

**260.862 Promulgation of administrative regulations concerning the hemp program  
-- Licensure for cultivation, handling, processing, and marketing of hemp.**

- (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) License persons who wish to cultivate, handle, process, or market hemp;
  - (b) Prescribe rules for a university's participation in, or affiliation with, any hemp program;
  - (c) Prescribe sampling and testing procedures to ensure that hemp and hemp products cultivated, handled, processed, or marketed under the authority of this section do not exceed the concentration levels defined in federal law as it currently exists or as it may be subsequently amended;
  - (d) Define classes or categories of hemp products that are eligible for sale, transfer, or distribution to members of the public; and
  - (e) Establish a schedule of nonrefundable fees for applicants and licensees.
- (2)
  - (a) No person shall cultivate, handle, process, or market hemp in the Commonwealth unless the person holds a license issued by the department.
  - (b) Any person seeking to cultivate 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 hemp.
  - (c) Any person seeking to cultivate or process 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 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 or another entity 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, provided, however, that:
    1. A person who was growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by Section 7606 of the Agricultural Act of 2014, 7 U.S.C. sec. 5940, shall be eligible to obtain a license to grow hemp; and
    2. A person who was lawfully growing hemp under Section 7606 of the Agricultural Act of 2014 before December 20, 2018, and was convicted prior to December 20, 2018, shall be eligible to obtain a license to grow hemp.

**Effective:** February 10, 2020

**History:** Amended 2020 Ky. Acts ch. 1, sec. 7, effective February 10, 2020. -- 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.