

1 AN ACT relating to medicinal cannabis.

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

3 ➔Section 1. KRS 218B.010 is amended to read as follows:

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

5 (1) "Bona fide practitioner-patient relationship" means a treating or consulting
6 relationship, during the course of which a medicinal cannabis practitioner has:

7 (a) Completed an initial in-person examination and assessment of the patient's
8 medical history and current medical condition ***which shall include a review***
9 ***of:***

10 ***1. The patient's medical records for the previous twelve (12) months;***

11 ***2. All other available medical records relevant to the patient's qualifying***
12 ***medical condition;***

13 ***3. Any medications that the patient is currently taking; and***

14 ***4. Any other possible risks or side effects that may be associated with the***
15 ***use of medicinal cannabis;***

16 (b) Consulted with the patient with respect to the possible medical, therapeutic,
17 and palliative properties of medicinal cannabis;

18 (c) Advised the patient of the possible risks and side effects associated with the
19 use of medicinal cannabis, including possible interactions between medicinal
20 cannabis and any other drug or medication that the patient is taking at that
21 time; and

22 (d) Established an expectation that he or she will provide follow-up care and
23 treatment to the patient in accordance with administrative regulations
24 promulgated pursuant to KRS 218B.050(10);

25 (2) "Cabinet" means the Cabinet for Health and Family Services;

26 (3) "Cannabis business" means an entity licensed under this chapter as a cultivator,
27 dispensary, processor, producer, or safety compliance facility;

- 1 (4) "Cannabis business agent" means a principal officer, board member, employee,
2 volunteer, or agent of a cannabis business;
- 3 (5) "Cardholder" means:
- 4 (a) A registered qualified patient, designated caregiver, or visiting qualified
5 patient who has applied for, obtained, and possesses a valid registry
6 identification card issued by the cabinet; or
- 7 (b) A visiting qualified patient who has obtained and possesses:
- 8 1. A valid out-of-state registry identification card; and
9 2. Documentation of having been diagnosed with a qualifying medical
10 condition;
- 11 (6) "Cultivator" means an entity licensed as such under KRS 218B.080, 218B.085, and
12 218B.090;
- 13 (7) "Cultivator agent" means a principal officer, board member, employee, volunteer,
14 or agent of a cultivator;
- 15 (8) "Designated caregiver" means a person who has registered as such with the cabinet
16 under KRS 218B.055 and 218B.060;
- 17 (9) "Dispensary" means an entity licensed as such under KRS 218B.080, 218B.085,
18 and 218B.090;
- 19 (10) "Dispensary agent" means a principal officer, board member, employee, volunteer,
20 or agent of a dispensary;
- 21 (11) "Disqualifying felony offense" means:
- 22 (a) A felony offense that would classify the person as a violent offender under
23 KRS 439.3401; or
- 24 (b) A violation of a state or federal controlled substance law that was classified as
25 a felony in the jurisdiction where the person was convicted, except:
- 26 1. An offense for which the sentence, including any term of probation,
27 incarceration, or supervised release, was completed five (5) or more

- 1 years earlier; or
- 2 2. An offense that consisted of conduct for which this chapter would likely
- 3 have prevented a conviction, but the conduct either occurred prior to the
- 4 enactment of this chapter or was prosecuted by an authority other than
- 5 the Commonwealth of Kentucky;
- 6 (12) "Enclosed, locked facility" means an indoor growing space such as a room,
- 7 greenhouse, building, or other indoor enclosed area that is maintained and operated
- 8 by a cultivator or producer and is equipped with locks and other security devices
- 9 that permit access only by authorized agents of the cultivator or producer, as
- 10 required by the cabinet;
- 11 (13) "Growth area" has the same meaning as an enclosed, locked facility;
- 12 (14) "Marijuana" has the same meaning as in KRS 218A.010;
- 13 (15) "Medicinal cannabis":
- 14 (a) Means marijuana as defined in KRS 218A.010 when cultivated, harvested,
- 15 processed, produced, transported, dispensed, distributed, sold, possessed, or
- 16 used in accordance with this chapter;
- 17 (b) Includes medicinal cannabis products and raw plant material; and
- 18 (c) Does not include industrial hemp or industrial hemp products as defined in
- 19 KRS 260.850;
- 20 (16) "Medicinal cannabis accessories" means any equipment, product, or material of any
- 21 kind which is used, intended for use, or designed for use in the preparing, storing,
- 22 using, or consuming medicinal cannabis in accordance with this chapter;
- 23 (17) "Medicinal cannabis practitioner" means a physician or an advanced practice
- 24 registered nurse who is authorized to prescribe controlled substances under KRS
- 25 314.042, who is authorized by his or her state licensing board to provide written
- 26 certifications pursuant to KRS 218B.050;
- 27 (18) "Medicinal cannabis product":

- 1 (a) Means any compound, manufacture, salt, derivative, mixture, or preparation
2 of any part of the plant Cannabis sp., its seeds or its resin; or any compound,
3 mixture, or preparation which contains any quantity of these substances when
4 cultivated, harvested, processed, produced, transported, dispensed, distributed,
5 sold, possessed, or used in accordance with this chapter; and
- 6 (b) Does not include industrial hemp products as defined in KRS 260.850;
- 7 (19) "Minor" means a person less than eighteen (18) years of age;
- 8 (20) "Out-of-state registry identification card" means a registry identification card, or an
9 equivalent document, that was issued pursuant to the laws of another state, district,
10 territory, commonwealth, or insular possession of the United States;
- 11 (21) "Processor" means an entity licensed as such under KRS 218B.080, 218B.085, and
12 218B.090;
- 13 (22) "Processor agent" means a principal officer, board member, employee, volunteer, or
14 agent of a processor;
- 15 (23) "Producer" means an entity licensed as such under KRS 218B.080, 218B.085, and
16 218B.090;
- 17 (24) "Producer agent" means a principal officer, board member, employee, volunteer, or
18 agent of a producer;
- 19 (25) "Qualified patient" means a person who has obtained a written certification from a
20 medicinal cannabis practitioner with whom he or she has a bona fide practitioner-
21 patient relationship;
- 22 (26) "Qualifying medical condition" means:
- 23 (a) Any type or form of cancer regardless of stage;
- 24 (b) Chronic, severe, intractable, or debilitating pain;
- 25 (c) Epilepsy or any other intractable seizure disorder;
- 26 (d) Multiple sclerosis, muscle spasms, or spasticity;
- 27 (e) Chronic nausea or cyclical vomiting syndrome that has proven resistant to

- 1 other conventional medical treatments;
- 2 (f) Post-traumatic stress disorder; and
- 3 (g) Any other medical condition or disease for which the Kentucky Center for
4 Cannabis established in KRS 164.983, or its successor, determines that
5 sufficient scientific data and evidence exists to demonstrate that an individual
6 diagnosed with that condition or disease is likely to receive medical,
7 therapeutic, or palliative benefits from the use of medicinal cannabis;
- 8 (27) "Raw plant material":
- 9 (a) Means the trichome-covered part of the female plant Cannabis sp. or any
10 mixture of shredded leaves, stems, seeds, and flowers of the Cannabis sp.
11 plant; and
- 12 (b) Does not include plant material obtained from industrial hemp as defined in
13 KRS 260.850;
- 14 (28) "Registered qualified patient" means a qualified patient who has applied for,
15 obtained, and possesses a valid registry identification card or provisional
16 registration receipt issued by the cabinet;
- 17 (29) "Registry identification card" means a document issued by the cabinet that
18 identifies a person as a registered qualified patient, visiting qualified patient, or
19 designated caregiver;
- 20 (30) "Safety compliance facility" means an entity licensed as such under KRS 218B.080,
21 218B.085, and 218B.090;
- 22 (31) "Safety compliance facility agent" means a principal officer, board member,
23 employee, volunteer, or agent of a safety compliance facility;
- 24 (32) "Seedling" means a medicinal cannabis plant that has no flowers and is not taller
25 than eight (8) inches;
- 26 (33) "Serious violation" means:
- 27 (a) Any violation of this chapter or any administrative regulation promulgated

- 1 thereunder that is capable of causing death or which causes serious and
2 prolonged disfigurement, prolonged impairment of health, or prolonged loss
3 or impairment of the function of any bodily organ;
- 4 (b) The diversion of medicinal cannabis for use not regulated pursuant to this
5 chapter; or
- 6 (c) Any act that would constitute a violation of KRS 218A.1421;
- 7 (34) "Smoking" means the inhalation of smoke produced from the combustion of raw
8 plant material when ignited by a flame;
- 9 (35) "State licensing board" means:
- 10 (a) The Kentucky Board of Medical Licensure; or
- 11 (b) The Kentucky Board of Nursing;
- 12 (36) "Telehealth" has the same meaning as in KRS 211.332;
- 13 (37) "Use of medicinal cannabis":
- 14 (a) Includes the acquisition, administration, possession, transfer, transportation,
15 or consumption of medicinal cannabis or medicinal cannabis accessories by a
16 cardholder in accordance with this chapter; and
- 17 (b) Does not include:
- 18 1. Cultivation of marijuana by a cardholder;
- 19 2. The use or consumption of marijuana by smoking; or
- 20 3. The use of industrial hemp or industrial hemp products as defined in
21 KRS 260.850;
- 22 (38) "Visiting qualified patient" means a person who has registered as such through the
23 cabinet as required under this chapter or who possesses a valid out-of-state registry
24 identification card and documentation of having been diagnosed with a qualifying
25 medical condition; and
- 26 (39) "Written certification" means a document dated and signed by a medicinal cannabis
27 practitioner, that:

- 1 (a) States, that in the medicinal cannabis practitioner's professional medical
2 opinion, the patient may receive medical, therapeutic, or palliative benefit
3 from the use of medicinal cannabis;
- 4 (b) Specifies the qualifying medical condition or conditions for which the
5 medicinal cannabis practitioner believes the patient may receive medical,
6 therapeutic, or palliative benefit; and
- 7 (c) Affirms that the medicinal cannabis practitioner has a bona fide practitioner-
8 patient relationship with the patient.

9 ➔Section 2. KRS 218B.020 is amended to read as follows:

- 10 (1) The Cabinet for Health and Family Services is hereby charged with the
11 implementation, operation, oversight, and regulation of the medicinal cannabis
12 program established in this chapter.
- 13 (2) There is hereby established within the cabinet a Board of Physicians and Advisors
14 which shall consist of the following members:
- 15 (a) Seven (7) physicians appointed by the Kentucky Board of Medical Licensure
16 and confirmed by the Senate in accordance with KRS 11.160. In order to be
17 eligible to be appointed to the board, a physician shall be authorized, pursuant
18 to KRS 218B.050, to provide written certifications for the use of medicinal
19 cannabis and shall be certified by the appropriate board in one (1) of the
20 following specialties:
- 21 1. Addiction medicine;
 - 22 2. Anesthesiology;
 - 23 3. Gastroenterology;
 - 24 4. Infectious disease;
 - 25 5. Neurology;
 - 26 6. Obstetrics and gynecology;
 - 27 7. Oncology;

- 1 8. Ophthalmology;
 - 2 9. Optometry;
 - 3 10. Pain management;
 - 4 11. Pain medicine;
 - 5 12. Pediatrics;
 - 6 13. Physical medicine and rehabilitation; or
 - 7 14. Psychiatry; and
- 8 (b) Two (2) advanced practice registered nurses appointed by the Kentucky Board
9 of Nursing and confirmed by the Senate *in accordance with KRS 11.160*. In
10 order to be eligible to be appointed to the board, an advanced practice
11 registered nurse shall be authorized, pursuant to KRS 218B.050, to provide
12 written certifications for the use of medicinal cannabis.
- 13 (3) Each member of the Board of Physicians and Advisors shall:
- 14 (a) Serve for a term of four (4) years and until his or her successor is appointed
15 and confirmed by the Senate;
 - 16 (b) Be eligible for reappointment; and
 - 17 (c) Serve without compensation, but each member of the board not otherwise
18 compensated for his or her time or expenses shall be entitled to
19 reimbursement for his or her actual and necessary expenses in carrying out his
20 or her duties with reimbursement for expenses being made in accordance with
21 administrative regulations relating to travel expenses.
- 22 (4) The Board of Physicians and Advisors shall not be subject to reorganization under
23 KRS Chapter 12.
- 24 (5) The Board of Physicians and Advisors shall:
- 25 (a) Review and recommend to the cabinet protocols for determining:
 - 26 1. The amount of medicinal cannabis or delta-9 tetrahydrocannabinol that
27 constitutes a daily supply, an uninterrupted ten (10) day supply, and an

- 1 uninterrupted thirty (30) day supply of medicinal cannabis for registered
2 qualified patients and visiting qualified patients; and
- 3 2. The amount of raw plant material that medicinal cannabis products are
4 considered to be equivalent to;
- 5 (b) Review and recommend to the cabinet protocols, evolving continuous quality
6 improvement metrics, and minimal performance standards for the biennial
7 accreditation process of licensed cannabis businesses;
- 8 (c) Review relevant peer-reviewed, scientific data related to the delta-9
9 tetrahydrocannabinol content limits established in KRS 218B.095(2)(b) and
10 make recommendations to the General Assembly regarding revisions to the
11 limits as the board deems appropriate;
- 12 (d) Review relevant peer-reviewed, scientific data related to the various methods
13 of use and consumption of medicinal cannabis and make recommendations to
14 the General Assembly to approve or restrict certain methods as the board
15 deems appropriate;
- 16 (e) Review relevant peer-reviewed, scientific data related to the use of medicinal
17 cannabis for medical, therapeutic, or palliative purposes and make
18 recommendations to the General Assembly to add or remove conditions from
19 the list of qualifying medical conditions defined in KRS 218B.010;~~and~~
- 20 (f) Perform other duties related to the use of medicinal cannabis upon request by
21 the secretary of the cabinet; and
- 22 **(g) Assist the cabinet in developing the Medicinal Cannabis Advisory Pamphlet**
23 **described in subsection (2)(b) of Section 11 of this Act.**
- 24 (6) No later than December 1 of each year beginning in 2024, the cabinet, in
25 consultation with the University of Kentucky College of Medicine and the
26 Kentucky Center for Cannabis, shall submit an annual report to the Legislative
27 Research Commission. The report submitted by the cabinet shall, at a minimum,

1 include:

- 2 (a) The number of applications and renewals received by the cabinet for registry
3 identification cards for registered qualified patients, visiting qualified patients,
4 and designated caregivers, individually and collectively;
- 5 (b) The number of applications and renewals for registry identification cards that
6 were approved and denied by the cabinet;
- 7 (c) The number of registry identification cards revoked by the cabinet for
8 misconduct and the nature of the misconduct;
- 9 (d) The number of medicinal cannabis practitioners authorized to provide written
10 certifications;
- 11 (e) The nature of the medical conditions for which medicinal cannabis
12 practitioners have provided written certifications;
- 13 (f) The number of applications and renewals received by the cabinet for cannabis
14 business licenses, the number of cannabis business licenses issued for each
15 business type and tier, and the number of cannabis business license
16 applications and renewals that were denied by the cabinet;
- 17 (g) The number of cannabis business agents employed by each type of cannabis
18 business;
- 19 (h) An assessment of:
- 20 1. The ability of cardholders in all areas of the state to obtain timely
21 affordable access to medicinal cannabis;
- 22 2. The evolving continuous quality improvement metrics and minimal
23 performance standards for the biennial accreditation process of licensed
24 cannabis businesses;
- 25 3. The effectiveness of the cultivators, processors, and producers licensed
26 under this chapter, individually and collectively, in serving the needs of
27 processors, dispensaries, and cardholders, the reasonableness of their

- 1 fees, whether they are generating any complaints or security problems,
2 and the sufficiency of the number operating to serve processors,
3 dispensaries, and cardholders in the Commonwealth;
- 4 4. The effectiveness of the dispensaries licensed under this chapter,
5 individually and collectively, in serving the needs of cardholders,
6 including the provision of educational and support services, the
7 reasonableness of their fees, whether they are generating any complaints
8 or security problems, and the sufficiency of the number operating to
9 serve cardholders in the Commonwealth; and
- 10 5. The effectiveness of the licensed safety compliance facilities licensed
11 under this chapter, individually and collectively, in serving the needs of
12 other cannabis businesses, including the provision of testing and training
13 services, the reasonableness of their fees, whether they are generating
14 any complaints or security problems, and the sufficiency of the number
15 operating to serve other cannabis businesses and cardholders in the
16 Commonwealth;
- 17 (i) The amount of medicinal cannabis sold per month in the Commonwealth;
- 18 (j) The total amount of revenue for each calendar year and aggregated by prior
19 years generated from any cannabis business licensure and cardholder
20 application and renewal fees established by the cabinet;
- 21 (k) The total cost of enforcement for the medicinal cannabis program at the time
22 of the report, by city, county, and overall;
- 23 (l) The sufficiency of the regulatory and security safeguards contained in this
24 chapter and adopted by the cabinet through administrative regulations to
25 ensure that access to and use of medicinal cannabis cultivated and processed
26 in this state is provided only to cardholders;
- 27 (m) Any recommended additions or revisions to this chapter or administrative

1 regulations promulgated thereunder, including those relating to security, safe
2 handling, labeling, and nomenclature;

3 (n) The results of any scientific research studies regarding the health effects of
4 cannabis; and

5 (o) Any other data requested by the Legislative Research Commission relating to
6 the medicinal cannabis program and this chapter.

7 (7) The cabinet shall provide the University of Kentucky College of Medicine and the
8 Kentucky Center for Cannabis established in KRS 164.983 with all information
9 necessary to allow collaboration with the cabinet on the preparation of this report.
10 The University of Kentucky College of Medicine and the Kentucky Center for
11 Cannabis may also produce its own report regarding the medicinal cannabis
12 program established in this chapter which, if produced, shall be submitted to the
13 Legislative Research Commission upon completion.

14 (8) The information contained in the report described in subsection (6) of this section
15 shall be presented in a manner that complies with the federal Health Insurance
16 Portability and Accountability Act, Pub. L. No. 104-191, and does not disclose any
17 identifying information about cardholders or licensed cannabis businesses.

18 ➔Section 3. KRS 218B.035 (Effective January 1, 2025) is amended to read as
19 follows:

20 (1) This chapter does not authorize any person to engage in, and shall not prevent the
21 imposition of any civil, criminal, or other penalties, including but not limited to
22 criminal prosecution or disciplinary action by the cabinet or an occupational or
23 professional licensing board, for engaging in the following conduct:

24 (a) Operating, navigating, or being in actual physical control of any aircraft,
25 vehicle, vessel, or any other device known, or hereafter invented, that is
26 powered by machinery and that is or may be used to transport persons or
27 property while under the influence of medicinal cannabis;

- 1 (b) Consuming medicinal cannabis while operating, navigating, or being in actual
2 physical control of an aircraft, vehicle, vessel, or any other device known, or
3 hereafter invented, that is powered by machinery and that is or may be used to
4 transport persons or property;
- 5 (c) Possessing medicinal cannabis that is within the operator's arm's reach or
6 requires less than a two (2) step process to access while operating, navigating,
7 or being in actual physical control of an aircraft, vehicle, vessel, or any other
8 device known, or hereafter invented, that is powered by machinery and that is
9 or may be used to transport persons or property;
- 10 (d) Undertaking any task under the influence of medicinal cannabis, when doing
11 so would constitute negligence or professional malpractice;
- 12 (e) Possessing medicinal cannabis, or otherwise engaging in the use of medicinal
13 cannabis:
- 14 1. On the grounds of any preschool or primary or secondary school, except
15 as permitted in accordance with policies enacted pursuant to KRS
16 218B.045(4);
- 17 2. In any correctional facility; or
- 18 3. On any property of the federal government;
- 19 (f) Using marijuana, if that person is not a registered qualified patient or visiting
20 qualified patient;
- 21 (g) Using or consuming marijuana by smoking;~~[-or]~~
- 22 (h) Using or consuming marijuana by vaping while on any form of public
23 transportation, in any public place as defined in KRS 525.010, or in any
24 place of public accommodation, resort, or amusement as defined in KRS
25 344.130; or
- 26 (i) Cultivating marijuana unless that person is licensed by the cabinet as a
27 cannabis cultivator or cannabis producer pursuant to KRS 218B.080,

1 218B.085, and 218B.090 or is a cultivator or producer agent.

2 (2) The penalty for a violation of subsection (1)(a) or (b) of this section shall be the
3 same as those established for operating a motor vehicle under the influence of
4 alcohol or any other substance in KRS 189A.010.

5 (3) (a) An individual who violates subsection (1)(g) ***or (h)*** of this section shall not be
6 considered to be in possession of medicinal cannabis or engaged in the use of
7 medicinal cannabis and shall not benefit from the legal protections afforded
8 by this chapter.

9 (b) The odor or smell of uncombusted raw plant material shall not constitute
10 evidence of use or consumption of cannabis by smoking.

11 (c) If an individual uses or consumes marijuana by smoking ***or vaping*** while on
12 any form of public transportation, in any public place as defined in KRS
13 525.010, or in any place of public accommodation, resort, or amusement as
14 defined in KRS 344.130:

- 15 1. The cabinet may revoke the individual's registry identification card; and
- 16 2. The individual may be subject to prosecution under KRS 218A.1421
17 and 218A.1422.

18 (4) Nothing in this chapter supersedes statutory laws relating to driving while under the
19 influence of intoxicants. This chapter shall not prevent the enforcement of current
20 laws pertaining to driving while intoxicated, including KRS 183.061, 189.520,
21 189A.010, and 235.240.

22 (5) As used in this section:

23 (a) "Aircraft" has the same meaning as in KRS 183.011;

24 (b) "Vehicle" has the same meaning as in KRS 189.010; and

25 (c) "Vessel" has the same meaning as in KRS 235.010.

26 ➔Section 4. KRS 218B.045 (Effective January 1, 2025) is amended to read as
27 follows:

- 1 (1) A registered qualified patient or visiting qualified patient who uses medicinal
2 cannabis shall be afforded all the same rights under state and local law, including
3 those guaranteed under KRS Chapter 344, as the individual would have been
4 afforded if he or she were solely prescribed pharmaceutical medications as they
5 pertain to drug testing required by any state or local law.
- 6 (2) A cardholder otherwise entitled to custody of, or visitation time or parenting time
7 with, a minor child shall not be denied that right, and there shall be no presumption
8 of abuse, neglect, or dependency for conduct permitted under this chapter unless the
9 person's actions in relation to medicinal cannabis created an unreasonable danger to
10 the safety of the minor child as established by clear and convincing evidence.
- 11 (3) (a) For the purposes of medical care, including organ transplants, a patient's
12 authorized use of medicinal cannabis is the equivalent of the authorized use of
13 any other medication used at the direction of a practitioner.
- 14 (b) A health facility as defined in KRS 216B.015 may develop policies to allow a
15 patient who is a registered qualified patient or visiting qualified patient to use
16 medicinal cannabis on the premises of the health facility.
- 17 (4) (a) A school shall not refuse to enroll, or otherwise penalize, a person solely for
18 his or her status as a cardholder, unless failing to do so would violate:
19 1. Federal law or regulations and cause the school to lose a monetary or
20 licensing-related benefit under federal law or regulations; **or**
21 **2. The school's sincerely held religious beliefs, if the school is a private,**
22 **religious institution.**
- 23 (b) A school shall not be penalized or denied any benefit under state law for
24 enrolling a cardholder.
- 25 (c) Each local board of education and each board of directors of a public charter
26 school ~~may~~shall, ~~no later than July 1, 2024,~~ establish policies to permit a
27 pupil who is a registered qualified patient to consume medicinal cannabis on

1 school property as deemed necessary by the pupil's parent or legal guardian. **If**
 2 **a local board of education or the board of directors of a public charter**
 3 **school establishes policies**~~[Policies enacted]~~ pursuant to this paragraph, **those**
 4 **policies** shall:

5 **1.** Require **that** medicinal cannabis be administered by:

6 **a.** A school nurse or under the supervision of appropriate school
 7 staff; **or**

8 **b.** **The parent or legal guardian of the pupil who is a registered**
 9 **qualified patient;**

10 **2.** **Require that medicinal cannabis be administered out of view of other**
 11 **students; and**

12 **3.** **Include a process by which a school nurse or other school staff**
 13 **member may refuse to administer or supervise the administration of**
 14 **medicinal cannabis.**

15 ➔Section 5. KRS 218B.050 is amended to read as follows:

16 (1) Except as provided in subsection (11) of this section, a physician or an advanced
 17 practice registered nurse who is authorized to prescribe controlled substances under
 18 KRS 314.042 seeking to provide written certifications for the use of medicinal
 19 cannabis shall apply to the same state licensing board that issued his or her
 20 professional practice license, on a form prescribed by the state licensing board, for
 21 authorization to provide written certifications for the use of medicinal cannabis.

22 (2) (a) A state licensing board shall approve an application for authorization to
 23 provide written certifications for the use of medicinal cannabis if the
 24 application is complete and meets the requirements established in
 25 administrative regulations promulgated by the state licensing board.

26 (b) A state licensing board shall not authorize an application for authorization to
 27 provide written certifications for the use of medicinal cannabis if the applicant

1 has an ownership or investment interest in or compensation agreement with a
2 cannabis business licensed under this chapter. A state licensing board may
3 consult with the cabinet to determine if an applicant has an ownership or
4 investment interest in or compensation agreement with a cannabis business.

5 (3) Authorization to provide written certifications for the use of medicinal cannabis
6 granted under this section shall expire and may be renewed in accordance with
7 administrative regulations promulgated by a state licensing board.

8 (4) A medicinal cannabis practitioner authorized by a state licensing board to provide
9 written certifications for the use of medicinal cannabis may only provide a patient
10 with a written certification after the medicinal cannabis practitioner has:

11 (a) Established a bona fide practitioner-patient relationship with the patient;

12 (b) Diagnosed the patient, or confirmed a diagnosis provided by another health
13 care provider, with a medical condition for which the medicinal cannabis
14 practitioner believes that the patient is likely to~~may~~ receive safe and
15 effective therapeutic or palliative benefit from the use of medicinal cannabis;

16 (c) Reviewed a report of information from the electronic monitoring system
17 established pursuant to KRS 218A.202 related to the patient for a period of
18 time that covers at least the twelve (12) months immediately preceding the
19 date of the report;

20 (d) Consulted with the patient, or the patient's custodial parent or legal guardian
21 responsible for providing consent to treatment if the patient is a minor child,
22 with respect to the possible risks and side effects associated with medicinal
23 cannabis, including possible interactions between medicinal cannabis and any
24 other drug or medication that the patient is taking at that time; and

25 (e) Obtained the consent of the patient's custodial parent or legal guardian
26 responsible for providing consent to treatment, if the patient is a minor child.

27 (5) A bona fide practitioner-patient relationship may be established following a referral

1 from the patient's primary care provider and may be maintained via telehealth.
2 However, a bona fide practitioner-patient relationship shall not be established via
3 telehealth.

4 (6) (a) When issuing a written certification for the use of medicinal cannabis to a
5 patient, the medicinal cannabis practitioner shall use a form prescribed by the
6 cabinet.

7 (b) An initial written certification for the use of medicinal cannabis shall be
8 provided during the course of an in-person examination of the patient by the
9 medicinal cannabis practitioner. Subsequent written certifications, including
10 for the purpose of renewing a registry identification card, may be provided
11 electronically or during the course of a telehealth consultation.

12 (c) For the purpose of applying for a registry identification card, a written
13 certification provided under this section shall be valid for a period of not more
14 than sixty (60) days. The medicinal cannabis practitioner may renew a written
15 certification for not more than three (3) additional periods of not more than
16 sixty (60) days each. Thereafter, the medicinal cannabis practitioner may issue
17 another certification to the patient only after an in-person examination or an
18 examination conducted via telehealth of the patient by the medicinal cannabis
19 practitioner.

20 (d) Within twenty-four (24) hours of providing a patient with a written
21 certification for the use of medicinal cannabis, a medicinal cannabis
22 practitioner shall record the issuance of the written certification in the
23 electronic monitoring system established pursuant to KRS 218A.202.

24 (7) A medicinal cannabis practitioner shall not:

25 (a) Dispense medicinal cannabis; or

26 (b) Provide a written certification for the use of medicinal cannabis to:

27 1. A family member or for himself or herself; or

1 2. A patient who is currently taking a prescription drug that
2 contraindicates the use of medicinal cannabis.

- 3 (8) Nothing in this chapter shall prevent a medicinal cannabis practitioner from being
4 sanctioned for:
- 5 (a) Issuing a written certification without first obtaining authorization to provide
6 written certifications from a state licensing board;
 - 7 (b) Issuing a written certification to a patient with whom the medicinal cannabis
8 practitioner does not have a bona fide practitioner-patient relationship;
 - 9 (c) Failing to properly evaluate a patient's medical history and current medical
10 condition, including all prescription drugs that the patient is currently
11 taking, prior to issuing a written certification;
 - 12 (d) Otherwise failing to use good faith in his or her treatment of the patient; or
 - 13 (e) Any other violation of this section.
- 14 (9) A state licensing board may suspend or revoke a medicinal cannabis practitioner's
15 authorization to provide written certification for the use of medicinal cannabis and
16 practice license for multiple violations or a serious violation of this section or
17 administrative regulations promulgated thereunder.
- 18 (10) The state licensing boards shall:
- 19 (a) No later than July 1, 2024, promulgate administrative regulations in
20 accordance with KRS Chapter 13A to establish:
 - 21 1. Procedures for applying for authorization to provide written
22 certifications;
 - 23 2. The conditions that must be met to be eligible for authorization to
24 provide written certifications;
 - 25 3. The process and procedures for renewing authorization to provide
26 written certifications;
 - 27 4. Continuing education requirements for medicinal cannabis practitioners

- 1 who are authorized to provide written certifications;
- 2 5. The reasons for which authorization to provide written certifications for
- 3 the use of medicinal cannabis may be suspended or revoked; and
- 4 6. The minimal standards of care when providing written certifications
- 5 including record maintenance and follow-up care requirements;
- 6 (b) On a regular basis, provide the cabinet with the names of all medicinal
- 7 cannabis practitioners; and
- 8 (c) Immediately provide the cabinet with the name of any medicinal cannabis
- 9 practitioner whose authorization to provide written certifications is suspended
- 10 or revoked.
- 11 (11) This section does not apply to a practitioner who recommends treatment with
- 12 cannabis or a drug derived from cannabis under any of the following that are
- 13 approved by an investigational review board or equivalent entity, the United States
- 14 Food and Drug Administration, or the National Institutes for Health or any of its
- 15 cooperative groups or centers under the United States Department of Health and
- 16 Human Services:
- 17 (a) A research protocol;
- 18 (b) A clinical trial;
- 19 (c) An investigational new drug application; or
- 20 (d) An expanded access submission.
- 21 (12) As used in this section, "telehealth" has the same meaning as in KRS 211.332.
- 22 ➔Section 6. KRS 218B.055 (Effective January 1, 2025) is amended to read as
- 23 follows:
- 24 (1) Except as provided in subsection (5) of this section, no person shall possess,
- 25 purchase, acquire, or otherwise engage or assist in the use of medicinal cannabis in
- 26 Kentucky without first applying for and receiving a registry identification card
- 27 issued by the cabinet.

- 1 (2) A person shall be eligible to apply for a registry identification card as a registered
2 qualified patient if he or she is a resident of Kentucky, has obtained a written
3 certification from a medicinal practitioner with whom he or she has a bona fide
4 practitioner-patient relationship, and has not been convicted of a disqualifying
5 felony offense.
- 6 (3) (a) Except as provided in paragraph (b) of this subsection, a person shall be
7 eligible to apply for a registry identification card as a designated caregiver if
8 he or she is a resident of Kentucky, is at least twenty-one (21) years of age,
9 has not been convicted of a disqualifying felony offense, and has agreed to
10 assist no more than three (3) registered qualified patients with the use of
11 medicinal cannabis.
- 12 (b) Any person who has been appointed as a guardian, limited guardian,
13 conservator, or limited conservator under KRS Chapter 387 shall be eligible
14 to be designated as a designated caregiver by the individual for whom they
15 have been appointed as a guardian, limited guardian, conservator, or limited
16 conservator.
- 17 (4) A person shall be eligible to apply for a registry identification card as a visiting
18 qualified patient if he or she is not a resident of Kentucky or has been a resident of
19 Kentucky for less than thirty (30) days, is at least twenty-one (21) years of age, has
20 not been convicted of a disqualifying felony offense, possesses a valid out-of-state
21 registry identification card, and possesses documentation of having been diagnosed
22 with a qualifying medical condition.
- 23 (5) A person with a valid out-of-state registry identification card and documentation of
24 having been diagnosed with a qualifying medical condition may use his or her out-
25 of-state registry identification card for all purposes established in this chapter and
26 shall not be required to apply for or receive a visiting qualified patient registry
27 identification card from the cabinet.

- 1 (6) To apply for or renew a registry identification card, a qualified patient shall submit
2 the following, in accordance with administrative regulations promulgated by the
3 cabinet:
- 4 (a) The name, address, and date of birth of the qualified patient, except that if the
5 applicant is homeless an address where the applicant may be reached shall be
6 provided to the cabinet;
- 7 (b) A written certification issued by a medicinal cannabis practitioner within sixty
8 ~~(60) [ninety (90)]~~ days immediately preceding the date of an application;
- 9 (c) The name, address, and telephone number of the qualified patient's medicinal
10 cannabis practitioner;
- 11 (d) The name, address, and date of birth of not more than two (2) individuals
12 chosen by the qualified patient to be designated as a caregiver, if the qualified
13 patient chooses to designate a caregiver, except that if an individual has been
14 appointed as a guardian, limited guardian, conservator, or limited conservator
15 under KRS Chapter 387, the qualified patient shall choose that individual as a
16 designated caregiver;
- 17 (e) A statement, signed by the qualified patient, pledging not to divert medicinal
18 cannabis to anyone who is not permitted to possess medicinal cannabis
19 pursuant to this chapter. The statement shall contain a listing of potential
20 penalties, including criminal prosecution, for diverting medicinal cannabis;
- 21 (f) A statement, signed by the individuals chosen by the qualified patient to be
22 designated as a caregiver, if any, agreeing to be designated as the patient's
23 designated caregiver and pledging not to divert medicinal cannabis to anyone
24 other than the registered qualified patient to whom the caregiver is connected
25 through the cabinet's registration process. The statement shall contain a listing
26 of potential penalties, including criminal prosecution, for diverting medicinal
27 cannabis; and

- 1 (g) The application or renewal fee for a registry identification card for a qualified
2 patient and the application or renewal fee for a registry identification card for
3 any designated caregiver chosen by the qualified patient.
- 4 (7) To apply for or renew a registry identification card, a qualified patient who is under
5 eighteen (18) years of age shall, in addition to the information required under
6 subsection (6) of this section, submit:
- 7 (a) Documentation of diagnosis of a qualifying medical condition by a
8 practitioner other than the medicinal cannabis practitioner who provided the
9 written certification for the use of medicinal cannabis; and
- 10 (b) A statement signed by the custodial parent or legal guardian with
11 responsibility for health care decisions for the qualified patient attesting to the
12 fact that the custodial parent or legal guardian agrees to:
- 13 1. Allow the qualified patient to use medicinal cannabis;
14 2. Serve as the qualified patient's designated caregiver; and
15 3. Control the acquisition, dosage, and frequency of use of medicinal
16 cannabis by the qualified patient.
- 17 (8) To apply for or renew a registry identification card, a visiting qualified patient shall
18 submit the following, in accordance with administrative regulations promulgated by
19 the cabinet:
- 20 (a) The name, address, and date of birth of the visiting qualified patient, except
21 that if the applicant is homeless an address where the applicant may be
22 reached shall be provided to the cabinet;
- 23 (b) A copy of his or her valid out-of-state registry identification card;
- 24 (c) Proof that he or she has been diagnosed with a qualifying medical condition;
- 25 (d) The application or renewal fee for a registry identification card for a visiting
26 qualified patient; and
- 27 (e) A statement, signed by the visiting qualified patient, pledging not to divert

1 medicinal cannabis to anyone who is not permitted to possess medicinal
2 cannabis pursuant to this chapter. The statement shall contain a listing of
3 potential penalties, including criminal prosecution, for diverting medicinal
4 cannabis.

5 (9) The application for qualified patients' registry identification cards shall ask whether
6 the patient would like the cabinet to notify him or her of any clinical studies
7 needing human subjects for research on the use of medicinal cannabis. The cabinet
8 shall notify interested patients if it is aware of studies that will be conducted in the
9 United States.

10 (10) A registered qualified patient applying to renew a registry identification card issued
11 by the cabinet shall be required to submit to the cabinet a written certification
12 issued by a medicinal cannabis practitioner within sixty (60)~~ninety (90)~~ days
13 immediately preceding the date of a renewal application.

14 ➔Section 7. KRS 218B.065 (Effective January 1, 2025) is amended to read as
15 follows:

16 (1) Except as provided in subsections (2) to (5) of this section, the cabinet shall:

17 (a) Acknowledge receipt of an application within fifteen (15) days of receipt, and
18 approve or deny an application or renewal within thirty (30) days of receiving
19 a completed application or renewal application; and

20 (b) Issue registry identification cards to a qualified patient and any individual
21 designated by the qualified patient as a designated caregiver or a visiting
22 qualified patient within five (5) days of approving the application or renewal.
23 An individual designated as a caregiver shall be issued a designated caregiver
24 registry identification card for each registered qualified patient to whom he or
25 she is connected through the cabinet's registration process.

26 (2) The cabinet shall not issue a registry identification card to a qualified patient who is
27 younger than eighteen (18) years of age unless:

- 1 (a) The custodial parent or legal guardian with responsibility for health care
2 decisions for the qualified patient consents in writing to:
- 3 1. Allow the qualified patient's use of medicinal cannabis;
 - 4 2. Serve as the qualified patient's designated caregiver; and
 - 5 3. Control the acquisition of the medicinal cannabis, the dosage, and the
6 frequency of the use by the qualified patient; and
- 7 (b) The designated caregiver application for the custodial parent or legal guardian
8 with responsibility for health care decisions for the qualified patient is
9 approved.
- 10 (3) The cabinet may deny an application or renewal for a qualified patient's or visiting
11 qualified patient's registry identification card for any reason that the cabinet, in the
12 exercise of sound discretion, deems sufficient, including but not limited to if the
13 applicant:
- 14 (a) Did not provide the information or materials required by KRS 218B.055;
 - 15 (b) Previously had a registry identification card revoked;
 - 16 (c) Provided false or falsified information; or
 - 17 (d) Does not meet the eligibility requirements established in KRS 218B.055.
- 18 (4) (a) Except as provided in paragraph (b) of this subsection, the cabinet may deny
19 an application or renewal for a designated caregiver's registration card for any
20 reason that the cabinet, in the exercise of sound discretion, deems sufficient,
21 including but not limited to if the applicant:
- 22 1. Is already registered as a designated caregiver for three (3) registered
23 qualified patients;
 - 24 2. Does not meet the eligibility requirements established in KRS
25 218B.055;
 - 26 3. Did not provide the information or materials required by KRS
27 218B.055;

- 1 4. Previously had a registry identification card revoked;
- 2 5. Provided false or falsified information;
- 3 6. Was previously convicted of a disqualifying felony offense; or
- 4 7. Has applied as a designated caregiver for a qualified patient whose
- 5 application or renewal for a registry identification card was denied.
- 6 (b) Notwithstanding paragraph (a) of this subsection, the cabinet shall approve an
- 7 application or renewal for a designated caregiver's registration card if the
- 8 applicant has applied as a designated caregiver for a qualified patient for who
- 9 the applicant has been appointed under KRS Chapter 387 as a guardian,
- 10 limited guardian, conservator, or limited conservator.
- 11 (5) The cabinet may deny an application or renewal for a visiting qualified patient's
- 12 registration card for any reason that the cabinet, in the exercise of sound discretion,
- 13 deems sufficient, including but not limited to if the applicant:
- 14 (a) Did not provide the information or materials required by KRS 218B.055;
- 15 (b) Previously had a registry identification card revoked;
- 16 (c) Provided false or falsified information; or
- 17 (d) Does not meet the eligibility requirements established in KRS 218B.055.
- 18 (6) The cabinet ~~shall~~may conduct a criminal background check for each~~[of any]~~
- 19 applicant ~~[if the criminal background check is conducted]~~ solely to determine
- 20 whether the applicant was previously convicted of a disqualifying felony offense.
- 21 (7) The cabinet shall notify the registered qualified patient who has designated
- 22 someone to serve as his or her designated caregiver if the individual designated as a
- 23 caregiver is denied a registry identification card.
- 24 (8) The cabinet shall notify the applicant in writing of the denial and reasons by
- 25 registered or certified mail at the address given in the application or supplement.
- 26 The applicant may, within thirty (30) days after the date of the mailing of the
- 27 cabinet's notice, file a written request for an administrative hearing on the

1 application. The hearing shall be conducted on the application in compliance with
2 the requirements of KRS Chapter 13B.

3 (9) Final orders of the cabinet after administrative hearings shall be subject to judicial
4 review. Jurisdiction and venue for judicial review are vested in the Circuit Court of
5 the county in which the appealing party resides.

6 ➔Section 8. KRS 218B.070 (Effective January 1, 2025) is amended to read as
7 follows:

8 (1) Cardholders shall be required to make the following notifications to the cabinet:

9 (a) A cardholder shall notify the cabinet of any change in his or her name or
10 address;

11 (b) A registered qualified patient shall notify the cabinet within thirty (30) days if
12 he or she ceases to suffer from the medical condition for which a medicinal
13 cannabis practitioner provided a written certification;

14 (c) A registered qualified patient shall notify the cabinet if he or she wishes to
15 terminate a designated caregiver relationship with an individual who has been
16 designated as his or her caregiver;

17 (d) A designated caregiver shall notify the cabinet within thirty (30) days if he or
18 she becomes aware that a registered qualified patient to whom the caregiver is
19 connected through the cabinet's registration process has died or has ceased to
20 suffer from the medical condition for which a medicinal cannabis practitioner
21 provided a written certification; and

22 (e) If a cardholder loses his or her registry identification card, he or she shall
23 notify the cabinet within ten (10) days of becoming aware the card has been
24 lost.

25 (2) When a cardholder notifies the cabinet of items listed in paragraph (b) or (d) of
26 subsection (1) of this section, the cardholder shall, within ten (10) days of
27 notification, return any unused medicinal cannabis products to a licensed dispensary

- 1 for destruction.
- 2 (3) When a cardholder notifies the cabinet of items listed in paragraph (a), (c), or (e) of
3 subsection (1) of this section, but remains eligible under this chapter, the cabinet
4 shall issue the cardholder a new registry identification card with a new random ten
5 (10) character alphanumeric identification number. If the cabinet issues a new
6 registry identification card to a registered qualified patient, the cabinet shall also
7 issue a new registry identification card with a new ten (10) character alphanumeric
8 number to the registered qualified patient's designated caregiver. New registry
9 identification cards issued under this subsection shall be issued by the cabinet
10 within ten (10) days of receiving the updated information.
- 11 (4) If a registered qualified patient ceases to be a registered qualified patient or changes
12 his or her designated caregiver, the cabinet shall promptly notify the designated
13 caregiver in writing. The designated caregiver's protections under this chapter as to
14 that registered qualified patient shall expire fifteen (15) days after notification by
15 the cabinet.
- 16 (5) (a) ~~If~~ A medicinal cannabis practitioner who provided a written certification to
17 a patient shall, within thirty (30) days of having knowledge of the facts,
18 notify~~notifies~~ the cabinet in writing that the registered qualified patient has
19 died, ceased to suffer from the medical condition for which a medicinal
20 cannabis practitioner provided a written certification, or that the medicinal
21 cannabis practitioner no longer believes the patient is likely to~~might~~ receive
22 safe and effective therapeutic or palliative benefit from the use of medicinal
23 cannabis.~~;~~
- 24 (b) If the cabinet receives written notification required by paragraph (a) of this
25 subsection, the cabinet shall promptly notify the registered qualified patient in
26 writing. The registered qualified patient's protections under this chapter shall
27 expire fifteen (15) days after notification by the cabinet, and the registered

1 qualified patient shall have fifteen (15) days to dispose of or donate his or her
2 medicinal cannabis to a dispensary.

3 ➔Section 9. KRS 218B.110 (Effective January 1, 2025) is amended to read as
4 follows:

5 (1) A dispensary or dispensary agent acting on behalf of a dispensary shall not be
6 subject to prosecution under state or local law, to search or inspection except by the
7 cabinet pursuant to KRS 218B.100, to seizure or penalty in any manner, or be
8 denied any right or privilege, including but not limited to a civil penalty or
9 disciplinary action by a court or business licensing board, for acting pursuant to this
10 chapter and the cabinet's administrative regulations for:

11 (a) Acquiring or possessing medicinal cannabis from a cultivator, processor, or
12 producer in this state;

13 (b) Acquiring or possessing medicinal cannabis accessories or educational
14 material;

15 (c) Supplying, selling, dispensing, distributing, or delivering medicinal cannabis,
16 medicinal cannabis accessories, and educational material to cardholders or
17 other dispensaries;

18 (d) Selling cannabis seeds to similar entities that are licensed to cultivate cannabis
19 in this state or in any other jurisdiction; or

20 (e) Acquiring, accepting, or receiving medicinal cannabis products from a
21 cardholder, except that a dispensary may not offer anything of monetary value
22 in return for medicinal cannabis received from a cardholder. Any medicinal
23 cannabis received by a dispensary under this paragraph or pursuant to KRS
24 218B.070 shall be destroyed by the dispensary or its agents and shall not be
25 sold, dispensed, or distributed to another cardholder.

26 (2) A dispensary or dispensary agent acting on behalf of a dispensary shall:

27 (a) Maintain records that include specific notations of the amount of medicinal

1 cannabis being dispensed to a cardholder and whether it was dispensed
2 directly to a registered qualified patient or visiting qualified patient, or to a
3 registered qualified patient's designated caregiver. Each entry shall include the
4 date and time the medicinal cannabis was dispensed. The data required to be
5 recorded by this paragraph shall be entered into the electronic monitoring
6 system established pursuant to KRS 218A.202 in accordance with
7 administrative regulations promulgated by the cabinet for the recording of
8 medicinal cannabis dispensing;

9 (b) Only dispense or sell medicinal cannabis after it has been checked by a safety
10 compliance facility agent for cannabinoid contents and contaminants in
11 accordance with administrative regulations promulgated by the cabinet;

12 (c) Only dispense or sell medicinal cannabis to a registered qualified patient,
13 visiting qualified patient, or designated caregiver after making a diligent effort
14 to verify:

15 1. That the registry identification card or, for visiting qualified patients, the
16 out-of-state registry identification card presented to the dispensary is
17 valid, including by checking the verification system, if it is operational,
18 or other cabinet-designated databases;

19 2. That the person presenting the registry identification card or, for visiting
20 qualified patients, the out-of-state registry identification card is at least
21 eighteen (18) years of age and is the person identified on the registry
22 identification card by examining at least one (1) other form of
23 government-issued photo identification; and

24 3. The amount of medicinal cannabis the person is legally permitted to
25 purchase pursuant to KRS 218B.025 by checking the electronic
26 monitoring system established pursuant to KRS 218A.202;

27 (d) **1. Upon dispensing medicinal cannabis to a cardholder:**

- 1 a. Provide the cardholder with a copy of the Medicinal Cannabis
2 Advisory Pamphlet described in subsection (2)(b) of Section 11
3 of this Act if:
- 4 i. It is the first time the patient has purchased medicinal
5 cannabis from the dispensary;
- 6 ii. It has been more than twelve (12) months since the
7 dispensary last provided the cardholder with a copy of the
8 pamphlet; or
- 9 iii. The content of the pamphlet has materially changed since
10 the dispensary last provided the cardholder with a copy of
11 the pamphlet;
- 12 b. Obtain the cardholder's signature as required by subsection
13 (2)(b) of Section 11 of this Act; and
- 14 c. Retain the signature form as required by subsection (2)(b) of
15 Section 11 of this Act.
- 16 2. The advisory pamphlet required to be provided to cardholders under
17 subparagraph 1. of this paragraph may be provided electronically, and
18 dispensaries may obtain and retain electronic signatures;
- 19 (e) Not acquire, possess, dispense, sell, offer for sale, transfer, or transport:
- 20 1. Raw plant material with a delta-9 tetrahydrocannabinol content of more
21 than thirty-five percent (35%);
- 22 2. Medicinal cannabis products intended for oral consumption as an edible,
23 oil, or tincture with more than ten (10) milligrams of delta-9
24 tetrahydrocannabinol per serving;
- 25 3. Any medicinal cannabis product not described in subparagraph 1. or 2.
26 of this paragraph with a delta-9 tetrahydrocannabinol content of more
27 than seventy percent (70%); or

- 1 4. Any medicinal cannabis product that contains vitamin E acetate;
- 2 ~~(f)~~~~(e)~~ Not acquire medicinal cannabis from any person other than a cannabis
- 3 business licensed under this chapter, or an agent thereof, a registered qualified
- 4 patient, or a designated caregiver;
- 5 ~~(g)~~~~(f)~~ Not sell or dispense medicinal cannabis products intended for
- 6 consumption by vaporizing to a cardholder who is younger than twenty-one
- 7 (21) years of age or to a designated caregiver for a registered qualified patient
- 8 who is younger than twenty-one (21) years of age;
- 9 ~~(h)~~~~(g)~~ Not dispense or sell medicinal cannabis to a minor;
- 10 ~~(i)~~~~(h)~~ Not dispense or sell more medicinal cannabis to a cardholder than he or
- 11 she is legally permitted to purchase at the time of the transaction; and
- 12 ~~(j)~~~~(i)~~ Not rent office space to a medicinal cannabis practitioner.
- 13 (3) (a) A dispensary may operate a delivery service for cardholders and may deliver
- 14 medicinal cannabis, medicinal cannabis accessories, and educational material
- 15 to cardholders at the address identified on the cardholder's registry
- 16 identification.
- 17 (b) All delivery services operated or offered by a dispensary shall comply with
- 18 administrative regulations promulgated by the cabinet pursuant to this section
- 19 and KRS 218B.140.
- 20 (4) If a dispensary or dispensary agent fails to comply with subsection (2)(c), (d), (e),
- 21 (f), ~~(g)~~, **or (h)** of this section, the dispensary and dispensary agent are liable in a
- 22 civil action for compensatory and punitive damages and reasonable attorney's fees
- 23 to any person or the representative of the estate of any person who sustains injury,
- 24 death, or loss to person or property as a result of the failure to comply with
- 25 subsection (2)(c), (d), (e), (f), ~~(g)~~, **or (h)** of this section. In any action under this
- 26 subsection, the court may also award any injunctive or equitable relief that the court
- 27 considers appropriate.

1 ➔Section 10. KRS 218B.130 is amended to read as follows:

- 2 (1) For the purposes of this section, "local government" means a city, county, urban-
3 county government, consolidated local government, charter county government, or
4 unified local government.
- 5 (2) A local government may:
- 6 (a) Enact ordinances not in conflict with this chapter or with the cabinet's
7 administrative regulations, regulating the time, place, and manner of cannabis
8 business operations, except that a local government shall not enact ordinances
9 that impose an undue burden or make cannabis business operations
10 unreasonable or impractical;
- 11 (b) Prohibit all cannabis business operations within its territory through the
12 passage of an ordinance; or
- 13 (c) Enact resolutions directing that the question of prohibiting cannabis
14 businesses from operating within its territory be submitted to the voters of its
15 territory at the next regular election pursuant to subsection (5)(j) of this
16 section.
- 17 (3) If a county, consolidated local government, charter county government, or unified
18 local government prohibits all cannabis business operations, the legislative body of
19 a city located within the county, consolidated local government, charter county
20 government, or unified local government may:
- 21 (a) Approve cannabis business operations within the limits of the city through the
22 passage of an ordinance; or
- 23 (b) Enact resolutions directing that the question of allowing cannabis businesses
24 to operate within the limits of the city be submitted to the voters who are
25 eligible to vote in that city's elections at the next regular election pursuant to
26 subsection (5)(j) of this section.
- 27 (4) If a local government legislative body with jurisdiction prohibits cannabis business

1 operations through the passage of an ordinance, a public question that is initiated by
2 petition and that proposes allowing a cannabis business to operate within the
3 affected territory is authorized.

4 (5) A public question that is initiated by petition and is authorized by subsection (4) of
5 this section shall be submitted to the voters within the affected territory at the next
6 regular election by complying with the following requirements:

7 (a) Before a petition for submission of the proposal may be presented for
8 signatures, an intent to circulate the petition, including a copy of the unsigned
9 petition, shall be filed with the county clerk of the affected territory by ~~a~~
10 person or group of persons **who have been registered to vote in the affected**
11 **territory for at least the previous twelve (12) months** seeking the submission
12 of the public question. The statement of intent shall include the addresses of
13 the person or group of persons and shall specify the person or group of
14 persons, as well as the address, to whom all notices are to be sent. Within ten
15 (10) days after the intent to circulate the petition is filed, the county clerk shall
16 deliver a copy of the intent to circulate the petition, including a copy of the
17 unsigned petition, to the legislative body of the affected territory;

18 (b) The petition shall set out in full the following question: "Are you in favor of
19 **overturning the decision of the local government legislative body and**
20 **allowing** the sale of medicinal cannabis at a licensed dispensary and the
21 operation of other cannabis businesses in (affected territory)?"

22 (c) The petition for the submission of the proposal shall be signed by a number of
23 constitutionally qualified voters of the territory to be affected equal to **ten**
24 **percent (10%)**~~five percent (5%)~~ of registered voters for the affected
25 territory;

26 (d) Each signature shall be executed in ink or indelible pencil and shall be
27 followed by the legibly printed name of each voter, followed by the voter's

- 1 residence address, year of birth, and the correct date upon which the voter's
2 name was signed;
- 3 (e) No petition for the submission of the proposal shall be circulated for more
4 than six (6) months prior to its filing;
- 5 (f) After a petition for the submission of the proposal has received no fewer than
6 the number of qualifying signatures required by paragraph (c) of this
7 subsection, the signed petition shall be filed with the county clerk. When it is
8 filed, each sheet of the petition shall have an affidavit executed by the
9 circulator stating that he or she personally circulated the sheet, the number of
10 signatures thereon, that all signatures were affixed in his or her presence, that
11 he or she believes them to be the genuine signatures of registered voters
12 within the affected territory, and that each signer had an opportunity before
13 signing to read the full text of the proposal;
- 14 (g) No signer of the petition may withdraw his or her name or have it taken from
15 the petition after the petition has been filed. If the name of any person has
16 been placed on the petition for submission of the public question without that
17 person's authority, the person may, at any time prior to certification of
18 sufficiency of the petition by the county clerk as required by paragraph (h) of
19 this subsection, request the removal of his or her name by the county board of
20 elections and, upon proof that the person's name was placed on the petition
21 without his or her authority, the person's name and personal information shall
22 be eliminated, and he or she shall not be counted as a petitioner;
- 23 (h) Within thirty (30) days after the petition is filed, the county clerk shall
24 complete a certificate as to its sufficiency or, if it is insufficient, specifying
25 the particulars of the insufficiency, and shall send a copy to the person or
26 persons specified in the statement of intent to receive all notices and to the
27 legislative body of the affected territory, all by registered mail. A petition

1 certified insufficient for lack of the required number of valid signatures may
2 be amended once by filing a supplemental petition upon additional sheets
3 within thirty (30) days after receiving the certificate of insufficiency. The
4 supplemental petition shall comply with the requirements applicable to the
5 original petition and, within ten (10) days after it is filed, the county clerk
6 shall complete a certificate as to the sufficiency of the petition as amended
7 and promptly send a copy of the certificate to the person or persons specified
8 to receive all notices and to the legislative body of the affected territory by
9 registered mail;

10 (i) A final determination as to the sufficiency of a petition shall be subject to
11 review in the Circuit Court of the county of the affected territory and shall be
12 limited to the validity of the county clerk's determination. A final
13 determination of insufficiency shall not prejudice the filing of a new petition
14 for the same purpose; and

15 (j) If, not later than the second Tuesday in August preceding the day established
16 for a regular election, the county clerk has certified that a petition is sufficient
17 or has received a local government resolution pursuant to subsection (2) or (3)
18 of this section, the county clerk shall have prepared to place before the voters
19 of the affected territory at the next regular election the question, which shall
20 be "Are you in favor of the sale of medicinal cannabis at a licensed dispensary
21 and the operation of other cannabis businesses in (affected territory)?
22 Yes....No....". The county clerk shall cause to be published in accordance with
23 KRS Chapter 424, at the same time as the remaining voter information, the
24 full text of the proposal. The county clerk shall cause to be posted in each
25 polling place one (1) copy of the full text of the proposal.

26 (6) If the question submitted to the voters under subsection (3) or (5) of this section
27 fails to pass, three (3) years shall elapse before the question of medicinal cannabis

1 sales and cannabis business operations may be included on a regular election ballot
2 for the affected territory.

3 (7) If the question submitted to the voters under subsection (3) or (5) of this section
4 passes, medicinal cannabis sales and cannabis business operations may be
5 conducted in the affected territory, notwithstanding any local government
6 ordinances which prohibit all cannabis business operations within its territory.

7 (8) In circumstances where a county, consolidated local government, charter county
8 government, or unified local government prohibits cannabis business operations but
9 a city within that county, consolidated local government, charter county
10 government, or unified local government approves cannabis business operations
11 either through the adoption of an ordinance or following the affirmative vote of a
12 public question allowing cannabis business operations, then:

13 (a) The cannabis business operations may proceed within the limits of the city;
14 and

15 (b) The county, consolidated local government, charter county government, or
16 unified local government may assess an additional reasonable fee to
17 compensate for any additional corrections impact caused by the approval of
18 cannabis business operations. Any additional fees collected pursuant to this
19 subsection shall not exceed the additional corrections impact caused by the
20 approval of cannabis business operations.

21 (9) In circumstances where neither a city nor the county, urban-county government,
22 consolidated local government, charter county government, or unified local
23 government in which the city is located prohibit cannabis business operations, a
24 cannabis business that is located within the jurisdiction of both the city and the
25 county shall only pay the reasonable established local fees of either the city or the
26 county. The fee shall be established, assessed, collected, and shared between the
27 city and the county, in a manner to be negotiated between the city and the county.

1 (10) The provisions of general election law shall apply to public questions submitted to
2 voters under this section.

3 ➔Section 11. KRS 218B.140 is amended to read as follows:

4 (1) No later than July 1, 2024, the cabinet shall:

5 (a) Ensure that the electronic monitoring system established pursuant to KRS
6 218A.202 is designed or configured to enable:

- 7 1. Medicinal cannabis practitioners to record the issuance of written
8 certifications to qualified patients, as required by KRS 218B.050;
- 9 2. The cabinet and state licensing boards to monitor the issuance of written
10 certifications by medicinal cannabis practitioners;
- 11 3. Cabinet personnel, law enforcement personnel, and dispensary agents to
12 verify the validity of registry identification cards issued by the cabinet
13 by entering a registry identification number to determine whether or not
14 the identification number corresponds with a current, valid registry
15 identification card. The system shall only disclose whether the
16 identification card is valid and whether the cardholder is a registered
17 qualified patient, visiting qualified patient, or designated caregiver;
- 18 4. Law enforcement personnel and dispensary agents to access medicinal
19 cannabis sales data recorded by dispensary agents pursuant to KRS
20 218B.110;
- 21 5. Dispensary agents to record the amount of medicinal cannabis that is
22 dispensed to a cardholder during each transaction as required by KRS
23 218B.110; and
- 24 6. The sharing of dispensing data recorded by dispensary agents pursuant
25 to KRS 218B.110 with all dispensaries in real time;

26 (b) Ensure that the electronic monitoring system established pursuant to KRS
27 218A.202 is designed to facilitate the tracking of medicinal cannabis from the

- 1 point of cultivation to the point of sale to cardholders; and
- 2 (c) Promulgate administrative regulations in accordance with KRS Chapter 13A
- 3 to establish:
- 4 1. Procedures for the issuance, renewal, suspension, and revocation of
 - 5 registry identification cards, including the creation of a standardized:
 - 6 a. Written certification form; and
 - 7 b. Application form which the cabinet shall require to be notarized;
 - 8 2. Procedures for the issuance and revocation of registry identification
 - 9 cards;
 - 10 3. Procedures for the issuance, renewal, suspension, and revocation of
 - 11 cannabis business licenses, including the creation of a uniform licensure
 - 12 application form which the cabinet shall require to be notarized and
 - 13 minimal performance standards for a biennial accreditation process with
 - 14 all such procedures subject to the requirements of KRS Chapters 13A
 - 15 and 13B;
 - 16 4. A convenience fee to be assessed and collected by dispensaries for
 - 17 visiting qualified patients who do not possess a valid registry
 - 18 identification card issued by the cabinet and who purchase medicinal
 - 19 cannabis with an out-of-state registry identification card and
 - 20 documentation of having been diagnosed with a qualifying medical
 - 21 condition. The convenience fee established pursuant to this
 - 22 subparagraph shall not exceed fifteen dollars (\$15) per transaction;
 - 23 5. In collaboration with the Board of Physicians and Advisors, the
 - 24 Kentucky Board of Medical Licensure, the Kentucky Board of Nursing,
 - 25 and the Kentucky Center for Cannabis:
 - 26 a. A definition of the amount of medicinal cannabis or delta-9
 - 27 tetrahydrocannabinol that constitutes a daily supply, an

- 1 uninterrupted ten (10) day supply, and an uninterrupted thirty (30)
- 2 day supply of medicinal cannabis; and
- 3 b. The amount of raw plant material that medicinal cannabis products
- 4 are considered to be equivalent to;
- 5 6. A process by which a medicinal cannabis practitioner may recommend,
- 6 and a registered qualified patient or his or her designated caregiver may
- 7 legally purchase and possess, an amount of medicinal cannabis in excess
- 8 of the thirty (30) day supply of medicinal cannabis, if the medicinal
- 9 cannabis practitioner reasonably believes that the standard thirty (30)
- 10 day supply would be insufficient in providing the patient with
- 11 uninterrupted therapeutic or palliative relief;
- 12 7. Provisions governing the following matters related to cannabis
- 13 businesses with the goal of protecting against diversion and theft,
- 14 without imposing any undue burden that would make cannabis business
- 15 operations unreasonable or impractical on cannabis businesses or
- 16 compromising the confidentiality of cardholders:
- 17 a. Recordkeeping and inventory control requirements, including the
- 18 use of the electronic monitoring systems established pursuant to
- 19 KRS 218A.202;
- 20 b. Procedures for the verification and validation of a registry
- 21 identification card, or its equivalent, that was issued pursuant to
- 22 the laws of another state, district, territory, commonwealth, or
- 23 insular possession of the United States that allows for the use of
- 24 medicinal cannabis in the jurisdiction of issuance;
- 25 c. Security requirements for safety compliance facilities, processors,
- 26 producers, dispensaries, and cultivators, which shall include at a
- 27 minimum lighting, video security, alarm requirements, on-site

- 1 parking, and measures to prevent loitering;
- 2 d. Procedures for the secure transportation, including delivery
- 3 services provided by dispensaries, and storage of medicinal
- 4 cannabis by cannabis business licensees and their employees or
- 5 agents;
- 6 e. Employment and training requirements for licensees and their
- 7 agents, including requiring each licensee to create an identification
- 8 badge for each of the licensee's agents or employees; and
- 9 f. Restrictions on visits to licensed cultivation and processing
- 10 facilities, including requiring the use of visitor logs;
- 11 8. Procedures to establish, publish, and annually update a list of varieties
- 12 of cannabis that possess a low but effective level of
- 13 tetrahydrocannabinol, including the substance cannabidiol, by
- 14 comparing percentages of chemical compounds within a given variety
- 15 against other varieties of cannabis;
- 16 9. A rating system that tracks the terpene content of at least the twelve (12)
- 17 major terpenoids within each strain of cannabis available for medicinal
- 18 use within the Commonwealth;
- 19 10. Requirements for random sample testing of medicinal cannabis to
- 20 ensure quality control, including testing for cannabinoids, terpenoids,
- 21 residual solvents, pesticides, poisons, toxins, mold, mildew, insects,
- 22 bacteria, and any other dangerous adulterant;
- 23 11. Requirements for licensed cultivators, producers, and processors to
- 24 contract with an independent safety compliance facility to test the
- 25 medicinal cannabis before it is sold at a dispensary. The cabinet may
- 26 approve the safety compliance facility chosen by a cultivator, producer,
- 27 or processor and require that the safety compliance facility report test

- 1 results for a designated quantity of medicinal cannabis to the cultivator,
2 producer, or processor and cabinet;
- 3 12. Standards for the operation of safety compliance facilities which may
4 include:
- 5 a. Requirements for equipment;
6 b. Personnel qualifications; and
7 c. Requiring facilities to be accredited by a relevant certifying entity;
- 8 13. Standards for the packaging and labeling of medicinal cannabis sold or
9 distributed by cannabis businesses which shall comply with 15 U.S.C.
10 secs. 1471 to 1476 and shall include:
- 11 a. Standards for packaging that requires at least a two (2) step
12 process of initial opening;
13 b. A warning label which may include the length of time it typically
14 takes for the product to take effect, how long the effects of the
15 product typically last, and any other information deemed
16 appropriate or necessary by the cabinet;
17 c. The amount of medicinal cannabis the product is considered the
18 equivalent to;
19 d. Disclosing ingredients, possible allergens, and certain bioactive
20 components, including cannabinoids and terpenoids, as determined
21 by the cabinet;
22 e. A nutritional fact panel;
23 f. Opaque, child-resistant packaging;
24 g. A requirement that all raw plant material packaged or sold in this
25 state be marked or labeled as "NOT INTENDED FOR
26 CONSUMPTION BY SMOKING";
27 h. A requirement that medicinal cannabis products be clearly marked

- 1 with an identifiable and standardized symbol indicating that the
2 product contains cannabis;
- 3 i. A requirement that all medicinal cannabis product packaging
4 include an expiration date; and
- 5 j. A requirement that medicinal cannabis products and their
6 packaging not be visually reminiscent of major brands of edible
7 noncannabis products or otherwise present an attractive nuisance
8 to minors;
- 9 14. Health and safety requirements for the processing of medicinal cannabis
10 and the indoor cultivation of medicinal cannabis by licensees;
- 11 15. Restrictions on:
- 12 a. Additives to medicinal cannabis that are toxic, including vitamin E
13 acetate, or increase the likelihood of addiction; and
- 14 b. Pesticides, fertilizers, and herbicides used during medicinal
15 cannabis cultivation which pose a threat to human health and
16 safety;
- 17 16. Standards for the safe processing of medicinal cannabis products created
18 by extracting or concentrating compounds from raw plant material;
- 19 17. Standards for determining the amount of unprocessed raw plant material
20 that medicinal cannabis products are considered the equivalent to;
- 21 18. Restrictions on advertising, marketing, and signage in regard to
22 operations or establishments owned by licensees necessary to prevent
23 the targeting of minors;
- 24 19. The requirement that evidence-based educational materials regarding
25 dosage and impairment be disseminated to registered qualified patients,
26 visiting qualified patients, and designated caregivers who purchase
27 medicinal cannabis products;

- 1 20. Policies governing insurance requirements for cultivators, dispensaries,
- 2 processors, producers, and safety compliance facilities; and
- 3 21. Standards, procedures, or restrictions that the cabinet deems necessary
- 4 to ensure the efficient, transparent, and safe operation of the medicinal
- 5 cannabis program, except that the cabinet shall not promulgate any
- 6 administrative regulation that would impose an undue burden or make
- 7 cannabis business operations unreasonable or impractical.
- 8 (2) No later than January 1, 2025, the cabinet shall:
- 9 (a) Establish a medicinal cannabis adverse drug effects reporting system for the
- 10 purpose of allowing cardholders to report adverse drug effects via telephone
- 11 or online; and
- 12 (b) In collaboration with the Board of Physicians and Advisors, produce the
- 13 Medicinal Cannabis Advisory Pamphlet which shall include but not be
- 14 limited to:
- 15 1. Information on the risks, dangers, and possible side effects of the use
- 16 of medicinal cannabis;
- 17 2. Information on the medicinal cannabis adverse drug effects reporting
- 18 system and how to report adverse drug effects; and
- 19 3. A detachable signature page which shall be:
- 20 a. Signed by a cardholder each time he or she receives a copy of the
- 21 Medicinal Cannabis Advisory Pamphlet as required under
- 22 subsection (2)(d) of Section 9 of this Act; and
- 23 b. Retained by the dispensary for a period of at least thirty-six (36)
- 24 months.
- 25 (3) The cabinet shall provide each licensed dispensary with an adequate number of
- 26 Medicinal Cannabis Advisory Pamphlets to ensure that the dispensary is able to
- 27 comply with the requirements of subsection (2)(d) of Section 9 of this Act.

1 **(4)** Except as provided in KRS 218B.035(1)(g), 218B.095(2)(b), **subsection (2)(e) of**
 2 **Section 9 of this Act**~~[218B.110(2)(d)]~~, 218B.115(2), 218B.120(3), and subsection
 3 (1)(c)10., 13., 15., and 16. of this section, the cabinet shall not restrict or limit
 4 methods of delivery, use, or consumption of medicinal cannabis or the types of
 5 products that may be acquired, produced, processed, possessed, sold, or distributed
 6 by a cannabis business.

7 ~~**(5)**~~~~[(3)]~~ If a need for additional cannabis cultivation in this state is demonstrated by
 8 cannabis businesses or the cabinet's own analysis, the cabinet may through the
 9 promulgation of administrative regulations increase the cultivation area square
 10 footage limits for either cultivators or producers, or both by up to three (3) times the
 11 limits established in KRS 218B.105 and 218B.120. Any increase in the cultivation
 12 square footage limits adopted by the cabinet pursuant to this section shall not result
 13 in an increase in the licensure application or renewal fees established by the cabinet.

14 ~~**(6)**~~~~[(4)]~~ When promulgating administrative regulations under this section, the cabinet
 15 shall consider standards, procedures, and restrictions that have been found to be
 16 best practices relative to the use and regulation of medicinal cannabis.

17 ➔Section 12. Section 9 of this Act takes effect August 1, 2024.

18 ➔Section 13. 2023 Ky. Acts ch. 146, sec. 42, is amended to read as follows:

19 Section 2, **Section 5, Sections 17 to 24, Section 30, Section 32, and Sections 35 to**
 20 **37 of this Act take effect August 1, 2024, and Section 4, Sections 6 to 8,**~~[Sections 4 to~~
 21 ~~8,]~~ Section 10, **and** Sections 12 to 14~~[, Sections 17 to 24, Section 30, Section 32, and~~
 22 ~~Sections 35 to 37]~~ of this Act take effect January 1, 2025.