

How To Guide for Kentucky Cannabis Business Security and Surveillance

This quick reference guide provides a summary of security and surveillance requirements for licensed medical cannabis businesses in Kentucky set forth for cultivators in 915 KAR 1:030 Section 7, processors in 915 KAR 1:040, safety compliance facilities in 915 KAR 1:060 Section 11, and dispensaries in 915 KAR 1:070 Section 11.

→ **During nonworking hours, all cannabis business entrance and exits must be securely locked and monitored.**

Security requirements

Security systems must be commercial grade, professionally monitored, and are required to include:

- ▶ Coverage of all entrances and exits; rooms with exterior windows, exterior walls, roof hatches, skylights; storage rooms, including those that contain medical cannabis and safes; and the facility perimeter
- ▶ An audible panic alarm generated by manual activation
- ▶ A silent alarm signal generated by manual activation
- ▶ A failure notification system that provides audible, text, or visual notification of any systems. Any failure alert should be reported by telephone, email, or text message to designated security personnel within the facility in no less than 5 minutes of the failure
- ▶ Smoke and fire alarms
- ▶ Auxiliary power (for at least 24 hours)
- ▶ Motion detectors for exterior lighting
- ▶ Access doors that are not solely controlled by electronic access panel (to prevent locks from being released by a power outage)

Storage and access requirements

Recordings and images must only be accessible to authorized individuals and kept in a limited access area such as a locked cabinet, closet, or other secure place to protect against theft or tampering (unless the Cabinet approves storage at an off sight secure location).

Licensed businesses must also ensure:

- ▶ Access is limited to essential security and surveillance operations personnel; law enforcement; system service vendors; the cabinet; and other persons with prior written approval of the cabinet
- ▶ A list of employees, service employees, or contractors with authorized access is placed by access doors of areas containing security and surveillance operating equipment and made available to the Cabinet upon request
- ▶ All rooms housing security and surveillance equipment are locked at all times and cannot be used for any other purpose or function

Inspection requirements

Inspection records must be retained for a minimum of five years and made available to the Cabinet within two days of request.

All security and surveillance systems must be:

- ▶ Inspected and tested once every year by a qualified vendor
- ▶ Inspected monthly internally for maintenance to ensure proper operation with no more than 30 days between inspections.
 - **Dispensaries** must also routinely inspect POS systems to confirm protection from malicious software and retain inspection documentation for two years

Any malfunction that exceeds an 8-hour period should be immediately reported to the Cabinet by email at kymedcanreporting@ky.gov along with any alternative security measures which may include closure of facility.

Surveillance requirements

Surveillance systems must be commercial grade, professionally monitored, and are required to:

- ▶ Be operational 24 hours a day, 7 days a week, recording all activity in images capable of clearly revealing facial detail
- ▶ Include fixed camera placement that provides a clear image of all individuals and activities in an around:
 - ✓ All limited access areas
 - ✓ Rooms that contain security alarm and surveillance system storage devices or equipment
 - ✓ Entrances and exits from the facilities recorded from both indoor and outdoor vantage points
 - ✓ Rooms with exterior windows and walls, roof hatches, skylights, and storage rooms (excluding restrooms)
 - ✓ 20 feet from the exterior perimeter of the facility
- ▶ Cameras must be equipped with the ability to:
 - ✓ Run on auxiliary power (for at least 24 hours)
 - ✓ Operate in the normal lighting conditions of each area
 - ✓ Immediately produce an easily accessible digital, clear, color, still photograph
 - ✓ Clearly display the date and time, synchronized and set correctly, without obscuring the image

Recording and retention requirements

Surveillance footage must be accessible for a minimum of 60 days (unless otherwise required for investigative or litigative purposes) along with:

- ▶ A secure electronic back-up system
- ▶ The ability to easily export video recordings and still photos requested by the cabinet, law enforcement, and other federal or state government officials in a standard easily accessible format
- ▶ The ability to provide up to four screenshots of unaltered surveillance footage within 3 days of request

*If notified by the Cabinet or an authorized agency of pending investigation, a business must have the ability to provide unaltered surveillance footage for up to two years until the investigation is closed or until the agency provides notification that it is no longer necessary (whichever is later).