

GENERAL GOVERNMENT

Department of Agriculture

Office of Agricultural Marketing

(New Administrative Regulation)

302 KAR 50:050 - THC SAMPLING AND TESTING; POST-TESTING ACTIONS

RELATES TO: KRS 260.850-260.869, 7 U.S.C. § 5940.

STATUTORY AUTHORITY: KRS 260.862, 250.355.

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)(e) confers on the Department authority to 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. § 5940 as it currently exists or as it may be subsequently amended.

KRS 250.355 charges the director of the Agricultural Experiment Station or his or her designee with responsibility to receive samples and test industrial hemp plants, plant parts, and materials grown or located within the Commonwealth in order to determine whether the industrial hemp plants, plant parts, and materials are in compliance with the provisions of KRS 260.850 to 260.869 and the administrative regulations promulgated thereunder.

Section 1. Definitions.

- (1) "Department" means the Kentucky Department of Agriculture.
- (2) "UK DRS" means the University of Kentucky Division of Regulatory Services.

Section 2. Department's procedures for collecting and retaining hemp samples.

- (1) The Department shall collect and handle hemp samples in accordance with the Department SOP# KDA-HEMP-20170717-1 (Procedures for Sampling, THC Testing, and Post-Testing Actions), effective July 17, 2017, Sections II through VII.

Section 3. UK DRS's procedures for receiving, preparing, and releasing hemp samples.

- (1) UK DRS shall receive, prepare, and release hemp samples in accordance with the UK DRS SOP# HM-LB-001 (Procedures for Receiving, Preparing and Releasing Hemp Samples), effective August 1, 2017.

Section 4. UK DRS's procedures for measuring THC content.

- (1) UK DRS shall measure delta-9-THC content in accordance with the UK DRS SOP# HMP-LB-002 (Procedures for Measuring Delta 9 THC Content in Industrial Hemp by Gas Chromatography with Flame Ionization Detection), effective August 1, 2017.

Section 5. Department's procedures for post-testing actions.

- (1) Following the delivery of THC testing results from UK DRS, the Department shall undertake post-testing actions in accordance with the Department SOP# KDA-HEMP-20170717-1 (Procedures for Sampling, THC Testing, and Post-Testing Actions), effective July 17, 2017, Section IX.