

1 AN ACT relating to medicinal cannabis and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 218B.010 is amended to read as follows:

4 For the purposes of this chapter, unless the context otherwise requires:

5 (1) "Bona fide practitioner-patient relationship" means a treating or consulting
6 relationship, during the course of which a medicinal cannabis practitioner has:

7 (a) Completed an initial in-person examination and assessment of the patient's
8 medical history and current medical condition ***which shall include a review***
9 ***of:***

10 ***1. The patient's medical records for the previous twelve (12) months;***

11 ***2. All other available medical records relevant to the patient's qualifying***
12 ***medical condition;***

13 ***3. Any medications that the patient is currently taking; and***

14 ***4. Any other possible risks or side effects that may be associated with the***
15 ***use of medicinal cannabis;***

16 (b) Consulted with the patient with respect to the possible medical, therapeutic,
17 and palliative properties of medicinal cannabis;

18 (c) Advised the patient of the possible risks and side effects associated with the
19 use of medicinal cannabis, including possible interactions between medicinal
20 cannabis and any other drug or medication that the patient is taking at that
21 time; and

22 (d) Established an expectation that he or she will provide follow-up care and
23 treatment to the patient in accordance with administrative regulations
24 promulgated pursuant to KRS 218B.050(10);

25 (2) "Cabinet" means the Cabinet for Health and Family Services;

26 (3) "Cannabis business" means an entity licensed under this chapter as a cultivator,
27 dispensary, processor, producer, or safety compliance facility;

- 1 (4) "Cannabis business agent" means a principal officer, board member, employee,
2 volunteer, or agent of a cannabis business;
- 3 (5) "Cardholder" means:
- 4 (a) A registered qualified patient, designated caregiver, or visiting qualified
5 patient who has applied for, obtained, and possesses a valid registry
6 identification card issued by the cabinet; or
- 7 (b) A visiting qualified patient who has obtained and possesses:
- 8 1. A valid out-of-state registry identification card; and
9 2. Documentation of having been diagnosed with a qualifying medical
10 condition;
- 11 (6) "Cultivator" means an entity licensed as such under KRS 218B.080, 218B.085, and
12 218B.090;
- 13 (7) "Cultivator agent" means a principal officer, board member, employee, volunteer,
14 or agent of a cultivator;
- 15 (8) "Designated caregiver" means a person who has registered as such with the cabinet
16 under KRS 218B.055 and 218B.060;
- 17 (9) "Dispensary" means an entity licensed as such under KRS 218B.080, 218B.085,
18 and 218B.090;
- 19 (10) "Dispensary agent" means a principal officer, board member, employee, volunteer,
20 or agent of a dispensary;
- 21 (11) "Disqualifying felony offense" means:
- 22 (a) A felony offense that **resulted in the person being classified by the**
23 **Department of Corrections**~~[would classify the person]~~ as a violent offender
24 under KRS 439.3401; or
- 25 (b) A violation of a state or federal controlled substance law that was classified as
26 a felony in the jurisdiction where the person was convicted, except:
- 27 1. An offense for which the sentence, including any term of probation,

- 1 incarceration, or supervised release, was completed five (5) or more
2 years earlier; or
- 3 2. An offense that, as determined by the cabinet, consisted of conduct for
4 which this chapter would likely have prevented a conviction, but the
5 conduct either occurred prior to the enactment of this chapter or was
6 prosecuted by an authority other than the Commonwealth of Kentucky;
- 7 (12) "Enclosed, locked facility" means an indoor growing space such as a room,
8 greenhouse, building, or other indoor enclosed area that is maintained and operated
9 by a cultivator or producer and is equipped with locks and other security devices
10 that permit access only by authorized agents of the cultivator or producer, as
11 required by the cabinet;
- 12 (13) "Growth area" has the same meaning as an enclosed, locked facility;
- 13 (14) "Marijuana" has the same meaning as in KRS 218A.010;
- 14 (15) "Medicinal cannabis":
- 15 (a) Means marijuana as defined in KRS 218A.010 when cultivated, harvested,
16 processed, produced, transported, dispensed, distributed, sold, possessed, or
17 used in accordance with this chapter;
- 18 (b) Includes medicinal cannabis products and raw plant material; and
- 19 (c) Does not include industrial hemp or industrial hemp products as defined in
20 KRS 260.850;
- 21 (16) "Medicinal cannabis accessories" means any equipment, product, or material of any
22 kind which is used, intended for use, or designed for use in the preparing, storing,
23 using, or consuming medicinal cannabis in accordance with this chapter;
- 24 (17) "Medicinal cannabis practitioner" means a physician or an advanced practice
25 registered nurse who is authorized to prescribe controlled substances under KRS
26 314.042, who is authorized by his or her state licensing board to provide written
27 certifications pursuant to KRS 218B.050;

- 1 (18) "Medicinal cannabis product":
- 2 (a) Means any compound, manufacture, salt, derivative, mixture, or preparation
- 3 of any part of the plant Cannabis sp., its seeds or its resin; or any compound,
- 4 mixture, or preparation which contains any quantity of these substances when
- 5 cultivated, harvested, processed, produced, transported, dispensed, distributed,
- 6 sold, possessed, or used in accordance with this chapter; and
- 7 (b) Does not include industrial hemp products as defined in KRS 260.850;
- 8 (19) "Minor" means a person less than eighteen (18) years of age;
- 9 (20) "Out-of-state registry identification card" means a registry identification card, or an
- 10 equivalent document, that was issued pursuant to the laws of another state, district,
- 11 territory, commonwealth, or insular possession of the United States;
- 12 (21) "Processor" means an entity licensed as such under KRS 218B.080, 218B.085, and
- 13 218B.090;
- 14 (22) "Processor agent" means a principal officer, board member, employee, volunteer, or
- 15 agent of a processor;
- 16 (23) "Producer" means an entity licensed as such under KRS 218B.080, 218B.085, and
- 17 218B.090;
- 18 (24) "Producer agent" means a principal officer, board member, employee, volunteer, or
- 19 agent of a producer;
- 20 (25) "Qualified patient" means a person who has obtained a written certification from a
- 21 medicinal cannabis practitioner with whom he or she has a bona fide practitioner-
- 22 patient relationship;
- 23 (26) "Qualifying medical condition" means:
- 24 (a) Any type or form of cancer regardless of stage;
- 25 (b) Chronic, severe, intractable, or debilitating pain;
- 26 (c) Epilepsy or any other intractable seizure disorder;
- 27 (d) Multiple sclerosis, muscle spasms, or spasticity;

- 1 (e) Chronic nausea or cyclical vomiting syndrome that has proven resistant to
2 other conventional medical treatments;
- 3 (f) Post-traumatic stress disorder; and
- 4 (g) Any other medical condition or disease for which the Kentucky Center for
5 Cannabis established in KRS 164.983, or its successor, determines that
6 sufficient scientific data and evidence exists to demonstrate that an individual
7 diagnosed with that condition or disease is likely to receive medical,
8 therapeutic, or palliative benefits from the use of medicinal cannabis;
- 9 (27) "Raw plant material":
- 10 (a) Means the trichome-covered part of the female plant Cannabis sp. or any
11 mixture of shredded leaves, stems, seeds, and flowers of the Cannabis sp.
12 plant; and
- 13 (b) Does not include plant material obtained from industrial hemp as defined in
14 KRS 260.850;
- 15 (28) "Registered qualified patient" means a qualified patient who has applied for,
16 obtained, and possesses a valid registry identification card~~[or provisional~~
17 ~~registration receipt]~~ issued by the cabinet;
- 18 (29) "Registry identification card" means a document issued by the cabinet that
19 identifies a person as a registered qualified patient, visiting qualified patient, or
20 designated caregiver;
- 21 (30) "Safety compliance facility" means an entity licensed as such under KRS 218B.080,
22 218B.085, and 218B.090;
- 23 (31) "Safety compliance facility agent" means a principal officer, board member,
24 employee, volunteer, or agent of a safety compliance facility;
- 25 (32) "Seedling" means a medicinal cannabis plant that has no flowers and is not taller
26 than eight (8) inches;
- 27 (33) "Serious violation" means:

- 1 (a) Any violation of this chapter or any administrative regulation promulgated
2 thereunder that is capable of causing death or which causes serious and
3 prolonged disfigurement, prolonged impairment of health, or prolonged loss
4 or impairment of the function of any bodily organ;
- 5 (b) The diversion of medicinal cannabis for use not regulated pursuant to this
6 chapter; or
- 7 (c) Any act that would constitute a violation of KRS 218A.1421;
- 8 (34) "Smoking" means the inhalation of smoke produced from the combustion of raw
9 plant material when ignited by a flame;
- 10 (35) "State licensing board" means:
- 11 (a) The Kentucky Board of Medical Licensure; or
12 (b) The Kentucky Board of Nursing;
- 13 (36) "Telehealth" has the same meaning as in KRS 211.332;
- 14 (37) "Use of medicinal cannabis":
- 15 (a) Includes the acquisition, administration, possession, transfer, transportation,
16 or consumption of medicinal cannabis or medicinal cannabis accessories by a
17 cardholder in accordance with this chapter; and
- 18 (b) Does not include:
- 19 1. Cultivation of marijuana by a cardholder;
20 2. The use or consumption of marijuana by smoking; or
21 3. The use of industrial hemp or industrial hemp products as defined in
22 KRS 260.850;
- 23 (38) "Visiting qualified patient" means a person who has registered as such through the
24 cabinet as required under this chapter or who possesses a valid out-of-state registry
25 identification card and documentation of having been diagnosed with a qualifying
26 medical condition; and
- 27 (39) "Written certification" means a document dated and signed by a medicinal cannabis

1 practitioner, that:

- 2 (a) States, that in the medicinal cannabis practitioner's professional medical
3 opinion, the patient may receive medical, therapeutic, or palliative benefit
4 from the use of medicinal cannabis;
- 5 (b) Specifies the qualifying medical condition or conditions for which the
6 medicinal cannabis practitioner believes the patient may receive medical,
7 therapeutic, or palliative benefit; and
- 8 (c) Affirms that the medicinal cannabis practitioner has a bona fide practitioner-
9 patient relationship with the patient.

10 ➔Section 2. KRS 218B.020 is amended to read as follows:

11 (1) The Cabinet for Health and Family Services is hereby charged with the
12 implementation, operation, oversight, and regulation of the medicinal cannabis
13 program established in this chapter.

14 (2) There is hereby established within the cabinet a Board of Physicians and Advisors
15 which shall consist of the following members:

16 (a) Seven (7) physicians appointed by the Kentucky Board of Medical Licensure
17 and confirmed by the Senate in accordance with KRS 11.160. In order to be
18 eligible to be appointed to the board, a physician shall be authorized, pursuant
19 to KRS 218B.050, to provide written certifications for the use of medicinal
20 cannabis and shall be certified by the appropriate board in one (1) of the
21 following specialties:

- 22 1. Addiction medicine;
- 23 2. Anesthesiology;
- 24 3. Gastroenterology;
- 25 4. Infectious disease;
- 26 5. Neurology;
- 27 6. Obstetrics and gynecology;

- 1 7. Oncology;
- 2 8. Ophthalmology;
- 3 9. Optometry;
- 4 10. Pain management;
- 5 11. Pain medicine;
- 6 12. Pediatrics;
- 7 13. Physical medicine and rehabilitation; or
- 8 14. Psychiatry;~~and~~
- 9 (b) Two (2) advanced practice registered nurses appointed by the Kentucky Board
10 of Nursing and confirmed by the Senate ***in accordance with KRS 11.160***. In
11 order to be eligible to be appointed to the board, an advanced practice
12 registered nurse shall be authorized, pursuant to KRS 218B.050, to provide
13 written certifications for the use of medicinal cannabis; ***and***
- 14 ***(c) One (1) pharmacist appointed by the Kentucky Board of Pharmacy and***
15 ***confirmed by the Senate in accordance with KRS 11.160.***
- 16 (3) Each member of the Board of Physicians and Advisors shall:
- 17 (a) Serve for a term of four (4) years and until his or her successor is appointed
18 and confirmed by the Senate;
- 19 (b) Be eligible for reappointment; and
- 20 (c) Serve without compensation, but each member of the board not otherwise
21 compensated for his or her time or expenses shall be entitled to
22 reimbursement for his or her actual and necessary expenses in carrying out his
23 or her duties with reimbursement for expenses being made in accordance with
24 administrative regulations relating to travel expenses.
- 25 (4) The Board of Physicians and Advisors shall not be subject to reorganization under
26 KRS Chapter 12.
- 27 (5) The Board of Physicians and Advisors shall:

- 1 (a) Review and recommend to the cabinet protocols for determining:
- 2 1. The amount of medicinal cannabis or delta-9 tetrahydrocannabinol that
- 3 constitutes a daily supply, an uninterrupted ten (10) day supply, and an
- 4 uninterrupted thirty (30) day supply of medicinal cannabis for registered
- 5 qualified patients and visiting qualified patients; and
- 6 2. The amount of raw plant material that medicinal cannabis products are
- 7 considered to be equivalent to;
- 8 (b) Review and recommend to the cabinet protocols, evolving continuous quality
- 9 improvement metrics, and minimal performance standards for the biennial
- 10 accreditation process of licensed cannabis businesses;
- 11 (c) Review relevant peer-reviewed, scientific data related to the delta-9
- 12 tetrahydrocannabinol content limits established in KRS 218B.095(2)(b) and
- 13 make recommendations to the General Assembly regarding revisions to the
- 14 limits as the board deems appropriate;
- 15 (d) Review relevant peer-reviewed, scientific data related to the various methods
- 16 of use and consumption of medicinal cannabis and make recommendations to
- 17 the General Assembly to approve or restrict certain methods as the board
- 18 deems appropriate;
- 19 (e) Review relevant peer-reviewed, scientific data related to the use of medicinal
- 20 cannabis for medical, therapeutic, or palliative purposes and make
- 21 recommendations to the General Assembly to add or remove conditions from
- 22 the list of qualifying medical conditions defined in KRS 218B.010; ~~and~~
- 23 (f) Perform other duties related to the use of medicinal cannabis upon request by
- 24 the secretary of the cabinet; and
- 25 (g) Assist the cabinet in developing the Medicinal Cannabis Advisory Pamphlet
- 26 described in subsection (2)(b) of Section 14 of this Act.
- 27 (6) No later than December 1 of each year beginning in 2024, the cabinet, in

1 consultation with the University of Kentucky College of Medicine and the
2 Kentucky Center for Cannabis, shall submit an annual report to the Legislative
3 Research Commission. The report submitted by the cabinet shall, at a minimum,
4 include:

- 5 (a) The number of applications and renewals received by the cabinet for registry
6 identification cards for registered qualified patients, visiting qualified patients,
7 and designated caregivers, individually and collectively;
- 8 (b) The number of applications and renewals for registry identification cards that
9 were approved and denied by the cabinet;
- 10 (c) The number of registry identification cards revoked by the cabinet for
11 misconduct and the nature of the misconduct;
- 12 (d) The number of medicinal cannabis practitioners authorized to provide written
13 certifications;
- 14 (e) The nature of the medical conditions for which medicinal cannabis
15 practitioners have provided written certifications;
- 16 (f) The number of applications and renewals received by the cabinet for cannabis
17 business licenses, the number of cannabis business licenses issued for each
18 business type and tier, and the number of cannabis business license
19 applications and renewals that were denied by the cabinet;
- 20 (g) The number of cannabis business agents employed by each type of cannabis
21 business;
- 22 (h) An assessment of:
 - 23 1. The ability of cardholders in all areas of the state to obtain timely
24 affordable access to medicinal cannabis;
 - 25 2. The evolving continuous quality improvement metrics and minimal
26 performance standards for the biennial accreditation process of licensed
27 cannabis businesses;

- 1 3. The effectiveness of the cultivators, processors, and producers licensed
2 under this chapter, individually and collectively, in serving the needs of
3 processors, dispensaries, and cardholders, the reasonableness of their
4 fees, whether they are generating any complaints or security problems,
5 and the sufficiency of the number operating to serve processors,
6 dispensaries, and cardholders in the Commonwealth;
- 7 4. The effectiveness of the dispensaries licensed under this chapter,
8 individually and collectively, in serving the needs of cardholders,
9 including the provision of educational and support services, the
10 reasonableness of their fees, whether they are generating any complaints
11 or security problems, and the sufficiency of the number operating to
12 serve cardholders in the Commonwealth; and
- 13 5. The effectiveness of the licensed safety compliance facilities licensed
14 under this chapter, individually and collectively, in serving the needs of
15 other cannabis businesses, including the provision of testing and training
16 services, the reasonableness of their fees, whether they are generating
17 any complaints or security problems, and the sufficiency of the number
18 operating to serve other cannabis businesses and cardholders in the
19 Commonwealth;
- 20 (i) The amount of medicinal cannabis sold per month in the Commonwealth;
- 21 (j) The total amount of revenue for each calendar year and aggregated by prior
22 years generated from any cannabis business licensure and cardholder
23 application and renewal fees established by the cabinet;
- 24 (k) The total cost of enforcement for the medicinal cannabis program at the time
25 of the report, by city, county, and overall;
- 26 (l) The sufficiency of the regulatory and security safeguards contained in this
27 chapter and adopted by the cabinet through administrative regulations to

1 ensure that access to and use of medicinal cannabis cultivated and processed
2 in this state is provided only to cardholders;

3 (m) Any recommended additions or revisions to this chapter or administrative
4 regulations promulgated thereunder, including those relating to security, safe
5 handling, labeling, and nomenclature;

6 (n) The results of any scientific research studies regarding the health effects of
7 cannabis; and

8 (o) Any other data requested by the Legislative Research Commission relating to
9 the medicinal cannabis program and this chapter.

10 (7) The cabinet shall provide the University of Kentucky College of Medicine and the
11 Kentucky Center for Cannabis established in KRS 164.983 with all information
12 necessary to allow collaboration with the cabinet on the preparation of this report.
13 The University of Kentucky College of Medicine and the Kentucky Center for
14 Cannabis may also produce its own report regarding the medicinal cannabis
15 program established in this chapter which, if produced, shall be submitted to the
16 Legislative Research Commission upon completion.

17 (8) The information contained in the report described in subsection (6) of this section
18 shall be presented in a manner that complies with the federal Health Insurance
19 Portability and Accountability Act, Pub. L. No. 104-191, and does not disclose any
20 identifying information about cardholders or licensed cannabis businesses.

21 ➔Section 3. KRS 218B.035 (Effective January 1, 2025) is amended to read as
22 follows:

23 (1) This chapter does not authorize any person to engage in, and shall not prevent the
24 imposition of any civil, criminal, or other penalties, including but not limited to
25 criminal prosecution or disciplinary action by the cabinet or an occupational or
26 professional licensing board, for engaging in the following conduct:

27 (a) Operating, navigating, or being in actual physical control of any aircraft,

- 1 vehicle, vessel, or any other device known, or hereafter invented, that is
2 powered by machinery and that is or may be used to transport persons or
3 property while under the influence of medicinal cannabis;
- 4 (b) Consuming medicinal cannabis while operating, navigating, or being in actual
5 physical control of an aircraft, vehicle, vessel, or any other device known, or
6 hereafter invented, that is powered by machinery and that is or may be used to
7 transport persons or property;
- 8 (c) Possessing medicinal cannabis that is within the operator's arm's reach or
9 requires less than a two (2) step process to access while operating, navigating,
10 or being in actual physical control of an aircraft, vehicle, vessel, or any other
11 device known, or hereafter invented, that is powered by machinery and that is
12 or may be used to transport persons or property;
- 13 (d) Undertaking any task under the influence of medicinal cannabis, when doing
14 so would constitute negligence or professional malpractice;
- 15 (e) Possessing medicinal cannabis, or otherwise engaging in the use of medicinal
16 cannabis:
- 17 1. On the grounds of any preschool or primary or secondary school, except
18 as permitted in accordance with policies enacted pursuant to KRS
19 218B.045(4);
- 20 2. In any correctional facility; or
- 21 3. On any property of the federal government;
- 22 (f) Using marijuana, if that person is not a registered qualified patient or visiting
23 qualified patient;
- 24 (g) Using or consuming marijuana by smoking;~~[-or]~~
- 25 (h) **Using or consuming marijuana by vaping while on any form of public**
26 **transportation, in any public place as defined in KRS 525.010, or in any**
27 **place of public accommodation, resort, or amusement as defined in KRS**

1 344.130; or

2 (i) Cultivating marijuana unless that person is licensed by the cabinet as a
3 cannabis cultivator or cannabis producer pursuant to KRS 218B.080,
4 218B.085, and 218B.090 or is a cultivator or producer agent.

5 (2) The penalty for a violation of subsection (1)(a) or (b) of this section shall be the
6 same as those established for operating a motor vehicle under the influence of
7 alcohol or any other substance in KRS 189A.010.

8 (3) (a) An individual who violates subsection (1)(g) or (h) of this section shall not be
9 considered to be in possession of medicinal cannabis or engaged in the use of
10 medicinal cannabis and shall not benefit from the legal protections afforded
11 by this chapter.

12 (b) The odor or smell of uncombusted raw plant material shall not constitute
13 evidence of use or consumption of cannabis by smoking.

14 (c) If an individual uses or consumes marijuana by smoking or vaping while on
15 any form of public transportation, in any public place as defined in KRS
16 525.010, or in any place of public accommodation, resort, or amusement as
17 defined in KRS 344.130:

- 18 1. The cabinet may revoke the individual's registry identification card; and
19 2. The individual may be subject to prosecution under KRS 218A.1421
20 and 218A.1422.

21 (4) Nothing in this chapter supersedes statutory laws relating to driving while under the
22 influence of intoxicants. This chapter shall not prevent the enforcement of current
23 laws pertaining to driving while intoxicated, including KRS 183.061, 189.520,
24 189A.010, and 235.240.

25 (5) As used in this section:

26 (a) "Aircraft" has the same meaning as in KRS 183.011;

27 (b) "Vehicle" has the same meaning as in KRS 189.010; and

1 (c) "Vessel" has the same meaning as in KRS 235.010.

2 ➔Section 4. KRS 218B.045 (Effective January 1, 2025) is amended to read as
3 follows:

4 (1) A registered qualified patient or visiting qualified patient who uses medicinal
5 cannabis shall be afforded all the same rights under state and local law, including
6 those guaranteed under KRS Chapter 344, as the individual would have been
7 afforded if he or she were solely prescribed pharmaceutical medications as they
8 pertain to drug testing required by any state or local law.

9 (2) A cardholder otherwise entitled to custody of, or visitation time or parenting time
10 with, a minor child shall not be denied that right, and there shall be no presumption
11 of abuse, neglect, or dependency for conduct permitted under this chapter unless the
12 person's actions in relation to medicinal cannabis created an unreasonable danger to
13 the safety of the minor child as established by clear and convincing evidence.

14 (3) (a) For the purposes of medical care, including organ transplants, a patient's
15 authorized use of medicinal cannabis is the equivalent of the authorized use of
16 any other medication used at the direction of a practitioner.

17 (b) A health facility as defined in KRS 216B.015 may develop policies to allow a
18 patient who is a registered qualified patient or visiting qualified patient to use
19 medicinal cannabis on the premises of the health facility.

20 (4) (a) A school shall not refuse to enroll, or otherwise penalize, a person solely for
21 his or her status as a cardholder, unless failing to do so would violate federal
22 law or regulations and cause the school to lose a monetary or licensing-related
23 benefit under federal law or regulations.

24 (b) A school shall not be penalized or denied any benefit under state law for
25 enrolling a cardholder.

26 (c) Each local board of education, ~~and~~ each board of directors of a public
27 charter school, **and the governing body of each certified nonpublic school**

1 shall, no later than December 1, 2024~~[July 1, 2024]~~, establish policies related
 2 to the use of medicinal cannabis by~~[to permit]~~ a pupil who is a registered
 3 qualified patient ~~[to consume medicinal cannabis]~~ on school property~~[as~~
 4 ~~deemed necessary by the pupil's parent or legal guardian]~~. Policies enacted
 5 pursuant to this paragraph shall either prohibit the use of medicinal cannabis
 6 on school property or permit the use of medicinal cannabis on school
 7 property by a pupil who is a registered qualified patient as deemed
 8 necessary by the pupil's parent or legal guardian. If a local board of
 9 education, the board of directors of a public charter school, or the
 10 governing body of a certified nonpublic school enacts a policy to permit the
 11 use of medicinal cannabis by a pupil who is a registered qualified patient,
 12 that policy shall:

- 13 1. Require medicinal cannabis be administered:
- 14 a. i. By a school nurse or under the supervision of appropriate
 15 school staff; or
- 16 ii. By the parent or legal guardian of the pupil who is a
 17 registered qualified patient; and
- 18 b. Out of view of other students; and
- 19 2. Include a process by which a school nurse or other school staff
 20 member may refuse to administer or supervise the administration of
 21 medicinal cannabis.

22 ➔Section 5. KRS 218B.050 is amended to read as follows:

- 23 (1) Except as provided in subsection (11) of this section, a physician or an advanced
 24 practice registered nurse who is authorized to prescribe controlled substances under
 25 KRS 314.042 seeking to provide written certifications for the use of medicinal
 26 cannabis shall apply to the same state licensing board that issued his or her
 27 professional practice license, on a form prescribed by the state licensing board, for

- 1 authorization to provide written certifications for the use of medicinal cannabis.
- 2 (2) (a) A state licensing board shall approve an application for authorization to
3 provide written certifications for the use of medicinal cannabis if the
4 application is complete and meets the requirements established in
5 administrative regulations promulgated by the state licensing board.
- 6 (b) A state licensing board shall not authorize an application for authorization to
7 provide written certifications for the use of medicinal cannabis if the applicant
8 has an ownership or investment interest in or compensation agreement with a
9 cannabis business licensed under this chapter. A state licensing board may
10 consult with the cabinet to determine if an applicant has an ownership or
11 investment interest in or compensation agreement with a cannabis business.
- 12 (3) Authorization to provide written certifications for the use of medicinal cannabis
13 granted under this section shall expire and may be renewed in accordance with
14 administrative regulations promulgated by a state licensing board.
- 15 (4) A medicinal cannabis practitioner authorized by a state licensing board to provide
16 written certifications for the use of medicinal cannabis may only provide a patient
17 with a written certification after the medicinal cannabis practitioner has:
- 18 (a) Established a bona fide practitioner-patient relationship with the patient;
- 19 (b) Diagnosed the patient, or confirmed a diagnosis provided by another health
20 care provider, with a medical condition for which the medicinal cannabis
21 practitioner believes that the patient is likely to~~may~~ receive safe and
22 effective therapeutic or palliative benefit from the use of medicinal cannabis;
- 23 (c) Reviewed a report of information from the electronic monitoring system
24 established pursuant to KRS 218A.202 related to the patient for a period of
25 time that covers at least the twelve (12) months immediately preceding the
26 date of the report;
- 27 (d) Consulted with the patient, or the patient's custodial parent or legal guardian

- 1 responsible for providing consent to treatment if the patient is a minor child,
2 with respect to the possible risks and side effects associated with medicinal
3 cannabis, including possible interactions between medicinal cannabis and any
4 other drug or medication that the patient is taking at that time; and
- 5 (e) Obtained the consent of the patient's custodial parent or legal guardian
6 responsible for providing consent to treatment, if the patient is a minor child.
- 7 (5) A bona fide practitioner-patient relationship may be established following a referral
8 from the patient's primary care provider and may be maintained via telehealth.
9 However, a bona fide practitioner-patient relationship shall not be established via
10 telehealth.
- 11 (6) (a) When issuing a written certification for the use of medicinal cannabis to a
12 patient, the medicinal cannabis practitioner shall use a form prescribed by the
13 cabinet.
- 14 (b) An initial written certification for the use of medicinal cannabis shall be
15 provided during the course of an in-person examination of the patient by the
16 medicinal cannabis practitioner. Subsequent written certifications, including
17 for the purpose of renewing a registry identification card, may be provided
18 electronically or during the course of a telehealth consultation.
- 19 (c) For the purpose of applying for a registry identification card, a written
20 certification provided under this section shall be valid for a period of not more
21 than sixty (60) days. The medicinal cannabis practitioner may renew a written
22 certification for not more than three (3) additional periods of not more than
23 sixty (60) days each. Thereafter, the medicinal cannabis practitioner may issue
24 another certification to the patient only after an in-person examination or an
25 examination conducted via telehealth of the patient by the medicinal cannabis
26 practitioner.
- 27 (d) Within twenty-four (24) hours of providing a patient with a written

1 certification for the use of medicinal cannabis, a medicinal cannabis
2 practitioner shall record the issuance of the written certification in the
3 electronic monitoring system established pursuant to KRS 218A.202.

4 (7) A medicinal cannabis practitioner shall not:

5 (a) Dispense medicinal cannabis; or

6 (b) Provide a written certification for the use of medicinal cannabis to a family
7 member or for himself or herself.

8 (8) Nothing in this chapter shall prevent a medicinal cannabis practitioner from being
9 sanctioned for:

10 (a) Issuing a written certification without first obtaining authorization to provide
11 written certifications from a state licensing board;

12 (b) Issuing a written certification to a patient with whom the medicinal cannabis
13 practitioner does not have a bona fide practitioner-patient relationship;

14 (c) Failing to properly evaluate a patient's medical history and current medical
15 condition, including all prescription drugs that the patient is currently
16 taking, prior to issuing a written certification;

17 (d) Otherwise failing to use good faith in his or her treatment of the patient; or

18 (e) Any other violation of this section.

19 (9) A state licensing board may suspend or revoke a medicinal cannabis practitioner's
20 authorization to provide written certification for the use of medicinal cannabis and
21 practice license for multiple violations or a serious violation of this section or
22 administrative regulations promulgated thereunder.

23 (10) The state licensing boards shall:

24 (a) No later than July 1, 2024, promulgate administrative regulations in
25 accordance with KRS Chapter 13A to establish:

26 1. Procedures for applying for authorization to provide written
27 certifications;

- 1 2. The conditions that must be met to be eligible for authorization to
2 provide written certifications;
- 3 3. The process and procedures for renewing authorization to provide
4 written certifications;
- 5 4. Continuing education requirements for medicinal cannabis practitioners
6 who are authorized to provide written certifications;
- 7 5. The reasons for which authorization to provide written certifications for
8 the use of medicinal cannabis may be suspended or revoked; and
- 9 6. The minimal standards of care when providing written certifications
10 including record maintenance and follow-up care requirements;
- 11 (b) On a regular basis, provide the cabinet with the names of all medicinal
12 cannabis practitioners; and
- 13 (c) Immediately provide the cabinet with the name of any medicinal cannabis
14 practitioner whose authorization to provide written certifications is suspended
15 or revoked.
- 16 (11) This section does not apply to a practitioner who recommends treatment with
17 cannabis or a drug derived from cannabis under any of the following that are
18 approved by an investigational review board or equivalent entity, the United States
19 Food and Drug Administration, or the National Institutes for Health or any of its
20 cooperative groups or centers under the United States Department of Health and
21 Human Services:
- 22 (a) A research protocol;
- 23 (b) A clinical trial;
- 24 (c) An investigational new drug application; or
- 25 (d) An expanded access submission.
- 26 (12) As used in this section, "telehealth" has the same meaning as in KRS 211.332.
- 27 ➔Section 6. KRS 218B.055 (Effective January 1, 2025) is amended to read as

1 follows:

- 2 (1) Except as provided in subsection (5) of this section, no person shall possess,
3 purchase, acquire, or otherwise engage or assist in the use of medicinal cannabis in
4 Kentucky without first applying for and receiving a registry identification card
5 issued by the cabinet.
- 6 (2) A person shall be eligible to apply for a registry identification card as a registered
7 qualified patient if he or she is a resident of Kentucky, has obtained a written
8 certification from a medicinal practitioner with whom he or she has a bona fide
9 practitioner-patient relationship, and has not been convicted of a disqualifying
10 felony offense.
- 11 (3) (a) Except as provided in paragraph (b) of this subsection, a person shall be
12 eligible to apply for a registry identification card as a designated caregiver if
13 he or she is a resident of Kentucky, is at least twenty-one (21) years of age,
14 has not been convicted of a disqualifying felony offense, and has agreed to
15 assist no more than three (3) registered qualified patients with the use of
16 medicinal cannabis.
- 17 (b) Any person who has been appointed as a guardian, limited guardian,
18 conservator, or limited conservator under KRS Chapter 387 shall be eligible
19 to be designated as a designated caregiver by the individual for whom they
20 have been appointed as a guardian, limited guardian, conservator, or limited
21 conservator.
- 22 (4) A person shall be eligible to apply for a registry identification card as a visiting
23 qualified patient if he or she is not a resident of Kentucky or has been a resident of
24 Kentucky for less than thirty (30) days, is at least twenty-one (21) years of age, has
25 not been convicted of a disqualifying felony offense, possesses a valid out-of-state
26 registry identification card, and possesses documentation of having been diagnosed
27 with a qualifying medical condition.

- 1 (5) A person with a valid out-of-state registry identification card and documentation of
2 having been diagnosed with a qualifying medical condition may use his or her out-
3 of-state registry identification card for all purposes established in this chapter and
4 shall not be required to apply for or receive a visiting qualified patient registry
5 identification card from the cabinet.
- 6 (6) To apply for or renew a registry identification card, a qualified patient shall submit
7 the following, in accordance with administrative regulations promulgated by the
8 cabinet:
- 9 (a) The name, address, and date of birth of the qualified patient, except that if the
10 applicant is homeless an address where the applicant may be reached shall be
11 provided to the cabinet;
- 12 (b) A written certification issued by a medicinal cannabis practitioner within sixty
13 (60)~~ninety (90)~~ days immediately preceding the date of an application;
- 14 (c) The name, address, and telephone number of the qualified patient's medicinal
15 cannabis practitioner;
- 16 (d) The name, address, and date of birth of not more than two (2) individuals
17 chosen by the qualified patient to be designated as a caregiver, if the qualified
18 patient chooses to designate a caregiver, except that if an individual has been
19 appointed as a guardian, limited guardian, conservator, or limited conservator
20 under KRS Chapter 387, the qualified patient shall choose that individual as a
21 designated caregiver;
- 22 (e) A statement, signed by the qualified patient, pledging not to divert medicinal
23 cannabis to anyone who is not permitted to possess medicinal cannabis
24 pursuant to this chapter. The statement shall contain a listing of potential
25 penalties, including criminal prosecution, for diverting medicinal cannabis;
- 26 (f) A statement, signed by the individuals chosen by the qualified patient to be
27 designated as a caregiver, if any, agreeing to be designated as the patient's

1 designated caregiver and pledging not to divert medicinal cannabis to anyone
2 other than the registered qualified patient to whom the caregiver is connected
3 through the cabinet's registration process. The statement shall contain a listing
4 of potential penalties, including criminal prosecution, for diverting medicinal
5 cannabis; and

6 (g) The application or renewal fee for a registry identification card for a qualified
7 patient and the application or renewal fee for a registry identification card for
8 any designated caregiver chosen by the qualified patient.

9 (7) To apply for or renew a registry identification card, a qualified patient who is under
10 eighteen (18) years of age shall, in addition to the information required under
11 subsection (6) of this section, submit:

12 (a) Documentation of diagnosis of a qualifying medical condition by a
13 practitioner other than the medicinal cannabis practitioner who provided the
14 written certification for the use of medicinal cannabis; and

15 (b) A statement signed by the custodial parent or legal guardian with
16 responsibility for health care decisions for the qualified patient attesting to the
17 fact that the custodial parent or legal guardian agrees to:

- 18 1. Allow the qualified patient to use medicinal cannabis;
- 19 2. Serve as the qualified patient's designated caregiver; and
- 20 3. Control the acquisition, dosage, and frequency of use of medicinal
21 cannabis by the qualified patient.

22 (8) To apply for or renew a registry identification card, a visiting qualified patient shall
23 submit the following, in accordance with administrative regulations promulgated by
24 the cabinet:

25 (a) The name, address, and date of birth of the visiting qualified patient, except
26 that if the applicant is homeless an address where the applicant may be
27 reached shall be provided to the cabinet;

- 1 (b) A copy of his or her valid out-of-state registry identification card;
- 2 (c) Proof that he or she has been diagnosed with a qualifying medical condition;
- 3 (d) The application or renewal fee for a registry identification card for a visiting
4 qualified patient; and
- 5 (e) A statement, signed by the visiting qualified patient, pledging not to divert
6 medicinal cannabis to anyone who is not permitted to possess medicinal
7 cannabis pursuant to this chapter. The statement shall contain a listing of
8 potential penalties, including criminal prosecution, for diverting medicinal
9 cannabis.
- 10 (9) The application for qualified patients' registry identification cards shall ask whether
11 the patient would like the cabinet to notify him or her of any clinical studies
12 needing human subjects for research on the use of medicinal cannabis. The cabinet
13 shall notify interested patients if it is aware of studies that will be conducted in the
14 United States.
- 15 (10) A registered qualified patient applying to renew a registry identification card issued
16 by the cabinet shall be required to submit to the cabinet a written certification
17 issued by a medicinal cannabis practitioner within sixty (60)~~ninety (90)~~ days
18 immediately preceding the date of a renewal application.
- 19 ➔Section 7. KRS 218B.060 is amended to read as follows:
- 20 (1) The cabinet shall establish, implement, and operate a registry identification card
21 program, including registry identification card application and renewal fees, for
22 registered qualified patients, visiting qualified patients, and designated caregivers.
23 Registry identification card application and renewal fees collected by the cabinet
24 pursuant to this section shall be retained by the cabinet for administrative purposes.
- 25 (2) Registry identification cards shall contain the following:
- 26 (a) The name of the cardholder;
- 27 (b) A designation of whether the cardholder is a registered qualified patient,

- 1 visiting qualified patient, or designated caregiver;
- 2 (c) The date of issuance and expiration date of the registry identification card;
- 3 (d) A random alphanumeric identification number of at least ten (10) characters,
4 containing at least four (4) numbers and at least four (4) letters, that is unique
5 to the cardholder;
- 6 (e) A bar code or other marking that can be scanned electronically;
- 7 (f) A photograph of the cardholder, if the cabinet's administrative regulations
8 require one;
- 9 (g) The telephone number and website address for the electronic monitoring
10 system established pursuant to KRS 218A.202;
- 11 (h) If the cardholder is a registered qualified patient who has designated one (1)
12 or more designated caregivers, the random alphanumeric identification
13 number of the patient's designated caregivers;
- 14 (i) If the cardholder is a designated caregiver, the random alphanumeric
15 identification number of the registered qualified patient the designated
16 caregiver is receiving the registry identification card to assist; and
- 17 (j) If the cardholder is under eighteen (18) years of age, a clear and obvious
18 designation or identifier indicating that the cardholder is under eighteen (18)
19 years of age.
- 20 (3) (a) Except as provided in paragraph (b) of this subsection, the expiration date for
21 registry identification cards shall be one (1) year after the date of issuance.
- 22 (b) If a medicinal cannabis practitioner states in the written certification that the
23 qualified patient would benefit from the use of medicinal cannabis until a
24 specified earlier date, then the registry identification card shall expire on that
25 date.
- 26 (4) The cabinet may, at its discretion, electronically store in the card all of the
27 information listed in subsection (2) of this section, along with the address and date

1 of birth of the cardholder, to allow it to be read electronically by law enforcement
2 agents and licensed cannabis businesses.

3 ~~[(5) (a) The cabinet shall operate a provisional registration receipt system for~~
4 ~~registered qualified patients, designated caregivers, and visiting qualified~~
5 ~~patients that shall be valid for forty five (45) days, or until a permanent card~~
6 ~~can be issued, as if it is a registry identification card issued by the cabinet.~~
7 ~~This program shall be implemented and operational simultaneously with the~~
8 ~~cabinet's implementation of the registry identification card program~~
9 ~~established in this section. A provisional registration receipt shall contain the~~
10 ~~following:~~

- 11 1. ~~A temporary licensure number;~~
- 12 2. ~~A barcode or other marking that can be scanned electronically;~~
- 13 3. ~~The name of the applicant;~~
- 14 4. ~~A designation of whether the cardholder is a registered qualified patient,~~
15 ~~visiting qualified patient, or designated caregiver;~~
- 16 5. ~~If the cardholder is under eighteen (18) years of age, a clear and obvious~~
17 ~~designation or identifier indicating that the cardholder is under eighteen~~
18 ~~(18) years of age;~~
- 19 6. ~~The effective date of the receipt;~~
- 20 7. ~~The expiration date of the receipt;~~
- 21 8. ~~An indication that the cardholder fee has been paid;~~
- 22 9. ~~An indication that the application has been submitted and is apparently~~
23 ~~complete; and~~
- 24 10. ~~The name of the certifying medicinal cannabis practitioner.~~

25 ~~(b) The registration receipt system shall be designed so that this provisional~~
26 ~~registration receipt shall be produced by the application website upon~~
27 ~~completion of an application that includes a written certification for the use of~~

1 ~~medicinal cannabis and payment of the cardholder fee. To reduce application~~
2 ~~errors and processing time, a medicinal cannabis practitioner or a dispensary~~
3 ~~may offer a service that allows an applicant to use a computer and printer on~~
4 ~~the premises of the medicinal cannabis practitioner's office or dispensary to~~
5 ~~complete an application and receive a provisional registration receipt pursuant~~
6 ~~to this subsection.~~

7 ~~(e) Notwithstanding any other provision of this chapter, a valid provisional~~
8 ~~registration receipt issued pursuant to this subsection shall convey to the~~
9 ~~individual whose name appears on the provisional registration receipt all of~~
10 ~~the same rights and privileges as a registry identification card issued by the~~
11 ~~cabinet and shall be accepted by a cannabis business in place of a registry~~
12 ~~identification card.]~~

13 ➔Section 8. KRS 218B.065 (Effective January 1, 2025) is amended to read as
14 follows:

15 (1) Except as provided in subsections (2) to (5) of this section, the cabinet shall:

16 (a) Acknowledge receipt of an application within fifteen (15) days of receipt, and
17 approve or deny an application or renewal within thirty (30) days of receiving
18 a completed application or renewal application; and

19 (b) Issue registry identification cards to a qualified patient and any individual
20 designated by the qualified patient as a designated caregiver or a visiting
21 qualified patient within five (5) days of approving the application or renewal.
22 An individual designated as a caregiver shall be issued a designated caregiver
23 registry identification card for each registered qualified patient to whom he or
24 she is connected through the cabinet's registration process.

25 (2) The cabinet shall not issue a registry identification card to a qualified patient who is
26 younger than eighteen (18) years of age unless:

27 (a) The custodial parent or legal guardian with responsibility for health care

1 decisions for the qualified patient consents in writing to:

- 2 1. Allow the qualified patient's use of medicinal cannabis;
- 3 2. Serve as the qualified patient's designated caregiver; and
- 4 3. Control the acquisition of the medicinal cannabis, the dosage, and the
- 5 frequency of the use by the qualified patient; and

6 (b) The designated caregiver application for the custodial parent or legal guardian
7 with responsibility for health care decisions for the qualified patient is
8 approved.

9 (3) The cabinet may deny an application or renewal for a qualified patient's or visiting
10 qualified patient's registry identification card for any reason that the cabinet, in the
11 exercise of sound discretion, deems sufficient, including but not limited to if the
12 applicant:

- 13 (a) Did not provide the information or materials required by KRS 218B.055;
- 14 (b) Previously had a registry identification card revoked;
- 15 (c) Provided false or falsified information; or
- 16 (d) Does not meet the eligibility requirements established in KRS 218B.055.

17 (4) (a) Except as provided in paragraph (b) of this subsection, the cabinet may deny
18 an application or renewal for a designated caregiver's registration card for any
19 reason that the cabinet, in the exercise of sound discretion, deems sufficient,
20 including but not limited to if the applicant:

- 21 1. Is already registered as a designated caregiver for three (3) registered
22 qualified patients;
- 23 2. Does not meet the eligibility requirements established in KRS
24 218B.055;
- 25 3. Did not provide the information or materials required by KRS
26 218B.055;
- 27 4. Previously had a registry identification card revoked;

- 1 5. Provided false or falsified information;
- 2 6. Was previously convicted of a disqualifying felony offense; or
- 3 7. Has applied as a designated caregiver for a qualified patient whose
- 4 application or renewal for a registry identification card was denied.
- 5 (b) Notwithstanding paragraph (a) of this subsection, the cabinet shall approve an
- 6 application or renewal for a designated caregiver's registration card if the
- 7 applicant has applied as a designated caregiver for a qualified patient for who
- 8 the applicant has been appointed under KRS Chapter 387 as a guardian,
- 9 limited guardian, conservator, or limited conservator.
- 10 (5) The cabinet may deny an application or renewal for a visiting qualified patient's
- 11 registration card for any reason that the cabinet, in the exercise of sound discretion,
- 12 deems sufficient, including but not limited to if the applicant:
- 13 (a) Did not provide the information or materials required by KRS 218B.055;
- 14 (b) Previously had a registry identification card revoked;
- 15 (c) Provided false or falsified information; or
- 16 (d) Does not meet the eligibility requirements established in KRS 218B.055.
- 17 (6) The cabinet may conduct a criminal background check for each ~~of any~~ applicant
- 18 ~~if the criminal background check is conducted~~ solely to determine whether the
- 19 applicant was previously convicted of a disqualifying felony offense.
- 20 (7) The cabinet shall notify the registered qualified patient who has designated
- 21 someone to serve as his or her designated caregiver if the individual designated as a
- 22 caregiver is denied a registry identification card.
- 23 (8) The cabinet shall notify the applicant in writing of the denial and reasons by
- 24 registered or certified mail at the address given in the application or supplement.
- 25 The applicant may, within thirty (30) days after the date of the mailing of the
- 26 cabinet's notice, file a written request for an administrative hearing on the
- 27 application. The hearing shall be conducted on the application in compliance with

1 the requirements of KRS Chapter 13B.

2 (9) Final orders of the cabinet after administrative hearings shall be subject to judicial
3 review. Jurisdiction and venue for judicial review are vested in the Circuit Court of
4 the county in which the appealing party resides.

5 ➔Section 9. KRS 218B.070 (Effective January 1, 2025) is amended to read as
6 follows:

7 (1) Cardholders shall be required to make the following notifications to the cabinet:

8 (a) A cardholder shall notify the cabinet of any change in his or her name or
9 address;

10 (b) A registered qualified patient shall notify the cabinet within thirty (30) days if
11 he or she ceases to suffer from the medical condition for which a medicinal
12 cannabis practitioner provided a written certification;

13 (c) A registered qualified patient shall notify the cabinet if he or she wishes to
14 terminate a designated caregiver relationship with an individual who has been
15 designated as his or her caregiver;

16 (d) A designated caregiver shall notify the cabinet within thirty (30) days if he or
17 she becomes aware that a registered qualified patient to whom the caregiver is
18 connected through the cabinet's registration process has died or has ceased to
19 suffer from the medical condition for which a medicinal cannabis practitioner
20 provided a written certification; and

21 (e) If a cardholder loses his or her registry identification card, he or she shall
22 notify the cabinet within ten (10) days of becoming aware the card has been
23 lost.

24 (2) When a cardholder notifies the cabinet of items listed in paragraph (b) or (d) of
25 subsection (1) of this section, the cardholder shall, within ten (10) days of
26 notification, return any unused medicinal cannabis products to a licensed dispensary
27 for destruction.

- 1 (3) When a cardholder notifies the cabinet of items listed in paragraph (a), (c), or (e) of
2 subsection (1) of this section, but remains eligible under this chapter, the cabinet
3 shall issue the cardholder a new registry identification card with a new random ten
4 (10) character alphanumeric identification number. If the cabinet issues a new
5 registry identification card to a registered qualified patient, the cabinet shall also
6 issue a new registry identification card with a new ten (10) character alphanumeric
7 number to the registered qualified patient's designated caregiver. New registry
8 identification cards issued under this subsection shall be issued by the cabinet
9 within ten (10) days of receiving the updated information.
- 10 (4) If a registered qualified patient ceases to be a registered qualified patient or changes
11 his or her designated caregiver, the cabinet shall promptly notify the designated
12 caregiver in writing. The designated caregiver's protections under this chapter as to
13 that registered qualified patient shall expire fifteen (15) days after notification by
14 the cabinet.
- 15 (5) (a) ~~If~~ A medicinal cannabis practitioner who provided a written certification to
16 a patient shall, within thirty (30) days of having knowledge of the facts,
17 notify~~notifies~~ the cabinet in writing that the registered qualified patient has
18 died, ceased to suffer from the medical condition for which a medicinal
19 cannabis practitioner provided a written certification, or that the medicinal
20 cannabis practitioner no longer believes the patient is likely to~~might~~ receive
21 safe and effective therapeutic or palliative benefit from the use of medicinal
22 cannabis.~~;~~
- 23 (b) If the cabinet receives written notification required by paragraph (a) of this
24 subsection, the cabinet shall promptly notify the registered qualified patient in
25 writing. The registered qualified patient's protections under this chapter shall
26 expire fifteen (15) days after notification by the cabinet, and the registered
27 qualified patient shall have fifteen (15) days to dispose of or donate his or her

1 medicinal cannabis to a dispensary.

2 ➔Section 10. KRS 218B.090 (Effective January 1, 2025) is amended to read as
3 follows:

4 (1) The cabinet shall:

5 (a) Acknowledge receipt of an application for a cannabis business license within
6 fifteen (15) days of receipt;~~and~~

7 (b) Provide notification to the cannabis business license applicant as to whether
8 the application for a cannabis business license has been approved or denied
9 within forty-five (45) days of receiving a completed application; and

10 (c) When reviewing and considering cannabis business applications, prioritize
11 the review of applications submitted by an individual or entity who is an
12 existing Kentucky hemp business in good standing with the Kentucky
13 Department of Agriculture, if they meet the application requirements set
14 forth in this chapter and administrative regulations promulgated by the
15 cabinet thereunder.

16 (2) The cabinet may deny an application for a cannabis business license for any reason
17 that the cabinet, in the exercise of sound discretion, deems sufficient, including but
18 not limited to:

19 (a) The applicant failed to submit the materials required by KRS 218B.085,
20 including if the applicant's plans do not satisfy the security, oversight, or
21 recordkeeping administrative regulations promulgated by the cabinet;

22 (b) The applicant falsifies information on the licensure application;

23 (c) The applicant would not be in compliance with local cannabis business
24 prohibitions enacted pursuant to KRS 218B.130;

25 (d) One (1) or more of the prospective principal officers or board members:

26 1. Has been convicted of a disqualifying felony offense, the provisions of
27 KRS 335B.020 and 335B.030 notwithstanding;

- 1 2. Has served as a principal officer or board member for a cannabis
2 business that has had its license revoked;
- 3 3. Is younger than twenty-one (21) years of age; or
- 4 4. Is a medicinal cannabis practitioner; or
- 5 (e) 1. For a safety compliance facility, one (1) or more of the prospective
6 principal officers or board members is a principal officer or board
7 member of a cultivator, processor, producer, or dispensary licensed to
8 operate in Kentucky.
- 9 2. For a cultivator, processor, producer, or dispensary, one (1) or more of
10 the prospective principal officers or board members is a principal officer
11 or board member of a safety compliance facility licensed to operate in
12 Kentucky.
- 13 (3) If a cannabis business license application is approved:
- 14 (a) The cannabis business shall, before it begins operations, submit its complete
15 physical address and the global positioning system coordinates for any
16 cultivation activities if a physical address or the global positioning system
17 coordinates for any cultivation activities had not been finalized when it
18 applied; and
- 19 (b) The cabinet shall:
 - 20 1. Issue a copy of the license that includes the business's identification
21 number to the approved cannabis business;
 - 22 2. Provide a licensed dispensary with contact and access information for
23 the electronic monitoring system established pursuant to KRS
24 218A.202; and
 - 25 3. Provide notice of licensure approval and issuance to the city and county
26 in which the cannabis business intends to operate.
- 27 (4) If a cannabis business license application is denied, the cabinet shall notify the

1 applicant in writing of a license denial and reasons by registered or certified mail at
 2 the address given in the application or supplement. The applicant may, within thirty
 3 (30) days after the mailing of the cabinet's notice, file a written request for an
 4 administrative hearing on the application. The hearing shall be conducted on the
 5 application in compliance with the requirements of KRS Chapter 13B. Final orders
 6 of the cabinet after administrative hearings shall be subject to judicial review as
 7 provided in KRS 13B.140. Jurisdiction and venue for judicial review are vested in
 8 the Circuit Court of the county in which the applicant's business would be located.

9 **(5) Notwithstanding any provision of law to the contrary, a cannabis business**
 10 **licensed by the cabinet pursuant to this chapter shall be subject to and required to**
 11 **comply with:**

12 **(a) Any subsequent action that may be taken pursuant to subsection (2)(a) of**
 13 **Section 13 of this Act by the local government within whose territory the**
 14 **cannabis business is licensed to operate if such action is taken prior to**
 15 **January 1, 2025, including but not limited to the prohibition of cannabis**
 16 **business operations within the territory of the local government; and**

17 **(b) Any local zoning ordinances and regulations that may be adopted pursuant**
 18 **to subsection (2)(b) of Section 13 of this Act by the local government within**
 19 **whose territory the cannabis business is licensed to operate.**

20 ➔Section 11. KRS 218B.100 (Effective January 1, 2025) is amended to read as
 21 follows:

22 (1) **(a)** Cannabis businesses shall be subject to reasonable inspection **and**
 23 **investigation** by the cabinet pursuant to **this subsection and** the cabinet's
 24 procedures or administrative regulations.

25 **(b)** The cabinet may inspect any licensed cannabis business premises without
 26 having to first obtain a search warrant.

27 **(c) The executive director of the Office of Medical Cannabis, or the executive**

1 director's authorized representatives, shall have the authority to:

2 1. Enter any cannabis business without delay or advance notice during
3 regular working hours and at other reasonable times to:

4 a. Inspect the premises;

5 b. Privately question any owner, operator, agent, or employee of the
6 cannabis business or an employee's representative; and

7 c. Investigate conditions, facts, materials, practices, or other
8 matters deemed appropriate by the cabinet;

9 to determine if the cannabis business is operating in compliance with
10 this chapter and any administrative regulations promulgated
11 thereunder;

12 2. Apply to the Circuit Court in the county in which the cannabis
13 business is located for an order to enforce the right of entry if the
14 cannabis business refuses entry as permitted in this subsection;

15 3. Following the completion of an inspection or investigation, confiscate,
16 possess, transport, and destroy any medicinal cannabis deemed by the
17 executive director, or the executive director's authorized
18 representatives, to be noncompliant with the cultivation, processing,
19 producing, transporting, safety compliance, or dispensary sale
20 standards established in this chapter or any administrative regulation
21 promulgated thereunder;

22 4. Administer oaths, examine witnesses under oath, take depositions,
23 certify official acts, review records and accounts, take photographs,
24 and secure any other evidence deemed necessary to evaluate
25 compliance with this chapter and any administrative regulations
26 promulgated thereunder; and

27 5. Issue subpoenas to compel the:

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- a. Attendance of witnesses and parties; and
- b. Production of books, accounts, correspondence, memoranda, and other materials or records considered necessary and relevant to a matter under investigation by the cabinet.

(d) If a witness or party fails to comply with a subpoena issued by the executive director or the executive director's authorized representatives, the executive director or the executive director's authorized representatives may petition the Circuit Court of the county in which the witness or party is located to compel compliance with the subpoena. Failure of a witness or party to comply with an order of the court issued pursuant to this paragraph shall constitute a basis for a finding of contempt by the court under KRS 432.230. In any proceeding brought before a Circuit Court under this paragraph, the court may modify or set aside the subpoena.

- (2) The cabinet may, on its own motion or on complaint ~~and~~, after investigation, ~~and~~ opportunity for a public hearing at which the cannabis business has been afforded an opportunity to appear and be heard pursuant to KRS Chapter 13B, suspend or revoke a cannabis business license for multiple violations or a serious violation of this chapter or any administrative regulations promulgated thereunder by the licensee or any of its agents. A suspension shall not be for a period of time longer than six (6) months.
- (3) The cabinet shall provide notice of suspension, revocation, fine, or other penalty, as well as the required notice of the hearing, by mailing, via certified mail, the same in writing to the cannabis business at the address on the license. The cannabis business may, within thirty (30) days after the date of the mailing of the cabinet's notice, file a written request for an administrative hearing regarding the suspension, revocation, fine, or other penalty. The hearing shall be conducted in compliance with the requirements of KRS Chapter 13B.

- 1 (4) Final orders of the cabinet after administrative hearings shall be subject to judicial
2 review. Jurisdiction and venue for judicial review are vested in the Circuit Court of
3 the county in which the cannabis business is physically located.
- 4 (5) A cultivator may continue to cultivate and possess cannabis plants during a
5 suspension, but it shall not transfer or sell medicinal cannabis during a suspension.
- 6 (6) A dispensary may continue to possess its existing medicinal cannabis inventory
7 during a suspension, but it shall not acquire additional medicinal cannabis, or
8 dispense, transfer, or sell medicinal cannabis during a suspension.
- 9 (7) A processor may continue to process and possess its existing medicinal cannabis
10 inventory during a suspension, but it shall not acquire additional medicinal
11 cannabis, or dispense, transfer, or sell medicinal cannabis products during a
12 suspension.
- 13 (8) A producer may continue to cultivate, process, and possess cannabis plants and its
14 existing medicinal cannabis inventory during a suspension, but it shall not acquire
15 additional medicinal cannabis, or dispense, transfer, or sell medicinal cannabis
16 during a suspension.
- 17 (9) A safety compliance facility may continue to possess medicinal cannabis during a
18 suspension, but it shall not receive any new medicinal cannabis, test or otherwise
19 analyze medicinal cannabis, or transfer or transport medicinal cannabis during a
20 suspension.

21 ➔Section 12. KRS 218B.110 (Effective January 1, 2025) is amended to read as
22 follows:

- 23 (1) A dispensary or dispensary agent acting on behalf of a dispensary shall not be
24 subject to prosecution under state or local law, to search or inspection except by the
25 cabinet pursuant to KRS 218B.100, to seizure or penalty in any manner, or be
26 denied any right or privilege, including but not limited to a civil penalty or
27 disciplinary action by a court or business licensing board, for acting pursuant to this

1 chapter and the cabinet's administrative regulations for:

- 2 (a) Acquiring or possessing medicinal cannabis from a cultivator, processor, or
3 producer in this state;
- 4 (b) Acquiring or possessing medicinal cannabis accessories or educational
5 material;
- 6 (c) Supplying, selling, dispensing, distributing, or delivering medicinal cannabis,
7 medicinal cannabis accessories, and educational material to cardholders or
8 other dispensaries;
- 9 (d) Selling cannabis seeds to similar entities that are licensed to cultivate cannabis
10 in this state or in any other jurisdiction; or
- 11 (e) Acquiring, accepting, or receiving medicinal cannabis products from a
12 cardholder, except that a dispensary may not offer anything of monetary value
13 in return for medicinal cannabis received from a cardholder. Any medicinal
14 cannabis received by a dispensary under this paragraph or pursuant to KRS
15 218B.070 shall be destroyed by the dispensary or its agents and shall not be
16 sold, dispensed, or distributed to another cardholder.

17 (2) A dispensary or dispensary agent acting on behalf of a dispensary shall:

- 18 (a) Maintain records that include specific notations of the amount of medicinal
19 cannabis being dispensed to a cardholder and whether it was dispensed
20 directly to a registered qualified patient or visiting qualified patient, or to a
21 registered qualified patient's designated caregiver. Each entry shall include the
22 date and time the medicinal cannabis was dispensed. The data required to be
23 recorded by this paragraph shall be entered into the electronic monitoring
24 system established pursuant to KRS 218A.202 in accordance with
25 administrative regulations promulgated by the cabinet for the recording of
26 medicinal cannabis dispensing;
- 27 (b) Only dispense or sell medicinal cannabis after it has been checked by a safety

1 compliance facility agent for cannabinoid contents and contaminants in
2 accordance with administrative regulations promulgated by the cabinet;

3 (c) Only dispense or sell medicinal cannabis to a registered qualified patient,
4 visiting qualified patient, or designated caregiver after making a diligent effort
5 to verify:

- 6 1. That the registry identification card or, for visiting qualified patients, the
7 out-of-state registry identification card presented to the dispensary is
8 valid, including by checking the verification system, if it is operational,
9 or other cabinet-designated databases;
- 10 2. That the person presenting the registry identification card or, for visiting
11 qualified patients, the out-of-state registry identification card is at least
12 eighteen (18) years of age and is the person identified on the registry
13 identification card by examining at least one (1) other form of
14 government-issued photo identification; and
- 15 3. The amount of medicinal cannabis the person is legally permitted to
16 purchase pursuant to KRS 218B.025 by checking the electronic
17 monitoring system established pursuant to KRS 218A.202;

18 (d) 1. Upon dispensing medicinal cannabis to a cardholder:

19 a. Provide the cardholder with a copy of the Medicinal Cannabis
20 Advisory Pamphlet described in subsection (2)(b) of Section 14
21 of this Act if:

22 i. It is the first time the patient has purchased medicinal
23 cannabis from the dispensary;

24 ii. It has been more than twelve (12) months since the
25 dispensary last provided the cardholder with a copy of the
26 pamphlet; or

27 iii. The content of the pamphlet has materially changed since

1 the dispensary last provided the cardholder with a copy of
 2 the pamphlet;

3 b. Obtain the cardholder's signature as required by subsection
 4 (2)(b) of Section 14 of this Act; and

5 c. Retain the signature form as required by subsection (2)(b) of
 6 Section 14 of this Act.

7 2. The advisory pamphlet required to be provided to cardholders under
 8 subparagraph 1. of this paragraph may be provided electronically, and
 9 dispensaries may obtain and retain electronic signatures;

10 (e) Not acquire, possess, dispense, sell, offer for sale, transfer, or transport:

11 1. Raw plant material with a delta-9 tetrahydrocannabinol content of more
 12 than thirty-five percent (35%);

13 2. Medicinal cannabis products intended for oral consumption as an edible,
 14 oil, or tincture with more than ten (10) milligrams of delta-9
 15 tetrahydrocannabinol per serving;

16 3. Any medicinal cannabis product not described in subparagraph 1. or 2.
 17 of this paragraph with a delta-9 tetrahydrocannabinol content of more
 18 than seventy percent (70%); or

19 4. Any medicinal cannabis product that contains vitamin E acetate;

20 ~~(f)(e)~~ Not acquire medicinal cannabis from any person other than a cannabis
 21 business licensed under this chapter, or an agent thereof, a registered qualified
 22 patient, or a designated caregiver;

23 ~~(g)(f)~~ Not sell or dispense medicinal cannabis products intended for
 24 consumption by vaporizing to a cardholder who is younger than twenty-one
 25 (21) years of age or to a designated caregiver for a registered qualified patient
 26 who is younger than twenty-one (21) years of age;

27 ~~(h)(g)~~ Not dispense or sell medicinal cannabis to a minor;

1 ~~(i)(h)~~ Not dispense or sell more medicinal cannabis to a cardholder than he or
2 she is legally permitted to purchase at the time of the transaction; and

3 ~~(i)(i)~~ Not rent office space to a medicinal cannabis practitioner.

4 (3) (a) A dispensary may operate a delivery service for cardholders and may deliver
5 medicinal cannabis, medicinal cannabis accessories, and educational material
6 to cardholders at the address identified on the cardholder's registry
7 identification.

8 (b) All delivery services operated or offered by a dispensary shall comply with
9 administrative regulations promulgated by the cabinet pursuant to this section
10 and KRS 218B.140.

11 (4) If a dispensary or dispensary agent fails to comply with subsection (2)(c), (d), (e),
12 (f), ~~(g)~~, **or (h)** of this section, the dispensary and dispensary agent are liable in a
13 civil action for compensatory and punitive damages and reasonable attorney's fees
14 to any person or the representative of the estate of any person who sustains injury,
15 death, or loss to person or property as a result of the failure to comply with
16 subsection (2)(c), (d), (e), (f), ~~(g)~~, **or (h)** of this section. In any action under this
17 subsection, the court may also award any injunctive or equitable relief that the court
18 considers appropriate.

19 **(5) Notwithstanding any provision of law to the contrary, a dispensary licensed**
20 **pursuant to this chapter prior to January 1, 2025, shall not be permitted to open**
21 **to the public or otherwise engage in the practice of dispensing medicinal**
22 **cannabis to cardholders in the Commonwealth before January 1, 2025, except the**
23 **provisions of this subsection shall not prohibit a licensed dispensary from**
24 **acquiring or possessing medicinal cannabis products prior to January 1, 2025.**

25 ➔Section 13. KRS 218B.130 is amended to read as follows:

26 (1) For the purposes of this section, "local government" means a city, county, urban-
27 county government, consolidated local government, charter county government, or

1 unified local government.

2 (2) A local government~~[may]~~:

3 (a) **Prior to the cabinet issuing a license to a cannabis business to conduct**
 4 **business operations within its territory, may:**~~[Enact ordinances not in conflict~~
 5 ~~with this chapter or with the cabinet's administrative regulations, regulating~~
 6 ~~the time, place, and manner of cannabis business operations, except that a~~
 7 ~~local government shall not enact ordinances that impose an undue burden or~~
 8 ~~make cannabis business operations unreasonable or impractical;]~~

9 ~~1.[(b)]~~ Prohibit all cannabis business operations within its territory
 10 through the passage of an ordinance; or

11 ~~2.[(c)]~~ Enact resolutions directing that the question of prohibiting
 12 cannabis businesses from operating within its territory be submitted to
 13 the voters of its territory at the next regular election pursuant to
 14 subsection ~~(3)(b)~~~~[(5)(j)]~~ of this section;

15 **except as provided in subsection (5) of Section 10 of this Act; and**

16 **(b) Within whose territory cannabis business operations are permitted, may**
 17 **enact ordinances:**

18 **1. That are not less restrictive than this chapter or any administrative**
 19 **regulations promulgated thereunder, relating to the time, place, and**
 20 **manner of cannabis business operations, except that a local**
 21 **government shall not, except as permitted in paragraph (a) of this**
 22 **subsection, enact ordinances that impose an undue burden or make**
 23 **cannabis business operations unreasonable or impractical; and**

24 **2. To establish and assess reasonable local fees to compensate for any**
 25 **additional costs caused by the operation of cannabis businesses within**
 26 **its territory. Any fees assessed pursuant to this subparagraph shall not**
 27 **exceed the additional costs caused by the operation of cannabis**

1 businesses.

2 (3) (a) If a county, consolidated local government, charter county government, or
 3 unified local government prohibits all cannabis business operations, the
 4 legislative body of a city located within the county, consolidated local
 5 government, charter county government, or unified local government may:

6 ~~1.(a)~~ Approve cannabis business operations within the limits of the city
 7 through the passage of an ordinance; or

8 ~~2.(b)~~ Enact resolutions directing that the question of allowing cannabis
 9 businesses to operate within the limits of the city be submitted to the
 10 voters who are eligible to vote in that city's elections at the next regular
 11 election pursuant to paragraph (b) of this subsection~~[(5)(j) of this~~
 12 ~~section]~~.

13 (b) If, not later than the second Tuesday in August preceding the day
 14 established for a regular election, the county clerk has received a local
 15 government resolution pursuant to subsection (2) of this section or
 16 paragraph (a) of this subsection, the county clerk shall have prepared to
 17 place before the voters of the affected territory at the next regular election
 18 the question, which shall be "Are you in favor of the sale of medicinal
 19 cannabis at a licensed dispensary and the operation of other cannabis
 20 businesses in (affected territory)? Yes....No....". The county clerk shall
 21 cause to be published in accordance with KRS Chapter 424, at the same
 22 time as the remaining voter information, the full text of the proposal. The
 23 county clerk shall cause to be posted in each polling place one (1) copy of
 24 the full text of the proposal.

25 (4) If a local government legislative body with jurisdiction prohibits cannabis business
 26 operations through the passage of an ordinance, a public question that is initiated by
 27 petition and that proposes allowing a cannabis business to operate within the

1 affected territory is authorized.

2 (5) A public question that is initiated by petition and is authorized by subsection (4) of
3 this section shall be submitted to the voters within the affected territory at the next
4 regular election by complying with the following requirements:

5 (a) Before a petition for submission of the proposal may be presented for
6 signatures, an intent to circulate the petition, including a copy of the unsigned
7 petition, shall be filed with the county clerk of the affected territory by ~~a~~^{any}
8 person or group of persons **who have been registered to vote in the affected**
9 **territory for at least the previous twelve (12) months** seeking the submission
10 of the public question. The statement of intent shall include the addresses of
11 the person or group of persons and shall specify the person or group of
12 persons, as well as the address, to whom all notices are to be sent. Within ten
13 (10) days after the intent to circulate the petition is filed, the county clerk shall
14 deliver a copy of the intent to circulate the petition, including a copy of the
15 unsigned petition, to the legislative body of the affected territory;

16 (b) The petition shall set out in full the following question: "Are you in favor of
17 **overturning the decision of the local government legislative body and**
18 **allowing** the sale of medicinal cannabis at a licensed dispensary and the
19 operation of other cannabis businesses in (affected territory)?"

20 (c) The petition for the submission of the proposal shall be signed by a number of
21 constitutionally qualified voters of the territory to be affected equal to **ten**
22 **percent (10%)**~~five percent (5%)~~ of registered voters for the affected
23 territory;

24 (d) Each signature shall be executed in ink or indelible pencil and shall be
25 followed by the legibly printed name of each voter, followed by the voter's
26 residence address, year of birth, and the correct date upon which the voter's
27 name was signed;

- 1 (e) No petition for the submission of the proposal shall be circulated for more
2 than six (6) months prior to its filing;
- 3 (f) After a petition for the submission of the proposal has received no fewer than
4 the number of qualifying signatures required by paragraph (c) of this
5 subsection, the signed petition shall be filed with the county clerk. When it is
6 filed, each sheet of the petition shall have an affidavit executed by the
7 circulator stating that he or she personally circulated the sheet, the number of
8 signatures thereon, that all signatures were affixed in his or her presence, that
9 he or she believes them to be the genuine signatures of registered voters
10 within the affected territory, and that each signer had an opportunity before
11 signing to read the full text of the proposal;
- 12 (g) No signer of the petition may withdraw his or her name or have it taken from
13 the petition after the petition has been filed. If the name of any person has
14 been placed on the petition for submission of the public question without that
15 person's authority, the person may, at any time prior to certification of
16 sufficiency of the petition by the county clerk as required by paragraph (h) of
17 this subsection, request the removal of his or her name by the county board of
18 elections and, upon proof that the person's name was placed on the petition
19 without his or her authority, the person's name and personal information shall
20 be eliminated, and he or she shall not be counted as a petitioner;
- 21 (h) Within thirty (30) days after the petition is filed, the county clerk shall
22 complete a certificate as to its sufficiency or, if it is insufficient, specifying
23 the particulars of the insufficiency, and shall send a copy to the person or
24 persons specified in the statement of intent to receive all notices and to the
25 legislative body of the affected territory, all by registered mail. A petition
26 certified insufficient for lack of the required number of valid signatures may
27 be amended once by filing a supplemental petition upon additional sheets

1 within thirty (30) days after receiving the certificate of insufficiency. The
2 supplemental petition shall comply with the requirements applicable to the
3 original petition and, within ten (10) days after it is filed, the county clerk
4 shall complete a certificate as to the sufficiency of the petition as amended
5 and promptly send a copy of the certificate to the person or persons specified
6 to receive all notices and to the legislative body of the affected territory by
7 registered mail;

8 (i) A final determination as to the sufficiency of a petition shall be subject to
9 review in the Circuit Court of the county of the affected territory and shall be
10 limited to the validity of the county clerk's determination. A final
11 determination of insufficiency shall not prejudice the filing of a new petition
12 for the same purpose; and

13 (j) If, not later than the second Tuesday in August preceding the day established
14 for a regular election, the county clerk has certified that a petition is
15 sufficient~~[or has received a local government resolution pursuant to~~
16 ~~subsection (2) or (3) of this section]~~, the county clerk shall have prepared to
17 place before the voters of the affected territory at the next regular election the
18 question, which shall be "Are you in favor of overturning the decision of the
19 local government legislative body and allowing the sale of medicinal
20 cannabis at a licensed dispensary and the operation of other cannabis
21 businesses in (affected territory)? Yes....No....". The county clerk shall cause
22 to be published in accordance with KRS Chapter 424, at the same time as the
23 remaining voter information, the full text of the proposal. The county clerk
24 shall cause to be posted in each polling place one (1) copy of the full text of
25 the proposal.

26 (6) If the question submitted to the voters under subsection (3) or (5) of this section
27 fails to pass, three (3) years shall elapse before the question of medicinal cannabis

1 sales and cannabis business operations may be included on a regular election ballot
2 for the affected territory.

3 (7) If the question submitted to the voters under subsection (3) or (5) of this section
4 passes, medicinal cannabis sales and cannabis business operations may be
5 conducted in the affected territory, notwithstanding any local government
6 ordinances which prohibit all cannabis business operations within its territory.

7 (8) In circumstances where a county, consolidated local government, charter county
8 government, or unified local government prohibits cannabis business operations but
9 a city within that county, consolidated local government, charter county
10 government, or unified local government approves cannabis business operations
11 either through the adoption of an ordinance or following the affirmative vote of a
12 public question allowing cannabis business operations, then:

13 (a) The cannabis business operations may proceed within the limits of the city;
14 and

15 (b) The county, consolidated local government, charter county government, or
16 unified local government may assess an additional reasonable fee to
17 compensate for any additional corrections impact caused by the approval of
18 cannabis business operations. Any additional fees collected pursuant to this
19 subsection shall not exceed the additional corrections impact caused by the
20 approval of cannabis business operations.

21 (9) In circumstances where neither a city nor the county, urban-county government,
22 consolidated local government, charter county government, or unified local
23 government in which the city is located prohibit cannabis business operations, a
24 cannabis business that is located within the jurisdiction of both the city and the
25 county shall only pay the reasonable established local fees of either the city or the
26 county. The fee shall be established, assessed, collected, and shared between the
27 city and the county, in a manner to be negotiated between the city and the county.

1 (10) The provisions of general election law shall apply to public questions submitted to
2 voters under this section.

3 **(11) If a local government elects, pursuant to subsection (2)(a) of this section, to**
4 **prohibit cannabis business operations within its territory, the local government**
5 **shall notify the cabinet in writing of its decision to prohibit cannabis business**
6 **operations within five (5) days after passage of such an ordinance or after the**
7 **results of a ballot question to prohibit cannabis business operations are certified.**

8 ➔Section 14. KRS 218B.140 is amended to read as follows:

- 9 (1) No later than July 1, 2024, the cabinet shall:
- 10 (a) Ensure that the electronic monitoring system established pursuant to KRS
11 218A.202 is designed or configured to enable:
- 12 1. Medicinal cannabis practitioners to record the issuance of written
13 certifications to qualified patients, as required by KRS 218B.050;
 - 14 2. The cabinet and state licensing boards to monitor the issuance of written
15 certifications by medicinal cannabis practitioners;
 - 16 3. Cabinet personnel, law enforcement personnel, and dispensary agents to
17 verify the validity of registry identification cards issued by the cabinet
18 by entering a registry identification number to determine whether or not
19 the identification number corresponds with a current, valid registry
20 identification card. The system shall only disclose whether the
21 identification card is valid and whether the cardholder is a registered
22 qualified patient, visiting qualified patient, or designated caregiver;
 - 23 4. Law enforcement personnel and dispensary agents to access medicinal
24 cannabis sales data recorded by dispensary agents pursuant to KRS
25 218B.110;
 - 26 5. Dispensary agents to record the amount of medicinal cannabis that is
27 dispensed to a cardholder during each transaction as required by KRS

- 1 218B.110; and
- 2 6. The sharing of dispensing data recorded by dispensary agents pursuant
- 3 to KRS 218B.110 with all dispensaries in real time;
- 4 (b) Ensure that the electronic monitoring system established pursuant to KRS
- 5 218A.202 is designed to facilitate the tracking of medicinal cannabis from the
- 6 point of cultivation to the point of sale to cardholders; and
- 7 (c) Promulgate administrative regulations in accordance with KRS Chapter 13A
- 8 to establish:
- 9 1. Procedures for the issuance, renewal, suspension, and revocation of
- 10 registry identification cards, including the creation of a standardized:
- 11 a. Written certification form; and
- 12 b. Application form which the cabinet shall require to be notarized;
- 13 2. Procedures for the issuance and revocation of registry identification
- 14 cards;
- 15 3. Procedures for the issuance, renewal, suspension, and revocation of
- 16 cannabis business licenses, including the creation of a uniform licensure
- 17 application form which the cabinet shall require to be notarized and
- 18 minimal performance standards for a biennial accreditation process with
- 19 all such procedures subject to the requirements of KRS Chapters 13A
- 20 and 13B;
- 21 4. A convenience fee to be assessed and collected by dispensaries for
- 22 visiting qualified patients who do not possess a valid registry
- 23 identification card issued by the cabinet and who purchase medicinal
- 24 cannabis with an out-of-state registry identification card and
- 25 documentation of having been diagnosed with a qualifying medical
- 26 condition. The convenience fee established pursuant to this
- 27 subparagraph shall not exceed fifteen dollars (\$15) per transaction;

- 1 5. In collaboration with the Board of Physicians and Advisors~~[, the~~
2 ~~Kentucky Board of Medical Licensure, the Kentucky Board of Nursing,~~
3 ~~and the Kentucky Center for Cannabis]~~:
- 4 a. A definition of the amount of medicinal cannabis or delta-9
5 tetrahydrocannabinol that constitutes a daily supply, an
6 uninterrupted ten (10) day supply, and an uninterrupted thirty (30)
7 day supply of medicinal cannabis; and
- 8 b. The amount of raw plant material that medicinal cannabis products
9 are considered to be equivalent to;
- 10 6. A process by which a medicinal cannabis practitioner may recommend,
11 and a registered qualified patient or his or her designated caregiver may
12 legally purchase and possess, an amount of medicinal cannabis in excess
13 of the thirty (30) day supply of medicinal cannabis, if the medicinal
14 cannabis practitioner reasonably believes that the standard thirty (30)
15 day supply would be insufficient in providing the patient with
16 uninterrupted therapeutic or palliative relief;
- 17 7. Provisions governing the following matters related to cannabis
18 businesses with the goal of protecting against diversion and theft,
19 without imposing any undue burden that would make cannabis business
20 operations unreasonable or impractical on cannabis businesses or
21 compromising the confidentiality of cardholders:
- 22 a. Recordkeeping and inventory control requirements, including the
23 use of the electronic monitoring systems established pursuant to
24 KRS 218A.202;
- 25 b. Procedures for the verification and validation of a registry
26 identification card, or its equivalent, that was issued pursuant to
27 the laws of another state, district, territory, commonwealth, or

- 1 insular possession of the United States that allows for the use of
2 medicinal cannabis in the jurisdiction of issuance;
- 3 c. Security requirements for safety compliance facilities, processors,
4 producers, dispensaries, and cultivators, which shall include at a
5 minimum lighting, video security, alarm requirements, on-site
6 parking, and measures to prevent loitering;
- 7 d. Procedures for the secure transportation, including delivery
8 services provided by dispensaries, and storage of medicinal
9 cannabis by cannabis business licensees and their employees or
10 agents;
- 11 e. Employment and training requirements for licensees and their
12 agents, including requiring each licensee to create an identification
13 badge for each of the licensee's agents or employees; and
- 14 f. Restrictions on visits to licensed cultivation and processing
15 facilities, including requiring the use of visitor logs;
- 16 8. Procedures to establish, publish, and annually update a list of varieties
17 of cannabis that possess a low but effective level of
18 tetrahydrocannabinol, including the substance cannabidiol, by
19 comparing percentages of chemical compounds within a given variety
20 against other varieties of cannabis;
- 21 9. A rating system that tracks the terpene content of at least the twelve (12)
22 major terpenoids within each strain of cannabis available for medicinal
23 use within the Commonwealth;
- 24 10. Requirements for random sample testing of medicinal cannabis to
25 ensure quality control, including testing for cannabinoids, terpenoids,
26 residual solvents, pesticides, poisons, toxins, mold, mildew, insects,
27 bacteria, and any other dangerous adulterant;

- 1 11. Requirements for licensed cultivators, producers, and processors to
2 contract with an independent safety compliance facility to test the
3 medicinal cannabis before it is sold at a dispensary. The cabinet may
4 approve the safety compliance facility chosen by a cultivator, producer,
5 or processor and require that the safety compliance facility report test
6 results for a designated quantity of medicinal cannabis to the cultivator,
7 producer, or processor and cabinet;
- 8 12. Standards for the operation of safety compliance facilities which may
9 include:
- 10 a. Requirements for equipment;
- 11 b. Personnel qualifications; and
- 12 c. Requiring facilities to be accredited by a relevant certifying entity;
- 13 13. Standards for the packaging and labeling of medicinal cannabis sold or
14 distributed by cannabis businesses which shall comply with 15 U.S.C.
15 secs. 1471 to 1476 and shall include:
- 16 a. Standards for packaging that requires at least a two (2) step
17 process of initial opening;
- 18 b. A warning label which may include the length of time it typically
19 takes for the product to take effect, how long the effects of the
20 product typically last, and any other information deemed
21 appropriate or necessary by the cabinet;
- 22 c. The amount of medicinal cannabis the product is considered the
23 equivalent to;
- 24 d. Disclosing ingredients, possible allergens, and certain bioactive
25 components, including cannabinoids and terpenoids, as determined
26 by the cabinet;
- 27 e. A nutritional fact panel;

- 1 f. Opaque, child-resistant packaging;
- 2 g. A requirement that all raw plant material packaged or sold in this
- 3 state be marked or labeled as "NOT INTENDED FOR
- 4 CONSUMPTION BY SMOKING";
- 5 h. A requirement that medicinal cannabis products be clearly marked
- 6 with an identifiable and standardized symbol indicating that the
- 7 product contains cannabis;
- 8 i. A requirement that all medicinal cannabis product packaging
- 9 include an expiration date; and
- 10 j. A requirement that medicinal cannabis products and their
- 11 packaging not be visually reminiscent of major brands of edible
- 12 noncannabis products or otherwise present an attractive nuisance
- 13 to minors;
- 14 14. Health and safety requirements for the processing of medicinal cannabis
- 15 and the indoor cultivation of medicinal cannabis by licensees;
- 16 15. Restrictions on:
- 17 a. Additives to medicinal cannabis that are toxic, including vitamin E
- 18 acetate, or increase the likelihood of addiction; and
- 19 b. Pesticides, fertilizers, and herbicides used during medicinal
- 20 cannabis cultivation which pose a threat to human health and
- 21 safety;
- 22 16. Standards for the safe processing of medicinal cannabis products created
- 23 by extracting or concentrating compounds from raw plant material;
- 24 17. Standards for determining the amount of unprocessed raw plant material
- 25 that medicinal cannabis products are considered the equivalent to;
- 26 18. Restrictions on advertising, marketing, and signage in regard to
- 27 operations or establishments owned by licensees necessary to prevent

- 1 the targeting of minors;
- 2 19. The requirement that evidence-based educational materials regarding
- 3 dosage and impairment be disseminated to registered qualified patients,
- 4 visiting qualified patients, and designated caregivers who purchase
- 5 medicinal cannabis products;
- 6 20. Policies governing insurance requirements for cultivators, dispensaries,
- 7 processors, producers, and safety compliance facilities; and
- 8 21. Standards, procedures, or restrictions that the cabinet deems necessary
- 9 to ensure the efficient, transparent, and safe operation of the medicinal
- 10 cannabis program, except that the cabinet shall not promulgate any
- 11 administrative regulation that would impose an undue burden or make
- 12 cannabis business operations unreasonable or impractical.

13 (2) **No later than January 1, 2025, the cabinet shall:**

14 **(a) Establish a medicinal cannabis adverse drug effects reporting system for the**

15 **purpose of allowing cardholders to report adverse drug effects via telephone**

16 **or online; and**

17 **(b) In collaboration with the Board of Physicians and Advisors, produce the**

18 **Medicinal Cannabis Advisory Pamphlet which shall include but not be**

19 **limited to:**

20 **1. Information on the risks, dangers, and possible side effects of the use**

21 **of medicinal cannabis;**

22 **2. Information on the medicinal cannabis adverse drug effects reporting**

23 **system and how to report adverse drug effects; and**

24 **3. A detachable signature page which shall be:**

25 **a. Signed by a cardholder each time he or she receives a copy of the**

26 **Medicinal Cannabis Advisory Pamphlet as required under**

27 **subsection (2)(d) of Section 12 of this Act; and**

1 **b. Retained by the dispensary for a period of at least thirty-six (36)**
2 **months.**

3 **(3) The cabinet shall provide each licensed dispensary with an adequate number of**
4 **Medicinal Cannabis Advisory Pamphlets to ensure that the dispensary is able to**
5 **comply with the requirements of subsection (2)(d) of Section 12 of this Act.**

6 **(4)** Except as provided in KRS 218B.035(1)(g), 218B.095(2)(b), **subsection (2)(e) of**
7 **Section 12 of this Act**~~218B.110(2)(d)~~, 218B.115(2), 218B.120(3), and subsection
8 (1)(c)10., 13., 15., and 16. of this section, the cabinet shall not restrict or limit
9 methods of delivery, use, or consumption of medicinal cannabis or the types of
10 products that may be acquired, produced, processed, possessed, sold, or distributed
11 by a cannabis business.

12 **(5)**~~(3)~~ If a need for additional cannabis cultivation in this state is demonstrated by
13 cannabis businesses or the cabinet's own analysis, the cabinet may through the
14 promulgation of administrative regulations increase the cultivation area square
15 footage limits for either cultivators or producers, or both by up to three (3) times the
16 limits established in KRS 218B.105 and 218B.120. Any increase in the cultivation
17 square footage limits adopted by the cabinet pursuant to this section shall not result
18 in an increase in the licensure application or renewal fees established by the cabinet.

19 **(6)**~~(4)~~ When promulgating administrative regulations under this section, the cabinet
20 shall consider standards, procedures, and restrictions that have been found to be
21 best practices relative to the use and regulation of medicinal cannabis.

22 ➔Section 15. KRS 218B.150 is amended to read as follows:

23 Nothing in this chapter shall require a government medical assistance program, private
24 health insurer, **property and casualty insurance carrier,**~~[-or]~~ workers' compensation
25 carrier, or self-funded employer providing workers' compensation benefits to reimburse a
26 person for costs associated with the use of medicinal cannabis.

27 ➔Section 16. KRS 218A.202 is amended to read as follows:

- 1 (1) As used in this section:
- 2 (a) "Cabinet" means the Cabinet for Health and Family Services;
- 3 (b) "Cannabis business" has the same meaning as in KRS 218B.010;
- 4 (c) "Controlled substance" means any Schedule II, III, IV, or V controlled
5 substance and does not include medicinal cannabis;
- 6 (d) "Dispensary" has the same meaning as in KRS 218B.010;
- 7 (e) "Dispensary agent" has the same meaning as in KRS 218B.010;
- 8 (f) "Disqualifying felony offense" has the same meaning as in KRS 218B.010;
- 9 (g) "Medicinal cannabis" has the same meaning as in KRS 218B.010;
- 10 (h) "Medicinal cannabis practitioner" has the same meaning as in KRS 218B.010;
- 11 (i) "Registry identification card" has the same meaning as in KRS 218B.010;
- 12 (j) "State licensing board" has the same meaning as in KRS 218B.010;
- 13 (k) "Use of medicinal cannabis" has the same meaning as in KRS 218B.010; and
- 14 (l) "Written certification" has the same meaning as in KRS 218B.010.
- 15 (2) The cabinet shall establish and maintain an electronic system for monitoring
16 Schedules II, III, IV, and V controlled substances and medicinal cannabis. The
17 cabinet may contract for the design, upgrade, or operation of this system if the
18 contract preserves all of the rights, privileges, and protections guaranteed to
19 Kentucky citizens under this chapter and the contract requires that all other aspects
20 of the system be operated in conformity with the requirements of this or any other
21 applicable state or federal law.
- 22 (3) For the purpose of monitoring the prescribing and dispensing of Schedule II, III, IV,
23 or V controlled substances:
- 24 (a) A practitioner or a pharmacist authorized to prescribe or dispense controlled
25 substances to humans shall register with the cabinet to use the system
26 provided for in this section and shall maintain such registration continuously
27 during the practitioner's or pharmacist's term of licensure and shall not have to

1 pay a fee or tax specifically dedicated to the operation of the system;

2 (b) Every practitioner or pharmacy which dispenses a controlled substance to a
3 person in Kentucky, or to a person at an address in Kentucky, shall report to
4 the cabinet the data required by this section, which includes the reporting of
5 any Schedule II controlled substance dispensed at a facility licensed by the
6 cabinet and a Schedule II through Schedule V controlled substance regardless
7 of dosage when dispensed by the emergency department of a hospital to an
8 emergency department patient. Reporting shall not be required for:

9 1. A drug administered directly to a patient in a hospital, a resident of a
10 health care facility licensed under KRS Chapter 216B, a resident of a
11 child-caring facility as defined by KRS 199.011, or an individual in a
12 jail, correctional facility, or juvenile detention facility;

13 2. A Schedule III through Schedule V controlled substance dispensed by a
14 facility licensed by the cabinet provided that the quantity dispensed is
15 limited to an amount adequate to treat the patient for a maximum of
16 forty-eight (48) hours and is not dispensed by the emergency department
17 of a hospital; or

18 3. A drug administered or dispensed to a research subject enrolled in a
19 research protocol approved by an institutional review board that has an
20 active federalwide assurance number from the United States Department
21 of Health and Human Services, Office for Human Research Protections,
22 where the research involves single, double, or triple blind drug
23 administration or is additionally covered by a certificate of
24 confidentiality from the National Institutes of Health;

25 (c) In addition to the data required by paragraph (d) of this subsection, a
26 Kentucky-licensed acute care hospital or critical access hospital shall report to
27 the cabinet all positive toxicology screens that were performed by the

1 hospital's emergency department to evaluate the patient's suspected drug
2 overdose;

3 (d) Data for each controlled substance that is reported shall include but not be
4 limited to the following:

- 5 1. Patient identifier;
- 6 2. National drug code of the drug dispensed;
- 7 3. Date of dispensing;
- 8 4. Quantity dispensed;
- 9 5. Prescriber; and
- 10 6. Dispenser;

11 (e) The data shall be provided in the electronic format specified by the cabinet
12 unless a waiver has been granted by the cabinet to an individual dispenser.
13 The cabinet shall establish acceptable error tolerance rates for data.
14 Dispensers shall ensure that reports fall within these tolerances. Incomplete or
15 inaccurate data shall be corrected upon notification by the cabinet if the
16 dispenser exceeds these error tolerance rates;

17 (f) The cabinet shall only disclose data to persons and entities authorized to
18 receive that data under this subsection. Disclosure to any other person or
19 entity, including disclosure in the context of a civil action where the
20 disclosure is sought either for the purpose of discovery or for evidence, is
21 prohibited unless specifically authorized by this section. The cabinet shall be
22 authorized to provide data to:

- 23 1. A designated representative of a board responsible for the licensure,
24 regulation, or discipline of practitioners, pharmacists, or other person
25 who is authorized to prescribe, administer, or dispense controlled
26 substances and who is involved in a bona fide specific investigation
27 involving a designated person;

- 1 2. Employees of the Office of the Inspector General of the cabinet who
2 have successfully completed training for the electronic system and who
3 have been approved to use the system, federal prosecutors, Kentucky
4 Commonwealth's attorneys and assistant Commonwealth's attorneys,
5 county attorneys and assistant county attorneys, a peace officer certified
6 pursuant to KRS 15.380 to 15.404, a certified or full-time peace officer
7 of another state, or a federal agent whose duty is to enforce the laws of
8 this Commonwealth, of another state, or of the United States relating to
9 drugs and who is engaged in a bona fide specific investigation involving
10 a designated person;
- 11 3. A state-operated Medicaid program in conformity with paragraph (g) of
12 this subsection;
- 13 4. A properly convened grand jury pursuant to a subpoena properly issued
14 for the records;
- 15 5. A practitioner or pharmacist, or employee of the practitioner's or
16 pharmacist's practice acting under the specific direction of the
17 practitioner or pharmacist, who certifies that the requested information
18 is for the purpose of:
 - 19 a. Providing medical or pharmaceutical treatment to a bona fide
20 current or prospective patient;
 - 21 b. Reviewing data on controlled substances that have been reported
22 for the birth mother of an infant who is currently being treated by
23 the practitioner for neonatal abstinence syndrome, or has
24 symptoms that suggest prenatal drug exposure; or
 - 25 c. Reviewing and assessing the individual prescribing or dispensing
26 patterns of the practitioner or pharmacist or to determine the
27 accuracy and completeness of information contained in the

1 monitoring system;

2 6. The chief medical officer of a hospital or long-term-care facility, an
3 employee of the hospital or long-term-care facility as designated by the
4 chief medical officer and who is working under his or her specific
5 direction, or a physician designee if the hospital or facility has no chief
6 medical officer, if the officer, employee, or designee certifies that the
7 requested information is for the purpose of providing medical or
8 pharmaceutical treatment to a bona fide current or prospective patient or
9 resident in the hospital or facility;

10 7. In addition to the purposes authorized under subparagraph 1. of this
11 paragraph, the Kentucky Board of Medical Licensure, for any physician
12 who is:

13 a. Associated in a partnership or other business entity with a
14 physician who is already under investigation by the Board of
15 Medical Licensure for improper prescribing or dispensing
16 practices;

17 b. In a designated geographic area for which a trend report indicates
18 a substantial likelihood that inappropriate prescribing or
19 dispensing may be occurring; or

20 c. In a designated geographic area for which a report on another
21 physician in that area indicates a substantial likelihood that
22 inappropriate prescribing or dispensing may be occurring in that
23 area;

24 8. In addition to the purposes authorized under subparagraph 1. of this
25 paragraph, the Kentucky Board of Nursing, for any advanced practice
26 registered nurse who is:

27 a. Associated in a partnership or other business entity with a

- 1 physician who is already under investigation by the Kentucky
2 Board of Medical Licensure for improper prescribing or
3 dispensing practices;
- 4 b. Associated in a partnership or other business entity with an
5 advanced practice registered nurse who is already under
6 investigation by the Board of Nursing for improper prescribing
7 practices;
- 8 c. In a designated geographic area for which a trend report indicates
9 a substantial likelihood that inappropriate prescribing or
10 dispensing may be occurring; or
- 11 d. In a designated geographic area for which a report on a physician
12 or another advanced practice registered nurse in that area indicates
13 a substantial likelihood that inappropriate prescribing or
14 dispensing may be occurring in that area;
- 15 9. A judge or a probation or parole officer administering a diversion or
16 probation program of a criminal defendant arising out of a violation of
17 this chapter or of a criminal defendant who is documented by the court
18 as a substance abuser who is eligible to participate in a court-ordered
19 drug diversion or probation program; or
- 20 10. A medical examiner engaged in a death investigation pursuant to KRS
21 72.026;
- 22 (g) The Department for Medicaid Services shall use any data or reports from the
23 system for the purpose of identifying Medicaid providers or recipients whose
24 prescribing, dispensing, or usage of controlled substances may be:
- 25 1. Appropriately managed by a single outpatient pharmacy or primary care
26 physician; or
- 27 2. Indicative of improper, inappropriate, or illegal prescribing or

1 dispensing practices by a practitioner or drug seeking by a Medicaid
2 recipient;

3 (h) A person who receives data or any report of the system from the cabinet shall
4 not provide it to any other person or entity except as provided in this
5 subsection, in another statute, or by order of a court of competent jurisdiction
6 and only to a person or entity authorized to receive the data or the report
7 under this section, except that:

8 1. A person specified in paragraph (f)2. of this subsection who is
9 authorized to receive data or a report may share that information with
10 any other persons specified in paragraph (f)2. of this subsection
11 authorized to receive data or a report if the persons specified in
12 paragraph (f)2. of this subsection are working on a bona fide specific
13 investigation involving a designated person. Both the person providing
14 and the person receiving the data or report under this subparagraph shall
15 document in writing each person to whom the data or report has been
16 given or received and the day, month, and year that the data or report
17 has been given or received. This document shall be maintained in a file
18 by each agency engaged in the investigation;

19 2. A representative of the Department for Medicaid Services may share
20 data or reports regarding overutilization by Medicaid recipients with a
21 board designated in paragraph (f)1. of this subsection, or with a law
22 enforcement officer designated in paragraph (f)2. of this subsection;

23 3. The Department for Medicaid Services may submit the data as evidence
24 in an administrative hearing held in accordance with KRS Chapter 13B;

25 4. If a state licensing board as defined in KRS 218A.205 initiates formal
26 disciplinary proceedings against a licensee, and data obtained by the
27 board is relevant to the charges, the board may provide the data to the

1 licensee and his or her counsel, as part of the notice process required by
2 KRS 13B.050, and admit the data as evidence in an administrative
3 hearing conducted pursuant to KRS Chapter 13B, with the board and
4 licensee taking all necessary steps to prevent further disclosure of the
5 data; and

6 5. A practitioner, pharmacist, or employee who obtains data under
7 paragraph (f)5. of this subsection may share the report with the patient
8 or person authorized to act on the patient's behalf. Any practitioner,
9 pharmacist, or employee who obtains data under paragraph (f)5. of this
10 subsection may place the report in the patient's medical record, in which
11 case the individual report shall then be deemed a medical record subject
12 to disclosure on the same terms and conditions as an ordinary medical
13 record in lieu of the disclosure restrictions otherwise imposed by this
14 section;

15 (i) The cabinet, all peace officers specified in paragraph (f)2. of this subsection,
16 all officers of the court, and all regulatory agencies and officers, in using the
17 data for investigative or prosecution purposes, shall consider the nature of the
18 prescriber's and dispenser's practice and the condition for which the patient is
19 being treated;

20 (j) Intentional failure to comply with the reporting requirements of this
21 subsection shall be a Class B misdemeanor for the first offense and a Class A
22 misdemeanor for each subsequent offense; and

23 (k) If the cabinet becomes aware of a prescriber's or dispenser's failure to comply
24 with this section, the cabinet shall notify the licensing board or agency
25 responsible for licensing the prescriber or dispenser. The licensing board shall
26 treat the notification as a complaint against the license.

27 (4) For the purpose of monitoring the cultivation, processing, production,

1 recommending, and dispensing of medicinal cannabis:

- 2 (a) Every medicinal cannabis practitioner who is authorized pursuant to KRS
3 218B.050 to provide written certifications for the use of medicinal cannabis
4 and every cannabis business licensed under KRS 218B.080, 218B.085, and
5 218B.090 shall register with the cabinet to use the system provided for in this
6 section and shall maintain such registration continuously during the medicinal
7 cannabis practitioner's authorization to provide written certifications or a
8 cannabis business's term of licensure and shall not have to pay a fee or tax
9 specifically dedicated to the operation of the system;
- 10 (b) No later than July 1, 2024, the cabinet shall ensure that the system provided
11 for in this section allows:
- 12 1. Medicinal cannabis practitioners to record the issuance of written
13 certifications to a patient as required by KRS 218B.050;
 - 14 2. The cabinet, law enforcement personnel, and dispensary agents to verify
15 the validity of registry identification cards issued by the cabinet. When
16 verifying the validity of an identification card, the system shall only
17 disclose whether the identification card is valid and whether the
18 cardholder is a registered qualified patient, visiting qualified patient, or
19 designated caregiver;
 - 20 3. Dispensary agents to record the amount of medicinal cannabis that is
21 dispensed to a cardholder during each transaction, as required by KRS
22 218B.110;
 - 23 4. Law enforcement personnel and dispensary agents to access medicinal
24 cannabis sales data recorded by dispensary agents pursuant to KRS
25 218B.110;
 - 26 5. The sharing of dispensing data recorded by dispensary agents, pursuant
27 to KRS 218B.110, with all licensed dispensaries in real time;

- 1 6. Licensed cannabis businesses to record data required by administrative
2 regulations promulgated pursuant to KRS 218B.140 to facilitate the
3 tracking of medicinal cannabis from the point of cultivation to the point
4 of sale to cardholders; and
- 5 7. The cabinet to track all medicinal cannabis in the state from the point of
6 cultivation to the point of sale to a cardholder;
- 7 (c) The cabinet shall only disclose data related to the cultivation, production,
8 recommending, and dispensing of medicinal cannabis to persons and entities
9 authorized to receive that data under this subsection. Disclosure to any other
10 person or entity, including disclosure in the context of a civil action where the
11 disclosure is sought either for the purpose of discovery or for evidence, is
12 prohibited unless specifically authorized by this subsection. The cabinet shall
13 be authorized to provide data to:
 - 14 1. Any person or entity authorized to receive data pursuant to paragraph
15 (b) of this subsection;
 - 16 2. A designated representative of a state licensing board responsible for the
17 licensure, regulation, or discipline of medicinal cannabis practitioners
18 and who is involved in a bona fide specific investigation involving a
19 designated person;
 - 20 3. Employees of the Office of the Inspector General of the cabinet who
21 have successfully completed training for the electronic system and who
22 have been approved to use the system, Kentucky Commonwealth's
23 attorneys and assistant Commonwealth's attorneys, and county attorneys
24 and assistant county attorneys who are engaged in a bona fide specific
25 investigation involving a designated person;
 - 26 4. A properly convened grand jury pursuant to a subpoena properly issued
27 for the records;

- 1 5. A medicinal cannabis practitioner or an employee of a medicinal
2 cannabis practitioner's practice acting under the specific direction of the
3 medicinal cannabis practitioner, who certifies that the request for
4 information is for the purpose of complying with KRS 218B.050(4)(c);
- 5 6. The chief medical officer of a hospital or long-term-care facility, an
6 employee of the hospital or long-term-care facility as designated by the
7 chief medical officer and who is working under his or her specific
8 direction, or a physician designee if the hospital or facility has no chief
9 medical officer, if the officer, employee, or designee certifies that the
10 requested information is for the purpose of providing medical or
11 pharmaceutical treatment to a bona fide current or prospective patient or
12 resident in the hospital or facility;
- 13 7. In addition to the purposes authorized under subparagraph 2. of this
14 paragraph, the Kentucky Board of Medical Licensure, for any physician
15 who is:
- 16 a. Associated in a partnership, other business entity, or supervision
17 agreement established pursuant to KRS 311.854 with a physician
18 who is already under investigation by the Board of Medical
19 Licensure for improper issuance of written certifications;
- 20 b. Associated in a partnership or other business entity with an
21 advanced practice registered nurse who is already under
22 investigation by the Board of Nursing for improper issuance of
23 written certifications;
- 24 c. In a designated geographic area for which a trend report indicates
25 a substantial likelihood that inappropriate issuance of written
26 certifications may be occurring; or
- 27 d. In a designated geographic area for which a report on another

1 physician in that area indicates a substantial likelihood that
2 inappropriate issuance of written certifications may be occurring in
3 that area;

4 8. In addition to the purposes authorized under subparagraph 2. of this
5 paragraph, the Kentucky Board of Nursing, for any advanced practice
6 registered nurse who is:

7 a. Associated in a partnership or other business entity with a
8 physician who is already under investigation by the Kentucky
9 Board of Medical Licensure for improper issuance of written
10 certifications;

11 b. Associated in a partnership or other business entity with an
12 advanced practice registered nurse who is already under
13 investigation by the Board of Nursing for improper issuance of
14 written certifications;

15 c. In a designated geographic area for which a trend report indicates
16 a substantial likelihood that inappropriate issuance of written
17 certifications may be occurring; or

18 d. In a designated geographic area for which a report on another
19 advanced practice registered nurse in that area indicates a
20 substantial likelihood that inappropriate issuance of written
21 certifications may be occurring in that area;

22 9. A judge or a probation or parole officer administering a diversion or
23 probation program of a criminal defendant arising out of a violation of
24 this chapter or of a criminal defendant who is documented by the court
25 as a substance abuser who is eligible to participate in a court-ordered
26 drug diversion or probation program;

27 10. A medical examiner engaged in a death investigation pursuant to KRS

1 72.026; or

2 11. The Legislative Research Commission, the University of Kentucky
3 College of Medicine, or the Kentucky Center for Cannabis established
4 in KRS 164.983 if the cabinet determines that disclosing data related to
5 the cultivation, production, recommending, and dispensing of medicinal
6 cannabis to the Legislative Research Commission, the University of
7 Kentucky College of Medicine, or the Kentucky Center for Cannabis is
8 necessary to comply with the reporting requirements established in KRS
9 218B.020(8); and

10 (d) A person who receives data or any report of the system from the cabinet shall
11 not provide it to any other person or entity except as provided in this section,
12 in another statute, or by order of a court of competent jurisdiction and only to
13 a person or entity authorized to receive the data or the report under this
14 section, except that:

15 1. A person specified in paragraph (c)3. of this subsection who is
16 authorized to receive data or a report may share that information with
17 any other persons specified in paragraph (c)3. of this subsection
18 authorized to receive data or a report if the persons specified in
19 paragraph (c)3. of this subsection are working on a bona fide specific
20 investigation involving a designated person. Both the person providing
21 and the person receiving the data or report under this subparagraph shall
22 document in writing each person to whom the data or report has been
23 given or received and the day, month, and year that the data or report
24 has been given or received. This document shall be maintained in a file
25 by each agency engaged in the investigation;

26 2. If a state licensing board initiates formal disciplinary proceedings
27 against a licensee, and data obtained by the board is relevant to the

1 charges, the board may provide the data to the licensee and his or her
2 counsel, as part of the notice process required by KRS 13B.050, and
3 admit the data as evidence in an administrative hearing conducted
4 pursuant to KRS Chapter 13B, with the board and licensee taking all
5 necessary steps to prevent further disclosure of the data; and

6 3. A medicinal cannabis practitioner or an employee of a medicinal
7 cannabis practitioner's practice acting under the specific direction of the
8 medicinal cannabis practitioner who obtains data under paragraph (c)5.
9 of this subsection may share the report with the patient or person
10 authorized to act on the patient's behalf. Any medicinal cannabis
11 practitioner or employee who obtains data under paragraph (c)5. of this
12 subsection may place the report in the patient's medical record, in which
13 case the individual report shall then be deemed a medical record subject
14 to disclosure on the same terms and conditions as an ordinary medical
15 record in lieu of the disclosure restrictions otherwise imposed by this
16 section.

17 (5) The data contained in, and any report obtained from, the electronic system for
18 monitoring established pursuant to this section shall not be a public record, except
19 that the Department for Medicaid Services may submit the data as evidence in an
20 administrative hearing held in accordance with KRS Chapter 13B.

21 (6) Intentional disclosure of transmitted data to a person not authorized by subsection
22 (3)(f) to (h) or (4)(c) and (d) of this section or authorized by KRS 315.121, or
23 obtaining information under this section not relating to a bona fide current or
24 prospective patient or a bona fide specific investigation, shall be a Class B
25 misdemeanor for the first offense and a Class A misdemeanor for each subsequent
26 offense.

27 (7) The cabinet may, by promulgating an administrative regulation, limit the length of

1 time that data remain in the electronic system. Any data removed from the system
2 shall be archived and subject to retrieval within a reasonable time after a request
3 from a person authorized to review data under this section.

4 (8) (a) The Cabinet for Health and Family Services shall work with each board
5 responsible for the licensure, regulation, or discipline of practitioners,
6 pharmacists, or other persons who are authorized to prescribe, administer, or
7 dispense controlled substances for the development of a continuing education
8 program about the purposes and uses of the electronic system for monitoring
9 established in this section.

10 (b) The cabinet shall work with each board responsible for the licensure,
11 regulation, or discipline of medicinal cannabis practitioners for the
12 development of a continuing education program about the purposes and uses
13 of the electronic system for monitoring established in this section.

14 (c) The cabinet shall work with the Kentucky Bar Association for the
15 development of a continuing education program for attorneys about the
16 purposes and uses of the electronic system for monitoring established in this
17 section.

18 (d) The cabinet shall work with the Justice and Public Safety Cabinet for the
19 development of a continuing education program for law enforcement officers
20 about the purposes and uses of the electronic system for monitoring
21 established in this section.

22 (e) The cabinet shall develop a training program for cannabis business agents
23 about the purposes and uses of the electronic system for monitoring
24 established in this section.

25 (9) The cabinet, Office of Inspector General, shall conduct quarterly reviews to identify
26 patterns of potential improper, inappropriate, or illegal prescribing or dispensing of
27 a controlled substance, issuance of written certifications, or cultivation, processing,

1 or dispensing of medicinal cannabis. The Office of Inspector General may
2 independently investigate and submit findings and recommendations to the
3 appropriate boards of licensure or other reporting agencies.

4 (10) The cabinet shall promulgate administrative regulations to implement the
5 provisions of this section. Included in these administrative regulations shall be:

6 (a) An error resolution process allowing a patient to whom a report had been
7 disclosed under subsections (3) and (4) of this section to request the correction
8 of inaccurate information contained in the system relating to that patient; and

9 (b) A requirement that data be reported to the system under subsection (3)(b) of
10 this section within one (1) day of dispensing.

11 (11) (a) Before July 1, 2018, the Administrative Office of the Courts shall forward
12 data regarding any felony or Class A misdemeanor conviction that involves
13 the trafficking or possession of a controlled substance or other prohibited acts
14 under KRS Chapter 218A for the previous five (5) calendar years to the
15 cabinet for inclusion in the electronic monitoring system established under
16 this section. On or after July 1, 2018, such data shall be forwarded by the
17 Administrative Office of the Courts to the cabinet on a continuing basis. The
18 cabinet shall incorporate the data received into the system so that a query by
19 patient name indicates any prior drug conviction.

20 (b) Before July 1, 2024, the Administrative Office of the Courts shall forward ***all***
21 ***available*** data regarding any disqualifying felony offense for the previous five
22 (5) calendar years to the cabinet for inclusion in the electronic monitoring
23 system established under this section. On or after July 1, 2024, such data shall
24 be forwarded by the Administrative Office of the Courts to the cabinet on a
25 continuing basis. The cabinet shall incorporate the data received into the
26 system so that a query by patient name indicates any prior disqualifying
27 felony conviction.

1 ➔Section 17. KRS 12.020 (Effective until July 1, 2024) is amended to read as
2 follows:

3 Departments, program cabinets and their departments, and the respective major
4 administrative bodies that they include are enumerated in this section. It is not intended
5 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
6 bureau, interstate compact, commission, committee, conference, council, office, or any
7 other form of organization shall be included in or attached to the department or program
8 cabinet in which they are included or to which they are attached by statute or statutorily
9 authorized executive order; except in the case of the Personnel Board and where the
10 attached department or administrative body is headed by a constitutionally elected
11 officer, the attachment shall be solely for the purpose of dissemination of information and
12 coordination of activities and shall not include any authority over the functions,
13 personnel, funds, equipment, facilities, or records of the department or administrative
14 body.

15 I. Cabinet for General Government - Departments headed by elected officers:

- 16 (1) The Governor.
17 (2) Lieutenant Governor.
18 (3) Department of State.
19 (a) Secretary of State.
20 (b) Board of Elections.
21 (c) Registry of Election Finance.
22 (4) Department of Law.
23 (a) Attorney General.
24 (5) Department of the Treasury.
25 (a) Treasurer.
26 (6) Department of Agriculture.
27 (a) Commissioner of Agriculture.

- 1 (b) Agricultural Development Board.
- 2 (c) Kentucky Agricultural Finance Corporation.
- 3 (7) Auditor of Public Accounts.
- 4 II. Program cabinets headed by appointed officers:
- 5 (1) Justice and Public Safety Cabinet:
- 6 (a) Department of Kentucky State Police.
- 7 1. Office of Administrative Services.
- 8 a. Division of Operational Support.
- 9 b. Division of Management Services.
- 10 2. Office of Operations.
- 11 a. Division of West Troops.
- 12 b. Division of East Troops.
- 13 c. Division of Special Enforcement.
- 14 d. Division of Commercial Vehicle Enforcement.
- 15 3. Office of Technical Services.
- 16 a. Division of Forensic Sciences.
- 17 b. Division of Electronic Services.
- 18 c. Division of Records Management.
- 19 (b) Department of Criminal Justice Training.
- 20 (c) Department of Corrections.
- 21 (d) Department of Juvenile Justice.
- 22 (e) Office of the Secretary.
- 23 (f) Office of Drug Control Policy.
- 24 (g) Office of Legal Services.
- 25 (h) Office of the Kentucky State Medical Examiner.
- 26 (i) Parole Board.
- 27 (j) Kentucky State Corrections Commission.

- 1 (k) Office of Legislative and Intergovernmental Services.
- 2 (l) Office of Human Resource Management.
- 3 1. Division of Human Resource Administration.
- 4 2. Division of Employee Management.
- 5 (m) Department of Public Advocacy.
- 6 (n) Office of Communications.
- 7 1. Information Technology Services Division.
- 8 (o) Office of Financial Management Services.
- 9 1. Division of Financial Management.
- 10 (p) Grants Management Division.
- 11 (2) Energy and Environment Cabinet:
- 12 (a) Office of the Secretary.
- 13 1. Office of Legislative and Intergovernmental Affairs.
- 14 2. Office of Legal Services.
- 15 a. Legal Division I.
- 16 b. Legal Division II.
- 17 3. Office of Administrative Hearings.
- 18 4. Office of Communication.
- 19 5. Mine Safety Review Commission.
- 20 6. Office of Kentucky Nature Preserves.
- 21 7. Kentucky Public Service Commission.
- 22 (b) Department for Environmental Protection.
- 23 1. Office of the Commissioner.
- 24 2. Division for Air Quality.
- 25 3. Division of Water.
- 26 4. Division of Environmental Program Support.
- 27 5. Division of Waste Management.

- 1 6. Division of Enforcement.
- 2 7. Division of Compliance Assistance.
- 3 (c) Department for Natural Resources.
- 4 1. Office of the Commissioner.
- 5 2. Division of Mine Permits.
- 6 3. Division of Mine Reclamation and Enforcement.
- 7 4. Division of Abandoned Mine Lands.
- 8 5. Division of Oil and Gas.
- 9 6. Division of Mine Safety.
- 10 7. Division of Forestry.
- 11 8. Division of Conservation.
- 12 9. Office of the Reclamation Guaranty Fund.
- 13 (d) Office of Energy Policy.
- 14 1. Division of Energy Assistance.
- 15 (e) Office of Administrative Services.
- 16 1. Division of Human Resources Management.
- 17 2. Division of Financial Management.
- 18 3. Division of Information Services.
- 19 (3) Public Protection Cabinet.
- 20 (a) Office of the Secretary.
- 21 1. Office of Communications and Public Outreach.
- 22 2. Office of Legal Services.
- 23 a. Insurance Legal Division.
- 24 b. Charitable Gaming Legal Division.
- 25 c. Alcoholic Beverage Control Legal Division.
- 26 d. Housing, Buildings and Construction Legal Division.
- 27 e. Financial Institutions Legal Division.

- 1 f. Professional Licensing Legal Division.
- 2 3. Office of Administrative Hearings.
- 3 4. Office of Administrative Services.
- 4 a. Division of Human Resources.
- 5 b. Division of Fiscal Responsibility.
- 6 (b) Office of Claims and Appeals.
- 7 1. Board of Tax Appeals.
- 8 2. Board of Claims.
- 9 3. Crime Victims Compensation Board.
- 10 (c) Kentucky Boxing and Wrestling Commission.
- 11 (d) Kentucky Horse Racing Commission.
- 12 1. Office of Executive Director.
- 13 a. Division of Pari-mutuel Wagering and Compliance.
- 14 b. Division of Stewards.
- 15 c. Division of Licensing.
- 16 d. Division of Enforcement.
- 17 e. Division of Incentives and Development.
- 18 f. Division of Veterinary Services.
- 19 (e) Department of Alcoholic Beverage Control.
- 20 1. Division of Distilled Spirits.
- 21 2. Division of Malt Beverages.
- 22 3. Division of Enforcement.
- 23 (f) Department of Charitable Gaming.
- 24 1. Division of Licensing and Compliance.
- 25 2. Division of Enforcement.
- 26 (g) Department of Financial Institutions.
- 27 1. Division of Depository Institutions.

- 1 2. Division of Non-Depository Institutions.
- 2 3. Division of Securities.
- 3 (h) Department of Housing, Buildings and Construction.
- 4 1. Division of Fire Prevention.
- 5 2. Division of Plumbing.
- 6 3. Division of Heating, Ventilation, and Air Conditioning.
- 7 4. Division of Building Code Enforcement.
- 8 (i) Department of Insurance.
- 9 1. Division of Health and Life Insurance and Managed Care.
- 10 2. Division of Property and Casualty Insurance.
- 11 3. Division of Administrative Services.
- 12 4. Division of Financial Standards and Examination.
- 13 5. Division of Licensing.
- 14 6. Division of Insurance Fraud Investigation.
- 15 7. Division of Consumer Protection.
- 16 (j) Department of Professional Licensing.
- 17 1. Real Estate Authority.
- 18 (4) Transportation Cabinet:
- 19 (a) Department of Highways.
- 20 1. Office of Project Development.
- 21 2. Office of Project Delivery and Preservation.
- 22 3. Office of Highway Safety.
- 23 4. Highway District Offices One through Twelve.
- 24 (b) Department of Vehicle Regulation.
- 25 (c) Department of Aviation.
- 26 (d) Department of Rural and Municipal Aid.
- 27 1. Office of Local Programs.

- 1 2. Office of Rural and Secondary Roads.
- 2 (e) Office of the Secretary.
- 3 1. Office of Public Affairs.
- 4 2. Office for Civil Rights and Small Business Development.
- 5 3. Office of Budget and Fiscal Management.
- 6 4. Office of Inspector General.
- 7 5. Secretary's Office of Safety.
- 8 (f) Office of Support Services.
- 9 (g) Office of Transportation Delivery.
- 10 (h) Office of Audits.
- 11 (i) Office of Human Resource Management.
- 12 (j) Office of Information Technology.
- 13 (k) Office of Legal Services.
- 14 (5) Cabinet for Economic Development:
- 15 (a) Office of the Secretary.
- 16 1. Office of Legal Services.
- 17 2. Department for Business and Community Development.
- 18 a. Development and Retention Division - West Kentucky.
- 19 b. Development, Retention, and Administrative Division -
- 20 Central and East Kentucky.
- 21 c. Community and Workforce Development Division.
- 22 3. Department for Financial Services.
- 23 a. Kentucky Economic Development Finance Authority.
- 24 b. Finance and Personnel Division.
- 25 c. IT and Resource Management Division.
- 26 d. Compliance Division.
- 27 e. Program Administration Division.

- 1 f. Bluegrass State Skills Corporation.
- 2 4. Office of Strategy and Public Affairs.
- 3 a. Marketing and Communications Division.
- 4 b. Research and Strategy Division.
- 5 5. Office of Entrepreneurship and Innovation.
- 6 a. Commission on Small Business Innovation and Advocacy.
- 7 (6) Cabinet for Health and Family Services:
- 8 (a) Office of the Secretary.
- 9 1. Office of the Ombudsman and Administrative Review.
- 10 2. Office of Public Affairs.
- 11 3. Office of Legal Services.
- 12 4. Office of Inspector General.
- 13 5. Office of Human Resource Management.
- 14 6. Office of Finance and Budget.
- 15 7. Office of Legislative and Regulatory Affairs.
- 16 8. Office of Administrative Services.
- 17 9. Office of Application Technology Services.
- 18 10. Office of Data Analytics.
- 19 **11. Office of Medical Cannabis.**
- 20 **a. Division of Enforcement and Compliance.**
- 21 **b. Division of Licensure and Access.**
- 22 (b) Department for Public Health.
- 23 (c) Department for Medicaid Services.
- 24 (d) Department for Behavioral Health, Developmental and Intellectual
- 25 Disabilities.
- 26 (e) Department for Aging and Independent Living.
- 27 (f) Department for Community Based Services.

- 1 (g) Department for Income Support.
- 2 (h) Department for Family Resource Centers and Volunteer Services.
- 3 (i) Office for Children with Special Health Care Needs.
- 4 (7) Finance and Administration Cabinet:
- 5 (a) Office of the Secretary.
- 6 (b) Office of the Inspector General.
- 7 (c) Office of Legislative and Intergovernmental Affairs.
- 8 (d) Office of General Counsel.
- 9 (e) Office of the Controller.
- 10 (f) Office of Administrative Services.
- 11 (g) Office of Policy and Audit.
- 12 (h) Department for Facilities and Support Services.
- 13 (i) Department of Revenue.
- 14 (j) Commonwealth Office of Technology.
- 15 (k) State Property and Buildings Commission.
- 16 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 17 (m) Kentucky Employees Retirement Systems.
- 18 (n) Commonwealth Credit Union.
- 19 (o) State Investment Commission.
- 20 (p) Kentucky Housing Corporation.
- 21 (q) Kentucky Local Correctional Facilities Construction Authority.
- 22 (r) Kentucky Turnpike Authority.
- 23 (s) Historic Properties Advisory Commission.
- 24 (t) Kentucky Higher Education Assistance Authority.
- 25 (u) Kentucky River Authority.
- 26 (v) Kentucky Teachers' Retirement System Board of Trustees.
- 27 (w) Executive Branch Ethics Commission.

- 1 (x) Office of Fleet Management.
- 2 (8) Tourism, Arts and Heritage Cabinet:
- 3 (a) Kentucky Department of Tourism.
- 4 1. Division of Tourism Services.
- 5 2. Division of Marketing and Administration.
- 6 3. Division of Communications and Promotions.
- 7 (b) Kentucky Department of Parks.
- 8 1. Division of Information Technology.
- 9 2. Division of Human Resources.
- 10 3. Division of Financial Operations.
- 11 4. Division of Purchasing.
- 12 5. Division of Facilities.
- 13 6. Division of Park Operations.
- 14 7. Division of Sales, Marketing, and Customer Service.
- 15 8. Division of Engagement.
- 16 9. Division of Food Services.
- 17 10. Division of Rangers.
- 18 (c) Department of Fish and Wildlife Resources.
- 19 1. Division of Law Enforcement.
- 20 2. Division of Administrative Services.
- 21 3. Division of Engineering, Infrastructure, and Technology.
- 22 4. Division of Fisheries.
- 23 5. Division of Information and Education.
- 24 6. Division of Wildlife.
- 25 7. Division of Marketing.
- 26 (d) Kentucky Horse Park.
- 27 1. Division of Support Services.

- 1 2. Division of Buildings and Grounds.
- 2 3. Division of Operational Services.
- 3 (e) Kentucky State Fair Board.
- 4 1. Office of Administrative and Information Technology Services.
- 5 2. Office of Human Resources and Access Control.
- 6 3. Division of Expositions.
- 7 4. Division of Kentucky Exposition Center Operations.
- 8 5. Division of Kentucky International Convention Center.
- 9 6. Division of Public Relations and Media.
- 10 7. Division of Venue Services.
- 11 8. Division of Personnel Management and Staff Development.
- 12 9. Division of Sales.
- 13 10. Division of Security and Traffic Control.
- 14 11. Division of Information Technology.
- 15 12. Division of the Louisville Arena.
- 16 13. Division of Fiscal and Contract Management.
- 17 14. Division of Access Control.
- 18 (f) Office of the Secretary.
- 19 1. Office of Finance.
- 20 2. Office of Government Relations and Administration.
- 21 (g) Office of Legal Affairs.
- 22 (h) Office of Human Resources.
- 23 (i) Office of Public Affairs and Constituent Services.
- 24 (j) Office of Arts and Cultural Heritage.
- 25 (k) Kentucky African-American Heritage Commission.
- 26 (l) Kentucky Foundation for the Arts.
- 27 (m) Kentucky Humanities Council.

- 1 (n) Kentucky Heritage Council.
- 2 (o) Kentucky Arts Council.
- 3 (p) Kentucky Historical Society.
- 4 1. Division of Museums.
- 5 2. Division of Oral History and Educational Outreach.
- 6 3. Division of Research and Publications.
- 7 4. Division of Administration.
- 8 (q) Kentucky Center for the Arts.
- 9 1. Division of Governor's School for the Arts.
- 10 (r) Kentucky Artisans Center at Berea.
- 11 (s) Northern Kentucky Convention Center.
- 12 (t) Eastern Kentucky Exposition Center.
- 13 (9) Personnel Cabinet:
- 14 (a) Office of the Secretary.
- 15 (b) Department of Human Resources Administration.
- 16 (c) Office of Employee Relations.
- 17 (d) Kentucky Public Employees Deferred Compensation Authority.
- 18 (e) Office of Administrative Services.
- 19 (f) Office of Legal Services.
- 20 (g) Governmental Services Center.
- 21 (h) Department of Employee Insurance.
- 22 (i) Office of Diversity, Equality, and Training.
- 23 (j) Office of Public Affairs.
- 24 (10) Education and Labor Cabinet:
- 25 (a) Office of the Secretary.
- 26 1. Office of Legal Services.
- 27 a. Workplace Standards Legal Division.

- 1 b. Workers' Claims Legal Division.
- 2 c. Workforce Development Legal Division.
- 3 2. Office of Administrative Services.
- 4 a. Division of Human Resources Management.
- 5 b. Division of Fiscal Management.
- 6 c. Division of Operations and Support Services.
- 7 3. Office of Technology Services.
- 8 a. Division of Information Technology Services.
- 9 4. Office of Policy and Audit.
- 10 5. Office of Legislative Services.
- 11 6. Office of Communications.
- 12 7. Office of the Kentucky Center for Statistics.
- 13 8. Board of the Kentucky Center for Statistics.
- 14 9. Early Childhood Advisory Council.
- 15 10. Governors' Scholars Program.
- 16 11. Governor's School for Entrepreneurs Program.
- 17 12. Foundation for Adult Education.
- 18 (b) Department of Education.
- 19 1. Kentucky Board of Education.
- 20 2. Kentucky Technical Education Personnel Board.
- 21 3. Education Professional Standards Board.
- 22 (c) Board of Directors for the Center for School Safety.
- 23 (d) Department for Libraries and Archives.
- 24 (e) Kentucky Environmental Education Council.
- 25 (f) Kentucky Educational Television.
- 26 (g) Kentucky Commission on the Deaf and Hard of Hearing.
- 27 (h) Department of Workforce Development.

- 1 1. Career Development Office.
- 2 2. Office of Vocational Rehabilitation.
 - 3 a. Division of Kentucky Business Enterprise.
 - 4 b. Division of the Carl D. Perkins Vocational Training Center.
 - 5 c. Division of Blind Services.
 - 6 d. Division of Field Services.
 - 7 e. Statewide Council for Vocational Rehabilitation.
 - 8 f. Employment First Council.
- 9 3. Office of Employer and Apprenticeship Services.
 - 10 a. Division of Apprenticeship.
 - 11 4. Kentucky Apprenticeship Council.
 - 12 5. Division of Technical Assistance.
 - 13 6. Office of Adult Education.
 - 14 7. Office of the Kentucky Workforce Innovation Board.
- 15 (i) Department of Workplace Standards.
 - 16 1. Division of Occupational Safety and Health Compliance.
 - 17 2. Division of Occupational Safety and Health Education and
 - 18 Training.
 - 19 3. Division of Wages and Hours.
- 20 (j) Office of Unemployment Insurance.
- 21 (k) Kentucky Unemployment Insurance Commission.
- 22 (l) Department of Workers' Claims.
 - 23 1. Division of Workers' Compensation Funds.
 - 24 2. Office of Administrative Law Judges.
 - 25 3. Division of Claims Processing.
 - 26 4. Division of Security and Compliance.
 - 27 5. Division of Specialist and Medical Services.

- 1 6. Workers' Compensation Board.
- 2 (m) Workers' Compensation Funding Commission.
- 3 (n) Kentucky Occupational Safety and Health Standards Board.
- 4 (o) State Labor Relations Board.
- 5 (p) Employers' Mutual Insurance Authority.
- 6 (q) Kentucky Occupational Safety and Health Review Commission.
- 7 (r) Workers' Compensation Nominating Committee.
- 8 (s) Office of Educational Programs.
- 9 (t) Kentucky Workforce Innovation Board.
- 10 (u) Kentucky Commission on Proprietary Education.
- 11 (v) Kentucky Work Ready Skills Advisory Committee.
- 12 (w) Kentucky Geographic Education Board.

13 III. Other departments headed by appointed officers:

- 14 (1) Council on Postsecondary Education.
- 15 (2) Department of Military Affairs.
- 16 (3) Department for Local Government.
- 17 (4) Kentucky Commission on Human Rights.
- 18 (5) Kentucky Commission on Women.
- 19 (6) Department of Veterans' Affairs.
- 20 (7) Kentucky Commission on Military Affairs.
- 21 (8) Office of Minority Empowerment.
- 22 (9) Governor's Council on Wellness and Physical Activity.
- 23 (10) Kentucky Communications Network Authority.

24 ➔Section 18. KRS 12.020 (Effective between July 1, 2024, and July 1, 2025) is
25 amended to read as follows:

26 Departments, program cabinets and their departments, and the respective major
27 administrative bodies that they include are enumerated in this section. It is not intended

1 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
2 bureau, interstate compact, commission, committee, conference, council, office, or any
3 other form of organization shall be included in or attached to the department or program
4 cabinet in which they are included or to which they are attached by statute or statutorily
5 authorized executive order; except in the case of the Personnel Board and where the
6 attached department or administrative body is headed by a constitutionally elected
7 officer, the attachment shall be solely for the purpose of dissemination of information and
8 coordination of activities and shall not include any authority over the functions,
9 personnel, funds, equipment, facilities, or records of the department or administrative
10 body.

11 I. Cabinet for General Government - Departments headed by elected officers:

- 12 (1) The Governor.
- 13 (2) Lieutenant Governor.
- 14 (3) Department of State.
 - 15 (a) Secretary of State.
 - 16 (b) Board of Elections.
 - 17 (c) Registry of Election Finance.
- 18 (4) Department of Law.
 - 19 (a) Attorney General.
- 20 (5) Department of the Treasury.
 - 21 (a) Treasurer.
- 22 (6) Department of Agriculture.
 - 23 (a) Commissioner of Agriculture.
 - 24 (b) Agricultural Development Board.
 - 25 (c) Kentucky Agricultural Finance Corporation.
- 26 (7) Auditor of Public Accounts.
 - 27 (a) Commonwealth Office of the Ombudsman.

- 1 II. Program cabinets headed by appointed officers:
- 2 (1) Justice and Public Safety Cabinet:
- 3 (a) Department of Kentucky State Police.
- 4 1. Office of Administrative Services.
- 5 a. Division of Operational Support.
- 6 b. Division of Management Services.
- 7 2. Office of Operations.
- 8 a. Division of West Troops.
- 9 b. Division of East Troops.
- 10 c. Division of Special Enforcement.
- 11 d. Division of Commercial Vehicle Enforcement.
- 12 3. Office of Technical Services.
- 13 a. Division of Forensic Sciences.
- 14 b. Division of Electronic Services.
- 15 c. Division of Records Management.
- 16 (b) Department of Criminal Justice Training.
- 17 (c) Department of Corrections.
- 18 (d) Department of Juvenile Justice.
- 19 (e) Office of the Secretary.
- 20 (f) Office of Drug Control Policy.
- 21 (g) Office of Legal Services.
- 22 (h) Office of the Kentucky State Medical Examiner.
- 23 (i) Parole Board.
- 24 (j) Kentucky State Corrections Commission.
- 25 (k) Office of Legislative and Intergovernmental Services.
- 26 (l) Office of Human Resource Management.
- 27 1. Division of Human Resource Administration.

- 1 2. Division of Employee Management.
- 2 (m) Department of Public Advocacy.
- 3 (n) Office of Communications.
- 4 1. Information Technology Services Division.
- 5 (o) Office of Financial Management Services.
- 6 1. Division of Financial Management.
- 7 (p) Grants Management Division.
- 8 (2) Energy and Environment Cabinet:
- 9 (a) Office of the Secretary.
- 10 1. Office of Legislative and Intergovernmental Affairs.
- 11 2. Office of Legal Services.
- 12 a. Legal Division I.
- 13 b. Legal Division II.
- 14 3. Office of Administrative Hearings.
- 15 4. Office of Communication.
- 16 5. Mine Safety Review Commission.
- 17 6. Office of Kentucky Nature Preserves.
- 18 7. Kentucky Public Service Commission.
- 19 (b) Department for Environmental Protection.
- 20 1. Office of the Commissioner.
- 21 2. Division for Air Quality.
- 22 3. Division of Water.
- 23 4. Division of Environmental Program Support.
- 24 5. Division of Waste Management.
- 25 6. Division of Enforcement.
- 26 7. Division of Compliance Assistance.
- 27 (c) Department for Natural Resources.

- 1 1. Office of the Commissioner.
- 2 2. Division of Mine Permits.
- 3 3. Division of Mine Reclamation and Enforcement.
- 4 4. Division of Abandoned Mine Lands.
- 5 5. Division of Oil and Gas.
- 6 6. Division of Mine Safety.
- 7 7. Division of Forestry.
- 8 8. Division of Conservation.
- 9 9. Office of the Reclamation Guaranty Fund.
- 10 (d) Office of Energy Policy.
 - 11 1. Division of Energy Assistance.
- 12 (e) Office of Administrative Services.
 - 13 1. Division of Human Resources Management.
 - 14 2. Division of Financial Management.
 - 15 3. Division of Information Services.
- 16 (3) Public Protection Cabinet.
 - 17 (a) Office of the Secretary.
 - 18 1. Office of Communications and Public Outreach.
 - 19 2. Office of Legal Services.
 - 20 a. Insurance Legal Division.
 - 21 b. Charitable Gaming Legal Division.
 - 22 c. Alcoholic Beverage Control Legal Division.
 - 23 d. Housing, Buildings and Construction Legal Division.
 - 24 e. Financial Institutions Legal Division.
 - 25 f. Professional Licensing Legal Division.
 - 26 3. Office of Administrative Hearings.
 - 27 4. Office of Administrative Services.

- 1 a. Division of Human Resources.
- 2 b. Division of Fiscal Responsibility.
- 3 (b) Office of Claims and Appeals.
- 4 1. Board of Tax Appeals.
- 5 2. Board of Claims.
- 6 3. Crime Victims Compensation Board.
- 7 (c) Kentucky Boxing and Wrestling Commission.
- 8 (d) Kentucky Horse Racing Commission.
- 9 1. Office of Executive Director.
- 10 a. Division of Pari-mutuel Wagering and Compliance.
- 11 b. Division of Stewards.
- 12 c. Division of Licensing.
- 13 d. Division of Enforcement.
- 14 e. Division of Incentives and Development.
- 15 f. Division of Veterinary Services.
- 16 (e) Department of Alcoholic Beverage Control.
- 17 1. Division of Distilled Spirits.
- 18 2. Division of Malt Beverages.
- 19 3. Division of Enforcement.
- 20 (f) Department of Charitable Gaming.
- 21 1. Division of Licensing and Compliance.
- 22 2. Division of Enforcement.
- 23 (g) Department of Financial Institutions.
- 24 1. Division of Depository Institutions.
- 25 2. Division of Non-Depository Institutions.
- 26 3. Division of Securities.
- 27 (h) Department of Housing, Buildings and Construction.

- 1 1. Division of Fire Prevention.
- 2 2. Division of Plumbing.
- 3 3. Division of Heating, Ventilation, and Air Conditioning.
- 4 4. Division of Building Code Enforcement.
- 5 (i) Department of Insurance.
- 6 1. Division of Health and Life Insurance and Managed Care.
- 7 2. Division of Property and Casualty Insurance.
- 8 3. Division of Administrative Services.
- 9 4. Division of Financial Standards and Examination.
- 10 5. Division of Licensing.
- 11 6. Division of Insurance Fraud Investigation.
- 12 7. Division of Consumer Protection.
- 13 (j) Department of Professional Licensing.
- 14 1. Real Estate Authority.
- 15 (4) Transportation Cabinet:
- 16 (a) Department of Highways.
- 17 1. Office of Project Development.
- 18 2. Office of Project Delivery and Preservation.
- 19 3. Office of Highway Safety.
- 20 4. Highway District Offices One through Twelve.
- 21 (b) Department of Vehicle Regulation.
- 22 (c) Department of Aviation.
- 23 (d) Department of Rural and Municipal Aid.
- 24 1. Office of Local Programs.
- 25 2. Office of Rural and Secondary Roads.
- 26 (e) Office of the Secretary.
- 27 1. Office of Public Affairs.

- 1 2. Office for Civil Rights and Small Business Development.
- 2 3. Office of Budget and Fiscal Management.
- 3 4. Office of Inspector General.
- 4 5. Secretary's Office of Safety.
- 5 (f) Office of Support Services.
- 6 (g) Office of Transportation Delivery.
- 7 (h) Office of Audits.
- 8 (i) Office of Human Resource Management.
- 9 (j) Office of Information Technology.
- 10 (k) Office of Legal Services.
- 11 (5) Cabinet for Economic Development:
- 12 (a) Office of the Secretary.
- 13 1. Office of Legal Services.
- 14 2. Department for Business and Community Development.
- 15 a. Development and Retention Division – West Kentucky.
- 16 b. Development, Retention, and Administrative Division –
- 17 Central and East Kentucky.
- 18 c. Community and Workforce Development Division.
- 19 3. Department for Financial Services.
- 20 a. Kentucky Economic Development Finance Authority.
- 21 b. Finance and Personnel Division.
- 22 c. IT and Resource Management Division.
- 23 d. Compliance Division.
- 24 e. Program Administration Division.
- 25 f. Bluegrass State Skills Corporation.
- 26 4. Office of Strategy and Public Affairs.
- 27 a. Marketing and Communications Division.

- 1 b. Research and Strategy Division.
- 2 5. Office of Entrepreneurship and Innovation.
- 3 a. Commission on Small Business Innovation and Advocacy.
- 4 (6) Cabinet for Health and Family Services:
- 5 (a) Office of the Secretary.
- 6 1. Office of Public Affairs.
- 7 2. Office of Legal Services.
- 8 3. Office of Inspector General.
- 9 4. Office of Human Resource Management.
- 10 5. Office of Finance and Budget.
- 11 6. Office of Legislative and Regulatory Affairs.
- 12 7. Office of Administrative Services.
- 13 8. Office of Application Technology Services.
- 14 9. Office of Data Analytics.
- 15 **10. Office of Medical Cannabis.**
- 16 **a. Division of Enforcement and Compliance.**
- 17 **b. Division of Licensure and Access.**
- 18 (b) Department for Public Health.
- 19 (c) Department for Medicaid Services.
- 20 (d) Department for Behavioral Health, Developmental and Intellectual
- 21 Disabilities.
- 22 (e) Department for Aging and Independent Living.
- 23 (f) Department for Community Based Services.
- 24 (g) Department for Income Support.
- 25 (h) Department for Family Resource Centers and Volunteer Services.
- 26 (7) Finance and Administration Cabinet:
- 27 (a) Office of the Secretary.

- 1 (b) Office of the Inspector General.
- 2 (c) Office of Legislative and Intergovernmental Affairs.
- 3 (d) Office of General Counsel.
- 4 (e) Office of the Controller.
- 5 (f) Office of Administrative Services.
- 6 (g) Office of Policy and Audit.
- 7 (h) Department for Facilities and Support Services.
- 8 (i) Department of Revenue.
- 9 (j) Commonwealth Office of Technology.
- 10 (k) State Property and Buildings Commission.
- 11 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 12 (m) Kentucky Employees Retirement Systems.
- 13 (n) Commonwealth Credit Union.
- 14 (o) State Investment Commission.
- 15 (p) Kentucky Housing Corporation.
- 16 (q) Kentucky Local Correctional Facilities Construction Authority.
- 17 (r) Kentucky Turnpike Authority.
- 18 (s) Historic Properties Advisory Commission.
- 19 (t) Kentucky Higher Education Assistance Authority.
- 20 (u) Kentucky River Authority.
- 21 (v) Kentucky Teachers' Retirement System Board of Trustees.
- 22 (w) Executive Branch Ethics Commission.
- 23 (x) Office of Fleet Management.
- 24 (8) Tourism, Arts and Heritage Cabinet:
 - 25 (a) Kentucky Department of Tourism.
 - 26 1. Division of Tourism Services.
 - 27 2. Division of Marketing and Administration.

- 1 3. Division of Communications and Promotions.
- 2 (b) Kentucky Department of Parks.
- 3 1. Division of Information Technology.
- 4 2. Division of Human Resources.
- 5 3. Division of Financial Operations.
- 6 4. Division of Purchasing.
- 7 5. Division of Facilities.
- 8 6. Division of Park Operations.
- 9 7. Division of Sales, Marketing, and Customer Service.
- 10 8. Division of Engagement.
- 11 9. Division of Food Services.
- 12 10. Division of Rangers.
- 13 (c) Department of Fish and Wildlife Resources.
- 14 1. Division of Law Enforcement.
- 15 2. Division of Administrative Services.
- 16 3. Division of Engineering, Infrastructure, and Technology.
- 17 4. Division of Fisheries.
- 18 5. Division of Information and Education.
- 19 6. Division of Wildlife.
- 20 7. Division of Marketing.
- 21 (d) Kentucky Horse Park.
- 22 1. Division of Support Services.
- 23 2. Division of Buildings and Grounds.
- 24 3. Division of Operational Services.
- 25 (e) Kentucky State Fair Board.
- 26 1. Office of Administrative and Information Technology Services.
- 27 2. Office of Human Resources and Access Control.

- 1 3. Division of Expositions.
- 2 4. Division of Kentucky Exposition Center Operations.
- 3 5. Division of Kentucky International Convention Center.
- 4 6. Division of Public Relations and Media.
- 5 7. Division of Venue Services.
- 6 8. Division of Personnel Management and Staff Development.
- 7 9. Division of Sales.
- 8 10. Division of Security and Traffic Control.
- 9 11. Division of Information Technology.
- 10 12. Division of the Louisville Arena.
- 11 13. Division of Fiscal and Contract Management.
- 12 14. Division of Access Control.
- 13 (f) Office of the Secretary.
 - 14 1. Office of Finance.
 - 15 2. Office of Government Relations and Administration.
- 16 (g) Office of Legal Affairs.
- 17 (h) Office of Human Resources.
- 18 (i) Office of Public Affairs and Constituent Services.
- 19 (j) Office of Arts and Cultural Heritage.
- 20 (k) Kentucky African-American Heritage Commission.
- 21 (l) Kentucky Foundation for the Arts.
- 22 (m) Kentucky Humanities Council.
- 23 (n) Kentucky Heritage Council.
- 24 (o) Kentucky Arts Council.
- 25 (p) Kentucky Historical Society.
 - 26 1. Division of Museums.
 - 27 2. Division of Oral History and Educational Outreach.

- 1 3. Division of Research and Publications.
- 2 4. Division of Administration.
- 3 (q) Kentucky Center for the Arts.
- 4 1. Division of Governor's School for the Arts.
- 5 (r) Kentucky Artisans Center at Berea.
- 6 (s) Northern Kentucky Convention Center.
- 7 (t) Eastern Kentucky Exposition Center.
- 8 (9) Personnel Cabinet:
- 9 (a) Office of the Secretary.
- 10 (b) Department of Human Resources Administration.
- 11 (c) Office of Employee Relations.
- 12 (d) Kentucky Public Employees Deferred Compensation Authority.
- 13 (e) Office of Administrative Services.
- 14 (f) Office of Legal Services.
- 15 (g) Governmental Services Center.
- 16 (h) Department of Employee Insurance.
- 17 (i) Office of Diversity, Equality, and Training.
- 18 (j) Office of Public Affairs.
- 19 (10) Education and Labor Cabinet:
- 20 (a) Office of the Secretary.
- 21 1. Office of Legal Services.
- 22 a. Workplace Standards Legal Division.
- 23 b. Workers' Claims Legal Division.
- 24 c. Workforce Development Legal Division.
- 25 2. Office of Administrative Services.
- 26 a. Division of Human Resources Management.
- 27 b. Division of Fiscal Management.

- 1 c. Division of Operations and Support Services.
- 2 3. Office of Technology Services.
- 3 a. Division of Information Technology Services.
- 4 4. Office of Policy and Audit.
- 5 5. Office of Legislative Services.
- 6 6. Office of Communications.
- 7 7. Office of the Kentucky Center for Statistics.
- 8 8. Board of the Kentucky Center for Statistics.
- 9 9. Early Childhood Advisory Council.
- 10 10. Governors' Scholars Program.
- 11 11. Governor's School for Entrepreneurs Program.
- 12 12. Foundation for Adult Education.
- 13 (b) Department of Education.
- 14 1. Kentucky Board of Education.
- 15 2. Kentucky Technical Education Personnel Board.
- 16 3. Education Professional Standards Board.
- 17 (c) Board of Directors for the Center for School Safety.
- 18 (d) Department for Libraries and Archives.
- 19 (e) Kentucky Environmental Education Council.
- 20 (f) Kentucky Educational Television.
- 21 (g) Kentucky Commission on the Deaf and Hard of Hearing.
- 22 (h) Department of Workforce Development.
- 23 1. Career Development Office.
- 24 2. Office of Vocational Rehabilitation.
- 25 a. Division of Kentucky Business Enterprise.
- 26 b. Division of the Carl D. Perkins Vocational Training Center.
- 27 c. Division of Blind Services.

- 1 d. Division of Field Services.
- 2 e. Statewide Council for Vocational Rehabilitation.
- 3 f. Employment First Council.
- 4 3. Office of Employer and Apprenticeship Services.
 - 5 a. Division of Apprenticeship.
 - 6 4. Kentucky Apprenticeship Council.
 - 7 5. Division of Technical Assistance.
 - 8 6. Office of Adult Education.
 - 9 7. Office of the Kentucky Workforce Innovation Board.
- 10 (i) Department of Workplace Standards.
 - 11 1. Division of Occupational Safety and Health Compliance.
 - 12 2. Division of Occupational Safety and Health Education and
13 Training.
 - 14 3. Division of Wages and Hours.
- 15 (j) Office of Unemployment Insurance.
- 16 (k) Kentucky Unemployment Insurance Commission.
- 17 (l) Department of Workers' Claims.
 - 18 1. Division of Workers' Compensation Funds.
 - 19 2. Office of Administrative Law Judges.
 - 20 3. Division of Claims Processing.
 - 21 4. Division of Security and Compliance.
 - 22 5. Division of Specialist and Medical Services.
 - 23 6. Workers' Compensation Board.
- 24 (m) Workers' Compensation Funding Commission.
- 25 (n) Kentucky Occupational Safety and Health Standards Board.
- 26 (o) State Labor Relations Board.
- 27 (p) Employers' Mutual Insurance Authority.

- 1 (q) Kentucky Occupational Safety and Health Review Commission.
- 2 (r) Workers' Compensation Nominating Committee.
- 3 (s) Office of Educational Programs.
- 4 (t) Kentucky Workforce Innovation Board.
- 5 (u) Kentucky Commission on Proprietary Education.
- 6 (v) Kentucky Work Ready Skills Advisory Committee.
- 7 (w) Kentucky Geographic Education Board.
- 8 (x) Disability Determination Services Program.

9 III. Other departments headed by appointed officers:

- 10 (1) Council on Postsecondary Education.
- 11 (2) Department of Military Affairs.
- 12 (3) Department for Local Government.
- 13 (4) Kentucky Commission on Human Rights.
- 14 (5) Kentucky Commission on Women.
- 15 (6) Department of Veterans' Affairs.
- 16 (7) Kentucky Commission on Military Affairs.
- 17 (8) Office of Minority Empowerment.
- 18 (9) Governor's Council on Wellness and Physical Activity.
- 19 (10) Kentucky Communications Network Authority.

20 ➔Section 19. KRS 12.020 (Effective July 1, 2025) is amended to read as follows:
21 Departments, program cabinets and their departments, and the respective major
22 administrative bodies that they include are enumerated in this section. It is not intended
23 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
24 bureau, interstate compact, commission, committee, conference, council, office, or any
25 other form of organization shall be included in or attached to the department or program
26 cabinet in which they are included or to which they are attached by statute or statutorily
27 authorized executive order; except in the case of the Personnel Board and where the

1 attached department or administrative body is headed by a constitutionally elected
2 officer, the attachment shall be solely for the purpose of dissemination of information and
3 coordination of activities and shall not include any authority over the functions,
4 personnel, funds, equipment, facilities, or records of the department or administrative
5 body.

6 I. Cabinet for General Government - Departments headed by elected officers:

7 (1) The Governor.

8 (2) Lieutenant Governor.

9 (3) Department of State.

10 (a) Secretary of State.

11 (b) Board of Elections.

12 (c) Registry of Election Finance.

13 (4) Department of Law.

14 (a) Attorney General.

15 (5) Department of the Treasury.

16 (a) Treasurer.

17 (6) Department of Agriculture.

18 (a) Commissioner of Agriculture.

19 (b) Agricultural Development Board.

20 (c) Kentucky Agricultural Finance Corporation.

21 (7) Auditor of Public Accounts.

22 (a) Commonwealth Office of the Ombudsman.

23 II. Program cabinets headed by appointed officers:

24 (1) Justice and Public Safety Cabinet:

25 (a) Department of Kentucky State Police.

26 1. Office of Administrative Services.

27 a. Division of Operational Support.

- 1 b. Division of Management Services.
- 2 2. Office of Operations.
- 3 a. Division of West Troops.
- 4 b. Division of East Troops.
- 5 c. Division of Special Enforcement.
- 6 d. Division of Commercial Vehicle Enforcement.
- 7 3. Office of Technical Services.
- 8 a. Division of Forensic Sciences.
- 9 b. Division of Electronic Services.
- 10 c. Division of Records Management.
- 11 (b) Department of Criminal Justice Training.
- 12 (c) Department of Corrections.
- 13 (d) Department of Juvenile Justice.
- 14 (e) Office of the Secretary.
- 15 (f) Office of Drug Control Policy.
- 16 (g) Office of Legal Services.
- 17 (h) Office of the Kentucky State Medical Examiner.
- 18 (i) Parole Board.
- 19 (j) Kentucky State Corrections Commission.
- 20 (k) Office of Legislative and Intergovernmental Services.
- 21 (l) Office of Human Resource Management.
- 22 1. Division of Human Resource Administration.
- 23 2. Division of Employee Management.
- 24 (m) Department of Public Advocacy.
- 25 (n) Office of Communications.
- 26 1. Information Technology Services Division.
- 27 (o) Office of Financial Management Services.

- 1 1. Division of Financial Management.
- 2 (p) Grants Management Division.
- 3 (2) Energy and Environment Cabinet:
- 4 (a) Office of the Secretary.
- 5 1. Office of Legislative and Intergovernmental Affairs.
- 6 2. Office of Legal Services.
- 7 a. Legal Division I.
- 8 b. Legal Division II.
- 9 3. Office of Administrative Hearings.
- 10 4. Office of Communication.
- 11 5. Mine Safety Review Commission.
- 12 6. Office of Kentucky Nature Preserves.
- 13 7. Kentucky Public Service Commission.
- 14 (b) Department for Environmental Protection.
- 15 1. Office of the Commissioner.
- 16 2. Division for Air Quality.
- 17 3. Division of Water.
- 18 4. Division of Environmental Program Support.
- 19 5. Division of Waste Management.
- 20 6. Division of Enforcement.
- 21 7. Division of Compliance Assistance.
- 22 (c) Department for Natural Resources.
- 23 1. Office of the Commissioner.
- 24 2. Division of Mine Permits.
- 25 3. Division of Mine Reclamation and Enforcement.
- 26 4. Division of Abandoned Mine Lands.
- 27 5. Division of Oil and Gas.

- 1 6. Division of Mine Safety.
- 2 7. Division of Forestry.
- 3 8. Division of Conservation.
- 4 9. Office of the Reclamation Guaranty Fund.
- 5 (d) Office of Energy Policy.
- 6 1. Division of Energy Assistance.
- 7 (e) Office of Administrative Services.
- 8 1. Division of Human Resources Management.
- 9 2. Division of Financial Management.
- 10 3. Division of Information Services.
- 11 (3) Public Protection Cabinet.
- 12 (a) Office of the Secretary.
- 13 1. Office of Communications and Public Outreach.
- 14 2. Office of Legal Services.
- 15 a. Insurance Legal Division.
- 16 b. Charitable Gaming Legal Division.
- 17 c. Alcoholic Beverage Control Legal Division.
- 18 d. Housing, Buildings and Construction Legal Division.
- 19 e. Financial Institutions Legal Division.
- 20 f. Professional Licensing Legal Division.
- 21 3. Office of Administrative Hearings.
- 22 4. Office of Administrative Services.
- 23 a. Division of Human Resources.
- 24 b. Division of Fiscal Responsibility.
- 25 (b) Office of Claims and Appeals.
- 26 1. Board of Tax Appeals.
- 27 2. Board of Claims.

- 1 3. Crime Victims Compensation Board.
- 2 (c) Kentucky Boxing and Wrestling Commission.
- 3 (d) Kentucky Horse Racing Commission.
- 4 1. Office of Executive Director.
- 5 a. Division of Pari-mutuel Wagering and Compliance.
- 6 b. Division of Stewards.
- 7 c. Division of Licensing.
- 8 d. Division of Enforcement.
- 9 e. Division of Incentives and Development.
- 10 f. Division of Veterinary Services.
- 11 (e) Department of Alcoholic Beverage Control.
- 12 1. Division of Distilled Spirits.
- 13 2. Division of Malt Beverages.
- 14 3. Division of Enforcement.
- 15 (f) Department of Charitable Gaming.
- 16 1. Division of Licensing and Compliance.
- 17 2. Division of Enforcement.
- 18 (g) Department of Financial Institutions.
- 19 1. Division of Depository Institutions.
- 20 2. Division of Non-Depository Institutions.
- 21 3. Division of Securities.
- 22 (h) Department of Housing, Buildings and Construction.
- 23 1. Division of Fire Prevention.
- 24 2. Division of Plumbing.
- 25 3. Division of Heating, Ventilation, and Air Conditioning.
- 26 4. Division of Building Code Enforcement.
- 27 (i) Department of Insurance.

- 1 1. Division of Health and Life Insurance and Managed Care.
- 2 2. Division of Property and Casualty Insurance.
- 3 3. Division of Administrative Services.
- 4 4. Division of Financial Standards and Examination.
- 5 5. Division of Licensing.
- 6 6. Division of Insurance Fraud Investigation.
- 7 7. Division of Consumer Protection.
- 8 (j) Department of Professional Licensing.
- 9 1. Real Estate Authority.
- 10 (4) Transportation Cabinet:
- 11 (a) Department of Highways.
- 12 1. Office of Project Development.
- 13 2. Office of Project Delivery and Preservation.
- 14 3. Office of Highway Safety.
- 15 4. Highway District Offices One through Twelve.
- 16 (b) Department of Vehicle Regulation.
- 17 (c) Department of Aviation.
- 18 (d) Department of Rural and Municipal Aid.
- 19 1. Office of Local Programs.
- 20 2. Office of Rural and Secondary Roads.
- 21 (e) Office of the Secretary.
- 22 1. Office of Public Affairs.
- 23 2. Office for Civil Rights and Small Business Development.
- 24 3. Office of Budget and Fiscal Management.
- 25 4. Office of Inspector General.
- 26 5. Secretary's Office of Safety.
- 27 (f) Office of Support Services.

- 1 (g) Office of Transportation Delivery.
- 2 (h) Office of Audits.
- 3 (i) Office of Human Resource Management.
- 4 (j) Office of Information Technology.
- 5 (k) Office of Legal Services.
- 6 (5) Cabinet for Economic Development:
- 7 (a) Office of the Secretary.
- 8 1. Office of Legal Services.
- 9 2. Department for Business and Community Development.
- 10 a. Development and Retention Division – West Kentucky.
- 11 b. Development, Retention, and Administrative Division –
- 12 Central and East Kentucky.
- 13 c. Community and Workforce Development Division.
- 14 3. Department for Financial Services.
- 15 a. Kentucky Economic Development Finance Authority.
- 16 b. Finance and Personnel Division.
- 17 c. IT and Resource Management Division.
- 18 d. Compliance Division.
- 19 e. Program Administration Division.
- 20 f. Bluegrass State Skills Corporation.
- 21 4. Office of Strategy and Public Affairs.
- 22 a. Marketing and Communications Division.
- 23 b. Research and Strategy Division.
- 24 5. Office of Entrepreneurship and Innovation.
- 25 a. Commission on Small Business Innovation and Advocacy.
- 26 (6) Cabinet for Health and Family Services:
- 27 (a) Office of the Secretary.

- 1 1. Office of Public Affairs.
- 2 2. Office of Legal Services.
- 3 3. Office of Inspector General.
- 4 4. Office of Human Resource Management.
- 5 5. Office of Finance and Budget.
- 6 6. Office of Legislative and Regulatory Affairs.
- 7 7. Office of Administrative Services.
- 8 8. Office of Application Technology Services.
- 9 9. Office of Data Analytics.
- 10 **10. Office of Medical Cannabis.**
- 11 **a. Division of Enforcement and Compliance.**
- 12 **b. Division of Licensure and Access.**
- 13 (b) Department for Public Health.
- 14 (c) Department for Medicaid Services.
- 15 (d) Department for Behavioral Health, Developmental and Intellectual
- 16 Disabilities.
- 17 (e) Department for Aging and Independent Living.
- 18 (f) Department for Community Based Services.
- 19 (g) Department for Family Resource Centers and Volunteer Services.
- 20 (7) Finance and Administration Cabinet:
- 21 (a) Office of the Secretary.
- 22 (b) Office of the Inspector General.
- 23 (c) Office of Legislative and Intergovernmental Affairs.
- 24 (d) Office of General Counsel.
- 25 (e) Office of the Controller.
- 26 (f) Office of Administrative Services.
- 27 (g) Office of Policy and Audit.

- 1 (h) Department for Facilities and Support Services.
- 2 (i) Department of Revenue.
- 3 (j) Commonwealth Office of Technology.
- 4 (k) State Property and Buildings Commission.
- 5 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 6 (m) Kentucky Employees Retirement Systems.
- 7 (n) Commonwealth Credit Union.
- 8 (o) State Investment Commission.
- 9 (p) Kentucky Housing Corporation.
- 10 (q) Kentucky Local Correctional Facilities Construction Authority.
- 11 (r) Kentucky Turnpike Authority.
- 12 (s) Historic Properties Advisory Commission.
- 13 (t) Kentucky Higher Education Assistance Authority.
- 14 (u) Kentucky River Authority.
- 15 (v) Kentucky Teachers' Retirement System Board of Trustees.
- 16 (w) Executive Branch Ethics Commission.
- 17 (x) Office of Fleet Management.
- 18 (8) Tourism, Arts and Heritage Cabinet:
 - 19 (a) Kentucky Department of Tourism.
 - 20 1. Division of Tourism Services.
 - 21 2. Division of Marketing and Administration.
 - 22 3. Division of Communications and Promotions.
 - 23 (b) Kentucky Department of Parks.
 - 24 1. Division of Information Technology.
 - 25 2. Division of Human Resources.
 - 26 3. Division of Financial Operations.
 - 27 4. Division of Purchasing.

- 1 5. Division of Facilities.
- 2 6. Division of Park Operations.
- 3 7. Division of Sales, Marketing, and Customer Service.
- 4 8. Division of Engagement.
- 5 9. Division of Food Services.
- 6 10. Division of Rangers.
- 7 (c) Department of Fish and Wildlife Resources.
- 8 1. Division of Law Enforcement.
- 9 2. Division of Administrative Services.
- 10 3. Division of Engineering, Infrastructure, and Technology.
- 11 4. Division of Fisheries.
- 12 5. Division of Information and Education.
- 13 6. Division of Wildlife.
- 14 7. Division of Marketing.
- 15 (d) Kentucky Horse Park.
- 16 1. Division of Support Services.
- 17 2. Division of Buildings and Grounds.
- 18 3. Division of Operational Services.
- 19 (e) Kentucky State Fair Board.
- 20 1. Office of Administrative and Information Technology Services.
- 21 2. Office of Human Resources and Access Control.
- 22 3. Division of Expositions.
- 23 4. Division of Kentucky Exposition Center Operations.
- 24 5. Division of Kentucky International Convention Center.
- 25 6. Division of Public Relations and Media.
- 26 7. Division of Venue Services.
- 27 8. Division of Personnel Management and Staff Development.

- 1 9. Division of Sales.
- 2 10. Division of Security and Traffic Control.
- 3 11. Division of Information Technology.
- 4 12. Division of the Louisville Arena.
- 5 13. Division of Fiscal and Contract Management.
- 6 14. Division of Access Control.
- 7 (f) Office of the Secretary.
- 8 1. Office of Finance.
- 9 2. Office of Government Relations and Administration.
- 10 (g) Office of Legal Affairs.
- 11 (h) Office of Human Resources.
- 12 (i) Office of Public Affairs and Constituent Services.
- 13 (j) Office of Arts and Cultural Heritage.
- 14 (k) Kentucky African-American Heritage Commission.
- 15 (l) Kentucky Foundation for the Arts.
- 16 (m) Kentucky Humanities Council.
- 17 (n) Kentucky Heritage Council.
- 18 (o) Kentucky Arts Council.
- 19 (p) Kentucky Historical Society.
- 20 1. Division of Museums.
- 21 2. Division of Oral History and Educational Outreach.
- 22 3. Division of Research and Publications.
- 23 4. Division of Administration.
- 24 (q) Kentucky Center for the Arts.
- 25 1. Division of Governor's School for the Arts.
- 26 (r) Kentucky Artisans Center at Berea.
- 27 (s) Northern Kentucky Convention Center.

- 1 (t) Eastern Kentucky Exposition Center.
- 2 (9) Personnel Cabinet:
- 3 (a) Office of the Secretary.
- 4 (b) Department of Human Resources Administration.
- 5 (c) Office of Employee Relations.
- 6 (d) Kentucky Public Employees Deferred Compensation Authority.
- 7 (e) Office of Administrative Services.
- 8 (f) Office of Legal Services.
- 9 (g) Governmental Services Center.
- 10 (h) Department of Employee Insurance.
- 11 (i) Office of Diversity, Equality, and Training.
- 12 (j) Office of Public Affairs.
- 13 (10) Education and Labor Cabinet:
- 14 (a) Office of the Secretary.
- 15 1. Office of Legal Services.
- 16 a. Workplace Standards Legal Division.
- 17 b. Workers' Claims Legal Division.
- 18 c. Workforce Development Legal Division.
- 19 2. Office of Administrative Services.
- 20 a. Division of Human Resources Management.
- 21 b. Division of Fiscal Management.
- 22 c. Division of Operations and Support Services.
- 23 3. Office of Technology Services.
- 24 a. Division of Information Technology Services.
- 25 4. Office of Policy and Audit.
- 26 5. Office of Legislative Services.
- 27 6. Office of Communications.

- 1 7. Office of the Kentucky Center for Statistics.
- 2 8. Board of the Kentucky Center for Statistics.
- 3 9. Early Childhood Advisory Council.
- 4 10. Governors' Scholars Program.
- 5 11. Governor's School for Entrepreneurs Program.
- 6 12. Foundation for Adult Education.
- 7 (b) Department of Education.
- 8 1. Kentucky Board of Education.
- 9 2. Kentucky Technical Education Personnel Board.
- 10 3. Education Professional Standards Board.
- 11 (c) Board of Directors for the Center for School Safety.
- 12 (d) Department for Libraries and Archives.
- 13 (e) Kentucky Environmental Education Council.
- 14 (f) Kentucky Educational Television.
- 15 (g) Kentucky Commission on the Deaf and Hard of Hearing.
- 16 (h) Department of Workforce Development.
- 17 1. Career Development Office.
- 18 2. Office of Vocational Rehabilitation.
- 19 a. Division of Kentucky Business Enterprise.
- 20 b. Division of the Carl D. Perkins Vocational Training Center.
- 21 c. Division of Blind Services.
- 22 d. Division of Field Services.
- 23 e. Statewide Council for Vocational Rehabilitation.
- 24 f. Employment First Council.
- 25 3. Office of Employer and Apprenticeship Services.
- 26 a. Division of Apprenticeship.
- 27 4. Kentucky Apprenticeship Council.

- 1 5. Division of Technical Assistance.
- 2 6. Office of Adult Education.
- 3 7. Office of the Kentucky Workforce Innovation Board.
- 4 (i) Department of Workplace Standards.
 - 5 1. Division of Occupational Safety and Health Compliance.
 - 6 2. Division of Occupational Safety and Health Education and
7 Training.
 - 8 3. Division of Wages and Hours.
- 9 (j) Office of Unemployment Insurance.
- 10 (k) Kentucky Unemployment Insurance Commission.
- 11 (l) Department of Workers' Claims.
 - 12 1. Division of Workers' Compensation Funds.
 - 13 2. Office of Administrative Law Judges.
 - 14 3. Division of Claims Processing.
 - 15 4. Division of Security and Compliance.
 - 16 5. Division of Specialist and Medical Services.
 - 17 6. Workers' Compensation Board.
- 18 (m) Workers' Compensation Funding Commission.
- 19 (n) Kentucky Occupational Safety and Health Standards Board.
- 20 (o) State Labor Relations Board.
- 21 (p) Employers' Mutual Insurance Authority.
- 22 (q) Kentucky Occupational Safety and Health Review Commission.
- 23 (r) Workers' Compensation Nominating Committee.
- 24 (s) Office of Educational Programs.
- 25 (t) Kentucky Workforce Innovation Board.
- 26 (u) Kentucky Commission on Proprietary Education.
- 27 (v) Kentucky Work Ready Skills Advisory Committee.

1 (w) Kentucky Geographic Education Board.

2 (x) Disability Determination Services Program.

3 III. Other departments headed by appointed officers:

4 (1) Council on Postsecondary Education.

5 (2) Department of Military Affairs.

6 (3) Department for Local Government.

7 (4) Kentucky Commission on Human Rights.

8 (5) Kentucky Commission on Women.

9 (6) Department of Veterans' Affairs.

10 (7) Kentucky Commission on Military Affairs.

11 (8) Office of Minority Empowerment.

12 (9) Governor's Council on Wellness and Physical Activity.

13 (10) Kentucky Communications Network Authority.

14 ➔Section 20. KRS 194A.030 (Effective until July 1, 2024) is amended to read as
15 follows:

16 The cabinet consists of the following major organizational units, which are hereby
17 created:

18 (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office
19 of the Ombudsman and Administrative Review, an Office of Legal Services, an
20 Office of Inspector General, an Office of Public Affairs, an Office of Human
21 Resource Management, an Office of Finance and Budget, an Office of Legislative
22 and Regulatory Affairs, an Office of Administrative Services, an Office of
23 Application Technology Services, ~~and~~ an Office of Data Analytics, ***and an Office***
24 ***of Medical Cannabis*** as follows:

25 (a) The Office of the Ombudsman and Administrative Review shall be headed by
26 an executive director who shall be appointed by the secretary with the
27 approval of the Governor under KRS 12.050 and shall:

- 1 1. Investigate, upon complaint or on its own initiative, any administrative
2 act of an organizational unit, employee, or contractor of the cabinet,
3 without regard to the finality of the administrative act. Organizational
4 units, employees, or contractors of the cabinet shall not willfully
5 obstruct an investigation, restrict access to records or personnel, or
6 retaliate against a complainant or cabinet employee;
- 7 2. Make recommendations that resolve citizen complaints and improve
8 governmental performance and may require corrective action when
9 policy violations are identified;
- 10 3. Provide evaluation and information analysis of cabinet performance and
11 compliance with state and federal law;
- 12 4. Place an emphasis on research and best practices, program
13 accountability, quality service delivery, and improved governmental
14 performance;
- 15 5. Provide information on how to contact the office for public posting at all
16 offices where Department for Community Based Services employees or
17 contractors work, at any facility where a child in the custody of the
18 cabinet resides, and to all cabinet or contracted foster parents;
- 19 6. Report to the Office of Inspector General for review and investigation
20 any charge or case against an employee of the Cabinet for Health and
21 Family Services where it has cause to believe the employee has engaged
22 in dishonest, unethical, or illegal conduct or practices related to his or
23 her job duties; or any violation of state law or administrative regulation
24 by any organization or individual regulated by, or contracted with the
25 cabinet;
- 26 7. Compile a report of all citizen complaints about programs or services of
27 the cabinet and a summary of resolution of the complaints and submit

- 1 the report upon request to the Interim Joint Committee on Health
2 Services and the Interim Joint Committee on Families and Children;
- 3 8. Include oversight of administrative hearings; and
- 4 9. Provide information to the Office of the Attorney General, when
5 requested, related to substantiated violations of state law against an
6 employee, a contractor of the cabinet, or a foster or adoptive parent;
- 7 (b) The Office of Legal Services shall provide legal advice and assistance to all
8 units of the cabinet in any legal action in which it may be involved. The
9 Office of Legal Services shall employ all attorneys of the cabinet who serve
10 the cabinet in the capacity of attorney, giving legal advice and opinions
11 concerning the operation of all programs in the cabinet. The Office of Legal
12 Services shall be headed by a general counsel who shall be appointed by the
13 secretary with the approval of the Governor under KRS 12.050 and 12.210.
14 The general counsel shall be the chief legal advisor to the secretary and shall
15 be directly responsible to the secretary. The Attorney General, on the request
16 of the secretary, may designate the general counsel as an assistant attorney
17 general under the provisions of KRS 15.105;
- 18 (c) The Office of Inspector General shall be headed by an inspector general who
19 shall be appointed by the secretary with the approval of the Governor. The
20 inspector general shall be directly responsible to the secretary. The Office of
21 Inspector General shall be responsible for:
- 22 1. The conduct of audits and investigations for detecting the perpetration of
23 fraud or abuse of any program by any client, or by any vendor of
24 services with whom the cabinet has contracted; and the conduct of
25 special investigations requested by the secretary, commissioners, or
26 office heads of the cabinet into matters related to the cabinet or its
27 programs;

- 1 2. Licensing and regulatory functions as the secretary may delegate;
- 2 3. Review of health facilities participating in transplant programs, as
- 3 determined by the secretary, for the purpose of determining any
- 4 violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;
- 5 4. The duties, responsibilities, and authority pertaining to the certificate of
- 6 need functions and the licensure appeals functions, pursuant to KRS
- 7 Chapter 216B;
- 8 5. The notification and forwarding of any information relevant to possible
- 9 criminal violations to the appropriate prosecuting authority;
- 10 6. The oversight of the operations of the Kentucky Health Information
- 11 Exchange; and
- 12 7. The support and guidance to health care providers related to telehealth
- 13 services, including the development of policy, standards, resources, and
- 14 education to expand telehealth services across the Commonwealth;
- 15 (d) The Office of Public Affairs shall be headed by an executive director
- 16 appointed by the secretary with the approval of the Governor in accordance
- 17 with KRS 12.050. The office shall provide information to the public and news
- 18 media about the programs, services, and initiatives of the cabinet;
- 19 (e) The Office of Human Resource Management shall be headed by an executive
- 20 director appointed by the secretary with the approval of the Governor in
- 21 accordance with KRS 12.050. The office shall coordinate, oversee, and
- 22 execute all personnel, training, and management functions of the cabinet. The
- 23 office shall focus on the oversight, development, and implementation of
- 24 quality improvement services; curriculum development and delivery of
- 25 instruction to staff; the administration, management, and oversight of training
- 26 operations; health, safety, and compliance training; and equal employment
- 27 opportunity compliance functions;

- 1 (f) The Office of Finance and Budget shall be headed by an executive director
2 appointed by the secretary with the approval of the Governor in accordance
3 with KRS 12.050. The office shall provide central review and oversight of
4 budget, contract, and cabinet finances. The office shall provide coordination,
5 assistance, and support to program departments and independent review and
6 analysis on behalf of the secretary;
- 7 (g) The Office of Legislative and Regulatory Affairs shall be headed by an
8 executive director appointed by the secretary with the approval of the
9 Governor in accordance with KRS 12.050. The office shall provide central
10 review and oversight of legislation, policy, and administrative regulations.
11 The office shall provide coordination, assistance, and support to program
12 departments and independent review and analysis on behalf of the secretary;
- 13 (h) The Office of Administrative Services shall be headed by an executive
14 director appointed by the secretary with the approval of the Governor in
15 accordance with KRS 12.050. The office shall provide central review and
16 oversight of procurement, general accounting including grant monitoring, and
17 facility management. The office shall provide coordination, assistance, and
18 support to program departments and independent review and analysis on
19 behalf of the secretary;
- 20 (i) The Office of Application Technology Services shall be headed by an
21 executive director appointed by the secretary with the approval of the
22 Governor in accordance with KRS 12.050. The office shall provide
23 application technology services including central review and oversight. The
24 office shall provide coordination, assistance, and support to program
25 departments and independent review and analysis on behalf of the secretary;f
26 ~~and~~
- 27 (j) The Office of Data Analytics shall be headed by an executive director who

1 shall be appointed by the secretary with the approval of the Governor under
2 KRS 12.050 and shall identify and innovate strategic initiatives to inform
3 public policy initiatives and provide opportunities for improved health
4 outcomes for all Kentuckians through data analytics. The office shall provide
5 leadership in the redesign of the health care delivery system using electronic
6 information technology to improve patient care and reduce medical errors and
7 duplicative services; and

8 (k) The Office of Medical Cannabis shall be headed by an executive director
9 appointed by the Governor in accordance with KRS 12.040 and shall
10 implement, operate, oversee, and regulate the medicinal cannabis program.
11 The office shall be composed of the Division of Enforcement and
12 Compliance and the Division of Licensure and Access. Each division in the
13 office shall be headed by a director appointed by the secretary with the
14 approval of the Governor in accordance with KRS 12.050.

15 (2) Department for Medicaid Services. The Department for Medicaid Services shall
16 serve as the single state agency in the Commonwealth to administer Title XIX of
17 the Federal Social Security Act. The Department for Medicaid Services shall be
18 headed by a commissioner for Medicaid services, who shall be appointed by the
19 secretary with the approval of the Governor under KRS 12.050. The commissioner
20 for Medicaid services shall be a person who by experience and training in
21 administration and management is qualified to perform the duties of this office. The
22 commissioner for Medicaid services shall exercise authority over the Department
23 for Medicaid Services under the direction of the secretary and shall only fulfill
24 those responsibilities as delegated by the secretary;

25 (3) Department for Public Health. The Department for Public Health shall develop and
26 operate all programs of the cabinet that provide health services and all programs for
27 assessing the health status of the population for the promotion of health and the

1 prevention of disease, injury, disability, and premature death. This shall include but
2 not be limited to oversight of the Division of Women's Health. The Department for
3 Public Health shall be headed by a commissioner for public health who shall be
4 appointed by the secretary with the approval of the Governor under KRS 12.050.
5 The commissioner for public health shall be a duly licensed physician who by
6 experience and training in administration and management is qualified to perform
7 the duties of this office. The commissioner shall advise the head of each major
8 organizational unit enumerated in this section on policies, plans, and programs
9 relating to all matters of public health, including any actions necessary to safeguard
10 the health of the citizens of the Commonwealth. The commissioner shall serve as
11 chief medical officer of the Commonwealth. The commissioner for public health
12 shall exercise authority over the Department for Public Health under the direction
13 of the secretary and shall only fulfill those responsibilities as delegated by the
14 secretary;

15 (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The
16 Department for Behavioral Health, Developmental and Intellectual Disabilities shall
17 develop and administer programs for the prevention of mental illness, intellectual
18 disabilities, brain injury, developmental disabilities, and substance use disorders
19 and shall develop and administer an array of services and support for the treatment,
20 habilitation, and rehabilitation of persons who have a mental illness or emotional
21 disability, or who have an intellectual disability, brain injury, developmental
22 disability, or a substance use disorder. The Department for Behavioral Health,
23 Developmental and Intellectual Disabilities shall be headed by a commissioner for
24 behavioral health, developmental and intellectual disabilities who shall be
25 appointed by the secretary with the approval of the Governor under KRS 12.050.
26 The commissioner for behavioral health, developmental and intellectual disabilities
27 shall be by training and experience in administration and management qualified to

1 perform the duties of the office. The commissioner for behavioral health,
2 developmental and intellectual disabilities shall exercise authority over the
3 department under the direction of the secretary, and shall only fulfill those
4 responsibilities as delegated by the secretary;

5 (5) Office for Children with Special Health Care Needs. The duties, responsibilities,
6 and authority set out in KRS 200.460 to 200.490 shall be performed by the office.
7 The office shall advocate the rights of children with disabilities and, to the extent
8 that funds are available, shall ensure the administration of services for children with
9 disabilities as are deemed appropriate by this office pursuant to Title V of the Social
10 Security Act. The office may promulgate administrative regulations under KRS
11 Chapter 13A as may be necessary to implement and administer its responsibilities.
12 The duties, responsibilities, and authority of the Office for Children with Special
13 Health Care Needs shall be performed through the office of the executive director.
14 The executive director shall be appointed by the secretary with the approval of the
15 Governor under KRS 12.050;

16 (6) Department for Family Resource Centers and Volunteer Services. The Department
17 for Family Resource Centers and Volunteer Services shall streamline the various
18 responsibilities associated with the human services programs for which the cabinet
19 is responsible. This shall include, but not be limited to, oversight of the Division of
20 Family Resource and Youth Services Centers and Serve Kentucky. The Department
21 for Family Resource Centers and Volunteer Services shall be headed by a
22 commissioner who shall be appointed by the secretary with the approval of the
23 Governor under KRS 12.050. The commissioner for family resource centers and
24 volunteer services shall be by training and experience in administration and
25 management qualified to perform the duties of the office, shall exercise authority
26 over the department under the direction of the secretary, and shall only fulfill those
27 responsibilities as delegated by the secretary;

- 1 (7) Department for Community Based Services. The Department for Community Based
2 Services shall administer and be responsible for child and adult protection, violence
3 prevention resources, foster care and adoption, permanency, and services to
4 enhance family self-sufficiency, including child care, social services, public
5 assistance, and family support. The department shall be headed by a commissioner
6 appointed by the secretary with the approval of the Governor in accordance with
7 KRS 12.050;
- 8 (8) Department for Income Support. The Department for Income Support shall be
9 responsible for child support enforcement and disability determination. The
10 department shall serve as the state unit as required by Title II and Title XVI of the
11 Social Security Act, and shall have responsibility for determining eligibility for
12 disability for those citizens of the Commonwealth who file applications for
13 disability with the Social Security Administration. The department shall be headed
14 by a commissioner appointed by the secretary with the approval of the Governor in
15 accordance with KRS 12.050; and
- 16 (9) Department for Aging and Independent Living. The Department for Aging and
17 Independent Living shall serve as the state unit as designated by the Administration
18 on Aging Services under the Older Americans Act and shall have responsibility for
19 administration of the federal community support services, in-home services, meals,
20 family and caregiver support services, elder rights and legal assistance, senior
21 community services employment program, the state health insurance assistance
22 program, state home and community based services including home care,
23 Alzheimer's respite services and the personal care attendant program, certifications
24 of assisted living facilities, the state Council on Alzheimer's Disease and other
25 related disorders, and guardianship services. The department shall also administer
26 the Long-Term Care Ombudsman Program and the Medicaid Home and
27 Community Based Waivers Participant Directed Services Option (PDS) Program.

1 The department shall serve as the information and assistance center for aging and
2 disability services and administer multiple federal grants and other state initiatives.

3 The department shall be headed by a commissioner appointed by the secretary with
4 the approval of the Governor in accordance with KRS 12.050.

5 ➔Section 21. KRS 194A.030 (Effective between July 1, 2024, and July 1, 2025)
6 is amended to read as follows:

7 The cabinet consists of the following major organizational units, which are hereby
8 created:

9 (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office
10 of Legal Services, an Office of Inspector General, an Office of Public Affairs, an
11 Office of Human Resource Management, an Office of Finance and Budget, an
12 Office of Legislative and Regulatory Affairs, an Office of Administrative Services,
13 an Office of Application Technology Services, ~~and~~ an Office of Data Analytics,
14 and an Office of Medical Cannabis as follows:

15 (a) The Office of Legal Services shall provide legal advice and assistance to all
16 units of the cabinet in any legal action in which it may be involved. The
17 Office of Legal Services shall employ all attorneys of the cabinet who serve
18 the cabinet in the capacity of attorney, giving legal advice and opinions
19 concerning the operation of all programs in the cabinet. The Office of Legal
20 Services shall be headed by a general counsel who shall be appointed by the
21 secretary with the approval of the Governor under KRS 12.050 and 12.210.
22 The general counsel shall be the chief legal advisor to the secretary and shall
23 be directly responsible to the secretary. The Attorney General, on the request
24 of the secretary, may designate the general counsel as an assistant attorney
25 general under the provisions of KRS 15.105;

26 (b) The Office of Inspector General shall be headed by an inspector general who
27 shall be appointed by the secretary with the approval of the Governor. The

1 inspector general shall be directly responsible to the secretary. The Office of
2 Inspector General shall be responsible for:

- 3 1. The conduct of audits and investigations for detecting the perpetration of
4 fraud or abuse of any program by any client, or by any vendor of
5 services with whom the cabinet has contracted; and the conduct of
6 special investigations requested by the secretary, commissioners, or
7 office heads of the cabinet into matters related to the cabinet or its
8 programs;
 - 9 2. Licensing and regulatory functions as the secretary may delegate;
 - 10 3. Review of health facilities participating in transplant programs, as
11 determined by the secretary, for the purpose of determining any
12 violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;
 - 13 4. The duties, responsibilities, and authority pertaining to the certificate of
14 need functions and the licensure appeals functions, pursuant to KRS
15 Chapter 216B;
 - 16 5. The notification and forwarding of any information relevant to possible
17 criminal violations to the appropriate prosecuting authority;
 - 18 6. The oversight of the operations of the Kentucky Health Information
19 Exchange; and
 - 20 7. The support and guidance to health care providers related to telehealth
21 services, including the development of policy, standards, resources, and
22 education to expand telehealth services across the Commonwealth;
- 23 (c) The Office of Public Affairs shall be headed by an executive director
24 appointed by the secretary with the approval of the Governor in accordance
25 with KRS 12.050. The office shall provide information to the public and news
26 media about the programs, services, and initiatives of the cabinet;
- 27 (d) The Office of Human Resource Management shall be headed by an executive

1 director appointed by the secretary with the approval of the Governor in
2 accordance with KRS 12.050. The office shall coordinate, oversee, and
3 execute all personnel, training, and management functions of the cabinet. The
4 office shall focus on the oversight, development, and implementation of
5 quality improvement services; curriculum development and delivery of
6 instruction to staff; the administration, management, and oversight of training
7 operations; health, safety, and compliance training; and equal employment
8 opportunity compliance functions;

9 (e) The Office of Finance and Budget shall be headed by an executive director
10 appointed by the secretary with the approval of the Governor in accordance
11 with KRS 12.050. The office shall provide central review and oversight of
12 budget, contract, and cabinet finances. The office shall provide coordination,
13 assistance, and support to program departments and independent review and
14 analysis on behalf of the secretary;

15 (f) The Office of Legislative and Regulatory Affairs shall be headed by an
16 executive director appointed by the secretary with the approval of the
17 Governor in accordance with KRS 12.050. The office shall provide central
18 review and oversight of legislation, policy, and administrative regulations.
19 The office shall provide coordination, assistance, and support to program
20 departments and independent review and analysis on behalf of the secretary;

21 (g) The Office of Administrative Services shall be headed by an executive
22 director appointed by the secretary with the approval of the Governor in
23 accordance with KRS 12.050. The office shall provide central review and
24 oversight of procurement, general accounting including grant monitoring, and
25 facility management. The office shall provide coordination, assistance, and
26 support to program departments and independent review and analysis on
27 behalf of the secretary;

- 1 (h) The Office of Application Technology Services shall be headed by an
2 executive director appointed by the secretary with the approval of the
3 Governor in accordance with KRS 12.050. The office shall provide
4 application technology services including central review and oversight. The
5 office shall provide coordination, assistance, and support to program
6 departments and independent review and analysis on behalf of the secretary;
7 ~~and~~
- 8 (i) The Office of Data Analytics shall be headed by an executive director who
9 shall be appointed by the secretary with the approval of the Governor under
10 KRS 12.050 and shall identify and innovate strategic initiatives to inform
11 public policy initiatives and provide opportunities for improved health
12 outcomes for all Kentuckians through data analytics. The office shall provide
13 leadership in the redesign of the health care delivery system using electronic
14 information technology to improve patient care and reduce medical errors and
15 duplicative services; and
- 16 **(j) The Office of Medical Cannabis shall be headed by an executive director**
17 **appointed by the Governor in accordance with KRS 12.040 and shall**
18 **implement, operate, oversee, and regulate the medicinal cannabis program.**
19 **The office shall be composed of the Division of Enforcement and**
20 **Compliance and the Division of Licensure and Access. Each division in the**
21 **office shall be headed by a director appointed by the secretary with the**
22 **approval of the Governor in accordance with KRS 12.050.**
- 23 (2) Department for Medicaid Services. The Department for Medicaid Services shall
24 serve as the single state agency in the Commonwealth to administer Title XIX of
25 the Federal Social Security Act. The Department for Medicaid Services shall be
26 headed by a commissioner for Medicaid services, who shall be appointed by the
27 secretary with the approval of the Governor under KRS 12.050. The commissioner

1 for Medicaid services shall be a person who by experience and training in
2 administration and management is qualified to perform the duties of this office. The
3 commissioner for Medicaid services shall exercise authority over the Department
4 for Medicaid Services under the direction of the secretary and shall only fulfill
5 those responsibilities as delegated by the secretary;

6 (3) Department for Public Health. The Department for Public Health shall develop and
7 operate all programs of the cabinet that provide health services and all programs for
8 assessing the health status of the population for the promotion of health and the
9 prevention of disease, injury, disability, and premature death. This shall include but
10 not be limited to oversight of the Division of Women's Health and the Office for
11 Children with Special Health Care Needs. The duties, responsibilities, and authority
12 set out in KRS 200.460 to 200.490 shall be performed by the Department for Public
13 Health. The Department for Public Health shall advocate for the rights of children
14 with disabilities and, to the extent that funds are available, shall ensure the
15 administration of services for children with disabilities as are deemed appropriate
16 by this office pursuant to Title V of the Social Security Act. The Department for
17 Public Health may promulgate administrative regulations under KRS Chapter 13A
18 as may be necessary to implement and administer its responsibilities. The Office for
19 Children with Special Health Care Needs may be headed by an executive director
20 appointed by the secretary with the approval of the Governor in accordance with
21 KRS 12.050. The Department for Public Health shall be headed by a commissioner
22 for public health who shall be appointed by the secretary with the approval of the
23 Governor under KRS 12.050. The commissioner for public health shall be a duly
24 licensed physician who by experience and training in administration and
25 management is qualified to perform the duties of this office. The commissioner
26 shall advise the head of each major organizational unit enumerated in this section
27 on policies, plans, and programs relating to all matters of public health, including

1 any actions necessary to safeguard the health of the citizens of the Commonwealth.
2 The commissioner shall serve as chief medical officer of the Commonwealth. The
3 commissioner for public health shall exercise authority over the Department for
4 Public Health under the direction of the secretary and shall only fulfill those
5 responsibilities as delegated by the secretary;

6 (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The
7 Department for Behavioral Health, Developmental and Intellectual Disabilities shall
8 develop and administer programs for the prevention of mental illness, intellectual
9 disabilities, brain injury, developmental disabilities, and substance use disorders
10 and shall develop and administer an array of services and support for the treatment,
11 habilitation, and rehabilitation of persons who have a mental illness or emotional
12 disability, or who have an intellectual disability, brain injury, developmental
13 disability, or a substance use disorder. The Department for Behavioral Health,
14 Developmental and Intellectual Disabilities shall be headed by a commissioner for
15 behavioral health, developmental and intellectual disabilities who shall be
16 appointed by the secretary with the approval of the Governor under KRS 12.050.
17 The commissioner for behavioral health, developmental and intellectual disabilities
18 shall be by training and experience in administration and management qualified to
19 perform the duties of the office. The commissioner for behavioral health,
20 developmental and intellectual disabilities shall exercise authority over the
21 department under the direction of the secretary, and shall only fulfill those
22 responsibilities as delegated by the secretary;

23 (5) Department for Family Resource Centers and Volunteer Services. The Department
24 for Family Resource Centers and Volunteer Services shall streamline the various
25 responsibilities associated with the human services programs for which the cabinet
26 is responsible. This shall include, but not be limited to, oversight of the Division of
27 Family Resource and Youth Services Centers and Serve Kentucky. The Department

1 for Family Resource Centers and Volunteer Services shall be headed by a
2 commissioner who shall be appointed by the secretary with the approval of the
3 Governor under KRS 12.050. The commissioner for family resource centers and
4 volunteer services shall be by training and experience in administration and
5 management qualified to perform the duties of the office, shall exercise authority
6 over the department under the direction of the secretary, and shall only fulfill those
7 responsibilities as delegated by the secretary;

8 (6) Department for Community Based Services. The Department for Community Based
9 Services shall administer and be responsible for child and adult protection,
10 guardianship services, violence prevention resources, foster care and adoption,
11 permanency, and services to enhance family self-sufficiency, including child care,
12 social services, public assistance, and family support. The department shall be
13 headed by a commissioner appointed by the secretary with the approval of the
14 Governor in accordance with KRS 12.050;

15 (7) Department for Income Support. The Department for Income Support shall be
16 responsible for child support enforcement and disability determination. The
17 department shall serve as the state unit as required by Title II and Title XVI of the
18 Social Security Act, and shall have responsibility for determining eligibility for
19 disability for those citizens of the Commonwealth who file applications for
20 disability with the Social Security Administration. The department shall be headed
21 by a commissioner appointed by the secretary with the approval of the Governor in
22 accordance with KRS 12.050; and

23 (8) Department for Aging and Independent Living. The Department for Aging and
24 Independent Living shall serve as the state unit as designated by the Administration
25 on Aging Services under the Older Americans Act and shall have responsibility for
26 administration of the federal community support services, in-home services, meals,
27 family and caregiver support services, elder rights and legal assistance, senior

1 community services employment program, the state health insurance assistance
2 program, state home and community based services including home care,
3 Alzheimer's respite services and the personal care attendant program, certifications
4 of assisted living facilities, and the state Council on Alzheimer's Disease and other
5 related disorders. The department shall also administer the Long-Term Care
6 Ombudsman Program and the Medicaid Home and Community Based Waivers
7 Participant Directed Services Option (PDS) Program. The department shall serve as
8 the information and assistance center for aging and disability services and
9 administer multiple federal grants and other state initiatives. The department shall
10 be headed by a commissioner appointed by the secretary with the approval of the
11 Governor in accordance with KRS 12.050.

12 ➔Section 22. KRS 194A.030 (Effective July 1, 2025) is amended to read as
13 follows:

14 The cabinet consists of the following major organizational units, which are hereby
15 created:

16 (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office
17 of Legal Services, an Office of Inspector General, an Office of Public Affairs, an
18 Office of Human Resource Management, an Office of Finance and Budget, an
19 Office of Legislative and Regulatory Affairs, an Office of Administrative Services,
20 an Office of Application Technology Services, ~~and~~ an Office of Data Analytics,
21 **and an Office of Medical Cannabis** as follows:

22 (a) The Office of Legal Services shall provide legal advice and assistance to all
23 units of the cabinet in any legal action in which it may be involved. The
24 Office of Legal Services shall employ all attorneys of the cabinet who serve
25 the cabinet in the capacity of attorney, giving legal advice and opinions
26 concerning the operation of all programs in the cabinet. The Office of Legal
27 Services shall be headed by a general counsel who shall be appointed by the

1 secretary with the approval of the Governor under KRS 12.050 and 12.210.
2 The general counsel shall be the chief legal advisor to the secretary and shall
3 be directly responsible to the secretary. The Attorney General, on the request
4 of the secretary, may designate the general counsel as an assistant attorney
5 general under the provisions of KRS 15.105;

6 (b) The Office of Inspector General shall be headed by an inspector general who
7 shall be appointed by the secretary with the approval of the Governor. The
8 inspector general shall be directly responsible to the secretary. The Office of
9 Inspector General shall be responsible for:

- 10 1. The conduct of audits and investigations for detecting the perpetration of
11 fraud or abuse of any program by any client, or by any vendor of
12 services with whom the cabinet has contracted; and the conduct of
13 special investigations requested by the secretary, commissioners, or
14 office heads of the cabinet into matters related to the cabinet or its
15 programs;
- 16 2. Licensing and regulatory functions as the secretary may delegate;
- 17 3. Review of health facilities participating in transplant programs, as
18 determined by the secretary, for the purpose of determining any
19 violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;
- 20 4. The duties, responsibilities, and authority pertaining to the certificate of
21 need functions and the licensure appeals functions, pursuant to KRS
22 Chapter 216B;
- 23 5. The notification and forwarding of any information relevant to possible
24 criminal violations to the appropriate prosecuting authority;
- 25 6. The oversight of the operations of the Kentucky Health Information
26 Exchange; and
- 27 7. The support and guidance to health care providers related to telehealth

1 services, including the development of policy, standards, resources, and
2 education to expand telehealth services across the Commonwealth;

3 (c) The Office of Public Affairs shall be headed by an executive director
4 appointed by the secretary with the approval of the Governor in accordance
5 with KRS 12.050. The office shall provide information to the public and news
6 media about the programs, services, and initiatives of the cabinet;

7 (d) The Office of Human Resource Management shall be headed by an executive
8 director appointed by the secretary with the approval of the Governor in
9 accordance with KRS 12.050. The office shall coordinate, oversee, and
10 execute all personnel, training, and management functions of the cabinet. The
11 office shall focus on the oversight, development, and implementation of
12 quality improvement services; curriculum development and delivery of
13 instruction to staff; the administration, management, and oversight of training
14 operations; health, safety, and compliance training; and equal employment
15 opportunity compliance functions;

16 (e) The Office of Finance and Budget shall be headed by an executive director
17 appointed by the secretary with the approval of the Governor in accordance
18 with KRS 12.050. The office shall provide central review and oversight of
19 budget, contract, and cabinet finances. The office shall provide coordination,
20 assistance, and support to program departments and independent review and
21 analysis on behalf of the secretary;

22 (f) The Office of Legislative and Regulatory Affairs shall be headed by an
23 executive director appointed by the secretary with the approval of the
24 Governor in accordance with KRS 12.050. The office shall provide central
25 review and oversight of legislation, policy, and administrative regulations.
26 The office shall provide coordination, assistance, and support to program
27 departments and independent review and analysis on behalf of the secretary;

- 1 (g) The Office of Administrative Services shall be headed by an executive
2 director appointed by the secretary with the approval of the Governor in
3 accordance with KRS 12.050. The office shall provide central review and
4 oversight of procurement, general accounting including grant monitoring, and
5 facility management. The office shall provide coordination, assistance, and
6 support to program departments and independent review and analysis on
7 behalf of the secretary;
- 8 (h) The Office of Application Technology Services shall be headed by an
9 executive director appointed by the secretary with the approval of the
10 Governor in accordance with KRS 12.050. The office shall provide
11 application technology services including central review and oversight. The
12 office shall provide coordination, assistance, and support to program
13 departments and independent review and analysis on behalf of the secretary;~~f~~
14 ~~and~~
- 15 (i) The Office of Data Analytics shall be headed by an executive director who
16 shall be appointed by the secretary with the approval of the Governor under
17 KRS 12.050 and shall identify and innovate strategic initiatives to inform
18 public policy initiatives and provide opportunities for improved health
19 outcomes for all Kentuckians through data analytics. The office shall provide
20 leadership in the redesign of the health care delivery system using electronic
21 information technology to improve patient care and reduce medical errors and
22 duplicative services; and
- 23 (j) The Office of Medical Cannabis shall be headed by an executive director
24 appointed by the Governor in accordance with KRS 12.040 and shall
25 implement, operate, oversee, and regulate the medicinal cannabis program.
26 The office shall be composed of the Division of Enforcement and
27 Compliance and the Division of Licensure and Access. Each division in the

1 office shall be headed by a director appointed by the secretary with the
2 approval of the Governor in accordance with KRS 12.050.

3 (2) Department for Medicaid Services. The Department for Medicaid Services shall
4 serve as the single state agency in the Commonwealth to administer Title XIX of
5 the Federal Social Security Act. The Department for Medicaid Services shall be
6 headed by a commissioner for Medicaid services, who shall be appointed by the
7 secretary with the approval of the Governor under KRS 12.050. The commissioner
8 for Medicaid services shall be a person who by experience and training in
9 administration and management is qualified to perform the duties of this office. The
10 commissioner for Medicaid services shall exercise authority over the Department
11 for Medicaid Services under the direction of the secretary and shall only fulfill
12 those responsibilities as delegated by the secretary;

13 (3) Department for Public Health. The Department for Public Health shall develop and
14 operate all programs of the cabinet that provide health services and all programs for
15 assessing the health status of the population for the promotion of health and the
16 prevention of disease, injury, disability, and premature death. This shall include but
17 not be limited to oversight of the Division of Women's Health and the Office for
18 Children with Special Health Care Needs. The duties, responsibilities, and authority
19 set out in KRS 200.460 to 200.490 shall be performed by the Department for Public
20 Health. The Department for Public Health shall advocate for the rights of children
21 with disabilities and, to the extent that funds are available, shall ensure the
22 administration of services for children with disabilities as are deemed appropriate
23 by this office pursuant to Title V of the Social Security Act. The Department for
24 Public Health may promulgate administrative regulations under KRS Chapter 13A
25 as may be necessary to implement and administer its responsibilities. The Office for
26 Children with Special Health Care Needs may be headed by an executive director
27 appointed by the secretary with the approval of the Governor in accordance with

1 KRS 12.050. The Department for Public Health shall be headed by a commissioner
2 for public health who shall be appointed by the secretary with the approval of the
3 Governor under KRS 12.050. The commissioner for public health shall be a duly
4 licensed physician who by experience and training in administration and
5 management is qualified to perform the duties of this office. The commissioner
6 shall advise the head of each major organizational unit enumerated in this section
7 on policies, plans, and programs relating to all matters of public health, including
8 any actions necessary to safeguard the health of the citizens of the Commonwealth.
9 The commissioner shall serve as chief medical officer of the Commonwealth. The
10 commissioner for public health shall exercise authority over the Department for
11 Public Health under the direction of the secretary and shall only fulfill those
12 responsibilities as delegated by the secretary;

13 (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The
14 Department for Behavioral Health, Developmental and Intellectual Disabilities shall
15 develop and administer programs for the prevention of mental illness, intellectual
16 disabilities, brain injury, developmental disabilities, and substance use disorders
17 and shall develop and administer an array of services and support for the treatment,
18 habilitation, and rehabilitation of persons who have a mental illness or emotional
19 disability, or who have an intellectual disability, brain injury, developmental
20 disability, or a substance use disorder. The Department for Behavioral Health,
21 Developmental and Intellectual Disabilities shall be headed by a commissioner for
22 behavioral health, developmental and intellectual disabilities who shall be
23 appointed by the secretary with the approval of the Governor under KRS 12.050.
24 The commissioner for behavioral health, developmental and intellectual disabilities
25 shall be by training and experience in administration and management qualified to
26 perform the duties of the office. The commissioner for behavioral health,
27 developmental and intellectual disabilities shall exercise authority over the

1 department under the direction of the secretary, and shall only fulfill those
2 responsibilities as delegated by the secretary;

3 (5) Department for Family Resource Centers and Volunteer Services. The Department
4 for Family Resource Centers and Volunteer Services shall streamline the various
5 responsibilities associated with the human services programs for which the cabinet
6 is responsible. This shall include, but not be limited to, oversight of the Division of
7 Family Resource and Youth Services Centers and Serve Kentucky. The Department
8 for Family Resource Centers and Volunteer Services shall be headed by a
9 commissioner who shall be appointed by the secretary with the approval of the
10 Governor under KRS 12.050. The commissioner for family resource centers and
11 volunteer services shall be by training and experience in administration and
12 management qualified to perform the duties of the office, shall exercise authority
13 over the department under the direction of the secretary, and shall only fulfill those
14 responsibilities as delegated by the secretary;

15 (6) Department for Community Based Services. The Department for Community Based
16 Services shall administer and be responsible for child and adult protection,
17 guardianship services, violence prevention resources, foster care and adoption,
18 permanency, and services to enhance family self-sufficiency, including child care,
19 social services, public assistance, and family support. The department shall be
20 headed by a commissioner appointed by the secretary with the approval of the
21 Governor in accordance with KRS 12.050; and

22 (7) Department for Aging and Independent Living. The Department for Aging and
23 Independent Living shall serve as the state unit as designated by the Administration
24 on Aging Services under the Older Americans Act and shall have responsibility for
25 administration of the federal community support services, in-home services, meals,
26 family and caregiver support services, elder rights and legal assistance, senior
27 community services employment program, the state health insurance assistance

1 program, state home and community based services including home care,
2 Alzheimer's respite services and the personal care attendant program, certifications
3 of assisted living facilities, and the state Council on Alzheimer's Disease and other
4 related disorders. The department shall also administer the Long-Term Care
5 Ombudsman Program and the Medicaid Home and Community Based Waivers
6 Participant Directed Services Option (PDS) Program. The department shall serve as
7 the information and assistance center for aging and disability services and
8 administer multiple federal grants and other state initiatives. The department shall
9 be headed by a commissioner appointed by the secretary with the approval of the
10 Governor in accordance with KRS 12.050.

11 ➔Section 23. Sections 10, 11, and 12 of this Act take effect July 1, 2024.

12 ➔Section 24. 2023 Ky. Acts ch. 146, sec. 42, is amended to read as follows:

13 Section 2, **Section 5, Sections 17 to 24, Section 30, Section 32, and Sections 35 to**
14 **37 of this Act take effect July 1, 2024, and Section 4, Sections 6 to 8,**~~[Sections 4 to 8,]~~
15 Section 10, **and** Sections 12 to 14~~[, Sections 17 to 24, Section 30, Section 32, and~~
16 ~~Sections 35 to 37]~~ of this Act take effect January 1, 2025.

17 ➔Section 25. Whereas medicinal cannabis businesses cannot ensure an adequate
18 supply of medicinal cannabis in 2025 without becoming licensed and operational in 2024,
19 and the Cabinet for Health and Family Services cannot issue licenses to medicinal
20 cannabis businesses in 2024 under current law, an emergency is declared to exist, and this
21 Act takes effect upon its passage and approval by the Governor or upon its otherwise
22 becoming a law.