



Kentucky - State Specific Information

Information provided is current as of December 23, 2025, and companies are encouraged to consult with legal counsel on these types of complex matters.

Cannabis Legalization History

Medical Use	Legal January 1, 2026 - (Senate Bill 47)
Recreational Use	Not legal
Possession/Personal Use Specifics	Registered patients can possess 30-day supply, designated caregivers can purchase 30-day supply per assigned patient. A 30-day supply is defined as 112g of flower, 28g of concentrate, or 3,900mg of THC in infused products.
It remains illegal to smoke medical cannabis in Kentucky; only vaporization and non-smokables are permitted.	

State Regulatory Agency Information

State Regulatory Agency	Kentucky Office of Medical Cannabis
State Forms (If Applicable)	None Specified

State Testing Policy

General Information	Under KRS 218B.040, Kentucky protects an employer's right to maintain a zero-tolerance workplace. A positive test alone doesn't prove impairment for registered patients, employers may terminate based on a good-faith behavioral assessment combined with a drug test. The burden of proof shifts to the employee to prove they were not impaired. Additionally, workers' compensation carriers are not required to reimburse any medical cannabis costs. *Remember, establishing robust documentation is a key risk mitigant for employers in states like the Kentucky.
Safety Sensitive Positions	Safety-sensitive positions for drug testing are typically those where impairment could directly affect the safety and well-being of others and could pose significant risks to the safety of the individual, coworkers, or the public.
Privacy Laws	Kentucky Consumer Protection Act safeguards employee privacy during drug testing by ensuring confidentiality, providing reasonable testing conditions, and maintaining strict chain-of-custody procedures.