

**218B.045 Patient rights under state and local law -- Visitation and parenting time -
- Medical care -- Schools -- Local board of education to establish policies.**

- (1) A registered qualified patient or visiting qualified patient who uses medicinal cannabis shall be afforded all the same rights under state and local law, including those guaranteed under KRS Chapter 344, as the individual would have been afforded if he or she were solely prescribed pharmaceutical medications as they pertain to drug testing required by any state or local law.
- (2) A cardholder otherwise entitled to custody of, or visitation time or parenting time with, a minor child shall not be denied that right, and there shall be no presumption of abuse, neglect, or dependency for conduct permitted under this chapter unless the person's actions in relation to medicinal cannabis created an unreasonable danger to the safety of the minor child as established by clear and convincing evidence.
- (3)
 - (a) For the purposes of medical care, including organ transplants, a patient's authorized use of medicinal cannabis is the equivalent of the authorized use of any other medication used at the direction of a practitioner.
 - (b) A health facility as defined in KRS 216B.015 may develop policies to allow a patient who is a registered qualified patient or visiting qualified patient to use medicinal cannabis on the premises of the health facility.
- (4)
 - (a) A school shall not refuse to enroll, or otherwise penalize, a person solely for his or her status as a cardholder, unless failing to do so would violate federal law or regulations and cause the school to lose a monetary or licensing-related benefit under federal law or regulations.
 - (b) A school shall not be penalized or denied any benefit under state law for enrolling a cardholder.
 - (c) Each local board of education, each board of directors of a public charter school, and the governing body of each certified nonpublic school shall, no later than December 1, 2024, establish policies related to the use of medicinal cannabis by a pupil who is a registered qualified patient on school property. Policies enacted pursuant to this paragraph shall either prohibit the use of medicinal cannabis on school property or permit the use of medicinal cannabis on school property by a pupil who is a registered qualified patient as deemed necessary by the pupil's parent or legal guardian. If a local board of education, the board of directors of a public charter school, or the governing body of a certified nonpublic school enacts a policy to permit the use of medicinal cannabis by a pupil who is a registered qualified patient, that policy shall:
 1. Require medicinal cannabis be administered:
 - a.
 - i. By a school nurse or under the supervision of appropriate school staff; or
 - ii. By the parent or legal guardian of the pupil who is a registered qualified patient; and
 - b. Out of view of other students; and
 2. Include a process by which a school nurse or other school staff member may refuse to administer or supervise the administration of medicinal

cannabis.

Effective: January 1, 2025

History: Amended 2024 Ky. Acts ch. 195, sec. 4, effective January 1, 2025. -- Created 2023 Ky. Acts ch. 146, sec. 8, effective January 1, 2025.