

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2026 Regular Session**

Part I: Measure Information

Bill Request #:	2039	Bill #:	SB 164
Document ID #:	4827	Sponsor:	Senator Gary Clemons
Bill Title:	AN ACT relating to cannabis.		

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local

Office(s) Impacted: Local Law Enforcement, Jails

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Other Fiscal Statement(s) that may exist: Actuarial Analysis Corrections Impact
 Health Benefit Mandate State Employee Health Plan

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

Section 1 of SB 164 would create a new section of KRS 218A to effectively decriminalize possession, trafficking, and cultivation of personal amounts of cannabis.

Section 2 would amend KRS 218A to define terms associated with cannabis, marijuana, and cannabis accessories. It also would define a “personal use quantity” of cannabis as one ounce or less of cannabis in plant form, five grams of resin or concentrates derived from the plant, cannabis products containing 1,000 milligrams or less of delta-8 or delta-9 THC, or five or fewer plants of cannabis.

Section 6 would amend KRS 218A.510 to exempt cannabis accessories from language prohibiting the use and possession of drug paraphernalia.

Section 7 would amend KRS 218A.410 to exempt personal use quantities of cannabis from forfeiture law.

Section 8 would amend KRS 533.030 to exempt cannabis use from a list of prohibitions associated with the conditions of probation or conditional discharge.

Section 9 would amend KRS 138.872 to exclude personal use quantities from the cannabis stamp act.

Section 11 would create a new section of KRS Chapter 431 to allow expungement of certain convictions relating to cannabis and to apply expungement retroactively.

The fiscal impact of SB 164 on local jails and law enforcement is expected to be positive but indeterminate. The decriminalization of possession, trafficking, and cultivation of personal amounts of cannabis would eliminate criminal offenses that currently could result in a misdemeanor or felony if a person is convicted. Possession of cannabis is currently a Class B misdemeanor. Trafficking of cannabis in the “personal amounts” described by this bill is currently a Class A misdemeanor for the first offense and a Class D felony for subsequent offenses. Cultivation of five or fewer plants is currently a Class A misdemeanor for the first offense and a Class D felony for subsequent offenses. Possession of drug paraphernalia is currently a Class A misdemeanor.

Counties house an average of 7,120 state inmates, receiving a \$35.34 per diem rate from the state. Reducing or eliminating incarceration for these offenses could potentially lower costs associated with housing individuals in local jails. Jail operations represent a significant portion of local government expenditures, so changes in incarceration practices may have an impact on overall budget allocations.

According to the KY Department of Information and Technology Services/Research and Statistics, in 2025, there were 4,020 charges in circuit court and 15,423 charges in district court related to the possession, tracking and cultivation of personal amounts of cannabis.

Data Source(s): KY Department of Corrections; KY Association of Counties, KY Department of Information and Technology Services, LRC Staff

Preparer: HT **Reviewer:** MS (MDA) **Date:** 2/6/26