

## **KY Medical Marijuana Laws and Child Custody**

**Kentucky's medical cannabis law** (established primarily through Senate Bill 47 in 2023, with the program effective January 1, 2025, and codified in KRS Chapter 218B) includes specific protections for parents or guardians who are registered cardholders regarding **child custody**, visitation, and parenting time.

The key provision is found in **KRS 218B.045(2)**:

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

This means:

- Simply being a registered medical cannabis patient (cardholder) and using it as permitted by law does **not** automatically create a presumption of abuse, neglect, or dependency.
- Courts or child protective services (CPS) cannot deny custody, visitation, or parenting time solely based on legal medical cannabis use.
- Any challenge to parental rights related to medical cannabis requires **clear and convincing evidence** that the parent's actions created an **unreasonable danger** to the child's safety.

This protection applies to state-legal use under the medical cannabis program. It does not extend to illegal use (e.g., recreational marijuana, which remains illegal in Kentucky, or misuse of medical cannabis).

In practice:

- Sources like the Marijuana Policy Project (MPP) summary of the law note that it provides protections for child custody and child welfare determinations for state-legal medical use, as long as it does not endanger the child.
- Some parents have expressed concerns about how family courts or CPS might interpret medical cannabis card possession, with reports of uncertainty in application (e.g., in 2025 news stories where parents sought clarification but received unclear responses from officials).
- However, the statutory language explicitly aims to prevent discrimination based on compliant medical use.

For minors as patients (not parents), the law requires a custodial parent or legal guardian to serve as the designated caregiver, consenting in writing and controlling the child's medical cannabis.

***This is not legal advice***—child custody cases are highly fact-specific and focus on the child's best interests under Kentucky family law. If you're facing a custody situation involving medical cannabis, consult a Kentucky family law attorney familiar with these provisions for guidance tailored to your circumstances. The official text is available on the Kentucky Legislature website ([apps.legislature.ky.gov](https://apps.legislature.ky.gov)).