



## TECHNICAL ADVISORY

2025-003

AMENDMENT 1<sup>1</sup>

**Date:** February 17, 2025

**Initial Publication Date:** February 10, 2025

**Subject:** Guidance for Dispensary Licensees Required to Change Locations

**Relevant authority:** 915 KAR 1:020; 915 KAR 1:010; KRS 218B.130

**Prepared by:** Sam Flynn, Executive Director *SRF*  
Kentucky Office of Medical Cannabis

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The purpose of this technical advisory is to provide dispensary licensees with guidance on the Office of Medical Cannabis's interpretation of, and how a licensee may maintain compliance with, KRS Chapter 218B and 915 KAR Chapter 1, regarding required change of location following selection in the lottery drawings for dispensary licenses.<sup>2</sup>

### Background

In a Guidance published by the Office of Medical Cannabis ("the Office") on June 28, 2024, entitled "Guidance re Provisional Licenses, Change of Location Requests, and Lottery Selection for Dispensary Licenses" ("June 28, 2024 Guidance"), the Office explained if multiple eligible applicants selected in a dispensary region drawing identified the same county to locate and conduct cannabis business activities, there will be an opportunity to change location to a different county or city that allows cannabis business activities within the same region. The Office also explained how priority is established for those selectees that are required to change from the location submitted in their applications (*i.e.*, **the order of selection in the respective lottery drawing determines the priority in which selectees will identify new locations**).

The June 28, 2024 Guidance also discusses issuance of provisional licenses and changing location.

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<sup>1</sup> Amended language is contained in the last paragraph of this Technical Advisory and is noted in red.

<sup>2</sup> The Application to Request Approval of a Change in Cannabis Business Location can be found [here](https://www.kymedcan.ky.gov) on the Office's website, [www.kymedcan.ky.gov](https://www.kymedcan.ky.gov).

See 915 KAR 1:020, Section 3(10). Prior to license issuance, if an eligible applicant selected through the lottery process needs to change their location for cannabis business activities due to a local government prohibiting all cannabis business operations within its territory as authorized by KRS 218B.130 or other circumstances, a provisional license may be issued to the eligible applicant upon timely payment of the applicable license fee. If a provisional license is issued, the provisional licensee shall have a maximum of 120 calendar days from issuance to request a change of location to an allowable county or city under KRS Chapter 218B and 915 KAR Chapter 1. Critically, **if the provisional licensee fails to request a location change within 120 calendar days from issuance or the request is denied, the provisional license shall be revoked and the license fee shall not be refunded.** 915 KAR 1:020, Section 3(10).

### **Submitting Applications to Request Approval of a Change in Cannabis Business Location**

**First Priority.** The dispensary licensee that has first priority to change location in a region must submit an application requesting a location change to the Office within 120 calendar days from license issuance that identifies the specific proposed location and provides the required supporting materials (*i.e.*, documentation that shows the licensee has the authority to use the identified location as a cannabis business for, at a minimum, the term of the license and a site plan).

**Second and Third Priority.** Dispensary licensees with lower priority within the same region must also submit an application requesting a location change to the Office within 120 calendar days from license issuance. **Licensees without first priority to change locations in a dispensary region may submit their applications listing “TBD (Allowable County or City within Dispensary Region \_\_\_)” for their proposed location information** because licensees with lower priority have no control over how long the licensee with first priority will take to identify their new location.

- Once the Office has approved or denied the licensee with first priority’s location change, the licensee with **second priority** in the dispensary region will have 120 calendar days from the date of approval or denial to submit an amended application requesting a location change to the Office that identifies their specific proposed location and provides the required supporting materials.
- Once the Office has approved or denied the licensee with second priority’s location change, the licensee with **third priority** in the region will have 120 calendar days from the date of approval or denial to submit an amended application requesting a location change to the Office that identifies their specific proposed location and provides the required supporting materials.
- The Office will notify the licensees with lower priority in a dispensary region when final decisions have been made on applications submitted in that same region.

**Dispensary Licensees Not Required to Change Locations.** Finally, for dispensary licensees that were **not** required to change their location following lottery selection in their chosen region, they may request a change of location in accordance with 915 KAR 1:020, Section 9. **If those licensees submit a request to change location within the same county that was identified in their business license application for conducting cannabis business activities, the Office will process those applications as received because the proposed move within the same county does not affect the order**

of priority for or the allowable counties or cities available to the other dispensary licensees that are required to change location in the same region. However, applications requesting a location change outside of the same county will be held by the Office until it has taken action on applications from all licensees that were required to change locations within their region. Once all locations within a region have been finalized in accordance with the geographic restrictions contained in 915 KAR 1:020, applications requesting a change in location will be processed by the Office in the order they are received.

ISSUED BY:



Sam Flynn, Executive Director  
Office of Medical Cannabis

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