

218B.055 Registry identification card required -- Written certification -- Visiting qualified patient -- Information required. (Effective January 1, 2025)

- (1) Except as provided in subsection (5) of this section, no person shall possess, purchase, acquire, or otherwise engage or assist in the use of medicinal cannabis in Kentucky without first applying for and receiving a registry identification card issued by the cabinet.
- (2) A person shall be eligible to apply for a registry identification card as a registered qualified patient if he or she is a resident of Kentucky, has obtained a written certification from a medicinal practitioner with whom he or she has a bona fide practitioner-patient relationship, and has not been convicted of a disqualifying felony offense.
- (3)
 - (a) Except as provided in paragraph (b) of this subsection, a person shall be eligible to apply for a registry identification card as a designated caregiver if he or she is a resident of Kentucky, is at least twenty-one (21) years of age, has not been convicted of a disqualifying felony offense, and has agreed to assist no more than three (3) registered qualified patients with the use of medicinal cannabis.
 - (b) Any person who has been appointed as a guardian, limited guardian, conservator, or limited conservator under KRS Chapter 387 shall be eligible to be designated as a designated caregiver by the individual for whom they have been appointed as a guardian, limited guardian, conservator, or limited conservator.
- (4) A person shall be eligible to apply for a registry identification card as a visiting qualified patient if he or she is not a resident of Kentucky or has been a resident of Kentucky for less than thirty (30) days, is at least twenty-one (21) years of age, has not been convicted of a disqualifying felony offense, possesses a valid out-of-state registry identification card, and possesses documentation of having been diagnosed with a qualifying medical condition.
- (5) A person with a valid out-of-state registry identification card and documentation of having been diagnosed with a qualifying medical condition may use his or her out-of-state registry identification card for all purposes established in this chapter and shall not be required to apply for or receive a visiting qualified patient registry identification card from the cabinet.
- (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.
- (7) To apply for or renew a registry identification card, a qualified patient who is under eighteen (18) years of age shall, in addition to the information required under subsection (6) of this section, submit:
- (a) Documentation of diagnosis of a qualifying medical condition by a practitioner other than the medicinal cannabis practitioner who provided the written certification for the use of medicinal cannabis; and
 - (b) A statement signed by the custodial parent or legal guardian with responsibility for health care decisions for the qualified patient attesting to the fact that the custodial parent or legal guardian agrees to:
 - 1. Allow the qualified patient to use medicinal cannabis;
 - 2. Serve as the qualified patient's designated caregiver; and
 - 3. Control the acquisition, dosage, and frequency of use of medicinal cannabis by the qualified patient.
- (8) To apply for or renew a registry identification card, a visiting 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 visiting 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 copy of his or her valid out-of-state registry identification card;
 - (c) Proof that he or she has been diagnosed with a qualifying medical condition;
 - (d) The application or renewal fee for a registry identification card for a visiting qualified patient; and
 - (e) A statement, signed by the visiting 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.

- (9) The application for qualified patients' registry identification cards shall ask whether the patient would like the cabinet to notify him or her of any clinical studies needing human subjects for research on the use of medicinal cannabis. The cabinet shall notify interested patients if it is aware of studies that will be conducted in the United States.
- (10) A registered qualified patient applying to renew a registry identification card issued by the cabinet shall be required to submit to the cabinet a written certification issued by a medicinal cannabis practitioner within ninety (90) days immediately preceding the date of a renewal application.

Effective: January 1, 2025

History: Created 2023 Ky. Acts ch. 146, sec. 10, effective January 1, 2025.