

218B.020 Board of Physicians and Advisors -- Membership -- Duties -- Reporting requirements.

- (1) The Cabinet for Health and Family Services is hereby charged with the implementation, operation, oversight, and regulation of the medicinal cannabis program established in this chapter.
- (2) There is hereby established within the cabinet a Board of Physicians and Advisors which shall consist of the following members:
 - (a) Seven (7) physicians appointed by the Kentucky Board of Medical Licensure and confirmed by the Senate in accordance with KRS 11.160. In order to be eligible to be appointed to the board, a physician shall be authorized, pursuant to KRS 218B.050, to provide written certifications for the use of medicinal cannabis and shall be certified by the appropriate board in one (1) of the following specialties:
 1. Addiction medicine;
 2. Anesthesiology;
 3. Gastroenterology;
 4. Infectious disease;
 5. Neurology;
 6. Obstetrics and gynecology;
 7. Oncology;
 8. Ophthalmology;
 9. Optometry;
 10. Pain management;
 11. Pain medicine;
 12. Pediatrics;
 13. Physical medicine and rehabilitation; or
 14. Psychiatry; and
 - (b) Two (2) advanced practice registered nurses appointed by the Kentucky Board of Nursing and confirmed by the Senate. In order to be eligible to be appointed to the board, an advanced practice registered nurse shall be authorized, pursuant to KRS 218B.050, to provide written certifications for the use of medicinal cannabis.
- (3) Each member of the Board of Physicians and Advisors shall:
 - (a) Serve for a term of four (4) years and until his or her successor is appointed and confirmed by the Senate;
 - (b) Be eligible for reappointment; and
 - (c) Serve without compensation, but each member of the board not otherwise compensated for his or her time or expenses shall be entitled to reimbursement for his or her actual and necessary expenses in carrying out his or her duties with reimbursement for expenses being made in accordance with administrative regulations relating to travel expenses.

- (4) The Board of Physicians and Advisors shall not be subject to reorganization under KRS Chapter 12.
- (5) The Board of Physicians and Advisors shall:
 - (a) Review and recommend to the cabinet protocols for determining:
 1. The amount of medicinal cannabis or delta-9 tetrahydrocannabinol that constitutes a daily supply, an uninterrupted ten (10) day supply, and an uninterrupted thirty (30) day supply of medicinal cannabis for registered qualified patients and visiting qualified patients; and
 2. The amount of raw plant material that medicinal cannabis products are considered to be equivalent to;
 - (b) Review and recommend to the cabinet protocols, evolving continuous quality improvement metrics, and minimal performance standards for the biennial accreditation process of licensed cannabis businesses;
 - (c) Review relevant peer-reviewed, scientific data related to the delta-9 tetrahydrocannabinol content limits established in KRS 218B.095(2)(b) and make recommendations to the General Assembly regarding revisions to the limits as the board deems appropriate;
 - (d) Review relevant peer-reviewed, scientific data related to the various methods of use and consumption of medicinal cannabis and make recommendations to the General Assembly to approve or restrict certain methods as the board deems appropriate;
 - (e) Review relevant peer-reviewed, scientific data related to the use of medicinal cannabis for medical, therapeutic, or palliative purposes and make recommendations to the General Assembly to add or remove conditions from the list of qualifying medical conditions defined in KRS 218B.010; and
 - (f) Perform other duties related to the use of medicinal cannabis upon request by the secretary of the cabinet.
- (6) No later than December 1 of each year beginning in 2024, the cabinet, in consultation with the University of Kentucky College of Medicine and the Kentucky Center for Cannabis, shall submit an annual report to the Legislative Research Commission. The report submitted by the cabinet shall, at a minimum, include:
 - (a) The number of applications and renewals received by the cabinet for registry identification cards for registered qualified patients, visiting qualified patients, and designated caregivers, individually and collectively;
 - (b) The number of applications and renewals for registry identification cards that were approved and denied by the cabinet;
 - (c) The number of registry identification cards revoked by the cabinet for misconduct and the nature of the misconduct;
 - (d) The number of medicinal cannabis practitioners authorized to provide written certifications;
 - (e) The nature of the medical conditions for which medicinal cannabis practitioners have provided written certifications;

- (f) The number of applications and renewals received by the cabinet for cannabis business licenses, the number of cannabis business licenses issued for each business type and tier, and the number of cannabis business license applications and renewals that were denied by the cabinet;
- (g) The number of cannabis business agents employed by each type of cannabis business;
- (h) An assessment of:
 - 1. The ability of cardholders in all areas of the state to obtain timely affordable access to medicinal cannabis;
 - 2. The evolving continuous quality improvement metrics and minimal performance standards for the biennial accreditation process of licensed cannabis businesses;
 - 3. The effectiveness of the cultivators, processors, and producers licensed under this chapter, individually and collectively, in serving the needs of processors, dispensaries, and cardholders, the reasonableness of their fees, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve processors, dispensaries, and cardholders in the Commonwealth;
 - 4. The effectiveness of the dispensaries licensed under this chapter, individually and collectively, in serving the needs of cardholders, including the provision of educational and support services, the reasonableness of their fees, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve cardholders in the Commonwealth; and
 - 5. The effectiveness of the licensed safety compliance facilities licensed under this chapter, individually and collectively, in serving the needs of other cannabis businesses, including the provision of testing and training services, the reasonableness of their fees, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve other cannabis businesses and cardholders in the Commonwealth;
- (i) The amount of medicinal cannabis sold per month in the Commonwealth;
- (j) The total amount of revenue for each calendar year and aggregated by prior years generated from any cannabis business licensure and cardholder application and renewal fees established by the cabinet;
- (k) The total cost of enforcement for the medicinal cannabis program at the time of the report, by city, county, and overall;
- (l) The sufficiency of the regulatory and security safeguards contained in this chapter and adopted by the cabinet through administrative regulations to ensure that access to and use of medicinal cannabis cultivated and processed in this state is provided only to cardholders;
- (m) Any recommended additions or revisions to this chapter or administrative regulations promulgated thereunder, including those relating to security, safe handling, labeling, and nomenclature;

- (n) The results of any scientific research studies regarding the health effects of cannabis; and
 - (o) Any other data requested by the Legislative Research Commission relating to the medicinal cannabis program and this chapter.
- (7) The cabinet shall provide the University of Kentucky College of Medicine and the Kentucky Center for Cannabis established in KRS 164.983 with all information necessary to allow collaboration with the cabinet on the preparation of this report. The University of Kentucky College of Medicine and the Kentucky Center for Cannabis may also produce its own report regarding the medicinal cannabis program established in this chapter which, if produced, shall be submitted to the Legislative Research Commission upon completion.
- (8) The information contained in the report described in subsection (6) of this section shall be presented in a manner that complies with the federal Health Insurance Portability and Accountability Act, Pub. L. No. 104-191, and does not disclose any identifying information about cardholders or licensed cannabis businesses.

Effective: June 29, 2023

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