

1 AN ACT relating to physician assistants.

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

3 ➔Section 1. KRS 311.856 is amended to read as follows:

4 A supervising physician shall:

- 5 (1) Restrict the services of a physician assistant to services within the physician
6 assistant's scope of practice and to the provisions of KRS 311.840 to 311.862;
- 7 (2) Prohibit a physician assistant from prescribing or dispensing controlled substances,
8 **unless the physician assistant is authorized to prescribe or dispense controlled**
9 **substances under subsection (4) of Section 2 of this Act;**
- 10 (3) Inform all patients in contact with a physician assistant of the status of the physician
11 assistant;
- 12 (4) Post a notice stating that a physician assistant practices medicine or osteopathy in
13 all locations where the physician assistant may practice;
- 14 (5) Require a physician assistant to wear identification that clearly states that he or she
15 is a physician assistant;
- 16 (6) Prohibit a physician assistant from independently billing any patient or other payor
17 for services rendered by the physician assistant;
- 18 (7) If necessary, participate with the governing body of any hospital or other licensed
19 health care facility in a credentialing process established by the facility;
- 20 (8) Not require a physician assistant to perform services or other acts that the physician
21 assistant feels incapable of carrying out safely and properly;
- 22 (9) Maintain adequate, active, and continuous supervision of a physician assistant's
23 activities to assure that the physician assistant is performing as directed and
24 complying with the requirements of KRS 311.840 to 311.862 and all related
25 administrative regulations;
- 26 (10) Review and countersign a sufficient number of overall medical notes written by the
27 physician assistant to ensure quality of care provided by the physician assistant and

1 outline the specific parameters for review of countersignatures in the application
2 required by KRS 311.854. Countersignature requirements shall be determined by
3 the supervising physician, practice, or institution. As used in this subsection:

4 (a) "Practice" means a medical practice composed of two (2) or more physicians
5 organized to provide patient care services, regardless of its legal form or
6 ownership; and

7 (b) "Institution" means all or part of any public or private facility, place, building,
8 or agency, whether organized for profit or not, that is used, operated, or
9 designed to provide medical diagnosis, treatment, nursing, rehabilitative, or
10 preventive care;

11 (11) (a) Reevaluate the reliability, accountability, and professional knowledge of a
12 physician assistant two (2) years after the physician assistant's original
13 licensure in this Commonwealth and every two (2) years thereafter; and

14 (b) Based on the reevaluation, recommend approval or disapproval of licensure or
15 renewal to the board; and

16 (12) Notify the board within three (3) business days if the supervising physician:

17 (a) Ceases to supervise or employ the physician assistant; or

18 (b) Believes in good faith that a physician assistant violated any disciplinary rule
19 of KRS 311.840 to 311.862 or related administrative regulations.

20 ➔Section 2. KRS 311.858 is amended to read as follows:

21 (1) A physician assistant may perform medical services and procedures within the
22 scope of medical services and procedures described in the initial or any
23 supplemental application received by the board under KRS 311.854.

24 (2) A physician assistant shall be considered an agent of the supervising physician in
25 performing medical services and procedures described in the initial application or
26 any supplemental application received by the board under KRS 311.854.

27 (3) A physician assistant may initiate evaluation and treatment in emergency situations

1 without specific approval.

2 (4) **(a)** A physician assistant may prescribe and administer~~[all nonscheduled legend]~~
3 drugs and medical devices **to the extent**~~[as]~~ delegated by the supervising
4 physician. **Prescribing of drugs may include all legend drugs, and all**
5 **Schedule II to V substances as described in KRS Chapter 218A.**

6 **(b)** A physician assistant who is delegated prescribing authority may request,
7 receive, and **sign for professional samples of legend drugs and may**
8 distribute professional ~~samples~~~~[sample drugs]~~ to patients.

9 **(c) Physician assistants authorized to prescribe controlled substances shall**
10 **register with the federal Drug Enforcement Administration, KASPER,**
11 **Prescription Drug Monitoring Program (PDMP), and any applicable state**
12 **controlled substance regulatory authority.**

13 **(d) Prior to a physician assistant prescribing a controlled substance:**

14 **1. The physician assistant shall complete an application signed by his or**
15 **her supervising physician;**

16 **2. The board shall review and approve or deny a completed application**
17 **for prescriptive authority within thirty (30) days of receiving the**
18 **completed application; and**

19 **3. The format and content of the application form shall first be approved**
20 **by the board before its use by the physician assistant and the**
21 **supervising physician.**

22 **(e) Dispensing activities of physician assistants shall comply with appropriate**
23 **state and federal laws and administrative regulations and occur only in an**
24 **emergency.**

25 (5) A physician assistant shall not submit direct billing for medical services and
26 procedures performed by the physician assistant.

27 (6) A physician assistant may perform local infiltrative anesthesia under the provisions

1 of subsection (1) of this section, but a physician assistant shall not administer or
2 monitor general or regional anesthesia unless the requirements of KRS 311.862 are
3 met.

4 (7) A physician assistant may perform services in the offices or clinics of the
5 supervising physician. A physician assistant may also render services in hospitals or
6 other licensed health care facilities only with written permission of the facility's
7 governing body, and the facility may restrict the physician assistant's scope of
8 practice within the facility as deemed appropriate by the facility.

9 (8) A physician assistant shall not practice medicine or osteopathy independently. Each
10 physician assistant shall practice under supervision as defined in KRS 311.840.

11 ➔Section 3. KRS 218A.010 is amended to read as follows:

12 As used in this chapter:

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

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

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

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

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

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

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

- 1 (6) "Controlled substance" means methamphetamine, or a drug, substance, or
2 immediate precursor in Schedules I through V and includes a controlled substance
3 analogue;
- 4 (7) (a) "Controlled substance analogue," except as provided in paragraph (b) of this
5 subsection, means a substance:
- 6 1. The chemical structure of which is substantially similar to the structure
7 of a controlled substance in Schedule I or II; and
 - 8 2. Which has a stimulant, depressant, or hallucinogenic effect on the
9 central nervous system that is substantially similar to or greater than the
10 stimulant, depressant, or hallucinogenic effect on the central nervous
11 system of a controlled substance in Schedule I or II; or
 - 12 3. With respect to a particular person, which such person represents or
13 intends to have a stimulant, depressant, or hallucinogenic effect on the
14 central nervous system that is substantially similar to or greater than the
15 stimulant, depressant, or hallucinogenic effect on the central nervous
16 system of a controlled substance in Schedule I or II.
- 17 (b) Such term does not include:
- 18 1. Any substance for which there is an approved new drug application;
 - 19 2. With respect to a particular person, any substance if an exemption is in
20 effect for investigational use for that person pursuant to federal law to
21 the extent conduct with respect to such substance is pursuant to such
22 exemption; or
 - 23 3. Any substance to the extent not intended for human consumption before
24 the exemption described in subparagraph 2. of this paragraph takes
25 effect with respect to that substance;
- 26 (8) "Counterfeit substance" means a controlled substance which, or the container or
27 labeling of which, without authorization, bears the trademark, trade name, or other

1 identifying mark, imprint, number, or device, or any likeness thereof, of a
2 manufacturer, distributor, or dispenser other than the person who in fact
3 manufactured, distributed, or dispensed the substance;

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

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

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

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

13 (13) "Drug" means:

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

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

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

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

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

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

- 1 physically examined and a medical history of the patient is obtained. "In-person"
2 includes telehealth examinations. This subsection shall not be applicable to hospice
3 providers licensed pursuant to KRS Chapter 216B;
- 4 (15) "Hazardous chemical substance" includes any chemical substance used or intended
5 for use in the illegal manufacture of a controlled substance as defined in this section
6 or the illegal manufacture of methamphetamine as defined in KRS 218A.1431,
7 which:
- 8 (a) Poses an explosion hazard;
9 (b) Poses a fire hazard; or
10 (c) Is poisonous or injurious if handled, swallowed, or inhaled;
- 11 (16) "Heroin" means a substance containing any quantity of heroin, or any of its salts,
12 isomers, or salts of isomers;
- 13 (17) "Hydrocodone combination product" means a drug with:
- 14 (a) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of
15 its salts, per one hundred (100) milliliters or not more than fifteen (15)
16 milligrams per dosage unit, with a fourfold or greater quantity of an
17 isoquinoline alkaloid of opium; or
- 18 (b) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of
19 its salts, per one hundred (100) milliliters or not more than fifteen (15)
20 milligrams per dosage unit, with one (1) or more active, nonnarcotic
21 ingredients in recognized therapeutic amounts;
- 22 (18) "Immediate precursor" means a substance which is the principal compound
23 commonly used or produced primarily for use, and which is an immediate chemical
24 intermediary used or likely to be used in the manufacture of a controlled substance
25 or methamphetamine, the control of which is necessary to prevent, curtail, or limit
26 manufacture;
- 27 (19) "Intent to manufacture" means any evidence which demonstrates a person's

1 conscious objective to manufacture a controlled substance or methamphetamine.
2 Such evidence includes but is not limited to statements and a chemical substance's
3 usage, quantity, manner of storage, or proximity to other chemical substances or
4 equipment used to manufacture a controlled substance or methamphetamine;

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

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

16 (a) By a practitioner as an incident to his or her administering or dispensing of a
17 controlled substance in the course of his or her professional practice;

18 (b) By a practitioner, or by his or her authorized agent under his supervision, for
19 the purpose of, or as an incident to, research, teaching, or chemical analysis
20 and not for sale; or

21 (c) By a pharmacist as an incident to his or her dispensing of a controlled
22 substance in the course of his or her professional practice;

23 (22) "Marijuana" means all parts of the plant *Cannabis* sp., whether growing or not; the
24 seeds thereof; the resin extracted from any part of the plant; and every compound,
25 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin
26 or any compound, mixture, or preparation which contains any quantity of these
27 substances. The term "marijuana" does not include:

- 1 (a) Industrial hemp as defined in KRS 260.850;
- 2 (b) The substance cannabidiol, when transferred, dispensed, or administered
3 pursuant to the written order of a physician practicing at a hospital or
4 associated clinic affiliated with a Kentucky public university having a college
5 or school of medicine; or
- 6 (c) For persons participating in a clinical trial or in an expanded access program,
7 a drug or substance approved for the use of those participants by the United
8 States Food and Drug Administration;
- 9 (23) "Medical history," as used in KRS Chapter 218A and for criminal prosecution only,
10 means an accounting of a patient's medical background, including but not limited to
11 prior medical conditions, prescriptions, and family background;
- 12 (24) "Medical order," as used in KRS Chapter 218A and for criminal prosecution only,
13 means a lawful order of a specifically identified practitioner for a specifically
14 identified patient for the patient's health-care needs. "Medical order" may or may
15 not include a prescription drug order;
- 16 (25) "Medical record," as used in KRS Chapter 218A and for criminal prosecution only,
17 means a record, other than for financial or billing purposes, relating to a patient,
18 kept by a practitioner as a result of the practitioner-patient relationship;
- 19 (26) "Methamphetamine" means any substance that contains any quantity of
20 methamphetamine, or any of its salts, isomers, or salts of isomers;
- 21 (27) "Narcotic drug" means any of the following, whether produced directly or indirectly
22 by extraction from substances of vegetable origin, or independently by means of
23 chemical synthesis, or by a combination of extraction and chemical synthesis:
- 24 (a) Opium and opiate, and any salt, compound, derivative, or preparation of
25 opium or opiate;
- 26 (b) Any salt, compound, isomer, derivative, or preparation thereof which is
27 chemically equivalent or identical with any of the substances referred to in

- 1 paragraph (a) of this subsection, but not including the isoquinoline alkaloids
2 of opium;
- 3 (c) Opium poppy and poppy straw;
- 4 (d) Coca leaves, except coca leaves and extracts of coca leaves from which
5 cocaine, ecgonine, and derivatives of ecgonine or their salts have been
6 removed;
- 7 (e) Cocaine, its salts, optical and geometric isomers, and salts of isomers;
- 8 (f) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; and
- 9 (g) Any compound, mixture, or preparation which contains any quantity of any of
10 the substances referred to in paragraphs (a) to (f) of this subsection;
- 11 (28) "Opiate" means any substance having an addiction-forming or addiction-sustaining
12 liability similar to morphine or being capable of conversion into a drug having
13 addiction-forming or addiction-sustaining liability. It does not include, unless
14 specifically designated as controlled under KRS 218A.030, the dextrorotatory
15 isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does
16 include its racemic and levorotatory forms;
- 17 (29) "Opium poppy" means the plant of the species *papaver somniferum* L., except its
18 seeds;
- 19 (30) "Person" means individual, corporation, government or governmental subdivision
20 or agency, business trust, estate, trust, partnership or association, or any other legal
21 entity;
- 22 (31) "Physical injury" has the same meaning it has in KRS 500.080;
- 23 (32) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;
- 24 (33) "Pharmacist" means a natural person licensed by this state to engage in the practice
25 of the profession of pharmacy;
- 26 (34) "Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific
27 investigator, optometrist as authorized in KRS 320.240, advanced practice

1 registered nurse as authorized under KRS 314.011, physician assistant as
2 authorized under Section 2 of this Act, or other person licensed, registered, or
3 otherwise permitted by state or federal law to acquire, distribute, dispense, conduct
4 research with respect to, or to administer a controlled substance in the course of
5 professional practice or research in this state. "Practitioner" also includes a
6 physician, dentist, podiatrist, veterinarian,~~or~~ advanced practice registered nurse
7 authorized under KRS 314.011, or a physician assistant as authorized under
8 Section 2 of this Act who is a resident of and actively practicing in a state other
9 than Kentucky and who is licensed and has prescriptive authority for controlled
10 substances under the professional licensing laws of another state, unless the person's
11 Kentucky license has been revoked, suspended, restricted, or probated, in which
12 case the terms of the Kentucky license shall prevail;

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

17 (36) "Prescription" means a written, electronic, or oral order for a drug or medicine, or
18 combination or mixture of drugs or medicines, or proprietary preparation, signed or
19 given or authorized by a medical, dental, chiropody, veterinarian, optometric
20 practitioner, or advanced practice registered nurse, and intended for use in the
21 diagnosis, cure, mitigation, treatment, or prevention of disease in man or other
22 animals;

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

25 (38) "Presumptive probation" means a sentence of probation not to exceed the maximum
26 term specified for the offense, subject to conditions otherwise authorized by law,
27 that is presumed to be the appropriate sentence for certain offenses designated in

1 this chapter, notwithstanding contrary provisions of KRS Chapter 533. That
2 presumption shall only be overcome by a finding on the record by the sentencing
3 court of substantial and compelling reasons why the defendant cannot be safely and
4 effectively supervised in the community, is not amenable to community-based
5 treatment, or poses a significant risk to public safety;

6 (39) "Production" includes the manufacture, planting, cultivation, growing, or harvesting
7 of a controlled substance;

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

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

20 (42) "Second or subsequent offense" means that for the purposes of this chapter an
21 offense is considered as a second or subsequent offense, if, prior to his or her
22 conviction of the offense, the offender has at any time been convicted under this
23 chapter, or under any statute of the United States, or of any state relating to
24 substances classified as controlled substances or counterfeit substances, except that
25 a prior conviction for a nontrafficking offense shall be treated as a prior offense
26 only when the subsequent offense is a nontrafficking offense. For the purposes of
27 this section, a conviction voided under KRS 218A.275 or 218A.276 shall not

1 constitute a conviction under this chapter;

2 (43) "Sell" means to dispose of a controlled substance to another person for
3 consideration or in furtherance of commercial distribution;

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

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

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

20 (b) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole
21 structure with substitution at the nitrogen atom of the indole ring by an alkyl,
22 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
23 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further
24 substituted in the indole ring to any extent and whether or not substituted in
25 the phenyl ring to any extent. Examples of this structural class include but are
26 not limited to JWH-167, JWH-250, JWH-251, and RCS-8;

27 (c) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with

1 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
2 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
3 or 2-(4-morpholinyl)ethyl group whether or not further substituted in the
4 indole ring to any extent and whether or not substituted in the phenyl ring to
5 any extent. Examples of this structural class include but are not limited to
6 AM-630, AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4;

7 (d) Cyclohexylphenols: Any compound containing a 2-(3-
8 hydroxycyclohexyl)phenol structure with substitution at the 5-position of the
9 phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
10 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl
11 group whether or not substituted in the cyclohexyl ring to any extent.
12 Examples of this structural class include but are not limited to CP 47,497 and
13 its C8 homologue (cannabicyclohexanol);

14 (e) Naphthylmethylindoles: Any compound containing a 1H-indol-3-yl-(1-
15 naphthyl)methane structure with substitution at the nitrogen atom of the indole
16 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
17 methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not
18 further substituted in the indole ring to any extent and whether or not
19 substituted in the naphthyl ring to any extent. Examples of this structural class
20 include but are not limited to JWH-175, JWH-184, and JWH-185;

21 (f) Naphthoypyrroles: Any compound containing a 3-(1-naphthoypyrrole
22 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl,
23 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
24 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further
25 substituted in the pyrrole ring to any extent and whether or not substituted in
26 the naphthyl ring to any extent. Examples of this structural class include but
27 are not limited to JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

- 1 (g) Naphthylmethylenes: Any compound containing a 1-(1-
2 naphthylmethyl)indene structure with substitution at the 3-position of the
3 indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
4 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether
5 or not further substituted in the indene ring to any extent and whether or not
6 substituted in the naphthyl ring to any extent. Examples of this structural class
7 include but are not limited to JWH-176;
- 8 (h) Tetramethylcyclopropanoylindoles: Any compound containing a 3-(1-
9 tetramethylcyclopropoyl)indole structure with substitution at the nitrogen
10 atom of the indole ring by an alkyl, haloalkyl, cycloalkylmethyl,
11 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl
12 group, whether or not further substituted in the indole ring to any extent and
13 whether or not further substituted in the tetramethylcyclopropyl ring to any
14 extent. Examples of this structural class include but are not limited to UR-144
15 and XLR-11;
- 16 (i) Adamantoylindoles: Any compound containing a 3-(1-adamantoyl)indole
17 structure with substitution at the nitrogen atom of the indole ring by an alkyl,
18 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
19 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further
20 substituted in the indole ring to any extent and whether or not substituted in
21 the adamantyl ring system to any extent. Examples of this structural class
22 include but are not limited to AB-001 and AM-1248; or
- 23 (j) Any other synthetic cannabinoid or piperazine which is not approved by the
24 United States Food and Drug Administration or, if approved, which is not
25 dispensed or possessed in accordance with state and federal law;
- 26 (46) "Synthetic cathinones" means any chemical compound which is not approved by the
27 United States Food and Drug Administration or, if approved, which is not dispensed

1 or possessed in accordance with state and federal law (not including bupropion or
2 compounds listed under a different schedule) structurally derived from 2-
3 aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or
4 thiophene ring systems, whether or not the compound is further modified in one (1)
5 or more of the following ways:

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

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

14 (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
15 methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a
16 cyclic structure. Examples of this class include but are not limited to
17 Dimethylcathinone, Ethcathinone, and α -Pyrrolidinopropiophenone (α -PPP);
18 or

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

22 (47) "Synthetic drugs" means any synthetic cannabinoids or piperazines or any synthetic
23 cathinones;

24 (48) "Telehealth" has the same meaning it has in KRS 311.550;

25 (49) "Tetrahydrocannabinols" means synthetic equivalents of the substances contained in
26 the plant, or in the resinous extractives of the plant Cannabis, sp. or synthetic
27 substances, derivatives, and their isomers with similar chemical structure and

1 pharmacological activity such as the following:

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

5 (50) "Traffic," except as provided in KRS 218A.1431, means to manufacture, distribute,
6 dispense, sell, transfer, or possess with intent to manufacture, distribute, dispense,
7 or sell a controlled substance;

8 (51) "Transfer" means to dispose of a controlled substance to another person without
9 consideration and not in furtherance of commercial distribution; and

10 (52) "Ultimate user" means a person who lawfully possesses a controlled substance for
11 his or her own use or for the use of a member of his or her household or for
12 administering to an animal owned by him or her or by a member of his or her
13 household.