TEAM KENTUCKY
MEDICAL CANNABIS PROGRAM

TECHNICAL ADVISORY

2026-014

Date: August 27, 2026

Subject: Licensee Operations: Remediation

Relevant authority: 915 KAR 1:110, Section 5

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The purpose of this technical advisory is to provide cannabis business licensees with guidance on remediation of medical cannabis and how licensees may continue to maintain compliance with KRS Chapter 218B and 915 KAR Chapter 1.

Remediation Overview

Before transferring non-finished medical cannabis between licensees or finished products to licensed dispensaries, 915 KAR 1:110 requires samples be taken and tested from each harvest batch (i.e., raw plant material) or production batch (i.e., non-final or final medical cannabis products). Per 915 KAR 1:110, Section 4(3)(a), "[i]f a harvest batch or production batch sample fails a test or a reanalysis," that batch "[m]ay be remediated or sterilized if allowed by [915 KAR 1:110] Section 5[.]" 915 KAR 1:110, Section 4(3)(b) provides that if a batch sample fails a test category for which remediation is prohibited, "the harvest or production batch shall be deemed medicinal cannabis waste and destroyed by the cultivator [or] processor . . . in accordance with 915 KAR 1:030 or 915 KAR 1:040 as applicable for their respective business."

In other words, if a harvest or production batch fails required testing, 915 KAR 1:110, Section 4(3) may allow that batch to be remediated (e.g., sterilized, decontaminated) in response to the failed testing. **Critically, remediation is only permitted for specific test category failures** and—where allowed—a batch may only be remediated a maximum of two (2) times. Again, remediation is only permitted *after* a batch fails required testing. Reporting and recordkeeping requirements apply to both the first and second remediation attempt. Remediation methods that would impart any toxic or deleterious substance to a batch are prohibited.

Please note that 915 KAR 1:110, Section 4(4) provides that "[m]edicinal cannabis from a harvest or production batch that failed testing shall not be combined with another harvest or production batch. Mixed products shall be considered adulterated and shall not be sold, transferred, or otherwise delivered to a cannabis business."

915 KAR 1:110, Section 5 contains the list of test category failures for which remediation is prohibited or permitted (*see* **Figure 1** below).

Figure 1: Remediation by Batch Sample Type and Test Failure Category			
Batch Sample Type (All / Harvest / Production)	**Test Failure Category**	**Remediation Allowed?**	**Allowable Action?**
All Batch Types	Mycotoxins	NO	Required to Destroy
All Batch Types	Vitamin E Acetate	NO	Required to Destroy
All Batch Types	Yeast and Mold	NO	Required to Destroy
All Batch Types	Heavy Metals	NO	Required to Destroy
All Batch Types	Residual Pesticides	NO	Required to Destroy
All Batch Types	Microbial Impurities	YES	May be Remediated to Sterilize*
Harvest Batches	Water Activity	YES	May be Remediated with Additional Drying and Curing
Harvest Batches	THC Content Limit	NO	Required to Destroy
Production Batches	THC Content Limit	YES	May be Remediated to Reduce THC Concentration
Production Batches	Solvents and Processing Chemicals	YES	May be Remediated to Reduce Action Level Concentration

***A harvest batch that fails for <u>microbial impurities</u> may be transferred from its licensed cultivator to a licensed processor for further processing** "if the processing method effectively sterilizes the batch and does not impart any toxic or deleterious substance to the medicinal cannabis in the batch." *See* 915 KAR 1:110, Section 5(5)(a). In order to accomplish this specific transfer, a new transfer type will be added in Metrc. The cultivator will select the applicable Package and click the "New Transfer" button. In the New Transfer window, the cultivator will fill out all required information and select "Product Remediation" from the Transfer Type dropdown list. After completing all required reporting in Metrc, the cultivator will then transfer the Package to the licensed processor for further processing. The licensed processor will then complete all required reporting in Metrc. **For more information on this transfer type and its implementation date (i.e., 30 days from release of the Bulletin), please review Metrc Kentucky Bulletin No. 17, *Remediation Process in Metrc* (8/27/2026).**

<u>Required Remediation Reporting & Recordkeeping</u>

Per 915 KAR 1:110, Section 5(11), before "taking any remediation efforts," licensees are required to "[c]reate . . . detailed written procedures for all remediation processes used by the cannabis business[.]" **<u>Licensees who intend to remediate batches must have these SOPs in place and provide copies to their assigned OMC investigator before taking any remediation efforts, including reporting any remediation activity via Metrc</u>.**

Importantly, after a harvest or production batch has undergone a remediation process, that batch must be sampled and retested in accordance with 915 KAR 1:110, Section 2 and Section 3. Before any samples are taken from that batch, the licensee who performed the remediation process is required to inform and disclose to the safety compliance facility conducting the retesting: (1) that the batch has previously failed testing; (2) the specific category for which the batch previously failed testing (e.g., microbial impurities); (3) that the batch is being retested after undergoing remediation (i.e., sterilization or decontamination); **and** (4) the particular remediation method used on the batch (e.g., the sterilization methods or solvents used on a harvest or production batch sample that previously failed for microbial impurities).

Licensees must document all remediation, resampling, retesting, and disposal of medical cannabis that fails testing required by 915 KAR 1:110, Section 2.

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