

218B.015 Construction of chapter -- Applicability.

- (1) Nothing in this chapter shall be construed as applying to industrial hemp or industrial hemp products as defined in KRS 260.850.
- (2) Notwithstanding any provision of law to the contrary, and except as provided in subsections (3) and (4) of this section and KRS 218B.035:
 - (a) The use of medicinal cannabis by a cardholder shall be considered lawful if done in accordance with this chapter and any administrative regulations promulgated thereunder;
 - (b) The acquisition, blending, cultivation, delivery, distribution, manufacturing, manipulation, packaging for sale, preparation, possession, sale, testing, transportation, or transfer of medicinal cannabis or medicinal cannabis accessories by a cannabis business or cannabis business agent shall be considered lawful if done in accordance with this chapter and any administrative regulations promulgated thereunder;
 - (c) A registered qualified patient or visiting qualified patient shall not be considered to be under the influence of medicinal cannabis solely because of the presence of tetrahydrocannabinol metabolites, including but not limited to the cannabinoid carboxy THC, which is also known as THC-COOH;
 - (d) A medicinal cannabis practitioner shall not be subject, under the laws of the Commonwealth, to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a state licensing board or by any other occupational or professional licensing board, solely for providing written certifications or for otherwise stating that, in the medicinal cannabis practitioner's professional opinion, a patient may receive medical, therapeutic, or palliative benefit from the use of medicinal cannabis, if done in accordance with this chapter;
 - (e) An attorney shall not be subject, under the laws of the Commonwealth, to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the Kentucky Court of Justice, Kentucky Bar Association, or by any other professional licensing board, solely for providing an individual or cannabis business with legal assistance related to activity that is no longer subject to criminal penalties under state law pursuant to this chapter; and
 - (f) No person shall be subject, under the laws of the Commonwealth, to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board, solely for providing assistance or services, including but not limited to accounting services, financial services, security services, or business consulting services, to any individual or cannabis business related to activity that is no longer subject to criminal penalties under state law pursuant to this chapter.
- (3) Nothing in subsection (2) of this section shall be construed or interpreted to:
 - (a) Prohibit the arrest, prosecution, or imposition of any other penalty arising from but not limited to breach of contract, breach of fiduciary duty,

negligence, or engaging in criminal activity that would constitute a felony or misdemeanor; or

- (b) Prevent a medicinal cannabis practitioner from being subject to administrative penalties imposed by his or her state licensing board for any violation of this chapter or any administrative regulation promulgated thereunder.
- (4) Notwithstanding subsection (2) of this section and any other provision of law to the contrary, a cardholder who is licensed under KRS Chapter 311 or KRS Chapter 314 may be subject to intervention or disciplinary action by his or her state licensing board if:
- (a) There is probable cause to believe that the cardholder has become impaired by, or otherwise abused, medicinal cannabis; or
 - (b) The cardholder has a medically diagnosable disease that is characterized by chronic, habitual, or periodic use of medicinal cannabis resulting in interference with the cardholder's professional, social, or economic functions in the community or the loss of powers of self-control regarding the use of medicinal cannabis.

Effective: July 1, 2024

History: Created 2023 Ky. Acts ch. 146, sec. 2, effective July 1, 2024.

Legislative Research Commission Note (4/17/2024). The effective date of the creation of this statute in 2023 Ky. Acts ch. 146, sec. 2, was changed from January 1, 2025, to July 1, 2024, in 2024 Ky. Acts ch. 195, sec. 24.