

CABINET FOR HEALTH AND FAMILY SERVICES

Office of the Secretary

(New Administrative Regulation)

915 KAR 2:040. Procedures to publish list of varieties of medicinal cannabis.

RELATES TO: KRS Chapter 218B

STATUTORY AUTHORITY: KRS 218B.140

NECESSITY, FUNCTION, AND CONFORMITY: KRS 218B.140 requires the Cabinet for Health and Family Services to promulgate administrative regulations establishing procedures to publish and annually update a list of cannabis varieties or strains that possess a low but effective level of tetrahydrocannabinol, including the substance cannabidiol. This administrative regulation establishes those procedures.

Section 1. List of Varieties or Strains of Medicinal Cannabis.

(1) Beginning January 1, 2026, the cabinet shall conduct regular surveys of licensed cultivators and producers in the Commonwealth to obtain the following information:

- (a) A current list of cannabis varieties or strains being grown and cultivated in the Commonwealth;
- (b) The average total tetrahydrocannabinol (THC) in each variety or strain based on the respective certificates of analysis;
- (c) The average total cannabidiol (CBD) in each variety or strain based on the respective certificates of analysis; and
- (d) The average terpenoid type and concentration in each variety or strain based on the respective certificates of analysis.

(2) Beginning January 1, 2026, the cabinet shall conduct regular surveys of licensed dispensaries in the Commonwealth to obtain a list of any varieties of medicinal cannabis or medicinal cannabis products requested by cardholders that are not available for sale in the Commonwealth.

(3) On or before December 1, 2026, the cabinet shall review, compile, and publish the information obtained from the surveys required by this section in print materials for cardholders available on the Web site for the Kentucky Medical Cannabis Program at <https://kymedcan.ky.gov>. Along with listing the cannabis varieties or strains being grown and cultivated in the Commonwealth, the printed materials may include information regarding:

- (a) Types of cannabis;
- (b) Types and general effects of THC;
- (c) Types and general effects of cannabinoids;
- (d) Types and general effects of terpenoids or terpenes;
- (e) Potential side effects of medicinal cannabis use and consumption;
- (f) Forms of medicinal cannabis and average activation times for different products;
- (g) Dosage or serving size information;
- (h) How to obtain appropriate services or treatment for medicinal cannabis abuse;
- (i) How to dispose of unused medicinal cannabis; and
- (j) Any other information that the cabinet deems appropriate for inclusion.

(4) The cabinet shall annually review and update the printed materials for cardholders, including the list of cannabis varieties or strains being grown and cultivated in the Commonwealth.

SAM FLYNN, Executive Director

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: March 6, 2024

FILED WITH LRC: March 14, 2024 at 11:50 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on May 22, 2024, 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 May 15, 2024, 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 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 this proposed administrative regulation until May 31, 2024. Send written notification of intent to attend the public hearing or written comments on the proposed 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 administrative regulation shall be made available upon request.

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