

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) "Adult use cannabis" or "cannabis":*

8 *(a) Means marijuana as defined in Section 26 of this Act when cultivated,*
9 *harvested, processed, produced, transported, dispensed, distributed, sold,*
10 *possessed, or used in accordance with this chapter;*

11 *(b) Includes adult use cannabis products and raw plant material; and*

12 *(c) Does not include:*

13 *1. Industrial hemp or industrial hemp products as defined in Section 34*
14 *of this Act; and*

15 *2. Medicinal cannabis as defined in KRS 218B.010;*

16 *(2) "Board" means the Adult Use Cannabis Control Board created in Section 3 of*
17 *this Act;*

18 *(3) "Cannabis accessory" means any item used for ingestion, inhalation, or storage*
19 *of cannabis as authorized by this chapter;*

20 *(4) "Cannabis product" means cannabis, concentrated cannabis, and any cannabis-*
21 *infused product that may contain other ingredients and is intended for use or*
22 *consumption as authorized by this chapter;*

23 *(5) "Council" means the Social Impact Council established in Section 16 of this Act;*

24 *(6) "Department" means the Department of Cannabis Control established in Section*
25 *6 of this Act;*

26 *(7) "License" means any license issued under this chapter;*

27 *(8) "Licensee" means any holder of a license issued by the department under this*

1 chapter;

2 (9) "Premises" means the land, buildings, and vehicles in which any business
3 regulated by this chapter is operated or performed; and

4 (10) "THC" means Delta-9 tetrahydrocannabinol, Delta-8 tetrahydrocannabinol,
5 Delta-10 tetrahydrocannabinol, and the optical isomer of these substances.

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

8 The Kentucky General Assembly finds and declares that it is in the best interest of the
9 Commonwealth to legalize and regulate the possession, cultivation, production,
10 processing, packaging, transportation, testing, marketing, sale, and use of adult use
11 cannabis.

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

14 (1) The Adult Use Cannabis Control Board is created as an independent agency of
15 state government within the Public Protection Cabinet. The board is responsible
16 for the oversight and regulation of the possession, cultivation, production,
17 processing, packaging, transporting, marketing, testing, sale, and use of cannabis
18 products for adult use and shall contain the following advisory committees:

19 (a) The Adult Cannabis Usage Advisory Committee;

20 (b) The Cannabis Cultivation Advisory Committee; and

21 (c) The Social and Economic Equity Advisory Committee.

22 (2) The Adult Use Cannabis Control Board shall be attached to the Public Protection
23 Cabinet for administrative purposes and shall be served administratively by the
24 Department of Cannabis Control, established within the Public Protection
25 Cabinet in Section 6 of this Act.

26 (3) The board shall consist of seven (7) voting members, with at least one (1) member
27 representing each of the seven (7) Kentucky Supreme Court districts. All board

- 1 members shall be appointed by the Governor, confirmed by the Senate, hold at a
2 minimum a baccalaureate degree in business or a related field of study, and
3 possess a minimum of seven (7) years of demonstrated experience or expertise in
4 the direct management, supervision, or control of business or legal affairs.
- 5 (4) (a) The members of the board shall be paid a salary fixed under KRS 64.640
6 and shall receive the same benefits and reimbursement of expenses as other
7 employees of the Commonwealth.
- 8 (b) A majority of the board members shall elect a chairperson from among the
9 board's membership for a one (1) year term. A member may serve multiple
10 terms as chairperson for as long as that person remains eligible to serve as
11 a member and is reelected by the members of the board.
- 12 (5) All members of the board shall have been a resident of the Commonwealth for at
13 least three (3) years prior to appointment to the board, and shall continue to be a
14 full-time resident of the Commonwealth while serving on the board.
- 15 (6) Members appointed to the board shall reflect the racial, ethnic, gender, and
16 geographic diversity of the Commonwealth. The members shall be appointed in
17 equal proportion from the two (2) political parties casting the highest and next
18 highest number of votes at the last preceding general election in the state.
- 19 (7) Members of the board shall be subject to a background check.
- 20 (8) (a) Members shall be appointed to serve a term of three (3) years.
21 (b) A member may not serve more than two (2) consecutive full terms on the
22 board, but may be reappointed after not serving for at least one (1) full year
23 following the completion of two (2) full terms.
24 (c) Members shall continue to serve until their successors are appointed.
25 (d) Vacancies shall be filled in the same manner as the original appointment,
26 except that the Governor may temporarily appoint a new board member to
27 fill a vacancy when the Senate is not in session, and shall appoint an

1 existing board member to serve as chairperson if that position becomes
2 vacant until the next meeting of the board where the board shall elect a
3 chair. All temporary appointments shall be subject to confirmation by the
4 Senate. If the Senate fails to take action on any temporary appointment, the
5 appointment shall be deemed confirmed and the board member shall serve
6 the remainder of the term for which the member was appointed. If the
7 Senate votes not to confirm a temporary appointment, the Governor shall
8 make a new appointment which shall be subject to confirmation by the
9 Senate and subject to the same conditions established in this paragraph.

10 (9) A member of the board may be removed by the Governor for cause, including the
11 improper use of police powers, malfeasance, misfeasance, incompetence,
12 misconduct, neglect of duty, absenteeism, conflict of interest, failure to carry out
13 the policies of the Commonwealth as established in the Constitution of Kentucky
14 or by the General Assembly, or refusal to carry out a lawful directive of the
15 Governor.

16 (10) In addition to the advisory committees described in Section 5 of this Act, the
17 board may form other committees or advisory councils which may include
18 representatives who are not members of the board to explore and study issues
19 before the board.

20 (11) A majority of the members of the board shall constitute a quorum for the purpose
21 of conducting business and for taking action on any measure before the board.
22 No vacancy in the membership shall impair the right of a quorum to exist or the
23 board to exercise its authority.

24 (12) No board member or employee, spouse, or minor child of a member shall:
25 (a) Have any interest, direct or indirect, either proprietary or by means of any
26 loan, mortgage, lien, or in any other manner, in or on any premises where a
27 cannabis business establishment is located;

- 1 **(b) Own any stock in or have any interest, direct or indirect, in any cannabis**
- 2 **business establishment;**
- 3 **(c) Own any stock in any corporation which has any interest, proprietary or**
- 4 **otherwise, direct or indirect, in any premises where a cannabis business**
- 5 **entity is located; or**
- 6 **(d) Receive any commission or profit whatsoever, direct or indirect, from any**
- 7 **person applying for or receiving any license or permit authorized by this**
- 8 **chapter.**

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

11 **(1) The board shall have broad authority to establish the conditions under which**

12 **cannabis, cannabis products, and cannabis accessories are possessed, cultivated,**

13 **produced, processed, tested, packaged, transported, marketed, sold, and used by**

14 **adults in the Commonwealth, including but not limited to the following powers**

15 **and duties related to this authority to:**

- 16 **(a) Promulgate administrative regulations to implement Sections 1 to 14 of this**
- 17 **Act;**
- 18 **(b) Establish the number of licenses that may be issued within the following**
- 19 **licensing categories:**
- 20 **1. Cultivation;**
- 21 **2. Processing and manufacturing;**
- 22 **3. Testing;**
- 23 **4. Retail sales;**
- 24 **5. Special events;**
- 25 **6. On-site consumption;**
- 26 **7. Transportation;**
- 27 **8. Microbusinesses; and**

- 1 9. Any other category deemed necessary by the board and as authorized
2 under this chapter;
- 3 (c) Establish jurisdictional, space, and other requirements relating to the
4 issuance of licenses;
- 5 (d) Establish limitations on the number of licenses that may be held by any
6 person, except that no person shall hold more than two (2) different license
7 types, and the board shall use its licensing authority to prevent monopolies
8 and concentration of ownership among a few cannabis business entities,
9 favoring instead a broad array of licensed cannabis business entities with
10 different ownership;
- 11 (e) Grant, suspend, revoke, and deny licenses;
- 12 (f) Establish the standards and requirements, including the types, forms, and
13 concentration of products that may be processed and sold;
- 14 (g) Limit or prohibit, in the event of a declared emergency, and without
15 previous notice or advertisement, the processing, transportation, testing, or
16 sale of any or all cannabis, cannabis products, and cannabis accessories
17 during the period of the declared emergency;
- 18 (h) Enforce this chapter; and
- 19 (i) Hold hearings, subpoena witnesses, compel witness attendance, administer
20 oaths, examine any person under oath, and require the production of books
21 and records relative to an inquiry.
- 22 (2) The board shall develop, maintain, and implement a uniform and integrated seed-
23 to-sale tracking system that tracks cannabis from either the seed or immature
24 plant stage until the cannabis or cannabis products are sold to a cannabis
25 consumer.
- 26 (3) The board shall promulgate administrative regulations that:
- 27 (a) Establish requirements for securely transporting cannabis and cannabis

- 1 products between cannabis business establishments;
- 2 (b) Establish sanitary standards for retail cannabis product preparation;
- 3 (c) Establish a testing program for cannabis and cannabis products;
- 4 (d) Establish requirements for health and safety warning labels to be placed on
5 cannabis and cannabis products to be sold or offered for sale to a
6 consumer;
- 7 (e) Establish a scale of application, licensing, and renewal fees, based upon the
8 cost of enforcing this chapter and the size and category of the business
9 being licensed, as follows:
- 10 1. The board shall charge each person seeking a license an application
11 fee, and shall establish initial licensing and renewal fees;
- 12 2. Fees may vary depending upon the nature and scope of the activities
13 licensed;
- 14 3. The total application and licensing fees assessed under this chapter
15 shall be set at an amount that will generate sufficient total revenue to,
16 at a minimum, fully cover the total costs of administering this chapter;
17 and
- 18 4. All registration and licensure fees shall be set on a scaled basis by the
19 board, and shall be established based on the size and capacity of the
20 business. For social and economic equity applicants such fees may be
21 assessed to accomplish the goals of this chapter;
- 22 (f) Establish requirements for the form, content, and all records and accounts
23 by licensees;
- 24 (g) Establish reporting requirements;
- 25 (h) Set appropriate dosage, potency, concentration, packaging, THC content,
26 and serving size limits and delineate requirements for adult use cannabis
27 products, except that a standardized serving of edible cannabis product or

- 1 beverage shall contain not more than twenty (20) milligrams of THC;
- 2 (i) Establish labeling and packaging requirements for cannabis sold by a
- 3 cannabis business establishment that include but are not limited to:
- 4 1. A universal symbol to indicate that cannabis or a cannabis product
- 5 contains cannabis, and prescribe how the product and product
- 6 packaging shall utilize and exhibit this symbol;
- 7 2. A disclosure concerning the length of time it typically takes for the
- 8 cannabis to affect an individual, including a statement that certain
- 9 forms of cannabis take longer to have an effect;
- 10 3. A notation of the amount of cannabis the product is considered the
- 11 equivalent to;
- 12 4. A list of ingredients and all additives;
- 13 5. Child-resistant packaging, including requirements that an edible
- 14 product be individually wrapped;
- 15 6. A net weight statement;
- 16 7. A recommended use-by or expiration date;
- 17 8. Labeling that specifically indicates that the package contains adult use
- 18 cannabis products; and
- 19 9. Standard and uniform packaging and labeling, including but not
- 20 limited to requirements regarding branding or logos, and
- 21 requirements that all packaging is opaque;
- 22 (j) Restrict forms of cannabis, cannabis products, and cannabis product
- 23 delivery systems to ensure consumer safety and deter public health
- 24 concerns;
- 25 (k) Establish reasonable time, place, and manner restrictions on outdoor
- 26 advertising of retail cannabis and retail cannabis products consistent with
- 27 this chapter;

1 (l) Establish security and safety requirements and protocols for the places
 2 where cannabis, cannabis products, and cannabis accessories are possessed,
 3 cultivated, produced, tested, packaged, transported, marketed, and sold in
 4 the Commonwealth;

5 (m) Establish policies and procedures for retail establishments that sell both
 6 adult use cannabis under this chapter and medicinal cannabis under KRS
 7 Chapter 218B to separate the two (2) functions sufficiently so that:

- 8 1. Inventory and sales can be tracked separately; and
- 9 2. Medicinal cannabis products are not sold under this chapter;

10 (n) In consultation with the Cannabis Cultivation Advisory Committee
 11 established in Section 5 of this Act, establish conditions and requirements
 12 for cultivation of cannabis both inside and outside, including canopy
 13 limitations and appropriate distance requirements between facilities; and

14 (o) Annually set the rate of the excise tax assessed under Section 21 of this Act.

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

17 (1) The board shall appoint the members of and oversee the following three (3)
 18 primary advisory committees:

19 (a) The Adult Cannabis Usage Advisory Committee;

20 (b) The Cannabis Cultivation Advisory Committee; and

21 (c) The Social and Economic Equity Advisory Committee.

22 (2) (a) The purpose of the Adult Cannabis Usage Advisory Committee shall be to:

23 1. Review and recommend to the board protocols, evolving continuous
 24 quality improvement metrics, and minimal performance standards for
 25 the accreditation of licensed cannabis business establishments;

26 2. Advise on efficient and effective practices and processes for cannabis
 27 business establishments;

- 1 3. Develop strategies to minimize the sale and use of cannabis by persons
2 and entities that are not licensed cannabis business establishments;
3 4. Recommend methods to enhance safety, taxation, and the economic
4 benefits of the sale and adult use of legal cannabis; and
5 5. Perform other duties related to cannabis business establishments as
6 directed by the board.

7 (b) The Adult Cannabis Usage Advisory Committee shall consist of a minimum
8 of five (5) members as follows:

- 9 1. One (1) attorney licensed to practice law in Kentucky who has been
10 practicing for at least ten (10) years;
11 2. Two (2) Kentucky citizens with at least ten (10) years of experience in
12 successfully running a business;
13 3. One (1) representative from the Cabinet for Economic Development;
14 and
15 4. One (1) representative from the Justice and Public Safety Cabinet.

16 (3) (a) The purpose of the Cannabis Cultivation Advisory Committee shall be to:

- 17 1. Advise the board on practices and processes for cultivating cannabis,
18 including cultivation establishment locations, space between facilities,
19 indoor and outdoor operations, and canopy size restrictions; and
20 2. Perform other duties related to cannabis cultivation business
21 establishments as directed by the board.

22 (b) The Cannabis Cultivation Advisory Committee shall consist of a minimum
23 of five (5) members as follows:

- 24 1. The Commissioner of Agriculture or designee;
25 2. A representative from the University of Kentucky College of
26 Agriculture, Food and Environment;
27 3. An attorney with farming or agricultural experience;

1 4. A representative from Kentucky Farm Bureau; and

2 5. A person engaged in farming.

3 (4) (a) The purposes of the Social and Economic Equity Advisory Committee shall
4 be to advise the board on the development of policies that recognize the
5 following:

6 1. The need to establish a legal cannabis industry that is equitable and
7 accessible to those most adversely impacted by the enforcement of
8 drug-related laws in the state, including cannabis-related laws;

9 2. Individuals who have been arrested or incarcerated due to drug laws
10 relating to cannabis suffer long-lasting negative consequences,
11 including impacts to employment, business ownership, housing,
12 health, and long-term financial well-being;

13 3. Family members, especially children, and communities of those who
14 have been arrested or incarcerated due to drug laws suffer from
15 emotional, psychological, and financial harms as a result of these
16 arrests or incarcerations;

17 4. Certain communities have disproportionately suffered the harms of
18 enforcement of cannabis-related laws. Those communities face
19 greater difficulties accessing traditional banking systems and capital
20 for establishing businesses;

21 5. Individuals who have resided in areas of high poverty suffer negative
22 consequences, including barriers to entry in employment, business
23 ownership, housing, health, and long-term financial well-being; and

24 6. Promotion of business ownership by individuals who have resided in
25 areas of high poverty and high enforcement of cannabis-related laws
26 further an equitable cannabis industry.

27 (b) The Social and Economic Equity Advisory Committee shall consist of at

- 1 least five (5) members as follows:
- 2 1. An attorney representative practicing either indigent criminal defense
- 3 or legal aid;
- 4 2. A representative of an organization that focuses on the civil liberties of
- 5 Kentuckians;
- 6 3. A person who has lived in a Kentucky high poverty area for at least
- 7 five (5) years;
- 8 4. The spouse or adult child of a person who is incarcerated for a
- 9 cannabis-related conviction; and
- 10 5. A person who specializes in business opportunities for individuals
- 11 living in high poverty areas.

12 (5) (a) All advisory committee members shall receive reimbursement of their

13 expenses incurred in relation to their duties on the advisory committee.

14 (b) Advisory committee members shall not be limited to specific terms and shall

15 serve at the pleasure of the board.

16 (c) The board may appoint additional members to any of the advisory

17 committees, and shall establish reporting requirements on at least an

18 annual basis from all advisory committees.

19 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 245 IS CREATED TO

20 READ AS FOLLOWS:

21 (1) There is established within the Public Protection Cabinet the Department of

22 Cannabis Control. The department shall provide administrative support for the

23 board, the advisory committees established in Section 5 of this Act, and any other

24 advisory groups or committees formed by the board. The department shall be

25 responsible for the day-to-day oversight and regulation of the cultivation,

26 possession, production, processing, testing, packaging, transportation, marketing,

27 sale, and use in the Commonwealth of adult use cannabis, cannabis products,

1 and cannabis accessories. In fulfilling these duties and responsibilities, the
2 department may exercise the powers and duties authorized in this chapter, as
3 directed by the board.

4 (2) The department shall be headed by a commissioner appointed by the Governor
5 and confirmed by the Senate. The commissioner shall serve for a term of three (3)
6 years and may be reappointed. The commissioner shall have at least ten (10)
7 years of demonstrated experience or expertise in the direct management,
8 supervision, and operation of a business. Once confirmed, the commissioner may
9 be removed only for good cause with appropriate notice.

10 (3) Specific functions, powers, and duties of the department and the commissioner
11 include but are not limited to:

12 (a) Maintaining records of all licenses and permits issued and revoked within
13 the state. These records shall be current and shall include the identity of all
14 licensees, including the names of the officers and directors of corporate
15 licensees and the location of all licensed premises;

16 (b) Inspecting or providing for the inspection of any premises where adult use
17 cannabis is cultivated, produced, tested, packaged, transported, or sold;

18 (c) Prescribing forms of applications for licenses and permits under this
19 chapter and of all reports deemed necessary by the board;

20 (d) Delegating the powers granted in this section to other officers or employees
21 as determined by the commissioner;

22 (e) Exercising the powers and performing the duties as delegated by the board
23 in relation to the administration of this chapter, including but not limited to
24 budgetary and fiscal matters;

25 (f) Entering into contracts, memoranda of understanding, and agreements to
26 effectuate the policy and purpose of this chapter;

27 (g) Advising and assisting the board in carrying out any of its functions,

1 powers, and duties;

2 (h) Coordinating across state agencies and departments in order to research
3 and study any changes in adult cannabis use and the impact that adult
4 cannabis use and the regulated adult use cannabis industries may have on
5 access to adult use cannabis products, public health, and public safety; and
6 (i) Issuing guidance and industry advisories.

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

9 (1) No person shall cultivate, process, produce, test, transfer, transport, or sell adult
10 use cannabis or otherwise operate an adult use cannabis business establishment
11 in this state without first obtaining a license or permit under this chapter.

12 (2) (a) A cultivator license shall authorize the licensee to:

- 13 1. Cultivate and minimally process cannabis on its licensed premises;
14 2. Transport or contract to transport cannabis to a testing facility for
15 testing;
16 3. Transport or contract to transport cannabis from the cultivator's
17 licensed premises to another part of the same premises or to another
18 of the cultivator's licensed premises; and
19 4. Sell and transport or contract to have transported cannabis to a
20 processor, retailer, or microbusiness.

21 (b) Cultivators shall be licensed as either an indoor cultivator or an outdoor
22 cultivator.

23 (3) A processor license shall authorize the licensee to:

- 24 (a) Purchase cannabis from a cultivator or microbusiness for processing;
25 (b) Receive cannabis from a cultivator, microbusiness, transporter, testing
26 facility, or another processor;
27 (c) Process the cannabis received into consumable cannabis and cannabis

- 1 products;
- 2 (d) Sell the processed cannabis and cannabis products to a retailer licensee or a
- 3 microbusiness licensee; and
- 4 (e) Transport or contract to transport the processed cannabis and cannabis
- 5 products:
- 6 1. To the retailer licensee, microbusiness, or a testing facility;
- 7 2. From a testing facility to a retailer or microbusiness; or
- 8 3. Between buildings on its own premises.
- 9 (4) A transporter license shall authorize the licensee to:
- 10 (a) Receive cannabis and cannabis products from a cultivator or microbusiness
- 11 and transport the cannabis to a processor or testing facility;
- 12 (b) Receive cannabis and cannabis products from a testing facility and
- 13 transport to a processor, microbusiness, or retailer;
- 14 (c) Receive cannabis products from a processor or microbusiness and transport
- 15 the cannabis or cannabis products to a testing facility or retailer; and
- 16 (d) Transport between testing facilities, cultivators, or processors.
- 17 (5) A retail license shall authorize the licensee to:
- 18 (a) Purchase cannabis and cannabis products from a cultivator, processor, or
- 19 microbusiness for sale in its place of business;
- 20 (b) Receive purchased cannabis and cannabis products from a cultivator,
- 21 processor, testing facility, or microbusiness;
- 22 (c) Sell cannabis, cannabis products, and cannabis accessories at its store or at
- 23 a cannabis event to consumers ages twenty-one (21) and older;
- 24 (d) Purchase and receive cannabis accessories; and
- 25 (e) Transport cannabis:
- 26 1. From a cultivator, processor, or microbusiness to a testing facility;
- 27 2. From a testing facility to a retailer;

1 3. Between retail locations; or

2 4. To a cannabis event.

3 (6) A testing facility license shall authorize the licensee to obtain and test samples of
4 cannabis from cultivators and samples of cannabis and cannabis products from
5 processors in order to determine the amount of THC in the product.

6 (7) A microbusiness license shall authorize the licensee to perform at least three (3)
7 of the four (4) following activities:

8 (a) Cultivation of up to one hundred fifty (150) plants;

9 (b) Manufacturing processes to include nonvolatile extraction, infusion,
10 packaging, and labeling;

11 (c) Transportation or entering a contract for transportation; and

12 (d) Retail sales.

13 (8) A cannabis consumption establishment license shall authorize the licensee to
14 allow patrons to bring their own cannabis, cannabis products, and cannabis
15 accessories on premises for consumption.

16 (9) A cannabis event organizer license shall authorize the licensee to host temporary
17 events related to cannabis, including but not limited to concerts, conferences,
18 fairs, festivals, and competitions. Each event hosted by a licensed cannabis event
19 organizer shall require a separate cannabis temporary event license.

20 (10) A cannabis temporary event license shall authorize the cannabis event organizer
21 to host events related to cannabis, subject to the following restrictions:

22 (a) The location shall be designated on the application form to the department;
23 and

24 (b) The event shall comply with the requirements of any smoking ban that may
25 be enacted by a local government.

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

1 (1) If, after a license or permit has been issued, there is a change in any of the
2 required facts in the application, a verified supplemental statement in writing
3 giving notice of the change shall be filed with the department within ten (10) days
4 after the change.

5 (2) In giving any notice or taking any action in reference to a license or permit, the
6 department may rely upon the information furnished in the application or in the
7 supplemental statement connected with the application. This information, as
8 against the licensee, permittee, or applicant, shall be conclusively presumed to be
9 correct. The required information stated in the application or supplemental
10 statement shall be deemed material in any prosecution for perjury.

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

13 (1) All cannabis licenses and permits issued by the department shall be valid for a
14 period of no more than one (1) year. The board shall promulgate administrative
15 regulations establishing the system for renewal of licenses.

16 (2) The renewal of any cannabis license or permit shall not be construed to waive or
17 condone any violation that occurred prior to the renewal and shall not prevent
18 subsequent proceedings against the licensee or permittee.

19 (3) The department may deny a license renewal if the licensee is a delinquent
20 taxpayer as defined in Section 37 of this Act.

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

23 (1) If the department denies a license or permit application, the commissioner shall
24 notify the applicant in writing of the denial and the reasons for the denial by
25 registered or certified mail at the address given in the application.

26 (2) The applicant may, within thirty (30) days after the date of the mailing of the
27 notice from the commissioner, file a request with the board for an administrative

1 hearing on the application. The hearing shall be conducted by the board as a de
2 novo review of the application in compliance with KRS Chapter 13B.

3 (3) If the commissioner denies an application and the applicant does not timely
4 request a board hearing on its application under subsection (2) of this section, the
5 department shall refund payment of any license or permit fee paid by an
6 applicant.

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

9 (1) Upon proceedings for the revocation of any license or permit under this chapter,
10 the board may order a suspension of the license or permit. Subject to the approval
11 of the board, the licensee or permittee may pay, in lieu of part or all of the days of
12 any suspension period, a sum established in an administrative regulation
13 promulgated by the board.

14 (2) Payments in lieu of suspension collected by the board shall be deposited into the
15 cannabis fund account established in Section 15 of this Act.

16 (3) Appeals from orders of suspension and the associated procedures shall be the
17 same as are provided for orders of revocation in KRS Chapter 13B.

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

20 An employer shall not refuse to employ and may not discriminate against an individual
21 with respect to compensation, promotion, or the terms, conditions, or privileges of
22 employment because the individual legally uses an adult use cannabis product off the
23 employer's premises during nonworking hours. This section shall not apply to the use
24 of cannabis products:

25 (1) During working hours; or

26 (2) That affects an individual's ability to perform job-related employment
27 responsibilities or compromises the safety of other employees.

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

3 *(1) Adult use cannabis, cannabis products, and cannabis accessories shall only be*
4 *purchased, possessed, consumed, or used by persons aged twenty-one (21) years*
5 *or older, and a retail licensee shall only sell to persons aged twenty-one (21) or*
6 *older.*

7 *(2) A licensee under this chapter shall not sell, give, or provide cannabis to a person*
8 *under the age of twenty-one (21).*

9 *(3) A person under twenty-one (21) years of age shall not enter any premises licensed*
10 *for the sale of cannabis, cannabis products, or cannabis accessories for the*
11 *purpose of purchasing or receiving any cannabis, cannabis product, or cannabis*
12 *accessory.*

13 *(4) A person under twenty-one (21) years of age shall not misrepresent the person's*
14 *age for the purpose of inducing any licensee, or the licensee's agent or employee,*
15 *to sell any cannabis, cannabis products, or cannabis accessories to the underage*
16 *person.*

17 *(5) A person under twenty-one (21) years of age shall not use or attempt to use any*
18 *false, fraudulent, or altered identification card, paper, or any other document to*
19 *purchase or attempt to purchase or otherwise obtain any cannabis, cannabis*
20 *products, or cannabis accessories. A person who violates this section shall for the*
21 *first offense be guilty of a violation and, for the second and each subsequent*
22 *offense, be guilty of a Class B misdemeanor.*

23 *(6) Except as provided in subsection (7) of this section, any person who violates*
24 *subsections (3), (4), or (5) of this section shall be charged with a violation and*
25 *each violation shall constitute a separate offense.*

26 *(7) A violation of subsections (3), (4), or (5) of this section shall be deemed a status*
27 *offense if committed by a person under the age of eighteen (18) and shall be*

1 under the jurisdiction of the juvenile session of the District Court or the family
2 division of the Circuit Court, as appropriate.

3 (8) It shall be an affirmative defense to a charge under subsection (2) of this section
4 that the sale was induced by the use of false, fraudulent, or altered identification
5 papers or other documents, and that the appearance and character of the
6 purchaser were such that the purchaser's age could not have been ascertained by
7 any other means, and that the purchaser's appearance and character indicated
8 strongly that the purchaser was of legal age to purchase cannabis and cannabis
9 products. This evidence may be introduced either in mitigation of the charge or
10 as a defense to the charge itself.

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

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

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

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

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

23 (1) (a) There is established in the State Treasury a revolving account which shall
24 be a permanent and perpetual fund to be known as the cannabis fund to
25 which shall be credited any amounts collected from license and permit fees
26 under this chapter, fines in lieu of suspension under this chapter, and
27 excise taxes pursuant to Section 21 of this Act, in addition to any other

1 appropriations, gifts, grants, federal funds, or other funds, both public or
2 private, directed to the fund for the purposes set forth in this section.

3 **(b) Expenses for the operation of the board and department shall first be paid**
4 **from the fund in accordance with amounts appropriated by the General**
5 **Assembly for such purposes in an enacted budget bill.**

6 **(c) After the payment of operating expenses, at least thirty percent (30%) of the**
7 **amount remaining shall be retained in the fund and shall be expended as**
8 **determined by the Social Impact Council established in Section 16 of this**
9 **Act, with the remainder of funds distributed to the General Fund.**

10 **(2) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal**
11 **year shall not lapse but shall be carried forward into the next fiscal year.**

12 **(3) Moneys deposited into the fund are hereby appropriated for the purposes set forth**
13 **in this section and shall not be appropriated or transferred by the General**
14 **Assembly for any other purposes.**

15 **(4) Interest earned from moneys in the fund shall become part of the fund and shall**
16 **not lapse.**

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

19 **(1) The Social Impact Council is created as a political subdivision of the**
20 **Commonwealth to perform essential governmental and public functions by**
21 **administering funds to provide economic assistance to the Commonwealth. The**
22 **council shall be a public agency subject to KRS 61.805 to 61.850, 61.870 to**
23 **61.884, and other applicable statutes. The purpose of the council is to directly**
24 **address the impact of economic disinvestment, violence, and historical overuse of**
25 **criminal justice responses to community and individual needs by providing**
26 **resources to support local design and control of community-based responses to**
27 **these impacts.**

- 1 (2) The council shall have a total membership of eighteen (18) voting members that
2 shall consist of thirteen (13) at-large citizen members and five (5) ex officio
3 members. The chair of the Adult Use Cannabis Control Board or designee shall
4 also serve as a nonvoting ex officio member. At-large citizen members shall be
5 appointed by the Governor. At-large citizen members of the council shall be
6 citizens of the Commonwealth and shall include:
- 7 (a) A person who has been previously incarcerated or convicted of a cannabis-
8 related crime;
- 9 (b) An expert in the field of public health with experience in trauma-informed
10 care, if possible;
- 11 (c) An expert in education with a focus on access to opportunities for youth in
12 underserved communities;
- 13 (d) An expert on Kentucky's foster care system;
- 14 (e) An expert in workforce development;
- 15 (f) A representative from one (1) of Kentucky's Historically Black Colleges and
16 Universities;
- 17 (g) A veteran of the United States Armed Forces;
- 18 (h) An entrepreneur with expertise in emerging industries or access to capital
19 for small businesses;
- 20 (i) A representative from the Department of Public Advocacy; and
- 21 (j) Four (4) community-based providers or community development
22 organization representatives who provide services to address the social
23 determinants of health and promote community investment in communities
24 adversely and disproportionately impacted by cannabis prohibitions,
25 including services such as workforce development, youth mentoring and
26 educational services, job training and placement services, and reentry
27 services.

- 1 (3) The five (5) ex officio members of the council shall be:
2 (a) The secretary of the Cabinet for Economic Development or designee;
3 (b) The secretary of the Cabinet for Health and Family Services or designee;
4 (c) The secretary of the Justice and Public Safety Cabinet or designee;
5 (d) The secretary of the Education and Labor Cabinet or designee; and
6 (e) The Attorney General or designee.
- 7 (4) Ex officio members of the council shall serve coincident with their terms of
8 office. At-large citizen members shall be appointed for a term of four (4) years.
9 Appointments to fill vacancies, other than by expiration of a term, shall be for the
10 unexpired terms. Vacancies shall be filled in the same manner as the original
11 appointments. All members may be reappointed.
- 12 (5) (a) Consideration shall be given to racial and gender equity in the appointment
13 of the at-large citizen members.
14 (b) The at-large citizen members shall be appointed in equal proportion from
15 the two (2) political parties casting the highest and next highest number of
16 votes at the last preceding general election in the state.
- 17 (6) A majority of the council shall select a chair and vice-chair from among its
18 membership. A majority of the members shall constitute a quorum. The council's
19 first meeting shall convene by August 1, 2026. The council shall meet at least
20 once every two (2) months and shall meet at the call of the chair or whenever the
21 majority of the members so request.
- 22 (7) Members shall receive no compensation but shall be reimbursed for all
23 reasonable and necessary expenses incurred in the performance of their duties.
- 24 (8) The council shall be attached to the Public Protection Cabinet for administrative
25 purposes.

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

- 1 *The Social Impact Council's powers and duties shall include:*
- 2 *(1) Developing and implementing scholarship programs and educational and*
- 3 *vocational resources for historically marginalized youth, including youth in*
- 4 *foster care, who have been adversely impacted by substance use individually, in*
- 5 *their families, or in their communities;*
- 6 *(2) Developing and implementing a program to award grants to support workforce*
- 7 *development programs, youth mentoring programs, job training and placement*
- 8 *services, and reentry services that serve communities historically and*
- 9 *disproportionately targeted by drug enforcement;*
- 10 *(3) Administering the cannabis fund established under Section 15 of this Act;*
- 11 *(4) Collaborating with the Adult Use Cannabis Control Board to implement*
- 12 *programs and provide recommendations consistent with the purposes of this*
- 13 *section;*
- 14 *(5) Receiving requests and applications for funds and authorizing the distribution of*
- 15 *funds;*
- 16 *(6) Developing guidelines and criteria for eligibility for and disbursement of funds,*
- 17 *the types of direct and indirect economic assistance to be awarded, and*
- 18 *procedures for applying for funds and reviewing applications for assistance;*
- 19 *(7) Preparing a biennial budget request in accordance with KRS Chapter 48;*
- 20 *(8) Working with other governmental agencies to maximize the financial and*
- 21 *economic impact that the programs implemented by the council will have and to*
- 22 *maximize receipt of federal and other funds to the Commonwealth;*
- 23 *(9) Submitting an annual report and executive summary to the Governor and the*
- 24 *General Assembly for publication. The chair shall submit to the Governor and*
- 25 *the Legislative Research Commission an annual executive summary of the*
- 26 *interim activity and work of the council no later than the first day of each regular*
- 27 *session of the General Assembly; and*

1 **(10) Performing any other activities and functions as directed by the Governor.**

2 ➔Section 18. KRS 2.015 is amended to read as follows:

3 Persons of the age of eighteen (18) years are of the age of majority for all purposes in this
4 Commonwealth except for the purchase of alcoholic beverages, **for the purchase of adult**
5 **use cannabis, cannabis products, and cannabis accessories,** and for purposes of care
6 and treatment of children with disabilities, for which twenty-one (21) years is the age of
7 majority, all other statutes to the contrary notwithstanding.

8 ➔SECTION 19. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
9 READ AS FOLLOWS:

10 **(1) As used in this section, unless the context requires otherwise:**

11 **(a) "Licensee" means a retailer or microbusiness licensed to conduct cannabis**
12 **activities under Section 7 of this Act;**

13 **(b) "Local government" means any city, county, urban-county government,**
14 **consolidated local government, unified local government, or charter county**
15 **government; and**

16 **(c) "Gross revenue" means all revenues or proceeds derived from the sale,**
17 **lease, or rental of goods, services, or property by a business entity reduced**
18 **by sales and excise taxes paid and returns and allowances.**

19 **(2) Beginning on July 1, 2026, local governments may, by ordinance, levy a licensing**
20 **fee on licensees for the privilege of operating within the limits of the local**
21 **government as provided in this section.**

22 **(3) The maximum license fee that may be levied within a local government is five**
23 **percent (5%) of the gross receipts of a licensee from activities conducted within**
24 **the local government. Units of local government within other units of local**
25 **government may work together to establish a uniform or combined license fee**
26 **rate not to exceed the five percent (5%) maximum, with revenue sharing between**
27 **the units of local government through an interlocal agreement entered into**

1 pursuant to KRS 65.210 to 65.300.

2 (4) Absent an agreement between the units of local government:

3 (a) A city may impose a license fee not to exceed three percent (3%) of gross
4 revenues received by a licensee within the jurisdiction of the city;

5 (b) A county, urban-county government, consolidated local government,
6 unified local government, or charter county government may impose a
7 license fee not to exceed two percent (2%) of gross revenues received by a
8 licensee within the jurisdiction of the county, urban-county government,
9 consolidated local government, unified local government, or charter county
10 government; and

11 (c) A local government that does not include any independently incorporated
12 cities may impose a license fee not to exceed five percent (5%) of gross
13 revenues received by a retailer licensed under Section 7 of this Act within
14 the jurisdiction of the county level unit of government.

15 (5) The revenue received from the imposition of the licensing fee in this section shall
16 be deposited into the general fund of the local government unit.

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

19 As used in Sections 20 to 23 of this Act, unless the context requires otherwise:

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

21 (2) "Cultivator" means a licensee with a cultivator license under Section 7 of this
22 Act;

23 (3) "Microbusiness" means a licensee with a microbusiness license under Section 7
24 of this Act;

25 (4) "Processor" means a licensee with a processor license under Section 7 of this
26 Act; and

27 (5) "Retailer" means a licensee with a retail license under Section 7 of this Act.

1 ➔SECTION 21. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) Beginning on July 1, 2025, an excise tax is hereby imposed at the time of the first
4 sale or transfer of harvested adult use cannabis by a:

5 (a) Cultivator to a processor, retailer, or microbusiness; or

6 (b) Microbusiness to a retailer or consumer.

7 The tax shall be paid by the licensee selling or transferring the cannabis and
8 shall be based on the weight of the cannabis transferred, regardless of any
9 payment received. The licensee selling or transferring the cannabis shall not
10 charge the cannabis recipient a separate additional fee to pay for part or all of the
11 excise tax.

12 (2) The initial rate of the tax imposed by subsection (1) of this section for the first
13 full year beginning on July 1, 2025, shall be nine percent (9%). Effective on each
14 July 1 thereafter, the rate of the tax imposed by subsection (1) of this section shall
15 be set annually by the Adult Use Cannabis Control Board established in Section 3
16 of this Act through the promulgation of an administrative regulation. Each year,
17 the board shall share the new annual rate of the tax with the Department of
18 Revenue at least ninety (90) days in advance of the July 1 effective date.

19 (3) Every cultivator, processor, retailer, and microbusiness shall file an application
20 for registration with the Department of Revenue. The application shall be in the
21 form prescribed by the department. The application shall be signed by:

22 (a) The owner if the applicant is a natural person;

23 (b) A member or partner if the applicant is an association or partnership; or

24 (c) An executive officer or some person specifically authorized by the
25 corporation to sign the application if the applicant is a corporation.

26 (4) The taxes imposed by this section are due and payable to the Department of
27 Revenue monthly on or before the twentieth day of the month following each

1 calendar month.

2 (5) A return for the preceding calendar month shall be filed with the Department of
3 Revenue by every cultivator, processor, retailer, and microbusiness, together with
4 any tax due. For the purpose of facilitating the administration, payment, or
5 collection of the taxes levied by this section, the Department of Revenue may
6 permit or require returns to be filed or tax payments to be made other than as
7 specifically required by this section.

8 (6) Every cultivator, processor, retailer, and microbusiness shall keep records,
9 receipts, invoices, and other pertinent papers in the form as the Department of
10 Revenue may require. Every cultivator, processor, retailer, and microbusiness
11 who files the returns required under this section shall keep records for not less
12 than six (6) years from the making of records unless the Department of Revenue
13 in writing authorizes their destruction at an earlier date.

14 (7) The Department of Revenue shall establish a method or process that may be a
15 part of the tracking system required by Section 4 of this Act, to identify cannabis
16 on which the tax imposed by this section has been paid.

17 (8) All receipts, interest, and penalties resulting from the taxes imposed under this
18 section shall be deposited into the cannabis fund created in Section 15 of this Act.

19 ➔SECTION 22. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO
20 READ AS FOLLOWS:

21 (1) Notwithstanding anything in this chapter to the contrary, the president, vice
22 president, secretary, treasurer, or any other person holding any equivalent
23 corporate office of any corporation subject to Sections 1 to 14 of this Act shall be
24 personally and individually liable, both jointly and severally, for the taxes
25 imposed by Section 21 of this Act.

26 (2) Corporate dissolution, withdrawal of the corporation from the state, or the
27 cessation of holding any corporate office shall not discharge the liability of any

1 person. The personal and individual liability shall apply to every person holding a
2 corporate office at the time the tax becomes or became due.

3 (3) Notwithstanding anything in this chapter, KRS 275.150, 362.1-306(3) or
4 predecessor law, or 362.2-404(3) to the contrary, the managers of a limited
5 liability company, the partners of a limited liability partnership, and the general
6 partners of a limited liability limited partnership or any other person holding any
7 equivalent office of a limited liability company, limited liability partnership, or
8 limited liability limited partnership subject to Sections 1 to 14 of this Act shall be
9 personally and individually liable, both jointly and severally, for the adult use
10 cannabis and cannabis products taxes.

11 (4) Dissolution, withdrawal of the limited liability company, limited liability
12 partnership, or limited liability limited partnership from the state, or the cessation
13 of holding any office shall not discharge the liability of any person. The personal
14 and individual liability shall apply to every manager of a limited liability
15 company, partner of a limited liability partnership, or general partner of a limited
16 liability limited partnership at the time the tax becomes or became due.

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

20 (6) "Taxes" as used in this section include interest accrued at the rate provided by
21 KRS 131.183, all applicable penalties imposed under this chapter, and all
22 applicable penalties imposed under KRS 131.180, 131.410 to 131.445, and
23 131.990.

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

26 Any person who violates Section 21 or 22 of this Act shall be subject to the uniform
27 civil penalties imposed pursuant to KRS 131.180 and interest at the tax interest rate as

1 **provided in KRS 131.183 from the date due until the date of payment.**

2 ➔Section 24. KRS 138.870 is amended to read as follows:

3 As used in KRS 138.870 to 138.889, unless the context requires otherwise:

- 4 (1) "Controlled substance" means any controlled substance, whether real or counterfeit,
5 as defined in KRS 218A.010 or any regulation promulgated thereunder, except that
6 it shall not include marijuana, **adult use cannabis**, or medicinal cannabis;
- 7 (2) "Dosage unit" means a tablet, capsule, vial, or ampule of a controlled substance or,
8 in cases of mass volume or diluted quantities, the proper dose or quantity of a
9 controlled substance to be taken all at one (1) time or in fractional amounts within a
10 given period, as defined and adopted by the United States Pharmacopeia;
- 11 (3) "Marijuana":
- 12 (a) Means marijuana, whether real or counterfeit, as defined in KRS 218A.010;
13 and
- 14 (b) Does not include:
- 15 **1. Medicinal cannabis as defined in KRS 218B.010; or**
- 16 **2. Adult use cannabis as defined in Section 1 of this Act;**
- 17 (4) "Offender" means a person who engages in this state in a taxable activity as defined
18 in subsection (6) of this section;
- 19 (5) "Possessing" includes either actual possession or constructive possession, or a
20 combination of both actual and constructive possession. Mere possession or
21 ownership of real estate or an interest therein does not establish constructive
22 possession; and
- 23 (6) "Taxable activity" means producing, cultivating, manufacturing, importing,
24 transporting, distributing, acquiring, purchasing, storing, selling, using, or otherwise
25 possessing, in violation of KRS Chapter 218A, more than five (5) marijuana plants
26 with foliage, 42.5 grams of marijuana which has been detached from the plant on
27 which it grew, seven (7) grams of any controlled substance, or fifty (50) or more

1 dosage units of any controlled substance which is not sold by weight. The weight or
2 dosage units in this subsection shall include the weight of marijuana or the weight
3 or dosage units of the controlled substance, whether pure, impure, or diluted. A
4 quantity of a controlled substance is diluted if it consists of a detectable quantity of
5 a pure controlled substance and any excipients or fillers.

6 ➔SECTION 25. A NEW SECTION OF KRS CHAPTER 218A IS CREATED
7 TO READ AS FOLLOWS:

8 *(1) A person shall not be subject to arrest, prosecution, or penalty in any manner, or*
9 *denied any right or privilege, including but not limited to a civil penalty or*
10 *disciplinary action by any occupational or professional licensing board if the*
11 *person's actions are authorized by and in compliance with Sections 1 to 14 of this*
12 *Act.*

13 *(2) A person shall not be subject to arrest, prosecution, or penalty in any manner, or*
14 *denied any right or privilege, including but not limited to a civil penalty or*
15 *disciplinary action by an occupational or professional licensing board, for*
16 *providing assistance or services, including but not limited to legal services,*
17 *medical services, accounting services, security services, or business consulting*
18 *services, to any individual or marijuana business related to activity that is no*
19 *longer subject to criminal penalties under state law pursuant to Sections 1 to 14*
20 *of this Act.*

21 ➔Section 26. KRS 218A.010 is amended to read as follows:

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

23 (1) "Administer" means the direct application of a controlled substance, whether by
24 injection, inhalation, ingestion, or any other means, to the body of a patient or
25 research subject by:

26 (a) A practitioner or by his or her authorized agent under his or her immediate
27 supervision and pursuant to his or her order; or

- 1 (b) The patient or research subject at the direction and in the presence of the
2 practitioner;
- 3 (2) "Anabolic steroid" means any drug or hormonal substance chemically and
4 pharmacologically related to testosterone that promotes muscle growth and includes
5 those substances classified as Schedule III controlled substances pursuant to KRS
6 218A.020 but does not include estrogens, progestins, and antisteroids;
- 7 (3) "Cabinet" means the Cabinet for Health and Family Services;
- 8 (4) "Carfentanil" means any substance containing any quantity of carfentanil, or any of
9 its salts, isomers, or salts of isomers;
- 10 (5) "Certified community based palliative care program" means a palliative care
11 program which has received certification from the Joint Commission;
- 12 (6) "Child" means any person under the age of majority as specified in KRS 2.015;
- 13 (7) "Cocaine" means a substance containing any quantity of cocaine, its salts, optical
14 and geometric isomers, and salts of isomers;
- 15 (8) "Controlled substance" means methamphetamine, or a drug, substance, or
16 immediate precursor in Schedules I through V and includes a controlled substance
17 analogue;
- 18 (9) (a) "Controlled substance analogue," except as provided in paragraph (b) of this
19 subsection, means a substance:
- 20 1. The chemical structure of which is substantially similar to the structure
21 of a controlled substance in Schedule I or II; and
- 22 2. Which has a stimulant, depressant, or hallucinogenic effect on the
23 central nervous system that is substantially similar to or greater than the
24 stimulant, depressant, or hallucinogenic effect on the central nervous
25 system of a controlled substance in Schedule I or II; or
- 26 3. With respect to a particular person, which such person represents or
27 intends to have a stimulant, depressant, or hallucinogenic effect on the

1 central nervous system that is substantially similar to or greater than the
2 stimulant, depressant, or hallucinogenic effect on the central nervous
3 system of a controlled substance in Schedule I or II.

4 (b) Such term does not include:

- 5 1. Any substance for which there is an approved new drug application;
- 6 2. With respect to a particular person, any substance if an exemption is in
7 effect for investigational use for that person pursuant to federal law to
8 the extent conduct with respect to such substance is pursuant to such
9 exemption; or
- 10 3. Any substance to the extent not intended for human consumption before
11 the exemption described in subparagraph 2. of this paragraph takes
12 effect with respect to that substance;

13 (10) "Counterfeit substance" means a controlled substance which, or the container or
14 labeling of which, without authorization, bears the trademark, trade name, or other
15 identifying mark, imprint, number, or device, or any likeness thereof, of a
16 manufacturer, distributor, or dispenser other than the person who in fact
17 manufactured, distributed, or dispensed the substance;

18 (11) "Dispense" means to deliver a controlled substance to an ultimate user or research
19 subject by or pursuant to the lawful order of a practitioner, including the packaging,
20 labeling, or compounding necessary to prepare the substance for that delivery;

21 (12) "Dispenser" means a person who lawfully dispenses a Schedule II, III, IV, or V
22 controlled substance to or for the use of an ultimate user;

23 (13) "Distribute" means to deliver other than by administering or dispensing a controlled
24 substance;

25 (14) "Dosage unit" means a single pill, capsule, ampule, liquid, or other form of
26 administration available as a single unit;

27 (15) "Drug" means:

- 1 (a) Substances recognized as drugs in the official United States Pharmacopoeia,
2 official Homeopathic Pharmacopoeia of the United States, or official National
3 Formulary, or any supplement to any of them;
- 4 (b) Substances intended for use in the diagnosis, care, mitigation, treatment, or
5 prevention of disease in man or animals;
- 6 (c) Substances (other than food) intended to affect the structure or any function of
7 the body of man or animals; and
- 8 (d) Substances intended for use as a component of any article specified in this
9 subsection.

10 It does not include devices or their components, parts, or accessories;

11 (16) "Fentanyl" means a substance containing any quantity of fentanyl, or any of its
12 salts, isomers, or salts of isomers;

13 (17) "Fentanyl derivative" means a substance containing any quantity of any chemical
14 compound, except compounds specifically scheduled as controlled substances by
15 statute or by administrative regulation pursuant to this chapter, which is structurally
16 derived from 1-ethyl-4-(N-phenylamido) piperadine:

17 (a) By substitution:

- 18 1. At the 2-position of the 1-ethyl group with a phenyl, furan, thiophene, or
19 ethyloxotetrazole ring system; and
- 20 2. Of the terminal amido hydrogen atom with an alkyl, alkoxy, cycloalkyl,
21 or furanyl group; and

22 (b) Which may be further modified in one (1) or more of the following ways:

- 23 1. By substitution on the N-phenyl ring to any extent with alkyl, alkoxy,
24 haloalkyl, hydroxyl, or halide substituents;
- 25 2. By substitution on the piperadine ring to any extent with alkyl, allyl,
26 alkoxy, hydroxy, or halide substituents at the 2-, 3-, 5-, and/or 6-
27 positions;

- 1 3. By substitution on the piperadine ring to any extent with a phenyl,
2 alkoxy, or carboxylate ester substituent at the 4- position; or
- 3 4. By substitution on the 1-ethyl group to any extent with alkyl, alkoxy, or
4 hydroxy substituents;
- 5 (18) "Good-faith prior examination," as used in KRS Chapter 218A and for criminal
6 prosecution only, means an in-person medical examination of the patient conducted
7 by the prescribing practitioner or other health-care professional routinely relied
8 upon in the ordinary course of his or her practice, at which time the patient is
9 physically examined and a medical history of the patient is obtained. "In-person"
10 includes telehealth examinations. This subsection shall not be applicable to hospice
11 providers licensed pursuant to KRS Chapter 216B;
- 12 (19) "Hazardous chemical substance" includes any chemical substance used or intended
13 for use in the illegal manufacture of a controlled substance as defined in this section
14 or the illegal manufacture of methamphetamine as defined in KRS 218A.1431,
15 which:
- 16 (a) Poses an explosion hazard;
- 17 (b) Poses a fire hazard; or
- 18 (c) Is poisonous or injurious if handled, swallowed, or inhaled;
- 19 (20) "Heroin" means a substance containing any quantity of heroin, or any of its salts,
20 isomers, or salts of isomers;
- 21 (21) "Hydrocodone combination product" means a drug with:
- 22 (a) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of
23 its salts, per one hundred (100) milliliters or not more than fifteen (15)
24 milligrams per dosage unit, with a fourfold or greater quantity of an
25 isoquinoline alkaloid of opium; or
- 26 (b) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of
27 its salts, per one hundred (100) milliliters or not more than fifteen (15)

1 milligrams per dosage unit, with one (1) or more active, nonnarcotic
2 ingredients in recognized therapeutic amounts;

3 (22) "Immediate precursor" means a substance which is the principal compound
4 commonly used or produced primarily for use, and which is an immediate chemical
5 intermediary used or likely to be used in the manufacture of a controlled substance
6 or methamphetamine, the control of which is necessary to prevent, curtail, or limit
7 manufacture;

8 (23) "Industrial hemp" has the same meaning as in KRS 260.850;

9 (24) "Industrial hemp products" has the same meaning as in KRS 260.850;

10 (25) "Intent to manufacture" means any evidence which demonstrates a person's
11 conscious objective to manufacture a controlled substance or methamphetamine.
12 Such evidence includes but is not limited to statements and a chemical substance's
13 usage, quantity, manner of storage, or proximity to other chemical substances or
14 equipment used to manufacture a controlled substance or methamphetamine;

15 (26) "Isomer" means the optical isomer, except the Cabinet for Health and Family
16 Services may include the optical, positional, or geometric isomer to classify any
17 substance pursuant to KRS 218A.020;

18 (27) "Manufacture," except as provided in KRS 218A.1431, means the production,
19 preparation, propagation, compounding, conversion, or processing of a controlled
20 substance, either directly or indirectly by extraction from substances of natural
21 origin or independently by means of chemical synthesis, or by a combination of
22 extraction and chemical synthesis, and includes any packaging or repackaging of
23 the substance or labeling or relabeling of its container except that this term does not
24 include activities:

25 (a) By a practitioner as an incident to his or her administering or dispensing of a
26 controlled substance in the course of his or her professional practice;

27 (b) By a practitioner, or by his or her authorized agent under his supervision, for

1 the purpose of, or as an incident to, research, teaching, or chemical analysis
2 and not for sale; or

3 (c) By a pharmacist as an incident to his or her dispensing of a controlled
4 substance in the course of his or her professional practice;

5 (28) "Marijuana" means all parts of the plant *Cannabis* sp., whether growing or not; the
6 seeds thereof; the resin extracted from any part of the plant; and every compound,
7 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin
8 or any compound, mixture, or preparation which contains any quantity of these
9 substances. The term "marijuana" does not include:

10 (a) Industrial hemp that is in the possession, custody, or control of a person who
11 holds a license issued by the Department of Agriculture permitting that person
12 to cultivate, handle, or process industrial hemp;

13 (b) Industrial hemp products that do not include any living plants, viable seeds,
14 leaf materials, or floral materials;

15 (c) The substance cannabidiol, when transferred, dispensed, or administered
16 pursuant to the written order of a physician practicing at a hospital or
17 associated clinic affiliated with a Kentucky public university having a college
18 or school of medicine;

19 (d) For persons participating in a clinical trial or in an expanded access program,
20 a drug or substance approved for the use of those participants by the United
21 States Food and Drug Administration;

22 (e) A cannabidiol product derived from industrial hemp, as defined in KRS
23 260.850;

24 (f) For the purpose of conducting scientific research, a cannabinoid product
25 derived from industrial hemp, as defined in KRS 260.850;

26 (g) A cannabinoid product approved as a prescription medication by the United
27 States Food and Drug Administration;~~[or]~~

- 1 (h) Medicinal cannabis as defined in KRS 218B.010; or
- 2 (i) *Adult use cannabis as defined in Section 1 of this Act;*
- 3 (29) "Medical history," as used in KRS Chapter 218A and for criminal prosecution only,
- 4 means an accounting of a patient's medical background, including but not limited to
- 5 prior medical conditions, prescriptions, and family background;
- 6 (30) "Medical order," as used in KRS Chapter 218A and for criminal prosecution only,
- 7 means a lawful order of a specifically identified practitioner for a specifically
- 8 identified patient for the patient's health-care needs. "Medical order" may or may
- 9 not include a prescription drug order;
- 10 (31) "Medical record," as used in KRS Chapter 218A and for criminal prosecution only,
- 11 means a record, other than for financial or billing purposes, relating to a patient,
- 12 kept by a practitioner as a result of the practitioner-patient relationship;
- 13 (32) "Methamphetamine" means any substance that contains any quantity of
- 14 methamphetamine, or any of its salts, isomers, or salts of isomers;
- 15 (33) "Narcotic drug" means any of the following, whether produced directly or indirectly
- 16 by extraction from substances of vegetable origin, or independently by means of
- 17 chemical synthesis, or by a combination of extraction and chemical synthesis:
- 18 (a) Opium and opiate, and any salt, compound, derivative, or preparation of
- 19 opium or opiate;
- 20 (b) Any salt, compound, isomer, derivative, or preparation thereof which is
- 21 chemically equivalent or identical with any of the substances referred to in
- 22 paragraph (a) of this subsection, but not including the isoquinoline alkaloids
- 23 of opium;
- 24 (c) Opium poppy and poppy straw;
- 25 (d) Coca leaves, except coca leaves and extracts of coca leaves from which
- 26 cocaine, ecgonine, and derivatives of ecgonine or their salts have been
- 27 removed;

- 1 (e) Cocaine, its salts, optical and geometric isomers, and salts of isomers;
- 2 (f) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; and
- 3 (g) Any compound, mixture, or preparation which contains any quantity of any of
- 4 the substances referred to in paragraphs (a) to (f) of this subsection;
- 5 (34) "Opiate" means any substance having an addiction-forming or addiction-sustaining
- 6 liability similar to morphine or being capable of conversion into a drug having
- 7 addiction-forming or addiction-sustaining liability. It does not include, unless
- 8 specifically designated as controlled under KRS 218A.020, the dextrorotatory
- 9 isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does
- 10 include its racemic and levorotatory forms;
- 11 (35) "Opium poppy" means the plant of the species *papaver somniferum* L., except its
- 12 seeds;
- 13 (36) "Person" means individual, corporation, government or governmental subdivision
- 14 or agency, business trust, estate, trust, partnership or association, or any other legal
- 15 entity;
- 16 (37) "Physical injury" has the same meaning it has in KRS 500.080;
- 17 (38) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;
- 18 (39) "Pharmacist" means a natural person licensed by this state to engage in the practice
- 19 of the profession of pharmacy;
- 20 (40) "Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific
- 21 investigator, optometrist as authorized in KRS 320.240, advanced practice
- 22 registered nurse as authorized under KRS 314.011, physician assistant as authorized
- 23 under KRS 311.858, or other person licensed, registered, or otherwise permitted by
- 24 state or federal law to acquire, distribute, dispense, conduct research with respect to,
- 25 or to administer a controlled substance in the course of professional practice or
- 26 research in this state. "Practitioner" also includes a physician, dentist, podiatrist,
- 27 veterinarian, or advanced practice registered nurse authorized under KRS 314.011

1 who is a resident of and actively practicing in a state other than Kentucky and who
2 is licensed and has prescriptive authority for controlled substances under the
3 professional licensing laws of another state, unless the person's Kentucky license
4 has been revoked, suspended, restricted, or probated, in which case the terms of the
5 Kentucky license shall prevail;

6 (41) "Practitioner-patient relationship," as used in KRS Chapter 218A and for criminal
7 prosecution only, means a medical relationship that exists between a patient and a
8 practitioner or the practitioner's designee, after the practitioner or his or her
9 designee has conducted at least one (1) good-faith prior examination;

10 (42) "Prescription" means a written, electronic, or oral order for a drug or medicine, or
11 combination or mixture of drugs or medicines, or proprietary preparation, signed or
12 given or authorized by a medical, dental, chiropody, veterinarian, optometric
13 practitioner, or advanced practice registered nurse, and intended for use in the
14 diagnosis, cure, mitigation, treatment, or prevention of disease in man or other
15 animals;

16 (43) "Prescription blank," with reference to a controlled substance, means a document
17 that meets the requirements of KRS 218A.204 and 217.216;

18 (44) "Presumptive probation" means a sentence of probation not to exceed the maximum
19 term specified for the offense, subject to conditions otherwise authorized by law,
20 that is presumed to be the appropriate sentence for certain offenses designated in
21 this chapter, notwithstanding contrary provisions of KRS Chapter 533. That
22 presumption shall only be overcome by a finding on the record by the sentencing
23 court of substantial and compelling reasons why the defendant cannot be safely and
24 effectively supervised in the community, is not amenable to community-based
25 treatment, or poses a significant risk to public safety;

26 (45) "Production" includes the manufacture, planting, cultivation, growing, or harvesting
27 of a controlled substance;

- 1 (46) "Recovery program" means an evidence-based, nonclinical service that assists
2 individuals and families working toward sustained recovery from substance use and
3 other criminal risk factors. This can be done through an array of support programs
4 and services that are delivered through residential and nonresidential means;
- 5 (47) "Salvia" means *Salvia divinorum* or Salvinorin A and includes all parts of the plant
6 presently classified botanically as *Salvia divinorum*, whether growing or not, the
7 seeds thereof, any extract from any part of that plant, and every compound,
8 manufacture, derivative, mixture, or preparation of that plant, its seeds, or its
9 extracts, including salts, isomers, and salts of isomers whenever the existence of
10 such salts, isomers, and salts of isomers is possible within the specific chemical
11 designation of that plant, its seeds, or extracts. The term shall not include any other
12 species in the genus *salvia*;
- 13 (48) "Second or subsequent offense" means that for the purposes of this chapter an
14 offense is considered as a second or subsequent offense, if, prior to his or her
15 conviction of the offense, the offender has at any time been convicted under this
16 chapter, or under any statute of the United States, or of any state relating to
17 substances classified as controlled substances or counterfeit substances, except that
18 a prior conviction for a nontrafficking offense shall be treated as a prior offense
19 only when the subsequent offense is a nontrafficking offense. For the purposes of
20 this section, a conviction voided under KRS 218A.275 or 218A.276 shall not
21 constitute a conviction under this chapter;
- 22 (49) "Sell" means to dispose of a controlled substance to another person for
23 consideration or in furtherance of commercial distribution;
- 24 (50) "Serious physical injury" has the same meaning it has in KRS 500.080;
- 25 (51) "Synthetic cannabinoids or piperazines" means any chemical compound which is
26 not approved by the United States Food and Drug Administration or, if approved,
27 which is not dispensed or possessed in accordance with state and federal law, that

1 contains Benzylpiperazine (BZP); Trifluoromethylphenylpiperazine (TFMPP); 1,1-
2 Dimethylheptyl-11-hydroxytetrahydrocannabinol (HU-210); 1-Butyl-3-(1-
3 naphthoyl)indole; 1-Pentyl-3-(1-naphthoyl)indole; dexanabinol (HU-211); or any
4 compound in the following structural classes:

5 (a) Naphthoylindoles: Any compound containing a 3-(1-naphthoyl)indole
6 structure with substitution at the nitrogen atom of the indole ring by an alkyl,
7 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
8 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further
9 substituted in the indole ring to any extent and whether or not substituted in
10 the naphthyl ring to any extent. Examples of this structural class include but
11 are not limited to JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-
12 122, JWH-200, and AM-2201;

13 (b) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole
14 structure with substitution at the nitrogen atom of the indole ring by an alkyl,
15 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
16 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further
17 substituted in the indole ring to any extent and whether or not substituted in
18 the phenyl ring to any extent. Examples of this structural class include but are
19 not limited to JWH-167, JWH-250, JWH-251, and RCS-8;

20 (c) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with
21 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
22 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
23 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further
24 substituted in the indole ring to any extent and whether or not substituted in
25 the phenyl ring to any extent. Examples of this structural class include but are
26 not limited to AM-630, AM-2233, AM-694, Pravadoline (WIN 48,098), and
27 RCS-4;

- 1 (d) Cyclohexylphenols: Any compound containing a 2-(3-
2 hydroxycyclohexyl)phenol structure with substitution at the 5-position of the
3 phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
4 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl
5 group whether or not substituted in the cyclohexyl ring to any extent.
6 Examples of this structural class include but are not limited to CP 47,497 and
7 its C8 homologue (cannabicyclohexanol);
- 8 (e) Naphthylmethylindeles: Any compound containing a 1H-indol-3-yl-(1-
9 naphthyl)methane structure with substitution at the nitrogen atom of the
10 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
11 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether
12 or not further substituted in the indole ring to any extent and whether or not
13 substituted in the naphthyl ring to any extent. Examples of this structural class
14 include but are not limited to JWH-175, JWH-184, and JWH-185;
- 15 (f) Naphthoypyrroles: Any compound containing a 3-(1-naphthoypyrrole
16 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl,
17 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
18 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further
19 substituted in the pyrrole ring to any extent and whether or not substituted in
20 the naphthyl ring to any extent. Examples of this structural class include but
21 are not limited to JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;
- 22 (g) Naphthylmethylindenes: Any compound containing a 1-(1-
23 naphthylmethyl)indene structure with substitution at the 3-position of the
24 indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
25 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether
26 or not further substituted in the indene ring to any extent and whether or not
27 substituted in the naphthyl ring to any extent. Examples of this structural class

- 1 include but are not limited to JWH-176;
- 2 (h) Tetramethylcyclopropanoylindoles: Any compound containing a 3-(1-
3 tetramethylcyclopropoyl)indole structure with substitution at the nitrogen
4 atom of the indole ring by an alkyl, haloalkyl, cycloalkylmethyl,
5 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl
6 group, whether or not further substituted in the indole ring to any extent and
7 whether or not further substituted in the tetramethylcyclopropyl ring to any
8 extent. Examples of this structural class include but are not limited to UR-144
9 and XLR-11;
- 10 (i) Adamantoylindoles: Any compound containing a 3-(1-adamantoyl)indole
11 structure with substitution at the nitrogen atom of the indole ring by an alkyl,
12 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
13 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further
14 substituted in the indole ring to any extent and whether or not substituted in
15 the adamantyl ring system to any extent. Examples of this structural class
16 include but are not limited to AB-001 and AM-1248; or
- 17 (j) Any other synthetic cannabinoid or piperazine which is not approved by the
18 United States Food and Drug Administration or, if approved, which is not
19 dispensed or possessed in accordance with state and federal law;
- 20 (52) "Synthetic cathinones" means any chemical compound which is not approved by
21 the United States Food and Drug Administration or, if approved, which is not
22 dispensed or possessed in accordance with state and federal law (not including
23 bupropion or compounds listed under a different schedule) structurally derived from
24 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl,
25 or thiophene ring systems, whether or not the compound is further modified in one
26 (1) or more of the following ways:
- 27 (a) By substitution in the ring system to any extent with alkyl, alkylendioxy,

- 1 alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further
2 substituted in the ring system by one (1) or more other univalent substituents.
3 Examples of this class include but are not limited to 3,4-
4 Methylenedioxcathinone (bk-MDA);
- 5 (b) By substitution at the 3-position with an acyclic alkyl substituent. Examples
6 of this class include but are not limited to 2-methylamino-1-phenylbutan-1-
7 one (buphedrone);
- 8 (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
9 methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a
10 cyclic structure. Examples of this class include but are not limited to
11 Dimethylcathinone, Ethcathinone, and α -Pyrrolidinopropiophenone (α -PPP);
12 or
- 13 (d) Any other synthetic cathinone which is not approved by the United States
14 Food and Drug Administration or, if approved, is not dispensed or possessed
15 in accordance with state or federal law;
- 16 (53) "Synthetic drugs" means any synthetic cannabinoids or piperazines or any synthetic
17 cathinones;
- 18 (54) "Telehealth" has the same meaning it has in KRS 211.332;
- 19 (55) "Tetrahydrocannabinols" means synthetic equivalents of the substances contained
20 in the plant, or in the resinous extractives of the plant Cannabis, sp. or synthetic
21 substances, derivatives, and their isomers with similar chemical structure and
22 pharmacological activity such as the following:
- 23 (a) Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 24 (b) Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; and
- 25 (c) Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;
- 26 (56) "Traffic," except as provided in KRS 218A.1431, means to manufacture, distribute,
27 dispense, sell, transfer, or possess with intent to manufacture, distribute, dispense,

1 or sell a controlled substance;

2 (57) "Transfer" means to dispose of a controlled substance to another person without
3 consideration and not in furtherance of commercial distribution; and

4 (58) "Ultimate user" means a person who lawfully possesses a controlled substance for
5 his or her own use or for the use of a member of his or her household or for
6 administering to an animal owned by him or her or by a member of his or her
7 household.

8 ➔Section 27. KRS 218A.1421 (Effective until January 1, 2025) is amended to
9 read as follows:

10 (1) A person is guilty of trafficking in marijuana when he or she knowingly and
11 unlawfully traffics in marijuana, and the trafficking is not in compliance with, or
12 otherwise authorized by, Sections 1 to 14 of this Act.

13 (2) Unless authorized by Sections 1 to 14 of this Act, trafficking in less than eight (8)
14 ounces of marijuana is:

15 (a) For a first offense a Class A misdemeanor.

16 (b) For a second or subsequent offense a Class D felony.

17 (3) Unless authorized by Sections 1 to 14 of this Act, trafficking in eight (8) or more
18 ounces but less than five (5) pounds of marijuana is:

19 (a) For a first offense a Class D felony.

20 (b) For a second or subsequent offense a Class C felony.

21 (4) Unless authorized by Sections 1 to 14 of this Act, trafficking in five (5) or more
22 pounds of marijuana is:

23 (a) For a first offense a Class C felony.

24 (b) For a second or subsequent offense a Class B felony.

25 (5) Unless authorized by Sections 1 to 14 of this Act, the unlawful possession by any
26 person of eight (8) or more ounces of marijuana shall be prima facie evidence that
27 the person possessed the marijuana with the intent to sell or transfer it.

1 **(6) This section does not apply to:**

2 **(a) An adult use cannabis licensee or consumer who is in compliance with**
3 **Sections 1 to 14 of this Act; or**

4 **(b) Transfers of one (1) ounce or less of marijuana without remuneration**
5 **between two (2) persons who may legally possess marijuana under Sections**
6 **1 to 14 of this Act.**

7 ➔Section 28. KRS 218A.1421 (Effective January 1, 2025) is amended to read as
8 follows:

9 (1) A person is guilty of trafficking in marijuana when he or she knowingly and
10 unlawfully traffics in marijuana, and the trafficking is not in compliance with, or
11 otherwise authorized by, KRS Chapter 218B **or 245**.

12 (2) Unless authorized by KRS Chapter 218B **or 245**, trafficking in less than eight (8)
13 ounces of marijuana is:

14 (a) For a first offense a Class A misdemeanor.

15 (b) For a second or subsequent offense a Class D felony.

16 (3) Unless authorized by KRS Chapter 218B **or 245**, trafficking in eight (8) or more
17 ounces but less than five (5) pounds of marijuana is:

18 (a) For a first offense a Class D felony.

19 (b) For a second or subsequent offense a Class C felony.

20 (4) Unless authorized by KRS Chapter 218B **or 245**, trafficking in five (5) or more
21 pounds of marijuana is:

22 (a) For a first offense a Class C felony.

23 (b) For a second or subsequent offense a Class B felony.

24 (5) Unless authorized by KRS Chapter 218B **or 245**, the unlawful possession by any
25 person of eight (8) or more ounces of marijuana shall be prima facie evidence that
26 the person possessed the marijuana with the intent to sell or transfer it.

27 (6) This section does not apply to:

- 1 (a) A cannabis business or a cannabis business agent, as defined in KRS
 2 218B.010, when acting in compliance with KRS Chapter 218B;~~[-or]~~
- 3 (b) A cardholder, as defined in KRS 218B.010, whose use of medicinal cannabis
 4 is in compliance with KRS Chapter 218B;
- 5 **(c) An adult use cannabis licensee or consumer who is in compliance with KRS**
 6 **Chapter 245; or**
- 7 **(d) Transfers of one (1) ounce or less of marijuana without remuneration**
 8 **between two (2) persons who may legally possess marijuana under KRS**
 9 **Chapter 245.**

10 ➔Section 29. KRS 218A.1422 (Effective until January 1, 2025) is amended to
 11 read as follows:

- 12 (1) A person is guilty of possession of marijuana when he or she knowingly and
 13 unlawfully possesses marijuana, **and the possession is not in compliance with, or**
 14 **otherwise authorized by, Sections 1 to 14 of this Act.**
- 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 **(3) This section does not apply to a person whose possession of marijuana is in**
 19 **compliance with Sections 1 to 14 of this Act.**

20 ➔Section 30. KRS 218A.1422 (Effective January 1, 2025) is amended to read as
 21 follows:

- 22 (1) A person is guilty of possession of marijuana when he or she knowingly and
 23 unlawfully possesses marijuana, and the possession is not in compliance with, or
 24 otherwise authorized by, KRS Chapter 218B **or 245.**
- 25 (2) Possession of marijuana is a Class B misdemeanor, except that, KRS Chapter 532
 26 to the contrary notwithstanding, the maximum term of incarceration shall be no
 27 greater than forty-five (45) days.

- 1 (3) This section does not apply to:
- 2 (a) A cannabis business or a cannabis business agent, as defined in KRS
- 3 218B.010, when acting in compliance with KRS Chapter 218B;~~[-or]~~
- 4 (b) A cardholder, as defined in KRS 218B.010, whose use of medicinal cannabis
- 5 is in compliance with KRS Chapter 218B; or
- 6 (c) A person whose possession of marijuana is in compliance with KRS
- 7 Chapter 245.

8 ➔Section 31. KRS 218A.1423 (Effective until January 1, 2025) is amended to

9 read as follows:

- 10 (1) A person is guilty of marijuana cultivation when he or she knowingly and
- 11 unlawfully plants, cultivates, or harvests marijuana with the intent to sell or transfer
- 12 it, and the cultivation is not in compliance with, or otherwise authorized by,
- 13 Sections 1 to 14 of this Act.
- 14 (2) Unless authorized by Sections 1 to 14 of this Act, marijuana cultivation of five (5)
- 15 or more plants of marijuana is:
- 16 (a) For a first offense a Class D felony.
- 17 (b) For a second or subsequent offense a Class C felony.
- 18 (3) Unless authorized by Sections 1 to 14 of this Act, marijuana cultivation of fewer
- 19 than five (5) plants is:
- 20 (a) For a first offense a Class A misdemeanor.
- 21 (b) For a second or subsequent offense a Class D felony.
- 22 (4) Unless authorized by Sections 1 to 14 of this Act, the planting, cultivating, or
- 23 harvesting of five (5) or more marijuana plants shall be prima facie evidence that
- 24 the marijuana plants were planted, cultivated, or harvested for the purpose of sale or
- 25 transfer.
- 26 (5) This section does not apply to a cultivator or microbusiness holding a license
- 27 under Sections 1 to 14 of this Act when the licensee is cultivating marijuana in

1 **compliance with Sections 1 to 14 of this Act.**

2 ➔Section 32. KRS 218A.1423 (Effective January 1, 2025) is amended to read as
3 follows:

4 (1) A person is guilty of marijuana cultivation when he or she knowingly and
5 unlawfully plants, cultivates, or harvests marijuana with the intent to sell or transfer
6 it, and the cultivation is not in compliance with, or otherwise authorized by, KRS
7 Chapter 218B **or 245.**

8 (2) Unless authorized by KRS Chapter 218B **or 245,** marijuana cultivation of five (5)
9 or more plants of marijuana is:

10 (a) For a first offense a Class D felony.

11 (b) For a second or subsequent offense a Class C felony.

12 (3) Unless authorized by KRS Chapter 218B **or 245,** marijuana cultivation of fewer
13 than five (5) plants is:

14 (a) For a first offense a Class A misdemeanor.

15 (b) For a second or subsequent offense a Class D felony.

16 (4) Unless authorized by KRS Chapter 218B **or 245,** the planting, cultivating, or
17 harvesting of five (5) or more marijuana plants shall be prima facie evidence that
18 the marijuana plants were planted, cultivated, or harvested for the purpose of sale or
19 transfer.

20 (5) This section does not apply to:

21 **(a)** A cannabis business or a cannabis business agent, as defined in KRS
22 218B.010, when acting in compliance with KRS Chapter 218B; **or**

23 **(b)** **A cultivator or microbusiness holding a license under Sections 1 to 14 of**
24 **this Act when the licensee is cultivating marijuana in compliance with**
25 **Sections 1 to 14 of this Act.**

26 ➔Section 33. KRS 218A.500 is amended to read as follows:

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

- 1 (1) "Drug paraphernalia" means all equipment, products and materials of any kind
2 which are used, intended for use, or designed for use in planting, propagating,
3 cultivating, growing, harvesting, manufacturing, compounding, converting,
4 producing, processing, preparing, testing, analyzing, packaging, repackaging,
5 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise
6 introducing into the human body a controlled substance in violation of this chapter.
7 The term "drug paraphernalia" does not include medicinal cannabis accessories as
8 defined in KRS 218B.010, cannabis accessories as defined in Section 1 of this
9 Act, and items used in adult use cannabis cultivation, processing, transportation,
10 sale, testing, consumption, use, or any other authorized activity licensed under
11 Sections 1 to 14 of this Act. It includes but is not limited to:
- 12 (a) Kits used, intended for use, or designed for use in planting, propagating,
13 cultivating, growing, or harvesting of any species of plant which is a
14 controlled substance or from which a controlled substance can be derived;
 - 15 (b) Kits used, intended for use, or designed for use in manufacturing,
16 compounding, converting, producing, processing, or preparing controlled
17 substances;
 - 18 (c) Isomerization devices used, intended for use, or designed for use in increasing
19 the potency of any species of plant which is a controlled substance;
 - 20 (d) Except as provided in subsection (7) of this section, testing equipment used,
21 intended for use, or designed for use in analyzing the strength, effectiveness,
22 or purity of controlled substances;
 - 23 (e) Scales and balances used, intended for use, or designed for use in weighing or
24 measuring controlled substances;
 - 25 (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite,
26 dextrose and lactose, used, intended for use, or designed for use in cutting
27 controlled substances;

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

- 1 controlled substance in violation of this chapter.
- 2 (3) It is unlawful for any person to deliver, possess with intent to deliver, or
3 manufacture with intent to deliver, drug paraphernalia, knowing, or under
4 circumstances where one reasonably should know, that it will be used to plant,
5 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,
6 process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest,
7 inhale, or otherwise introduce into the human body a controlled substance in
8 violation of this chapter.
- 9 (4) It is unlawful for any person to place in any newspaper, magazine, handbill, or
10 other publication any advertisement, knowing, or under circumstances where one
11 reasonably should know, that the purpose of the advertisement, in whole or in part,
12 is to promote the sale of objects designed or intended for use as drug paraphernalia.
- 13 (5) (a) This section shall not prohibit a local health department from operating a
14 substance abuse treatment outreach program which allows participants to
15 exchange hypodermic needles and syringes.
- 16 (b) To operate a substance abuse treatment outreach program under this
17 subsection, the local health department shall have the consent, which may be
18 revoked at any time, of the local board of health and:
- 19 1. The legislative body of the first or home rule class city in which the
20 program would operate if located in such a city; and
- 21 2. The legislative body of the county, urban-county government, or
22 consolidated local government in which the program would operate.
- 23 (c) Items exchanged at the program shall not be deemed drug paraphernalia under
24 this section while located at the program.
- 25 (6) (a) Prior to searching a person, a person's premises, or a person's vehicle, a peace
26 officer may inquire as to the presence of needles or other sharp objects in the
27 areas to be searched that may cut or puncture the officer and offer to not

1 charge a person with possession of drug paraphernalia if the person declares
2 to the officer the presence of the needle or other sharp object. If, in response
3 to the offer, the person admits to the presence of the needle or other sharp
4 object prior to the search, the person shall not be charged with or prosecuted
5 for possession of drug paraphernalia for the needle or sharp object or for
6 possession of a controlled substance for residual or trace drug amounts
7 present on the needle or sharp object.

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

11 (7) (a) This section shall not prohibit the retail sale of hypodermic syringes and
12 needles without a prescription in pharmacies.

13 (b) Hypodermic syringe and needle inventory of a pharmacy shall not be deemed
14 drug paraphernalia under this section.

15 (c) 1. Except as provided in subparagraph 2. of this paragraph, narcotic drug
16 testing products utilized in determining whether a controlled substance
17 contains a synthetic opioid or its analogues shall not be deemed drug
18 paraphernalia under this section.

19 2. A narcotic drug testing product that is utilized in conjunction with the
20 importation, manufacture, or selling of fentanyl or a fentanyl analogue
21 in violation of this chapter shall be deemed drug paraphernalia under
22 this section.

23 (d) Notwithstanding any other statute to the contrary, possession of a narcotic
24 drug testing product used in accordance with paragraph (c)1. of this
25 subsection that contains residual or trace amounts of a synthetic opioid or an
26 analogue thereof shall not be prosecuted as possession of a controlled
27 substance under any provision of this chapter.

1 (8) Any person who violates any provision of this section shall be guilty of a Class A
2 misdemeanor.

3 ➔Section 34. KRS 260.850 is amended to read as follows:

4 As used in KRS 260.850 to 260.869:

5 (1) "Commissioner" means the Commissioner of the Kentucky Department of
6 Agriculture;

7 (2) "Cultivating" means planting, growing, and harvesting a plant or crop;

8 (3) "Department" means the Kentucky Department of Agriculture;

9 (4) "Handling" means possessing or storing hemp for any period of time on premises
10 owned, operated, or controlled by a person licensed to cultivate or process hemp.

11 "Handling" also includes possessing or storing hemp in a vehicle for any period of
12 time other than during its actual transport from the premises of a licensed person to
13 cultivate or process hemp to the premises of another licensed person;

14 (5) "Hemp" or "industrial hemp":

15 (a) Means the plant *Cannabis sativa* L. and any part of that plant, including the
16 seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts,
17 and salts of isomers, whether growing or not, with a delta-9
18 tetrahydrocannabinol concentration of not more than three-tenths of one
19 percent (0.3%) on a dry weight basis; and

20 (b) Does not include medicinal cannabis as defined in KRS 218B.010 **or adult**
21 **use cannabis as defined in Section 1 of this Act;**

22 (6) "Hemp products" or "industrial hemp products":

23 (a) Means products derived from, or made by, processing hemp plants or plant
24 parts; and

25 (b) Does not include medicinal cannabis products as defined in KRS 218B.010 **or**
26 **adult use cannabis as defined in Section 1 of this Act;**

27 (7) "Licensee" means an individual or business entity possessing a license issued by the

1 department under the authority of this chapter to grow, handle, cultivate, process, or
2 market hemp or hemp products;

3 (8) "Marketing" means promoting or selling a product within the Commonwealth, in
4 another state, or outside of the United States. "Marketing" includes efforts to
5 advertise and gather information about the needs or preferences of potential
6 consumers or suppliers;

7 (9) "Processing" means converting an agricultural commodity into a marketable form;
8 and

9 (10) "University" means an accredited institution of higher education located in the
10 Commonwealth.

11 ➔SECTION 35. A NEW SECTION OF KRS CHAPTER 431 IS CREATED TO
12 READ AS FOLLOWS:

13 *(1) Any person who has been convicted of a misdemeanor for possession of*
14 *marijuana or possession, delivery, or manufacture of marijuana-related drug*
15 *paraphernalia may petition the court in which that person was convicted for*
16 *expungement of the person's record, including a record of any charges for*
17 *misdemeanors, violations, or traffic infractions that were dismissed or amended*
18 *in the criminal action.*

19 *(2) For a petition brought under this section, the court shall order expunged all*
20 *records in the custody of the court and any records in the custody of any other*
21 *agency or official, including law enforcement records, if the court finds that the*
22 *offense was for a misdemeanor possession of marijuana or marijuana-related*
23 *drug paraphernalia or the delivery or manufacture of marijuana-related drug*
24 *paraphernalia.*

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

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

27 *(b) The court and other agencies shall cause records to be deleted or removed*

1 from their computer systems so that the matter shall not appear on official
2 state-performed background checks;

3 (c) The person and the court may properly reply that no record exists with
4 respect to the person upon any inquiry in the matter; and

5 (d) The person whose record is expunged shall not have to disclose the fact of
6 the record or any related matter on an application for employment, credit,
7 or other type of application.

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

9 (5) Copies of the order shall be sent to the Department of Kentucky State Police
10 Criminal Identifications and Records Branch and to each agency or official
11 named in the order.

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

15 (7) This section shall be retroactive.

16 ➔Section 36. KRS 431.079 is amended to read as follows:

17 (1) Every petition or application filed seeking expungement of a conviction, except for
18 a petition filed under Section 35 of this Act, shall include a certification of
19 eligibility for expungement. The Department of Kentucky State Police and the
20 Administrative Office of the Courts shall certify that the agencies have conducted a
21 criminal background check on the petitioner and whether or not the petitioner is
22 eligible to have the requested record expunged. The Department of Kentucky State
23 Police shall promulgate administrative regulations to implement this section, in
24 consultation with the Administrative Office of the Courts.

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

27 (3) For the purposes of this section, KRS 431.073, 431.076, and 431.078,

1 "expungement" means the removal or deletion of records by the court and other
 2 agencies which prevents the matter from appearing on official state-performed
 3 background checks.

4 ➔Section 37. KRS 131.1815 is amended to read as follows:

5 (1) Whenever it is determined that a taxpayer~~[,]~~ who holds a license under KRS
 6 Chapter 243 or 245~~[,]~~ is a delinquent taxpayer as defined in subsection (2) of this
 7 section, the department may, after giving notice as provided in subsection (3) of this
 8 section, submit the name of the taxpayer to:

9 (a) The Department of Alcoholic Beverage Control for revocation of any license
 10 issued under KRS Chapter 243; or

11 (b) *The Adult Use Cannabis Control Board for revocation of any license issued*
 12 *under KRS Chapter 245.*

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

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

17 1. Manufacture, sale, transportation, or distribution of alcoholic beverages;
 18 or~~[,]~~

19 2. *Cultivation, processing, or sale of cannabis, cannabis products, and*
 20 *cannabis accessories as authorized by Sections 1 to 14 of this Act;*

21 for which all protest and appeal rights granted by law have expired, and the
 22 taxpayer has been contacted by the department concerning the overdue tax
 23 liability. This does not include a taxpayer who is making current timely
 24 installment payments on the overdue tax liability under agreement with the
 25 department;

26 (b) When a taxpayer has not filed a required tax return as of ninety (90) days after
 27 the due date or after the extended due date, and the taxpayer has been

- 1 contacted by the department concerning the delinquent return; or
- 2 (c) When an owner, partner, or corporate officer of a proprietorship, partnership,
- 3 or corporation holding a license under KRS Chapter 243 or 245 held a similar
- 4 position in a business whose license was revoked as a "delinquent taxpayer,"
- 5 and the tax liability remains unpaid as of ninety (90) days after the due date.
- 6 (3) At least twenty (20) days before submitting a taxpayer's name to the Department of
- 7 Alcoholic Beverage Control or the Adult Use Cannabis Control Board as provided
- 8 in subsection (1) of this section, the department shall notify the taxpayer by
- 9 certified mail that the action is to be taken. The notice shall state the reason for the
- 10 action and shall set out the amount of any tax liability including any applicable
- 11 penalties and interest and any other area of noncompliance that ~~shall~~^{must} be
- 12 satisfied in order to prevent the submission of the taxpayer's~~his~~ name to the
- 13 Department of Alcoholic Beverage Control or the Adult Use Cannabis Control
- 14 Board as a delinquent taxpayer.

15 ➔Section 38. KRS 600.020 is amended to read as follows:

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

- 17 (1) "Abused or neglected child" means a child whose health or welfare is harmed or
- 18 threatened with harm when:
- 19 (a) His or her parent, guardian, person in a position of authority or special trust,
- 20 as defined in KRS 532.045, or other person exercising custodial control or
- 21 supervision of the child:
- 22 1. Inflicts or allows to be inflicted upon the child physical or emotional
- 23 injury as defined in this section by other than accidental means;
- 24 2. Creates or allows to be created a risk of physical or emotional injury as
- 25 defined in this section to the child by other than accidental means;
- 26 3. Engages in a pattern of conduct that renders the parent incapable of
- 27 caring for the immediate and ongoing needs of the child, including but

- 1 not limited to parental incapacity due to a substance use disorder as
2 defined in KRS 222.005;
- 3 4. Continuously or repeatedly fails or refuses to provide essential parental
4 care and protection for the child, considering the age of the child;
- 5 5. Commits or allows to be committed an act of sexual abuse, sexual
6 exploitation, or prostitution upon the child;
- 7 6. Creates or allows to be created a risk that an act of sexual abuse, sexual
8 exploitation, or prostitution will be committed upon the child;
- 9 7. Abandons or exploits the child;
- 10 8. Does not provide the child with adequate care, supervision, food,
11 clothing, shelter, and education or medical care necessary for the child's
12 well-being when financially able to do so or offered financial or other
13 means to do so. A parent or other person exercising custodial control or
14 supervision of the child legitimately practicing the person's religious
15 beliefs shall not be considered a negligent parent solely because of
16 failure to provide specified medical treatment for a child for that reason
17 alone. This exception shall not preclude a court from ordering necessary
18 medical services for a child;
- 19 9. Fails to make sufficient progress toward identified goals as set forth in
20 the court-approved case plan to allow for the safe return of the child to
21 the parent that results in the child remaining committed to the cabinet
22 and remaining in foster care for fifteen (15) cumulative months out of
23 forty-eight (48) months; or
- 24 10. Commits or allows female genital mutilation as defined in KRS 508.125
25 to be committed; 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
19 facilities 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
23 by 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
26 of 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,
5 to 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

1 for his or her behavior and, if appropriate, securing services to serve the best
2 interest of the child and to provide redress for that behavior without court action
3 and without 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, or an
22 emotionally significant relationship with a biological parent, siblings, or half-
23 siblings of the child in the case of a child from birth to twelve (12) months of age,
24 prior to placement;

25 (29) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;

26 (30) "Foster family home" means a private home in which children are placed for foster
27 family care under supervision of the cabinet or a licensed child-placing agency;

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

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

1 relative, or guardian, in a boarding home, clinical treatment facility, community-
2 based facility, detention facility, emergency shelter, fictive kin home, foster family
3 home, hospital, nonsecure facility, physically secure facility, residential treatment
4 facility, or youth alternative center;

5 (46) "Parent" means the biological or adoptive mother or father of a child;

6 (47) "Person exercising custodial control or supervision" means a person or agency that
7 has assumed the role and responsibility of a parent or guardian for the child, but that
8 does not necessarily have legal custody of the child;

9 (48) "Petition" means a verified statement, setting forth allegations in regard to the child,
10 which initiates formal court involvement in the child's case;

11 (49) "Physical injury" means substantial physical pain or any impairment of physical
12 condition;

13 (50) "Physically secure facility" means a facility that relies primarily on the use of
14 construction and hardware such as locks, bars, and fences to restrict freedom;

15 (51) "Public offense action" means an action, excluding contempt, brought in the interest
16 of a child who is accused of committing an offense under KRS Chapter 527 or a
17 public offense which, if committed by an adult, would be a crime, whether the same
18 is a felony, misdemeanor, or violation, other than an action alleging that a child
19 sixteen (16) years of age or older has committed a motor vehicle offense;

20 (52) "Qualified mental health professional" means:

21 (a) A physician 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 performance of official duties;

24 (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or
25 osteopathy, or a medical officer of the government of the United States while
26 engaged in the practice of official duties, and who is certified or eligible to
27 apply for certification by the American Board of Psychiatry and Neurology,

1 Inc.;

2 (c) A psychologist with the health service provider designation, a psychological
3 practitioner, a certified psychologist, or a psychological associate licensed
4 under the provisions of KRS Chapter 319;

5 (d) A licensed registered nurse with a master's degree in psychiatric nursing from
6 an accredited institution and two (2) years of clinical experience with
7 mentally ill persons, or a licensed registered nurse with a bachelor's degree in
8 nursing from an accredited institution who is certified as a psychiatric and
9 mental health nurse by the American Nurses Association and who has three
10 (3) years of inpatient or outpatient clinical experience in psychiatric nursing
11 and who is currently employed by a hospital or forensic psychiatric facility
12 licensed by the Commonwealth or a psychiatric unit of a general hospital, a
13 private agency or company engaged in providing mental health services, or a
14 regional comprehensive care center;

15 (e) A licensed clinical social worker licensed under the provisions of KRS
16 335.100, or a certified social worker licensed under the provisions of KRS
17 335.080 with three (3) years of inpatient or outpatient clinical experience in
18 psychiatric social work and currently employed by a hospital or forensic
19 psychiatric facility licensed by the Commonwealth, a psychiatric unit of a
20 general hospital, a private agency or company engaged in providing mental
21 health services, or a regional comprehensive care center;

22 (f) A marriage and family therapist licensed under the provisions of KRS
23 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical
24 experience in psychiatric mental health practice and currently employed by a
25 hospital or forensic psychiatric facility licensed by the Commonwealth, a
26 psychiatric unit of a general hospital, a private agency or company engaged in
27 providing mental health services, or a regional comprehensive care center;

- 1 (g) A professional counselor credentialed under the provisions of KRS 335.500 to
2 335.599 with three (3) years of inpatient or outpatient clinical experience in
3 psychiatric mental health practice and currently employed by a hospital or
4 forensic facility licensed by the Commonwealth, a psychiatric unit of a
5 general hospital, a private agency or company engaged in providing mental
6 health services, or a regional comprehensive care center; or
- 7 (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one
8 (1) of the following requirements:
- 9 1. Provides documentation that he or she has completed a psychiatric
10 residency program for physician assistants;
 - 11 2. Has completed at least one thousand (1,000) hours of clinical experience
12 under a supervising physician, as defined by KRS 311.840, who is a
13 psychiatrist and is certified or eligible for certification by the American
14 Board of Psychiatry and Neurology, Inc.;
 - 15 3. Holds a master's degree from a physician assistant program accredited
16 by the Accreditation Review Commission on Education for the
17 Physician Assistant or its predecessor or successor agencies, is
18 practicing under a supervising physician as defined by KRS 311.840,
19 and:
 - 20 a. Has two (2) years of clinical experience in the assessment,
21 evaluation, and treatment of mental disorders; or
 - 22 b. Has been employed by a hospital or forensic psychiatric facility
23 licensed by the Commonwealth or a psychiatric unit of a general
24 hospital or a private agency or company engaged in the provision
25 of mental health services or a regional community program for
26 mental health and individuals with an intellectual disability for at
27 least two (2) years; or

- 1 4. Holds a bachelor's degree, possesses a current physician assistant
2 certificate issued by the board prior to July 15, 2002, is practicing under
3 a supervising physician as defined by KRS 311.840, and:
- 4 a. Has three (3) years of clinical experience in the assessment,
5 evaluation, and treatment of mental disorders; or
- 6 b. Has been employed by a hospital or forensic psychiatric facility
7 licensed by the Commonwealth or a psychiatric unit of a general
8 hospital or a private agency or company engaged in the provision
9 of mental health services or a regional community program for
10 mental health and individuals with an intellectual disability for at
11 least three (3) years;
- 12 (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C.
13 sec. 675(10);
- 14 (54) "Residential treatment facility" means a facility or group home with more than eight
15 (8) beds designated by the Department of Juvenile Justice or the cabinet for the
16 treatment of children;
- 17 (55) "Retain in custody" means, after a child has been taken into custody, the continued
18 holding of the child by a peace officer for a period of time not to exceed twelve (12)
19 hours when authorized by the court or the court-designated worker for the purpose
20 of making preliminary inquiries;
- 21 (56) "Risk and needs assessment" means an actuarial tool scientifically proven to
22 identify specific factors and needs that are related to delinquent and noncriminal
23 misconduct;
- 24 (57) "School personnel" means those certified persons under the supervision of the local
25 public or private education agency;
- 26 (58) "Secretary" means the secretary of the Cabinet for Health and Family Services;
- 27 (59) "Secure juvenile detention facility" means any physically secure facility used for

1 the secure detention of children other than any facility in which adult prisoners are
2 confined;

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

7 (61) "Sexual abuse" includes but is not necessarily limited to any contacts or interactions
8 in which the parent, guardian, person in a position of authority or special trust, as
9 defined in KRS 532.045, or other person having custodial control or supervision of
10 the child or responsibility for his or her welfare, uses or allows, permits, or
11 encourages the use of the child for the purposes of the sexual stimulation of the
12 perpetrator or another person;

13 (62) "Sexual exploitation" includes but is not limited to a situation in which a parent,
14 guardian, person in a position of authority or special trust, as defined in KRS
15 532.045, or other person having custodial control or supervision of a child or
16 responsible for his or her welfare, allows, permits, or encourages the child to
17 engage in an act which constitutes prostitution under Kentucky law; or a parent,
18 guardian, person in a position of authority or special trust, as defined in KRS
19 532.045, or other person having custodial control or supervision of a child or
20 responsible for his or her welfare, allows, permits, or encourages the child to
21 engage in an act of obscene or pornographic photographing, filming, or depicting of
22 a child as provided for under Kentucky law;

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

27 (64) "Staff secure facility for residential treatment" means any setting which assures that

1 all entrances and exits are under the exclusive control of the facility staff, and in
2 which a child may reside for the purpose of receiving treatment;

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

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

8 2. Habitual runaway;

9 3. Habitual truant;~~and~~

10 4. Alcohol offenses as provided in KRS 244.085; and

11 5. Cannabis offenses as provided in Section 13 of this Act.

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

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

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

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

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

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

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

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

- 1 (b) Whose future conduct was regulated by the order;
- 2 (c) Who was given written and verbal warning of the consequences of the
3 violation of the order at the time the order was issued and whose attorney or
4 parent or legal guardian was also provided with a written notice of the
5 consequences of violation of the order, which notification is reflected in the
6 record of the court proceedings; and
- 7 (d) Who received, before the issuance of the order, the full due process rights
8 guaranteed by the Constitution of the United States;
- 9 (70) "Violation" means any offense, other than a traffic infraction, for which a sentence
10 of a fine only can be imposed;
- 11 (71) "Youth alternative center" means a nonsecure facility, approved by the Department
12 of Juvenile Justice, for the detention of juveniles, both prior to adjudication and
13 after adjudication, which meets the criteria specified in KRS 15A.320; and
- 14 (72) "Youthful offender" means any person regardless of age, transferred to Circuit
15 Court under the provisions of KRS Chapter 635 or 640 and who is subsequently
16 convicted in Circuit Court.

17 ➔Section 39. KRS 12.020 (Effective between July 1, 2024, and July 1, 2025) is
18 amended to read as follows:

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

1 coordination of activities and shall not include any authority over the functions,
2 personnel, funds, equipment, facilities, or records of the department or administrative
3 body.

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

5 (1) The Governor.

6 (2) Lieutenant Governor.

7 (3) Department of State.

8 (a) Secretary of State.

9 (b) Board of Elections.

10 (c) Registry of Election Finance.

11 (4) Department of Law.

12 (a) Attorney General.

13 (5) Department of the Treasury.

14 (a) Treasurer.

15 (6) Department of Agriculture.

16 (a) Commissioner of Agriculture.

17 (b) Agricultural Development Board.

18 (c) Kentucky Agricultural Finance Corporation.

19 (7) Auditor of Public Accounts.

20 (a) Commonwealth Office of the Ombudsman.

21 II. Program cabinets headed by appointed officers:

22 (1) Justice and Public Safety Cabinet:

23 (a) Department of Kentucky State Police.

24 1. Office of Administrative Services.

25 a. Division of Operational Support.

26 b. Division of Management Services.

27 2. Office of Operations.

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

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

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

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

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

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

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

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

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

- 1 10. Division of Security and Traffic Control.
- 2 11. Division of Information Technology.
- 3 12. Division of the Louisville Arena.
- 4 13. Division of Fiscal and Contract Management.
- 5 14. Division of Access Control.
- 6 (f) Office of the Secretary.
 - 7 1. Office of Finance.
 - 8 2. Office of Government Relations and Administration.
- 9 (g) Office of Legal Affairs.
- 10 (h) Office of Human Resources.
- 11 (i) Office of Public Affairs and Constituent Services.
- 12 (j) Office of Arts and Cultural Heritage.
- 13 (k) Kentucky African-American Heritage Commission.
- 14 (l) Kentucky Foundation for the Arts.
- 15 (m) Kentucky Humanities Council.
- 16 (n) Kentucky Heritage Council.
- 17 (o) Kentucky Arts Council.
- 18 (p) Kentucky Historical Society.
 - 19 1. Division of Museums.
 - 20 2. Division of Oral History and Educational Outreach.
 - 21 3. Division of Research and Publications.
 - 22 4. Division of Administration.
- 23 (q) Kentucky Center for the Arts.
 - 24 1. Division of Governor's School for the Arts.
- 25 (r) Kentucky Artisans Center at Berea.
- 26 (s) Northern Kentucky Convention Center.
- 27 (t) Eastern Kentucky Exposition Center.

- 1 (9) Personnel Cabinet:
- 2 (a) Office of the Secretary.
- 3 (b) Department of Human Resources Administration.
- 4 (c) Office of Employee Relations.
- 5 (d) Kentucky Public Employees Deferred Compensation Authority.
- 6 (e) Office of Administrative Services.
- 7 (f) Office of Legal Services.
- 8 (g) Governmental Services Center.
- 9 (h) Department of Employee Insurance.
- 10 (i) Office of Diversity, Equality, and Training.
- 11 (j) Office of Public Affairs.
- 12 (10) Education and Labor Cabinet:
- 13 (a) Office of the Secretary.
- 14 1. Office of Legal Services.
- 15 a. Workplace Standards Legal Division.
- 16 b. Workers' Claims Legal Division.
- 17 c. Workforce Development Legal Division.
- 18 2. Office of Administrative Services.
- 19 a. Division of Human Resources Management.
- 20 b. Division of Fiscal Management.
- 21 c. Division of Operations and Support Services.
- 22 3. Office of Technology Services.
- 23 a. Division of Information Technology Services.
- 24 4. Office of Policy and Audit.
- 25 5. Office of Legislative Services.
- 26 6. Office of Communications.
- 27 7. Office of the Kentucky Center for Statistics.

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

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

1 (x) Disability Determination Services Program.

2 III. Other departments headed by appointed officers:

3 (1) Council on Postsecondary Education.

4 (2) Department of Military Affairs.

5 (3) Department for Local Government.

6 (4) Kentucky Commission on Human Rights.

7 (5) Kentucky Commission on Women.

8 (6) Department of Veterans' Affairs.

9 (7) Kentucky Commission on Military Affairs.

10 (8) Office of Minority Empowerment.

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

12 (10) Kentucky Communications Network Authority.

13 ➔Section 40. KRS 12.020 (Effective July 1, 2025) is amended to read as follows:

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

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

27 (1) The Governor.

- 1 (2) Lieutenant Governor.
- 2 (3) Department of State.
- 3 (a) Secretary of State.
- 4 (b) Board of Elections.
- 5 (c) Registry of Election Finance.
- 6 (4) Department of Law.
- 7 (a) Attorney General.
- 8 (5) Department of the Treasury.
- 9 (a) Treasurer.
- 10 (6) Department of Agriculture.
- 11 (a) Commissioner of Agriculture.
- 12 (b) Agricultural Development Board.
- 13 (c) Kentucky Agricultural Finance Corporation.
- 14 (7) Auditor of Public Accounts.
- 15 (a) Commonwealth Office of the Ombudsman.
- 16 II. Program cabinets headed by appointed officers:
- 17 (1) Justice and Public Safety Cabinet:
- 18 (a) Department of Kentucky State Police.
- 19 1. Office of Administrative Services.
- 20 a. Division of Operational Support.
- 21 b. Division of Management Services.
- 22 2. Office of Operations.
- 23 a. Division of West Troops.
- 24 b. Division of East Troops.
- 25 c. Division of Special Enforcement.
- 26 d. Division of Commercial Vehicle Enforcement.
- 27 3. Office of Technical Services.

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

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

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

- 1 d. Division of Enforcement.
- 2 e. Division of Incentives and Development.
- 3 f. Division of Veterinary Services.
- 4 (e) Department of Alcoholic Beverage Control.
 - 5 1. Division of Distilled Spirits.
 - 6 2. Division of Malt Beverages.
 - 7 3. Division of Enforcement.
- 8 (f) Department of Charitable Gaming.
 - 9 1. Division of Licensing and Compliance.
 - 10 2. Division of Enforcement.
- 11 (g) Department of Financial Institutions.
 - 12 1. Division of Depository Institutions.
 - 13 2. Division of Non-Depository Institutions.
 - 14 3. Division of Securities.
- 15 (h) Department of Housing, Buildings and Construction.
 - 16 1. Division of Fire Prevention.
 - 17 2. Division of Plumbing.
 - 18 3. Division of Heating, Ventilation, and Air Conditioning.
 - 19 4. Division of Building Code Enforcement.
- 20 (i) Department of Insurance.
 - 21 1. Division of Health and Life Insurance and Managed Care.
 - 22 2. Division of Property and Casualty Insurance.
 - 23 3. Division of Administrative Services.
 - 24 4. Division of Financial Standards and Examination.
 - 25 5. Division of Licensing.
 - 26 6. Division of Insurance Fraud Investigation.
 - 27 7. Division of Consumer Protection.

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

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

- 1 5. Office of Finance and Budget.
- 2 6. Office of Legislative and Regulatory Affairs.
- 3 7. Office of Administrative Services.
- 4 8. Office of Application Technology Services.
- 5 9. Office of Data Analytics.
- 6 (b) Department for Public Health.
- 7 (c) Department for Medicaid Services.
- 8 (d) Department for Behavioral Health, Developmental and Intellectual
- 9 Disabilities.
- 10 (e) Department for Aging and Independent Living.
- 11 (f) Department for Community Based Services.
- 12 (g) Department for Family Resource Centers and Volunteer Services.
- 13 (7) Finance and Administration Cabinet:
- 14 (a) Office of the Secretary.
- 15 (b) Office of the Inspector General.
- 16 (c) Office of Legislative and Intergovernmental Affairs.
- 17 (d) Office of General Counsel.
- 18 (e) Office of the Controller.
- 19 (f) Office of Administrative Services.
- 20 (g) Office of Policy and Audit.
- 21 (h) Department for Facilities and Support Services.
- 22 (i) Department of Revenue.
- 23 (j) Commonwealth Office of Technology.
- 24 (k) State Property and Buildings Commission.
- 25 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 26 (m) Kentucky Employees Retirement Systems.
- 27 (n) Commonwealth Credit Union.

- 1 (o) State Investment Commission.
- 2 (p) Kentucky Housing Corporation.
- 3 (q) Kentucky Local Correctional Facilities Construction Authority.
- 4 (r) Kentucky Turnpike Authority.
- 5 (s) Historic Properties Advisory Commission.
- 6 (t) Kentucky Higher Education Assistance Authority.
- 7 (u) Kentucky River Authority.
- 8 (v) Kentucky Teachers' Retirement System Board of Trustees.
- 9 (w) Executive Branch Ethics Commission.
- 10 (x) Office of Fleet Management.
- 11 (8) Tourism, Arts and Heritage Cabinet:
- 12 (a) Kentucky Department of Tourism.
- 13 1. Division of Tourism Services.
- 14 2. Division of Marketing and Administration.
- 15 3. Division of Communications and Promotions.
- 16 (b) Kentucky Department of Parks.
- 17 1. Division of Information Technology.
- 18 2. Division of Human Resources.
- 19 3. Division of Financial Operations.
- 20 4. Division of Purchasing.
- 21 5. Division of Facilities.
- 22 6. Division of Park Operations.
- 23 7. Division of Sales, Marketing, and Customer Service.
- 24 8. Division of Engagement.
- 25 9. Division of Food Services.
- 26 10. Division of Rangers.
- 27 (c) Department of Fish and Wildlife Resources.

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

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

- 1 (f) Office of Legal Services.
- 2 (g) Governmental Services Center.
- 3 (h) Department of Employee Insurance.
- 4 (i) Office of Diversity, Equality, and Training.
- 5 (j) Office of Public Affairs.
- 6 (10) Education and Labor Cabinet:
- 7 (a) Office of the Secretary.
- 8 1. Office of Legal Services.
- 9 a. Workplace Standards Legal Division.
- 10 b. Workers' Claims Legal Division.
- 11 c. Workforce Development Legal Division.
- 12 2. Office of Administrative Services.
- 13 a. Division of Human Resources Management.
- 14 b. Division of Fiscal Management.
- 15 c. Division of Operations and Support Services.
- 16 3. Office of Technology Services.
- 17 a. Division of Information Technology Services.
- 18 4. Office of Policy and Audit.
- 19 5. Office of Legislative Services.
- 20 6. Office of Communications.
- 21 7. Office of the Kentucky Center for Statistics.
- 22 8. Board of the Kentucky Center for Statistics.
- 23 9. Early Childhood Advisory Council.
- 24 10. Governors' Scholars Program.
- 25 11. Governor's School for Entrepreneurs Program.
- 26 12. Foundation for Adult Education.
- 27 (b) Department of Education.

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

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

23 III. Other departments headed by appointed officers:

- 24 (1) Council on Postsecondary Education.
- 25 (2) Department of Military Affairs.
- 26 (3) Department for Local Government.
- 27 (4) Kentucky Commission on Human Rights.

- 1 (5) Kentucky Commission on Women.
- 2 (6) Department of Veterans' Affairs.
- 3 (7) Kentucky Commission on Military Affairs.
- 4 (8) Office of Minority Empowerment.
- 5 (9) Governor's Council on Wellness and Physical Activity.
- 6 (10) Kentucky Communications Network Authority.

7 ➔Section 41. For the initial appointments of the seven members of the Adult Use
8 Cannabis Control Board established in Section 3 of this Act, three members shall serve
9 three-year terms, two members shall serve two-year terms, and two members shall serve
10 one-year terms.

11 ➔Section 42. For the initial appointments of the thirteen at-large citizen members
12 of the Social Impact Council established in Section 16 of this Act, five appointments
13 shall be for four-year terms, four appointments shall be for three-year terms, and four
14 appointments shall be for two-year terms.

15 ➔Section 43. Cannabis may first be legally sold for adult use to consumers in the
16 Commonwealth beginning July 1, 2026. Since cultivation and retail operations relating to
17 cannabis are required before legal sales may begin, the excise tax imposed in Section 21
18 of this Act shall apply on or after July 1, 2025. This section shall not be construed to
19 delay or otherwise modify the effective date of Sections 1 to 40 of this Act.