

218B.030 Seizure and forfeiture -- Probable cause -- Rebuttable presumption of lawful use. (Effective January 1, 2025)

- (1) (a) Any medicinal cannabis, medicinal cannabis accessories, lawful property, or interest in lawful property that is possessed, owned, or used in connection with the use of medicinal cannabis or acts incidental to that use shall not be subject to seizure or forfeiture under KRS 218A.405 to 218A.460.
- (b) This chapter shall not prevent the seizure or forfeiture of marijuana exceeding the amounts allowed under KRS 218B.025 or administrative regulations promulgated pursuant to KRS 218B.140(1)(c)6., nor shall it prevent seizure or forfeiture if the basis for that action is unrelated to the use of medicinal cannabis in accordance with this chapter and any administrative regulation promulgated thereunder.
- (2) Possession of, or application for, a registry identification card, an out-of-state registry identification card, or cannabis business license shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the person, property, or home of the person possessing or applying for the registry identification card, out-of-state registry identification card, or cannabis business license. The possession of, or application for, a registry identification card, out-of-state registry identification card, or cannabis business license shall not preclude the existence of probable cause if probable cause exists on other grounds.
- (3) (a) There shall be a rebuttable presumption that a cardholder is engaged in the lawful use of medicinal cannabis, or in the case of a designated caregiver, assisting with the lawful use of medicinal cannabis, if the cardholder:
 1. Possesses a valid registry identification card or, in the case of a visiting qualified patient, an out-of-state registry identification card and documentation of having been diagnosed with a qualifying medical condition; and
 2. Possesses an amount of medicinal cannabis that does not exceed the amount allowed under KRS 218B.025 or administrative regulations promulgated pursuant to KRS 218B.140(1)(c)6.
- (b) This presumption may be rebutted by a preponderance of evidence that conduct was unrelated to the use of medicinal cannabis or was otherwise in violation of this chapter.

Effective: January 1, 2025

History: Created 2023 Ky. Acts ch. 146, sec. 5, effective January 1, 2025.