TEAM KENTUCKY
MEDICAL CANNABIS PROGRAM

TECHNICAL ADVISORY

2025-001

Date: January 28, 2025

Subject: Guidance re Ingredients Used in Medical Cannabis Products

Relevant authority: 915 KAR 1:020; 915 KAR 1:040; 915 KAR 1:100

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Kentucky Office of Medical Cannabis

The Kentucky Office of Medical Cannabis (OMC) received inquiries from cannabis business licensees seeking guidance on the use of certain ingredients in medical cannabis products. The purpose of this technical advisory is to provide cannabis business licensees with guidance on the OMC's interpretation of, and how a licensee may maintain compliance with, KRS Chapter 218B and 915 KAR Chapter 1.

First, licensees are prohibited from creating and producing medical cannabis products that contain hemp-derived ingredients, including extract material. Kentucky law expressly excludes hemp and hemp-derived products from the definitions of "medicinal cannabis" and "medicinal cannabis product." KRS 218B.010(15) and (18). Hemp and hemp-derived products are also not subject to the same regulatory requirements as medical cannabis products, including use of the track and trace seed-to-sale electronic monitoring system, and are regulated by different state departments – the Kentucky Department of Agriculture (cultivation) and the Department of Public Health (retail). Accordingly, hemp and hemp-derived products are not medical cannabis and are not part of the medical cannabis program.

Please note that 915 KAR 1:030, Section 3(5) and 915 KAR 1:040, Section 3(6) expressly allow for a licensed cultivator or a licensed processor to conduct medical cannabis operations and hemp operations at the same licensed location subject to a few requirements, including having a written plan in place for keeping ***strictly separated*** all medicinal cannabis activities from hemp activities.

Second, licensees may use botanically derived terpenes in the creation, development, and production of medical cannabis products sold in the Commonwealth of Kentucky. Licensees using botanically derived terpenes in their medical cannabis products must (1) comply with 915 KAR 1:040, Section 9(7)[1] and (2) ensure the ingredients are properly noted as a Processing Job Attribute in the state's designated seed to sale tracking system (Metrc) as well as on the product packaging.

[1] (7) A processor may use non-cannabis ingredients in the manufacture of medicinal cannabis products if:

For more information on processing job attributes, please contact Metrc support.

For more information on packaging and labeling requirements for medical cannabis products, please review 915 KAR 1:100 as well as the How To Guides available on the Resources Tab of the Businesses page on the Office of Medical Cannabis's website, kymedcan.ky.gov.

If you have any questions, please contact the Office's Division of Enforcement and Compliance at kymedcanreporting@ky.gov.

ISSUED BY:

Sam Flynn, Executive Director
Office of Medical Cannabis
Cabinet for Health and Family Services

Date: 1/28/2025

(a) The non-cannabis ingredients are nontoxic and safe for human consumption; and
(b) The non-cannabis ingredients were not prepared or stored in a private residence.