

## FORMS/RULES – IMPLEMENTATION

MAY 2, 2023

AGRICULTURAL CAPITAL ASSETS (OUTPUT POLICY)	LI-AG-2023-028
COMMERCIAL PROPERTY	LI-CF-2023-052
COMMERCIAL INLAND MARINE	LI-CM-2023-026
CAPITAL ASSETS PROGRAM (OUTPUT POLICY)	LI-OP-2023-028

## KENTUCKY FORMS AND RULES REVISIONS ADDRESSING CANNABIS EXCLUSION ENDORSEMENTS TO BE IMPLEMENTED

### KEY MESSAGE

We are implementing forms and rules revisions addressing cannabis exclusion endorsements in Kentucky.

**Applicable Lines of Business:** AG, CF, CM, OP

**Filing IDs:** [CL-2023-OMJF1](#) (Forms), [CL-2023-OMJR1](#) (Rules)

**Effective Date:** 12/1/2023

### BACKGROUND

In circular:

- [LI-AG-2023-023](#), et al., we announced the filing of forms filing CL-2023-OMJF1, which introduces various Commercial Lines endorsements for the exclusion of coverage of cannabis in Kentucky.
- [LI-AG-2023-024](#), et al., we announced the filing of rules filing CL-2023-OMJR1, which introduces multistate rules and state exceptions in Division Five – Commercial Fire And Allied Lines, Division Eight – Commercial Inland Marine, and Division Fourteen – Capital Assets (which includes Agricultural Capital Assets) of the Commercial Lines Manual to instruct on the usage of new optional multistate endorsements filed under companion forms filing CL-2023-OMJF1. We also announced that we are updating Kentucky to the latest edition of the multistate manual in the lines of business in which the filing applies by withdrawing and revising certain state exceptions previously introduced in Kentucky.

### INSURANCE DEPARTMENT ACTION

We have received the necessary approvals or acknowledgments, as required by state laws and regulations, from the insurance department in Kentucky.

### EFFECTIVE DATE

#### **Forms and Rules:**

The ISO revision is subject to the following rule of application:

These changes are applicable to all policies written on or after December 1, 2023.

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## COMPANY ACTION

### Forms:

If you have authorized us to file on your behalf and decide:

- To use our revision and effective date, you are not required to file anything with the Insurance Department.
- To use our revision with a different effective date, to use our revision with modification, or to not use our revision, you must make an appropriate submission with the Insurance Department.

For guidance on submission requirements, consult the ISO State Filing Handbook.

In all correspondence with the Insurance Department on this revision, you should refer to ISO Filing Designation Number CL-2023-OMJF1, not this circular number. Communications with the regulator concerning a filing affecting multiple lines of business (i.e., CL, PL, AL filing designation) should specify the line(s) of business that you are addressing.

In addition, refer to the following SERFF Tracking Numbers:

<b>LOB</b>	<b>SERFF Tracking Number</b>
AG-OP	ISOF-133626616
CF	ISOF-133626509
CM	ISOF-133625907

### Rules:

If you have authorized us to file on your behalf and decide:

- To use our revision and effective date, you are not required to file anything with the Insurance Department.
- To use our revision with a different effective date, to use our revision with modification, or to not use our revision, you must make an appropriate submission with the Insurance Department.

For guidance on submission requirements, consult the ISO State Filing Handbook.

In all correspondence with the Insurance Department on this revision, you should refer to ISO Filing Designation Number CL-2023-OMJR1, not this circular number. Communications with the regulator concerning a filing affecting multiple lines of business (i.e., CL, PL, AL filing designation) should specify the line(s) of business that you are addressing.

In addition, refer to the following SERFF Tracking Numbers:

<b>LOB</b>	<b>SERFF Tracking Number</b>
AG-OP	ISOF-133626737
CF	ISOF-133626568
CM	ISOF-133626445

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## RATING SOFTWARE IMPACT

New attributes being introduced with this revision:

- New forms are being introduced.

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## EFFECT OF ISO REVISION ON FLEX RATING

This revision does not result in any change which would increase or decrease supplementary rating information for any classification of risks within any territory more than 25%.

A company that decides to revise its supplementary rating information should determine the overall rate level impact of its revision and any other revisions that it has implemented over the preceding 12 months. ISO has not made any revision of supplementary rating information for Agricultural Capital Assets, Capital Assets – Output Policy, Commercial Property, or Commercial Inland Marine over the preceding 12 months which would result in percent indications different than those contained in the filing.

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## POLICYHOLDER NOTIFICATION

If you decide to implement this revision, you should check all applicable laws for the state(s) to which this revision applies to determine whether or not a specific policyholder notice requirement may apply. Please note that circular [LI-CL-2023-005](#) contains the ISO Guide To Renewals With Changed Conditions For Commercial Lines, which is available only as a guide to assist participating companies in complying with various conditional renewal statutes or regulations, for the major commercial lines of insurance serviced by ISO. The information in the Guide does not necessarily reflect all requirements or exceptions that may apply, and it is not intended as a substitute for your review of all applicable statutes and regulations concerning policyholder notification.

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## REVISION DISTRIBUTION

We will issue a Notice to Manualholders with an edition date of 12-23 (or the earliest possible subsequent date), along with any new and/or revised manual pages.

We will issue a Notice to Portfolioholders with an edition date of 12-23 (or the earliest possible subsequent date), along with any new and/or revised forms.

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## REFERENCE(S)

- [LI-AG-2023-024/LI-CF-2023-048/LI-CM-2023-023/LI-OP-2023-024](#) (04/12/2023) Kentucky Rules Revision Addressing Cannabis Exclusion Endorsements Being Filed
- [LI-AG-2023-023/LI-CF-2023-047/LI-CM-2023-022/LI-OP-2023-023](#) (04/12/2023) Kentucky Forms Revision Addressing Cannabis Exclusion Endorsements Being Filed
- [LI-CL-2023-005](#) (02/21/2023) Commercial Lines Revised Lead Time Requirements Listing

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## ATTACHMENT(S)

Final copies of [AG 99 07 12 19](#), [AG 99 08 12 19](#), [CM 99 05 12 19](#), [CM 99 06 12 19](#), [CP 99 03 12 19](#), [CP 99 04 12 19](#), [OP 99 07 12 19](#) and [OP 99 08 12 19](#)

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Now, as in the past, all of our products and services are advisory, and are made available for optional use by participating insurers as a matter of individual choice. Your company must decide for itself which, if any, ISO products or services are needed or useful to its operation and how those selected for use should be applied. We urge that you be guided by the advice of your attorneys on the legal requirements.

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## CONTACT INFORMATION

If you have any questions concerning:

- The content of this circular, please contact:  
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- Other issues for this circular, please contact Customer Support:

E-mail: [info@verisk.com](mailto:info@verisk.com)

Phone: 800-888-4476

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**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **CANNABIS EXCLUSION**

This endorsement modifies insurance provided under the following:

AGRICULTURAL CAPITAL ASSETS (OUTPUT POLICY) COVERAGE PART

**A. Property Not Covered** is amended as follows:

"Cannabis" is added to **Property Not Covered**.

**B.** For the purpose of this endorsement, the following applies to **Business Income And Extra Expense/Dwelling Loss Of Use**:

Coverage under this Policy does not apply to that part of Business Income loss, Extra Expense/Dwelling Loss Of Use incurred, due to a "suspension" of your "operations", which is attributable to the design, cultivation, manufacture, storage, processing, packaging, handling, testing, distribution, sale, serving, furnishing, possession or disposal of "cannabis".

**C.** For the purpose of this endorsement, the following definition is added:

"Cannabis":

**1.** Means:

Any good or product that consists of or contains any amount of Tetrahydrocannabinol (THC) or any other cannabinoid, regardless of whether any such THC or cannabinoid is natural or synthetic.

**2.** Paragraph **C.1.** above includes, but is not limited to, any of the following containing such THC or cannabinoid:

**a.** Any plant of the genus Cannabis L., or any part thereof, such as seeds, stems, flowers, stalks and roots; or

**b.** Any compound, by-product, extract, derivative, mixture or combination, such as:

**(1)** Resin, oil or wax;

**(2)** Hash or hemp; or

**(3)** Infused liquid or edible cannabis;

whether or not derived from any plant or part of any plant set forth in Paragraph **C.2.a.**

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **CANNABIS EXCLUSION WITH HEMP EXCEPTION**

This endorsement modifies insurance provided under the following:

### AGRICULTURAL CAPITAL ASSETS (OUTPUT POLICY) COVERAGE PART

**A. Property Not Covered** is amended as follows:

1. "Cannabis" is added to **Property Not Covered**.
2. Paragraph **A.1.** of this endorsement does not apply to goods or products containing or derived from hemp, including, but not limited to:
  - a. Seeds;
  - b. Food;
  - c. Clothing;
  - d. Lotions, oils or extracts;
  - e. Building materials; or
  - f. Paper.

However, this Paragraph **A.2.** does not apply to the extent any such goods or products are prohibited under an applicable state or local statute, regulation or ordinance in the state where such goods or products are located.

**B.** For the purpose of this endorsement, the following applies to **Business Income And Extra Expense/Dwelling Loss Of Use**:

1. Coverage under this Policy does not apply to that part of Business Income loss, Extra Expense/Dwelling Loss Of Use incurred, due to a "suspension" of your "operations", which is attributable to the design, cultivation, manufacture, storage, processing, packaging, handling, testing, distribution, sale, serving, furnishing, possession or disposal of "cannabis".
2. Paragraph **B.1.** of this endorsement does not apply to Business Income loss, Extra Expense/Dwelling Loss Of Use incurred which is attributable to goods or products containing or derived from hemp, including, but not limited to:
  - a. Seeds;
  - b. Food;
  - c. Clothing;

- d. Lotions, oils or extracts;
- e. Building materials; or
- f. Paper.

However, this Paragraph **B.2.** does not apply to the extent any such goods or products are prohibited under an applicable state or local statute, regulation or ordinance in the state where such goods or products are located.

**C.** For the purpose of this endorsement, the following definition is added:

"Cannabis":

1. Means:

Any good or product that consists of or contains any amount of Tetrahydrocannabinol (THC) or any other cannabinoid, regardless of whether any such THC or cannabinoid is natural or synthetic.

2. Paragraph **C.1.** above includes, but is not limited to, any of the following containing such THC or cannabinoid:

- a. Any plant of the genus Cannabis L., or any part thereof, such as seeds, stems, flowers, stalks and roots; or
- b. Any compound, by-product, extract, derivative, mixture or combination, such as:

- (1) Resin, oil or wax;
- (2) Hash or hemp; or
- (3) Infused liquid or edible cannabis;

whether or not derived from any plant or part of any plant set forth in Paragraph **C.2.a.**

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **CANNABIS EXCLUSION**

This endorsement modifies insurance provided under the following:

COMMERCIAL INLAND MARINE COVERAGE PART

**A. Property Not Covered** is amended as follows:

"Cannabis" is added to **Property Not Covered**.

**B.** For the purpose of this endorsement, the following definition is added:

"Cannabis":

**1.** Means:

Any good or product that consists of or contains any amount of Tetrahydrocannabinol (THC) or any other cannabinoid, regardless of whether any such THC or cannabinoid is natural or synthetic.

**2.** Paragraph **B.1.** above includes, but is not limited to, any of the following containing such THC or cannabinoid:

**a.** Any plant of the genus Cannabis L., or any part thereof, such as seeds, stems, flowers, stalks and roots; or

**b.** Any compound, by-product, extract, derivative, mixture or combination, such as:

**(1)** Resin, oil or wax;

**(2)** Hash or hemp; or

**(3)** Infused liquid or edible cannabis;

whether or not derived from any plant or part of any plant set forth in Paragraph **B.2.a.**

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **CANNABIS EXCLUSION WITH HEMP EXCEPTION**

This endorsement modifies insurance provided under the following:

### COMMERCIAL INLAND MARINE COVERAGE PART

**A. Property Not Covered** is amended as follows:

1. "Cannabis" is added to **Property Not Covered**.
2. Paragraph **A.1.** of this endorsement does not apply to goods or products containing or derived from hemp, including, but not limited to:
  - a. Seeds;
  - b. Food;
  - c. Clothing;
  - d. Lotions, oils or extracts;
  - e. Building materials; or
  - f. Paper.

However, this Paragraph **A.2.** does not apply to the extent any such goods or products are prohibited under an applicable state or local statute, regulation or ordinance in the state where such goods or products are located.

**B.** For the purpose of this endorsement, the following definition is added:

"Cannabis":

1. Means:

Any good or product that consists of or contains any amount of Tetrahydrocannabinol (THC) or any other cannabinoid, regardless of whether any such THC or cannabinoid is natural or synthetic.

2. Paragraph **B.1.** above includes, but is not limited to, any of the following containing such THC or cannabinoid:

- a. Any plant of the genus Cannabis L., or any part thereof, such as seeds, stems, flowers, stalks and roots; or
- b. Any compound, by-product, extract, derivative, mixture or combination, such as:
  - (1) Resin, oil or wax;
  - (2) Hash or hemp; or
  - (3) Infused liquid or edible cannabis;

whether or not derived from any plant or part of any plant set forth in Paragraph **B.2.a.**

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **CANNABIS EXCLUSION**

This endorsement modifies insurance provided under the following:

COMMERCIAL PROPERTY COVERAGE PART  
STANDARD PROPERTY POLICY

- A.** When this endorsement is attached to the Standard Property Policy, the terms Coverage Part and Coverage Form in this endorsement are replaced by the term Policy.
- B. Property Not Covered** is amended as follows:  
"Cannabis" is added to **Property Not Covered**.
- C.** For the purpose of this endorsement, when Business Income (And Extra Expense) Coverage Form **CP 00 30**, Business Income (Without Extra Expense) Coverage Form **CP 00 32** and/or Extra Expense Coverage Form **CP 00 50** are indicated in the Declarations as being provided under this Policy, coverage under this Policy does not apply to that part of Business Income loss and/or Extra Expense incurred, due to a "suspension" of your "operations", which is attributable to the design, cultivation, manufacture, storage, processing, packaging, handling, testing, distribution, sale, serving, furnishing, possession or disposal of "cannabis".
- D.** For the purpose of this endorsement, the following definition is added:  
"Cannabis":
- 1.** Means:  
Any good or product that consists of or contains any amount of Tetrahydrocannabinol (THC) or any other cannabinoid, regardless of whether any such THC or cannabinoid is natural or synthetic.
  - 2.** Paragraph **D.1.** above includes, but is not limited to, any of the following containing such THC or cannabinoid:
    - a.** Any plant of the genus Cannabis L., or any part thereof, such as seeds, stems, flowers, stalks and roots; or
    - b.** Any compound, by-product, extract, derivative, mixture or combination, such as:
      - (1)** Resin, oil or wax;
      - (2)** Hash or hemp; or
      - (3)** Infused liquid or edible cannabis;  
whether or not derived from any plant or part of any plant set forth in Paragraph **D.2.a.**

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **CANNABIS EXCLUSION WITH HEMP EXCEPTION**

This endorsement modifies insurance provided under the following:

COMMERCIAL PROPERTY COVERAGE PART  
STANDARD PROPERTY POLICY

- A.** When this endorsement is attached to the Standard Property Policy, the terms Coverage Part and Coverage Form in this endorsement are replaced by the term Policy.
- B. Property Not Covered** is amended as follows:
- 1.** "Cannabis" is added to **Property Not Covered**.
  - 2.** Paragraph **B.1.** of this endorsement does not apply to goods or products containing or derived from hemp, including, but not limited to:
    - a.** Seeds;
    - b.** Food;
    - c.** Clothing;
    - d.** Lotions, oils or extracts;
    - e.** Building materials; or
    - f.** Paper.However, this Paragraph **B.2.** does not apply to the extent any such goods or products are prohibited under an applicable state or local statute, regulation or ordinance in the state where such goods or products are located.
- C.** For the purpose of this endorsement, when Business Income (And Extra Expense) Coverage Form **CP 00 30**, Business Income (Without Extra Expense) Coverage Form **CP 00 32** and/or Extra Expense Coverage Form **CP 00 50** are indicated in the Declarations as being provided under this Policy:
- 1.** Coverage under this Policy does not apply to that part of Business Income loss and/or Extra Expense incurred, due to a "suspension" of your "operations", which is attributable to the design, cultivation, manufacture, storage, processing, packaging, handling, testing, distribution, sale, serving, furnishing, possession or disposal of "cannabis".
- 2.** Paragraph **C.1.** of this endorsement does not apply to Business Income loss and/or Extra Expense which is attributable to goods or products containing or derived from hemp, including, but not limited to:
- a.** Seeds;
  - b.** Food;
  - c.** Clothing;
  - d.** Lotions, oils or extracts;
  - e.** Building materials; or
  - f.** Paper.
- However, this Paragraph **C.2.** does not apply to the extent any such goods or products are prohibited under an applicable state or local statute, regulation or ordinance in the state where such goods or products are located.
- D.** For the purpose of this endorsement, the following definition is added:
- "Cannabis":
- 1.** Means:

Any good or product that consists of or contains any amount of Tetrahydrocannabinol (THC) or any other cannabinoid, regardless of whether any such THC or cannabinoid is natural or synthetic.
  - 2.** Paragraph **D.1.** above includes, but is not limited to, any of the following containing such THC or cannabinoid:
    - a.** Any plant of the genus Cannabis L., or any part thereof, such as seeds, stems, flowers, stalks and roots; or
    - b.** Any compound, by-product, extract, derivative, mixture or combination, such as:
      - (1)** Resin, oil or wax;
      - (2)** Hash or hemp; or
      - (3)** Infused liquid or edible cannabis;whether or not derived from any plant or part of any plant set forth in Paragraph **D.2.a.**

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **CANNABIS EXCLUSION**

This endorsement modifies insurance provided under the following:

CAPITAL ASSETS (OUTPUT POLICY) COVERAGE PART

**A. Property Not Covered** is amended as follows:

"Cannabis" is added to **Property Not Covered**.

**B.** For the purpose of this endorsement, the following applies to **Business Income And Extra Expense**:

Coverage under this Policy does not apply to that part of Business Income loss or Extra Expense incurred, due to a "suspension" of your "operations", which is attributable to the design, cultivation, manufacture, storage, processing, packaging, handling, testing, distribution, sale, serving, furnishing, possession or disposal of "cannabis".

**C.** For the purpose of this endorsement, the following definition is added:

"Cannabis":

**1.** Means:

Any good or product that consists of or contains any amount of Tetrahydrocannabinol (THC) or any other cannabinoid, regardless of whether any such THC or cannabinoid is natural or synthetic.

**2.** Paragraph **C.1.** above includes, but is not limited to, any of the following containing such THC or cannabinoid:

**a.** Any plant of the genus Cannabis L., or any part thereof, such as seeds, stems, flowers, stalks and roots; or

**b.** Any compound, by-product, extract, derivative, mixture or combination, such as:

**(1)** Resin, oil or wax;

**(2)** Hash or hemp; or

**(3)** Infused liquid or edible cannabis;

whether or not derived from any plant or part of any plant set forth in Paragraph **C.2.a.**

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **CANNABIS EXCLUSION WITH HEMP EXCEPTION**

This endorsement modifies insurance provided under the following:

### CAPITAL ASSETS (OUTPUT POLICY) COVERAGE PART

**A. Property Not Covered** is amended as follows:

1. "Cannabis" is added to **Property Not Covered**.
2. Paragraph **A.1.** of this endorsement does not apply to goods or products containing or derived from hemp, including, but not limited to:
  - a. Seeds;
  - b. Food;
  - c. Clothing;
  - d. Lotions, oils or extracts;
  - e. Building materials; or
  - f. Paper.

However, this Paragraph **A.2.** does not apply to the extent any such goods or products are prohibited under an applicable state or local statute, regulation or ordinance in the state where such goods or products are located.

**B.** For the purpose of this endorsement, the following applies to **Business Income And Extra Expense**:

1. Coverage under this Policy does not apply to that part of Business Income loss or Extra Expense incurred, due to a "suspension" of your "operations", which is attributable to the design, cultivation, manufacture, storage, processing, packaging, handling, testing, distribution, sale, serving, furnishing, possession or disposal of "cannabis".
2. Paragraph **B.1.** of this endorsement does not apply to Business Income loss or Extra Expense which is attributable to goods or products containing or derived from hemp, including, but not limited to:
  - a. Seeds;
  - b. Food;
  - c. Clothing;

- d. Lotions, oils or extracts;
- e. Building materials; or
- f. Paper.

However, this Paragraph **B.2.** does not apply to the extent any such goods or products are prohibited under an applicable state or local statute, regulation or ordinance in the state where such goods or products are located.

**C.** For the purpose of this endorsement, the following definition is added:

"Cannabis":

1. Means:

Any good or product that consists of or contains any amount of Tetrahydrocannabinol (THC) or any other cannabinoid, regardless of whether any such THC or cannabinoid is natural or synthetic.

2. Paragraph **C.1.** above includes, but is not limited to, any of the following containing such THC or cannabinoid:

- a. Any plant of the genus Cannabis L., or any part thereof, such as seeds, stems, flowers, stalks and roots; or
- b. Any compound, by-product, extract, derivative, mixture or combination, such as:
  - (1) Resin, oil or wax;
  - (2) Hash or hemp; or
  - (3) Infused liquid or edible cannabis;whether or not derived from any plant or part of any plant set forth in Paragraph **C.2.a.**