



CABINET FOR HEALTH AND FAMILY SERVICES
Office of the Secretary

Andy Beshear
Governor

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Eric C. Friedlander
Secretary

June 4, 2021

Senator Ralph Alvarado, Co-Chair
Representative Kimberly Moser, Co-Chair
c/o DeeAnn Wenk
Interim Joint Committee on Health, Welfare, and Family Services
Legislative Research Commission
104, Capitol Annex
Frankfort KY 40601

Re: 902 KAR 45:190. Hemp-derived cannabinoid products and labeling requirements.

Dear Co-Chairs Alvarado and Moser:

Following the March Administrative Regulation Review Subcommittee meeting regarding 902 KAR 45:190, Hemp-derived cannabinoid products and labeling requirements, the Department for Public Health was contacted by staff representing the KY Retail Federation, the KY Cannabis Company, and the US Hemp Roundtable regarding the permitting and labeling requirements. The KY Retail Federation representative raised questions about who would be required to obtain a permit from the department, as the permitting requirements are not clear. The KY Cannabis Company and the US Hemp Roundtable expressed concerns regarding the statement to consult a physician or healthcare profession prior to use, as it is not clear what guidance the physician or healthcare profession could provide. These concerns were not raised while the regulation was open for public comment. The department proposes the attached agency amendment to the ARRS suggested substitute to 902 KAR 45:190. The changes are to clarify who is required to obtain a permit from the department, and to remove the requirement that the label include the statement to contact the physician or healthcare professional prior to use. Please feel free to contact Julie Brooks at the department at (502) 564-3970, ext. 4069.

Sincerely,

A handwritten signature in cursive script that reads "Krista Quarles".

Krista Quarles
Policy Analyst
Office of Legislative and Regulatory Affairs

6/2/2021

AGENCY AMENDMENT

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health

902 KAR 45:190. Hemp-derived cannabinoid products and labeling requirements.

Section 2(1)

After “seeking to manufacture”, delete the following:
 , market, sell, or distribute

Section 3(2)(h)

Delete all of paragraph (h) except the semicolon and “and”
Renumber paragraph (i) as paragraph (h).