

**218B.110 Dispensary and dispensary agent -- Permissible actions -- Liability in civil actions for failure to comply. (Effective January 1, 2025)**

- (1) A dispensary or dispensary agent acting on behalf of a dispensary shall not be subject to prosecution under state or local law, to search or inspection except by the cabinet pursuant to KRS 218B.100, to seizure or penalty in any manner, or be denied any right or privilege, including but not limited to a 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 or possessing medicinal cannabis from a cultivator, processor, or producer in this state;
  - (b) Acquiring or possessing medicinal cannabis accessories or educational material;
  - (c) Supplying, selling, dispensing, distributing, or delivering medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders or other dispensaries;
  - (d) Selling cannabis seeds to similar entities that are licensed to cultivate cannabis in this state or in any other jurisdiction; or
  - (e) Acquiring, accepting, or receiving medicinal cannabis products from a cardholder, except that a dispensary may not offer anything of monetary value in return for medicinal cannabis received from a cardholder. Any medicinal cannabis received by a dispensary under this paragraph or pursuant to KRS 218B.070 shall be destroyed by the dispensary or its agents and shall not be sold, dispensed, or distributed to another cardholder.
- (2) A dispensary or dispensary agent acting on behalf of a dispensary shall:
  - (a) Maintain records that include specific notations of the amount of medicinal cannabis being dispensed to a cardholder and whether it was dispensed directly to a registered qualified patient or visiting qualified patient, or to a registered qualified patient's designated caregiver. Each entry shall include the date and time the medicinal cannabis was dispensed. The data required to be recorded by this paragraph shall be entered into the electronic monitoring system established pursuant to KRS 218A.202 in accordance with administrative regulations promulgated by the cabinet for the recording of medicinal cannabis dispensing;
  - (b) Only dispense or sell medicinal cannabis 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) Only dispense or sell medicinal cannabis to a registered qualified patient, visiting qualified patient, or designated caregiver after making a diligent effort to verify:
    1. That the registry identification card or, for visiting qualified patients, the out-of-state registry identification card presented to the dispensary is valid, including by checking the verification system, if it is operational, or other cabinet-designated databases;
    2. That the person presenting the registry identification card or, for visiting

qualified patients, the out-of-state registry identification card is at least eighteen (18) years of age and is the person identified on the registry identification card by examining at least one (1) other form of government-issued photo identification; and

3. The amount of medicinal cannabis the person is legally permitted to purchase pursuant to KRS 218B.025 by checking the electronic monitoring system established pursuant to KRS 218A.202;
- (d) Not acquire, possess, dispense, sell, offer for sale, transfer, or transport:
    1. Raw plant material with a delta-9 tetrahydrocannabinol content of more than thirty-five percent (35%);
    2. Medicinal cannabis products intended for oral consumption as an edible, oil, or tincture with more than ten (10) milligrams of delta-9 tetrahydrocannabinol per serving;
    3. Any medicinal cannabis product not described in subparagraph 1. or 2. of this paragraph with a delta-9 tetrahydrocannabinol content of more than seventy percent (70%); or
    4. Any medicinal cannabis product that contains vitamin E acetate;
  - (e) Not acquire medicinal cannabis from any person other than a cannabis business licensed under this chapter, or an agent thereof, a registered qualified patient, or a designated caregiver;
  - (f) Not sell or dispense medicinal cannabis products intended for consumption by vaporizing to a cardholder who is younger than twenty-one (21) years of age or to a designated caregiver for a registered qualified patient who is younger than twenty-one (21) years of age;
  - (g) Not dispense or sell medicinal cannabis to a minor;
  - (h) Not dispense or sell more medicinal cannabis to a cardholder than he or she is legally permitted to purchase at the time of the transaction; and
  - (i) Not rent office space to a medicinal cannabis practitioner.
- (3)
    - (a) A dispensary may operate a delivery service for cardholders and may deliver medicinal cannabis, medicinal cannabis accessories, and educational material to cardholders at the address identified on the cardholder's registry identification.
    - (b) All delivery services operated or offered by a dispensary shall comply with administrative regulations promulgated by the cabinet pursuant to this section and KRS 218B.140.
  - (4) If a dispensary or dispensary agent fails to comply with subsection (2)(c), (d), (e), (f), or (g) of this section, the dispensary and dispensary agent are liable in a civil action for compensatory and punitive damages and reasonable attorney's fees to any person or the representative of the estate of any person who sustains injury, death, or loss to person or property as a result of the failure to comply with subsection (2)(c), (d), (e), (f), or (g) of this section. In any action under this subsection, the court may also award any injunctive or equitable relief that the court considers appropriate.

**Effective:** January 1, 2025

**History:** Created 2023 Ky. Acts ch. 146, sec. 21, effective January 1, 2025.