

218B.025 Registered and visiting qualified patients -- Designated caregivers -- Exemption from prosecution -- Limitations on amount of cannabis to be in possession.

- (1) A registered qualified patient, except as provided in subsection (2) of this section and KRS 218B.035, shall not be subject, under the laws of the Commonwealth, to arrest, prosecution, or denial of any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board, for the use of medicinal cannabis, if the registered qualified patient does not possess more than:
 - (a) An amount of medicinal cannabis determined by the cabinet to constitute an uninterrupted thirty (30) day supply at his or her residence;
 - (b) An amount of medicinal cannabis in excess of a thirty (30) day supply at his or her residence, in accordance with administrative regulations promulgated pursuant to KRS 218B.140(1)(c)6.; or
 - (c) An amount of medicinal cannabis determined by the cabinet to constitute an uninterrupted ten (10) day supply on his or her person, except that an amount greater than a ten (10) day supply may be transported by a registered qualified patient from a dispensary to his or her residence if the medicinal cannabis is contained in a sealed package that requires at least a two (2) step process for initial opening.
- (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.
- (3) A visiting qualified patient shall not be subject, under the laws of the Commonwealth, to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board, for the use of medicinal cannabis, if the visiting qualified patient does not possess more than an amount of medicinal cannabis determined by the cabinet to constitute an uninterrupted ten (10) day supply on his or her person.
- (4) A designated caregiver shall not be subject, under the laws of the Commonwealth, to arrest, prosecution, or denial of any right or privilege, including but not limited to civil penalty or disciplinary action by a court or occupational or professional licensing board, for assisting a registered qualified patient to whom the designated caregiver is connected through the cabinet's registration process with the use of medicinal cannabis if the designated caregiver does not possess more than:
 - (a) An amount of medicinal cannabis determined by the cabinet to constitute an uninterrupted thirty (30) day supply at his or her residence for each registered qualified patient to whom the caregiver is connected through the cabinet's registration process;
 - (b) An amount of medicinal cannabis in excess of a thirty (30) day supply at his or her residence for each registered qualified patient to whom the caregiver is

- connected through the cabinet's registration process, in accordance with administrative regulations promulgated pursuant to KRS 218B.140(1)(c)6.; or
- (c) An amount of medicinal cannabis determined by the cabinet to constitute an uninterrupted ten (10) day supply on his or her person for each registered qualified patient to whom the caregiver is connected through the cabinet's registration process, except that an amount greater than a ten (10) day supply may be transported by a designated caregiver from a dispensary to his or her residence if the medicinal cannabis is contained in a sealed package that requires at least a two (2) step process for initial opening.
- (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.
 - (b) When a cardholder possesses medicinal cannabis outside of his or her residence, the cardholder shall also be in possession of a valid registry identification card issued by the cabinet or, for visiting qualified patients, a valid out-of-state registry identification card and documentation of having been diagnosed with a qualifying medical condition.
 - (6) Notwithstanding subsections (1), (3), and (4) of this section and except as provided in administrative regulations promulgated pursuant to KRS 218B.140(1)(c)6.:
 - (a) A registered qualified patient shall not be permitted to purchase more medicinal cannabis than the amount determined by the cabinet to constitute an uninterrupted thirty (30) day supply of medicinal cannabis during a given twenty-five (25) day period;
 - (b) A designated caregiver shall not be permitted to purchase more medicinal cannabis than the amount determined by the cabinet to constitute an uninterrupted thirty (30) day supply of medicinal cannabis for each registered qualified patient to whom the caregiver is connected through the cabinet's registration process during a given twenty-five (25) day period; and
 - (c) A visiting qualified patient shall 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.
 - (7) A cardholder shall not be subject, under the laws of the Commonwealth, to arrest, prosecution, or denial of any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board, for:
 - (a) Possession of cannabis that is incidental to the use of medicinal cannabis;
 - (b) Possession of medicinal cannabis accessories; or
 - (c) Transferring medicinal cannabis to a safety facility for testing.
 - (8) No person shall be subject, under the laws of the Commonwealth, to arrest, prosecution, or denial of any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing board, for:
 - (a) Selling medicinal cannabis accessories to a cardholder who is over eighteen

- (18) years of age upon presentation of a valid registry identification card issued by the cabinet or, for visiting qualified patients, a valid out-of-state registry identification card and documentation of having been diagnosed with a qualifying medical condition;
- (b) Being in the presence or vicinity of the use of medicinal cannabis as allowed under this chapter; or
 - (c) Assisting a registered qualified patient or visiting qualified patient with using or administering medicinal cannabis. For purposes of illustration and not limitation, this includes preparing raw plant material or brewing tea for a registered qualified patient or visiting qualified patient. It does not include providing medicinal cannabis to a patient that the patient did not already possess.
- (9) Notwithstanding any other provision of law to the contrary, a registered qualified patient who is injured or defrauded, including by theft or deprivation of use and benefit of any money, personal property including medicinal cannabis, or articles of value of any kind, by his or her designated caregiver shall have a civil cause of action in Circuit Court to recover the actual damages sustained, together with the cost of the lawsuit, including a reasonable fee for the individual's attorney of record.

Effective: January 1, 2025

History: Created 2023 Ky. Acts ch. 146, sec. 4, effective January 1, 2025.