

1 AN ACT relating to agriculture.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. KRS 260.850 IS REPEALED AND REENACTED TO READ AS  
4 FOLLOWS:

5 *As used in Sections 1 to 13 of this Act:*

- 6 *(1) "Commissioner" means the Commissioner of the Kentucky Department of*  
7 *Agriculture;*
- 8 *(2) "Cultivating" means planting, growing, and harvesting a plant or crop;*
- 9 *(3) "Department" means the Kentucky Department of Agriculture;*
- 10 *(4) "Handling" means possessing or storing industrial hemp for any period of time*  
11 *on premises owned, operated, or controlled by a person licensed to cultivate or*  
12 *process industrial hemp. "Handling" also includes possessing or storing*  
13 *industrial hemp in a vehicle for any period of time other than or during its actual*  
14 *transport from the premise of a licensed person to cultivate or process industrial*  
15 *hemp to the premise of another licensed person;*
- 16 *(5) "Industrial hemp" has the same meaning as in 7 U.S.C. sec. 5940 as it currently*  
17 *exists or as it may be subsequently amended;*
- 18 *(6) "Industrial hemp products" means products derived from, or made by,*  
19 *processing industrial hemp plants or plant parts;*
- 20 *(7) "Licensee" means an individual or business entity possessing a license issued by*  
21 *the department under the authority of this chapter to grow, handle, cultivate,*  
22 *process, or market industrial hemp or industrial hemp products;*
- 23 *(8) "Marketing" means promoting or selling a product within the Commonwealth,*  
24 *in another state, or outside of the United States. "Marketing" includes efforts to*  
25 *advertise and gather information about the needs or preferences of potential*  
26 *consumers or suppliers;*
- 27 *(9) "Processing" means converting an agricultural commodity into a marketable*

1 form;

2 (10) "Research pilot program" means a pilot program conducted by the department in  
 3 collaboration with one (1) or more licensee or university to study methods of  
 4 cultivating, processing, or marketing industrial hemp under the authority of 7  
 5 U.S.C. sec. 5940 as it currently exists or as it may be subsequently amended; and

6 (11) "University" means an accredited institution of higher education located in the  
 7 Commonwealth.

8 ➔SECTION 2. A NEW SECTION OF KRS 260.850 to 260.869 IS CREATED  
 9 TO READ AS FOLLOWS:

10 It is the declared policy of the Commonwealth that industrial hemp is a viable  
 11 agricultural crop in the Commonwealth. The purposes of Sections 1 to 13 of this Act  
 12 are to:

13 (1) Promote the research and study methods of cultivating, processing, and  
 14 marketing industrial hemp;

15 (2) Promote the expansion of the Commonwealth's industrial hemp industry to the  
 16 maximum extent permitted by federal law, in anticipation of a change in federal  
 17 law allowing citizens of the Commonwealth to cultivate, handle, or process  
 18 industrial hemp and industrial hemp products for commercial purposes without  
 19 participating in research pilot programs; and

20 (3) Move the Commonwealth and its citizens to the forefront of the industrial hemp  
 21 industry.

22 ➔SECTION 3. A NEW SECTION OF KRS 260.850 to 260.869 IS CREATED  
 23 TO READ AS FOLLOWS:

24 (1) The purpose of the research pilot program authorized by this chapter is to enable  
 25 the department, and its licensees and affiliated universities, to study methods of  
 26 cultivating, processing, or marketing industrial hemp.

27 (2) Notwithstanding any other provision of law to the contrary, it is lawful for a

1 licensee, or his or her agent, to cultivate, handle, or process industrial hemp or  
2 industrial hemp products in the Commonwealth.

3 (3) It is unlawful for a person who does not hold a license issued by the department,  
4 or who is not an agent of a licensee, to cultivate, handle, process, or market living  
5 industrial hemp plants or viable seeds, leaf materials, or floral materials derived  
6 from industrial hemp. Penalties for persons who cultivate, handle, process, or  
7 market living industrial hemp plants or viable seeds, leaf materials, or floral  
8 materials derived from industrial hemp without a license are the same as those  
9 penalties that are applicable to persons who violate KRS Chapter 218A, relating  
10 to marijuana.

11 (4) Nothing in this chapter authorizes any person to violate any federal or state law  
12 or regulation.

13 ➔SECTION 4. A NEW SECTION OF KRS 260.850 to 260.859 IS CREATED  
14 TO READ AS FOLLOWS:

15 (1) In addition to any other powers vested in it by law, the department shall have the  
16 authority and power to promulgate administrative regulations to:

17 (a) Prescribe rules for any industrial hemp pilot program;

18 (b) Conduct one (1) or more industrial hemp research pilot programs;

19 (c) License persons who wish to participate in an industrial hemp research  
20 pilot program by cultivating, handling, processing, or marketing industrial  
21 hemp;

22 (d) Prescribe rules for a university's participation in, or affiliation with, any  
23 industrial hemp research pilot program;

24 (e) Prescribe sampling and testing procedures to ensure that industrial hemp  
25 and industrial hemp products cultivated, handled, processed, or marketed  
26 under the authority of this section do not exceed the concentration levels  
27 defined in 7 U.S.C. sec. 5940 as it currently exists or as it may be

1 subsequently amended;

2 (f) Define classes or categories of industrial hemp products that are eligible for  
3 sale, transfer, or distribution to members of the public; and

4 (g) Establish a schedule of nonrefundable fees for administering any industrial  
5 hemp research pilot program.

6 (2) (a) No person shall cultivate, handle, process, or market industrial hemp in the  
7 Commonwealth unless the person holds an industrial hemp license issued  
8 by the department.

9 (b) Any person seeking to cultivate industrial hemp shall provide to the  
10 department the legal description and global positioning coordinates  
11 sufficient for locating the fields or greenhouses to be used to grow  
12 industrial hemp.

13 (c) Any person seeking to cultivate or process industrial hemp shall provide to  
14 the department prior written consent allowing representatives of the  
15 department, the Department of Kentucky State Police, and other state and  
16 local law enforcement agencies to enter onto all premises where industrial  
17 hemp is cultivated, processed, or stored for the purpose of conducting  
18 physical inspections or ensuring compliance with the requirements of  
19 Sections 1 to 13 of this Act and administrative regulations promulgated by  
20 the department.

21 (d) An applicant for a license issued by the department shall submit to and pay  
22 for an annual criminal background check conducted by the Department of  
23 Kentucky State Police or another state or federal law enforcement agency  
24 selected by the department.

25 (e) No person who has been convicted of any felony or any drug-related  
26 misdemeanor or violation in the previous ten (10) years from the date of  
27 application shall be eligible to obtain a license.

1           ➔SECTION 5. A NEW SECTION OF KRS 260.850 to 260.859 IS CREATED  
2 TO READ AS FOLLOWS:

3 (1) The Industrial Hemp Advisory Board is created for the purpose of providing  
4 advice and expertise as may be needed by a university or the department with  
5 respect to plans, policies, and procedures applicable to the administration of its  
6 respective industrial hemp research pilot programs.

7 (2) The Industrial Hemp Advisory Board shall be attached to the department for  
8 administrative purposes.

9 (3) The Industrial Hemp Advisory Board shall be composed of the following  
10 members:

11 (a) The Commissioner of the department or the Commissioner's designee;

12 (b) The executive director of the Governor's Office of Agricultural Policy or the  
13 executive director's designee;

14 (c) The dean of the University of Kentucky's College of Agriculture, Food and  
15 Environment or the dean's designee;

16 (d) The commissioner of the Department of Kentucky State Police or the  
17 commissioner's designee;

18 (e) The president of the Kentucky Sheriff's Association or the president's  
19 designee;

20 (f) The president of the Kentucky Association of Chiefs of Police or the  
21 president's designee; and

22 (g) Ten (10) at-large members designated by the Commissioner.

23 (4) The Commissioner or the Commissioner's designee shall serve as chair.

24 (5) A majority of the members of the board shall constitute a quorum.

25 (6) The board shall meet at least one (1) time annually at the call of the chair.

26 (7) In making the initial appointments of the board, the Commissioner shall stagger  
27 the terms of the board members. Thereafter, members shall be appointed to a

1 *term of four (4) years and shall serve until their successors are duly appointed*  
 2 *and qualified.*

3 *(8) Board members shall receive no compensation but shall be reimbursed, payable*  
 4 *from the industrial hemp research pilot program fund, for any actual travel*  
 5 *expense incurred while attending meetings of the board.*

6 Section 6. KRS 260.868 is amended to read as follows:

7 *A person holding a license issued by the department* ~~Industrial hemp growers licensed~~  
 8 ~~under KRS 260.850 to 260.869~~ may be eligible to receive funds received by the  
 9 state under the Master Settlement Agreement and placed in the rural development  
 10 fund established in KRS 248.655.

11 ➔Section 7. KRS 260.869 is amended to read as follows:

12 (1) There is established in the State Treasury a trust and agency fund entitled the  
 13 industrial hemp program fund, to be administered by the commission for the  
 14 purpose of covering the costs of the commission and the industrial hemp research  
 15 program, as approved by the commission.

16 (2) The fund may receive state appropriations, gifts, grants, federal funds, and any other  
 17 funds both public and private, and shall receive all license application fees and  
 18 license renewal fees collected by the commission. Money deposited in the fund is  
 19 hereby appropriated for purposes set out in this section.

20 (3) Notwithstanding KRS 45.229, any unallocated or unencumbered balances in the  
 21 fund shall be invested as provided in KRS 42.500(9), and any interest or other  
 22 income earned from the investments, along with the unallotted or unencumbered  
 23 balances in the fund, shall not lapse but shall be carried forward for purposes of the  
 24 fund.

25 *(4) The industrial hemp program fund shall be closed on July 1, 2017. All moneys*  
 26 *remaining in the fund shall be deposited in the industrial hemp research pilot*  
 27 *program fund created under Section 8 of this Act and shall be used for the*

1 purposes established under that section.

2 ➔SECTION 8. A NEW SECTION OF KRS 260.850 to 260.859 IS CREATED  
3 TO READ AS FOLLOWS:

4 (1) The industrial hemp research pilot program fund is hereby created as a separate  
5 trust fund in the State Treasury. The fund shall consist of amounts received from  
6 appropriations, and any other proceeds from gifts, grants, federal funds,  
7 application fees, or license fees provided by Section 4 of this Act, civil penalties as  
8 provided by Section 9 of this Act, and any other funds, both public and private,  
9 made available for purposes of Sections 1 to 13 of this Act.

10 (2) The industrial hemp research pilot program fund shall be administered by the  
11 department.

12 (3) Amounts deposited in the industrial hemp research pilot program fund shall be  
13 used for the costs of personnel, program administration, testing, actual travel  
14 expenses of the advisory board established under Section 6 of this Act, and any  
15 other costs incurred while conducting the industrial hemp research pilot  
16 programs under Sections 1 to 13 of this Act.

17 (4) Notwithstanding KRS 45.229, the industrial hemp research pilot program fund  
18 amounts not expended at the close of a fiscal year shall not lapse but shall be  
19 carried forward into the next fiscal year.

20 (5) Any interest earnings of the industrial hemp research pilot program fund shall  
21 become part of the fund and shall not lapse.

22 (6) Moneys in the fund are hereby appropriated for the purposes set forth in this  
23 section and shall not be appropriated or transferred by the General Assembly for  
24 any other purposes unless the industrial hemp research pilot program is  
25 discontinued by the Commissioner as provided by Section 10 of this Act. If the  
26 program is discontinued, moneys remaining in the fund shall lapse to the  
27 General Fund no later than one (1) year after notice of the program

1 discontinuation, and the fund shall be closed.

2 ➔SECTION 9. A NEW SECTION OF KRS 260.850 to 260.859 IS CREATED  
3 TO READ AS FOLLOWS:

4 (1) The department may temporarily suspend a license up to sixty (60) days if the  
5 licensee is alleged to have:

6 (a) Violated any provision of Sections 1 to 13 of this Act or an administrative  
7 regulation promulgated under the authority of Sections 1 to 13 of this Act;

8 (b) Made any false statement to the department or its representatives;

9 (c) Pled guilty to, or been convicted of, any felony or drug-related misdemeanor  
10 or violation;

11 (d) Failed to comply with only those instructions agreed upon in the contract  
12 signed by the licensee at the time the industrial hemp license was issued; or

13 (e) Failed to comply with an order from a representative of the department,  
14 representative of the Department of Kentucky State Police, or any law  
15 enforcement officer.

16 (2) The department may temporarily suspend a license up to sixty (60) days without  
17 giving the licensee advance notice of the charge against him or her or an  
18 opportunity to be heard.

19 (3) The department shall not permanently revoke a license until the department has  
20 notified the licensee of the charge against him or her and given the licensee an  
21 opportunity for a hearing before a three (3) person panel whose members have  
22 been designated by the Commissioner. The three (3) person panel shall include:

23 (a) Two (2) members who are employees of the department; and

24 (b) One (1) member who is not an employee of the department.

25 (4) The department may permanently revoke a license if the licensee admits, or is  
26 found in a hearing, to have:

27 (a) Violated any provision of Sections 1 to 13 of this Act or an administrative

- 1 regulation promulgated under the authority of Sections 1 to 13 of this Act;  
 2 (b) Made any false statement to the department or its representative;  
 3 (c) Pled guilty to, or been convicted of, any felony or drug-related misdemeanor  
 4 or violation; or  
 5 (d) Failed to comply with any instruction or order from the department, a  
 6 representative of the Department of Kentucky State Police, or any law  
 7 enforcement officer.

8 (5) The department may impose a monetary civil penalty, not to exceed two thousand  
 9 five hundred dollars (\$2,500) per violation, on any person who violates Sections 1  
 10 to 13 of this Act or an administrative regulation promulgated under the authority  
 11 of Sections 1 to 13 of this Act.

12 (6) The department shall not impose a monetary civil penalty against a person  
 13 alleged to have violated Sections 1 to 13 of this Act, or an administrative  
 14 regulation promulgated under the authority of Sections 1 to 13 of this Act, until  
 15 the department has notified the person of the charge against him or her and  
 16 given the person the opportunity for a hearing before the three (3) person panel.

17 ➔SECTION 10. A NEW SECTION OF KRS 260.850 to 260.859 IS CREATED  
 18 TO READ AS FOLLOWS:

19 (1) Notwithstanding any provision of law to the contrary, the department may  
 20 discontinue the industrial hemp research pilot program if the Commissioner  
 21 finds that:

- 22 (a) A change in federal law makes continuation of the industrial hemp  
 23 research pilot program impractical or impossible; or  
 24 (b) A change in federal law allows citizens of the Commonwealth to cultivate,  
 25 handle, or process industrial hemp and industrial hemp products without  
 26 participating in a research pilot program conducted by the department.

27 (2) The Commissioner shall notify, in writing, the Governor, the Speaker of the

1        *House of Representatives, and the President of the Senate, that the industrial*  
2        *hemp research pilot program has been discontinued.*

3        ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 250 IS CREATED TO  
4 READ AS FOLLOWS:

5        *The director, or the director's designee, shall receive samples and test industrial hemp*  
6        *plants, plant parts, and materials grown or located within the Commonwealth in order*  
7        *to determine whether the industrial hemp plants, plant parts, and materials are in*  
8        *compliance with the provisions of Sections 1 to 13 of this Act and the administrative*  
9        *regulations promulgated thereunder.*

10       ➔Section 12. KRS 218A.010 is amended to read as follows:

11 As used in this chapter:

12 (1) "Administer" means the direct application of a controlled substance, whether by  
13 injection, inhalation, ingestion, or any other means, to the body of a patient or  
14 research subject by:

15 (a) A practitioner or by his or her authorized agent under his or her immediate  
16 supervision and pursuant to his or her order; or

17 (b) The patient or research subject at the direction and in the presence of the  
18 practitioner;

19 (2) "Anabolic steroid" means any drug or hormonal substance chemically and  
20 pharmacologically related to testosterone that promotes muscle growth and includes  
21 those substances listed in KRS 218A.090(5) but does not include estrogens,  
22 progestins, and anticosteroids;

23 (3) "Cabinet" means the Cabinet for Health and Family Services;

24 (4) "Child" means any person under the age of majority as specified in KRS 2.015;

25 (5) "Cocaine" means a substance containing any quantity of cocaine, its salts, optical  
26 and geometric isomers, and salts of isomers;

27 (6) "Controlled substance" means methamphetamine, or a drug, substance, or

1 immediate precursor in Schedules I through V and includes a controlled substance  
2 analogue;

3 (7) (a) "Controlled substance analogue," except as provided in paragraph (b) of this  
4 subsection, means a substance:

- 5 1. The chemical structure of which is substantially similar to the structure  
6 of a controlled substance in Schedule I or II; and
- 7 2. Which has a stimulant, depressant, or hallucinogenic effect on the  
8 central nervous system that is substantially similar to or greater than the  
9 stimulant, depressant, or hallucinogenic effect on the central nervous  
10 system of a controlled substance in Schedule I or II; or
- 11 3. With respect to a particular person, which such person represents or  
12 intends to have a stimulant, depressant, or hallucinogenic effect on the  
13 central nervous system that is substantially similar to or greater than the  
14 stimulant, depressant, or hallucinogenic effect on the central nervous  
15 system of a controlled substance in Schedule I or II.

16 (b) Such term does not include:

- 17 1. Any substance for which there is an approved new drug application;
- 18 2. With respect to a particular person, any substance if an exemption is in  
19 effect for investigational use for that person pursuant to federal law to  
20 the extent conduct with respect to such substance is pursuant to such  
21 exemption; or
- 22 3. Any substance to the extent not intended for human consumption before  
23 the exemption described in subparagraph 2. of this paragraph takes  
24 effect with respect to that substance;

25 (8) "Counterfeit substance" means a controlled substance which, or the container or  
26 labeling of which, without authorization, bears the trademark, trade name, or other  
27 identifying mark, imprint, number, or device, or any likeness thereof, of a

1 manufacturer, distributor, or dispenser other than the person who in fact  
2 manufactured, distributed, or dispensed the substance;

3 (9) "Dispense" means to deliver a controlled substance to an ultimate user or research  
4 subject by or pursuant to the lawful order of a practitioner, including the packaging,  
5 labeling, or compounding necessary to prepare the substance for that delivery;

6 (10) "Dispenser" means a person who lawfully dispenses a Schedule II, III, IV, or V  
7 controlled substance to or for the use of an ultimate user;

8 (11) "Distribute" means to deliver other than by administering or dispensing a controlled  
9 substance;

10 (12) "Dosage unit" means a single pill, capsule, ampule, liquid, or other form of  
11 administration available as a single unit;

12 (13) "Drug" means:

13 (a) Substances recognized as drugs in the official United States Pharmacopoeia,  
14 official Homeopathic Pharmacopoeia of the United States, or official National  
15 Formulary, or any supplement to any of them;

16 (b) Substances intended for use in the diagnosis, care, mitigation, treatment, or  
17 prevention of disease in man or animals;

18 (c) Substances (other than food) intended to affect the structure or any function of  
19 the body of man or animals; and

20 (d) Substances intended for use as a component of any article specified in this  
21 subsection.

22 It does not include devices or their components, parts, or accessories;

23 (14) "Good faith prior examination," as used in KRS Chapter 218A and for criminal  
24 prosecution only, means an in-person medical examination of the patient conducted  
25 by the prescribing practitioner or other health-care professional routinely relied  
26 upon in the ordinary course of his or her practice, at which time the patient is  
27 physically examined and a medical history of the patient is obtained. "In-person"

1 includes telehealth examinations. This subsection shall not be applicable to hospice  
2 providers licensed pursuant to KRS Chapter 216B;

3 (15) "Hazardous chemical substance" includes any chemical substance used or intended  
4 for use in the illegal manufacture of a controlled substance as defined in this section  
5 or the illegal manufacture of methamphetamine as defined in KRS 218A.1431,  
6 which:

7 (a) Poses an explosion hazard;

8 (b) Poses a fire hazard; or

9 (c) Is poisonous or injurious if handled, swallowed, or inhaled;

10 (16) "Heroin" means a substance containing any quantity of heroin, or any of its salts,  
11 isomers, or salts of isomers;

12 (17) "Hydrocodone combination product" means a drug with:

13 (a) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of  
14 its salts, per one hundred (100) milliliters or not more than fifteen (15)  
15 milligrams per dosage unit, with a fourfold or greater quantity of an  
16 isoquinoline alkaloid of opium; or

17 (b) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of  
18 its salts, per one hundred (100) milliliters or not more than fifteen (15)  
19 milligrams per dosage unit, with one (1) or more active, nonnarcotic  
20 ingredients in recognized therapeutic amounts;

21 (18) "Immediate precursor" means a substance which is the principal compound  
22 commonly used or produced primarily for use, and which is an immediate chemical  
23 intermediary used or likely to be used in the manufacture of a controlled substance  
24 or methamphetamine, the control of which is necessary to prevent, curtail, or limit  
25 manufacture;

26 **(19) "Industrial hemp" has the same meaning as in Section 1 of this Act;**

27 **(20) "Industrial hemp products" has the same meaning as in Section 1 of this Act;**

1 ~~(21)~~~~(19)~~ "Intent to manufacture" means any evidence which demonstrates a person's  
2 conscious objective to manufacture a controlled substance or methamphetamine.  
3 Such evidence includes but is not limited to statements and a chemical substance's  
4 usage, quantity, manner of storage, or proximity to other chemical substances or  
5 equipment used to manufacture a controlled substance or methamphetamine;

6 ~~(22)~~~~(20)~~ "Isomer" means the optical isomer, except as used in KRS 218A.050(3) and  
7 218A.070(1)(d). As used in KRS 218A.050(3), the term "isomer" means the optical,  
8 positional, or geometric isomer. As used in KRS 218A.070(1)(d), the term "isomer"  
9 means the optical or geometric isomer;

10 ~~(23)~~~~(21)~~ "Manufacture," except as provided in KRS 218A.1431, means the production,  
11 preparation, propagation, compounding, conversion, or processing of a controlled  
12 substance, either directly or indirectly by extraction from substances of natural  
13 origin or independently by means of chemical synthesis, or by a combination of  
14 extraction and chemical synthesis, and includes any packaging or repackaging of the  
15 substance or labeling or relabeling of its container except that this term does not  
16 include activities:

- 17 (a) By a practitioner as an incident to his or her administering or dispensing of a  
18 controlled substance in the course of his or her professional practice;
- 19 (b) By a practitioner, or by his or her authorized agent under his supervision, for  
20 the purpose of, or as an incident to, research, teaching, or chemical analysis  
21 and not for sale; or
- 22 (c) By a pharmacist as an incident to his or her dispensing of a controlled  
23 substance in the course of his or her professional practice;

24 ~~(24)~~~~(22)~~ "Marijuana" means all parts of the plant *Cannabis* sp., whether growing or  
25 not; the seeds thereof; the resin extracted from any part of the plant; and every  
26 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its  
27 seeds or resin or any compound, mixture, or preparation which contains any

1 quantity of these substances. The term "marijuana" does not include:

2 (a) Industrial hemp **that is in the possession, custody, or control of a person who**  
3 **holds a license issued by the Department of Agriculture permitting that**  
4 **person to cultivate, handle, or process industrial hemp; or** ~~as defined in~~  
5 ~~KRS 260.850;~~

6 **(b) Industrial hemp products that do not include any living plants, viable seeds,**  
7 **leaf materials, or floral materials;**

8 ~~(c)(b)~~ The substance cannabidiol, when transferred, dispensed, or administered  
9 pursuant to the written order of a physician practicing at a hospital or  
10 associated clinic affiliated with a Kentucky public university having a college  
11 or school of medicine; or

12 ~~(d)(e)~~ For persons participating in a clinical trial or in an expanded access  
13 program, a drug or substance approved for the use of those participants by the  
14 United States Food and Drug Administration;

15 ~~(25)(23)~~ "Medical history," as used in KRS Chapter 218A and for criminal prosecution  
16 only, means an accounting of a patient's medical background, including but not  
17 limited to prior medical conditions, prescriptions, and family background;

18 ~~(26)(24)~~ "Medical order," as used in KRS Chapter 218A and for criminal prosecution  
19 only, means a lawful order of a specifically identified practitioner for a specifically  
20 identified patient for the patient's health-care needs. "Medical order" may or may  
21 not include a prescription drug order;

22 ~~(27)(25)~~ "Medical record," as used in KRS Chapter 218A and for criminal prosecution  
23 only, means a record, other than for financial or billing purposes, relating to a  
24 patient, kept by a practitioner as a result of the practitioner-patient relationship;

25 ~~(28)(26)~~ "Methamphetamine" means any substance that contains any quantity of  
26 methamphetamine, or any of its salts, isomers, or salts of isomers;

27 ~~(29)(27)~~ "Narcotic drug" means any of the following, whether produced directly or

1 indirectly by extraction from substances of vegetable origin, or independently by  
2 means of chemical synthesis, or by a combination of extraction and chemical  
3 synthesis:

- 4 (a) Opium and opiate, and any salt, compound, derivative, or preparation of  
5 opium or opiate;
- 6 (b) Any salt, compound, isomer, derivative, or preparation thereof which is  
7 chemically equivalent or identical with any of the substances referred to in  
8 paragraph (a) of this subsection, but not including the isoquinoline alkaloids  
9 of opium;
- 10 (c) Opium poppy and poppy straw;
- 11 (d) Coca leaves, except coca leaves and extracts of coca leaves from which  
12 cocaine, ecgonine, and derivatives of ecgonine or their salts have been  
13 removed;
- 14 (e) Cocaine, its salts, optical and geometric isomers, and salts of isomers;
- 15 (f) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; and
- 16 (g) Any compound, mixture, or preparation which contains any quantity of any of  
17 the substances referred to in paragraphs (a) to (f) of this subsection;

18 ~~(30)~~<sup>(28)</sup> "Opiate" means any substance having an addiction-forming or addiction-  
19 sustaining liability similar to morphine or being capable of conversion into a drug  
20 having addiction-forming or addiction-sustaining liability. It does not include,  
21 unless specifically designated as controlled under KRS 218A.030, the  
22 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts  
23 (dextromethorphan). It does include its racemic and levorotatory forms;

24 ~~(31)~~<sup>(29)</sup> "Opium poppy" means the plant of the species *papaver somniferum* L., except  
25 its seeds;

26 ~~(32)~~<sup>(30)</sup> "Person" means individual, corporation, government or governmental  
27 subdivision or agency, business trust, estate, trust, partnership or association, or any

1 other legal entity;

2 ~~(33)~~~~(31)~~ "Physical injury" has the same meaning it has in KRS 500.080;

3 ~~(34)~~~~(32)~~ "Poppy straw" means all parts, except the seeds, of the opium poppy, after  
4 mowing;

5 ~~(35)~~~~(33)~~ "Pharmacist" means a natural person licensed by this state to engage in the  
6 practice of the profession of pharmacy;

7 ~~(36)~~~~(34)~~ "Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific  
8 investigator, optometrist as authorized in KRS 320.240, advanced practice  
9 registered nurse as authorized under KRS 314.011, or other person licensed,  
10 registered, or otherwise permitted by state or federal law to acquire, distribute,  
11 dispense, conduct research with respect to, or to administer a controlled substance  
12 in the course of professional practice or research in this state. "Practitioner" also  
13 includes a physician, dentist, podiatrist, veterinarian, or advanced practice registered  
14 nurse authorized under KRS 314.011 who is a resident of and actively practicing in  
15 a state other than Kentucky and who is licensed and has prescriptive authority for  
16 controlled substances under the professional licensing laws of another state, unless  
17 the person's Kentucky license has been revoked, suspended, restricted, or probated,  
18 in which case the terms of the Kentucky license shall prevail;

19 ~~(37)~~~~(35)~~ "Practitioner-patient relationship," as used in KRS Chapter 218A and for  
20 criminal prosecution only, means a medical relationship that exists between a  
21 patient and a practitioner or the practitioner's designee, after the practitioner or his  
22 or her designee has conducted at least one (1) good faith prior examination;

23 ~~(38)~~~~(36)~~ "Prescription" means a written, electronic, or oral order for a drug or  
24 medicine, or combination or mixture of drugs or medicines, or proprietary  
25 preparation, signed or given or authorized by a medical, dental, chiropody,  
26 veterinarian, optometric practitioner, or advanced practice registered nurse, and  
27 intended for use in the diagnosis, cure, mitigation, treatment, or prevention of

1 disease in man or other animals;

2 ~~(39)~~~~(37)~~ "Prescription blank," with reference to a controlled substance, means a  
3 document that meets the requirements of KRS 218A.204 and 217.216;

4 ~~(40)~~~~(38)~~ "Presumptive probation" means a sentence of probation not to exceed the  
5 maximum term specified for the offense, subject to conditions otherwise authorized  
6 by law, that is presumed to be the appropriate sentence for certain offenses  
7 designated in this chapter, notwithstanding contrary provisions of KRS Chapter  
8 533. That presumption shall only be overcome by a finding on the record by the  
9 sentencing court of substantial and compelling reasons why the defendant cannot be  
10 safely and effectively supervised in the community, is not amenable to community-  
11 based treatment, or poses a significant risk to public safety;

12 ~~(41)~~~~(39)~~ "Production" includes the manufacture, planting, cultivation, growing, or  
13 harvesting of a controlled substance;

14 ~~(42)~~~~(40)~~ "Recovery program" means an evidence-based, nonclinical service that assists  
15 individuals and families working toward sustained recovery from substance use and  
16 other criminal risk factors. This can be done through an array of support programs  
17 and services that are delivered through residential and nonresidential means;

18 ~~(43)~~~~(41)~~ "Salvia" means *Salvia divinorum* or Salvinorin A and includes all parts of the  
19 plant presently classified botanically as *Salvia divinorum*, whether growing or not,  
20 the seeds thereof, any extract from any part of that plant, and every compound,  
21 manufacture, derivative, mixture, or preparation of that plant, its seeds, or its  
22 extracts, including salts, isomers, and salts of isomers whenever the existence of  
23 such salts, isomers, and salts of isomers is possible within the specific chemical  
24 designation of that plant, its seeds, or extracts. The term shall not include any other  
25 species in the genus *salvia*;

26 ~~(44)~~~~(42)~~ "Second or subsequent offense" means that for the purposes of this chapter an  
27 offense is considered as a second or subsequent offense, if, prior to his or her

1 conviction of the offense, the offender has at any time been convicted under this  
2 chapter, or under any statute of the United States, or of any state relating to  
3 substances classified as controlled substances or counterfeit substances, except that  
4 a prior conviction for a nontrafficking offense shall be treated as a prior offense  
5 only when the subsequent offense is a nontrafficking offense. For the purposes of  
6 this section, a conviction voided under KRS 218A.275 or 218A.276 shall not  
7 constitute a conviction under this chapter;

8 ~~(45)~~~~(43)~~ "Sell" means to dispose of a controlled substance to another person for  
9 consideration or in furtherance of commercial distribution;

10 ~~(46)~~~~(44)~~ "Serious physical injury" has the same meaning it has in KRS 500.080;

11 ~~(47)~~~~(45)~~ "Synthetic cannabinoids or piperazines" means any chemical compound which  
12 is not approved by the United States Food and Drug Administration or, if approved,  
13 which is not dispensed or possessed in accordance with state and federal law, that  
14 contains Benzylpiperazine (BZP); Trifluoromethylphenylpiperazine (TFMPP); 1,1-  
15 Dimethylheptyl-11-hydroxytetrahydrocannabinol (HU-210); 1-Butyl-3-(1-  
16 naphthoyl)indole; 1-Pentyl-3-(1-naphthoyl)indole; dexanabinol (HU-211); or any  
17 compound in the following structural classes:

18 (a) Naphthoylindoles: Any compound containing a 3-(1-naphthoyl)indole  
19 structure with substitution at the nitrogen atom of the indole ring by an alkyl,  
20 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
21 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further  
22 substituted in the indole ring to any extent and whether or not substituted in  
23 the naphthyl ring to any extent. Examples of this structural class include but  
24 are not limited to JWH-015, JWH-018, JWH-019, JWH-073, JWH-081,  
25 JWH-122, JWH-200, and AM-2201;

26 (b) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole  
27 structure with substitution at the nitrogen atom of the indole ring by an alkyl,

- 1 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
2 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further  
3 substituted in the indole ring to any extent and whether or not substituted in  
4 the phenyl ring to any extent. Examples of this structural class include but are  
5 not limited to JWH-167, JWH-250, JWH-251, and RCS-8;
- 6 (c) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with  
7 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,  
8 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,  
9 or 2-(4-morpholinyl)ethyl group whether or not further substituted in the  
10 indole ring to any extent and whether or not substituted in the phenyl ring to  
11 any extent. Examples of this structural class include but are not limited to  
12 AM-630, AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4;
- 13 (d) Cyclohexylphenols: Any compound containing a 2-(3-  
14 hydroxycyclohexyl)phenol structure with substitution at the 5-position of the  
15 phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
16 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl  
17 group whether or not substituted in the cyclohexyl ring to any extent.  
18 Examples of this structural class include but are not limited to CP 47,497 and  
19 its C8 homologue (cannabicyclohexanol);
- 20 (e) Naphthylmethylindoles: Any compound containing a 1H-indol-3-yl-(1-  
21 naphthyl)methane structure with substitution at the nitrogen atom of the indole  
22 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-  
23 methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not  
24 further substituted in the indole ring to any extent and whether or not  
25 substituted in the naphthyl ring to any extent. Examples of this structural class  
26 include but are not limited to JWH-175, JWH-184, and JWH-185;
- 27 (f) Naphthoylpyrroles: Any compound containing a 3-(1-naphthoyl)pyrrole

- 1 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl,  
2 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
3 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further  
4 substituted in the pyrrole ring to any extent and whether or not substituted in  
5 the naphthyl ring to any extent. Examples of this structural class include but  
6 are not limited to JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;
- 7 (g) Naphthylmethylindenes: Any compound containing a 1-(1-  
8 naphthylmethyl)indene structure with substitution at the 3-position of the  
9 indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
10 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether  
11 or not further substituted in the indene ring to any extent and whether or not  
12 substituted in the naphthyl ring to any extent. Examples of this structural class  
13 include but are not limited to JWH-176;
- 14 (h) Tetramethylcyclopropanoylindoles: Any compound containing a 3-(1-  
15 tetramethylcyclopropoyl)indole structure with substitution at the nitrogen  
16 atom of the indole ring by an alkyl, haloalkyl, cycloalkylmethyl,  
17 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl  
18 group, whether or not further substituted in the indole ring to any extent and  
19 whether or not further substituted in the tetramethylcyclopropyl ring to any  
20 extent. Examples of this structural class include but are not limited to UR-144  
21 and XLR-11;
- 22 (i) Adamantoylindoles: Any compound containing a 3-(1-adamantoyl)indole  
23 structure with substitution at the nitrogen atom of the indole ring by an alkyl,  
24 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
25 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further  
26 substituted in the indole ring to any extent and whether or not substituted in  
27 the adamantyl ring system to any extent. Examples of this structural class

1 include but are not limited to AB-001 and AM-1248; or

2 (j) Any other synthetic cannabinoid or piperazine which is not approved by the  
3 United States Food and Drug Administration or, if approved, which is not  
4 dispensed or possessed in accordance with state and federal law;

5 ~~(48)~~~~(46)~~ "Synthetic cathinones" means any chemical compound which is not approved  
6 by the United States Food and Drug Administration or, if approved, which is not  
7 dispensed or possessed in accordance with state and federal law (not including  
8 bupropion or compounds listed under a different schedule) structurally derived from  
9 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl,  
10 or thiophene ring systems, whether or not the compound is further modified in one  
11 (1) or more of the following ways:

12 (a) By substitution in the ring system to any extent with alkyl, alkylendioxy,  
13 alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further  
14 substituted in the ring system by one (1) or more other univalent substituents.  
15 Examples of this class include but are not limited to 3,4-  
16 Methylenedioxcathinone (bk-MDA);

17 (b) By substitution at the 3-position with an acyclic alkyl substituent. Examples of  
18 this class include but are not limited to 2-methylamino-1-phenylbutan-1-one  
19 (buphedrone);

20 (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or  
21 methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a  
22 cyclic structure. Examples of this class include but are not limited to  
23 Dimethylcathinone, Ethcathinone, and  $\alpha$ -Pyrrolidinopropiophenone ( $\alpha$ -PPP);  
24 or

25 (d) Any other synthetic cathinone which is not approved by the United States  
26 Food and Drug Administration or, if approved, is not dispensed or possessed  
27 in accordance with state or federal law;

1 ~~(49)~~~~(47)~~ "Synthetic drugs" means any synthetic cannabinoids or piperazines or any  
2 synthetic cathinones;

3 ~~(50)~~~~(48)~~ "Telehealth" has the same meaning it has in KRS 311.550;

4 ~~(51)~~~~(49)~~ "Tetrahydrocannabinols" means synthetic equivalents of the substances  
5 contained in the plant, or in the resinous extractives of the plant Cannabis, sp. or  
6 synthetic substances, derivatives, and their isomers with similar chemical structure  
7 and pharmacological activity such as the following:

- 8 (a) Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers;  
9 (b) Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; and  
10 (c) Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;

11 ~~(52)~~~~(50)~~ "Traffic," except as provided in KRS 218A.1431, means to manufacture,  
12 distribute, dispense, sell, transfer, or possess with intent to manufacture, distribute,  
13 dispense, or sell a controlled substance;

14 ~~(53)~~~~(51)~~ "Transfer" means to dispose of a controlled substance to another person  
15 without consideration and not in furtherance of commercial distribution; and

16 ~~(54)~~~~(52)~~ "Ultimate user" means a person who lawfully possesses a controlled substance  
17 for his or her own use or for the use of a member of his or her household or for  
18 administering to an animal owned by him or her or by a member of his or her  
19 household.

20 ➔Section 13. The following KRS sections are repealed:

21 260.8505 Purpose of KRS 260.850 to 260.869 declared to be the support of industrial  
22 hemp production, development, and commercialization -- Accomplishment of  
23 purpose achieved through auspices of Industrial Hemp Commission, research, and  
24 pursuit of federal permits or waivers -- General Assembly finds that development of  
25 industrial hemp is proper governmental purpose and important to Commonwealth's  
26 well-being.

27 260.851 Administrative regulations to license research on industrial hemp and hemp

- 1 products and establish testing criteria and protocols.
- 2 260.853 Promotion of research and development of markets for Kentucky industrial  
3 hemp and hemp products -- Responsibilities of the commission -- Establishment of  
4 five year research program -- Demonstration plots overseen by University of  
5 Kentucky Agricultural Experiment Station -- Research into new energy technologies  
6 -- Coordination with universities and the Cabinet for Economic Development --  
7 Exemption from criminal liability -- Annual report.
- 8 260.854 Conditions and procedures for issuing industrial hemp research program grower  
9 license and industrial hemp grower licenses -- Content and processing of  
10 applications for licenses -- Criminal background checks -- Commissioner's  
11 discretion in approving licenses -- License fees set by administrative regulations --  
12 Monitoring requirements.
- 13 260.855 Rights and duties of industrial hemp grower licensee -- Operational procedures  
14 for licensed growers -- Standards for transporting industrial hemp off premises of  
15 licensed grower -- Seizure and disposal of hemp deemed contraband.
- 16 260.856 Forfeiture of right to grow hemp following revocation of industrial hemp  
17 grower license -- Failure to comply with administrative regulations -- Plea to or  
18 conviction of felony -- Administrative hearings and appeals.
- 19 260.857 Kentucky Industrial Hemp Commission -- Membership.
- 20 260.859 Quorum for commission -- Chair and vice chair.
- 21 260.861 Meetings -- Compensation of members -- Staff services by Department of  
22 Agriculture and University of Kentucky Agricultural Experiment Station.
- 23 260.863 Recommendations and annual report of commission.
- 24 260.865 Mandatory adoption of federal rules and regulations regarding industrial hemp -  
25 - KRS 260.850 to 260.869 not to conflict with federal law.
- 26 ➔Section 14. Whereas industrial hemp production has experienced dramatic  
27 growth since the research pilot program's inception in 2014, an emergency is declared to

- 1 exist, and this Act takes effect upon its passage and approval by the Governor or upon its
- 2 otherwise becoming a law.