

GENERAL GOVERNMENT

Department of Agriculture

Office of Agricultural Marketing

(New Administrative Regulation)

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) confers on the Department authority to promulgate administrative regulations to prescribe rules for any industrial hemp research pilot program in the Commonwealth of Kentucky. KRS 260.862(1)(f) confers on the Department authority to define classes or categories of industrial hemp products that are eligible for sale, transfer, or distribution to members of the public.

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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 under the authority of 7 U.S.C. § 5940 and the laws of that state:
 - (a) Whole hemp buds;
 - (b) Ground hemp floral material; and
 - (c) Ground hemp leaf material.
- (3) Should the Department find that it is more likely than not that a person has manufactured, marketed, sold, or distributed a hemp-derived product in violation of this 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 Licensing Agreement.