

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;

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

1 years earlier; or

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":

- (a) Means any compound, manufacture, salt, derivative, mixture, or preparation of any part of the plant Cannabis sp., its seeds or its resin; or any compound, mixture, or preparation which contains any quantity of these substances when cultivated, harvested, processed, produced, transported, dispensed, distributed, sold, possessed, or used in accordance with this chapter; and
- (b) Does not include industrial hemp products as defined in KRS 260.850;

(19) "Minor" means a person less than eighteen (18) years of age;

(20) "Out-of-state registry identification card" means a registry identification card, or an equivalent document, that was issued pursuant to the laws of another state, district, territory, commonwealth, or insular possession of the United States;

(21) "Processor" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;

(22) "Processor agent" means a principal officer, board member, employee, volunteer, or agent of a processor;

(23) "Producer" means an entity licensed as such under KRS 218B.080, 218B.085, and 218B.090;

(24) "Producer agent" means a principal officer, board member, employee, volunteer, or agent of a producer;

(25) "Qualified patient" means a person who has obtained a written certification from a medicinal cannabis practitioner with whom he or she has a bona fide practitioner-patient relationship;

(26) "Qualifying medical condition" means any of the following:

- (a) Acquired immunodeficiency syndrome (AIDS);
- (b) Amyotrophic lateral sclerosis (ALS) or Lou Gehrig's disease;
- (c) Cachexia or wasting syndrome;
- (d) [Any type or form of] Cancer, regardless of type, form, or stage;
- (e) Chronic nausea or cyclical vomiting syndrome that has proven resistant to

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;

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;*

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

17 (s) ***Severe arthritis;***

18 (t) *Sickle cell disease;*

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, or consumption of medicinal cannabis or medicinal cannabis accessories by a 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 KRS 260.850;
- 11 (38) "Visiting qualified patient" means a person who has registered as such through the cabinet as required under this chapter or who possesses a valid out-of-state registry identification card and documentation of having been diagnosed with a qualifying medical condition; and
- 15 (39) "Written certification" means a document dated and signed by a medicinal cannabis practitioner, that:
 - 17 (a) States, that in the medicinal cannabis practitioner's professional medical opinion, the patient may receive medical, therapeutic, or palliative benefit from the use of medicinal cannabis;
 - 20 (b) Specifies the qualifying medical condition or conditions for which the medicinal cannabis practitioner believes the patient may receive medical, therapeutic, or palliative benefit; and
 - 23 (c) Affirms that the medicinal cannabis practitioner has a bona fide practitioner-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 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 6 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 6 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 6 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 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, Section 6 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

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:

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:

- 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 6 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.140 is amended to read as follows:

17 (1) No later than July 1, 2024, the cabinet shall:
18 (a) Ensure that the electronic monitoring system established pursuant to KRS
19 218A.202 is designed or configured to enable:
20 1. Medicinal cannabis practitioners to record the issuance of written
21 certifications to qualified patients, as required by KRS 218B.050;
22 2. The cabinet and state licensing boards to monitor the issuance of written
23 certifications by medicinal cannabis practitioners;
24 3. Cabinet personnel, law enforcement personnel, and dispensary agents to
25 verify the validity of registry identification cards issued by the cabinet
26 by entering a registry identification number to determine whether or not
27 the identification number corresponds with a current, valid registry

1 identification card. The system shall only disclose whether the
2 identification card is valid and whether the cardholder is a registered
3 qualified patient, visiting qualified patient, or designated caregiver;

4 4. Law enforcement personnel and dispensary agents to access medicinal
5 cannabis sales data recorded by dispensary agents pursuant to KRS
6 218B.110;

7 5. Dispensary agents to record the amount of medicinal cannabis that is
8 dispensed to a cardholder during each transaction as required by KRS
9 218B.110; and

10 6. The sharing of dispensing data recorded by dispensary agents pursuant
11 to KRS 218B.110 with all dispensaries in real time;

12 (b) Ensure that the electronic monitoring system established pursuant to KRS
13 218A.202 is designed to facilitate the tracking of medicinal cannabis
14 **cultivated, processed, or produced by a licensed cannabis business** from the
15 point of cultivation to the point of sale to cardholders; and

16 (c) Promulgate administrative regulations in accordance with KRS Chapter 13A
17 to establish:

18 1. Procedures for the issuance, renewal, suspension, and revocation of
19 registry identification cards, including the creation of a standardized:
20 a. Written certification form; and
21 b. Application form which the cabinet shall require to be notarized;

22 2. Procedures for the issuance and revocation of registry identification
23 cards;

24 3. Procedures for the issuance, renewal, suspension, and revocation of
25 cannabis business licenses, including the creation of a uniform licensure
26 application form which the cabinet shall require to be notarized and
27 minimal performance standards for a biennial accreditation process with

1 compromising the confidentiality of cardholders:

2 a. Recordkeeping and inventory control requirements, including the
3 use of the electronic monitoring systems established pursuant to
4 KRS 218A.202;

5 b. Procedures for the verification and validation of a registry
6 identification card, or its equivalent, that was issued pursuant to
7 the laws of another state, district, territory, commonwealth, or
8 insular possession of the United States that allows for the use of
9 medicinal cannabis in the jurisdiction of issuance;

10 c. Security requirements for safety compliance facilities, processors,
11 producers, dispensaries, and cultivators, which shall include at a
12 minimum lighting, video security, alarm requirements, on-site
13 parking, and measures to prevent loitering;

14 d. Procedures for the secure transportation, including delivery
15 services provided by dispensaries, and storage of medicinal
16 cannabis by cannabis business licensees and their employees or
17 agents;

18 e. Employment and training requirements for licensees and their
19 agents, including requiring each licensee to create an identification
20 badge for each of the licensee's agents or employees; and

21 f. Restrictions on visits to licensed cultivation and processing
22 facilities, including requiring the use of visitor logs;

23 8. Procedures to establish, publish, and annually update a list of varieties
24 of cannabis that possess a low but effective level of
25 tetrahydrocannabinol, including the substance cannabidiol, by
26 comparing percentages of chemical compounds within a given variety
27 against other varieties of cannabis;

- 1 9. A rating system that tracks the terpene content of at least the twelve (12)
2 major terpenoids within each strain of cannabis available for medicinal
3 use within the Commonwealth;
- 4 10. Requirements for random sample testing of medicinal cannabis to
5 ensure quality control, including testing for cannabinoids, terpenoids,
6 residual solvents, pesticides, poisons, toxins, mold, mildew, insects,
7 bacteria, and any other dangerous adulterant;
- 8 11. Requirements for licensed cultivators, producers, and processors to
9 contract with an independent safety compliance facility to test the
10 medicinal cannabis before it is sold at a dispensary. The cabinet may
11 approve the safety compliance facility chosen by a cultivator, producer,
12 or processor and require that the safety compliance facility report test
13 results for a designated quantity of medicinal cannabis to the cultivator,
14 producer, or processor and cabinet;
- 15 12. Standards for the operation of safety compliance facilities which may
16 include:
 - 17 a. Requirements for equipment;
 - 18 b. Personnel qualifications; and
 - 19 c. Requiring facilities to be accredited by a relevant certifying entity;
- 20 13. Standards for the packaging and labeling of medicinal cannabis sold or
21 distributed by cannabis businesses which shall comply with 15 U.S.C.
22 secs. 1471 to 1476 and shall include:
 - 23 a. Standards for packaging that requires at least a two (2) step
24 process of initial opening;
 - 25 b. A warning label which may include the length of time it typically
26 takes for the product to take effect, how long the effects of the
27 product typically last, and any other information deemed

safety;

16. Standards for the safe processing of medicinal cannabis products created by extracting or concentrating compounds from raw plant material;
17. Standards for determining the amount of unprocessed raw plant material that medicinal cannabis products are considered the equivalent to;
18. Restrictions on advertising, marketing, and signage in regard to operations or establishments owned by licensees necessary to prevent the targeting of minors;
19. The requirement that evidence-based educational materials regarding dosage and impairment be disseminated to registered qualified patients, visiting qualified patients, and designated caregivers who purchase medicinal cannabis products;
20. Policies governing insurance requirements for cultivators, dispensaries, processors, producers, and safety compliance facilities; and
21. Standards, procedures, or restrictions that the cabinet deems necessary to ensure the efficient, transparent, and safe operation of the medicinal cannabis program, except that the cabinet shall not promulgate any administrative regulation that would impose an undue burden or make cannabis business operations unreasonable or impractical.

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

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

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

27 1. Information on the risks, dangers, and possible side effects of the use of

1 ➔ SECTION 6. A NEW SECTION OF KRS CHAPTER 218B IS CREATED TO
2 READ AS FOLLOWS:

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

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

10 2. A designated caregiver shall, except as provided in subparagraph 3. of
11 this paragraph, be permitted to possess, cultivate, and harvest up to
12 three (3) mature medicinal cannabis plants and up to three (3)
13 seedlings for each registered qualified patient to whom the designated
14 caregiver is connected through the cabinet's registration process on
15 private property owned by the designated caregiver.

16 3. A designated caregiver shall not be permitted to possess, cultivate, or
17 harvest medicinal cannabis plants or seedlings for a registered
18 qualified patient to whom the designated caregiver is connected
19 through the cabinet's registration process if the registered qualified
20 patient elects to possess, cultivate, and harvest medicinal cannabis
21 plants or seedlings for himself or herself as permitted under
22 subparagraph 1. of this paragraph; and

23 (b) Cardholders who possess, cultivate, and harvest mature medicinal cannabis
24 plants and seedlings shall be permitted to possess, on private property they
25 own, any amount of raw plant material and medicinal cannabis products
26 resulting from at-home cultivation activities permitted under this section.

27 (2) Cardholders who wish to possess, cultivate, and harvest medicinal cannabis

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

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

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

13 *(5) (a) Except for the transfer of medicinal cannabis from a designated caregiver*
14 *to a registered qualified patient to whom the designated caregiver is*
15 *connected through the cabinet's registration process, this section shall not*
16 *be interpreted as authorizing or otherwise permitting a cardholder to*
17 *transfer or sell medicinal cannabis, mature medicinal cannabis plants, or*
18 *seedlings to another individual including another cardholder.*

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