

1 AN ACT relating to the regulation of cannabis and making an appropriation
2 therefor.

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

4 ➔SECTION 1. KRS CHAPTER 245 IS ESTABLISHED AND A NEW
5 SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

6 *As used in this chapter, unless the context requires otherwise:*

7 *(1) "Board" has the same meaning as in KRS 241.010;*

8 *(2) "Cannabis" has the same meaning as "marijuana" as defined in KRS 218A.010;*

9 *(3) "Cannabis accessory" means any item used for ingestion, inhalation, or storage*
10 *of cannabis;*

11 *(4) "Cannabis administrator" means the administrator of the Cannabis Division in*
12 *the Department of Alcoholic Beverage Control;*

13 *(5) "Cannabis product" means any item that contains cannabis, and includes but is*
14 *not limited to, gummies, candies, baked goods, oils, lotions, and creams;*

15 *(6) "Department" has the same meaning as in KRS 241.010;*

16 *(7) "Immature cannabis plant" means a plant that is a seedling or that has not yet*
17 *produced flowers;*

18 *(8) "Indoor cultivator" means a licensee that grows cannabis plants in an indoor*
19 *facility with the use of artificial lighting;*

20 *(9) "License" means any license issued pursuant to this chapter;*

21 *(10) "Licensee" means any holder of a license issued by the department under this*
22 *chapter;*

23 *(11) "Mature cannabis plant" means a plant that has produced flowers;*

24 *(12) "Outdoor cultivator" means a licensee that grows cannabis outdoors without the*
25 *use of artificial lighting;*

26 *(13) "Population" has the same meaning as in KRS 241.010;*

27 *(14) "Premises" means the land, building, and vehicle in which any business*

1 regulated by this chapter is operated or carried on;

2 (15) "THC" means tetrahydrocannabinol; and

3 (16) "Traffic" or "trafficking" means the licensed growing of cannabis, and
4 transporting, processing, or selling of cannabis or cannabis products.

5 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
6 READ AS FOLLOWS:

7 All cannabis and cannabis products grown, manufactured, produced, or sold under
8 this chapter shall be tracked from seed to consumer with the use of a tracking system.
9 The department may promulgate administrative regulations as needed to ensure
10 compliance with this section.

11 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
12 READ AS FOLLOWS:

13 (1) Licenses that authorize traffic in cannabis may be issued by the cannabis
14 administrator.

15 (2) The holder of one (1) license type shall not hold any other type of license. No
16 licensee shall hold more than one (1) of any license type, except that the holder of
17 a retail license may hold multiple retail licenses, not to exceed more than one (1)
18 per Kentucky State Police post district.

19 (3) A nonrefundable application fee of five thousand dollars (\$5,000) shall be
20 charged to process each new application under this section, except for the home
21 grower permit.

22 (4) Licenses and permits that may be issued and their accompanying annual fees are
23 as follows:

24 (a) Cultivator licenses:

25 1. Specialty outdoor\$1,000.00

26 2. Small outdoor.....\$2,000.00

27 3. Medium outdoor\$4,000.00

1	<u>4. Large outdoor</u>	<u>\$10,000.00</u>
2	<u>5. Specialty indoor</u>	<u>\$7,500.00</u>
3	<u>6. Small indoor.....</u>	<u>\$10,000.00</u>
4	<u>7. Medium indoor</u>	<u>\$15,000.00</u>
5	<u>8. Large indoor</u>	<u>\$25,000.00</u>
6	<u>(b) Processor license.....</u>	<u>\$5,000.00</u>
7	<u>(c) Testing facility license</u>	<u>\$7,500.00</u>
8	<u>(d) Retail license</u>	<u>\$10,000.00</u>
9	<u>(e) Home grower permit.....</u>	<u>\$250.00</u>

10 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
 11 READ AS FOLLOWS:

12 *The following premises limitations shall apply to cultivator licenses. Holders of:*

- 13 *(1) A specialty outdoor cultivator license shall be limited to growing up to fifty*
 14 *(50) mature plants on no more than five thousand (5,000) square feet;*
 15 *(2) A small outdoor cultivator license may cultivate over five thousand (5,000)*
 16 *square feet but no greater than ten thousand (10,000) square feet;*
 17 *(3) A medium outdoor cultivator license may cultivate over ten thousand*
 18 *(10,000) square feet but no more than one (1) acre;*
 19 *(4) A large outdoor cultivator license may cultivate greater than one (1) acre of*
 20 *land;*
 21 *(5) A specialty indoor cultivator license may cultivate up to five thousand*
 22 *(5,000) square feet;*
 23 *(6) A small indoor cultivator license may cultivate over five thousand (5,000)*
 24 *square feet but no greater than ten thousand (10,000) square feet;*
 25 *(7) A medium indoor cultivator license may cultivate over ten thousand*
 26 *(10,000) square feet but less than twenty-two thousand (22,000) square feet;*
 27 *and*

1 (8) A large indoor cultivator license may cultivate at least twenty-two thousand
2 (22,000) square feet but less than forty thousand (40,000) square feet of
3 space.

4 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) A cultivator license shall authorize the license holder to:

7 (a) Grow cannabis on its licensed premises;

8 (b) Sell cannabis to processor licensees; and

9 (c) Transport its cannabis from the premises to a testing facility or a processor.

10 (2) A processor license shall authorize the license holder to:

11 (a) Receive cannabis from a cultivator licensee;

12 (b) Process the cannabis received into consumable cannabis and cannabis
13 products;

14 (c) Sell the processed cannabis and cannabis products to a retail licensee; and

15 (d) Transport the processed cannabis and cannabis products to the retailer
16 licensee or a testing facility.

17 (3) A retail licensee shall authorize the license holder to:

18 (a) Purchase cannabis and cannabis products from a processor for purchase in
19 its store;

20 (b) Receive purchased cannabis and cannabis products from the processor
21 licensee making the delivery; and

22 (c) Sell cannabis, cannabis products, and cannabis accessories at its store to
23 consumers ages twenty-one (21) and older.

24 (4) A testing facility license shall authorize the license holder to obtain and test
25 samples of cannabis from cultivators and samples of cannabis and cannabis
26 products from processors in order to determine the amount of THC in the
27 product.

1 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) A home grower permit shall authorize a household to cultivate and grow up to
4 five (5) mature cannabis plants and up to five (5) immature cannabis plants.

5 (2) A holder of a home grower permit shall permit the department to periodically
6 inspect the premises if needed to ensure compliance with this section.

7 (3) The department may promulgate administrative regulations as needed to ensure
8 compliance with this section.

9 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
10 READ AS FOLLOWS:

11 (1) The board shall promulgate an administrative regulation for a license
12 application, and may require that license applications contain the following
13 information, given under oath:

14 (a) The name, age, Social Security number, address, residence, and citizenship
15 of each applicant;

16 (b) If the applicant is a partner, the name, age, Social Security number,
17 address, residence, and citizenship of each partner and the name and
18 address of the partnership;

19 (c) The name, age, Social Security number, address, residence, and citizenship
20 of each individual or partner interested in the business for which the license
21 is sought, together with the nature of that interest, and if the applicant is a
22 corporation, limited partnership company, limited liability company, or
23 other business entity recognized by law, the name, age, Social Security
24 number, and address of each principal owner, member, officer, and director
25 of the applicant. The department may require the names of all owners and
26 the ownership percentage held by each;

27 (d) The premises to be licensed, stating the street and number, if the premises

1 has a street number, and a description that will reasonably indicate the
2 location of the premises;

3 (e) 1. A statement that neither the applicant nor any person referred to in
4 this section has been convicted of:

5 a. Any misdemeanor directly or indirectly attributable to cannabis;

6 b. Any violation involving a controlled substance that is described
7 in or classified pursuant to KRS Chapter 218A within the two (2)
8 years immediately preceding the application;

9 c. Any felony, within five (5) years from the later date of the date of
10 parole or the date of conviction; or

11 d. Providing false information to the department preceding the
12 application; and

13 2. A statement that the applicant or any other person referred to in this
14 section has not had any license that has been issued under any
15 cannabis statute revoked for cause within two (2) years prior to the
16 date of the application;

17 (f) A statement that the applicant will in good faith abide by every state and
18 local statute, regulation, and ordinance relating to the manufacture, sale,
19 use of, and trafficking in cannabis and cannabis products; and

20 (g) Any other information necessary for the department to administer this
21 chapter.

22 (2) If, after a license has been issued, there is a change in any of the facts required to
23 be set forth in the application, a verified supplemental statement in writing giving
24 notice of the change shall be filed with the department within ten (10) days after
25 the change.

26 (3) In giving any notice or taking any action in reference to a license, the department
27 may rely upon the information furnished in the application or in the

1 supplemental statement connected with the application. This information, as
2 against the licensee or applicant, shall be conclusively presumed to be correct.
3 The information required to be furnished in the application or supplemental
4 statement shall be deemed material in any prosecution for perjury.

5 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) All cannabis licenses issued by the department shall be valid for a period of no
8 more than one (1) year. The board shall promulgate administrative regulations
9 establishing the system for renewal of licenses.

10 (2) The renewal by the department of any cannabis license shall not be construed to
11 waive or condone any violation that occurred prior to the renewal and shall not
12 prevent subsequent proceedings against the licensee.

13 (3) The department may deny a license renewal if the licensee is a delinquent
14 taxpayer as defined in KRS 131.1815.

15 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
16 READ AS FOLLOWS:

17 The number of cannabis retail licenses issued by the department shall not exceed one
18 (1) license for every two thousand three hundred (2,300) persons resident in the
19 county, except that no county shall have fewer than two (2) cannabis retail licenses
20 available for issuance by the department in a county.

21 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
22 READ AS FOLLOWS:

23 A cannabis retail licensee shall be located in a separate premises from any other type
24 of retail store, and shall not sell or offer to sell any products except cannabis, cannabis
25 products, and cannabis accessories.

26 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
27 READ AS FOLLOWS:

1 (1) All cannabis and cannabis products offered for sale at retail, shall:

2 (a) Be packaged in tamper-evident packaging that is child-proof; and

3 (b) Be clearly labeled with the amount of THC in the product.

4 (2) The department may promulgate administrative regulations as needed to ensure
5 compliance with this section.

6 ➔SECTION 12. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
7 READ AS FOLLOWS:

8 (1) If a state administrator denies a license application, the administrator shall notify
9 the applicant in writing of the denial and the reasons for the denial by registered
10 or certified mail at the address given in the application.

11 (2) The applicant may, within thirty (30) days after the date of the mailing of the
12 notice from the state administrator, file a request with the board for an
13 administrative hearing on the application. The hearing shall be conducted by the
14 board as a de novo review of the application in compliance with KRS Chapter
15 13B.

16 (3) If the state administrator denies an application and the applicant does not timely
17 request a board hearing on its application under subsection (2) of this section, the
18 department shall refund payment of the license fee to the applicant. The
19 department shall also refund payment of any license fee erroneously paid by an
20 applicant.

21 ➔SECTION 13. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
22 READ AS FOLLOWS:

23 (1) Upon proceedings for the revocation of any license under this chapter, the board
24 may in its discretion order a suspension of the license. However, the licensee may
25 have the alternative, subject to the approval of the board, to pay in lieu of part or
26 all of the days of any suspension period, a sum as follows:

27 (a) Cultivators, one thousand dollars (\$1,000) per day;

1 **(b) Processors, five hundred dollars (\$500) per day; and**

2 **(c) Retail licensees, fifty dollars (\$50) per day.**

3 **(2) Payments in lieu of suspension collected by the board shall be evenly divided,**
4 **with one-half (1/2) being deposited into the agency account established in Section**
5 **28 of this Act and one-half (1/2) being deposited into the fund established in**
6 **Section 23 of this Act.**

7 **(3) Appeals from orders of suspension and the procedure thereon shall be the same**
8 **as are provided for orders of revocation in KRS Chapter 13B.**

9 ➔SECTION 14. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
10 READ AS FOLLOWS:

11 **(1) Cannabis, cannabis products, and cannabis accessories shall only be purchased,**
12 **possessed, consumed, or used, by persons aged twenty-one (21) years or older.**

13 **(2) A person under twenty-one (21) years of age shall not enter any premises licensed**
14 **for the sale of cannabis, cannabis products, or cannabis accessories for the**
15 **purpose of purchasing or receiving any cannabis, cannabis product, or cannabis**
16 **accessory.**

17 **(3) A person under twenty-one (21) years of age shall not misrepresent the person's**
18 **age for the purpose of inducing any licensee, or the licensee's agent or employee,**
19 **to sell any cannabis, cannabis products, or cannabis accessories to the underage**
20 **person.**

21 **(4) A person under twenty-one (21) years of age shall not use, or attempt to use any**
22 **false, fraudulent, or altered identification card, paper, or any other document to**
23 **purchase or attempt to purchase or otherwise obtain any cannabis, cannabis**
24 **products, or cannabis accessories.**

25 **(5) A violation of this section shall be deemed a status offense if committed by a**
26 **person under the age of eighteen (18) and shall be under the jurisdiction of the**
27 **juvenile session of the District Court or the family division of the Circuit Court,**

1 as appropriate.

2 ➔SECTION 15. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) Smoking cannabis in public is prohibited.

5 (2) Smoking cannabis in public shall be a violation subject to a maximum fine of one
6 hundred dollars (\$100).

7 ➔SECTION 16. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
8 READ AS FOLLOWS:

9 Every retail licensee shall display signs that are visible to persons entering the premises
10 that state as follows:

11 (1) The United States Surgeon General has issued an advisory opinion stating that
12 smoking or ingesting cannabis by pregnant women may cause harm to the fetus;
13 and

14 (2) Minor persons under the age of twenty-one (21) may face criminal penalties if
15 they attempt to buy cannabis or cannabis products themselves or if they attempt
16 to have someone else buy for them.

17 ➔SECTION 17. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO
18 READ AS FOLLOWS:

19 As used in this chapter, unless the context requires otherwise:

20 (1) "Cannabis" has the same meaning as in Section 1 of this Act;

21 (2) "Cannabis administrator" has the same meaning as in Section 1 of this Act; and

22 (3) "Cannabis product" has the same meaning as in Section 1 of this Act.

23 ➔SECTION 18. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) A tax is levied upon cannabis and cannabis products at the time and in the
26 manner as provided in this section.

27 (2) (a) Through June 30, 2026, a wholesale tax in the amount of fifteen percent

1 (15%) of the sales price for all cannabis cultivated and harvested under
2 KRS Chapter 245 and sold to a processor shall be paid by the cannabis
3 cultivator licensee.

4 (b) Effective July 1, 2026, and each year thereafter, the rate of tax shall be
5 calculated by the cannabis administrator as described in Section 21 of this
6 Act.

7 (3) (a) Through June 30, 2026, a wholesale tax in the amount of fifteen percent
8 (15%) of the sales price for all cannabis and cannabis products processed by
9 a processor under KRS Chapter 245 and sold to a retailer shall be paid by
10 the cannabis processor licensee.

11 (b) Effective July 1, 2026, and each year thereafter, the rate of tax shall be
12 calculated by the cannabis administrator as described in Section 21 of this
13 Act.

14 (4) The taxes imposed by this section are to be:

15 (a) Due and payable to the department monthly on or before the twentieth
16 (20th) day of the month following each calendar month;

17 (b) Paid and submitted with a return reporting the amount of sales made
18 during the preceding calendar month; and

19 (c) Reported on a return filed by each cultivator licensee and each processor
20 licensee for each month.

21 (5) The department may allow the cultivator licensee or processor licensee to file the
22 reports for periods other than monthly, as promulgated by administrative
23 regulation under KRS Chapter 13A.

24 (6) Nothing in this section shall prohibit a city, county, urban-county government,
25 consolidated local government, charter county government, or unified local
26 government from imposing a licensing fee, not to exceed five percent (5%) of the
27 gross revenue, on any cultivator, processor, testing facility, and retail cannabis

1 licensee within its jurisdiction. If imposed by the local government, the tax shall
2 be collected by and paid to the local government. In a county in which the city
3 and county both levy a licensing fee, the county fee shall only be applicable
4 outside the jurisdictional boundaries of the city that levies a licensing fee.

5 ➔SECTION 19. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) Notwithstanding any other provision of this chapter to the contrary, the president,
8 vice president, secretary, treasurer, or any other person holding any equivalent
9 corporate office of any corporation subject to Section 18 of this Act shall be
10 personally and individually liable, both jointly and severally, for the cannabis and
11 cannabis product tax.

12 (2) Corporate dissolution, withdrawal of the corporation from the state, or the
13 cessation of holding any corporate office shall not discharge the liability of any
14 person. The personal and individual liability shall apply to every person holding a
15 corporate office at the time the tax becomes or became due.

16 (3) Notwithstanding any other provision of this chapter, KRS 275.150, 362.1-306(3)
17 or predecessor law, or KRS 362.2-404(3) to the contrary, the managers of a
18 limited liability company, the partners of a limited liability partnership, and the
19 general partners of a limited liability limited partnership or any other person
20 holding any equivalent office of a limited liability company, limited liability
21 partnership or limited liability limited partnership subject to Section 17, Section
22 18, Section 19, and Section 20 of this Act shall be personally and individually
23 liable, both jointly and severally, for the cannabis and cannabis products tax.

24 (4) Dissolution, withdrawal of the limited liability company, limited liability
25 partnership, or limited liability limited partnership from the state, or the cessation
26 of holding any office shall not discharge the liability of any person. The personal
27 and individual liability shall apply to every manager of a limited liability

1 company, partner of a limited liability partnership or general partner of a limited
2 liability limited partnership at the time the tax becomes or became due.

3 (5) No person shall be personally and individually liable under this section who had
4 no authority to collect, truthfully account for, or pay over any cannabis and
5 cannabis product tax at the time the taxes imposed become or became due.

6 (6) "Taxes" as used in this section include interest accrued at the rate provided by
7 KRS 131.183, all applicable penalties imposed under this chapter, and all
8 applicable penalties imposed under KRS 131.180, 131.410 to 131.445, and
9 131.990.

10 ➔SECTION 20. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO
11 READ AS FOLLOWS:

12 Any person who violates any provision of Section 18 or Section 19 of this Act shall be
13 subject to the uniform civil penalties imposed pursuant to KRS 131.180 and interest at
14 the tax interest rate as defined in KRS 131.010(6) from the date due until the date of
15 payment.

16 ➔SECTION 21. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO
17 READ AS FOLLOWS:

18 (1) Effective July 1, 2026, and each year thereafter, the rate of tax in Section 18 of
19 this Act for all cannabis cultivated and harvested and sold to a processor shall be
20 calculated by the state cannabis administrator. The rate calculation may take into
21 account any or all of the following:

22 (a) The price of the cannabis being sold;

23 (b) The weight of the cannabis being sold;

24 (c) The parts of the cannabis plant being sold; or

25 (d) The amount of THC in the product.

26 (2) Effective July 1, 2026, and each year thereafter, the rate of tax in Section 18 of
27 this Act for all processed cannabis and cannabis products transferred to cannabis

1 retail licensees shall be calculated by the state cannabis administrator. The rate
2 calculation may take into account any or all of the following:

3 (a) The price of the cannabis being sold;

4 (b) The weight of the cannabis being sold;

5 (c) The parts of the cannabis plant being sold; or

6 (d) The amount of THC in the product.

7 (3) The rates calculated in this section shall be provided to the Department of
8 Revenue no later than March 31 of each year.

9 (4) The department shall promulgate administrative regulations setting forth the
10 applicable rate and the method of rate calculation.

11 ➔Section 22. KRS 2.015 is amended to read as follows:

12 Persons of the age of eighteen (18) years are of the age of majority for all purposes in this
13 Commonwealth except for the purchase of alcoholic beverages, the purchase of
14 cannabis, cannabis products, and cannabis accessories, and for purposes of care and
15 treatment of children with disabilities, for which twenty-one (21) years is the age of
16 majority, all other statutes to the contrary notwithstanding.

17 ➔Section 23. KRS 42.205 is amended to read as follows:

18 (1) There is hereby established within the Finance and Administration Cabinet the
19 Kentucky permanent pension fund for the purpose of addressing the
20 Commonwealth's unfunded pension liabilities. The proceeds contained in this fund
21 shall be used only for contributions to the Commonwealth's pension funds.

22 (2) The fund may receive:

23 (a) State appropriations;

24 (b) The net proceeds from the sale of real property owned by the Commonwealth
25 or any agency thereof; ~~and~~

26 (c) Any settlements or judgments resulting from litigation in which the
27 Commonwealth or any of its agencies is a party, after costs of litigation and

- 1 mandatory deductions or restitution to consumers have been deducted; and
- 2 (d) Licensing fees and permit fees for licenses and permits issued pursuant to
- 3 KRS Chapter 245, moneys from payments in lieu of suspension or penalties
- 4 for violations of any provision of KRS Chapter 245, and moneys from
- 5 wholesale taxes on cannabis and cannabis products.
- 6 (3) Any unallotted or unencumbered balances in the fund shall be invested pursuant to
- 7 KRS 42.500.
- 8 (4) Income earned from the investments shall be credited to and become part of the
- 9 fund.
- 10 (5) Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall
- 11 not lapse but shall be carried forward to the next fiscal year. All amounts in the fund
- 12 shall remain in the fund and shall not be expended or appropriated without the
- 13 express authority in an enacted biennial budget bill except as provided in
- 14 subsection (6) of this section.
- 15 (6) Any moneys received in the fund under subsection (2)(d) of this section shall be
- 16 distributed quarterly, as follows:
- 17 (a) Seventy five percent (75%) to the Kentucky Employees Retirement System
- 18 nonhazardous pension fund and twenty five percent (25%) to the Teachers'
- 19 Retirement System pension fund; and
- 20 (b) When both pension funds have a funding level equal to or greater than one
- 21 hundred percent (100%), moneys shall be split equally between the
- 22 Kentucky Employees Retirement System nonhazardous pension fund and
- 23 the Teachers' Retirement System pension fund. For purposes of this
- 24 paragraph, the funding level of a pension fund means the actuarial value of
- 25 assets divided by the actuarially accrued liability, expressed as a percentage,
- 26 as reported by the system's actuary in the system's most recent actuarial
- 27 valuation report.

1 ➔ Section 24. KRS 241.020 is amended to read as follows:

2 (1) The department shall administer statutes relating to, and regulate traffic in,
3 alcoholic beverages and cannabis, except that the collection of taxes shall be
4 administered by the Department of Revenue. The department may issue advisory
5 opinions and declaratory rulings related to KRS Chapters 241 to 245~~[244]~~ and the
6 administrative regulations promulgated under those chapters.

7 (2) A Division of Distilled Spirits, under the supervision of the board, shall administer
8 the laws in relation to traffic in distilled spirits and wine.

9 (3) A Division of Malt Beverages, under the supervision of the board, shall administer
10 the laws in relation to traffic in malt beverages.

11 **(4) A Division of Cannabis, under the supervision of the board, shall administer the**
12 **laws in relation to traffic in cannabis.**

13 ➔ Section 25. KRS 241.030 is amended to read as follows:

14 The Alcoholic Beverage Control Board shall consist of:

15 **(1) The commissioner of the department of** alcoholic beverage control, **who shall serve**
16 **as chair of the board;** and

17 **(2) Three (3)**~~[two (2)]~~ persons appointed by the secretary of the Public Protection
18 Cabinet with the approval of the Governor, **as follows:**

19 **(a) One (1) person** who shall ~~have~~be persons with administrative experience in
20 the field of alcoholic beverage control, **who**~~[One (1) of these persons]~~ shall
21 serve as administrator of the Division of Distilled Spirits,

22 **(b) One (1) person who shall have administrative experience in the field of**
23 **alcoholic beverage control, who**~~[and the other]~~ shall serve as administrator of
24 the Division of Malt Beverages; **and**

25 **(c) One (1) person who shall have administrative experience in the field of**
26 **cannabis control, who shall serve as administrator of the Division of**
27 **Cannabis.**~~[The commissioner shall be chairman of the board.]~~

1 ➔Section 26. KRS 241.060 is amended to read as follows:

2 The board shall have the following functions, powers, and duties:

- 3 (1) To promulgate reasonable administrative regulations governing procedures relative
4 to the applications for and revocations of licenses, the supervision and control of the
5 use, manufacture, sale, transportation, storage, advertising, and trafficking of
6 alcoholic beverages and the cultivation, processing, testing, and trafficking of
7 cannabis, and all other matters over which the board has jurisdiction.
8 Administrative regulations need not be uniform in their application but may vary in
9 accordance with reasonable classifications;
- 10 (2) To limit in its sound discretion the number of licenses of each kind or class to be
11 issued in this state or any political subdivision, and restrict the locations of licensed
12 premises. To this end, the board may make reasonable division and subdivision of
13 the state or any political subdivision into districts. Administrative regulations
14 relating to the approval, denial, and revocation of licenses may be different within
15 the several divisions or subdivisions;
- 16 (3) To hold hearings in accordance with the provisions of KRS Chapter 13B. The
17 department may pay witnesses the per diem and mileage provided in KRS 421.015;
- 18 (4) To conduct hearings and appeals under KRS 241.150, 241.200, 241.260, 243.470,
19 ~~and 243.520,~~ and Section 12 of this Act, and render final orders upon the subjects
20 of the hearings and appeals;
- 21 (5) To order the destruction of evidence in the department's possession after all
22 administrative and judicial proceedings are conducted;
- 23 (6) To suspend, revoke, or cancel for cause, after a hearing in accordance with KRS
24 Chapter 13B, any license; and
- 25 (7) To prohibit the issuance of a license for the premises until the expiration of two (2)
26 years from the time the offense was committed if a violation of KRS Chapters 241
27 to 245~~[244]~~ has taken place on the premises which the owner knew of or should

1 have known of, or was committed or permitted in or on the premises owned by the
2 licensee.

3 ➔Section 27. KRS 241.090 is amended to read as follows:

4 State administrators and all investigators shall have the full police powers of peace
5 officers, and their jurisdiction shall be coextensive with the state. They may inspect any
6 premises where alcoholic beverages or cannabis is~~are~~ manufactured, cultivated,
7 processed, sold, stored, or otherwise trafficked in, without first obtaining a search
8 warrant. They may confiscate any contraband property.

9 ➔Section 28. KRS 243.025 is amended to read as follows:

- 10 (1) All of the fees paid into the State Treasury for state licenses issued pursuant to
11 KRS Chapters 241 to 244, and all application fees paid into the State Treasury for
12 applications for licensure under KRS Chapter 245, shall be credited to a revolving
13 trust and agency account, as provided in KRS 45.253, for the Department of
14 Alcoholic Beverage Control.
- 15 (2) All fees associated with the department's server training program shall be collected
16 on a cost recovery basis and shall be credited to the revolving trust and agency
17 account established under subsection (1) of this section.
- 18 (3) These moneys shall be used solely for the administration and enforcement of KRS
19 Chapters 241 to 245~~244~~. The moneys in the account shall not lapse at the close of
20 the fiscal year.

21 ➔Section 29. KRS 218A.1421 is amended to read as follows:

- 22 (1) A person is guilty of trafficking in marijuana when he:
23 (a) Knowingly and unlawfully traffics in marijuana; or
24 (b) When a person licensed under KRS Chapter 245 transfers cannabis outside
25 the limitations of the license.
- 26 (2) Trafficking in less than eight (8) ounces of marijuana is:
27 (a) For a first offense a Class A misdemeanor.

- 1 (b) For a second or subsequent offense a Class D felony.
- 2 (3) Trafficking in eight (8) or more ounces but less than five (5) pounds of marijuana
- 3 is:
- 4 (a) For a first offense a Class D felony.
- 5 (b) For a second or subsequent offense a Class C felony.
- 6 (4) Trafficking in five (5) or more pounds of marijuana is:
- 7 (a) For a first offense a Class C felony.
- 8 (b) For a second or subsequent offense a Class B felony.
- 9 (5) The unlawful possession by any person of eight (8) or more ounces of marijuana
- 10 shall be prima facie evidence that the person possessed the marijuana with the intent
- 11 to sell or transfer it.
- 12 ➔Section 30. KRS 218A.1422 is amended to read as follows:
- 13 (1) A person is guilty of possession of marijuana when he or she knowingly and
- 14 unlawfully possesses *more than one (1) ounce of* marijuana.
- 15 (2) Possession of marijuana is a Class B misdemeanor, except that, KRS Chapter 532
- 16 to the contrary notwithstanding, the maximum term of incarceration shall be no
- 17 greater than forty-five (45) days.
- 18 ➔Section 31. KRS 218A.1423 is amended to read as follows:
- 19 (1) *Except as listed in subsection (5) of this section,* a person is guilty of marijuana
- 20 cultivation when he knowingly and unlawfully plants, cultivates, or harvests
- 21 marijuana with the intent to sell or transfer it.
- 22 (2) Marijuana cultivation of five (5) or more plants of marijuana is:
- 23 (a) For a first offense a Class D felony.
- 24 (b) For a second or subsequent offense a Class C felony.
- 25 (3) Marijuana cultivation of fewer than five (5) plants is:
- 26 (a) For a first offense a Class A misdemeanor.
- 27 (b) For a second or subsequent offense a Class D felony.

(4) The planting, cultivating, or harvesting of five (5) or more marijuana plants shall be prima facie evidence that the marijuana plants were planted, cultivated, or harvested for the purpose of sale or transfer.

(5) (a) A cannabis cultivator holding a license under Section 4 of this Act may grow cannabis as authorized by its license type; and
(b) The holder of a home grower permit under Section 6 of this Act may grow cannabis as authorized by the permit.

➔Section 32. KRS 218A.500 is amended to read as follows:

As used in this section and KRS 218A.510:

(1) "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter.

It includes but is not limited to:

- (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- (c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- (e) Scales and balances used, intended for use, or designed for use in weighing or

- 1 measuring controlled substances;
- 2 (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite,
- 3 dextrose and lactose, used, intended for use, or designed for use in cutting
- 4 controlled substances;
- 5 (g) Separation gins and sifters used, intended for use, or designed for use in
- 6 removing twigs and seeds from, or in otherwise cleaning or refining
- 7 marijuana;
- 8 (h) Blenders, bowls, containers, spoons, and mixing devices used, intended for
- 9 use, or designed for use in compounding controlled substances;
- 10 (i) Capsules, balloons, envelopes, and other containers used, intended for use, or
- 11 designed for use in packaging small quantities of controlled substances;
- 12 (j) Containers and other objects used, intended for use, or designed for use in
- 13 storing or concealing controlled substances;
- 14 (k) Hypodermic syringes, needles, and other objects used, intended for use, or
- 15 designed for use in parenterally injecting controlled substances into the human
- 16 body; and
- 17 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or
- 18 otherwise introducing marijuana, cocaine, hashish, or hashish oil into the
- 19 human body, such as: metal, wooden, acrylic, glass, stone, plastic, or ceramic
- 20 pipes with or without screens, permanent screens, hashish heads, or punctured
- 21 metal bowls; water pipes; carburetion tubes and devices; smoking and
- 22 carburetion masks; roach clips which mean objects used to hold burning
- 23 material, such as marijuana cigarettes, that have become too small or too short
- 24 to be held in the hand; miniature cocaine spoons, and cocaine vials; chamber
- 25 pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; ice
- 26 pipes or chillers.
- 27 (2) It is unlawful for any person to use, or to possess with intent to use, drug

1 paraphernalia for the purpose of planting, propagating, cultivating, growing,
2 harvesting, manufacturing, compounding, converting, producing, processing,
3 preparing, testing, analyzing, packing, repacking, storing, containing, concealing,
4 injecting, ingesting, inhaling, or otherwise introducing into the human body a
5 controlled substance in violation of this chapter.

6 (3) It is unlawful for any person to deliver, possess with intent to deliver, or
7 manufacture with intent to deliver, drug paraphernalia, knowing, or under
8 circumstances where one reasonably should know, that it will be used to plant,
9 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,
10 process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest,
11 inhale, or otherwise introduce into the human body a controlled substance in
12 violation of this chapter.

13 (4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other
14 publication any advertisement, knowing, or under circumstances where one
15 reasonably should know, that the purpose of the advertisement, in whole or in part,
16 is to promote the sale of objects designed or intended for use as drug paraphernalia.

17 (5) (a) This section shall not prohibit a local health department from operating a
18 substance abuse treatment outreach program which allows participants to
19 exchange hypodermic needles and syringes.

20 (b) To operate a substance abuse treatment outreach program under this
21 subsection, the local health department shall have the consent, which may be
22 revoked at any time, of the local board of health and:

- 23 1. The legislative body of the first or home rule class city in which the
24 program would operate if located in such a city; and
- 25 2. The legislative body of the county, urban-county government, or
26 consolidated local government in which the program would operate.

27 (c) Items exchanged at the program shall not be deemed drug paraphernalia under

1 this section while located at the program.

2 (6) (a) Prior to searching a person, a person's premises, or a person's vehicle, a peace
3 officer may inquire as to the presence of needles or other sharp objects in the
4 areas to be searched that may cut or puncture the officer and offer to not
5 charge a person with possession of drug paraphernalia if the person declares to
6 the officer the presence of the needle or other sharp object. If, in response to
7 the offer, the person admits to the presence of the needle or other sharp object
8 prior to the search, the person shall not be charged with or prosecuted for
9 possession of drug paraphernalia for the needle or sharp object or for
10 possession of a controlled substance for residual or trace drug amounts present
11 on the needle or sharp object.

12 (b) The exemption under this subsection shall not apply to any other drug
13 paraphernalia that may be present and found during the search or to controlled
14 substances present in other than residual or trace amounts.

15 (7) Any person who violates any provision of this section shall be guilty of a Class A
16 misdemeanor.

17 (8) Cannabis accessories as defined in Section 1 of this Act, and items used in the
18 cultivation of cannabis licensed under KRS Chapter 245, are excluded from this
19 section.

20 ➔SECTION 33. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO
21 READ AS FOLLOWS:

22 (1) Any person who has been convicted of a misdemeanor for possession of
23 marijuana or possession, delivery, or manufacture of marijuana-related drug
24 paraphernalia, may petition the court in which he or she was convicted for
25 expungement of his or her record, including a record of any charges for
26 misdemeanors, violations, or traffic infractions that were dismissed or amended
27 in the criminal action.

1 (2) For a petition brought under this section, the court shall order expunged all
2 records in the custody of the court and any records in the custody of any other
3 agency or official, including law enforcement records, if the court finds that the
4 offense was for a misdemeanor possession of marijuana or marijuana-related
5 drug paraphernalia, or the delivery or manufacture of marijuana-related drug
6 paraphernalia.

7 (3) Upon the entry of an order to expunge the records:

8 (a) The proceedings in the case shall be deemed never to have occurred;

9 (b) The court and other agencies shall cause records to be deleted or removed
10 from their computer systems so that the matter shall not appear on official
11 state-performed background checks;

12 (c) The persons and the court may properly reply that no record exists with
13 respect to the persons upon any inquiry in the matter; and

14 (d) The person whose record is expunged shall not have to disclose the fact of
15 the record or any matter relating thereto on an application for employment,
16 credit, or other type of application.

17 (4) There shall be no filing fee or court costs for a petition under this section.

18 (5) Copies of the order shall be sent to The Department of Kentucky State Police
19 Criminal Identification and Records Branch, and to each agency or official
20 named in the order.

21 (6) Inspection of the records included in the order may thereafter be permitted by the
22 court only upon petition by the person who is the subject of the records and only
23 to those persons named in the petition.

24 (7) This section shall be deemed to be retroactive.

25 ➔Section 34. KRS 431.079 is amended to read as follows:

26 (1) Every petition or application filed seeking expungement of a conviction, except for
27 a petition filed under Section 33 of this Act, shall include a certification of

1 eligibility for expungement. The Department of Kentucky State Police and the
2 Administrative Office of the Courts shall certify that the agencies have conducted a
3 criminal background check on the petitioner and whether or not the petitioner is
4 eligible to have the requested record expunged. The Department of Kentucky State
5 Police shall promulgate administrative regulations to implement this section, in
6 consultation with the Administrative Office of the Courts.

7 (2) Nothing in this section shall be construed to prohibit the expungement of a case
8 ordered by a court of competent jurisdiction.

9 (3) For the purposes of this section, KRS 431.073, 431.076, and 431.078,
10 "expungement" means the removal or deletion of records by the court and other
11 agencies which prevents the matter from appearing on official state-performed
12 background checks.

13 ➔Section 35. KRS 131.1815 is amended to read as follows:

14 (1) Whenever it is determined that a taxpayer, who holds a license under KRS Chapter
15 243 or 245, is a delinquent taxpayer as defined in subsection (2) of this section, the
16 department may, after giving notice as provided in subsection (3) of this section,
17 submit the name of the taxpayer to the Department of Alcoholic Beverage Control
18 for revocation of any license issued under KRS Chapter 243 or 245.

19 (2) Any of the following situations shall be sufficient to cause a taxpayer to be
20 classified as a "delinquent taxpayer" for purposes of this section:

21 (a) When a taxpayer has an overdue state tax liability arising directly or indirectly
22 from the:

23 1. Manufacture, sale, transportation, or distribution of alcoholic beverages,

24 or

25 2. Cultivation, processing, or sale of cannabis, cannabis products, and
26 cannabis accessories,

27 for which all protest and appeal rights granted by law have expired, and the taxpayer

1 has been contacted by the department concerning the overdue tax liability. This
2 does not include a taxpayer who is making current timely installment payments on
3 the overdue tax liability under agreement with the department;

4 (b) When a taxpayer has not filed a required tax return as of ninety (90) days after
5 the due date or after the extended due date, and the taxpayer has been
6 contacted by the department concerning the delinquent return; or

7 (c) When an owner, partner, or corporate officer of a proprietorship, partnership,
8 or corporation holding a license under KRS Chapter 243 or 245 held a similar
9 position in a business whose license was revoked as a "delinquent taxpayer,"
10 and the tax liability remains unpaid as of ninety (90) days after the due date.

11 (3) At least twenty (20) days before submitting a taxpayer's name to the Department of
12 Alcoholic Beverage Control as provided in subsection (1) of this section, the
13 department shall notify the taxpayer by certified mail that the action is to be taken.
14 The notice shall state the reason for the action and shall set out the amount of any
15 tax liability including any applicable penalties and interest and any other area of
16 noncompliance that must be satisfied in order to prevent the submission of his name
17 to the Department of Alcoholic Beverage Control as a delinquent taxpayer.

18 ➔Section 36. KRS 600.020 is amended to read as follows:

19 As used in KRS Chapters 600 to 645, unless the context otherwise requires:

20 (1) "Abused or neglected child" means a child whose health or welfare is harmed or
21 threatened with harm when:

22 (a) His or her parent, guardian, person in a position of authority or special trust, as
23 defined in KRS 532.045, or other person exercising custodial control or
24 supervision of the child:

25 1. Inflicts or allows to be inflicted upon the child physical or emotional
26 injury as defined in this section by other than accidental means;

27 2. Creates or allows to be created a risk of physical or emotional injury as

- 1 defined in this section to the child by other than accidental means;
- 2 3. Engages in a pattern of conduct that renders the parent incapable of
- 3 caring for the immediate and ongoing needs of the child, including but
- 4 not limited to parental incapacity due to a substance use disorder as
- 5 defined in KRS 222.005;
- 6 4. Continuously or repeatedly fails or refuses to provide essential parental
- 7 care and protection for the child, considering the age of the child;
- 8 5. Commits or allows to be committed an act of sexual abuse, sexual
- 9 exploitation, or prostitution upon the child;
- 10 6. Creates or allows to be created a risk that an act of sexual abuse, sexual
- 11 exploitation, or prostitution will be committed upon the child;
- 12 7. Abandons or exploits the child;
- 13 8. Does not provide the child with adequate care, supervision, food,
- 14 clothing, shelter, and education or medical care necessary for the child's
- 15 well-being. A parent or other person exercising custodial control or
- 16 supervision of the child legitimately practicing the person's religious
- 17 beliefs shall not be considered a negligent parent solely because of
- 18 failure to provide specified medical treatment for a child for that reason
- 19 alone. This exception shall not preclude a court from ordering necessary
- 20 medical services for a child; or
- 21 9. Fails to make sufficient progress toward identified goals as set forth in
- 22 the court-approved case plan to allow for the safe return of the child to
- 23 the parent that results in the child remaining committed to the cabinet
- 24 and remaining in foster care for fifteen (15) cumulative months out of
- 25 forty-eight (48) months; or
- 26 (b) A person twenty-one (21) years of age or older commits or allows to be
- 27 committed an act of sexual abuse, sexual exploitation, or prostitution upon a

1 child less than sixteen (16) years of age;

2 (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec.
3 675(11);

4 (3) "Aggravated circumstances" means the existence of one (1) or more of the
5 following conditions:

6 (a) The parent has not attempted or has not had contact with the child for a period
7 of not less than ninety (90) days;

8 (b) The parent is incarcerated and will be unavailable to care for the child for a
9 period of at least one (1) year from the date of the child's entry into foster care
10 and there is no appropriate relative placement available during this period of
11 time;

12 (c) The parent has sexually abused the child and has refused available treatment;

13 (d) The parent has been found by the cabinet to have engaged in abuse of the
14 child that required removal from the parent's home two (2) or more times in
15 the past two (2) years; or

16 (e) The parent has caused the child serious physical injury;

17 (4) "Beyond the control of parents" means a child who has repeatedly failed to follow
18 the reasonable directives of his or her parents, legal guardian, or person exercising
19 custodial control or supervision other than a state agency, which behavior results in
20 danger to the child or others, and which behavior does not constitute behavior that
21 would warrant the filing of a petition under KRS Chapter 645;

22 (5) "Beyond the control of school" means any child who has been found by the court to
23 have repeatedly violated the lawful regulations for the government of the school as
24 provided in KRS 158.150, and as documented in writing by the school as a part of
25 the school's petition or as an attachment to the school's petition. The petition or
26 attachment shall describe the student's behavior and all intervention strategies
27 attempted by the school;

- 1 (6) "Boarding home" means a privately owned and operated home for the boarding and
2 lodging of individuals which is approved by the Department of Juvenile Justice or
3 the cabinet for the placement of children committed to the department or the
4 cabinet;
- 5 (7) "Cabinet" means the Cabinet for Health and Family Services;
- 6 (8) "Certified juvenile facility staff" means individuals who meet the qualifications of,
7 and who have completed a course of education and training in juvenile detention
8 developed and approved by, the Department of Juvenile Justice after consultation
9 with other appropriate state agencies;
- 10 (9) "Child" means any person who has not reached his or her eighteenth birthday,
11 unless otherwise provided;
- 12 (10) "Child-caring facility" means any facility or group home other than a state facility,
13 Department of Juvenile Justice contract facility or group home, or one certified by
14 an appropriate agency as operated primarily for educational or medical purposes,
15 providing residential care on a twenty-four (24) hour basis to children not related by
16 blood, adoption, or marriage to the person maintaining the facility;
- 17 (11) "Child-placing agency" means any agency, other than a state agency, which
18 supervises the placement of children in foster family homes or child-caring facilities
19 or which places children for adoption;
- 20 (12) "Clinical treatment facility" means a facility with more than eight (8) beds
21 designated by the Department of Juvenile Justice or the cabinet for the treatment of
22 mentally ill children. The treatment program of such facilities shall be supervised by
23 a qualified mental health professional;
- 24 (13) "Commitment" means an order of the court which places a child under the custodial
25 control or supervision of the Cabinet for Health and Family Services, Department of
26 Juvenile Justice, or another facility or agency until the child attains the age of
27 eighteen (18) unless otherwise provided by law;

- 1 (14) "Community-based facility" means any nonsecure, homelike facility licensed,
2 operated, or permitted to operate by the Department of Juvenile Justice or the
3 cabinet, which is located within a reasonable proximity of the child's family and
4 home community, which affords the child the opportunity, if a Kentucky resident, to
5 continue family and community contact;
- 6 (15) "Complaint" means a verified statement setting forth allegations in regard to the
7 child which contain sufficient facts for the formulation of a subsequent petition;
- 8 (16) "Court" means the juvenile session of District Court unless a statute specifies the
9 adult session of District Court or the Circuit Court;
- 10 (17) "Court-designated worker" means that organization or individual delegated by the
11 Administrative Office of the Courts for the purposes of placing children in
12 alternative placements prior to arraignment, conducting preliminary investigations,
13 and formulating, entering into, and supervising diversion agreements and
14 performing such other functions as authorized by law or court order;
- 15 (18) "Deadly weapon" has the same meaning as it does in KRS 500.080;
- 16 (19) "Department" means the Department for Community Based Services;
- 17 (20) "Dependent child" means any child, other than an abused or neglected child, who is
18 under improper care, custody, control, or guardianship that is not due to an
19 intentional act of the parent, guardian, or person exercising custodial control or
20 supervision of the child;
- 21 (21) "Detention" means the safe and temporary custody of a juvenile who is accused of
22 conduct subject to the jurisdiction of the court who requires a restricted or closely
23 supervised environment for his or her own or the community's protection;
- 24 (22) "Detention hearing" means a hearing held by a judge or trial commissioner within
25 twenty-four (24) hours, exclusive of weekends and holidays, of the start of any
26 period of detention prior to adjudication;
- 27 (23) "Diversion agreement" means a mechanism designed to hold a child accountable for

- 1 his or her behavior and, if appropriate, securing services to serve the best interest of
2 the child and to provide redress for that behavior without court action and without
3 the creation of a formal court record;
- 4 (24) "Eligible youth" means a person who:
- 5 (a) Is or has been committed to the cabinet as dependent, neglected, or abused;
- 6 (b) Is eighteen (18) years of age to nineteen (19) years of age; and
- 7 (c) Is requesting to extend or reinstate his or her commitment to the cabinet in
8 order to participate in state or federal educational programs or to establish
9 independent living arrangements;
- 10 (25) "Emergency shelter" is a group home, private residence, foster home, or similar
11 homelike facility which provides temporary or emergency care of children and
12 adequate staff and services consistent with the needs of each child;
- 13 (26) "Emotional injury" means an injury to the mental or psychological capacity or
14 emotional stability of a child as evidenced by a substantial and observable
15 impairment in the child's ability to function within a normal range of performance
16 and behavior with due regard to his or her age, development, culture, and
17 environment as testified to by a qualified mental health professional;
- 18 (27) "Evidence-based practices" means policies, procedures, programs, and practices
19 proven by scientific research to reliably produce reductions in recidivism;
- 20 (28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage
21 to a child, but who has an emotionally significant relationship with the child;
- 22 (29) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;
- 23 (30) "Foster family home" means a private home in which children are placed for foster
24 family care under supervision of the cabinet or a licensed child-placing agency;
- 25 (31) "Graduated sanction" means any of a continuum of accountability measures,
26 programs, and sanctions, ranging from less restrictive to more restrictive in nature,
27 that may include but are not limited to:

- 1 (a) Electronic monitoring;
- 2 (b) Drug and alcohol screening, testing, or monitoring;
- 3 (c) Day or evening reporting centers;
- 4 (d) Reporting requirements;
- 5 (e) Community service; and
- 6 (f) Rehabilitative interventions such as family counseling, substance abuse
- 7 treatment, restorative justice programs, and behavioral or mental health
- 8 treatment;
- 9 (32) "Habitual runaway" means any child who has been found by the court to have been
- 10 absent from his or her place of lawful residence without the permission of his or her
- 11 custodian for at least three (3) days during a one (1) year period;
- 12 (33) "Habitual truant" means any child who has been found by the court to have been
- 13 reported as a truant as defined in KRS 159.150(1) two (2) or more times during a
- 14 one (1) year period;
- 15 (34) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or
- 16 public facility, health care facility, or part thereof, which is approved by the cabinet
- 17 to treat children;
- 18 (35) "Independent living" means those activities necessary to assist a committed child to
- 19 establish independent living arrangements;
- 20 (36) "Informal adjustment" means an agreement reached among the parties, with
- 21 consultation, but not the consent, of the victim of the crime or other persons
- 22 specified in KRS 610.070 if the victim chooses not to or is unable to participate,
- 23 after a petition has been filed, which is approved by the court, that the best interest
- 24 of the child would be served without formal adjudication and disposition;
- 25 (37) "Intentionally" means, with respect to a result or to conduct described by a statute
- 26 which defines an offense, that the actor's conscious objective is to cause that result
- 27 or to engage in that conduct;

- 1 (38) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that
2 the program developed on the child's behalf is no more harsh, hazardous, or
3 intrusive than necessary; or involves no restrictions on physical movements nor
4 requirements for residential care except as reasonably necessary for the protection
5 of the child from physical injury; or protection of the community, and is conducted
6 at the suitable available facility closest to the child's place of residence to allow for
7 appropriate family engagement;
- 8 (39) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS
9 Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;
- 10 (40) "Near fatality" means an injury that, as certified by a physician, places a child in
11 serious or critical condition;
- 12 (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- 13 (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and who
14 has not been otherwise charged with a status or public offense;
- 15 (43) "Nonsecure facility" means a facility which provides its residents access to the
16 surrounding community and which does not rely primarily on the use of physically
17 restricting construction and hardware to restrict freedom;
- 18 (44) "Nonsecure setting" means a nonsecure facility or a residential home, including a
19 child's own home, where a child may be temporarily placed pending further court
20 action. Children before the court in a county that is served by a state operated secure
21 detention facility, who are in the detention custody of the Department of Juvenile
22 Justice, and who are placed in a nonsecure alternative by the Department of
23 Juvenile Justice, shall be supervised by the Department of Juvenile Justice;
- 24 (45) "Out-of-home placement" means a placement other than in the home of a parent,
25 relative, or guardian, in a boarding home, clinical treatment facility, community-
26 based facility, detention facility, emergency shelter, fictive kin home, foster family
27 home, hospital, nonsecure facility, physically secure facility, residential treatment

- 1 facility, or youth alternative center;
- 2 (46) "Parent" means the biological or adoptive mother or father of a child;
- 3 (47) "Person exercising custodial control or supervision" means a person or agency that
- 4 has assumed the role and responsibility of a parent or guardian for the child, but that
- 5 does not necessarily have legal custody of the child;
- 6 (48) "Petition" means a verified statement, setting forth allegations in regard to the child,
- 7 which initiates formal court involvement in the child's case;
- 8 (49) "Physical injury" means substantial physical pain or any impairment of physical
- 9 condition;
- 10 (50) "Physically secure facility" means a facility that relies primarily on the use of
- 11 construction and hardware such as locks, bars, and fences to restrict freedom;
- 12 (51) "Public offense action" means an action, excluding contempt, brought in the interest
- 13 of a child who is accused of committing an offense under KRS Chapter 527 or a
- 14 public offense which, if committed by an adult, would be a crime, whether the same
- 15 is a felony, misdemeanor, or violation, other than an action alleging that a child
- 16 sixteen (16) years of age or older has committed a motor vehicle offense;
- 17 (52) "Qualified mental health professional" means:
- 18 (a) A physician licensed under the laws of Kentucky to practice medicine or
- 19 osteopathy, or a medical officer of the government of the United States while
- 20 engaged in the performance of official duties;
- 21 (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or
- 22 osteopathy, or a medical officer of the government of the United States while
- 23 engaged in the practice of official duties, and who is certified or eligible to
- 24 apply for certification by the American Board of Psychiatry and Neurology,
- 25 Inc.;
- 26 (c) A psychologist with the health service provider designation, a psychological
- 27 practitioner, a certified psychologist, or a psychological associate licensed

- 1 under the provisions of KRS Chapter 319;
- 2 (d) A licensed registered nurse with a master's degree in psychiatric nursing from
3 an accredited institution and two (2) years of clinical experience with mentally
4 ill persons, or a licensed registered nurse with a bachelor's degree in nursing
5 from an accredited institution who is certified as a psychiatric and mental
6 health nurse by the American Nurses Association and who has three (3) years
7 of inpatient or outpatient clinical experience in psychiatric nursing and who is
8 currently employed by a hospital or forensic psychiatric facility licensed by
9 the Commonwealth or a psychiatric unit of a general hospital or a regional
10 comprehensive care center;
- 11 (e) A licensed clinical social worker licensed under the provisions of KRS
12 335.100, or a certified social worker licensed under the provisions of KRS
13 335.080 with three (3) years of inpatient or outpatient clinical experience in
14 psychiatric social work and currently employed by a hospital or forensic
15 psychiatric facility licensed by the Commonwealth or a psychiatric unit of a
16 general hospital or a regional comprehensive care center;
- 17 (f) A marriage and family therapist licensed under the provisions of KRS 335.300
18 to 335.399 with three (3) years of inpatient or outpatient clinical experience in
19 psychiatric mental health practice and currently employed by a hospital or
20 forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit
21 of a general hospital, or a regional comprehensive care center;
- 22 (g) A professional counselor credentialed under the provisions of KRS 335.500 to
23 335.599 with three (3) years of inpatient or outpatient clinical experience in
24 psychiatric mental health practice and currently employed by a hospital or
25 forensic facility licensed by the Commonwealth, a psychiatric unit of a general
26 hospital, or a regional comprehensive care center; or
- 27 (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one

1 (1) of the following requirements:

- 2 1. Provides documentation that he or she has completed a psychiatric
3 residency program for physician assistants;
- 4 2. Has completed at least one thousand (1,000) hours of clinical experience
5 under a supervising physician, as defined by KRS 311.840, who is a
6 psychiatrist and is certified or eligible for certification by the American
7 Board of Psychiatry and Neurology, Inc.;
- 8 3. Holds a master's degree from a physician assistant program accredited
9 by the Accreditation Review Commission on Education for the
10 Physician Assistant or its predecessor or successor agencies, is
11 practicing under a supervising physician as defined by KRS 311.840,
12 and:
- 13 a. Has two (2) years of clinical experience in the assessment,
14 evaluation, and treatment of mental disorders; or
- 15 b. Has been employed by a hospital or forensic psychiatric facility
16 licensed by the Commonwealth or a psychiatric unit of a general
17 hospital or a private agency or company engaged in the provision
18 of mental health services or a regional community program for
19 mental health and individuals with an intellectual disability for at
20 least two (2) years; or
- 21 4. Holds a bachelor's degree, possesses a current physician assistant
22 certificate issued by the board prior to July 15, 2002, is practicing under
23 a supervising physician as defined by KRS 311.840, and:
- 24 a. Has three (3) years of clinical experience in the assessment,
25 evaluation, and treatment of mental disorders; or
- 26 b. Has been employed by a hospital or forensic psychiatric facility
27 licensed by the Commonwealth or a psychiatric unit of a general

1 hospital or a private agency or company engaged in the provision
2 of mental health services or a regional community program for
3 mental health and individuals with an intellectual disability for at
4 least three (3) years;

5 (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C.
6 sec. 675(10);

7 (54) "Residential treatment facility" means a facility or group home with more than eight
8 (8) beds designated by the Department of Juvenile Justice or the cabinet for the
9 treatment of children;

10 (55) "Retain in custody" means, after a child has been taken into custody, the continued
11 holding of the child by a peace officer for a period of time not to exceed twelve (12)
12 hours when authorized by the court or the court-designated worker for the purpose
13 of making preliminary inquiries;

14 (56) "Risk and needs assessment" means an actuarial tool scientifically proven to
15 identify specific factors and needs that are related to delinquent and noncriminal
16 misconduct;

17 (57) "School personnel" means those certified persons under the supervision of the local
18 public or private education agency;

19 (58) "Secretary" means the secretary of the Cabinet for Health and Family Services;

20 (59) "Secure juvenile detention facility" means any physically secure facility used for the
21 secure detention of children other than any facility in which adult prisoners are
22 confined;

23 (60) "Serious physical injury" means physical injury which creates a substantial risk of
24 death or which causes serious and prolonged disfigurement, prolonged impairment
25 of health, or prolonged loss or impairment of the function of any bodily member or
26 organ;

27 (61) "Sexual abuse" includes but is not necessarily limited to any contacts or interactions

1 in which the parent, guardian, person in a position of authority or special trust, as
2 defined in KRS 532.045, or other person having custodial control or supervision of
3 the child or responsibility for his or her welfare, uses or allows, permits, or
4 encourages the use of the child for the purposes of the sexual stimulation of the
5 perpetrator or another person;

6 (62) "Sexual exploitation" includes but is not limited to a situation in which a parent,
7 guardian, person in a position of authority or special trust, as defined in KRS
8 532.045, or other person having custodial control or supervision of a child or
9 responsible for his or her welfare, allows, permits, or encourages the child to engage
10 in an act which constitutes prostitution under Kentucky law; or a parent, guardian,
11 person in a position of authority or special trust, as defined in KRS 532.045, or
12 other person having custodial control or supervision of a child or responsible for his
13 or her welfare, allows, permits, or encourages the child to engage in an act of
14 obscene or pornographic photographing, filming, or depicting of a child as provided
15 for under Kentucky law;

16 (63) "Social service worker" means any employee of the cabinet or any private agency
17 designated as such by the secretary of the cabinet or a social worker employed by a
18 county or city who has been approved by the cabinet to provide, under its
19 supervision, services to families and children;

20 (64) "Staff secure facility for residential treatment" means any setting which assures that
21 all entrances and exits are under the exclusive control of the facility staff, and in
22 which a child may reside for the purpose of receiving treatment;

23 (65) (a) "Status offense action" is any action brought in the interest of a child who is
24 accused of committing acts, which if committed by an adult, would not be a
25 crime. Such behavior shall not be considered criminal or delinquent and such
26 children shall be termed status offenders. Status offenses shall include:

27 1. Beyond the control of school or beyond the control of parents;

- 1 2. Habitual Runaway;
- 2 3. Habitual truant;
- 3 4. Tobacco offenses as provided in KRS 438.305 to 438.340; ~~[and]~~
- 4 5. Alcohol offenses as provided in KRS 244.085; and
- 5 **6. Cannabis offenses as provided in Section 14 of this Act.**

6 (b) Status offenses shall not include violations of state or local ordinances which
7 may apply to children such as a violation of curfew;

8 (66) "Take into custody" means the procedure by which a peace officer or other
9 authorized person initially assumes custody of a child. A child may be taken into
10 custody for a period of time not to exceed two (2) hours;

11 (67) "Transitional living support" means all benefits to which an eligible youth is
12 entitled upon being granted extended or reinstated commitment to the cabinet by the
13 court;

14 (68) "Transition plan" means a plan that is personalized at the direction of the youth that:

15 (a) Includes specific options on housing, health insurance, education, local
16 opportunities for mentors and continuing support services, and workforce
17 supports and employment services; and

18 (b) Is as detailed as the youth may elect;

19 (69) "Valid court order" means a court order issued by a judge to a child alleged or found
20 to be a status offender:

21 (a) Who was brought before the court and made subject to the order;

22 (b) Whose future conduct was regulated by the order;

23 (c) Who was given written and verbal warning of the consequences of the
24 violation of the order at the time the order was issued and whose attorney or
25 parent or legal guardian was also provided with a written notice of the
26 consequences of violation of the order, which notification is reflected in the
27 record of the court proceedings; and

1 (d) Who received, before the issuance of the order, the full due process rights
2 guaranteed by the Constitution of the United States;

3 (70) "Violation" means any offense, other than a traffic infraction, for which a sentence
4 of a fine only can be imposed;

5 (71) "Youth alternative center" means a nonsecure facility, approved by the Department
6 of Juvenile Justice, for the detention of juveniles, both prior to adjudication and
7 after adjudication, which meets the criteria specified in KRS 15A.320; and

8 (72) "Youthful offender" means any person regardless of age, transferred to Circuit
9 Court under the provisions of KRS Chapter 635 or 640 and who is subsequently
10 convicted in Circuit Court.

11 ➔Section 37. KRS 12.020 is amended to read as follows:

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

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

25 (1) The Governor.

26 (2) Lieutenant Governor.

27 (3) Department of State.

- 1 (a) Secretary of State.
- 2 (b) Board of Elections.
- 3 (c) Registry of Election Finance.
- 4 (4) Department of Law.
- 5 (a) Attorney General.
- 6 (5) Department of the Treasury.
- 7 (a) Treasurer.
- 8 (6) Department of Agriculture.
- 9 (a) Commissioner of Agriculture.
- 10 (b) Kentucky Council on Agriculture.
- 11 (7) Auditor of Public Accounts.
- 12 II. Program cabinets headed by appointed officers:
- 13 (1) Justice and Public Safety Cabinet:
- 14 (a) Department of Kentucky State Police.
- 15 (b) Department of Criminal Justice Training.
- 16 (c) Department of Corrections.
- 17 (d) Department of Juvenile Justice.
- 18 (e) Office of the Secretary.
- 19 (f) Office of Drug Control Policy.
- 20 (g) Office of Legal Services.
- 21 (h) Office of the Kentucky State Medical Examiner.
- 22 (i) Parole Board.
- 23 (j) Kentucky State Corrections Commission.
- 24 (k) Office of Legislative and Intergovernmental Services.
- 25 (l) Office of Management and Administrative Services.
- 26 (m) Department of Public Advocacy.
- 27 (2) Education and Workforce Development Cabinet:

- 1 (a) Office of the Secretary.
- 2 1. Governor's Scholars Program.
- 3 2. Governor's School for Entrepreneurs Program.
- 4 3. Office of the Kentucky Workforce Innovation Board.
- 5 4. Foundation for Adult Education.
- 6 5. Early Childhood Advisory Council.
- 7 (b) Office of Legal and Legislative Services.
- 8 1. Client Assistance Program.
- 9 (c) Office of Communication.
- 10 (d) Office of Administrative Services.
- 11 1. Division of Human Resources.
- 12 2. Division of Operations and Support Services.
- 13 3. Division of Fiscal Management.
- 14 (e) Office of Technology Services.
- 15 (f) Office of Educational Programs.
- 16 (g) Office of the Kentucky Center for Statistics.
- 17 (h) Board of the Kentucky Center for Statistics.
- 18 (i) Board of Directors for the Center for School Safety.
- 19 (j) Department of Education.
- 20 1. Kentucky Board of Education.
- 21 2. Kentucky Technical Education Personnel Board.
- 22 (k) Department for Libraries and Archives.
- 23 (l) Department of Workforce Investment.
- 24 1. 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 2. Office of Unemployment Insurance.
- 4 3. Office of Employer and Apprenticeship Services.
- 5 a. Division of Apprenticeship.
- 6 4. Office of Career Development.
- 7 5. Office of Adult Education.
- 8 6. Unemployment Insurance Commission.
- 9 7. Kentucky Apprenticeship Council.
- 10 (m) Foundation for Workforce Development.
- 11 (n) Kentucky Workforce Investment Board.
- 12 (o) Education Professional Standards Board.
- 13 1. Division of Educator Preparation.
- 14 2. Division of Certification.
- 15 3. Division of Professional Learning and Assessment.
- 16 4. Division of Legal Services.
- 17 (p) Kentucky Commission on the Deaf and Hard of Hearing.
- 18 (q) Kentucky Educational Television.
- 19 (r) Kentucky Environmental Education Council.
- 20 (3) Energy and Environment Cabinet:
- 21 (a) Office of the Secretary.
- 22 1. Office of Legislative and Intergovernmental Affairs.
- 23 2. Office of Legal Services.
- 24 a. Legal Division I.
- 25 b. Legal Division II.
- 26 3. Office of Administrative Hearings.
- 27 4. Office of Communication.

- 1 5. Mine Safety Review Commission.
- 2 6. Office of Kentucky Nature Preserves.
- 3 7. Kentucky Public Service Commission.
- 4 (b) Department for Environmental Protection.
- 5 1. Office of the Commissioner.
- 6 2. Division for Air Quality.
- 7 3. Division of Water.
- 8 4. Division of Environmental Program Support.
- 9 5. Division of Waste Management.
- 10 6. Division of Enforcement.
- 11 7. Division of Compliance Assistance.
- 12 (c) Department for Natural Resources.
- 13 1. Office of the Commissioner.
- 14 2. Division of Mine Permits.
- 15 3. Division of Mine Reclamation and Enforcement.
- 16 4. Division of Abandoned Mine Lands.
- 17 5. Division of Oil and Gas.
- 18 6. Division of Mine Safety.
- 19 7. Division of Forestry.
- 20 8. Division of Conservation.
- 21 9. Office of the Reclamation Guaranty Fund.
- 22 (d) Office of Energy Policy.
- 23 1. Division of Energy Assistance.
- 24 (e) Office of Administrative Services.
- 25 1. Division of Human Resources Management.
- 26 2. Division of Financial Management.
- 27 3. Division of Information Services.

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

- 1 3. Division of Enforcement.
- 2 **4. Division of Cannabis.**
- 3 (f) Department of Charitable Gaming.
- 4 1. Division of Licensing and Compliance.
- 5 2. Division of Enforcement.
- 6 (g) Department of Financial Institutions.
- 7 1. Division of Depository Institutions.
- 8 2. Division of Non-Depository Institutions.
- 9 3. Division of Securities.
- 10 (h) Department of Housing, Buildings and Construction.
- 11 1. Division of Fire Prevention.
- 12 2. Division of Plumbing.
- 13 3. Division of Heating, Ventilation, and Air Conditioning.
- 14 4. Division of Building Code Enforcement.
- 15 (i) Department of Insurance.
- 16 1. Division of Insurance Product Regulation.
- 17 2. Division of Administrative Services.
- 18 3. Division of Financial Standards and Examination.
- 19 4. Division of Agent Licensing.
- 20 5. Division of Insurance Fraud Investigation.
- 21 6. Division of Consumer Protection.
- 22 (j) Department of Professional Licensing.
- 23 1. Real Estate Authority.
- 24 (5) Labor Cabinet.
- 25 (a) Office of the Secretary.
- 26 1. Office of General Counsel.
- 27 a. Workplace Standards Legal Division.

- 1 b. Workers' Claims Legal Division.
- 2 2. Office of Administrative Services.
- 3 a. Division of Human Resources Management.
- 4 b. Division of Fiscal Management.
- 5 c. Division of Professional Development and Organizational
- 6 Management.
- 7 d. Division of Information Technology and Support Services.
- 8 3. Office of Inspector General.
- 9 (b) Department of Workplace Standards.
- 10 1. Division of Occupational Safety and Health Compliance.
- 11 2. Division of Occupational Safety and Health Education and
- 12 Training.
- 13 3. Division of Wages and Hours.
- 14 (c) Department of Workers' Claims.
- 15 1. Division of Workers' Compensation Funds.
- 16 2. Office of Administrative Law Judges.
- 17 3. Division of Claims Processing.
- 18 4. Division of Security and Compliance.
- 19 5. Division of Information Services.
- 20 6. Division of Specialist and Medical Services.
- 21 7. Workers' Compensation Board.
- 22 (d) Workers' Compensation Funding Commission.
- 23 (e) Occupational Safety and Health Standards Board.
- 24 (f) State Labor Relations Board.
- 25 (g) Employers' Mutual Insurance Authority.
- 26 (h) Kentucky Occupational Safety and Health Review Commission.
- 27 (i) Workers' Compensation Nominating Committee.

- 1 (6) Transportation Cabinet:
- 2 (a) Department of Highways.
- 3 1. Office of Project Development.
- 4 2. Office of Project Delivery and Preservation.
- 5 3. Office of Highway Safety.
- 6 4. Highway District Offices One through Twelve.
- 7 (b) Department of Vehicle Regulation.
- 8 (c) Department of Aviation.
- 9 (d) Department of Rural and Municipal Aid.
- 10 1. Office of Local Programs.
- 11 2. Office of Rural and Secondary Roads.
- 12 (e) Office of the Secretary.
- 13 1. Office of Public Affairs.
- 14 2. Office for Civil Rights and Small Business Development.
- 15 3. Office of Budget and Fiscal Management.
- 16 4. Office of Inspector General.
- 17 (f) Office of Support Services.
- 18 (g) Office of Transportation Delivery.
- 19 (h) Office of Audits.
- 20 (i) Office of Human Resource Management.
- 21 (j) Office of Information Technology.
- 22 (k) Office of Legal Services.
- 23 (7) Cabinet for Economic Development:
- 24 (a) Office of the Secretary.
- 25 1. Office of Legal Services.
- 26 2. Department for Business Development.
- 27 3. Department for Financial Services.

- 1 a. Kentucky Economic Development Finance Authority.
- 2 b. Finance and Personnel Division.
- 3 c. IT and Resource Management Division.
- 4 d. Compliance Division.
- 5 e. Incentive Administration Division.
- 6 f. Bluegrass State Skills Corporation.
- 7 4. Office of Marketing and Public Affairs.
- 8 a. Communications Division.
- 9 b. Graphics Design Division.
- 10 5. Office of Workforce, Community Development, and Research.
- 11 6. Office of Entrepreneurship.
- 12 a. Commission on Small Business Advocacy.
- 13 (8) Cabinet for Health and Family Services:
- 14 (a) Office of the Secretary.
- 15 1. Office of Health Data and Analytics.
- 16 2. Office of the Ombudsman and Administrative Review.
- 17 3. Office of Public Affairs.
- 18 4. Office of Legal Services.
- 19 5. Office of Inspector General.
- 20 (b) Office of Finance and Budget.
- 21 (c) Office of Human Resource Management.
- 22 (d) Office of Administrative Services.
- 23 (e) Office of Application Technology Services.
- 24 (f) Department for Public Health.
- 25 (g) Department for Medicaid Services.
- 26 (h) Department for Behavioral Health, Developmental and Intellectual
- 27 Disabilities.

- 1 (i) Department for Aging and Independent Living.
- 2 (j) Department for Community Based Services.
- 3 (k) Department for Income Support.
- 4 (l) Department for Family Resource Centers and Volunteer Services.
- 5 (m) Office for Children with Special Health Care Needs.
- 6 (n) Office of Legislative and Regulatory Affairs.
- 7 (9) Finance and Administration Cabinet:
- 8 (a) Office of the Secretary.
- 9 (b) Office of the Inspector General.
- 10 (c) Office of Legislative and Intergovernmental Affairs.
- 11 (d) Office of General Counsel.
- 12 (e) Office of the Controller.
- 13 (f) Office of Administrative Services.
- 14 (g) Office of Policy and Audit.
- 15 (h) Department for Facilities and Support Services.
- 16 (i) Department of Revenue.
- 17 (j) Commonwealth Office of Technology.
- 18 (k) State Property and Buildings Commission.
- 19 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 20 (m) Kentucky Employees Retirement Systems.
- 21 (n) Commonwealth Credit Union.
- 22 (o) State Investment Commission.
- 23 (p) Kentucky Housing Corporation.
- 24 (q) Kentucky Local Correctional Facilities Construction Authority.
- 25 (r) Kentucky Turnpike Authority.
- 26 (s) Historic Properties Advisory Commission.
- 27 (t) Kentucky Tobacco Settlement Trust Corporation.

- 1 (u) Kentucky Higher Education Assistance Authority.
- 2 (v) Kentucky River Authority.
- 3 (w) Kentucky Teachers' Retirement System Board of Trustees.
- 4 (x) Executive Branch Ethics Commission.
- 5 (10) Tourism, Arts and Heritage Cabinet:
- 6 (a) Kentucky Department of Tourism.
- 7 1. Division of Tourism Services.
- 8 2. Division of Marketing and Administration.
- 9 3. Division of Communications and Promotions.
- 10 (b) Kentucky Department of Parks.
- 11 1. Division of Information Technology.
- 12 2. Division of Human Resources.
- 13 3. Division of Financial Operations.
- 14 4. Division of Facilities Management.
- 15 5. Division of Facilities Maintenance.
- 16 6. Division of Customer Services.
- 17 7. Division of Recreation.
- 18 8. Division of Golf Courses.
- 19 9. Division of Food Services.
- 20 10. Division of Rangers.
- 21 11. Division of Resort Parks.
- 22 12. Division of Recreational Parks and Historic Sites.
- 23 (c) Department of Fish and Wildlife Resources.
- 24 1. Division of Law Enforcement.
- 25 2. Division of Administrative Services.
- 26 3. Division of Engineering, Infrastructure, and Technology.
- 27 4. Division of Fisheries.

- 1 5. Division of Information and Education.
- 2 6. Division of Wildlife.
- 3 7. Division of Marketing.
- 4 (d) Kentucky Horse Park.
- 5 1. Division of Support Services.
- 6 2. Division of Buildings and Grounds.
- 7 3. Division of Operational Services.
- 8 (e) Kentucky State Fair Board.
- 9 1. Office of Administrative and Information Technology Services.
- 10 2. Office of Human Resources and Access Control.
- 11 3. Division of Expositions.
- 12 4. Division of Kentucky Exposition Center Operations.
- 13 5. Division of Kentucky International Convention Center.
- 14 6. Division of Public Relations and Media.
- 15 7. Division of Venue Services.
- 16 8. Division of Personnel Management and Staff Development.
- 17 9. Division of Sales.
- 18 10. Division of Security and Traffic Control.
- 19 11. Division of Information Technology.
- 20 12. Division of the Louisville Arena.
- 21 13. Division of Fiscal and Contract Management.
- 22 14. Division of Access Control.
- 23 (f) Office of the Secretary.
- 24 1. Office of Finance.
- 25 2. Office of Government Relations and Administration.
- 26 3. Office of Film and Tourism Development.
- 27 (g) Office of Legal Affairs.

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

1 (i) Office of Diversity, Equality, and Training.

2 (j) Office of Public Affairs.

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.