

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 resulted in the person being classified by the
23 Department of Corrections as a violent offender under 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, as determined by the cabinet, consisted of conduct for
- 3 which this chapter would likely have prevented a conviction, but the
- 4 conduct either occurred prior to the enactment of this chapter or was
- 5 prosecuted by an authority other than 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 **any of the following:**
- 23 (a) **Acquired immunodeficiency syndrome (AIDS);**
- 24 (b) **Amyotrophic lateral sclerosis (ALS) or Lou Gehrig's disease;**
- 25 (c) **Cachexia or wasting syndrome;**
- 26 (d) ~~[Any type or form of]~~Cancer regardless of **type, form, or** stage;
- 27 (e) **Chronic nausea or cyclical vomiting syndrome that has proven resistant to**

1 **other conventional medical treatments;**

2 ~~(f)(b)~~ Chronic, severe, intractable, or debilitating pain;

3 **(g) Crohn's disease;**

4 ~~(h)(e)~~ Epilepsy or any other intractable seizure disorder;

5 **(i) Fibromyalgia;**

6 **(j) Glaucoma;**

7 **(k) Hepatitis C;**

8 **(l) Human immunodeficiency virus (HIV);**

9 **(m) Huntington's disease;**

10 ~~(n)(d)~~ Multiple sclerosis, muscle spasms, or spasticity;

11 **(o) Muscular dystrophy;**

12 **(p) Neuropathies;**

13 **(q) Parkinson's disease;**

14 ~~(e) Chronic nausea or cyclical vomiting syndrome that has proven resistant to~~
15 ~~other conventional medical treatments;]~~

16 ~~(r)(f)~~ Post-traumatic stress disorder; ~~and]~~

17 **(s) Severe arthritis;**

18 **(t) Sickle cell disease;**

19 **(u) Any terminal illness as defined in KRS 217.5401; and**

20 ~~(v)(g)~~ Any other medical condition or disease for which the Kentucky Center
21 for Cannabis established in KRS 164.983, or its successor, determines that
22 sufficient scientific data and evidence exists to demonstrate that an individual
23 diagnosed with that condition or disease is likely to receive medical,
24 therapeutic, or palliative benefits from the use of medicinal cannabis;

25 (27) "Raw plant material":

26 (a) Means the trichome-covered part of the female plant Cannabis sp. or any
27 mixture of shredded leaves, stems, seeds, and flowers of the Cannabis sp.

- 1 plant; and
- 2 (b) Does not include plant material obtained from industrial hemp as defined in
- 3 KRS 260.850;
- 4 (28) "Registered qualified patient" means a qualified patient who has applied for,
- 5 obtained, and possesses a valid registry identification card issued by the cabinet;
- 6 (29) "Registry identification card" means a document issued by the cabinet that
- 7 identifies a person as a registered qualified patient, visiting qualified patient, or
- 8 designated caregiver;
- 9 (30) "Safety compliance facility" means an entity licensed as such under KRS 218B.080,
- 10 218B.085, and 218B.090;
- 11 (31) "Safety compliance facility agent" means a principal officer, board member,
- 12 employee, volunteer, or agent of a safety compliance facility;
- 13 (32) "Seedling" means a medicinal cannabis plant that has no flowers and is not taller
- 14 than eight (8) inches;
- 15 (33) "Serious violation" means:
- 16 (a) Any violation of this chapter or any administrative regulation promulgated
- 17 thereunder that is capable of causing death or which causes serious and
- 18 prolonged disfigurement, prolonged impairment of health, or prolonged loss
- 19 or impairment of the function of any bodily organ;
- 20 (b) The diversion of medicinal cannabis for use not regulated pursuant to this
- 21 chapter; or
- 22 (c) Any act that would constitute a violation of KRS 218A.1421;
- 23 (34) "Smoking" means the inhalation of smoke produced from the combustion of raw
- 24 plant material when ignited by a flame;
- 25 (35) "State licensing board" means:
- 26 (a) The Kentucky Board of Medical Licensure; or
- 27 (b) The Kentucky Board of Nursing;

1 (36) "Telehealth" has the same meaning as in KRS 211.332;

2 (37) "Use of medicinal cannabis":

3 (a) Includes the acquisition, administration, possession, transfer, transportation,
4 or consumption of medicinal cannabis or medicinal cannabis accessories by a
5 cardholder in accordance with this chapter; and

6 (b) Does not include:

7 1. Cultivation of marijuana by a cardholder;

8 2. The use or consumption of marijuana by smoking; or

9 3. The use of industrial hemp or industrial hemp products as defined in
10 KRS 260.850;

11 (38) "Visiting qualified patient" means a person who has registered as such through the
12 cabinet as required under this chapter or who possesses a valid out-of-state registry
13 identification card and documentation of having been diagnosed with a qualifying
14 medical condition; and

15 (39) "Written certification" means a document dated and signed by a medicinal cannabis
16 practitioner, that:

17 (a) States, that in the medicinal cannabis practitioner's professional medical
18 opinion, the patient may receive medical, therapeutic, or palliative benefit
19 from the use of medicinal cannabis;

20 (b) Specifies the qualifying medical condition or conditions for which the
21 medicinal cannabis practitioner believes the patient may receive medical,
22 therapeutic, or palliative benefit; and

23 (c) Affirms that the medicinal cannabis practitioner has a bona fide practitioner-
24 patient relationship with the patient.

25 ➔Section 2. KRS 218B.025 is amended to read as follows:

26 (1) A registered qualified patient, except as provided in subsection (2) of this section
27 and KRS 218B.035, shall not be subject, under the laws of the Commonwealth, to

1 arrest, prosecution, or denial of any right or privilege, including but not limited to a
2 civil penalty or disciplinary action by a court or occupational or professional
3 licensing board, for the use of medicinal cannabis, if the registered qualified patient
4 does not possess more than:

5 (a) An amount of medicinal cannabis determined by the cabinet to constitute an
6 uninterrupted thirty (30) day supply at his or her residence, except as
7 permitted under Section 7 of this Act;

8 (b) An amount of medicinal cannabis in excess of a thirty (30) day supply at his
9 or her residence, in accordance with administrative regulations promulgated
10 pursuant to KRS 218B.140(1)(c)6.; or

11 (c) An amount of medicinal cannabis determined by the cabinet to constitute an
12 uninterrupted ten (10) day supply on his or her person, except that an amount
13 greater than a ten (10) day supply may be transported by a registered qualified
14 patient from a dispensary to his or her residence if the medicinal cannabis is
15 contained in a sealed package that requires at least a two (2) step process for
16 initial opening.

17 (2) A registered qualified patient who is under eighteen (18) years of age shall not be
18 permitted to possess, purchase, or acquire medicinal cannabis and shall only engage
19 in the use of medicinal cannabis with the assistance of a designated caregiver who
20 is the registered qualified patient's parent or legal guardian responsible for
21 providing consent for medical treatment.

22 (3) A visiting qualified patient shall not be subject, under the laws of the
23 Commonwealth, to arrest, prosecution, or denial of any right or privilege, including
24 but not limited to civil penalty or disciplinary action by a court or occupational or
25 professional licensing board, for the use of medicinal cannabis, if the visiting
26 qualified patient does not possess more than an amount of medicinal cannabis
27 determined by the cabinet to constitute an uninterrupted ten (10) day supply on his

1 or her person.

2 (4) A designated caregiver shall not be subject, under the laws of the Commonwealth,
3 to arrest, prosecution, or denial of any right or privilege, including but not limited to
4 civil penalty or disciplinary action by a court or occupational or professional
5 licensing board, for assisting a registered qualified patient to whom the designated
6 caregiver is connected through the cabinet's registration process with the use of
7 medicinal cannabis if the designated caregiver does not possess more than:

8 (a) An amount of medicinal cannabis determined by the cabinet to constitute an
9 uninterrupted thirty (30) day supply at his or her residence for each registered
10 qualified patient to whom the caregiver is connected through the cabinet's
11 registration process, except as permitted under Section 7 of this Act;

12 (b) An amount of medicinal cannabis in excess of a thirty (30) day supply at his
13 or her residence for each registered qualified patient to whom the caregiver is
14 connected through the cabinet's registration process, in accordance with
15 administrative regulations promulgated pursuant to KRS 218B.140(1)(c)6.; or

16 (c) An amount of medicinal cannabis determined by the cabinet to constitute an
17 uninterrupted ten (10) day supply on his or her person for each registered
18 qualified patient to whom the caregiver is connected through the cabinet's
19 registration process, except that an amount greater than a ten (10) day supply
20 may be transported by a designated caregiver from a dispensary to his or her
21 residence if the medicinal cannabis is contained in a sealed package that
22 requires at least a two (2) step process for initial opening.

23 (5) (a) All medicinal cannabis possessed by a cardholder outside of his or her
24 residence shall be kept in the original container in which the cardholder
25 received the medicinal cannabis from a dispensary.

26 (b) When a cardholder possesses medicinal cannabis outside of his or her
27 residence, the cardholder shall also be in possession of a valid registry

1 identification card issued by the cabinet or, for visiting qualified patients, a
2 valid out-of-state registry identification card and documentation of having
3 been diagnosed with a qualifying medical condition.

4 **(c) Paragraph (a) of this subsection shall not apply to medicinal cannabis that**
5 **is the product of cultivation by a cardholder as permitted under Section 7 of**
6 **this Act.**

7 (6) Notwithstanding subsections (1), (3), and (4) of this section and except as provided
8 in administrative regulations promulgated pursuant to KRS 218B.140(1)(c)6.:

9 (a) A registered qualified patient shall not be permitted to purchase more
10 medicinal cannabis than the amount determined by the cabinet to constitute an
11 uninterrupted thirty (30) day supply of medicinal cannabis during a given
12 twenty-five (25) day period;

13 (b) A designated caregiver shall not be permitted to purchase more medicinal
14 cannabis than the amount determined by the cabinet to constitute an
15 uninterrupted thirty (30) day supply of medicinal cannabis for each registered
16 qualified patient to whom the caregiver is connected through the cabinet's
17 registration process during a given twenty-five (25) day period; and

18 (c) A visiting qualified patient shall not be permitted to purchase more medicinal
19 cannabis than the amount determined by the cabinet to constitute an
20 uninterrupted ten (10) day supply of medicinal cannabis during a given eight
21 (8) day period.

22 (7) A cardholder shall not be subject, under the laws of the Commonwealth, to arrest,
23 prosecution, or denial of any right or privilege, including but not limited to a civil
24 penalty or disciplinary action by a court or occupational or professional licensing
25 board, for:

26 (a) Possession of cannabis that is incidental to the use of medicinal cannabis;

27 (b) Possession of medicinal cannabis accessories; or

- 1 (c) Transferring medicinal cannabis to a safety facility for testing.
- 2 (8) No person shall be subject, under the laws of the Commonwealth, to arrest,
3 prosecution, or denial of any right or privilege, including but not limited to a civil
4 penalty or disciplinary action by a court or occupational or professional licensing
5 board, for:
- 6 (a) Selling medicinal cannabis accessories to a cardholder who is over eighteen
7 (18) years of age upon presentation of a valid registry identification card
8 issued by the cabinet or, for visiting qualified patients, a valid out-of-state
9 registry identification card and documentation of having been diagnosed with
10 a qualifying medical condition;
- 11 (b) Being in the presence or vicinity of the use of medicinal cannabis as allowed
12 under this chapter; or
- 13 (c) Assisting a registered qualified patient or visiting qualified patient with using
14 or administering medicinal cannabis. For purposes of illustration and not
15 limitation, this includes preparing raw plant material or brewing tea for a
16 registered qualified patient or visiting qualified patient. It does not include
17 providing medicinal cannabis to a patient that the patient did not already
18 possess.
- 19 (9) Notwithstanding any other provision of law to the contrary, a registered qualified
20 patient who is injured or defrauded, including by theft or deprivation of use and
21 benefit of any money, personal property including medicinal cannabis, or articles of
22 value of any kind, by his or her designated caregiver shall have a civil cause of
23 action in Circuit Court to recover the actual damages sustained, together with the
24 cost of the lawsuit, including a reasonable fee for the individual's attorney of record.
- 25 ➔Section 3. KRS 218B.030 is amended to read as follows:
- 26 (1) (a) Any medicinal cannabis, medicinal cannabis accessories, lawful property, or
27 interest in lawful property that is possessed, owned, or used in connection

1 with the use of medicinal cannabis or acts incidental to that use shall not be
2 subject to seizure or forfeiture under KRS 218A.405 to 218A.460.

3 (b) This chapter shall not prevent the seizure or forfeiture of marijuana exceeding
4 the amounts allowed under KRS 218B.025 and Section 7 of this Act or
5 administrative regulations promulgated pursuant to KRS 218B.140(1)(c)6.,
6 nor shall it prevent seizure or forfeiture if the basis for that action is unrelated
7 to the use of medicinal cannabis in accordance with this chapter and any
8 administrative regulation promulgated thereunder.

9 (2) Possession of, or application for, a registry identification card, an out-of-state
10 registry identification card, or cannabis business license shall not constitute
11 probable cause or reasonable suspicion, nor shall it be used to support the search of
12 the person, property, or home of the person possessing or applying for the registry
13 identification card, out-of-state registry identification card, or cannabis business
14 license. The possession of, or application for, a registry identification card, out-of-
15 state registry identification card, or cannabis business license shall not preclude the
16 existence of probable cause if probable cause exists on other grounds.

17 (3) (a) There shall be a rebuttable presumption that a cardholder is engaged in the
18 lawful use of medicinal cannabis, or in the case of a designated caregiver,
19 assisting with the lawful use of medicinal cannabis, if the cardholder:

20 1. Possesses a valid registry identification card or, in the case of a visiting
21 qualified patient, an out-of-state registry identification card and
22 documentation of having been diagnosed with a qualifying medical
23 condition; and

24 2. Possesses an amount of medicinal cannabis that does not exceed the
25 amount allowed under KRS 218B.025 or administrative regulations
26 promulgated pursuant to KRS 218B.140(1)(c)6.

27 (b) This presumption may be rebutted by a preponderance of evidence that

1 conduct was unrelated to the use of medicinal cannabis or was otherwise in
2 violation of this chapter.

3 ➔Section 4. KRS 218B.035 is amended to read as follows:

- 4 (1) This chapter does not authorize any person to engage in, and shall not prevent the
5 imposition of any civil, criminal, or other penalties, including but not limited to
6 criminal prosecution or disciplinary action by the cabinet or an occupational or
7 professional licensing board, for engaging in the following conduct:
- 8 (a) Operating, navigating, or being in actual physical control of any aircraft,
9 vehicle, vessel, or any other device known, or hereafter invented, that is
10 powered by machinery and that is or may be used to transport persons or
11 property while under the influence of medicinal cannabis;
- 12 (b) Consuming medicinal cannabis while operating, navigating, or being in actual
13 physical control of an aircraft, vehicle, vessel, or any other device known, or
14 hereafter invented, that is powered by machinery and that is or may be used to
15 transport persons or property;
- 16 (c) Possessing medicinal cannabis that is within the operator's arm's reach or
17 requires less than a two (2) step process to access while operating, navigating,
18 or being in actual physical control of an aircraft, vehicle, vessel, or any other
19 device known, or hereafter invented, that is powered by machinery and that is
20 or may be used to transport persons or property;
- 21 (d) Undertaking any task under the influence of medicinal cannabis, when doing
22 so would constitute negligence or professional malpractice;
- 23 (e) Possessing medicinal cannabis, or otherwise engaging in the use of medicinal
24 cannabis:
- 25 1. On the grounds of any preschool or primary or secondary school, except
26 as permitted in accordance with policies enacted pursuant to KRS
27 218B.045(4);

- 1 2. In any correctional facility; or
- 2 3. On any property of the federal government;
- 3 (f) Using marijuana, if that person is not a registered qualified patient or visiting
- 4 qualified patient;
- 5 (g) Using or consuming marijuana by smoking, **except as permitted under**
- 6 **subsection (3) of this section;**
- 7 (h) Using or consuming marijuana by vaping while on any form of public
- 8 transportation, in any public place as defined in KRS 525.010, or in any place
- 9 of public accommodation, resort, or amusement as defined in KRS 344.130;
- 10 or
- 11 (i) Cultivating marijuana unless that person is licensed by the cabinet as a
- 12 cannabis cultivator or cannabis producer pursuant to KRS 218B.080,
- 13 218B.085, and 218B.090 or is a cultivator or producer agent, **except as**
- 14 **permitted in Section 7 of this Act.**
- 15 (2) The penalty for a violation of subsection (1)(a) or (b) of this section shall be the
- 16 same as those established for operating a motor vehicle under the influence of
- 17 alcohol or any other substance in KRS 189A.010.
- 18 (3) (a) An individual who violates subsection (1)(g) or (h) of this section shall not be
- 19 considered to be in possession of medicinal cannabis or engaged in the use of
- 20 medicinal cannabis and shall not benefit from the legal protections afforded
- 21 by this chapter.
- 22 (b) **A registered qualified patient shall not be considered to be in violation of**
- 23 **subsection (1)(g) of this section if he or she uses or consumes medicinal**
- 24 **cannabis by smoking while on private property owned by the registered**
- 25 **qualified patient or his or her designated caregiver.**
- 26 (c) The odor or smell of uncombusted raw plant material shall not constitute
- 27 evidence of use or consumption of cannabis by smoking.

- 1 ~~(d)~~~~(e)~~ If an individual uses or consumes marijuana by smoking or vaping while
2 on any form of public transportation, in any public place as defined in KRS
3 525.010, or in any place of public accommodation, resort, or amusement as
4 defined in KRS 344.130:
- 5 1. The cabinet may revoke the individual's registry identification card; and
 - 6 2. The individual may be subject to prosecution under KRS 218A.1421
7 and 218A.1422.
- 8 (4) Nothing in this chapter supersedes statutory laws relating to driving while under the
9 influence of intoxicants. This chapter shall not prevent the enforcement of current
10 laws pertaining to driving while intoxicated, including KRS 183.061, 189.520,
11 189A.010, and 235.240.
- 12 (5) As used in this section:
- 13 (a) "Aircraft" has the same meaning as in KRS 183.011;
 - 14 (b) "Vehicle" has the same meaning as in KRS 189.010; and
 - 15 (c) "Vessel" has the same meaning as in KRS 235.010.
- 16 ➔Section 5. KRS 218B.080 is amended to read as follows:
- 17 (1) No person shall cultivate, ***except as permitted under Section 7 of this Act***, process,
18 produce, possess, test, transfer, transport, or sell medicinal cannabis or otherwise
19 operate a cannabis business in this state without first obtaining a license under this
20 section.
 - 21 (2) The cabinet shall create separate licenses, licensure application fees, initial
22 licensure fees, and licensure renewal fees allowing persons to operate a cannabis
23 business, pursuant to this chapter and any administrative regulations promulgated
24 thereunder, as a:
 - 25 (a) Tier I cannabis cultivator;
 - 26 (b) Tier II cannabis cultivator;
 - 27 (c) Tier III cannabis cultivator;

- 1 (d) Tier IV cannabis cultivator;
- 2 (e) Cannabis dispensary;
- 3 (f) Cannabis processor;
- 4 (g) Cannabis producer; or
- 5 (h) Cannabis safety compliance facility.
- 6 (3) Licensure application fees, initial licensing fees, and licensure renewal fees
7 collected by the cabinet pursuant to this section shall be retained by the cabinet for
8 administrative purposes.
- 9 (4) (a) Except as provided in paragraph (b) of this subsection, a cannabis business
10 shall be required to apply for and obtain from the cabinet a separate license
11 for each location it intends to operate.
- 12 (b) A cannabis business licensed as a producer may operate cultivation and
13 processing activities at separate locations, but shall not operate more than one
14 (1) cultivation and one (1) processing facility per license.
- 15 (5) (a) A cannabis business license issued under this section and KRS 218B.085 and
16 218B.090 shall be valid for one (1) year from the date of issuance. The
17 cabinet shall notify each licensee ninety (90) days prior to the date the license
18 expires to allow the licensee to begin the renewal process established by the
19 cabinet pursuant to KRS 218B.140.
- 20 (b) The renewal of a cannabis business license shall be contingent upon
21 successful achievement of minimal performance standards established by the
22 cabinet as part of the biennial accreditation process established by the cabinet
23 pursuant to KRS 218B.140.
- 24 (6) The cabinet shall approve a license holder's sale of a license issued pursuant to this
25 section and KRS 218B.085 and 218B.090 if the purchaser and any new facilities
26 meet the requirements of this chapter.
- 27 ➔Section 6. KRS 218B.140 is amended to read as follows:

- 1 (1) No later than July 1, 2024, the cabinet shall:
- 2 (a) Ensure that the electronic monitoring system established pursuant to KRS
- 3 218A.202 is designed or configured to enable:
- 4 1. Medicinal cannabis practitioners to record the issuance of written
- 5 certifications to qualified patients, as required by KRS 218B.050;
- 6 2. The cabinet and state licensing boards to monitor the issuance of written
- 7 certifications by medicinal cannabis practitioners;
- 8 3. Cabinet personnel, law enforcement personnel, and dispensary agents to
- 9 verify the validity of registry identification cards issued by the cabinet
- 10 by entering a registry identification number to determine whether or not
- 11 the identification number corresponds with a current, valid registry
- 12 identification card. The system shall only disclose whether the
- 13 identification card is valid and whether the cardholder is a registered
- 14 qualified patient, visiting qualified patient, or designated caregiver;
- 15 4. Law enforcement personnel and dispensary agents to access medicinal
- 16 cannabis sales data recorded by dispensary agents pursuant to KRS
- 17 218B.110;
- 18 5. Dispensary agents to record the amount of medicinal cannabis that is
- 19 dispensed to a cardholder during each transaction as required by KRS
- 20 218B.110; and
- 21 6. The sharing of dispensing data recorded by dispensary agents pursuant
- 22 to KRS 218B.110 with all dispensaries in real time;
- 23 (b) Ensure that the electronic monitoring system established pursuant to KRS
- 24 218A.202 is designed to facilitate the tracking of medicinal cannabis
- 25 *cultivated, processed, or produced by a licensed cannabis business* from the
- 26 point of cultivation to the point of sale to cardholders; and
- 27 (c) Promulgate administrative regulations in accordance with KRS Chapter 13A

1 to establish:

- 2 1. Procedures for the issuance, renewal, suspension, and revocation of
3 registry identification cards, including the creation of a standardized:
 - 4 a. Written certification form; and
 - 5 b. Application form which the cabinet shall require to be notarized;
- 6 2. Procedures for the issuance and revocation of registry identification
7 cards;
- 8 3. Procedures for the issuance, renewal, suspension, and revocation of
9 cannabis business licenses, including the creation of a uniform licensure
10 application form which the cabinet shall require to be notarized and
11 minimal performance standards for a biennial accreditation process with
12 all such procedures subject to the requirements of KRS Chapters 13A
13 and 13B;
- 14 4. A convenience fee to be assessed and collected by dispensaries for
15 visiting qualified patients who do not possess a valid registry
16 identification card issued by the cabinet and who purchase medicinal
17 cannabis with an out-of-state registry identification card and
18 documentation of having been diagnosed with a qualifying medical
19 condition. The convenience fee established pursuant to this
20 subparagraph shall not exceed fifteen dollars (\$15) per transaction;
- 21 5. In collaboration with the Board of Physicians and Advisors:
 - 22 a. A definition of the amount of medicinal cannabis or delta-9
23 tetrahydrocannabinol that constitutes a daily supply, an
24 uninterrupted ten (10) day supply, and an uninterrupted thirty (30)
25 day supply of medicinal cannabis; and
 - 26 b. The amount of raw plant material that medicinal cannabis products
27 are considered to be equivalent to;

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

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

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

- 1 ~~1.11~~ A requirement that medicinal cannabis products and their
2 packaging not be visually reminiscent of major brands of edible
3 nonscannabis products or otherwise present an attractive nuisance
4 to minors;
- 5 14. Health and safety requirements for the processing of medicinal cannabis
6 and the indoor cultivation of medicinal cannabis by licensees;
- 7 15. Restrictions on:
- 8 a. Additives to medicinal cannabis that are toxic, including vitamin E
9 acetate, or increase the likelihood of addiction; and
- 10 b. Pesticides, fertilizers, and herbicides used during medicinal
11 cannabis cultivation which pose a threat to human health and
12 safety;
- 13 16. Standards for the safe processing of medicinal cannabis products created
14 by extracting or concentrating compounds from raw plant material;
- 15 17. Standards for determining the amount of unprocessed raw plant material
16 that medicinal cannabis products are considered the equivalent to;
- 17 18. Restrictions on advertising, marketing, and signage in regard to
18 operations or establishments owned by licensees necessary to prevent
19 the targeting of minors;
- 20 19. The requirement that evidence-based educational materials regarding
21 dosage and impairment be disseminated to registered qualified patients,
22 visiting qualified patients, and designated caregivers who purchase
23 medicinal cannabis products;
- 24 20. Policies governing insurance requirements for cultivators, dispensaries,
25 processors, producers, and safety compliance facilities; and
- 26 21. Standards, procedures, or restrictions that the cabinet deems necessary
27 to ensure the efficient, transparent, and safe operation of the medicinal

1 cannabis program, except that the cabinet shall not promulgate any
2 administrative regulation that would impose an undue burden or make
3 cannabis business operations unreasonable or impractical.

4 (2) No later than January 1, 2025, the cabinet shall:

5 (a) Establish a medicinal cannabis adverse drug effects reporting system for the
6 purpose of allowing cardholders to report adverse drug effects via telephone
7 or online; and

8 (b) In collaboration with the Board of Physicians and Advisors, produce the
9 Medicinal Cannabis Advisory Pamphlet which shall include but not be limited
10 to:

11 1. Information on the risks, dangers, and possible side effects of the use of
12 medicinal cannabis;

13 2. Information on the medicinal cannabis adverse drug effects reporting
14 system and how to report adverse drug effects; and

15 3. A detachable signature page which shall be:

16 a. Signed by a cardholder each time he or she receives a copy of the
17 Medicinal Cannabis Advisory Pamphlet as required under KRS
18 218B.110(2)(d); and

19 b. Retained by the dispensary for a period of at least thirty-six (36)
20 months.

21 (3) The cabinet shall provide each licensed dispensary with an adequate number of
22 Medicinal Cannabis Advisory Pamphlets to ensure that the dispensary is able to
23 comply with the requirements of KRS 218B.110(2)(d).

24 (4) Except as provided in KRS 218B.035(1)(g), 218B.095(2)(b), 218.110(2)(e),
25 218B.115(2), 218B.120(3), and subsection (1)(c)10., 13., 15., and 16. of this
26 section, the cabinet shall not restrict or limit methods of delivery, use, or
27 consumption of medicinal cannabis or the types of products that may be acquired,

1 produced, processed, possessed, sold, or distributed by a cannabis business.

- 2 (5) If a need for additional cannabis cultivation in this state is demonstrated by
 3 cannabis businesses or the cabinet's own analysis, the cabinet may through the
 4 promulgation of administrative regulations increase the cultivation area square
 5 footage limits for either cultivators or producers, or both by up to three (3) times the
 6 limits established in KRS 218B.105 and 218B.120. Any increase in the cultivation
 7 square footage limits adopted by the cabinet pursuant to this section shall not result
 8 in an increase in the licensure application or renewal fees established by the cabinet.
- 9 (6) When promulgating administrative regulations under this section, the cabinet shall
 10 consider standards, procedures, and restrictions that have been found to be best
 11 practices relative to the use and regulation of medicinal cannabis.

12 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 218B IS CREATED TO
 13 READ AS FOLLOWS:

14 (1) Notwithstanding any provision of law to the contrary, in addition to the
 15 possession limits established in subsections (1)(a) and 4(a) of Section 2 of this
 16 Act:

17 (a) 1. A registered qualified patient who is at least eighteen (18) years of age
 18 shall be permitted to possess, cultivate, and harvest up to three (3)
 19 mature medicinal cannabis plants and up to three (3) seedlings on
 20 private property owned by the registered qualified patient.

21 2. A designated caregiver shall be permitted to possess, cultivate, and
 22 harvest up to three (3) mature medicinal cannabis plants and up to
 23 three (3) seedlings for each registered qualified patient to whom the
 24 designated caregiver is connected through the cabinet's registration
 25 process on private property owned by the designated caregiver; and

26 (b) Cardholders who possess, cultivate, and harvest mature medicinal cannabis
 27 plants and seedlings shall be permitted to possess, on private property they

1 own, any amount of raw plant material and medicinal cannabis products
2 resulting from at-home cultivation activities permitted under this section.

3 (2) Cardholders who wish to possess, cultivate, and harvest medicinal cannabis
4 plants and seedlings shall not be required under this chapter or by any
5 administrative regulation promulgated by the cabinet to register or otherwise
6 notify the cabinet of their intent to possess, cultivate, and harvest medicinal
7 cannabis plants and seedlings on private property they own.

8 (3) Mature medicinal cannabis plants and seedlings possessed, cultivated, and
9 harvested by cardholders shall be stored in an enclosed, locked space such as a
10 closet, room, greenhouse, or other indoor locked space located on private
11 property owned by the cardholder.

12 (4) The concentration and potency limits for commercially available medicinal
13 cannabis established in KRS 218B.095, 218B.110, 218B.115, and 218B.120 shall
14 not apply to raw plant material or medicinal cannabis products resulting from at-
15 home cultivation activities permitted under this section.

16 (5) (a) Except for a designated caregiver who may provide medicinal cannabis to a
17 registered qualified patient to whom they are connected through the
18 cabinet's registration process, nothing in this section shall be interpreted as
19 authorizing or otherwise permitting a cardholder to transfer or sell
20 medicinal cannabis, mature medicinal cannabis plants, or seedlings to
21 another individual including another cardholder.

22 (b) A cardholder who transfers or sells medicinal cannabis, mature medicinal
23 cannabis plants, or seedlings to another individual in violation of paragraph
24 (a) of this subsection, may be subject to prosecution including under KRS
25 218A.1421.