

## **218B.010 Definitions for chapter.**

For the purposes of this chapter, unless the context otherwise requires:

- (1) "Bona fide practitioner-patient relationship" means a treating or consulting relationship, during the course of which a medicinal cannabis practitioner has:
  - (a) Completed an initial in-person examination and assessment of the patient's medical history and current medical condition which shall include a review of:
    1. The patient's medical records for the previous twelve (12) months;
    2. All other available medical records relevant to the patient's qualifying medical condition;
    3. Any medications that the patient is currently taking; and
    4. Any other possible risks or side effects that may be associated with the use of medicinal cannabis;
  - (b) Consulted with the patient with respect to the possible medical, therapeutic, and palliative properties of medicinal cannabis;
  - (c) Advised the patient of the possible risks and side effects associated with the use of medicinal cannabis, including possible interactions between medicinal cannabis and any other drug or medication that the patient is taking at that time; and
  - (d) Established an expectation that he or she will provide follow-up care and treatment to the patient in accordance with administrative regulations promulgated pursuant to KRS 218B.050(10);
- (2) "Cabinet" means the Cabinet for Health and Family Services;
- (3) "Cannabis business" means an entity licensed under this chapter as a cultivator, dispensary, processor, producer, or safety compliance facility;
- (4) "Cannabis business agent" means a principal officer, board member, employee, volunteer, or agent of a cannabis business;
- (5) "Cardholder" means:
  - (a) A registered qualified patient, designated caregiver, or visiting qualified patient who has applied for, obtained, and possesses a valid registry identification card issued by the cabinet; or
  - (b) A visiting qualified patient who has obtained and possesses:
    1. A valid out-of-state registry identification card; and
    2. Documentation of having been diagnosed with a qualifying medical condition;
- (6) "Cultivator" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- (7) "Cultivator agent" means a principal officer, board member, employee, volunteer, or agent of a cultivator;
- (8) "Designated caregiver" means a person who has registered as such with the cabinet under KRS 218B.055 and 218B.060;

- (9) "Dispensary" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- (10) "Dispensary agent" means a principal officer, board member, employee, volunteer, or agent of a dispensary;
- (11) "Disqualifying felony offense" means:
  - (a) A felony offense that resulted in the person being classified by the Department of Corrections as a violent offender under KRS 439.3401; or
  - (b) A violation of a state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted, except:
    - 1. An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed five (5) or more years earlier; or
    - 2. An offense that, as determined by the cabinet, consisted of conduct for which this chapter would likely have prevented a conviction, but the conduct either occurred prior to the enactment of this chapter or was prosecuted by an authority other than the Commonwealth of Kentucky;
- (12) "Enclosed, locked facility" means an indoor growing space such as a room, greenhouse, building, or other indoor enclosed area that is maintained and operated by a cultivator or producer and is equipped with locks and other security devices that permit access only by authorized agents of the cultivator or producer, as required by the cabinet;
- (13) "Growth area" has the same meaning as an enclosed, locked facility;
- (14) "Marijuana" has the same meaning as in KRS 218A.010;
- (15) "Medicinal cannabis":
  - (a) Means marijuana as defined in KRS 218A.010 when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with this chapter;
  - (b) Includes medicinal cannabis products and raw plant material; and
  - (c) Does not include industrial hemp or industrial hemp products as defined in KRS 260.850;
- (16) "Medicinal cannabis accessories" means any equipment, product, or material of any kind which is used, intended for use, or designed for use in the preparing, storing, using, or consuming medicinal cannabis in accordance with this chapter;
- (17) "Medicinal cannabis practitioner" means a physician or an advanced practice registered nurse who is authorized to prescribe controlled substances under KRS 314.042, who is authorized by his or her state licensing board to provide written certifications pursuant to KRS 218B.050;
- (18) "Medicinal cannabis product":
  - (a) Means any compound, manufacture, salt, derivative, mixture, or preparation of any part of the plant Cannabis sp., its seeds or its resin; or any compound, mixture, or preparation which contains any quantity of these substances when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with this chapter; and

- (b) Does not include industrial hemp products as defined in KRS 260.850;
- (19) "Minor" means a person less than eighteen (18) years of age;
- (20) "Out-of-state registry identification card" means a registry identification card, or an equivalent document, that was issued pursuant to the laws of another state, district, territory, commonwealth, or insular possession of the United States;
- (21) "Processor" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- (22) "Processor agent" means a principal officer, board member, employee, volunteer, or agent of a processor;
- (23) "Producer" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;
- (24) "Producer agent" means a principal officer, board member, employee, volunteer, or agent of a producer;
- (25) "Qualified patient" means a person who has obtained a written certification from a medicinal cannabis practitioner with whom he or she has a bona fide practitioner-patient relationship;
- (26) "Qualifying medical condition" means:
  - (a) Any type or form of cancer regardless of stage;
  - (b) Chronic, severe, intractable, or debilitating pain;
  - (c) Epilepsy or any other intractable seizure disorder;
  - (d) Multiple sclerosis, muscle spasms, or spasticity;
  - (e) Chronic nausea or cyclical vomiting syndrome that has proven resistant to other conventional medical treatments;
  - (f) Post-traumatic stress disorder; and
  - (g) Any other medical condition or disease for which the Kentucky Center for Cannabis established in KRS 164.983, or its successor, determines that sufficient scientific data and evidence exists to demonstrate that an individual diagnosed with that condition or disease is likely to receive medical, therapeutic, or palliative benefits from the use of medicinal cannabis;
- (27) "Raw plant material":
  - (a) Means the trichome-covered part of the female plant Cannabis sp. or any mixture of shredded leaves, stems, seeds, and flowers of the Cannabis sp. plant; and
  - (b) Does not include plant material obtained from industrial hemp as defined in KRS 260.850;
- (28) "Registered qualified patient" means a qualified patient who has applied for, obtained, and possesses a valid registry identification card issued by the cabinet;
- (29) "Registry identification card" means a document issued by the cabinet that identifies a person as a registered qualified patient, visiting qualified patient, or designated caregiver;
- (30) "Safety compliance facility" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;

- (31) "Safety compliance facility agent" means a principal officer, board member, employee, volunteer, or agent of a safety compliance facility;
- (32) "Seedling" means a medicinal cannabis plant that has no flowers and is not taller than eight (8) inches;
- (33) "Serious violation" means:
  - (a) Any violation of this chapter or any administrative regulation promulgated thereunder that is capable of causing death or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ;
  - (b) The diversion of medicinal cannabis for use not regulated pursuant to this chapter; or
  - (c) Any act that would constitute a violation of KRS 218A.1421;
- (34) "Smoking" means the inhalation of smoke produced from the combustion of raw plant material when ignited by a flame;
- (35) "State licensing board" means:
  - (a) The Kentucky Board of Medical Licensure; or
  - (b) The Kentucky Board of Nursing;
- (36) "Telehealth" has the same meaning as in KRS 211.332;
- (37) "Use of medicinal cannabis":
  - (a) Includes the acquisition, administration, possession, transfer, transportation, or consumption of medicinal cannabis or medicinal cannabis accessories by a cardholder in accordance with this chapter; and
  - (b) Does not include:
    - 1. Cultivation of marijuana by a cardholder;
    - 2. The use or consumption of marijuana by smoking; or
    - 3. The use of industrial hemp or industrial hemp products as defined in KRS 260.850;
- (38) "Visiting qualified patient" means a person who has registered as such through the cabinet as required under this chapter or who possesses a valid out-of-state registry identification card and documentation of having been diagnosed with a qualifying medical condition; and
- (39) "Written certification" means a document dated and signed by a medicinal cannabis practitioner, that:
  - (a) States, that in the medicinal cannabis practitioner's professional medical opinion, the patient may receive medical, therapeutic, or palliative benefit from the use of medicinal cannabis;
  - (b) Specifies the qualifying medical condition or conditions for which the medicinal cannabis practitioner believes the patient may receive medical, therapeutic, or palliative benefit; and
  - (c) Affirms that the medicinal cannabis practitioner has a bona fide practitioner-patient relationship with the patient.

**Effective:** April 17, 2024

**History:** Amended 2024 Ky. Acts ch. 195, sec. 1, effective April 17, 2024. -- Created 2023 Ky. Acts ch. 146, sec. 1, effective June 29, 2023.

**Legislative Research Commission Note (6/29/2023).** Although the medicinal cannabis program established by 2023 Ky. Acts ch. 146, secs. 1 to 30, was originally drafted as new sections of KRS Chapter 218A, KRS Chapter 218B was created during codification to contain the subject.