302 KAR 50:070. Prohibited products.

RELATES TO: KRS 260.850-260.869, 7 U.S.C. 5940
STATUTORY AUTHORITY: KRS 260.862
NECESSITY, FUNCTION, AND CONFORMITY: KRS 260.862(1)(a) authorizes the department to promulgate administrative regulations for any industrial hemp research pilot program in the Commonwealth of Kentucky. This administrative regulation establishes classes or categories of industrial hemp products that are prohibited for sale, transfer, or distribution to members of the public.

Section 1. Products Not to be Sold to Members of the Public.

(1) The following hemp-derived products shall not be manufactured:
(a) Hemp cigarettes;
(b) Hemp cigars;
(c) Chew, dip, or other smokeless material consisting of hemp leaf material or hemp floral material; and
(d) Hemp leaf material or floral material teas.

(2) The following hemp-derived products shall not be marketed, sold, or distributed to any person in Kentucky who does not hold a license from the department, or any person outside the Commonwealth (but within the United States) who is not authorized by an institution of higher education, or state department of agriculture pursuant to 7 U.S.C. 5940 and the laws of that state:
(a) Whole hemp buds;
(b) Ground hemp floral material;
(c) Ground hemp leaf material; and
(d) Any hemp product with a delta-9-THC concentration in excess of zero and three-tenths (0.3) percent.

(3) If the department finds that it is more likely than not that a person has manufactured, marketed, sold, or distributed a hemp-derived product in violation of this administrative regulation, the department shall assess a civil monetary penalty against that person of not less than $100 and not more than $1,000 per violation, in addition to possible termination of the grower licensing agreement or processor or handler licensing agreement.

(44 Ky.R. 1771; 2008; eff. 4-6-2018; Cert. eff. 1-14-2025.)