

243.401 Department to regulate distribution and retail sale of cannabis-infused beverages -- Conditions for sale -- Sales to persons under age 21 prohibited -- Permitted activities by manufacturers -- Shipping and delivery.

- (1)
 - (a) The distribution and retail sale of cannabis-infused beverages shall be regulated solely by the Department of Alcoholic Beverage Control. The department shall adopt and exclusively enforce the administrative regulations of the Department for Public Health relating to the distribution and retail sale of cannabis-infused beverages until such time as the Department of Alcoholic Beverage Control promulgates its own administrative regulations on the subject on or before July 1, 2026.
 - (b) The distribution and retail sale of packaged cannabis-infused beverages shall be regulated by the department. On or before July 1, 2026, the department shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish the rules and procedures for this distribution and retail sale.
 - (c) A local administrator shall only have authority over the distribution and retail sale of cannabis-infused beverages in its territory to the extent expressly authorized by KRS Chapters 241 to 244.
- (2) Cannabis-infused beverages shall only be available for retail sale:
 - (a) By the package;
 - (b) In wet territory; and
 - (c) By the holder of both a quota retail package license and a cannabis-infused beverage retail package license.
- (3) A person under twenty-one (21) years of age shall not purchase or consume cannabis-infused beverages. All restrictions and offenses related to minors and alcoholic beverages in KRS Chapters 241 to 244 shall also apply in the same manner to minors and cannabis-infused beverages.
- (4) If approved as a cannabis-infused beverage manufacturer by the Department for Public Health, that manufacturer may:
 - (a) Self-distribute cannabis-infused beverages in the same manner as distilled spirits; and
 - (b) Ship cannabis-infused beverages under a direct shipper license in the same manner that a direct shipper license allows the shipment of alcoholic beverages. A direct shipper licensee may sell or ship to a consumer all types of alcoholic beverages and cannabis-infused beverages that the licensee is authorized to sell.
- (5) Cannabis-infused beverages may be shipped and delivered in the same manner as alcoholic beverages.

Effective: March 25, 2025

History: Created 2025 Ky. Acts ch. 82, sec. 6, effective March 25, 2025.