

260.862 Promulgation of administrative regulations concerning the industrial hemp research pilot program -- Licensure of pilot program participants.

- (1) In addition to any other powers vested in it by law, the department shall have the authority and power to promulgate administrative regulations to:
 - (a) Prescribe rules for any industrial hemp pilot program;
 - (b) Conduct one (1) or more industrial hemp research pilot programs;
 - (c) License persons who wish to participate in an industrial hemp research pilot program by cultivating, handling, processing, or marketing industrial hemp;
 - (d) Prescribe rules for a university's participation in, or affiliation with, any industrial hemp research pilot program;
 - (e) Prescribe sampling and testing procedures to ensure that industrial hemp and industrial hemp products cultivated, handled, processed, or marketed under the authority of this section do not exceed the concentration levels defined in 7 U.S.C. sec. 5940 as it currently exists or as it may be subsequently amended;
 - (f) Define classes or categories of industrial hemp products that are eligible for sale, transfer, or distribution to members of the public; and
 - (g) Establish a schedule of nonrefundable fees for administering any industrial hemp research pilot program.
- (2)
 - (a) No person shall cultivate, handle, process, or market industrial hemp in the Commonwealth unless the person holds an industrial hemp license issued by the department.
 - (b) Any person seeking to cultivate industrial hemp shall provide to the department the legal description and global positioning coordinates sufficient for locating the fields or greenhouses to be used to grow industrial hemp.
 - (c) Any person seeking to cultivate or process industrial hemp shall provide to the department prior written consent allowing representatives of the department, the Department of Kentucky State Police, and other state and local law enforcement agencies to enter onto all premises where industrial hemp is cultivated, processed, or stored for the purpose of conducting physical inspections or ensuring compliance with the requirements of KRS 260.850 to 260.869 and administrative regulations promulgated by the department.
 - (d) An applicant for a license issued by the department shall submit to and pay for an annual criminal background check conducted by the Department of Kentucky State Police or another state or federal law enforcement agency selected by the department.
 - (e) No person who has been convicted of any felony or any drug-related misdemeanor or violation in the previous ten (10) years from the date of application shall be eligible to obtain a license.

Effective: March 20, 2017

History: Created 2017 Ky. Acts ch. 45, sec. 4, effective March 20, 2017.

Legislative Research Commission Note (3/20/2017). 2017 Ky. Acts ch. 45

contained 13 sections. Sections 1 to 10 of that Act amended, repealed and reenacted, or created statutes relating to the industrial hemp research program found in the statutory range of KRS 260.850 to 260.869. Sections 11 and 12 amended or created statutes in other KRS chapters, and Section 13 repealed some statutes within KRS 260.850 to 260.869. The correct reference should have been to only Sections 1 to 10 of this Act, the relevant range affecting the industrial hemp research program, and in codification the Reviser of Statutes has codified that language in this statute accordingly under the authority of KRS 7.136(1)(h) to correct manifest clerical or typographical errors.