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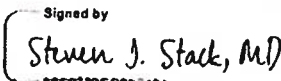
REGULATIONS

STATEMENT OF EMERGENCY

915 KAR 2:050E

This emergency administrative regulation is being promulgated in order to meet an imminent threat to public health and welfare. KRS Chapter 218B, which was created by 2023 Ky. Acts Ch. 146 that Governor Andy Beshear signed into law on March 31, 2023, legalized the cultivation, processing, dispensing, and use of medicinal cannabis in the Commonwealth of Kentucky beginning on January 1, 2025, and directed the Cabinet for Health and Family Services to implement and oversee the medicinal cannabis program. KRS 218B.140(1)(c)21 authorizes the Cabinet for Health and Family Services to promulgate administrative regulations that establish standards, procedures, or restrictions that the cabinet deems necessary to ensure the efficient, transparent, and safe operation of the medicinal cannabis program. This administrative regulation is being filed on an emergency basis to provide clarification to Kentuckians suffering from serious medical conditions regarding the definition of "qualifying medical condition" contained in KRS 218B.010(26) and their eligibility for a registry identification card. Based on available evidence, immediate clarification of the statutory definition of "qualifying medical condition" is necessary to prevent a substantial risk of denied or delayed access to safe medical cannabis for individuals with such qualifying medical conditions and to ensure timely treatment for qualified individuals. The current lack of clarity may also place strain on critical public health and safety infrastructure, including emergency hospitalization and crisis-response services. This emergency administrative regulation will be replaced by an ordinary administrative regulation, which is being filed contemporaneously herewith. The companion ordinary administrative regulation is identical to this emergency administrative regulation.


ANDY BESHEAR, Governor
Commonwealth of Kentucky

Signed by

STEVEN J. STACK, MD, MBA, Secretary
Cabinet for Health and Family Services

1 Cabinet for Health and Family Services
2 Office of Medical Cannabis
3 (New Emergency Administrative Regulation)
4 915 KAR 2:050E. Qualifying Medical Conditions.

5 RELATES TO: KRS Chapter 218B

6 STATUTORY AUTHORITY: KRS 218B.020; KRS 218B.140(1)(c); KRS 218B.010(26)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 218B.020 charges the Cabinet
8 for Health and Family Services with the implementation, operation, oversight, and regulation of
9 the medicinal cannabis program established in KRS Chapter 218B. KRS 218B.140(1)(c)21
10 authorizes the Cabinet for Health and Family Services to promulgate administrative regulations
11 that establish standards, procedures, or restrictions that the cabinet deems necessary to ensure the
12 efficient, transparent, and safe operation of the medicinal cannabis program. This administrative
13 regulation provides clarification regarding the definition of “qualifying medical condition”
14 contained in KRS 218B.010(26).

15 Section 1. The definition of “qualifying medical condition.”

16 (1) The definition of “qualifying medical condition” contained in KRS 218B.010(26) may
17 encompass additional medical conditions if an underlying symptom of those conditions is:

18 (a) Expressly defined as a “qualifying medical condition” in KRS 218B.010(26); and

19 (b) Properly diagnosed by a medical cannabis practitioner or the medical cannabis
20 practitioner properly confirms the diagnosis provided by another health care provider.

1 (2) The following list of medical conditions have been recommended for express inclusion
2 within the definition of “qualifying medical condition” by the Kentucky Board of Physicians and
3 Advisors and are recognized as having at least one (1) underlying symptom that is defined as a
4 “qualifying medical condition” under KRS 218B.010(26):

- 5 (a) Amyotrophic Lateral Sclerosis;
- 6 (b) Parkinson’s Disease;
- 7 (c) Crohn’s Disease;
- 8 (d) Ulcerative Colitis;
- 9 (e) Sickle Cell Anemia;
- 10 (f) Cachexia or Wasting Syndrome;
- 11 (g) Neuropathies;
- 12 (h) Severe Arthritis;
- 13 (i) Fibromyalgia;
- 14 (j) Muscular Dystrophy;
- 15 (k) Huntington’s Disease;
- 16 (l) Human Immunodeficiency Virus (HIV);
- 17 (m) Acquired Immunodeficiency Syndrome (AIDS);
- 18 (n) Glaucoma; and
- 19 (o) Terminal Illness.

915 KAR 2:050E

REVIEWED:

5/28/2026

Date

Signed by:
Cannon Armstrong
Cannon Armstrong
Executive Director
Kentucky Office of Medical Cannabis

APPROVED:

5/28/2026

Date

Signed by:
Steven J. Stack, MD
Steven J. Stack, MD, MBA
Secretary, Cabinet for Health and Family Services

PUBLIC HEARING AND PUBLIC COMMENT PERIOD:

A public hearing on this administrative regulation shall, if requested, be held on July 27, 2026, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by July 20, 2026, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation through July 31, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, KY 40621; Phone: 502-564-7476; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

915 KAR 2:050E: Qualifying Medical Conditions

Agency Contact: Oran S. McFarlan, III

Phone Number: (502) 564-5313

Email: oran.mcfarlan@ky.gov

Contact Person: Krista Quarles

Phone Number: (502) 564-7476

Email: CHFSregs@ky.gov

Subject Headings: Cannabis and Cannabinoids, Health and Medical Services, and Physicians and Practitioners

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation clarifies that the definition of “qualifying medical condition” contained in KRS 218B.010(26) may encompass additional medical conditions if an underlying symptom of those conditions is (1) expressly defined as a “qualifying medical condition” and (2) properly diagnosed by a medical cannabis practitioner.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide clarification regarding the definition of “qualifying medical condition” contained in KRS 218B.010(26).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 218B.020 charges the Cabinet for Health and Family Services with the implementation, operation, oversight, and regulation of the medicinal cannabis program established in KRS Chapter 218B. KRS 218B.040(1)(c)21 authorizes the Cabinet for Health and Family Services to promulgate administrative regulations that establish standards, procedures, or restrictions that the cabinet deems necessary to ensure the efficient, transparent, and safe operation of the medicinal cannabis program. This administrative regulation provides clarification regarding the definition of “qualifying medical condition” contained in KRS 218B.010(26).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides clarification regarding the definition of “qualifying medical condition” contained in KRS 218B.010(26).

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not applicable. This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: Not applicable. This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: Not applicable. This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable. This is a new administrative regulation.

- (3) Does this administrative regulation or amendment implement legislation from the previous five years? This administrative regulation provides clarification regarding the definition of “qualifying medical condition” contained in KRS 218B.010(26). KRS Chapter 218B codifies the provisions of 2023 Senate Bill 47 (Ky. Acts Chapter 146).
- (4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects qualified patients, medical cannabis practitioners, and the Office of Medical Cannabis within the Cabinet for Health and Family Services.
- (5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment: No additional action must be taken by the regulated entities. This administrative regulation clarifies the definition of “qualifying medical condition” contained in KRS 218B.010(26).
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no cost to comply with this administrative regulation.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Qualified patients and medical cannabis practitioners will have a greater understanding of the definition of “qualifying medical condition” contained in KRS 218B.010(26).
- (6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: There is no anticipated cost to initially implement this administrative regulation.
 - (b) On a continuing basis: There is no anticipated cost to implement this administrative regulation on a continuing basis.
- (7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Office of Medical Cannabis receives general funds provided by the commonwealth as well as restricted funds.
- (8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It is not anticipated that an increase in funding will be necessary to implement this administrative regulation.
- (9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish or increase any fees.
- (10) TIERING: Is tiering applied? Tiering is not applied. All individuals and entities will be treated equally.

FISCAL IMPACT STATEMENT

915 KAR 2:050E: Qualifying Medical Conditions

Agency Contact: Oran S. McFarlan, III

Phone Number: (502) 564-5313

Email: oran.mcfarlan@ky.gov

Contact Person: Krista Quarles

Phone Number: (502) 564-7476

Email: CHFSregs@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 218B.020; KRS 218B.140.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation is promulgated by the Office of Medical Cannabis within the Cabinet for Health and Family Services.

(a) Estimate the following for the first year:

Expenditures: There are no anticipated expenditures arising from this administrative regulation.

Revenues: There are no anticipated revenues arising from this administrative regulation.

Cost Savings: There are no anticipated cost savings arising from this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? It is not anticipated that expenditures, revenues, or cost savings will differ in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(a) Estimate the following for the first year:

Expenditures: None

Revenues: None.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? It is not anticipated that expenditures, revenues, or cost savings will differ in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): None.

(a) Estimate the following for the first year:

Expenditures: None.

Revenues: None.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? It is not anticipated that expenditures, revenues, or cost savings will differ in subsequent years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: There is no anticipated fiscal impact arising from this administrative regulation.

(b) Methodology and resources used to determine the fiscal impact: This administrative regulation clarifies that the definition of “qualifying medical condition” contained in KRS 218B.010(26) may encompass additional medical conditions if an underlying symptom of those conditions is (1) expressly defined as a “qualifying medical condition” and (2) properly diagnosed by a medical cannabis practitioner.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate). No.

(b) The methodology and resources used to reach this conclusion: This administrative regulation clarifies that the definition of “qualifying medical condition” contained in KRS 218B.010(26) may encompass additional medical conditions if an underlying symptom of those conditions is (1) expressly defined as a “qualifying medical condition” and (2) properly diagnosed by a medical cannabis practitioner.