

Kentucky Medical Cannabis Reference Guide
For Law Enforcement



OFFICE OF
MEDICAL CANNABIS

Team Kentucky Medical Cannabis Work Group

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About this Guide

This guide is intended to help law enforcement understand the relevant laws and regulations for medical cannabis in Kentucky. The content provided is for informational purposes only and pertains strictly to the regulations set in place to ensure safety and compliance of medical cannabis cardholders and businesses within the state. This guide is for reference only and does not provide legal guidance or indicate how to police or prosecute persons or entities accused or charged with violating the law.

Senate Bill 47 (2023), codified in KRS Chapter 218B, legalized medical cannabis in Kentucky for registered qualified patients beginning January 1, 2025.

Medical cannabis patients and caregivers are required to adhere to all the regulations established by the Program.

Medical cannabis businesses, including cultivators, processors, producers, safety compliance facilities (or testing laboratories), and dispensaries are required to adhere to all regulations established by the Kentucky Medical Cannabis Program (“Program”). See 915 KAR Chapter 1. See 915 KAR Chapter 2.

Marijuana currently remains illegal under federal law. All lawful activities related to medical cannabis in Kentucky fall under the purview of the Cabinet for Health and Family Services’ Office of Medical Cannabis and the Kentucky Medical Cannabis Program.

Please note that the legalization of medical cannabis in Kentucky does not change any of the current laws in place for illicit marijuana. Activities determined unlawful and involving cannabis are subject to the procedures and criminal penalties provided in KRS Chapter 218A.

As relevant laws and regulations change, this guide will be updated and issued in subsequent editions.

Additional information for law enforcement and other resources regarding medical cannabis in Kentucky can be found at kymedcan.ky.gov.

About the Team Kentucky Medical Cannabis Workgroup

The Team Kentucky Medical Cannabis Workgroup was established on October 5, 2023, by Governor Andy Beshear through Executive Order 2023-600.

The workgroup is comprised of members who have relevant experience in health care, education and workforce, law enforcement, agriculture, economic development, and local government.

The workgroup's purpose is to study evolving medical cannabis industry policy and the state of medical cannabis policy in the Commonwealth in order to make recommendations to the Kentucky Medical Cannabis Program and other state agencies on emerging best practices.

The workgroup will deliver ongoing recommendations on legislative, regulatory, or policy changes necessary to ensure Kentucky patient cardholders, visiting qualified patients, and designated caregivers have safe access to affordable medical cannabis products.

This guide will continue to be updated as laws and information are developed to address safety and health issues. We would like to thank the following people and their respective organizations for their participation in the Team Kentucky Medical Cannabis Work Group:

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Executive Summary

Kentucky Senate Bill 47 (2023) legalized medical cannabis in Kentucky beginning January 1, 2025, and tasked the Cabinet for Health and Family Services (“CHFS”) with the responsibility of promulgating the regulations for the creation, development, and implementation of the medical cannabis program.

The Kentucky Medical Cannabis Program (“Program”), now under the Office of Medical Cannabis (“OMC”), was formed within the CHFS to provide a regulatory framework for cannabis businesses in addition to qualified patients and designated caregivers. Regulations regarding cannabis business licensing and operations can be found in 915 KAR Chapter 1, while regulations for patients and caregivers such as the written certification process, cardholder registration, and requirements for proper card use can be found in 915 KAR Chapter 2. The Kentucky Board of Medical Licensure (“KBML”) and the Kentucky Board of Nurses (“KBN”) are responsible for regulations that authorize medical practitioners to provide written certifications for medical cannabis. Local governments may also regulate cannabis business operations.

The Program and the Team Kentucky Medical Cannabis Workgroup sought to support law enforcement with this supplemental guidance document as a resource which summarizes relevant regulations. This is to help the Program and law enforcement ensure that registered cardholders and licensed cannabis businesses operate safely and most importantly, legally in compliance. If a registered cardholder or licensed cannabis business in Kentucky fails to comply with KRS Chapter 218B and 915 KAR Chapters 1 and 2, they may be subject to suspension or revocation of their card or license or even criminal charges depending on the severity of the violation(s).

Purpose, scope, and users of the guide

This guide provides a high-level overview of the requirements and potential enforcement actions to consider when determining whether an activity is lawful or unlawful within the Commonwealth. It is informational only and is not intended to replace the current laws for using unlawful substances. Furthermore, this guide does not provide a comprehensive list of existing federal, state, and local regulations that may apply to the medical cannabis industry.

Guide objectives

The objectives of this guide are to:

- Assist in the recognition of lawful and unlawful medical cannabis activities
- Identify existing federal, state, and local related regulations that may apply to medical cannabis businesses and cardholders
- Provide information and resources to assist law enforcement determine lawful and unlawful activities
- Provide citations and examples to reference during law enforcement related occurrences

Guide Roadmap

Part I of the guide covers general requirements for cardholders and businesses relevant for law enforcement. The initial background provided in Part I provides the basis for the related enforcement procedures provided in Part II.

Part I: Overview of Medical Cannabis Requirements Relevant For Law Enforcement

- Terms and definitions
- Requirements for registered patients and designated caregivers
- Requirements for licensed cannabis businesses
- Types of products
- Packaging and labeling
- Proper storage, transportation, and use

Part II: Overview of Medical Cannabis Related Enforcement Procedures

- KRS Chapter 218B Violations
- How to validate a medical cannabis card
- How to verify legal medical cannabis products
- Utilizing the medical cannabis registry

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Part I: Overview of Medical Cannabis Requirements Relevant for Law Enforcement

1.0 Terms and Definitions

Term Used In Kentucky Statutes	As it appears in the Guide
written certification	certification
medical cannabis accessories	accessories
registered qualified patient	patient
qualified practitioner	practitioner
medical cannabis safety compliance facility	safety facility
medical cannabis dispensary	dispensary
patient and caregiver registry	registry
registry identification cards	medical cannabis cards

Cannabidiol (CBD): a cannabinoid that has potential medical benefits but is not psychoactive and can actually counteract the psychoactive effects of THC.

Cannabinoid: any of the chemical compounds in the cannabis plant that affect the body’s endocannabinoid system, including the central nervous system and the immune system. Some cannabinoids are psychoactive (acting on the brain and changing mood or consciousness); some are not.

Cannabis: the dried leaves and flowers (buds) of the Cannabis sativa or Cannabis indica plant. Cannabis contains active chemicals containing compounds called cannabinoids. Medical cannabis use is permitted to treat the symptoms of disease or the side effects of treatment, such as nausea and vomiting, pain, seizures, and loss of appetite.

Caregiver: a Kentucky resident who has agreed to assist with a patient’s medical use of cannabis, has a registry ID card, and meets the statutory requirements to qualify for the position.

Chronic nonmalignant pain: pain that is caused by a qualifying medical condition or that originates and persists from a qualifying medical condition.

Dispensary: a retail location, owned and operated by a licensed business where patients and caregivers can purchase medical cannabis and accessories.

Edibles: commercially produced food items, such as gummies, sold at a dispensary.

Medical Cannabis Accessory: an object for preparing, storing, ingesting, vaping, or otherwise introducing cannabis into the body, and which may be sold at a state licensed facility.

Medical cannabis: any processed product of a plant of the genus Cannabis, to include any compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, from state licensed dispensaries.

Safety Compliance Facility: an Office of Medical Cannabis certified facility that collects and analyzes cannabis samples from a cultivators and processors to ensure safety and quality.

Patient and Caregiver Registry: a secure, online database that contains information about practitioners, patients, caregivers. The registry is accessible to practitioners, and dispensaries to verify the authorization of a patient or a caregiver to possess medical cannabis or accessories and record dispensed products.

Medical Cannabis Registry identification cards: identification cards for patients and caregivers to purchase cannabis issued by the Office of Medical Cannabis. Also known as medical cannabis cards.

Medical use: the acquisition, possession, use, delivery, transfer, or administration of cannabis authorized by a written certification and used by a registered qualified patient.

Office of Medical Cannabis: Office, housed within the Cabinet of Health and Family Services, that writes and implements the Cabinet's rules for medical cannabis, oversees the statewide Medical Cannabis registries, and issues licenses for medical cannabis businesses.

Practitioner certification: a practitioner's authorization for a patient to receive medical cannabis and accessories.

Qualified patient: a Kentucky resident who has been added to the registry by a practitioner to receive medical cannabis or an accessory and who has a registry ID card.

Qualified practitioner: registered physicians, osteopaths, and advanced practice registered nurses ("APRNs") who are first authorized by their respective licensing board.

Qualifying medical condition: a chronic or terminal diagnosis that a patient must have to qualify to receive medical cannabis products or an accessory.

Seed-to-sale tracking database: a computer software tracking system that traces cannabis from seed to sale and allows real-time, 24-hour access to data from all medical cannabis businesses.

Smoking: burning or igniting a substance and inhaling the smoke. "Smoking" does not include the use of a vaporizer. Smoking of medical cannabis is prohibited.

Terminal condition: a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered by a treating practitioner to be reversible without the

administration of life-sustaining procedures, and will result in death within one year after diagnosis if the condition runs its normal course.

Tetrahydrocannabinol (THC): is the principal psychoactive cannabinoid found in Cannabis. THC is the compound that causes the "high" reported by cannabis users, but it may also help relieve pain and nausea, reduce inflammation, and stimulate the appetite.

Transportation manifest: a list of all of the medical cannabis and accessories being transported in any commercial vehicle from a medical cannabis business. The manifest is generated by the seed-to-sale tracking system and includes specific information about the delivery.

Unlicensed activity: any activity that is conducted without a required permit, certificate, or license.

2.0 Registered Qualified Patients and Designated Caregivers

This section provides an overview of the persons who may lawfully purchase, possess, and handle medical cannabis in Kentucky. If a person is in possession, purchases, or handles cannabis and *is not* one of the registered patient types described in this section, a licensed cannabis business described in *Section 3.0 Licensed Cannabis Businesses*, or an authorized researcher or regulator with the proper authority, the person should be charged and prosecuted according to KRS Chapter 218A.

2.1 Registered Qualified Patients

2.1.1 Registered Qualified Patient

A Kentucky resident who has a written certification for medical cannabis from a licensed practitioner and has applied, obtained, and possesses a valid medical cannabis card issued by the Kentucky Office of Medical Cannabis.

2.1.2 In-State Minor Qualified Patient

An individual under eighteen (18) years old with a qualifying medical condition who has received a written certification and the consent of a custodial parent or legal guardian.

2.1.3 Visiting Qualified Patient

A person who has registered with the Office of Medical Cannabis or who possesses a valid out-of-state medical cannabis card and documentation of having been diagnosed with a qualifying medical condition. Visiting qualified patients may possess no more than a 10-day supply of medical cannabis on his or her person at any given time.

2.2 Designated Caregivers

2.2.1 Designated Caregivers

A Kentucky resident who assists qualified patients with purchasing and/or administering medical cannabis and has a caregiver medical cannabis card.

2.2.2 Designated Caregiver Requirements

- Kentucky resident
- At least twenty-one (21) years old
- Must not assist more than three (3) registered patients
- Must not have a disqualifying felony conviction
- A custodial parent or legal guardian with responsibility for health care decisions for a minor qualified patient must serve as a minor's designated caregiver.
- OR a guardian, limited guardian, conservator, or limited conservator to the qualified patient applying for a registry ID card.

2.2.3 Designated Caregiver Requirements

- Caregivers are allowed to assist with up to three (3) patients.
- A caregiver must be in immediate possession of their registry ID card at all times when in possession of medical cannabis and must present the card upon request of a law enforcement officer.
- A caregiver's registry ID card will display their name and unique ID number and the names and unique ID numbers of the patients they assist.
- A caregiver can fill an order only for their assigned patient(s).
- A caregiver can purchase from a dispensary up to the amount of medical cannabis authorized in the written certification. All medical cannabis purchased must remain in its original packaging during transport.

2.3 Qualifying Conditions and Written Certifications

2.3.1 Qualifying Medical Conditions

Patients must have been diagnosed with a **qualifying medical condition**. A patient must be diagnosed with at least one of the following medical conditions to be a qualified patient.

- Any type or form of cancer, regardless of stage
- Chronic or debilitating pain, epilepsy, or any other seizure disorder
- Multiple sclerosis, muscle spasms, or spasticity
- Chronic nausea or cyclical vomiting syndrome that has been proven resistant to other conventional medical treatments
- Post-traumatic stress disorder

2.3.2 Written Certifications

Once the patient has received a written certification and the practitioner has uploaded their information to the registry, the patient can apply for a medical cannabis card. All patients must obtain a medical cannabis card to purchase cannabis from a dispensary or have it in their possession.

2.3.3 Authorized Medical Practitioners

Medical practitioners, osteopaths, and advanced practice registered nurses ("APRNs") who are authorized by their respective licensing boards are allowed to certify patients for medical cannabis. Practitioners, osteopaths, and APRNs can become certified medical cannabis practitioners after applying to the same state licensing board that issued their professional practice license.

Only certified medical cannabis practitioners can issue a **written certification** that authorizes a patient to receive, buy, and possess medical cannabis. This is **not** a prescription as cannabis remains a Schedule I controlled substance under federal law.

A practitioner may be sanctioned by their respective state licensing board for providing false or fraudulent written certifications.

For a patient to receive a written certification for medical cannabis the practitioner must:

- Establish a bona fide practitioner-patient relationship with the patient and either diagnosis or confirm the diagnosis of the patient with a qualifying medical condition and confirm that the patient could benefit from the use of medical cannabis.
- A bona fide practitioner-patient relationship is defined in KRS 218B.010(1) and requires an initial in-person examination and assessment of a patient's medical history and current medical condition among other requirements. The ongoing relationship can be maintained via telehealth.
- Practitioners must also explain to patients the possible risks and side effects associated with medical cannabis use.
- If the patient is under the age of eighteen (18), the practitioner must also consult with the patient's parent or guardian about risks and obtain consent to treat.
- Before providing a certification, a practitioner will obtain and document all relevant information in a patient's medical record.
- If the patient is a female of childbearing potential and age, the medical cannabis practitioners will recommend that the patient submit to a pregnancy test and will factor the results of that test into the clinical decision as to the appropriateness of the use of medical cannabis.
- Based on evidence or behavioral indications of addiction or drug abuse, the practitioner will obtain a drug screen on the patient. It will be within the practitioner's discretion to decide the nature of the screen and which type of drug to be screened.
- Review the patient's controlled drug prescription history in the Prescription Drug Monitoring Program database.
- Review the registry and confirm that the patient does not have an active certification from another practitioner.
- Within twenty-four (24) hours of providing a patient with a written certification, the practitioner must record the issuance in Kentucky's Medical Cannabis Practitioner Registry. The written certification will include:
 - The patient's qualifying condition(s)

- Any recommendation or limitation as to the form and dosage of medical cannabis that can be dispensed to the registered qualified patient.
- Any limitation on time if the practitioner does not certify for the standard twelve (12) months.

2.4 Medical Cannabis Registry ID Cards (Medical Cannabis Cards)

2.4.1 Card Registration Requirements

To apply for a medical cannabis card, a person must have:

- A diagnosed qualifying medical condition
- A written certification from a licensed medical cannabis practitioner
- No disqualifying felony offense convictions (see KRS 218B.010(11))

2.4.2 Card Identification (ID) Requirements

Registry Identification Cards, also known as Medical Cannabis Cards, are designed so law enforcement can easily verify their validity and are resistant to counterfeiting and tampering. Cards must include:

- A unique identification number
- Name
- Date of Birth
- Address
- Issuance date
- Expiration date
- Caregiver information if applicable

2.4.3 Card Validation

Each medical cannabis card will contain a QR code on the back in the bottom right corner for law enforcement to use to verify the validity of the card. Scanning the QR code will return a result stating whether the card is valid or invalid. Each card will also have an expiration date prominently displayed on the front of the card as shown in the example below.

2.4.4 Card Security

Each card contains a security feature which removes the background if the card is photocopied.

2.4.5 Card Expiration

A registry ID card expires one (1) year after the date of issuance, unless a medical cannabis practitioner states in the written certification that the qualified patient would benefit from the use of medical cannabis for less than one (1) year, then the registry ID card will expire on that date. When a card expires or is revoked, it is automatically deactivated in the registry. The former cardholder will no longer be considered a patient and will be unable to use the card to purchase medical cannabis at licensed dispensaries.

Scan QR code to confirm card's validity



2.5 Potential Unlawful Activities Associated with Cardholders

2.5.1 Fraudulent Representation of Qualifying Medical Condition

A person who fraudulently represents that they have a qualifying medical condition for the purpose of being issued a certification potentially warrants enforcement action by the Office of Medical Cannabis. The first step an officer should take is contacting and notifying the Office of Medical Cannabis.

2.5.2 Driving Under the Influence (DUI)

A person is not exempt from prosecution for a criminal offense due to impairment or intoxication from medical cannabis use, nor is the person excused from the requirement to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance. KRS 218B.035(1)(a), (b) and (4) are clear that nothing in KRS Chapter 218B authorizes an individual to operate a vehicle while under the influence of medical cannabis. Such conduct is expressly prohibited.

2.5.3 Smoking

A person is prohibited from smoking medical cannabis (KRS 218B.010(37)(b)(2), KRS 218B.035(1)(g)).

2.5.4 Mishandling Products During Transport

Medical cannabis must not be within a driver's reach and must be stored in a container with at least a two-step opening process. When cardholders possess medical cannabis outside of their residence, they must have their valid registry ID card and keep the products in their original containers from the dispensary.

2.5.5 Possession While Operating Machinery

KRS 218B.035(1)(c) states that “[p]ossessing medicinal cannabis that is within the operator's arm's reach or requires less than a two (2) step process to access while operating, navigating, or being in actual physical control of an aircraft, vehicle, vessel, or any other device known, or hereafter invented, that is powered by machinery and that is or may be used to transport persons or property” is not authorized under KRS Chapter 218B.

2.5.6 Diversion

A cardholder is prohibited from purchasing medical cannabis for a non-cardholder. Diversion of medical cannabis from a cardholder to a non-cardholder is strictly prohibited under KRS Chapter 218B. As part of the application process for a medical cannabis card, applicants pledge not to divert medical cannabis to anyone who is not permitted to possess medical cannabis and further acknowledge the potential penalties for doing so, including criminal prosecution and revocation of any registry identification card issued by the OMC.

2.5.7 Home Growing

Kentucky law prohibits cannabis grown by an individual. Medical cannabis provided to a patient or caregiver must be sold through a state licensed dispensary. Any cardholder who cultivates cannabis or who acquires cannabis from any person or entity other than a state licensed dispensary is in violation of the law and subject to penalty.

2.6 Penalties for Misuse of Medical Cannabis Cards

The Office of Medical Cannabis has established procedures for issuing, renewing, suspending, replacing, and revoking medical cannabis cards. OMC may suspend or revoke the registration of a patient or caregiver for:

- Providing misleading, incorrect, false, or fraudulent information to OMC
- Falsifying, altering, or otherwise modifying a medical cannabis card
- Failing to timely notify OMC of any changes to their patient status
- Obtaining a supply of medical cannabis greater than the amount authorized by the written certification
- Cultivating cannabis or acquiring, possessing, or purchasing cannabis from any person or entity other than a licensed dispensary
- No longer meeting the criteria to be qualified as a patient.

Any cardholder charged with a violation of KRS 218B is subject to having their card revoked by the Office of Medical Cannabis. All violations should be reported to the Office of Medical Cannabis.

3.0 Licensed Cannabis Businesses

This section provides an overview of the businesses that may lawfully cultivate, manufacture, process, acquire, possess, sell, deliver, distribute, dispense, and dispose of medical cannabis material, products, or accessories. If an individual is in possession, purchases, or handles cannabis and *is not* a representative of a business with one of the license types described in this section or a registered patient or caregiver described in *Section 2.0 Registered Qualified Patients and Designated Caregivers*, or an authorized researcher or regulator with the proper authority, the person should be charged and prosecuted according to KRS Chapter 218A.

3.1 Cannabis Business License Types

3.1.1 Cultivator

A cultivator is a business that plants, cultivates, harvests, trims, and stores cannabis seeds, seedlings, plants, or raw plant material.

3.1.2 Processor

A processor is a business which prepares, manufactures, and packages medical cannabis products.

3.1.3 Producer

A producer is a business which is both a cultivator and a processor.

3.1.4 Safety Compliance Facility

A cannabis safety compliance facility is responsible for testing medical cannabis products produced in Kentucky to ensure those products are safe for consumption and use.

3.1.5 Dispensary

A dispensary is a retail location where medical cannabis products are sold.

3.2 Seed-to-sale Tracking

The Office of Medical Cannabis is required to establish, maintain, and control a computer software tracking system that traces the medical cannabis from seed to sale and allows real-time, 24-hour access by OMC to data from all licensed medical cannabis businesses. Each business must use the seed-to-sale tracking database provided by the OMC. The system includes information about when cannabis:

- seeds are planted
- plants are harvested and destroyed
- is transported
- is sold
- is stolen, diverted, or lost

3.3 Cultivator Operations

A medical cannabis cultivator is a facility licensed by the Office of Medical Cannabis that is responsible for growing, trimming, and harvesting medical cannabis plants. Cultivators may possess, transport, and

lawfully dispose of medical cannabis. Cultivators are prohibited from distributing medical cannabis for consumption.

All requirements for cultivators can be found in [KAR 915 1:030](#).

3.3.1 Permitted and Prohibited Activities for Cultivators

A licensed cultivator may:

- Acquire, possess, plant, cultivate, raise, harvest, and trim cannabis plants
- Store cannabis seeds, seedlings, plants, or raw plant material in **an enclosed, lock facility** which includes a greenhouse, building or other indoor area
- Delivering, transporting, transferring, supplying, or selling raw plant material or related supplies to other licensed medical cannabis businesses in the state
- Selling cannabis seeds or seedlings to other licensed cultivators in Kentucky

A licensed cultivator may not:

- Cultivate medical cannabis with THC content over 35%
- Sell or transfer medical cannabis to any person or entity who does not hold a cannabis business license issued by the cabinet
- Display signage, logos, products, or any other identifying characteristics to alert the public that medical cannabis is being grown at that facility
- Locate within one thousand (1,000) feet of an existing elementary school, secondary school, or daycare center

3.3.2 Security Requirements for Cultivators

The security requirements for licensed cultivators are outlined in 915 KAR 1:030 Section 7.

3.3.3 Associated Penalties for Cultivators

If cultivators fail to meet operational or security requirements or divert raw flower into the illicit market they are subject to criminal penalty and having their license revoked by the Office of Medical Cannabis.

3.4 Processor Operations

A medical cannabis processing facility processes raw plant material into medical cannabis products like edibles on its premises. Processors may modify medical cannabis through extraction and other processing methods to develop various products.

All requirements for processors can be found in [KAR 915 1:040](#).

3.4.1 Permitted and Prohibited Activities for Processors

A licensed processor may:

- Acquire or purchase raw plant material from a cultivator, producer, or another processor.
- Possess, process, prepare, manufacture, manipulate, blend, or package medical cannabis.

- Transfer, transport, supply, or sell medical cannabis and related supplies to other licensed cannabis businesses.

A licensed processor may not:

- Possess or sell finished medical cannabis products with THC content over the allowable THC limits or any product that contains vitamin E acetate. See KRS 218B.115(2).
- Display signage, logos, products, or any other identifying characteristics to alert the public that medical cannabis is being processed at that facility.
- Locate within one thousand (1,000) feet of an existing elementary school, secondary school, or daycare center.
- Sell medicinal cannabis products directly to medical cardholders.

3.4.2 Security Requirements for Processors

The security requirements for licensed processors are outlined in 915 KAR 1:040 Section 7.

3.4.3 Associated Penalties for Processors

If processors fail to meet operational or security requirements or divert raw flower into the illicit market they are subject to criminal penalty and having their licensed revoked by the Office of Medical Cannabis.

3.5 Safety Compliance Facility Operations

A medical cannabis safety compliance facility licensed by the Office of Medical Cannabis responsible for testing medical cannabis products produced in Kentucky to ensure those products are safe for consumption and use. Safety Compliance Facilities may acquire, possess, test, transport, and lawfully dispose of medical cannabis. They are prohibited from selling and distributing medical cannabis for consumption.

All requirements for safety compliance facilities can be found in [KAR 915 1:060](#).

3.5.1 Permitted and Prohibited Activities for Safety Compliance Facilities

A licensed safety compliance facility may:

- Acquire or possess medical cannabis obtained from licensed Kentucky cannabis businesses and cardholders for the purpose of testing
- Test medical cannabis for psychoactive compounds, residual production chemicals, impurities, and contaminants
- Produce and sell medical cannabis educational materials, lab equipment, and packaging materials
- Train cardholders and cannabis business agents

A licensed safety compliance facility may not:

- Perform tests on medical cannabis for a cannabis business prior to entering into a written contract with that business
- Be open to the general public
- Locate within one thousand (1,000) feet of an existing elementary school, secondary school, or

daycare center

- Accept medical cannabis from or return medical cannabis to anyone except licensed cannabis businesses

3.5.2 Security Requirements for Safety Compliance Facilities

The security requirements for licensed safety compliance facilities are outlined in 915 KAR 1:060 Section 11.

3.5.3 Associated Penalties for Safety Compliance Facilities

Most penalties for noncompliance for Safety Compliance Facilities are administrative actions that are the responsibility of OMC. OMC can refuse to issue or renew, or can suspend or revoke, the certification of a safety facility. The following acts constitute grounds for disciplinary action:

- permitting unauthorized persons to perform technical procedures or issue reports.
- demonstrating incompetence or making consistent errors in the performance of testing or erroneous reporting
- performing a test and rendering a report on the test to a person or entity not authorized by law to receive such services.
- failing to file any required report.
- reporting a test result if the test was not performed.
- failing to correct deficiencies within the time required by OMC.

3.6 Dispensary Operations

A dispensary is the only type of cannabis business that will interact with the public. Dispensaries are retail locations where medical cannabis products are sold.

All requirements for dispensaries can be found in [KAR 915 1:070](#).

3.6.1 Permitted and Prohibited Activities for Dispensary Operations

A licensed dispensary may:

- Acquire medical cannabis from a cultivator, processor, producer, or another dispensary
- Sell and deliver medical cannabis and medical cannabis accessories to cardholders and qualified out-of-state visiting patients
- Provide educational materials to medical cardholders and qualified visiting patients

A licensed dispensary shall not:

- Acquire or offer for sale medical cannabis products with THC content over the allowable THC limits or any product that contains vitamin E acetate
- Dispense more than a 30-day supply of medical cannabis within any 30-day period to a patient or caregiver, *unless* a practitioner has granted an exception for a higher dosage
- Dispense medical cannabis products intended for vaporization to a cardholder younger than 21
- Dispense medical cannabis to minors
- Sell prerolled medical cannabis products such as joints or blunts or any other products that are solely intended for consumption by smoking

- Allow any person under 18 to be on the premises
- Locate within 1,000 feet of an existing school or daycare center

When dispensing medical cannabis or accessories, a dispensary:

- May dispense any active, valid order for medical cannabis that has been entered into the registry.
- Must either have the dispensary employee who dispenses the medical cannabis or an accessory enter their name and unique employee identifier into the registry
- Must ensure patient records are not visible to anyone other than the patient, the caregiver, and authorized dispensary employees.
- Must upon dispensing the medical cannabis record in the registry the date, time, quantity, and form of medical cannabis dispensed; the type of accessory dispensed; and the name and registry ID number of the patient or caregiver.
- Must verify that the patient or caregiver has:
 - an active registration in the registry
 - a valid medical cannabis card
 - an amount and type of medical cannabis to dispense that matches the written certification in the registry and has not already been filled

3.6.2 Security Requirements for Dispensaries

The security requirements for licensed dispensaries are outlined in 915 KAR 1:070 Section 11.

3.6.3 Associated Penalties for Dispensaries

If a dispensary sells cannabis to minors or non-cardholders, they are subject to criminal penalty and having their license revoked by the Office of Medical Cannabis.

4.0 Proper Handling and Use of Medical Cannabis

4.1 Products, Packaging, and Labeling

4.1.1 Type of Products and Accessories

The following products and accessories are allowed to be sold to patients by dispensaries. These products and accessories are a representative list of the types of products that are currently available or expected to be available in Kentucky.

- **Topical products** are rubbed on or affixed to the skin, such as creams, lotions, oils, and dermal patches.
- **Inhalant products** are breathed in by the patient through the use of a pen-style vaporizer (vape pen) or a handheld vaporizer. The pen cartridges or vape cups contain purified oil or powder that is converted to vapor for the patient to inhale.
- **Ingestible products** are eaten, swallowed, or placed under the tongue. They include, but are not limited to, lozenges, sublingual tinctures, pills, oral syringes, pastes, and oral sprays.

- **Edibles** are food items that dispensaries will sell and must be food safety certified. Edibles can be in the form of, gummies, baked goods, chocolates, or drink powders. Single portion may not exceed 10 milligrams of THC.

4.1.2 Packaging Requirements

All medical cannabis products produced and sold in Kentucky must meet the following packaging requirements as provided in 915 KAR 1:100.

- May not bear any resemblance to a major brand of edible non-cannabis products
- May not include anything that could reasonably lead someone to believe that package contains anything other than cannabis
- May not include the logo of OMC, seal, flag, crest or other insignia that could mislead someone to believe the product has been endorsed, manufactured, or approved by a government body
- May not include anything that may make the packaging attractive to children
- Must be child resistant and at least a two (2) step process of initial opening
- Must include a tamper evident seal
- Must minimize oxygen exposure
- Must contain the following warnings;
 - The typical length of time for the medical cannabis to take effect
 - The statements “For medicinal use by cardholders only. KEEP OUT OF REACH OF CHILDREN.”
 - For raw plant material packaged for sale “NOT INTENDED FOR CONSUMPTION BY SMOKING.”
- Must disclose the strain of medicinal cannabis, form of medicinal cannabis, and standard amount of delta-9 tetrahydrocannabinol (THC) and cannabidiol (CBD) in the medicinal cannabis, including:
 - If the medicinal cannabis product is intended for oral consumption as an edible, oil, or tincture, potency shall be stated as milligrams per serving for total THC and total CBD, as applicable, and milligrams per package for total THC and total CBD, as applicable
 - For concentrates, total THC and total CBD, as applicable, shall be stated in percentages
- Must disclose the amount of medicinal cannabis the product is considered the equivalent to, if applicable
- Must disclose any possible allergens
- Must be light-resistant and opaque
- Must contain the name, address, and license number of the cannabis business packaging the medical cannabis
- Must provide the telephone number for the National Poison Control Center
- **Must clearly and conspicuously display the standardized symbol in navy blue. (Figure 1)**

4.1.3 Labeling Requirements

All medical cannabis products produced and sold in Kentucky must meet the following labeling requirements as provided in 915 KAR 1:100. Medical cannabis and medical cannabis products prepared

for sale to cardholders must include a label that is firmly affixed to the packaging. This required label may contain a QR code that links to some or all of the required information.

The label must include:

- Labeled as "Specific Product Information" directly above or below the QR code
- Large enough to be smart-phone readable
- List the strain, form, and net weight of the medicinal cannabis included in the package
- List any ingredients
- List the specific amount of THC and CBD in the medicinal cannabis included in the package as stated on the certificate of analysis for the medicinal cannabis's harvest batch or production batch. The specific amount of THC and CBD may be expressed in milligrams or by percentage
- List the percentage of total *terpenes* and the three (3) most prevalent terpenes expressed in the medicinal cannabis
- Provide the name and license number of the cannabis business that cultivated the medicinal cannabis
- Provide the name and license number of the cannabis business that processed the medicinal cannabis
- Provide the identifier that is unique to the particular harvest batch or production batch of medicinal cannabis in the package
- List the date the medicinal cannabis was harvested or processed
- List the date the medicinal cannabis was packaged
- List the name and license number of the safety compliance facility that tested the medicinal cannabis and the date the medicinal cannabis was tested
- expiration date of the medicinal cannabis
- If the medicinal cannabis product is intended for oral consumption as an edible, oil, or tincture, provide a nutritional fact panel, the number of individual servings contained within the package, and the amount of THC per serving, **which must not exceed ten (10) milligrams per serving.**

Figure 1: Kentucky Standardized Product Symbol



4.2 Transportation and Storage

Patients or caregivers, authorized researchers, and certain cannabis business employees or contractors are the only individuals allowed to transport medical cannabis in Kentucky, so medical cannabis and accessories can be transported in commercial or privately owned vehicles.

There are a variety of reasons for transporting medical cannabis and accessories, such as retrieving an order, moving products between production facilities, and delivering patients' and caregivers' orders to dispensaries for pickup.

Dispensaries can also deliver medical cannabis and accessories directly to patients. Medical cannabis and accessories cannot be mailed or shipped under the Controlled Substances Act. Dispensary employees must verify the identity of a patient or caregiver with their medical cannabis card at the time of delivery. Dispensary employees can deliver medical cannabis to the cardholder only after ID verification and cannot leave the delivery items with a non-authorized person.

4.2.1 Patient or Caregiver Transportation of Medical Cannabis

Kentucky law requires that patients keep medical cannabis purchased from licensed dispensary in the original packaging when outside of their residence.

4.2.2 Commercial Transportation of Medical Cannabis

All commercial transactions must have a *transportation manifest* that accompanies the shipment. To ensure safe commercial transport, a medical cannabis business must list the following on their manifest:

- The date the transport manifest was created
- The name, address, telephone number, and license number of the cannabis business transporting the medicinal cannabis and the name of and contact information for a representative of the cannabis business who has direct knowledge of the transport
- If applicable, the name, address, and telephone number of the contracted third party that is transporting medicinal cannabis on behalf of the cannabis business and the name of and contact information for a representative of the third party who has direct knowledge of the transport
- The name, address, telephone number, and license number of the cannabis business receiving the delivery
- The quantity, by weight or unit, of the medicinal cannabis being transported to a cannabis business along with the unique identifier for each harvest batch, production batch, or package
- A statement regarding whether the medicinal cannabis being transported to a cannabis business has been tested and, if so, the unique identifier for the harvest batch or production batch test
- The date and approximate time of departure
- The date and approximate time of arrival
- The transport vehicle's make, model, and license plate number
- The name of each member of the delivery team accompanying the transport
- The driver's license number of the delivery team member driving the transport vehicle
- The signature of a delivery team member once delivery has been accomplished and the name and signature of a representative of the cannabis business receiving the medicinal cannabis that confirms receipt of the delivery.

The Office of Medical Cannabis has established procedures for the secure transportation. A cannabis business must only transport medical cannabis under these requirements:

- Vehicles permitted to transport medicinal cannabis must;
 - Use a global positioning system (GPS) to ensure safe, efficient delivery of the medicinal cannabis to other cannabis businesses
 - Be equipped with a locked storage compartment that is part of the transport vehicle or have a locked storage container that has a separate key or combination pad
 - Have no markings that would either identify or indicate that the vehicle is being used to transport medicinal cannabis
 - Maintain a current state vehicle registration
 - Be equipped with an alarm system
 - Be insured as required by Kentucky law, specifically KRS 304.39-110

- Transport vehicles must be staffed with a delivery team of at least two (1) delivery worker and are required to:
 - At least one (1) delivery team member shall remain with the vehicle at all times when the vehicle contains medicinal cannabis
 - Each delivery team member shall have access to a secure form of communication, such as a cellular telephone, at all times the vehicle contains medicinal cannabis to contact cannabis businesses and law enforcement through the 911 emergency system
 - Each delivery team member shall conspicuously wear an employee identification badge at all times during transport of medicinal cannabis and shall, upon demand, produce it to the cabinet or its authorized agents, law enforcement, or other federal or state government officials if necessary to perform the government officials' functions and duties
 - Each delivery team member shall have a valid driver's license
 - While on duty, a delivery team member shall not wear any clothing or symbols that may indicate ownership or possession of medicinal cannabis

- Delivery drivers must wear a badge during transit at all times, and the badge must contain:
 - The individual's name, photo, and an employee identification number
 - A phone number and email address for the cannabis business
 - A phone number and email address for the Kentucky Office of Medical Cannabis

4.2.3 Dispensary Delivery Services to Cardholders

Dispensaries are permitted to offer and operate a delivery service for registered qualified patients and designated caregivers. In order to deliver medical cannabis, medical cannabis accessories, and educational material dispensaries, their delivery drivers must:

- Follow all dispensing and selling requirements prior to delivery (KRS Chapter 218B and 915 KAR 1:070)
- Must deliver on the date an order is received and processed through the monitoring system and seed to sale tracking system
- Must make the delivery between 7:00am and 9:00pm

- Only deliver medicinal cannabis, medicinal cannabis accessories, and educational material to the Kentucky address identified for the individual in the commonwealth’s designated electronic monitoring system.
- Have a **delivery manifest** for each delivery or series of deliveries, this must include:
 - Names of delivery team
 - Address for each delivery
 - Estimated date and time of delivery
 - Actual date and time of delivery
- A receipt must be prepared for each delivery containing the following information:
 - The dispensary’s name, address, and license number
 - The name and address of the registered qualified patient or designated caregiver
 - The date the medicinal cannabis was dispensed
 - Any requirement or limitation noted by the medicinal cannabis practitioner on the registered qualified patient or designated caregiver’s written certification as to the form or amount of medicinal cannabis that the individual should use
 - form and the quantity of medicinal cannabis delivered
 - The amount charged
- At the time of delivery, a dispensary agent must:
 - Check the registry identification card of the registered qualified patient or designated caregiver to verify that the person accepting delivery is the same person who placed the order.
 - The cardholder who placed the order must sign the receipt and receive a copy

4.2.3 Penalties Associated with Unlawfully Transporting Medical Cannabis

Drivers required to have a commercial driver’s license who operate a commercial motor vehicle are subject to the controlled substance- and alcohol-testing rules. As cannabis is a Schedule I controlled substance, a commercial driver’s license holder is prohibited from performing any safety-sensitive function while using cannabis in any form regardless of medical use.

A commercial driver who is on duty is prohibited from possessing, being under the influence of, or using any drugs or other substances that impair perception and performance. The possession prohibition does not apply to possession of substances such as cannabis products listed on a transportation manifest and transported as part of an authorized shipment. A driver who has an active order for medical cannabis cannot be in possession of the product while in a commercial motor vehicle.

A commercial driver who is transporting cannabis or accessories on behalf of a medical cannabis business and who fails or refuses to present a transportation manifest upon the request of a law enforcement officer potentially warrants enforcement action by the Office of Medical Cannabis.

Medical cannabis and accessories can only be transported within the Commonwealth of Kentucky. ***Transportation across state lines can result in criminal sanction.***

4.3 Public and Place of Employment Use

4.3.1 Public Use

KRS 218B.035 prohibits the use of medical cannabis in the following places:

- On any form of public transportation
- In any public place
- In a place of amusement
- In a state, local, or private correctional facility
- On the grounds of a preschool, primary school, or secondary school except as provided in KRS 218B
- In a school bus, a vehicle, an aircraft, or a motorboat

4.3.2 Use at Place of Employment

Kentucky does not prevent an employer from establishing, continuing, or enforcing a cannabis-free workplace policy. An employer does not need to accommodate an employee working under the influence of medical cannabis in or outside the workplace. See 915 KRS 218B.040.

4.3.3 Use at School

School personnel are allowed to possess medical cannabis for use by a student who is a patient. Each district school board must adopt policies and procedures to allow a student who is a patient to use medical cannabis. The policy and procedure must:

- Ensure access by the patient
- Identify how the medical cannabis will be received, accounted for, and stored
- Establish processes to prevent access by other students or school personnel whose access would be unnecessary for implementation of the policy

4.2.4 Penalties Associated with Public Use

A patient who uses, or a caregiver who administers, medical cannabis in plain view of or in a place open to the public loses the protections of 915 KRS 218B and is subject to criminal charges of possession.

Part II: Overview of Medical Cannabis Related Enforcement Procedures

5.0 Enforcement Procedures and Penalties

5.1 Violations of KRS 218B

Medical cannabis must be (1) authorized by a written certification and (2) acquired from a dispensary licensed by the Office of Medical Cannabis. Many cannabis violations you encounter will continue to be charged under KRS Chapter 218A because the legalization of medical cannabis in the Commonwealth does not change the status of those crimes.

Below are four (4) unlawful activities associated with medical cannabis. They are unlawful even if a person is a licensed cannabis cardholder or business.

5.1.1 Growing, Processing, Distributing, Selling, or Dispensing Cannabis

A person or entity that cultivates, processes, distributes, sells, or dispenses cannabis and is not licensed as a medical cannabis dispensary violates KRS 218A.

5.1.2 Possessing a Cannabis Plant

While possessing up to 4 ounces of cannabis for medical use is legal, possessing cannabis seeds or entire plants, whether growing or harvested, remains prohibited.

5.1.3 Possessing Food Items

The definition of medical cannabis specifically excludes “possession, use, or administration of cannabis...in the form of commercially-produced food items other than edibles.” Legal edibles must be sold by a dispensary. Possession of a food item containing cannabis that didn’t come from a dispensary is still illegal under KRS 218A.

5.1.4 Bringing Cannabis into Kentucky

Medical cannabis dispensaries licensed by the OMC are the only places medical cannabis can be purchased in the Commonwealth.

5.2 Confirming Card Validity Using QR Code

Scan the QR Code: The Medical Cannabis Card’s QR code is the primary tool you will use to confirm a person’s authorization to possess and use medical cannabis. Scan the QR code to confirm the validity of the medical cannabis card in question.

Scan QR code to confirm card's validity



5.2.1 Confirming Medical Cannabis Card Matches Active Registration

OMC issues medical cannabis cards and maintains account records. In most cases, these cards will be housed digitally on the cardholder's smartphone. A cardholder may also present a printed copy of the card. **OMC does not issue physical cards to medical cannabis cardholders.**

Steps for validating a medical cannabis card in Kentucky:

- **Request Medical Cannabis Card:** A patient or caregiver in possession of medical cannabis or medical cannabis accessories should present their medical cannabis card upon request of law enforcement. If a patient or caregiver fails or refuses to present their card, please notify the Office of Medical Cannabis.
- **Confirm the Card Matches the Person:** Use the medical cannabis card's personal identification information (i.e. date of birth, address) to confirm the cardholder's identity. Medical cannabis cards do not have a photo, so if you are uncertain about the match, request a different photo identification card, such as a driver's license, to confirm that the card matches the person.

- **Examine Card:** Medical cannabis cards are resistant to tampering but should be examined. Alert OMC if you receive a card that has been falsified, altered, or modified. OMC may suspend or revoke the registration.
- **Confirm Registration By Scanning the QR Code:** Each medical cannabis card will contain a QR code on the back in the bottom right corner for law enforcement to use to verify the validity of the card. Scanning the QR code will return a result stating whether the card is valid or invalid. Further, each card contains a security feature where the background of the card will not appear if the card is photocopied. An expiration date will also be prominently displayed.
 - If the registry search doesn't return a match, investigate further to determine where they got the ID card.
 - If in possession of medical cannabis or an accessory, ask how they acquired it. Possession of medical cannabis or an accessory without authorization can be charged.
 - If the registry shows the patient or caregiver registration has been suspended or revoked, you may confiscate the medical cannabis and accessory.

If you are unable to confirm the validity of the medical cannabis card registration by scanning the QR code, **call the OMC Law Enforcement Support Line at (833) 727-2441 to verify the card by phone.**

5.3 Confirming Product Is Lawful

OMC only permits certain types of products with specific packaging and labeling requirements. These are the steps to verify that a cannabis product is medical and can be lawfully sold to qualified patients by licensed dispensaries.

- **Product Should Be In Original Packaging:** All medical cannabis must be in its original packaging when outside of a residence. An officer can use the original packaging to confirm the medical cannabis is from a licensed dispensary. If it is not advise the cardholder to retain original packaging in the future, you can also report it to OMC.
- **Confirm Product Type Is Properly Labeled:** Product containers from a dispensary will have a firmly affixed and legible label.
 - Name of the dispensary
 - Product Name
 - Dosage Form
 - Concentration of THC and CBD
 - Recommended dose
 - A universal cannabis symbol
- **Confirm Product Amount Does Not Exceed Written Certification:** A cardholder may not possess more than a thirty (30) day supply of cannabis unless they have been certified too. A practitioner can certify an increased supply if they believe an increased amount is necessary to address the patient's symptoms.

- Caregivers with more than one patient may possess multiple orders, but each order must be consistent with supply limits. If in excess you may investigate further to determine how the person acquired the product. For example:
 - *Was the product stolen from a patient or caregiver?*
 - *Was there a dispensing mistake at the dispensary?*
 - *Was there a diversion of cannabis by dispensary staff?*

5.3.1 Counterfeit Products

Once licensed and operational, each dispensary should post product images on its website. Compare the packaging you encounter to website images to help verify product authenticity. If the products are found to be counterfeit, the person can be charged with possession of an illegal substance under KRS 218A. Counterfeiting includes devices, containers, seals, or labels made to appear as products of a licensed dispensary.

5.3.2 Proper Use

Public use of medical cannabis is prohibited. Smoking of medical cannabis is prohibited. A caregiver cannot administer and a patient cannot use or smoke medical cannabis in the following public places:

- In plain view of or in a place open to the general public
- In a vehicle, an aircraft, a motorboat, or school bus
- In a state, local, or private DOC or DJJ correctional institution
- In a place of amusement
- Each district school board must have a policy that gives a student who's a qualified patient access to medical cannabis. Schools can designate personnel who can possess, store, and administer medical cannabis for a student who is a patient.

5.4 Validating Deliveries of Medical Cannabis And Medical Cannabis Accessories

5.4.1 Check Delivery Staff Employee Identification

Dispensary staff transporting medical cannabis or accessories must present their employee identification cards to a law enforcement officer upon request. Failure to do so may be report to OMC.

5.4.2 Check Transportation Manifest

Any vehicle transporting medical cannabis and medical cannabis accessories must have a transportation manifest. An employee must present a copy of the transportation manifest to a law enforcement officer upon request. An employee who fails or refuses to present it should be reported to OMC. This document must include:

- Departure date and time
- Name and address of originating business
- Name and address of the recipient
- Quantity and form of the cannabis and medical cannabis accessories
- Arrival date and estimated time

5.4.3 Monitor Delivery Procedures

To ensure safe and secure commercial deliveries of medical cannabis and accessories dispensary employees must follow these procedures:

- Deliver to cardholder only after verifying their medical cannabis card.
- Cannot deliver to a minor or unauthorized person
- Lock medical cannabis and accessories in a compartment or container within the vehicle.
- Require at least two (2) people in the vehicle.
- Require at least one (1) person to remain with the vehicle at all times while delivering medical cannabis and accessories.
- Violations of delivery procedures should be reported to OMC especially if safety and security are compromised.

5.5 Service Calls

If, during a call for service, you see medical cannabis or an accessory, you can attempt to identify the owner and request their medical cannabis card. The product must be in plain view. Confirm the card is valid by scanning the QR code on the bottom or calling (833) 727-2441.

5.6 DUI Traffic Stops

KRS 218B.035(1)(a), (b) and (4) are clear that nothing in KRS Chapter 218B authorizes an individual to operate a vehicle while under the influence of medical cannabis. Such conduct is expressly prohibited.

Traffic stop procedures will not change based on the presence of medical cannabis or accessories in a vehicle. For a majority of incidents, officers may not have cause to question a driver regarding the contents of the package or devices, unless the driver is showing signs of impairment. The products are labeled and the driver and/or any occupant should have a medical cannabis card which can be used to verify the information contained in the Medical Cannabis registry

Suspected DUI traffic stops should be treated like any other DUI stop. Patients are not permitted to operate any vehicle while under the influence of medical cannabis. The fact that the patient has a registry ID card does not exempt them from arrest, prosecution or excuse them from any requirement under law to submit to a breath, urine, or blood test.

Additional policies for the detailed documentation of the incident, including the patient or caregiver registry information and the decision for seizure of any products or devices are per individual agency policies. It is recommended that law enforcement officers articulate detailed observations related to impairment or intoxication in field notes, incident reports, or required forms for prosecution of a criminal offense. Remember to protect any personally identifiable health information.

6.0 Medical Cannabis Registry

The Office of Medical Cannabis maintains the patient and caregiver registry. KRS 218B.135 imposes confidentiality requirements on information contained in the registry, and states that nothing in this section shall preclude “[n]otification by the cabinet's employees to state or local law enforcement about falsified or fraudulent information submitted to the cabinet or of other apparently criminal violations of this chapter if the employee who suspects that falsified or fraudulent information has

been submitted has conferred with his or her supervisor and both agree that circumstances exist that warrant reporting.”

6.1 Penalties Associated with Misuse of the Registry

Per KRS 218B.135(5), “[i]t shall be a misdemeanor punishable by up to one hundred eighty (180) days in jail for any person, including an employee or official of the cabinet or another state agency or local government, to knowingly breach the confidentiality of information obtained pursuant to this chapter.”

Reporting to the Office of Medical Cannabis






The Office of Medical Cannabis encourages law enforcement agencies to report violations that are grounds for suspending or revoking registrations. There is no automated notification to OMC if a cardholder has been charged or convicted. Therefore, agencies should notify OMC of the violations so OMC can suspend or revoke the registration of a patient or caregiver who:

- Provides misleading, incorrect, false, or fraudulent information to OMC
- Obtains a supply of cannabis in an amount greater than is authorized by the certification
- Falsifies, alters, or otherwise modifies a medical cannabis card
- Fails to timely notify OMC of any changes to his or her qualified patient status
- Cultivates cannabis or acquires, possesses, or delivers cannabis from any person other than a licensed medical cannabis dispensary

Report violations by email using kymedcancards@ky.gov.

Appendix A

Cannabis Product Symbols from Boarding States

Illinois		Medical and Adult Use Cannabis
Indiana	No Symbol	No Legal Medical or Adult Use Program in Indiana
Missouri		Medical and Adult Use Cannabis
Ohio		Medical and Adult Use Cannabis
Tennessee	No Symbol	No Legal Cannabis in Tennessee
West Virginia		Medical Cannabis Only
Virginia		Medical and Adult Use Cannabis

Appendix B

Frequently Asked Questions (FAQs) for Law Enforcement

Who can possess medical cannabis?

Medical cannabis business employees during working hours and when required to in the execution of their duties and registered qualified patients and caregivers. Anyone other than a patient, caregiver or employee is not protected under 218B and is in possession of illicit cannabis.

What is the Office of Medical Cannabis?

The Office of Medical Cannabis, housed within the Cabinet of Health and Family Services, oversees and manages the medical cannabis program. The Office of Medical Cannabis maintains the registry of practitioners, patients, and caregivers, monitors and tracks cannabis from seed to sale and licenses the companies that grow, process, test and sell medical cannabis.

What is still illegal in Kentucky pertaining to cannabis?

Medical cannabis must be (1) authorized by a written certification and (2) acquired from an Office of Medical Cannabis licensed dispensary. Many cannabis violations you encounter will continue to be charged under KRS 218A simply because they are the same crimes they've always been, and medical cannabis doesn't change that.

These four cases have never been part of Kentucky's medical cannabis program. Even if a person presents a medical cannabis card in any of these situations, they are violating drug abuse statutes because a qualified practitioner didn't certify it, and an OMC licensed dispensary didn't dispense it.

- ***Growing cannabis at home:*** Kentucky does not allow "home grow" under any circumstance. Patients or caregivers cultivating cannabis lose the protections of 218B and are in possession of illicit cannabis.
- ***Unlicensed growing, processing, distributing, selling of cannabis:*** A person or entity that cultivates, processes, distributes, or sells cannabis and is not licensed as a medical cannabis dispensary violates KRS 218A and KRS 218B. That hasn't changed.
- ***Possessing a cannabis plant:*** While possessing up to 122 grams of cannabis for medical use is legal, possessing cannabis seeds or entire plants, whether growing or harvested, is still illegal under KRS 218B.
- ***Bringing Cannabis into Kentucky:*** Medical cannabis dispensaries licensed by the OMC are the sole source for medical cannabis in Kentucky. Bringing medical or recreational cannabis from another state into Kentucky violates federal law.

Are patients allowed to drive under the influence of cannabis?

Absolutely not. KRS 218B.035(1)(a), (b) and (4) are clear that nothing in KRS Chapter 218B authorizes an individual to operate a vehicle while under the influence of medical cannabis. Such conduct is expressly prohibited.

What do law enforcement officers do when they pull someone over who is smoking cannabis?

Smoking cannabis is prohibited. A patient consuming cannabis in this way loses the protections of 218B and the cannabis in question is no longer considered medical. In this circumstance officers should

proceed with using the current approved approaches for determining impairment that is authorized by their jurisdiction and if the person is a patient notify the Office of Medical Cannabis of the violation.

What do medical cannabis cards look like?



How do I verify the validity of a medical cannabis card?

Scan the QR code. Each medical cannabis card contains a QR code on the back in the bottom right corner for law enforcement to use to verify the validity of the card. Scanning the QR code will return a result stating whether the card is valid or invalid. Further, each card contains a security feature where the background of the card will not appear if the card is photocopied.

If a person with a medical card is stopped by police and they possess cannabis, is there a way to tell if the cannabis is from a legal dispensary?

All medical cannabis products must be clearly labeled. Packages for medical cannabis products cultivated, processed, produced, tested, and sold in the Commonwealth will have the standardized symbol below indicating that the products contain THC and were made and sold by licensed cannabis business in Kentucky. Further, 915 KAR 1:070 requires a licensed dispensary to provide a receipt for every transaction.

What statues and regulations govern medical cannabis?

The statue governing medical cannabis is KRS Chapter 1 218B. The regulations are;

- [915 KAR 1:001 Definitions](#)
- [915 KAR 1:030 Cultivator](#)
- [915 KAR 1:040 Processor](#)
- [915 KAR 1:050 Producer](#)
- [915 KAR 1:060 Safety compliance facility](#)
- [915 KAR 1:070 Dispensary](#)
- [915 KAR 1:080 Transportation and delivery of medicinal cannabis](#)
- [915 KAR 1:090 Advertising](#)
- [915 KAR 1:100 Packaging and labeling of medicinal cannabis](#)
- [915 KAR 1:110 Medicinal cannabis testing](#)
- [915 KAR 2:001 Definitions](#)
- [915 KAR 2:010 Procedures for registry identification cards](#)
- [915 KAR 2:020 Supply limits and equivalency formula](#)
- [915 KAR 2:030 Written certifications](#)
- [915 KAR 2:040 Procedures to publish list of varieties of medicinal cannabis](#)
- [915 KAR 1.010 Initial and renewal applications for cannabis business licenses](#)
- [915 KAR 1.020 Cannabis business licenses](#)

What form can medical cannabis come in?

Allowable medical cannabis products include edibles, oils, tinctures, vapes, and raw plant material, commonly known as flower. Vapes are not permitted for cardholders under the age of twenty-one (21). Smoking of cannabis is prohibited in Kentucky and all raw plant material packaged in the Commonwealth must be labeled as "not intended for consumption by smoking."

When a person travels with medical cannabis, does it have to be in a certain location of the vehicle? Can the package be opened?

All medical cannabis possessed by a patient outside of their residence must be kept in the original packaging they received it in from a licensed dispensary. When traveling medical cannabis must be either out of the driver's reach or require a two (2) step process to access. Packaging must have a two-step process of initial opening, warning label, be opaque and child resistant. All legal medical cannabis products must also conspicuously display the standardized symbol in navy blue indicating that a product contains THC and was produced and packaged in Kentucky. When outside of their residence and in possession of medical cannabis patients and caregivers are also required to have their card.

What is the limit to how much medical cannabis a person can possess at one time?

915 KAR 2:020 establishes patient supply limits for medical cannabis and KRS 218B.025 establishes the amounts of medical cannabis an in-state cardholder and out-of-state cardholder can purchase and possess at any given time.

Figure 2: Patient Supply Limits and Product Formats

Form of medical cannabis	10-day supply limit	30-day supply limit*	Example products
Raw plant material	37.5 grams	112 grams	N/A
Concentrates	9.5 grams	28 grams	<ul style="list-style-type: none"> ▶ Vape cartridges ▶ Nebulizer solutions
THC-infused products	1,300 milligrams	3,900 milligrams	<ul style="list-style-type: none"> ▶ Edibles ▶ Pills ▶ Capsules ▶ Oils ▶ Liquids ▶ Beverages ▶ Tinctures ▶ Suppositories ▶ Dermal patches
Non-consumable (topical) products	N/A**		<ul style="list-style-type: none"> ▶ Gels ▶ Creams/lotions ▶ Ointments ▶ Cosmetics ▶ Soaps

*A medical cannabis practitioner may recommend an amount of medical cannabis for a thirty (30) day supply that is higher than the above supply limits if the practitioner reasonably believes that the established limits would not provide uninterrupted therapeutic or palliative relief to the qualified patient.³²

** Non-consumable products will not count toward a qualified patient's supply limits.³³

If I conduct a traffic stop and smell cannabis coming from the vehicle, but they show me a valid medical cannabis card do I still have probable cause to search the vehicle?

No. Per KRS 218B.035(3)(b) “the odor or smell of uncombusted raw plant material shall not constitute the evidence of use or consumption of cannabis by smoking.”

Are rapid test kits available for law enforcement?

Not at this time. Safety compliance facilities licensed by the Office of Medical Cannabis will be responsible for testing medical cannabis products produced in Kentucky. These facilities will ensure products are safe for consumption and have the legally allowed THC content. Safety Compliance Facilities can acquire, possess, test, transport, and lawfully dispose of medical cannabis. They are prohibited from selling, distributing medical cannabis for consumption. This is established in KRS 218B.125 and 915 KAR 1:110 and discussed in section “Licensed Medical Cannabis Businesses” in the LEO Guidebook.

What will the responsibility of local authorities be? Is there a local city enforcement similar to Alcohol Beverage Control or code enforcement that monitors medical cannabis facilities?

The Office of Medical Cannabis has an Enforcement and Compliance Division that will monitor and inspect medical cannabis facilities throughout the state. As provided for in 218B.130(2) local

governments may enact ordinances, not in conflict with 218B or administrative regulations, regulating the time, place, and manner of cannabis business operations.

What requirements are there pertaining to the storing, packaging, and security of medical cannabis facilities and their product?

Licensed businesses must maintain control against the diversion, theft and loss of medicinal cannabis by having and abiding standard operating procedures for the following:

- a. Secure against unauthorized entry
- b. Locks on external doors
- c. Restricted accessed to employee only areas
- d. Maintain adequate indoor and exterior lighting to facilitate video surveillance at all times
- e. Can only dispense medical cannabis between the hours of 8:00am and 8:00pm.
- f. Maintain a secure area for unloading medical cannabis transit vehicles
- g. Staff identification
- h. Monitoring of staff and visitors
- i. Alarm systems
- j. Inventory monitoring and tracking
- k. Personnel security
- l. Transit Security
- m. Cash management and anti-fraud measures
- n. Loitering prevention measures
- o. Secure storage of medical cannabis

Packaging is required to have at least a two-step process of initial opening, warning label, opaque and child resistant packaging, and a standardized THC symbol. Security measures are further discussed in 915 KAR 1:030, 1:040, 1:060, 1:070 and 218B.095(3).

What should law enforcement do if there is an issue with a medical cannabis facility?

If there is any issue with a medical cannabis facility, the first step an office should take is notifying the Office of Medical Cannabis through email (kymedcanreporting@ky.gov) or telephone (833-727-2441).

Can law enforcement do random visits or checks of businesses?

As provided in KRS 218B.100(1), the Cabinet for Health and Family Services, Office of Medical Cannabis is responsible for the inspection of medical cannabis facilities.

Can minors have a written certification for medical cannabis?

Yes. Those age 21 and older with a qualifying condition, no disqualifying felonies, and written certification are eligible for a medical cannabis card. Qualified patients under the age of 18 will not be allowed to possess or purchase medical cannabis and may only use medical cannabis with the assistance of a caregiver who is the patient's parent(s) or legal guardian(s). In-state minor qualified patients may apply for and receive a medical cannabis card from the Cabinet if they satisfy the application requirements in KRS 218B.055(6) and (7) as well as 915 KAR 2:010, including providing a signed statement from their parent or legal guardian. However, “[a] registered qualified patient who is under eighteen (18) years of age shall not be permitted to possess, purchase, or acquire medicinal cannabis and shall only engage in the use of medicinal cannabis with the assistance of a designated caregiver who is the registered qualified patient's parent or legal guardian responsible for providing consent for medical

treatment.” KRS 218B.025(2). In this LEO Guidebook this is covered in section “Registered Qualified Patients.”

Is the Kentucky Department of Agriculture involved in medical cannabis?

No. The Kentucky Department of Agriculture currently regulates *hemp* and will continue to do so. The Department of Agriculture *has not previously and is not currently* regulating medical cannabis. Medical cannabis as provided for in 218B.010 is overseen by the Cabinet of Health and Family Services and its designee the Office of Medical Cannabis.

How many states have medical cannabis programs?

38 states, including Kentucky, have medical cannabis programs. Bordering states Missouri, Illinois, Ohio, West Virginia, and Virginia also have medical programs.

Are medical cannabis businesses allowed to remain open while a case or business infraction is pending?

As provided for in KRS 218B.100 the Cabinet may, on its own motion or on complaint, *after* investigation and opportunity for a public hearing where the cannabis business has been afforded an opportunity to appear, suspend or revoke a license for violations.

If a patient’s card is revoked will law enforcement receive some type of “pick up order” to confiscate the card?

The card will be deactivated in the Office of Medical Cannabis’ Patient and Caregiver Registry. When deactivated the former cardholder will not be considered a patient and the card will no longer be able to be used to purchase cannabis at licensed dispensaries. This is covered in the “Medical Cannabis Registry and Identification Cards” section of this LEO Guidebook.

Appendix C

Regulation Citations for Law Enforcement

Minor Patient Prohibitions: KRS 218B.025(2): “[a] registered qualified patient who is under eighteen (18) years of age shall not be permitted to possess, purchase, or acquire medicinal cannabis and shall only engage in the use of medicinal cannabis with the assistance of a designated caregiver who is the registered qualified patient's parent or legal guardian responsible for providing consent for medical treatment.”

Visiting Qualified Patient Rights: KRS 218B.045(1): “[a] registered qualified patient or visiting qualified patient who uses medicinal cannabis shall be afforded all the same rights under state and local law, including those guaranteed under KRS Chapter 344, as the individual would have been afforded if he or she were solely prescribed pharmaceutical medications as they pertain to drug testing required by any state or local law.”

Visiting Qualified Patient Definition: KRS 218B.010(38): “a person who has registered as such through the cabinet as required under this chapter or who possesses a valid out-of-state registry identification card and documentation of having been diagnosed with a qualifying medical condition.”

Cannabis Outside The Home: KRS 218B.025(5)(a) “All medicinal cannabis possessed by a cardholder outside of his or her residence shall be kept in the original container in which the cardholder received the medicinal cannabis from a dispensary.”

List of Packaging Requirements: 915 KAR 1:100, Section 2

“(1) Pursuant to KRS 218B.140(1)(c)(13), a cannabis business shall comply with 15 U.S.C. secs. 1471 to 1476 when packaging and labeling medicinal cannabis and medicinal cannabis products for sale to cardholders.

(2) When packaging medicinal cannabis and medicinal cannabis products for sale to cardholders, a cannabis business shall ensure each product package:

- (a) Is child-resistant and requires at least a two (2) step process of initial opening;
- (b) Has a tamper-evident seal;
- (c) Minimizes exposure to oxygen;
- (d) Contains the following warnings: 1. The typical length of time for the medicinal cannabis to take effect; 2. The statements “For medicinal use by cardholders only. KEEP OUT OF REACH OF CHILDREN”; and 3. For raw plant material packaged for sale to a cardholder, the statement “NOT INTENDED FOR CONSUMPTION BY SMOKING”;
- (e) Discloses the strain of medicinal cannabis, form of medicinal cannabis, and standard amount of delta-9 tetrahydrocannabinol (THC) and cannabidiol (CBD) in the medicinal cannabis, including:
 1. If the medicinal cannabis product is intended for oral consumption as an edible, oil, or tincture, potency shall be stated as milligrams per serving for total THC and total CBD,

as applicable, and milligrams per package for total THC and total CBD, as applicable; and

2. For concentrates, total THC and total CBD, as applicable, shall be stated in percentages;

(f) Discloses the amount of medicinal cannabis the product is considered the equivalent to, if applicable;

(g) Discloses any possible allergens;

(h) Is light-resistant and opaque;

(i) Clearly and conspicuously displays the standardized symbol in navy blue provided in Appendix A, which is incorporated by reference, indicating that a product contains medicinal cannabis;

(j) Is resealable, if applicable;

(k) Contains the name, address, and license number of the cannabis business packaging the medicinal cannabis;

(l) Protects the medicinal cannabis from contamination;

(m) Does not impart any toxic or deleterious substance to the medicinal cannabis; and

(n) Provides the telephone number for the National Poison Control Center.”

Dispensary Requirements When Selling To A Patient: 915 KAR 1:070, Section 2:

“(1) A dispensary shall only dispense medicinal cannabis to a registered qualified patient, visiting qualified patient, or designated caregiver who:

(a) Presents a valid registry identification card issued by the cabinet; or

(b) Presents a valid out-of-state registry identification card and documentation of having been diagnosed with a qualifying medical condition if the individual is a visiting qualified patient without a valid registry card issued by the cabinet.

(2) Prior to dispensing medicinal cannabis to registered qualified patients, designated caregivers, and visiting qualified patients who have a registry identification card issued by the cabinet, the dispensary shall:

(a) Verify the validity of the registry identification card through use of the Commonwealth's designated electronic monitoring system;

(b) Verify that the individual presenting the registry identification card is at least eighteen (18) years of age and is the person identified on the registry identification card by examining at least one (1) other form of government-issued photo identification; and

(c) Verify the amount of medicinal cannabis that the registered qualified patients, designated caregivers, and visiting qualified patients who have a registry identification card issued by the cabinet is legally permitted to purchase pursuant to KRS 218B.025 by checking the Commonwealth's designated electronic monitoring system. If a medicinal cannabis practitioner sets forth recommendations, requirements, or limitations as to the form or dosage of medicinal cannabis on the written certification issued to the individual, the medicinal cannabis dispensed shall conform to those recommendations, requirements, or limitations.

(3) Prior to dispensing medicinal cannabis to visiting qualified patients that do not have a registry identification card issued by the cabinet, the dispensary shall:

(a) Review the out-of-state registry identification card presented by the individual to determine any issues with its validity, including checking any expiration date;

(b) Verify that the individual presenting the registry identification card is at least eighteen (18) years of age and is the person identified on the registry identification card by examining at least one (1) other form of government-issued photo identification;

(c) Examine documentation provided by the individual of having been diagnosed with a qualifying medical condition. This documentation shall consist of contemporaneous records containing an express statement of diagnosis of a qualifying medical condition and may include a written certification from a physician, patient history and physical report, or a physician summary report; and

(d) Inform the individual that he or she is not be permitted to purchase more medicinal cannabis than the amount determined by the cabinet to constitute an uninterrupted ten (10) day supply of medicinal cannabis during a given eight (8) day period.

(4) A dispensary shall maintain records that include specific notations of the type and amount of medicinal cannabis being dispensed to a cardholder and whether it was dispensed directly to a registered qualified patient or visiting qualified patient, or to a registered qualified patient's designated caregiver. Each entry shall include the date and time the medicinal cannabis was dispensed. The data required to be recorded by this provision shall be entered into the Commonwealth's designated electronic monitoring system and seed to sale tracking system in accordance with written instructions provided by the cabinet.

(5) Prior to the completion of the transaction, the employee conducting the transaction at the dispensary shall prepare a receipt of the transaction, provide a copy of the receipt to the cardholder, and retain a copy of the receipt for the dispensary's records for a minimum of two (2) years. The receipt shall include the following information:

(a) The dispensary's name, address, and license number;

(b) The name of the cardholder;

(c) The date and time the medicinal cannabis was dispensed;

(d) Any requirement or limitation noted by the medicinal cannabis practitioner on the cardholder's written certification as to the form or amount of medicinal cannabis that the individual should use;

(e) The form and the quantity of medicinal cannabis dispensed;

(f) Any medicinal cannabis accessories or educational materials included in the transaction; and

(g) The amount paid by the cardholder for the medicinal cannabis and other items.

(6) When dispensing medicinal cannabis to visiting qualified patients with an out-of-state registry identification card and required documentation of having been diagnosed with a qualifying medical condition, a dispensary may assess a convenience fee to be collected by the dispensary as part of the transaction. The convenience fee shall not exceed fifteen (15) dollars per transaction.”

Driving Under the Influence Prohibited: KRS 218B.035(1)(a), (b) and (4): *“(1) This chapter does not authorize any person to engage in, and shall not prevent the imposition of any civil, criminal, or other penalties, including but not limited to criminal prosecution or disciplinary action by the cabinet or an occupational or professional licensing board, for engaging in the following conduct:*

(a) Operating, navigating, or being in actual physical control of any aircraft, vehicle, vessel, or any other device known, or hereafter invented, that is powered by machinery and that is or may be used to transport persons or property while under the influence of medicinal cannabis;

(b) Consuming medicinal cannabis while operating, navigating, or being in actual physical control of an aircraft, vehicle, vessel, or any other device known, or hereafter invented, that is powered by machinery and that is or may be used to transport persons or property; (4) Nothing in this chapter supersedes

statutory laws relating to driving while under the influence of intoxicants. This chapter shall not prevent the enforcement of current laws pertaining to driving while intoxicated, including KRS 183.061, 189.520, 189A.010, and 235.240.”

Smoking Cannabis Prohibited: KRS 218B.010(37)(b)(2). *“Use of medicinal cannabis”:*

(a) Includes the acquisition, administration, possession, transfer, transportation, or consumption of medicinal cannabis or medicinal cannabis accessories by a cardholder in accordance with this chapter; and

(b) Does not include:

- 1. Cultivation of marijuana by a cardholder;*
- 2. The use or consumption of marijuana by smoking; or*
- 3. The use of industrial hemp or industrial hemp products as defined in KRS 260.850;”*

Smoking of Cannabis Prohibited: KRS 218B.035(1)(g): *“(1) This chapter does not authorize any person to engage in, and shall not prevent the imposition of any civil, criminal, or other penalties, including but not limited to criminal prosecution or disciplinary action by the cabinet or an occupational or professional licensing board, for engaging in the following conduct: ... (g) using or consuming marijuana by smoking:”*

Complete List Of Activities That Remain Prohibited: KRS218B.035(1):

“(1) This chapter does not authorize any person to engage in, and shall not prevent the imposition of any civil, criminal, or other penalties, including but not limited to criminal prosecution or disciplinary action by the cabinet or an occupational or professional licensing board, for engaging in the following conduct:

- (a) Operating, navigating, or being in actual physical control of any aircraft, vehicle, vessel, or any other device known, or hereafter invented, that is powered by machinery and that is or may be used to transport persons or property while under the influence of medicinal cannabis;*
- (b) Consuming medicinal cannabis while operating, navigating, or being in actual physical control of an aircraft, vehicle, vessel, or any other device known, or hereafter invented, that is powered by machinery and that is or may be used to transport persons or property;*
- (c) Possessing medicinal cannabis that is within the operator's arm's reach or requires less than a two (2) step process to access while operating, navigating, or being in actual physical control of an aircraft, vehicle, vessel, or any other device known, or hereafter invented, that is powered by machinery and that is or may be used to transport persons or property;*
- (d) Undertaking any task under the influence of medicinal cannabis, when doing so would constitute negligence or professional malpractice;*
- (e) Possessing medicinal cannabis, or otherwise engaging in the use of medicinal cannabis:*
 - 1. On the grounds of any preschool or primary or secondary school, except as permitted in accordance with policies enacted pursuant to KRS 218B.045(4);*
 - 2. In any correctional facility; or*
 - 3. On any property of the federal government;*
- (f) Using marijuana, if that person is not a registered qualified patient or visiting qualified patient;*
- (g) Using or consuming marijuana by smoking; or*

(h) Cultivating marijuana unless that person is licensed by the cabinet as a cannabis cultivator or cannabis producer pursuant to KRS 218B.080, 218B.085, and 218B.090 or is a cultivator or producer agent.”

Cannabis Supply Limits: 915 KAR 2:020, Section 1: *“Medicinal Cannabis Supply Limits.*

(1) For the purpose of establishing supply limits for the Kentucky Medical Cannabis Program:

(a) A daily supply of medicinal cannabis for cardholders consists of 3.75 grams of raw plant material, 1 gram of concentrate, or 130 milligrams of delta-9 tetrahydrocannabinol (THC) infused into a medicinal cannabis product, such as an edible, pill, capsule, oil, liquid, or tincture;

(b) An uninterrupted ten (10) day supply of medicinal cannabis for cardholders consists of 37.5 grams of raw plant material, 9.5 grams of concentrate, or 1,300 milligrams of THC infused into a medicinal cannabis product; and

(c) An uninterrupted thirty (30) day supply of medicinal cannabis for cardholders consists of 112 grams of raw plant material, 28 grams of concentrate, or 3,900 milligrams of THC infused into a medicinal cannabis product.”

(2) The following non-consumable medicinal cannabis products shall not count toward a patient's supply limits:

(a) Ointments;

(b) Soaps;

(c) Lotions; and

(d) Other topical agents.

(3) In making recommendations for dosage of medicinal cannabis, a medicinal cannabis practitioner may recommend, and a registered qualified patient or his or her designated caregiver may legally purchase and possess, an amount of medicinal cannabis in excess of the thirty (30) day supply of medicinal cannabis established in this section if the medicinal cannabis practitioner reasonably believes that the standard thirty (30) day supply would be insufficient in providing the patient with uninterrupted therapeutic or palliative relief. If a medicinal cannabis practitioner makes the determination to increase the qualified patient's dosage above the thirty (30) day supply limit, the medicinal cannabis practitioner shall:

(a) Document the dosage recommendation and the rationale in the qualified patient's medical record; and

(b) Document the dosage recommendation and the rationale in the qualified patient's written certification in the state's designated medicinal cannabis practitioner registry...”

Cannabis Odor Is Not Evidence: KRS 218B.035(3)(b): *“The odor or smell of uncombusted raw plant material shall not constitute evidence of use or consumption of cannabis by smoking.”*

Prohibition On Public Use: 218B.035: *“If an individual uses or consumes marijuana by smoking while on any form of public transportation, in any public place as defined in KRS 525.010, or in any place of public accommodation, resort, or amusement as defined in KRS 344.130: 1. The cabinet may revoke the individual's registry identification card; and 2. The individual may be subject to prosecution under KRS 218A.1421 and 218A.1422.”*

Use At Place of Employment: 915 KRS 218B.040:

“(1) Nothing in this chapter shall:

- (a) Require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, distribution, sale, or growing of medicinal cannabis in the workplace;*
 - (b) Prohibit an employer from implementing policies promoting workplace health and safety by:
 - 1. Restricting the use of medicinal cannabis by employees; or*
 - 2. Restricting or prohibiting the use of equipment, machinery, or power tools by an employee who is a registered qualified patient, if the employer believes that the use of such equipment, machinery, or power tools by an employee who is a registered qualified patient poses an unreasonable safety risk;**
 - (c) Prohibit an employer from including in any contract provisions that prohibit the use of medicinal cannabis by employees;*
 - (d) Permit a cause of action against an employer for wrongful discharge or discrimination;*
 - (e) Except as provided in KRS 218B.045, prohibit a person, employer, corporation, or any other entity who occupies, owns, or controls a property from prohibiting or otherwise regulating the use, consumption, possession, transfer, display, transportation, sale, or growing of medicinal cannabis on or in that property;*
 - (f) Prohibit an employer from establishing and enforcing a drug testing policy, drug-free workplace, or zero-tolerance drug policy; or*
 - (g) Prohibit an employer from exercising his or her ability to determine impairment of an employee who is a cardholder. Good faith determinations of impairment permitted under this paragraph shall include behavioral assessments of impairment and a secondary step of testing an employee who is a cardholder for the presence of cannabis by an established method. If an employer determines, pursuant to KRS 218B.015(2)(c), that an employee who is a cardholder is impaired by the use of cannabis from the behavioral assessment and testing, the burden of proving non-impairment shall shift to the employee to refute the findings of the employer.*
- (2) An employee who is discharged from employment for consuming medicinal cannabis in the workplace, working while under the influence of medicinal cannabis, or testing positive for a controlled substance shall not be eligible to receive benefits under KRS Chapter 341, if such actions are in violation of an employment contract or established personnel policy. (3) An employer shall not be penalized or denied any benefit under state law for employing a cardholder.”*

Dispensary And Dispensary Agent Age Restriction: KRS 218B.110(2)(f): “[n]ot sell or dispense medicinal cannabis products intended for consumption by vaporizing to a cardholder who is younger than twenty-one (21) years of age or to a designated caregiver for a registered qualified patient who is younger than twenty-one (21) years of age;”

Packaging And Labeling By Cannabis Businesses: KRS 218B.140(1)(c)(13): “[s]tandards for the packaging and labeling of medicinal cannabis sold or distributed by cannabis businesses which shall comply with 15 U.S.C. secs. 1471 to 1476 and shall include:

- [a.] Standards for packaging that requires at least a two (2) step process of initial opening;*
- [b.] A warning label which may include the length of time it typically takes for the product to take effect, how long the effects of the product typically last, and any other information deemed appropriate or necessary by the cabinet;*
- [c.] The amount of medicinal cannabis the product is considered the equivalent to;*
- [d.] Disclosing ingredients, possible allergens, and certain bioactive components, including cannabinoids and terpenoids, as determined by the cabinet;*
- [e.] A nutritional fact panel;*

-
- [f.] Opaque, child-resistant packaging;*
 - [g.] A requirement that all raw plant material packaged or sold in this state be marked or labeled as "NOT INTENDED FOR CONSUMPTION BY SMOKING";*
 - [h.] A requirement that medicinal cannabis products be clearly marked with an identifiable and standardized symbol indicating that the product contains cannabis;*
 - [i.] A requirement that all medicinal cannabis product packaging include an expiration date; and*
 - [j.] A requirement that medicinal cannabis products and their packaging not be visually reminiscent of major brands of edible noncannabis products or otherwise present an attractive nuisance to minors;"*

Apply Or Renew Registry Identification Card Requirements: KRS 218B.055(6): “To apply for or renew a registry identification card, a qualified patient shall submit the following, in accordance with administrative regulations promulgated by the cabinet:

- [a.] The name, address, and date of birth of the qualified patient, except that if the applicant is homeless an address where the applicant may be reached shall be provided to the cabinet;*
- [b.] A written certification issued by a medicinal cannabis practitioner within ninety (90) days immediately preceding the date of an application;*
- [c.] The name, address, and telephone number of the qualified patient's medicinal cannabis practitioner;*
- [d.] The name, address, and date of birth of not more than two (2) individuals chosen by the qualified patient to be designated as a caregiver, if the qualified patient chooses to designate a caregiver, except that if an individual has been appointed as a guardian, limited guardian, conservator, or limited conservator under KRS Chapter 387, the qualified patient shall choose that individual as a designated caregiver;*
- [e.] A statement, signed by the qualified patient, pledging not to divert medicinal cannabis to anyone who is not permitted to possess medicinal cannabis pursuant to this chapter. The statement shall contain a listing of potential penalties, including criminal prosecution, for diverting medicinal cannabis;*
- [f.] A statement, signed by the individuals chosen by the qualified patient to be designated as a caregiver, if any, agreeing to be designated as the patient's designated caregiver and pledging not to divert medicinal cannabis to anyone other than the registered qualified patient to whom the caregiver is connected through the cabinet's registration process. The statement shall contain a listing of potential penalties, including criminal prosecution, for diverting medicinal cannabis; and*
- [g.] The application or renewal fee for a registry identification card for a qualified patient and the application or renewal fee for a registry identification card for any designated caregiver chosen by the qualified patient.”*

Minor Patient And Designated Caregiver Not Permitted To Possess Or Purchase Cannabis: KRS 218B.025(2): “A registered qualified patient who is under eighteen (18) years of age shall not be permitted to possess, purchase, or acquire medicinal cannabis and shall only engage in the use of medicinal cannabis with the assistance of a designated caregiver who is the registered qualified patient's parent or legal guardian responsible for providing consent for medical treatment.”

Patients Who Smoke Cannabis Lose Protection Of The Law: KRS 218B.035(3)(a): “[a]n individual who violates subsection (1)(g) of this section shall not be considered to be in possession of medicinal cannabis or engaged in the use of medicinal cannabis and shall not benefit from the legal protections afforded by this chapter.”

Revocation If Smoking Marijuana: KRS 218B.035(3)(c): “[i]f an individual uses or consumes marijuana by smoking while on any form of public transportation, in any public place as defined in KRS 525.010, or in any place of public accommodation, resort, or amusement as defined in KRS 344.130: 1. The cabinet may revoke the individual's registry identification card; and 2. The individual may be subject to prosecution under KRS 218A.1421 and 218A.1422.”

Label For Raw Plant Material: KRS 218B.140(1)(c)(13)(g): “[a] requirement that all raw plant material packaged or sold in this state be marked or labeled as “NOT INTENDED FOR CONSUMPTION BY SMOKING”;

Written Certification Limitation And Dosages: 915 KAR 2:030, Section 2 (6): “When entering a written certification into the state’s designated medicinal cannabis practitioner registry, a medicinal cannabis practitioner shall enter any recommendation or limitation as to the form and dosage of medicinal cannabis that can be dispensed to the registered qualified patient.”

Dispensary Security Requirements: 915 KAR 1:070 Section 8(b): “[s]ecurity, including:

- [1.] Staff identification measures, including use of identification badges;
- [2.] Monitoring of attendance of staff and visitors;
- [3.] Alarm systems;
- [4.] Video surveillance;
- [5.] Monitoring and tracking inventory, including use of the Commonwealth’s electronic monitoring system and seed to sale tracking system established pursuant to KRS 218B. 140;
- [6.] Personnel security;
- [7.] Transportation of medicinal cannabis;
- [8.] Cash management and anti-fraud procedures;
- [9.] Measures to prevent loitering, which shall include signage; and
- [10.] Storage of medicinal cannabis and medical cannabis products;”

Dispensary Delivery Services: 915 KAR 1:070 (2): “[a] dispensary may operate a delivery service for registered qualified patients and designated caregivers in accordance with the delivery service requirements established in 915 KAR 001:080, Section 2.”

Dispensary to Patient Drive-thru/curbside: 915 KAR 1:070 (3): “[a] dispensary may dispense medicinal cannabis to cardholders via a drive-thru window or curbside pickup service if:

- (a) The dispensary notifies the cabinet via electronic mail to kymedcanreporting@ky.gov of its intent to dispense medicinal cannabis via a drive-thru window or curbside pickup service;
- (b) The dispensary provides the cabinet with detailed written plans and procedures for drive-thru and curbside pickup operations, including operating hours, how payment will be accomplished, how medicinal cannabis products will be provided to cardholders, and safety and security measures to ensure safe operations;
- (c) The cabinet approves the dispensary's proposed written plans and procedures; and
- (d) The dispensary complies with the dispensing requirements contained in Sections 2 and 3 of this administrative regulation.”

Requirements For Delivery Services Provided by Dispensaries: 915 KAR 1:080 Section 2 “

“(1) A dispensary may operate a delivery service for registered qualified patients and designated caregivers.

(2) In order to deliver medicinal cannabis, medicinal cannabis accessories, and educational material to registered qualified patients and designated caregivers, a dispensary shall:

(a) Follow all requirements for dispensing and selling medicinal cannabis to registered qualified patients and designated caregivers in accordance with KRS Chapter 218B and 915 KAR 1:070 prior to delivery;

(b) Accomplish delivery on the date an order is received and processed through the Commonwealth's designated electronic monitoring system and seed to sale tracking system;

(c) Accomplish delivery between the hours of 7:00 a.m. and 9:00 p.m.;

(d) Prepare a delivery manifest for each delivery or series of deliveries that includes the names of the delivery team members, address for each delivery, estimated date and time of delivery, and actual date and time of delivery;

(e) Prepare a receipt for each delivery containing the following information:

1. The dispensary's name, address, and license number;

2. The name and address of the registered qualified patient or designated caregiver;

3. The date the medicinal cannabis was dispensed;

4. Any requirement or limitation noted by the medicinal cannabis practitioner on the registered qualified patient or designated caregiver's written certification as to the form or amount of medicinal cannabis that the individual should use;

5. The form and the quantity of medicinal cannabis dispensed;

6. Any medicinal cannabis accessories or educational materials included in the delivery order; and

7. The amount paid by the registered qualified patient or designated caregiver for the medicinal cannabis and other items.

(f) At the time of delivery, check the registry identification card of the registered qualified patient or designated caregiver to verify the person accepting delivery is the same person who placed the order. The registered qualified patient or designated caregiver who placed the order shall sign the receipt to confirm receipt of all items delivered and receive a copy of the receipt; and

(g) Only deliver medicinal cannabis, medicinal cannabis accessories, and educational material to the Kentucky address identified for the individual in the Commonwealth's designated electronic monitoring system.

(3) Delivery vehicle and delivery team requirements.

(a) Transport vehicles used for the delivery of medicinal cannabis by dispensaries to registered qualified patients or designated caregivers shall:

1. Be equipped with a locked storage compartment that is part of the transport vehicle or have a locked storage container that has a separate key or combination pad;

2. Have no markings that would either identify or indicate that the vehicle is being used to transport medicinal cannabis;

3. Maintain a current state vehicle registration;

4. Be equipped with an alarm system; and

5. Be insured as required by Kentucky law for commercial vehicles.

(b) A transport vehicle shall be staffed with a delivery team consisting of at least two (2) dispensary employees. At least one (1) delivery team member shall remain with the transport vehicle at any time that it contains medicinal cannabis.

(c) Delivery team members delivering medicinal cannabis shall:

1. Have a copy of the cannabis business license for the dispensary delivering the medicinal cannabis;
2. Have an employee identification badge issued by the dispensary that shall be conspicuously worn at all times during delivery of medicinal cannabis;
3. Have a valid driver's license; and
4. Not make unnecessary stops.

(d) All medicinal cannabis in transport for delivery to registered qualified patients or designated caregivers shall be shielded from public view and placed in a locked storage compartment that is part of the transport vehicle or in a locked storage container that has a separate key or combination pad.

(e) If a transport vehicle delivering medicinal cannabis is involved in any accident or experiences any type of failure rendering the vehicle immobile or requiring the use of a tow truck, the delivery team shall notify the cabinet immediately via electronic mail to kymedcanreporting@ky.gov.

Transportation Manifest Requirements: 915 KAR 1:080 (1)(g) “

(g) [a] *Transport manifest. A cannabis business shall generate a printed or electronic transport manifest that accompanies every transport vehicle transporting medicinal cannabis to other cannabis businesses and contains the following information:*

1. *The date the transport manifest was created;*
2. *The name, address, telephone number, and license number of the cannabis business transporting the medicinal cannabis and the name of and contact information for a representative of the cannabis business who has direct knowledge of the transport;*
3. *If applicable, the name, address, and telephone number of the contracted third party that is transporting medicinal cannabis on behalf of the cannabis business and the name of and contact information for a representative of the third party who has direct knowledge of the transport;*
4. *The name, address, telephone number, and license number of the cannabis business receiving the delivery;*
5. *The quantity, by weight or unit, of the medicinal cannabis being transported to a cannabis business along with the unique identifier for each harvest batch, production batch, or package;*
6. *A statement regarding whether the medicinal cannabis being transported to a cannabis business has been tested and, if so, the unique identifier for the harvest batch or production batch test;*
7. *The date and approximate time of departure;*
8. *The date and approximate time of arrival;*
9. *The transport vehicle's make and model and license plate number;*
10. *The name of each member of the delivery team accompanying the transport;*
11. *The driver's license number of the delivery team member driving the transport vehicle;*
12. *The signature of a delivery team member once delivery has been accomplished; and*
13. *The name and signature of a representative of the cannabis business receiving the medicinal cannabis that confirms receipt of the delivery.*

(h) *When a delivery team delivers medicinal cannabis to multiple cannabis businesses during one (1) transport, the transport manifest shall correctly reflect the specific medicinal cannabis in transit to each cannabis business location.*

(i) *A cannabis business shall provide a copy of the transport manifest to the cannabis business receiving the medicinal cannabis described in the transport manifest. To maintain confidentiality, a cannabis business may prepare separate manifests for each recipient.*

(j) All medicinal cannabis in transport shall be shielded from public view and placed in a locked storage compartment that is part of the transport vehicle or in a locked storage container that has a separate key or combination pad.

(k) A cannabis business shall, if requested, provide a copy of any printed or electronic transport manifest to the cabinet or its authorized agents, law enforcement, or other federal or state government officials if necessary to perform the government officials' functions and duties.”

Evidence of Loss Transportation Manifest: 915 KAR 1:080 Section 1(2)

“(a)If [a] cannabis business receiving a delivery of medicinal cannabis discovers a discrepancy in the transport manifest upon delivery, the cannabis business shall report the discrepancy to the cabinet within eight (8) hours of discovery via electronic mail to kymedcanreporting@ky.gov.

(b) If a cannabis business transporting medicinal cannabis discovers a discrepancy in the transport manifest, the cannabis business shall:

- 1. Conduct an investigation;*
- 2. Amend the cannabis business's standard plan of operation, if necessary, to prevent future discrepancies between the quantity or description of inventory listed in the transport manifest and the quantity or description of inventory delivered; and*
- 3. Electronically submit the following reports of the investigation to the cabinet via electronic mail to kymedcanreporting@ky.gov:*

a. A written preliminary report of the investigation shall be submitted to the cabinet within seven (7) calendar days of discovering the discrepancy; and

b. A final written report of the investigation shall be submitted to the cabinet within thirty (30) calendar days of discovering the discrepancy.

(c) If a cannabis business transporting medicinal cannabis discovers evidence of, or reasonably suspects, a theft or diversion of medicinal cannabis during transport, the cannabis business shall report its findings or suspicions to the cabinet within eight (8) hours of discovery via electronic mail to kymedcanreporting@ky.gov.”

Prohibition of Cannabis Plants outside Licensed Facilities: 915 KAR 1:030 (1): *“No person or entity shall engage in the business of planting, growing, cultivating, raising, harvesting, trimming, storing, testing, packaging, labeling, transferring, transporting, selling, or offering to sell medicinal cannabis seeds, seedlings, medicinal cannabis plants, medicinal cannabis, or medicinal cannabis products to a cannabis business without first being issued a license by the cabinet. A cultivator shall not sell or transfer, or allow the sale or transfer, of medicinal cannabis seeds, seedlings, medicinal cannabis plants, medicinal cannabis, or medicinal cannabis products to any person or entity in the Commonwealth who does not hold a cannabis business license issued by the cabinet.”*

Designated caregiver Requirements List: 11 KRS 218B.055(3):

- *Resident of Kentucky*
- *At least twenty-one (21) years old*
- *Not been convicted of a disqualifying felony offense*
- *Assist no more than three (3) registered patients*
- *A custodial parent or legal guardian with responsibility for health care decisions for a minor qualified patient must serve as a minor's designated caregiver OR*
- *A guardian, limited guardian, conservator, or limited conservator of the qualified patient*

915 KAR 1:030 Cultivator

Visitors To Cultivator Facilities: 915 KAR 1:030 Section 6 (5).

(5) The cultivator shall maintain the visitor log required under this section for five (5) years and make the visitor log available to the cabinet, law enforcement, and other federal or state government officials upon request to perform the government officials' functions and duties. The visitor log shall include the date, the full name of each visitor, the visitor identification badge number, the time of arrival, the time of departure, and the purpose of the visit, including the areas of the site and the facility visited.

Cultivator Security and Surveillance: 915 KAR 1:030 Section 7(1)(a)(2).

2. An audible security alarm system signal, known as a panic alarm, generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring law enforcement response;

Cultivator Records Retention: 915 KAR 1:030 Section 7(3).

“Regarding records retention, a cultivator shall:

- (a) Have a secure electronic back-up system for all electronic records;*
- (b) Within three (3) business days following a request for records under this paragraph, provide up to four (4) screen captures of an unaltered copy of a video surveillance recording to the cabinet or its authorized agents, law enforcement, or other federal, state, or local government officials if necessary to perform the governmental officials' functions and duties; and*
- (c) If a cultivator has been notified in writing by the cabinet or its authorized agents, law enforcement, or other federal, state, or local government officials of a pending criminal or administrative investigation for which a recording may contain relevant information, retain an unaltered copy of the recording for two (2) years or until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the cultivator that it is not necessary to retain the recording, whichever is later.”*

Cultivator Employee Only Areas: 915 KAR 1:030 Section 7(6)

“A cultivator shall limit access to a room containing the equipment operating the security alarm and surveillance monitoring systems to:

- (a) Persons who are essential to maintaining security and surveillance operations;*
- (b) Federal, state, and local law enforcement;*
- (c) Security alarm and surveillance system service employees;*
- (d) The cabinet or its authorized agents; and*
- (e) Other persons with the prior written approval of the cabinet.”*

915 KAR 1:040 Processor

Visitor Log To Processor Facilities: 915 KAR 1:040 Section 6 (5)

“The processor shall maintain the visitor log required under this section for five (5) years and make the visitor log available to the cabinet, law enforcement, and other federal or state government officials upon request to perform the government officials' functions and duties. The visitor log shall include the date, the full name of each visitor, the visitor identification badge number, the time of arrival, the time of departure, and the purpose of the visit, including the areas of the site and the facility visited.”

Processor Security and Surveillance: 915 KAR 1:040 Section 7(1)(a)(2)

“An audible security alarm system signal, known as a panic alarm, generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring law enforcement response”

Processor Retention Of Records: 915 KAR 1:040 Section 7(3)

“Regarding records retention, a processor shall:

- (a) Have a secure electronic back-up system for all electronic records;*
- (b) Within three (3) business days following a request for records under this paragraph, provide up to four (4) screen captures of an unaltered copy of a video surveillance recording to the cabinet or its authorized agents, law enforcement, or other federal, state, or local government officials if necessary to perform the governmental officials' functions and duties; and*
- (c) If a processor has been notified in writing by the cabinet or its authorized agents, law enforcement, or other federal, state, or local government officials of a pending criminal or administrative investigation for which a recording may contain relevant information, retain an unaltered copy of the recording for two (2) years or until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the processor that it is not necessary to retain the recording, whichever is later.”*

Processor Employee Only Areas: 915 KAR 1:040 Section 7(6)

“A processor shall limit access to a room containing the equipment operating the security alarm and surveillance monitoring systems to:

- (a) Persons who are essential to maintaining security and surveillance operations;*
- (b) Federal, state, and local law enforcement;*
- (c) Security alarm and surveillance system service employees;*
- (d) The cabinet or its authorized agents; and*
- (e) Other persons with the prior written approval of the cabinet.”*

915 KAR 1:060 Safety compliance facility

Visitors To Safety Compliance Facilities: 915 KAR 1:060 Section 11 (6) *“A safety compliance facility shall limit access to a room containing the equipment operating the security alarm and surveillance monitoring systems to:*

- (a) Persons who are essential to maintaining security and surveillance operations;*
- (b) Federal, state, and local law enforcement;*
- (c) Security alarm and surveillance system service employees;*
- (d) The cabinet or its authorized agents; and*
- (e) Other persons with the prior written approval of the cabinet.”*

Safety Compliance Security And Surveillance: 915 KAR 1:060 Section 11 (3)

“(3) A safety compliance facility shall meet the following requirements regarding records retention:

- (a) Have a secure electronic back-up system for all electronic records;*
- (b) Within three (3) business days following a request for records under this paragraph, provide up to four (4) screen captures of an unaltered copy of a video surveillance recording to the cabinet or its authorized agents, law enforcement, or other federal, state, or local government officials if necessary to perform the governmental officials' functions and duties; and*

(c) If a safety compliance facility has been notified in writing by the cabinet or its authorized agents, law enforcement, or other federal, state, or local government officials of a pending criminal or administrative investigation for which a recording may contain relevant information, retain an unaltered copy of the recording for two (2) years or until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the cultivator that it is not necessary to retain the recording, whichever is later.”

Safety Compliance Employee Only Areas: 915 KAR 1:060 Section 11 (6)

“(6) A safety compliance facility shall limit access to a room containing the equipment operating the security alarm and surveillance monitoring systems to:

- (a) Persons who are essential to maintaining security and surveillance operations;*
- (b) Federal, state, and local law enforcement;*
- (c) Security alarm and surveillance system service employees;*
- (d) The cabinet or its authorized agents; and*
- (e) Other persons with the prior written approval of the cabinet.”*

915 KAR 1:070 Dispensary

Dispensary Visitors: 915 KAR 1:070 Section 10.

“(1) Except as provided in this section, only authorized employees or agents of a dispensary shall enter a limited access area.

(2) A dispensary shall require visitors requiring access to a limited access area in the dispensary's facility to:

- (a) Sign a visitor log upon entering and leaving the limited access area and detail the need for entry;*
- (b) Check the visitor's government-issued identification to verify that the name on the identification provided matches the name in the visitor log;*
- (c) Issue a visitor identification badge with the visitor's name and company, if applicable, and a badge number;*
- (d) Escort the visitor while the visitor remains in a limited access area; and*
- (e) Ensure that the visitor does not touch any medicinal cannabis located in a limited access area.*

(3) The visitor log required by this section shall:

- (a) Be maintained for five (5) years and available to the cabinet, law enforcement, and other federal or state government officials upon request to perform the government officials' functions and duties; and*
- (b) Include the full name of each visitor, the visitor identification badge number, the time of arrival, the time of departure, and the purpose of the visit, including the areas of the site and facility visited.*

(4) This section does not limit the right of the cabinet or its authorized agents, or other federal, state, or local government officials, from entering any area of a dispensary if necessary to perform the government officials' functions and duties.

(5) A principal officer, board member, agent, financial backer, employee, or volunteer of a dispensary may not receive any type of consideration or compensation for allowing a visitor to enter a limited access area.

Dispensary Alarm: 915 KAR 1:070 Section 11(1)(a)(2).

“(2.) An audible security alarm system signal, known as a panic alarm, generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring law enforcement response;”

Dispensary Record Retention: 915 KAR 1:070 Section 11 (3)

“(3)A dispensary shall meet the following requirements regarding records retention:

- (a) Have a secure electronic back-up system for all electronic records;*
- (b) Within three (3) business days following a request for records under this paragraph, provide up to four (4) screen captures of an unaltered copy of a video surveillance recording to the cabinet or its authorized agents, law enforcement, or other federal, state, or local government officials if necessary to perform the governmental officials' functions and duties; and*
- (c) If a dispensary has been notified in writing by the cabinet or its authorized agents, law enforcement, or other federal, state, or local government officials of a pending criminal or administrative investigation for which a recording may contain relevant information, retain an unaltered copy of the recording for two (2) years or until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the dispensary that it is not necessary to retain the recording, whichever is later.”*