

**DEPARTMENT OF AGRICULTURE**  
**Office of the Consumer and Environmental Protection**  
**(New Administrative Regulation)**

**302 KAR 50:046. Department's reports to USDA; records retention for three (3) years.**

RELATES TO: KRS Chapter 217B, 260.850-260.869; 7 U.S.C. 1739p, 7 C.F.R. Part 990

STATUTORY AUTHORITY: KRS 260.862; 7 U.S.C. 1739p

NECESSITY, FUNCTION, AND CONFORMITY: KRS 260.862(1)(a) authorizes the department to promulgate administrative regulations for a Hemp Licensing Program in the Commonwealth of Kentucky. KRS 260.862(1)(c) authorizes the department to license persons who wish to participate in a Hemp Licensing Program by cultivating, handling, processing, or marketing hemp. This administrative regulation defines certain departmental reporting and record-retention duties.

Section 1. Definitions.

- (1) "Department" or "KDA" is defined by KRS 260.850.
- (2) "GPS" means Global Positioning System.
- (3) "Hemp" or "industrial hemp" is defined by KRS 260.850.
- (4) "Location ID" means the unique identifier established by the applicant for each unique set of GPS coordinates where hemp will be grown, handled, stored, or processed, which can include a field name or building name.

Section 2. Record keeping requirements; three year retention period. For at least three years, license holders shall retain and make available for inspection by the department (or USDA inspectors, auditors, or their representatives) during reasonable business hours:

- (1) Records regarding acquisition of hemp plants;
- (2) Records regarding production and handling of hemp plants;
- (3) Records regarding storage of hemp plants; and
- (4) Records regarding disposal of all cannabis plants that do not meet the definition of hemp.

Section 3. Monthly Producer Reports. On or before the first day of each month, the department shall submit a Monthly Producer Report to USDA providing the contact information, and current status, of each license that has been issued by the department. If the first day of the month falls on a weekend or a holiday, then the department shall submit its Monthly Producer Report on or before the first business day following the first day of the month. The department shall submit its Monthly Producer Report in a digital format that is compatible with USDA's information sharing system whenever possible, or on USDA Form AMS-23. The department's Monthly Producer Reports shall include the following information:

- (1) For each new grower who is an individual, the Monthly Producer Report shall include the full name of the individual, the license number, the business address, the legal description (GPS location) of the land where hemp is produced, the telephone number, and the email address (if available); and the status of each grower's license, the period covered by the report, and an indication that there were no changes during the current reporting cycle, if applicable.
- (2) For each new grower that is an entity, the Monthly Producer Report shall include the full name of the entity, the license number, the principal business location address, the legal description (GPS location) of the land where hemp is produced, and the full name, title, and email address (if available) for each employee for whom the entity is required to submit a criminal history record report; and the status of each grower's license, the period

covered by the report, and an indication that there were no changes during the current reporting cycle, if applicable.

(3) For each grower that was included in a previous report, and whose reported information has changed, the Monthly Producer Report shall include the previously reported information and the new information; and the status of each grower's license, the period covered by the report, and an indication that there were no changes during the current reporting cycle, if applicable.

Section 4. Monthly Disposal Reports. On or before the first day of each month, the department shall submit a Monthly Disposal Report to USDA providing notice to USDA of any occurrence of non-conforming plants or plant material. If the first day of the month falls on a weekend or a holiday, then the department shall submit its Monthly Disposal Report on or before the first business day following the first day of the month. The department shall submit its Monthly Producer Report in a digital format that is compatible with USDA's information sharing system whenever possible or on USDA Form AMS-24. The department's Monthly Disposal Reports shall include:

- (1) Grower's name, address, and license number;
- (2) Location ID, GPS coordinates, and USDA FSA lot description (farm number, tract number, field number, and sub-field number) for the lot that was subject to disposal;
- (3) Date of the disposal,
- (4) Name of the KDA employee who supervised the disposal; and
- (5) Total acreage.

Section 5. Annual Reports. On or before December 15 of each year, the department shall submit an Annual Report to USDA. The department shall submit its Annual Report in a digital format that is compatible with USDA's information sharing system whenever possible or on USDA Form AMS-25. The department's Annual Reports shall include the following information for each licensee and address:

- (1) Total acreage planted;
- (2) Total acreage disposed or remediated; and
- (3) Total harvested acreage.

Section 6. Laboratory Test Results Reports. The department shall ensure that the designated testing laboratory's Laboratory Test Results Reports are submitted to USDA in a digital format that is compatible with USDA's information sharing system whenever possible or on USDA Form AMS-22. The Laboratory Test Results Reports shall include the following information:

- (1) The grower's license number, name, and business address;
- (2) The Location ID and USDA FSA lot number (farm number, tract number, field number, and sub-field number) for the lot from which the sample was collected;
- (3) The laboratory's name and DEA registration number;
- (4) The date of the test and date of the report;
- (5) Whether the test was a retest; and
- (6) The test result for total delta-9-THC on a dry weight basis.

*RYAN F. QUARLES, Commissioner*

APPROVED BY AGENCY: October 13, 2021

FILED WITH LRC: October 13, 2021 at 1:21 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 28, 2021, at 1:00 p.m., at the Kentucky Department of Agriculture, 111 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays

prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 administrative regulation. Written comments shall be accepted through December 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort, Kentucky 40601, phone (502) 782-0284, fax (502) 564-2133, email [clint.quarles@ky.gov](mailto:clint.quarles@ky.gov).