

1 AN ACT relating to cannabidiol use.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 218A IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) Any licensed physician in good standing with the Kentucky Board of Medical*  
6 *Licensure may recommend the use of cannabidiol or cannabidiol products to any*  
7 *patient who, in the professional opinion of the physician, would benefit from*  
8 *such a course of treatment.*

9 *(2) Any cannabidiol recommended pursuant to this section shall comply with the*  
10 *following:*

11 *(a) The recommending physician and one (1) other physician shall sign a form*  
12 *recommending that a patient use cannabidiol;*

13 *(b) Any recommendation for cannabidiol shall occur after an in-person*  
14 *appointment and physical assessment completed by the recommending*  
15 *physician;*

16 *(c) The recommending physician shall issue an affidavit with each*  
17 *recommendation for cannabidiol establishing an upper limit for the delta-9*  
18 *tetrahydrocannabinol content of the cannabidiol product used in the course*  
19 *of treatment; and*

20 *(d) If a recommending physician sells or dispenses cannabidiol products, he or*  
21 *she shall utilize an independent laboratory testing facility to ensure that the*  
22 *cannabidiol products meet required delta-9 tetrahydrocannabinol content,*  
23 *and issue an affidavit with each recommended, transferred, or dispensed*  
24 *cannabidiol order that states the tested delta-9 tetrahydrocannabinol*  
25 *content of the product.*

26 *(3) The Board of Medical Licensure shall not prohibit physicians acting in good*  
27 *faith from recommending cannabis or cannabis products through administrative*

1        **regulation, procedure, rule, or hearing.**

2        ➔Section 2. KRS 218A.010 is amended to read as follows:

3        As used in this chapter:

- 4        (1) "Administer" means the direct application of a controlled substance, whether by  
5        injection, inhalation, ingestion, or any other means, to the body of a patient or  
6        research subject by:
- 7        (a) A practitioner or by his or her authorized agent under his or her immediate  
8        supervision and pursuant to his or her order; or
- 9        (b) The patient or research subject at the direction and in the presence of the  
10       practitioner;
- 11       (2) "Anabolic steroid" means any drug or hormonal substance chemically and  
12       pharmacologically related to testosterone that promotes muscle growth and includes  
13       those substances classified as Schedule III controlled substances pursuant to KRS  
14       218A.020 but does not include estrogens, progestins, and anticosteroids;
- 15       (3) "Cabinet" means the Cabinet for Health and Family Services;
- 16       (4) "Carfentanil" means any substance containing any quantity of carfentanil, or any of  
17       its salts, isomers, or salts of isomers;
- 18       (5) "Child" means any person under the age of majority as specified in KRS 2.015;
- 19       (6) "Cocaine" means a substance containing any quantity of cocaine, its salts, optical and  
20       geometric isomers, and salts of isomers;
- 21       (7) "Controlled substance" means methamphetamine, or a drug, substance, or immediate  
22       precursor in Schedules I through V and includes a controlled substance analogue;
- 23       (8) (a) "Controlled substance analogue," except as provided in paragraph (b) of this  
24       subsection, means a substance:
- 25                1. The chemical structure of which is substantially similar to the structure of  
26                a controlled substance in Schedule I or II; and
- 27                2. Which has a stimulant, depressant, or hallucinogenic effect on the central

1 nervous system that is substantially similar to or greater than the  
2 stimulant, depressant, or hallucinogenic effect on the central nervous  
3 system of a controlled substance in Schedule I or II; or

4 3. With respect to a particular person, which such person represents or  
5 intends to have a stimulant, depressant, or hallucinogenic effect on the  
6 central nervous system that is substantially similar to or greater than the  
7 stimulant, depressant, or hallucinogenic effect on the central nervous  
8 system of a controlled substance in Schedule I or II.

9 (b) Such term does not include:

10 1. Any substance for which there is an approved new drug application;

11 2. With respect to a particular person, any substance if an exemption is in  
12 effect for investigational use for that person pursuant to federal law to  
13 the extent conduct with respect to such substance is pursuant to such  
14 exemption; or

15 3. Any substance to the extent not intended for human consumption before  
16 the exemption described in subparagraph 2. of this paragraph takes effect  
17 with respect to that substance;

18 (9) "Counterfeit substance" means a controlled substance which, or the container or  
19 labeling of which, without authorization, bears the trademark, trade name, or other  
20 identifying mark, imprint, number, or device, or any likeness thereof, of a  
21 manufacturer, distributor, or dispenser other than the person who in fact  
22 manufactured, distributed, or dispensed the substance;

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

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

1 (12) "Distribute" means to deliver other than by administering or dispensing a controlled  
2 substance;

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

5 (14) "Drug" means:

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

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

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

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

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

16 (15) "Fentanyl" means a substance containing any quantity of fentanyl, or any of its salts,  
17 isomers, or salts of isomers;

18 (16) "Fentanyl derivative" means a substance containing any quantity of any chemical  
19 compound, except compounds specifically scheduled as controlled substances by  
20 statute or by administrative regulation pursuant to this chapter, which is structurally  
21 derived from 1-ethyl-4-(N-phenylamido) piperidine:

22 (a) By substitution:

23 1. At the 2-position of the 1-ethyl group with a phenyl, furan, thiophene, or  
24 ethyloxotetrazole ring system; and

25 2. Of the terminal amido hydrogen atom with an alkyl, alkoxy, cycloalkyl,  
26 or furanyl group; and

27 (b) Which may be further modified in one (1) or more of the following ways:

- 1           1. By substitution on the N-phenyl ring to any extent with alkyl, alkoxy,  
2           haloalkyl, hydroxyl, or halide substituents;
  - 3           2. By substitution on the piperadine ring to any extent with alkyl, allyl,  
4           alkoxy, hydroxy, or halide substituents at the 2-, 3-, 5-, and/or 6-  
5           positions;
  - 6           3. By substitution on the piperadine ring to any extent with a phenyl,  
7           alkoxy, or carboxylate ester substituent at the 4- position; or
  - 8           4. By substitution on the 1-ethyl group to any extent with alkyl, alkoxy, or  
9           hydroxy substituents;
- 10 (17) "Good faith prior examination," as used in KRS Chapter 218A and for criminal  
11 prosecution only, means an in-person medical examination of the patient conducted  
12 by the prescribing practitioner or other health-care professional routinely relied upon  
13 in the ordinary course of his or her practice, at which time the patient is physically  
14 examined and a medical history of the patient is obtained. "In-person" includes  
15 telehealth examinations. This subsection shall not be applicable to hospice providers  
16 licensed pursuant to KRS Chapter 216B;
- 17 (18) "Hazardous chemical substance" includes any chemical substance used or intended  
18 for use in the illegal manufacture of a controlled substance as defined in this section  
19 or the illegal manufacture of methamphetamine as defined in KRS 218A.1431,  
20 which:
- 21           (a) Poses an explosion hazard;
  - 22           (b) Poses a fire hazard; or
  - 23           (c) Is poisonous or injurious if handled, swallowed, or inhaled;
- 24 (19) "Heroin" means a substance containing any quantity of heroin, or any of its salts,  
25 isomers, or salts of isomers;
- 26 (20) "Hydrocodone combination product" means a drug with:
- 27           (a) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of

- 1 its salts, per one hundred (100) milliliters or not more than fifteen (15)  
2 milligrams per dosage unit, with a fourfold or greater quantity of an  
3 isoquinoline alkaloid of opium; or
- 4 (b) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of  
5 its salts, per one hundred (100) milliliters or not more than fifteen (15)  
6 milligrams per dosage unit, with one (1) or more active, nonnarcotic  
7 ingredients in recognized therapeutic amounts;
- 8 (21) "Immediate precursor" means a substance which is the principal compound  
9 commonly used or produced primarily for use, and which is an immediate chemical  
10 intermediary used or likely to be used in the manufacture of a controlled substance  
11 or methamphetamine, the control of which is necessary to prevent, curtail, or limit  
12 manufacture;
- 13 (22) "Industrial hemp" has the same meaning as in KRS 260.850;
- 14 (23) "Industrial hemp products" has the same meaning as in KRS 260.850;
- 15 (24) "Intent to manufacture" means any evidence which demonstrates a person's  
16 conscious objective to manufacture a controlled substance or methamphetamine.  
17 Such evidence includes but is not limited to statements and a chemical substance's  
18 usage, quantity, manner of storage, or proximity to other chemical substances or  
19 equipment used to manufacture a controlled substance or methamphetamine;
- 20 (25) "Isomer" means the optical isomer, except the Cabinet for Health and Family  
21 Services may include the optical, positional, or geometric isomer to classify any  
22 substance pursuant to KRS 218A.020;
- 23 (26) "Manufacture," except as provided in KRS 218A.1431, means the production,  
24 preparation, propagation, compounding, conversion, or processing of a controlled  
25 substance, either directly or indirectly by extraction from substances of natural origin  
26 or independently by means of chemical synthesis, or by a combination of extraction  
27 and chemical synthesis, and includes any packaging or repackaging of the substance

1 or labeling or relabeling of its container except that this term does not include  
2 activities:

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

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

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

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

15 (a) Industrial hemp that is in the possession, custody, or control of a person who  
16 holds a license issued by the Department of Agriculture permitting that person  
17 to cultivate, handle, or process industrial hemp;

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

20 (c) The substance cannabidiol, when recommended pursuant to Section 1 of this  
21 Act, transferred, dispensed, or administered pursuant to the written order of a  
22 physician acting in good faith~~[practicing at a hospital or associated clinic~~  
23 ~~affiliated with a Kentucky public university having a college or school of~~  
24 ~~medicine]~~;

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

- 1 (e) A cannabidiol product derived from industrial hemp, as defined in KRS  
2 260.850; or
- 3 (f) A cannabidiol product approved as a prescription medication by the United  
4 States Food and Drug Administration;
- 5 (28) "Medical history," as used in KRS Chapter 218A and for criminal prosecution only,  
6 means an accounting of a patient's medical background, including but not limited to  
7 prior medical conditions, prescriptions, and family background;
- 8 (29) "Medical order," as used in KRS Chapter 218A and for criminal prosecution only,  
9 means a lawful order of a specifically identified practitioner for a specifically  
10 identified patient for the patient's health-care needs. "Medical order" may or may not  
11 include a prescription drug order;
- 12 (30) "Medical record," as used in KRS Chapter 218A and for criminal prosecution only,  
13 means a record, other than for financial or billing purposes, relating to a patient, kept  
14 by a practitioner as a result of the practitioner-patient relationship;
- 15 (31) "Methamphetamine" means any substance that contains any quantity of  
16 methamphetamine, or any of its salts, isomers, or salts of isomers;
- 17 (32) "Narcotic drug" means any of the following, whether produced directly or indirectly  
18 by extraction from substances of vegetable origin, or independently by means of  
19 chemical synthesis, or by a combination of extraction and chemical synthesis:
- 20 (a) Opium and opiate, and any salt, compound, derivative, or preparation of opium  
21 or opiate;
- 22 (b) Any salt, compound, isomer, derivative, or preparation thereof which is  
23 chemically equivalent or identical with any of the substances referred to in  
24 paragraph (a) of this subsection, but not including the isoquinoline alkaloids of  
25 opium;
- 26 (c) Opium poppy and poppy straw;
- 27 (d) Coca leaves, except coca leaves and extracts of coca leaves from which



1 cocaine, ecgonine, and derivatives of ecgonine or their salts have been  
2 removed;

3 (e) Cocaine, its salts, optical and geometric isomers, and salts of isomers;

4 (f) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; and

5 (g) Any compound, mixture, or preparation which contains any quantity of any of  
6 the substances referred to in paragraphs (a) to (f) of this subsection;

7 (33) "Opiate" means any substance having an addiction-forming or addiction-sustaining  
8 liability similar to morphine or being capable of conversion into a drug having  
9 addiction-forming or addiction-sustaining liability. It does not include, unless  
10 specifically designated as controlled under KRS 218A.020, the dextrorotatory  
11 isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does  
12 include its racemic and levorotatory forms;

13 (34) "Opium poppy" means the plant of the species *papaver somniferum* L., except its  
14 seeds;

15 (35) "Person" means individual, corporation, government or governmental subdivision or  
16 agency, business trust, estate, trust, partnership or association, or any other legal  
17 entity;

18 (36) "Physical injury" has the same meaning it has in KRS 500.080;

19 (37) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;

20 (38) "Pharmacist" means a natural person licensed by this state to engage in the practice  
21 of the profession of pharmacy;

22 (39) "Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific  
23 investigator, optometrist as authorized in KRS 320.240, advanced practice  
24 registered nurse as authorized under KRS 314.011, or other person licensed,  
25 registered, or otherwise permitted by state or federal law to acquire, distribute,  
26 dispense, conduct research with respect to, or to administer a controlled substance in  
27 the course of professional practice or research in this state. "Practitioner" also

1 includes a physician, dentist, podiatrist, veterinarian, or advanced practice registered  
2 nurse authorized under KRS 314.011 who is a resident of and actively practicing in a  
3 state other than Kentucky and who is licensed and has prescriptive authority for  
4 controlled substances under the professional licensing laws of another state, unless  
5 the person's Kentucky license has been revoked, suspended, restricted, or probated,  
6 in which case the terms of the Kentucky license shall prevail;

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

11 (41) "Prescription" means a written, electronic, or oral order for a drug or medicine, or  
12 combination or mixture of drugs or medicines, or proprietary preparation, signed or  
13 given or authorized by a medical, dental, chiropody, veterinarian, optometric  
14 practitioner, or advanced practice registered nurse, and intended for use in the  
15 diagnosis, cure, mitigation, treatment, or prevention of disease in man or other  
16 animals;

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

19 (43) "Presumptive probation" means a sentence of probation not to exceed the maximum  
20 term specified for the offense, subject to conditions otherwise authorized by law,  
21 that is presumed to be the appropriate sentence for certain offenses designated in this  
22 chapter, notwithstanding contrary provisions of KRS Chapter 533. That  
23 presumption shall only be overcome by a finding on the record by the sentencing  
24 court of substantial and compelling reasons why the defendant cannot be safely and  
25 effectively supervised in the community, is not amenable to community-based  
26 treatment, or poses a significant risk to public safety;

27 (44) "Production" includes the manufacture, planting, cultivation, growing, or harvesting

1 of a controlled substance;

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

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

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

23 (48) "Sell" means to dispose of a controlled substance to another person for  
24 consideration or in furtherance of commercial distribution;

25 (49) "Serious physical injury" has the same meaning it has in KRS 500.080;

26 (50) "Synthetic cannabinoids or piperazines" means any chemical compound which is not  
27 approved by the United States Food and Drug Administration or, if approved, which

1 is not dispensed or possessed in accordance with state and federal law, that contains  
2 Benzylpiperazine (BZP); Trifluoromethylphenylpiperazine (TFMPP); 1,1-  
3 Dimethylheptyl-11-hydroxytetrahydrocannabinol (HU-210); 1-Butyl-3-(1-  
4 naphthoyl)indole; 1-Pentyl-3-(1-naphthoyl)indole; dexanabinol (HU-211); or any  
5 compound in the following structural classes:

6 (a) Naphthoylindoles: Any compound containing a 3-(1-naphthoyl)indole structure  
7 with 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 naphthyl ring to  
11 any extent. Examples of this structural class include but are not limited to  
12 JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200,  
13 and AM-2201;

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

21 (c) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with  
22 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,  
23 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,  
24 or 2-(4-morpholinyl)ethyl group whether or not further substituted in the  
25 indole ring to any extent and whether or not substituted in the phenyl ring to  
26 any extent. Examples of this structural class include but are not limited to AM-  
27 630, AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4;

- 1 (d) Cyclohexylphenols: Any compound containing a 2-(3-  
2 hydroxycyclohexyl)phenol structure with substitution at the 5-position of the  
3 phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
4 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or  
5 not substituted in the cyclohexyl ring to any extent. Examples of this structural  
6 class include but are not limited to CP 47,497 and its C8 homologue  
7 (cannabicyclohexanol);
- 8 (e) Naphthylmethyloindoles: Any compound containing a 1H-indol-3-yl-(1-  
9 naphthyl)methane structure with substitution at the nitrogen atom of the indole  
10 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-  
11 methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not  
12 further substituted in the indole ring to any extent and whether or not  
13 substituted in the naphthyl ring to any extent. Examples of this structural class  
14 include but are not limited to JWH-175, JWH-184, and JWH-185;
- 15 (f) Naphthoypyrroles: Any compound containing a 3-(1-naphthoypyrrole)  
16 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl,  
17 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
18 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further  
19 substituted in the pyrrole ring to any extent and whether or not substituted in  
20 the naphthyl ring to any extent. Examples of this structural class include but  
21 are not limited to JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;
- 22 (g) Naphthylmethylindenes: Any compound containing a 1-(1-  
23 naphthylmethyl)indene structure with substitution at the 3-position of the  
24 indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-  
25 (N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or  
26 not further substituted in the indene ring to any extent and whether or not  
27 substituted in the naphthyl ring to any extent. Examples of this structural class

1 include but are not limited to JWH-176;

2 (h) Tetramethylcyclopropanoylindoles: Any compound containing a 3-(1-  
3 tetramethylcyclopropoyl)indole structure with substitution at the nitrogen atom  
4 of the indole ring by an alkyl, haloalkyl, cycloalkylmethyl, cycloalkylethyl, 1-  
5 (N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or  
6 not further substituted in the indole ring to any extent and whether or not  
7 further substituted in the tetramethylcyclopropyl ring to any extent. Examples  
8 of this structural class include but are not limited to UR-144 and XLR-11;

9 (i) Adamantoylindoles: Any compound containing a 3-(1-adamantoyl)indole  
10 structure with substitution at the nitrogen atom of the indole ring by an alkyl,  
11 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
12 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further  
13 substituted in the indole ring to any extent and whether or not substituted in  
14 the adamantyl ring system to any extent. Examples of this structural class  
15 include but are not limited to AB-001 and AM-1248; or

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

19 (51) "Synthetic cathinones" means any chemical compound which is not approved by the  
20 United States Food and Drug Administration or, if approved, which is not dispensed  
21 or possessed in accordance with state and federal law (not including bupropion or  
22 compounds listed under a different schedule) structurally derived from 2-  
23 aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or  
24 thiophene ring systems, whether or not the compound is further modified in one (1)  
25 or more of the following ways:

26 (a) By substitution in the ring system to any extent with alkyl, alkylendioxy,  
27 alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further

- 1 substituted in the ring system by one (1) or more other univalent substituents.  
2 Examples of this class include but are not limited to 3,4-  
3 Methylenedioxcathinone (bk-MDA);
- 4 (b) By substitution at the 3-position with an acyclic alkyl substituent. Examples of  
5 this class include but are not limited to 2-methylamino-1-phenylbutan-1-one  
6 (buphedrone);
- 7 (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or  
8 methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic  
9 structure. Examples of this class include but are not limited to  
10 Dimethylcathinone, Ethcathinone, and  $\alpha$ -Pyrrolidinopropiophenone ( $\alpha$ -PPP);  
11 or
- 12 (d) Any other synthetic cathinone which is not approved by the United States  
13 Food and Drug Administration or, if approved, is not dispensed or possessed  
14 in accordance with state or federal law;
- 15 (52) "Synthetic drugs" means any synthetic cannabinoids or piperazines or any synthetic  
16 cathinones;
- 17 (53) "Telehealth" has the same meaning it has in KRS 311.550;
- 18 (54) "Tetrahydrocannabinols" means synthetic equivalents of the substances contained in  
19 the plant, or in the resinous extractives of the plant Cannabis, sp. or synthetic  
20 substances, derivatives, and their isomers with similar chemical structure and  
21 pharmacological activity such as the following:
- 22 (a) Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers;  
23 (b) Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; and  
24 (c) Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;
- 25 (55) "Traffic," except as provided in KRS 218A.1431, means to manufacture, distribute,  
26 dispense, sell, transfer, or possess with intent to manufacture, distribute, dispense, or  
27 sell a controlled substance;

1 (56) "Transfer" means to dispose of a controlled substance to another person without  
2 consideration and not in furtherance of commercial distribution; and

3 (57) "Ultimate user" means a person who lawfully possesses a controlled substance for  
4 his or her own use or for the use of a member of his or her household or for  
5 administering to an animal owned by him or her or by a member of his or her  
6 household.