

1 AN ACT relating to hemp.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 260.862 is amended to read as follows:

- 4 (1) In addition to any other powers vested in it by law, the department shall have the  
5 authority and power to promulgate administrative regulations to:
- 6 (a) License persons who wish to cultivate, handle, process, or market hemp;
  - 7 (b) Prescribe rules for a university's participation in, or affiliation with, any hemp  
8 program;
  - 9 (c) Prescribe **procedures for** sampling and testing ~~[procedures]~~ to ensure that  
10 hemp and hemp products cultivated, handled, processed, or marketed under  
11 the authority of this section do not exceed the **delta-9 tetrahydrocannabinol**  
12 concentration levels defined in federal law~~[as it currently exists or as it may~~  
13 ~~be subsequently amended]~~;
  - 14 (d) Define classes or categories of hemp products that are eligible for sale,  
15 transfer, or distribution to members of the public;~~[and]~~
  - 16 **(e) Provide procedures for a process to appeal noncompliant hemp testing**  
17 **results to include:**
    - 18 **1. Genetics of the hemp crop;**
    - 19 **2. Discrepancies between multiple hemp crop testing results;**
    - 20 **3. Licensee's history of hemp crop production;**
    - 21 **4. Intended use of the hemp crop; and**
    - 22 **5. The final delta-9 tetrahydrocannabinol concentration level of the**  
23 **retail product containing the hemp, when applicable;**
  - 24 **(f) Provide options for remediation or recycling procedures in order to**  
25 **eliminate the destruction of hemp and hemp products that are found in**  
26 **violation of the delta-9 tetrahydrocannabinol concentration levels as**  
27 **defined in federal law; and**

- 1        ~~(g)~~~~(e)~~     Establish a schedule of nonrefundable fees for applicants and licensees.
- 2     (2)   (a)   No person shall cultivate, handle, process, or market hemp in the  
3           Commonwealth unless the person holds a license issued by the department.
- 4           (b)   Any person seeking to cultivate hemp shall provide to the department the legal  
5           description and global positioning coordinates sufficient for locating the fields  
6           or greenhouses to be used to grow hemp.
- 7           (c)   Any person seeking to cultivate or process hemp shall provide to the  
8           department prior written consent allowing representatives of the department,  
9           the Department of Kentucky State Police, and other state and local law  
10          enforcement agencies to enter onto all premises where hemp is cultivated,  
11          processed, or stored for the purpose of conducting physical inspections or  
12          ensuring compliance with the requirements of KRS 260.850 to 260.869 and  
13          administrative regulations promulgated by the department.
- 14          (d)   An applicant for a license issued by the department shall submit to and pay for  
15          an annual criminal background check conducted by the Department of  
16          Kentucky State Police or another state or federal law enforcement agency or  
17          another entity selected by the department.
- 18          (e)   No person who has been convicted of any felony or any drug-related  
19          misdemeanor or violation in the previous ten (10) years from the date of  
20          application shall be eligible to obtain a license, provided, however, that:
- 21                1.    A person who was growing hemp lawfully with a license, registration, or  
22                authorization under a pilot program authorized by Section 7606 of the  
23                Agricultural Act of 2014, 7 U.S.C. sec. 5940, shall be eligible to obtain a  
24                license to grow hemp; and
- 25                2.    A person who was lawfully growing hemp under Section 7606 of the  
26                Agricultural Act of 2014 before December 20, 2018, and was convicted  
27                prior to December 20, 2018, shall be eligible to obtain a license to grow

1

hemp.