

218B.065 Cabinet action required on application -- Registration for patients under age eighteen -- Application denial -- Administrative hearings. (Effective January 1, 2025)

- (1) Except as provided in subsections (2) to (5) of this section, the cabinet shall:
 - (a) Acknowledge receipt of an application within fifteen (15) days of receipt, and approve or deny an application or renewal within thirty (30) days of receiving a completed application or renewal application; and
 - (b) Issue registry identification cards to a qualified patient and any individual designated by the qualified patient as a designated caregiver or a visiting qualified patient within five (5) days of approving the application or renewal. An individual designated as a caregiver shall be issued a designated caregiver registry identification card for each registered qualified patient to whom he or she is connected through the cabinet's registration process.
- (2) The cabinet shall not issue a registry identification card to a qualified patient who is younger than eighteen (18) years of age unless:
 - (a) The custodial parent or legal guardian with responsibility for health care decisions for the qualified patient consents in writing to:
 1. Allow the qualified patient's use of medicinal cannabis;
 2. Serve as the qualified patient's designated caregiver; and
 3. Control the acquisition of the medicinal cannabis, the dosage, and the frequency of the use by the qualified patient; and
 - (b) The designated caregiver application for the custodial parent or legal guardian with responsibility for health care decisions for the qualified patient is approved.
- (3) The cabinet may deny an application or renewal for a qualified patient's or visiting qualified patient's registry identification card for any reason that the cabinet, in the exercise of sound discretion, deems sufficient, including but not limited to if the applicant:
 - (a) Did not provide the information or materials required by KRS 218B.055;
 - (b) Previously had a registry identification card revoked;
 - (c) Provided false or falsified information; or
 - (d) Does not meet the eligibility requirements established in KRS 218B.055.
- (4) (a) Except as provided in paragraph (b) of this subsection, the cabinet may deny an application or renewal for a designated caregiver's registration card for any reason that the cabinet, in the exercise of sound discretion, deems sufficient, including but not limited to if the applicant:
 1. Is already registered as a designated caregiver for three (3) registered qualified patients;
 2. Does not meet the eligibility requirements established in KRS 218B.055;
 3. Did not provide the information or materials required by KRS 218B.055;

4. Previously had a registry identification card revoked;
 5. Provided false or falsified information;
 6. Was previously convicted of a disqualifying felony offense; or
 7. Has applied as a designated caregiver for a qualified patient whose application or renewal for a registry identification card was denied.
- (b) Notwithstanding paragraph (a) of this subsection, the cabinet shall approve an application or renewal for a designated caregiver's registration card if the applicant has applied as a designated caregiver for a qualified patient for who the applicant has been appointed under KRS Chapter 387 as a guardian, limited guardian, conservator, or limited conservator.
- (5) The cabinet may deny an application or renewal for a visiting qualified patient's registration card for any reason that the cabinet, in the exercise of sound discretion, deems sufficient, including but not limited to if the applicant:
- (a) Did not provide the information or materials required by KRS 218B.055;
 - (b) Previously had a registry identification card revoked;
 - (c) Provided false or falsified information; or
 - (d) Does not meet the eligibility requirements established in KRS 218B.055.
- (6) The cabinet may conduct a criminal background check of any applicant if the criminal background check is conducted solely to determine whether the applicant was previously convicted of a disqualifying felony offense.
- (7) The cabinet shall notify the registered qualified patient who has designated someone to serve as his or her designated caregiver if the individual designated as a caregiver is denied a registry identification card.
- (8) The cabinet shall notify the applicant in writing of the denial and reasons by registered or certified mail at the address given in the application or supplement. The applicant may, within thirty (30) days after the date of the mailing of the cabinet's notice, file a written request for an administrative hearing on the application. The hearing shall be conducted on the application in compliance with the requirements of KRS Chapter 13B.
- (9) Final orders of the cabinet after administrative hearings shall be subject to judicial review. Jurisdiction and venue for judicial review are vested in the Circuit Court of the county in which the appealing party resides.

Effective: January 1, 2025

History: Created 2023 Ky. Acts ch. 146, sec. 12, effective January 1, 2025.