



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES

DEPARTMENT FOR PUBLIC HEALTH

FOOD SAFETY BRANCH

275 East Main Street, HS1C-F
Frankfort, Kentucky 406 21
Phone: (502) 564-7181
Fax: (502) 564-0398

Eric Friedlander
SECRETARY

Steven Stack, MD
COMMISSIONER

February 16, 2023

Dear Industry Partners,

Pursuant to the Governor's November 15, 2022, Executive Order (2022-799), please be advised that the Kentucky Food Safety Branch will permit and inspect processors and/or manufacturers of delta-8 and other hemp-derived cannabinoid products. Pursuant to KRS 217.039 and KAR 902 KAR 45:190 a manufacturer or processor of ingestible or cosmetic cannabinoid products located in Kentucky shall:

- Obtain a permit;
- Provide a listing of the cannabinoid products to be produced or processed; and
- Obtain a certificate of analysis for all cannabinoid products to be sold or otherwise distributed in the Commonwealth.

The "certificate of analysis" means a document produced by a laboratory that has been accredited pursuant to standards of the International Organization for Standardization attesting to the composition of a product. The certificate of analysis shall include, but not be limited to, the amount of delta-9 tetrahydrocannabinol, the amount of other cannabinoids, the amount of pesticide residues, the amount of heavy metal traces, the amount of mycotoxin contaminants, the amount of residual solvents, and the amount of microbiological contaminants.

Moreover, all cannabinoid products to be sold or otherwise distributed in the Commonwealth shall bear labeling to allow the consumer to access information on the product, including a certificate of analysis for the product, the location where the hemp was grown, and the address and phone number of the manufacturer or distributor using the following:

- A scannable bar code, including the batch number or serial number of the product;
- A QR code; or
- A Web address linked to a document or Web site.

A "quick response code" or "QR code" means a type of machine-readable, two (2) dimensional bar code that stores information about a product.

No product labeling or advertising material for any ingestible or cosmetic cannabinoid product sold or otherwise distributed in the Commonwealth shall bear any claims stating that the product can diagnose, treat, cure, or prevent any disease; and be completely free of claims or language that denote a dietary supplement.

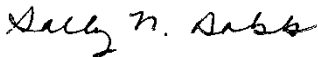
Labels must also include:

- A statement of identity or common product name that shall be stated upon the principal display panel of the label;
- The net quantity of contents expressed in both standard English and metric units of measurement located in the lower thirty (30) percent of the principal display panel of the label parallel to the base of the container;
- The ingredients of the hemp-derived cannabinoid product, in descending order of predominance by weight;
- The name of the manufacturer or distributor;
- A statement that the hemp-derived cannabinoid product is within the federal legal limit of zero and three-tenths (0.3) percent delta-9 tetrahydrocannabinol;
- The total amount of cannabinoid per serving for ingestible products, or the total amount per container for cosmetic products;
- Suggested use instructions or directions, including serving sizes; and
- Expiration date, if any.

Be advised that hemp-derived cannabinoid products NOT in compliance with the listed requirements will be removed from retail sale.

If there are any questions relative to this matter, you may contact the Food Safety Branch office at (502) 564-7181 option 2.

Sincerely,



Sally N Dabb, RS, RDN, LD
Food Manufacturing Section Supervisor
Kentucky Food Safety Branch
275 E. Main Street, HS1C-F
Frankfort, KY 40621
(502) 564-7181