

218B.105 Cultivator and cultivator agent -- Permissible actions -- Cultivator tiers and square feet limitations.

- (1) A cultivator or cultivator agent acting on behalf of a cultivator shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, or to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a court or business licensing board, for acting pursuant to this chapter and the cabinet's administrative regulations for:
 - (a) Acquiring, possessing, planting, cultivating, raising, harvesting, trimming, or storing cannabis seeds, seedlings, plants, or raw plant material;
 - (b) Delivering, transporting, transferring, supplying, or selling raw plant material or related supplies to other licensed cannabis businesses in this state; or
 - (c) Selling cannabis seeds or seedlings to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction.
- (2) Cultivators and cultivator agents acting on behalf of a cultivator shall:
 - (a) Only deliver raw plant material to a licensed processor, licensed producer, licensed safety compliance facility, or licensed dispensary for fair market value;
 - (b) Only deliver raw plant material to a licensed dispensary, processor, or producer after it has been checked by a safety compliance facility agent for cannabinoid contents and contaminants in accordance with administrative regulations promulgated by the cabinet;
 - (c) Not supply a dispensary with more than the amount of raw plant material reasonably required by a dispensary; and
 - (d) Not deliver, transfer, or sell raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five percent (35%) to a licensed dispensary, processor, or producer.
- (3)
 - (a) A Tier I cultivator shall not exceed an indoor growth area of two thousand five hundred (2,500) square feet.
 - (b) A Tier II cultivator shall not exceed an indoor growth area of ten thousand (10,000) square feet.
 - (c) A Tier III cultivator shall not exceed an indoor growth area of twenty-five thousand (25,000) square feet.
 - (d) A Tier IV cultivator shall not exceed an indoor growth area of fifty thousand (50,000) square feet.

Effective: July 1, 2024

History: Created 2023 Ky. Acts ch. 146, sec. 20, 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. 20, was changed from January 1, 2025, to July 1, 2024, in 2024 Ky. Acts ch. 195, sec. 24.