

**260.855 Rights and duties of industrial hemp grower licensee -- Operational procedures for licensed growers -- Standards for transporting industrial hemp off premises of licensed grower -- Seizure and disposal of hemp deemed contraband.**

- (1) A person shall obtain an industrial hemp grower license pursuant to KRS 260.854 prior to planting or growing any industrial hemp in this state. An industrial hemp grower license holder who has planted and grown industrial hemp pursuant to a valid grower license may sell industrial hemp produced by the grower to any person engaged in agribusiness or other manufacturing for the purpose of processing or manufacturing that industrial hemp into hemp products.
- (2) A person granted an industrial hemp grower license shall:
  - (a) Maintain records that reflect compliance with KRS 260.850 to 260.869, and with all other state laws regulating the planting and cultivation of industrial hemp;
  - (b) Retain all industrial hemp production records for at least three (3) years;
  - (c) Allow industrial hemp crops, throughout sowing, growing, and harvesting, to be inspected by and at the discretion of the commission or its designees, and the Department of Kentucky State Police and other law enforcement officers;
  - (d) File with the commission documentation indicating that the industrial hemp seeds planted were of a type and variety certified to have no more THC concentration than that adopted by federal law in the Controlled Substances Act, 21 U.S.C. secs. 801 et seq.;
  - (e) Notify the commission of the sale of any industrial hemp grown under the license and the names and addresses of the persons to whom the industrial hemp was sold; and
  - (f) Provide the commission with copies of any contracts between the licensee and any person to whom industrial hemp was sold.
- (3) The commission shall assist the grower with his or her compliance with the requirements of this section.
- (4) Any person licensed to grow industrial hemp under KRS 260.850 to 260.869 may import and resell industrial hemp seed that has been certified as having no more THC concentration than that adopted by federal law in the Controlled Substances Act, 21 U.S.C. secs. 801 et seq.
- (5)
  - (a) Only industrial hemp grower licensees or their designees or agents shall be permitted to transport industrial hemp off the premises of the licensee.
  - (b) When transporting industrial hemp off the premises of an industrial hemp grower licensee, the licensee or their designee or agent shall carry with them the licensing documents from the commission, evidencing that the industrial hemp was grown by a licensee and is from certified seed.
  - (c) Any industrial hemp that is found in this state at any location off the premises of an industrial hemp grower licensee is deemed to be contraband and subject to seizure by the commission, the Department of Kentucky State Police, or

any law enforcement officer, if the person in possession of the industrial hemp does not have in his or her possession either:

1. The proper licensing documents, as required by paragraph (b) of this subsection; or
  2. A bill of lading, or other proper documentation, demonstrating that the industrial hemp was legally imported or is otherwise legally present in this state under applicable state and federal laws relating to industrial hemp.
- (d) Any industrial hemp seized pursuant to paragraph (c) of this subsection shall be disposed of in accordance with KRS 500.090.

**Effective:** June 25, 2013

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