislative and regulatory activity in past few years
- 🛡️ No federal standards for hemp-derived cannabinoids and kratom
- 🛡️ DPH had to build a new regulatory framework and new team with necessary knowledge and skills for this work
- 🛡️ For hemp-derived cannabinoids, our implementation efforts are producing tangible and impactful outcomes
- 🛡️ DPH is now prepared to develop regulations for kratom, 7-OH, and potentially other unregulated intoxicating products