

MEMORANDUM

LOUISVILLE METRO POLICE DEPARTMENT

CRAIG GREENBERG
MAYOR

JACQUELYN GWINN-VILLAROEEL
CHIEF OF POLICE

TO: All Sworn Personnel

FROM: Colonel Paul Humphrey
Deputy Chief of Police

DATE: January 24, 2023

RE: Medical Marijuana Executive Order
General Memorandum #23-003

On November 15, 2022, Governor Andy Beshear signed an Executive Order relating to Medical Cannabis which went into effect on January 1, 2023. The Governor's Order does not prohibit enforcement of Kentucky Revised Statute (KRS) 218A.1422, Possession of Marijuana (POM). This Order does allow for a pardon after conviction for POM if the following criteria are met:

1. It is lawfully purchased in another state;
2. The individual can produce a receipt that meets the criteria;
3. The amount is under eight (8) ounces; and
4. They have a "written certification" from a medical provider (not necessarily a prescription), that indicates the individual has a medical need under a list of medical conditions.

Therefore, you are not prohibited from charging someone with POM. As a reminder, Louisville Metro Code of Ordinances (LMCO) § 39.152 provides that marijuana possession laws (for personal consumption) for adults to be of the lowest enforcement priority for the LMPD and, as such, citations for POM, only, for adults, are highly discouraged. Additionally, LMPD SOP 10.1.3 provides that "an officer will not routinely write a citation for possession of marijuana involving one (1) ounce or less if it is the only charge or the most serious charge against a defendant," provided the defendant is 21 years of age or older. However, nothing in the Governor's Order, the LMCO, nor the SOP precludes an officer from using the discovery of marijuana during an investigation as probable cause for a search.

The full text of the Executive Order can be accessed by copying and pasting the following into your browser:

https://governor.ky.gov/attachments/20221115_Executive-Order_2022-798_Medical-Cannabis.pdf

All members having computer access are responsible for reading, understanding, and acknowledging receipt of this General Memorandum, using the PowerDMS Document Management System. Members without computer access will continue to sign an accountability roster, as they have in the past.

All commanding officers will ensure their personnel are made aware of this information.

This General Memorandum will be posted in each division, section, or unit for a period of ten (10) days. Please refer any questions through the appropriate chain of command.