

How To Guide for Kentucky Testing and Remediation

This quick reference guide provides a summary of the testing requirements for medical cannabis as a licensed cultivator, processor, or producer in Kentucky as established in 915 KAR 1:110, in addition to the testing requirements for safety compliance facilities provided by 915 KAR 1:060.

Testing requirements

Licensed cannabis businesses cultivating, processing, or producing medical cannabis must adhere to the sampling and batch size requirements when testing products. Samples from each harvest and production batch must be tested by safety compliance facilities to ensure the quality of medical cannabis in each stage of the process. Please see the 915 KAR 1:110 and the Medical Cannabis Testing Roadmap for complete testing requirements.

Harvest batches

A harvest batch must not exceed twenty (20) pounds with the exception of raw plant material sold to a processor or producer for extraction which may be separated into harvest batches of no more than fifty (50) pounds.



Standard

Twenty (20) pounds



Processing

Fifty (50) pounds

Production batches

Processors or producers must separate all medical cannabis into production batches that do not exceed five (5) liters of liquid concentrate or nine (9) pounds for non-liquid material and, for finished products intended for sale, no greater than 1,000 grams of delta-9-tetrahydrocannabinol.



Liquid

Five (5) liters



Non-liquid

Nine (9) pounds



Finished Product

1,000 grams of THC

Sampling requirements

Samples provided to a licensed safety compliance facility for testing must be obtained by a sampler.

- ▶ A **sampler** is an employee or agent of a cultivator, processor, producer, safety compliance facility, or dispensary that is authorized by his or her employer to collect samples or test samples in accordance with the contracted safety compliance facility's standard operating procedures.

THC limits

Medical cannabis may not exceed the limits provided below:

Raw plant material	35%
Concentrates / Edibles	70% / 10 mg

Testing inspections

The Cabinet can inspect medical cannabis samples and may:

- ▶ Select, collect, and/or test samples at any time
- ▶ Require a cultivator, processor, producer, or dispensary to submit a sample or test sample, provided at their own expense, to a safety compliance facility upon request
- ▶ Test samples or conduct additional testing at its discretion

Permitted Remediation

Medicinal cannabis that fails initial testing shall only be remediated twice in the instances identified below. All other failures must be deemed medicinal cannabis waste and destroyed. Medicinal that cannabis fails testing after allowable remediation must be deemed medicinal cannabis waste and destroyed. No toxic or deleterious substance may be imparted into the medical cannabis during remediation. Cultivators and processors must inform safety compliance facilities if a batch has been remediated.

Permitted remediation:

- ▶ **THC Concentration:** Production batches that exceed THC concentration may be remediated to reduce THC concentration. **(Note: Harvest batches may not be remediated for exceeding THC concentration and shall be deemed medicinal cannabis waste.)**
- ▶ **Residual Solvents:** Production batches that fail residual solvent testing may be remediated to reduce the concentration of solvents
- ▶ **Microbial impurities:** Microbial impurity failures may be further processed to effectively sterilize a harvest or production batch.
- ▶ **Water activity:** A harvest batch that fails water activity testing may be further dried or cured.

NO REMEDIATION is permitted for testing failures for residual pesticides, heavy metals, mycotoxins, yeast and mold, or vitamin E acetate. Failures for these tests shall result in the harvest or production batch being deemed medical cannabis waste and destroyed in accordance with 915 KAR 1:030 and 915 KAR 1:040.

Resources

- ▶ For required tests and additional testing information, reference the materials available under the "Business Resources" page at <https://kymedcan.ky.gov/>.