

1. No product containing delta-8 THC may be distributed, sold, or offered for sale to any individual under 21 years of age.
  - a. In pursuing a violation of this regulation, it is a defense that the distributor or seller examined the purchaser's or recipient's driver's license, or other valid identification issued by a governmental unit, that positively identified the purchaser or recipient as being at least 21 years of age.
  - b. Any website owned, managed, or operated by a person who distributes or sells a product containing delta-8 THC directly to consumers must require any consumers accessing their e-commerce platform to state affirmatively that they are at least 21 years of age. For sales beginning January 1, 2024, direct-to-consumer online sellers must also verify consumer age by either (i) using a reliable online age verification service, or (ii) obtaining and examining a copy of a government issued identification prior to completing a purchase.
  - c. A person who violates this section is subject to a civil penalty not exceeding:
    - i. (1) \$300 for a first violation;
    - ii. (2) Up to \$5,000 for a second violation occurring within two years after the first violation, and suspension of the retailer's permit for up to 6 months; and
    - iii. (3) Up to \$10,000 for each subsequent violation occurring within two years after the preceding violation and revocation of the retailer's permit, with a one-year waiting period for re-application.
2. Products must be maintained behind the counter or in a locked case where customers do not have direct access, unless the retail location limits entry to individuals 21 years of year or older, which is verified by requiring a valid driver's license or other government-issued identification to enter the premises.
  - a. Products must be prepackaged in packaging or a container that is tamper-evident and child-resistant, in accordance with the Federal Poison Prevention Packaging Act, and must meet the packaging standards under [16 CFR § 1700.15\(b\)\(1\)](#).
  - b. Products that contain multiple servings must be resealable in a manner that allows the child-resistant mechanism to remain intact.
3. Edible products cannot be in the shape of a human, animal, fruit, cartoon character, or any other shape that is attractive to children.
4. Packaging and labeling may not:
  - a. Bear any resemblance to a commercially available candy, snack, baked good, or beverage.
  - b. Contain any statement, artwork, or design that could reasonably mislead any person to believe that the package contains anything other than a hemp-derived cannabinoid product.
  - c. Bear any seal, flag, crest, coat of arms, or other insignia that could reasonably mislead any person to believe that the product has been endorsed, manufactured, or used by any state, county, or municipality, or agency.
  - d. Contain any cartoon, image, graphic, or feature that is attractive to children.
  - e. Bear an unauthorized trademark, trade name, famous mark, or other identifying mark, imprint, or device, or any likeness thereof.
5. Product packaging/labeling must include the following warning statements on the front or back panel of the immediate container and/or outer packaging, if applicable:

- a. A statement indicating the product should be kept out of reach of children and animals, and that the product should not be used by individuals under 21, those who are pregnant, nursing, taking medication, or have a medical condition.
  - b. For ingestible products, the statements “Warning: Contains Delta-8 THC. May cause drowsiness or impairment. Do not drive or operate heavy machinery while taking this product.”
  - c. QR Code, scannable code, or website that links to a certificate of analysis on the final form product batch prepared by an independent testing laboratory, and that includes the cannabinoid profile of the product and levels of contaminants (which must also comply with the limits described below). The certificate of analysis must be available for a minimum of 3 years.
  - d. Product lot or batch number, which must match the lot or batch number listed on the certificate of analysis.
6. Require those seeking to manufacture or sell delta-8 THC products within KY to apply annually for a permit to the appropriate regulatory agency.
  - a. A retailer must have a permit prior to selling products in the state.
  - b. Permit fees must be reasonable and must be used for enforcement of the regulatory requirements.
7. Require finished products to be tested by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization or by a qualified, third-party accrediting body. Products are considered adulterated if they exceed contaminant limits for microbials, mycotoxins, residual solvents, metals, and pesticides such as those set forth in [Florida Rule 5K-4.034\(5\)](#).
8. Products that fail to comply with sections 2 through 7 shall be considered adulterated and/or misbranded, and may be subject to detention and other monetary penalties. No criminal penalties shall be applied.