

1 AN ACT relating to the practice of podiatry.

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

3 ➔Section 1. KRS 311.380 is amended to read as follows:

4 As used in KRS 311.380 to 311.500~~[311.390 to 311.510, unless the context otherwise~~
5 ~~requires]~~:

6 (1) "Board" means the State Board of Podiatry;

7 (2) "Physician assistant" has the same meaning as in Section 10 of this
8 Act;~~["Podiatry" is that profession of the health sciences which deals with the~~
9 ~~examination, diagnosis, treatment, and prevention of diseases, conditions, and~~
10 ~~malfunctions affecting the human foot and its related or governing structures, by~~
11 ~~employment of medical, surgical, or other means;]~~

12 (3) "Podiatric assistant" means a person licensed by the board to assist licensed
13 podiatrists with specific duties and tasks related to the practice of podiatry as
14 permitted by administrative regulations promulgated by the board;

15 (4) "Podiatric residency" means a program of supervised postgraduate clinical
16 training approved by the board for a licensed podiatric resident;

17 (5) "Podiatric resident" means a person licensed by the board and participating in a
18 podiatric residency;

19 (6) "Podiatric supervision" has the same meaning as in Section 10 of this Act;

20 ~~(7)(3)~~ "Podiatrist" is a physician and surgeon who has graduated from a college of
21 podiatric medicine accredited by the Council on Podiatric Medical~~[Podiatry]~~
22 Education of the American Podiatric Medical~~[Podiatry]~~ Association or approved
23 by state licensing boards;

24 (8) "Podiatry" is that profession of the health sciences which deals with the
25 examination, diagnosis, treatment, and prevention of diseases, conditions, and
26 malfunctions affecting the human foot and its related or governing structures by
27 employment of medical, surgical, or other means; and

1 (9) "Supervising podiatrist" has the same meaning as in Section 10 of this Act.

2 ➔Section 2. KRS 311.400 is amended to read as follows:

3 (1) A ~~no~~ person shall **not** profess to be a podiatrist, ~~or~~ practice or assume the duties
4 incident to podiatry in this state, or use the title "podiatrist" or any words or letters
5 which designate or tend to designate to the public that the person is a podiatrist,
6 unless he or she holds a valid, current license from the board, registered in the
7 county in which the holder is engaged in such practice.

8 (2) A licensed podiatric assistant may assist a licensed podiatrist with specific duties
9 and tasks related to the practice of podiatry if:

10 (a) Permitted by administrative regulations promulgated in accordance with
11 KRS Chapter 13A by the board; and

12 (b) Not otherwise prohibited by law.

13 (3) A licensed podiatric resident may engage in the practice of podiatry if:

14 (a) Required as a part of the podiatric residency program;

15 (b) The podiatric resident is practicing under the supervision of a licensed
16 podiatrist;

17 (c) Permitted by administrative regulations promulgated in accordance with
18 KRS Chapter 13A by the board; and

19 (d) Not otherwise prohibited by law.

20 ➔Section 3. KRS 311.410 is amended to read as follows:

21 (1) There is hereby created in the government of the Commonwealth a State Board of
22 Podiatry which shall consist of five (5) members, each appointed by the Governor.
23 Four (4) members shall be appointed from lists of three (3) names for each position
24 submitted by the Kentucky Podiatry Association. One (1) member shall be a citizen
25 at large who is not associated with or financially interested in the practice or
26 business regulated. Any vacancy shall be filled for the unexpired term by the
27 Governor, as provided in the original appointment.

- 1 (2) A person to be eligible for appointment as a podiatrist member of the board shall be
2 at least twenty-one (21) years of age, of good moral character, a resident of this
3 state, and a licensed practicing podiatrist in this state for at least five (5)
4 consecutive years next preceding the date of his or her appointment. ~~A~~~~[No]~~
5 member of the board shall not be a stockholder, officer, or member of the faculty or
6 board of trustees of any school, college, or institution of podiatry or chiropody.
- 7 (3) The terms of office of each member shall be four (4) years, or until his or her
8 successor shall be appointed and qualified.
- 9 (4) The board shall elect one (1) of its members as president and another of its
10 members as secretary. The secretary may, subject to approval by the board, employ
11 and fix the compensation of all personnel required for the administration of KRS
12 311.380 to 311.500~~[311.390 to 311.510]~~. The board may promulgate
13 administrative~~[make all rules and]~~ regulations in accordance with KRS Chapter
14 13A, not inconsistent with KRS 311.380 to 311.500~~[311.390 to 311.510]~~, as may be
15 necessary to implement and carry out the provisions and purposes of KRS 311.380
16 to 311.500~~[311.390 to 311.510]~~.
- 17 (5) The board shall hold meetings at least twice a year and as frequently as it deems
18 necessary at such times and places as the board may designate. A majority of the
19 members shall constitute a quorum.
- 20 (6) The board may sue and be sued in its own name.
- 21 (7) Members of the board shall be immune from suit in any civil or criminal action
22 which is based upon any official act or acts performed by them in good faith as
23 members of the board.
- 24 ➔Section 4. KRS 311.420 is amended to read as follows:
- 25 (1) The board shall conduct examinations at least twice a year at such times and places
26 as the board deems convenient for applicants for licenses to practice podiatry in this
27 state, and shall admit to examination any applicant who:

- 1 (a) Is at least eighteen (18) years of age;
- 2 (b) Is a citizen or legal resident of the United States and a resident of ~~the State of~~
3 ~~the State of~~ Kentucky;
- 4 (c) Is of good moral character and temperate habits; and
- 5 (d) Has completed a course in and graduated from a school or college of podiatry
6 approved by the board.
- 7 (2) The board shall prescribe the time, place, method, manner, scope, and content of
8 board examinations for licenses to practice podiatry ~~as relates to KRS 311.380(2);~~
9 ~~and the board may accept certified, successful National Board of Podiatry~~
10 ~~examinations in lieu of its written examination~~.
- 11 (3) Applicants for board examination shall present their credentials to the board by
12 mail upon forms furnished by the board~~,~~ and shall receive due notice of the place
13 and date of the board examination. Each application shall contain proof of the
14 qualifications required of the applicant,~~shall~~ be verified by the applicant under
15 oath, and~~shall~~ be accompanied by an examination fee set by the board.
- 16 (4) The board shall issue a license to practice podiatry to any person who:~~complies~~
17 ~~with the provisions of KRS 311.380 to 311.510 and who satisfactorily passes the~~
18 ~~examination.~~
- 19 (a) 1. Satisfactorily passes the board examination; or
20 2. Provides certified evidence to the board directly from the National
21 Board of Podiatric Medical Examiners that he or she has passed all
22 parts of the American Podiatric Medical Licensing Examination
23 within the past ten (10) years;
- 24 (b) For any applicant seeking initial licensure after January 1, 2027, provides
25 evidence to the board directly from the sponsoring institution that he or she
26 has satisfactorily completed at least two (2) years of podiatric residency; and
- 27 (c) Fulfills all other licensure requirements under KRS 311.380 to 311.500 and

1 *in administrative regulations promulgated by the board in accordance with*
2 *KRS Chapter 13A.*

3 (5) The members of the board shall receive no compensation for their services, but
4 shall be paid their traveling and other necessary expenses while employed upon the
5 business of the board.

6 ~~(6) [The board may, in good faith, adopt rules and regulations to license and control~~
7 ~~those persons who may become formally educated, or by years of employment by a~~
8 ~~licensed podiatrist, as a podiatric assistant.~~

9 ~~(7) [The board may utilize such materials, services or facilities as may be made~~
10 ~~available to it by other state agencies or may contract therefor, to such extent as the~~
11 ~~board in its discretion, may determine.~~

12 *(7) The board may promulgate administrative regulations in accordance with KRS*

13 *Chapter 13A relating to:*

14 *(a) The licensing and regulation of podiatric assistants;*

15 *(b) The licensing and regulation of podiatric residents and podiatric residency*
16 *licenses; and*

17 *(c) The approval and regulation of supervising podiatrists who provide*
18 *podiatric supervision of physician assistants in accordance with Section 11*
19 *this Act.*

20 ➔Section 5. KRS 311.450 is amended to read as follows:

21 (1) Every license issued for the practice of podiatry shall expire on June 30 following
22 the date of issuance unless sooner revoked and canceled.

23 (2) On or before June 1 of each year, the board shall send notices to all licensed
24 podiatrists in this state, at their last known addresses, advising them that the annual
25 license renewal fee is due on July 1 of each year. Every registered podiatrist shall
26 renew his *or her* license on or before July 1 of each year by the payment to the
27 board of an annual license renewal fee which shall be a reasonable fee set by

1 administrative regulation of the board and upon submission of a statement of
2 compliance with the continuing education regulations of the board. If such renewal
3 fee is not paid or such statement of compliance is not submitted on or before July 1,
4 the board shall notify the delinquent licensee by mail at his or her last known
5 address that such fee and statement are past due and that a delinquent penalty fee is
6 assessed, in addition to the renewal fee and that the renewal fee and penalty must be
7 paid and the statement of compliance submitted on or before January 1. If such fees,
8 penalties and statement are not submitted by January 1, it shall be the duty of the
9 board to suspend or revoke the license for nonpayment of the annual renewal and
10 delinquent fees or for failure to submit the statement of compliance for the current
11 year.

12 (3) All fees collected under the provisions of KRS 311.380 to 311.500~~[311.510]~~, or the
13 administrative~~[rules and]~~ regulations adopted pursuant thereto, shall be paid into
14 the State Treasury~~[,]~~ and credited to a trust and agency fund to be used in defraying
15 the costs and expenses in the administration of KRS 311.380 to 311.500~~[311.510]~~,
16 including~~[,]~~ but not limited to~~[,]~~ salaries and necessary travel expenses.~~[No part of~~
17 ~~this fund shall revert to the general funds of this Commonwealth.]~~

18 ➔Section 6. KRS 311.460 is amended to read as follows:

19 (1) Any person practicing or offering to practice podiatry shall practice under his or
20 her own name only, as his or her name appears in his or her license.

21 (2) ~~A[No]~~ person practicing or offering to practice podiatry shall not use any title or
22 abbreviation thereof except the designation "podiatrist." The term "foot doctor" and
23 "chiropracist," or either of them, may be used in conjunction with the title
24 "podiatrist," but not as a substitute therefor and not alone.

25 ➔Section 7. KRS 311.470 is amended to read as follows:

26 (1) Any person who practices podiatry shall display his or her license, together with
27 the annual license renewal certificate, in a conspicuous place in the office in which

1 he or she practices.

2 (2) (a) ~~A~~~~[No]~~ person practicing or offering to practice podiatry shall not:

3 1. In any manner advertise the prices charged for his or her services; or
4 ~~{nor shall he }~~

5 2. Advertise in newspapers, in periodicals, by handbills or circulars, or in
6 bold-face type in any printed matter, or by the use of any form of
7 display sign.~~{;}~~

8 (b) Notwithstanding paragraph (a) of this subsection, a person practicing or
9 offering to practice podiatry~~{except that he }~~ may, upon opening an office or
10 upon change of address, mail or publish announcements to that effect
11 provided such announcements ~~{shall }~~not appear more than three (3) times in
12 public print, and the form of such announcement is as~~{shall be }~~ determined by
13 the board.

14 ➔Section 8. KRS 311.475 is amended to read as follows:

15 The State Board of Podiatry is authorized in its sound discretion to:

16 (1) Enter into reciprocal agreements with podiatry examining boards of other states,
17 having qualifications and standards at least as high as those of this state, providing
18 for reciprocal licensure without further examination of persons who have been duly
19 licensed upon written examination. Approval of such agreements by the Governor,
20 or any other officer or agency of this state, shall not be required.

21 (2) Issue podiatry licenses by reciprocity or endorsement, and without further
22 examination, to persons who have been duly licensed upon written examination in
23 another state having qualifications and standards at least as high as those of this
24 state, or who provide certified evidence to the board directly from the National
25 Board of Podiatric Medical Examiners that he or she has passed all parts of the
26 American Podiatric Medical Licensing Examination within the past ten (10)
27 years~~{have successfully passed an examination conducted by the National Board of~~

1 ~~Podiatry Examiners~~].

2 ➔Section 9. KRS 311.480 is amended to read as follows:

3 The board may refuse to license or renew, or may suspend, probate, or revoke the license
4 of any podiatrist, podiatric resident, podiatric assistant, or in addition to such refusal,
5 suspension, probation, or revocation,~~[punishment]~~ or in lieu thereof, may impose a fine
6 not to exceed five hundred dollars (\$500) for each offense, upon proof that he or she:

- 7 (1) Has been convicted of a felony, if in accordance with KRS Chapter 335B;
- 8 (2) Has been convicted of a misdemeanor, if in accordance with KRS Chapter 335B;
- 9 (3) Has employed, hired, procured or induced a person not licensed to practice podiatry
10 in this state so to practice;
- 11 (4) Has aided or abetted in the practice of podiatry a person not licensed to practice
12 podiatry in this state;
- 13 (5) Has been granted a license upon a mistake of a material fact;
- 14 (6) Has violated any provision of KRS 311.380 to 311.500~~[311.390 to 311.510]~~;
- 15 (7) Has become drug addicted;
- 16 (8) Has become a chronic or persistent alcoholic;
- 17 (9) Has developed such physical or mental disability, or other condition whereby
18 continued practice is dangerous to patients or to the public;
- 19 (10) Has violated any order of suspension, or the terms or the conditions of any order of
20 probation, issued by the board;
- 21 (11) Has engaged in, or attempted to engage in the practice of podiatry under a false or
22 assumed name;
- 23 (12) Has willfully violated a confidential communication;
- 24 (13) Has acted in a grossly negligent or willful manner which is inconsistent with the
25 practice of podiatry;
- 26 (14) Is unfit or incompetent to practice podiatry by reason of gross negligence or other
27 causes including but not limited to being unable to practice podiatry with

1 reasonable skill or safety;

2 (15) Has a license to practice as a podiatrist denied, limited, suspended, probated, or
3 revoked in another jurisdiction on grounds sufficient to cause a license to be denied,
4 limited, suspended, probated, or revoked in this Commonwealth; or

5 (16) Has engaged in conduct likely to deceive or defraud the public.

6 ➔Section 10. KRS 311.840 is amended to read as follows:

7 As used in KRS 311.840 to 311.862:

8 (1) "Board" means the Kentucky Board of Medical Licensure;

9 (2) "Complaint" means a formal administrative pleading that sets forth charges against
10 a physician assistant and commences a formal disciplinary proceeding;

11 (3) "Physician assistant" means a person licensed under KRS 311.840 to 311.862 who:

12 (a) Has graduated from a physician assistant or surgeon assistant program
13 accredited by the Accreditation Review Commission on Education for
14 Physician Assistants or its predecessor or successor agencies and has passed
15 the certifying examination administered by the National Commission on
16 Certification of Physician Assistants or its predecessor or successor agencies;
17 or

18 (b) Possesses a current physician assistant certificate issued by the board prior to
19 July 15, 2002;

20 (4) "Podiatric supervision" means overseeing the activities of and accepting
21 responsibility for the podiatric services rendered by a physician assistant. Each
22 team of podiatrists and physician assistants shall ensure that the delegation of
23 podiatric tasks is appropriate to the physician assistant's level of training and
24 experience, that the identification of and access to the supervising podiatrist are
25 clearly defined, and that a process for evaluation of the physician assistant's
26 performance is established;

27 (5) "Supervising physician" means a physician licensed by the board who supervises

1 one (1) or more physician assistants;

2 ~~(6)~~~~(5)}~~ "Supervising physician in anesthesia" means a physician licensed by the board
3 who has completed postgraduate training in anesthesiology at an anesthesiology
4 program accredited by the Accreditation Council for Graduate Medical Education
5 or its equivalent;~~and~~

6 ~~(7)~~~~(6)}~~ "Supervising podiatrist" means a podiatrist approved by the board and the
7 State Board of Podiatry to provide podiatric supervision for one (1) or more
8 physician assistants; and

9 (8) "Supervision" means overseeing the activities of and accepting of responsibility for
10 the medical services rendered by a physician assistant. Each team of physicians and
11 physician assistants shall ensure that the delegation of medical tasks is appropriate
12 to the physician assistant's level of training and experience, that the identifications
13 of and access to the supervising physician are clearly defined, and that a process for
14 evaluation of the physician assistant's performance is established.

15 ➔SECTION 11. A NEW SECTION OF KRS 311.840 TO 311.862 IS CREATED
16 TO READ AS FOLLOWS:

17 (1) A podiatrist shall not supervise a physician assistant without approval of the
18 board and the State Board of Podiatry. Failure to obtain approval as a
19 supervising podiatrist or failure to comply with the requirements of KRS 311.840
20 to 311.862 or related administrative regulations shall be considered
21 unprofessional conduct and may result in revocation, suspension, restriction, or
22 placing on probation the supervising podiatrist's right to supervise a physician
23 assistant.

24 (2) To be approved by the board as a supervising podiatrist, a podiatrist shall:

25 (a) Be currently licensed and in good standing with the State Board of
26 Podiatry;

27 (b) Maintain a practice primarily within this Commonwealth;

- 1 (c) Submit a completed application and the required fee to the board. The
2 application shall include but is not limited to:
- 3 1. A description of the nature of the podiatrist's practice;
4 2. A statement of assurance by the supervising podiatrist that the scope
5 of medical services and procedures described in the application or in
6 any supplemental information shall not exceed the normal scope of
7 practice of the supervising podiatrist;
8 3. A description of the means by which the podiatrist shall maintain
9 communication with the physician assistant when they are not in the
10 same physical location;
11 4. A description of the scope of podiatric services and procedures to be
12 performed by the physician assistant for which the physician assistant
13 has been trained in an approved program; and
14 5. An outline of the specific parameters for review of countersignatures.
- 15 (3) Prior to a physician assistant performing any service or procedure beyond those
16 described in the initial application submitted to the board under subsection (2)(c)
17 of this section, the supervising podiatrist shall supplement that application with
18 information that includes but is not limited to:
- 19 (a) A description of the additional podiatric service or procedure;
20 (b) A description of the physician assistant's education, training, experience,
21 and institutional credentialing;
22 (c) A description of the level of podiatric supervision to be provided for the
23 additional podiatric service or procedure;
24 (d) The location or locations where the additional podiatric service or
25 procedure will be provided; and
26 (e) Any changes to the specific parameters for review of countersignatures.
27 The initial and supplemental applications required under this section may be

1 submitted to the board at the same time.

2 (4) A podiatrist may enter into podiatric supervision agreements with no more than
3 four (4) physician assistants and shall not supervise more than four (4) physician
4 assistants at any one (1) time. Application for board approval to be a supervising
5 podiatrist shall be obtained individually for each physician assistant.

6 (5) The board may impose restrictions on the scope of practice of a physician
7 assistant or on the methods of podiatric supervision upon consideration of
8 recommendations of the Physician Assistant Advisory Committee established in
9 KRS 311.842 after providing the applicant with reasonable notice of its intended
10 action and after providing a reasonable opportunity to be heard.

11 (6) A supervising podiatrist shall be responsible for all duties of a supervising
12 physician as required under KRS 311.856 as those duties relate to the practice of
13 podiatry and podiatric supervision.

14 ➔Section 12. KRS 218B.010 is amended to read as follows:

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

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

18 (a) Completed an initial in-person examination and assessment of the patient's
19 medical history and current medical condition which shall include a review
20 of:

- 21 1. The patient's medical records for the previous twelve (12) months;
- 22 2. All other available medical records relevant to the patient's qualifying
23 medical condition;
- 24 3. Any medications that the patient is currently taking; and
- 25 4. Any other possible risks or side effects that may be associated with the
26 use of medicinal cannabis;

27 (b) Consulted with the patient with respect to the possible medical, therapeutic,

- 1 and palliative properties of medicinal cannabis;
- 2 (c) Advised the patient of the possible risks and side effects associated with the
- 3 use of medicinal cannabis, including possible interactions between medicinal
- 4 cannabis and any other drug or medication that the patient is taking at that
- 5 time; and
- 6 (d) Established an expectation that he or she will provide follow-up care and
- 7 treatment to the patient in accordance with administrative regulations
- 8 promulgated pursuant to KRS 218B.050(10);
- 9 (2) "Cabinet" means the Cabinet for Health and Family Services;
- 10 (3) "Cannabis business" means an entity licensed under this chapter as a cultivator,
- 11 dispensary, processor, producer, or safety compliance facility;
- 12 (4) "Cannabis business agent" means a principal officer, board member, employee,
- 13 volunteer, or agent of a cannabis business;
- 14 (5) "Cardholder" means:
- 15 (a) A registered qualified patient, designated caregiver, or visiting qualified
- 16 patient who has applied for, obtained, and possesses a valid registry
- 17 identification card issued by the cabinet; or
- 18 (b) A visiting qualified patient who has obtained and possesses:
- 19 1. A valid out-of-state registry identification card; and
- 20 2. Documentation of having been diagnosed with a qualifying medical
- 21 condition;
- 22 (6) "Cultivator" means an entity licensed as such under KRS 218B.080, 218B.085, and
- 23 218B.090;
- 24 (7) "Cultivator agent" means a principal officer, board member, employee, volunteer,
- 25 or agent of a cultivator;
- 26 (8) "Designated caregiver" means a person who has registered as such with the cabinet
- 27 under KRS 218B.055 and 218B.060;

- 1 (9) "Dispensary" means an entity licensed as such under KRS 218B.080, 218B.085,
2 and 218B.090;
- 3 (10) "Dispensary agent" means a principal officer, board member, employee, volunteer,
4 or agent of a dispensary;
- 5 (11) "Disqualifying felony offense" means:
- 6 (a) A felony offense that resulted in the person being classified by the
7 Department of Corrections as a violent offender under KRS 439.3401; or
- 8 (b) A violation of a state or federal controlled substance law that was classified as
9 a felony in the jurisdiction where the person was convicted, except:
- 10 1. An offense for which the sentence, including any term of probation,
11 incarceration, or supervised release, was completed five (5) or more
12 years earlier; or
- 13 2. An offense that, as determined by the cabinet, consisted of conduct for
14 which this chapter would likely have prevented a conviction, but the
15 conduct either occurred prior to the enactment of this chapter or was
16 prosecuted by an authority other than the Commonwealth of Kentucky;
- 17 (12) "Enclosed, locked facility" means an indoor growing space such as a room,
18 greenhouse, building, or other indoor enclosed area that is maintained and operated
19 by a cultivator or producer and is equipped with locks and other security devices
20 that permit access only by authorized agents of the cultivator or producer, as
21 required by the cabinet;
- 22 (13) "Growth area" has the same meaning as an enclosed, locked facility;
- 23 (14) "Marijuana" has the same meaning as in KRS 218A.010;
- 24 (15) "Medicinal cannabis":
- 25 (a) Means marijuana as defined in KRS 218A.010 when cultivated, harvested,
26 processed, produced, transported, dispensed, distributed, sold, possessed, or
27 used in accordance with this chapter;

- 1 (b) Includes medicinal cannabis products and raw plant material; and
- 2 (c) Does not include industrial hemp or industrial hemp products as defined in
- 3 KRS 260.850;
- 4 (16) "Medicinal cannabis accessories" means any equipment, product, or material of any
- 5 kind which is used, intended for use, or designed for use in the preparing, storing,
- 6 using, or consuming medicinal cannabis in accordance with this chapter;
- 7 (17) "Medicinal cannabis practitioner" means a physician, a podiatrist who is
- 8 authorized to prescribe controlled substances pursuant to administrative
- 9 regulations promulgated in accordance with KRS Chapter 13A by the State Board
- 10 of Podiatry, or an advanced practice registered nurse who is authorized to prescribe
- 11 controlled substances under KRS 314.042, who is authorized by his or her state
- 12 licensing board to provide written certifications pursuant to KRS 218B.050;
- 13 (18) "Medicinal cannabis product":
- 14 (a) Means any compound, manufacture, salt, derivative, mixture, or preparation
- 15 of any part of the plant Cannabis sp., its seeds or its resin; or any compound,
- 16 mixture, or preparation which contains any quantity of these substances when
- 17 cultivated, harvested, processed, produced, transported, dispensed, distributed,
- 18 sold, possessed, or used in accordance with this chapter; and
- 19 (b) Does not include industrial hemp products as defined in KRS 260.850;
- 20 (19) "Minor" means a person less than eighteen (18) years of age;
- 21 (20) "Out-of-state registry identification card" means a registry identification card, or an
- 22 equivalent document, that was issued pursuant to the laws of another state, district,
- 23 territory, commonwealth, or insular possession of the United States;
- 24 (21) "Processor" means an entity licensed as such under KRS 218B.080, 218B.085, and
- 25 218B.090;
- 26 (22) "Processor agent" means a principal officer, board member, employee, volunteer, or
- 27 agent of a processor;

- 1 (23) "Producer" means an entity licensed as such under KRS 218B.080, 218B.085, and
2 218B.090;
- 3 (24) "Producer agent" means a principal officer, board member, employee, volunteer, or
4 agent of a producer;
- 5 (25) "Qualified patient" means a person who has obtained a written certification from a
6 medicinal cannabis practitioner with whom he or she has a bona fide practitioner-
7 patient relationship;
- 8 (26) "Qualifying medical condition" means:
- 9 (a) Any type or form of cancer regardless of stage;
- 10 (b) Chronic, severe, intractable, or debilitating pain;
- 11 (c) Epilepsy or any other intractable seizure disorder;
- 12 (d) Multiple sclerosis, muscle spasms, or spasticity;
- 13 (e) Chronic nausea or cyclical vomiting syndrome that has proven resistant to
14 other conventional medical treatments;
- 15 (f) Post-traumatic stress disorder; and
- 16 (g) Any other medical condition or disease for which the Kentucky Center for
17 Cannabis established in KRS 164.983, or its successor, determines that
18 sufficient scientific data and evidence exists to demonstrate that an individual
19 diagnosed with that condition or disease is likely to receive medical,
20 therapeutic, or palliative benefits from the use of medicinal cannabis;
- 21 (27) "Raw plant material":
- 22 (a) Means the trichome-covered part of the female plant Cannabis sp. or any
23 mixture of shredded leaves, stems, seeds, and flowers of the Cannabis sp.
24 plant; and
- 25 (b) Does not include plant material obtained from industrial hemp as defined in
26 KRS 260.850;
- 27 (28) "Registered qualified patient" means a qualified patient who has applied for,

- 1 obtained, and possesses a valid registry identification card issued by the cabinet;
- 2 (29) "Registry identification card" means a document issued by the cabinet that
- 3 identifies a person as a registered qualified patient, visiting qualified patient, or
- 4 designated caregiver;
- 5 (30) "Safety compliance facility" means an entity licensed as such under KRS 218B.080,
- 6 218B.085, and 218B.090;
- 7 (31) "Safety compliance facility agent" means a principal officer, board member,
- 8 employee, volunteer, or agent of a safety compliance facility;
- 9 (32) "Seedling" means a medicinal cannabis plant that has no flowers and is not taller
- 10 than eight (8) inches;
- 11 (33) "Serious violation" means:
- 12 (a) Any violation of this chapter or any administrative regulation promulgated
- 13 thereunder that is capable of causing death or which causes serious and
- 14 prolonged disfigurement, prolonged impairment of health, or prolonged loss
- 15 or impairment of the function of any bodily organ;
- 16 (b) The diversion of medicinal cannabis for use not regulated pursuant to this
- 17 chapter; or
- 18 (c) Any act that would constitute a violation of KRS 218A.1421;
- 19 (34) "Smoking" means the inhalation of smoke produced from the combustion of raw
- 20 plant material when ignited by a flame;
- 21 (35) "State licensing board" means:
- 22 (a) The Kentucky Board of Medical Licensure;~~[-or]~~
- 23 (b) The Kentucky Board of Nursing; **or**
- 24 **(c) The State Board of Podiatry;**
- 25 (36) "Telehealth" has the same meaning as in KRS 211.332;
- 26 (37) "Use of medicinal cannabis":
- 27 (a) Includes the acquisition, administration, possession, transfer, transportation,

1 or consumption of medicinal cannabis or medicinal cannabis accessories by a
2 cardholder in accordance with this chapter; and

3 (b) Does not include:

- 4 1. Cultivation of marijuana by a cardholder;
- 5 2. The use or consumption of marijuana by smoking; or
- 6 3. The use of industrial hemp or industrial hemp products as defined in
7 KRS 260.850;

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

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

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

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

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

22 ➔Section 13. KRS 218B.050 is amended to read as follows:

23 (1) Except as provided in subsection (11) of this section, a physician, **a podiatrist who**
24 **is authorized to prescribe controlled substances pursuant to administrative**
25 **regulations promulgated in accordance with KRS Chapter 13A by the State Board**
26 **of Podiatry,** or an advanced practice registered nurse who is authorized to prescribe
27 controlled substances under KRS 314.042 seeking to provide written certifications

1 for the use of medicinal cannabis shall apply to the same state licensing board that
2 issued his or her professional practice license, on a form prescribed by the state
3 licensing board, for authorization to provide written certifications for the use of
4 medicinal cannabis.

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

9 (b) A state licensing board shall not authorize an application for authorization to
10 provide written certifications for the use of medicinal cannabis if the applicant
11 has an ownership or investment interest in or compensation agreement with a
12 cannabis business licensed under this chapter. A state licensing board may
13 consult with the cabinet to determine if an applicant has an ownership or
14 investment interest in or compensation agreement with a cannabis business.

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

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

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

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

26 (c) Reviewed a report of information from the electronic monitoring system
27 established pursuant to KRS 218A.202 related to the patient for a period of

- 1 time that covers at least the twelve (12) months immediately preceding the
2 date of the report;
- 3 (d) Consulted with the patient, or the patient's custodial parent or legal guardian
4 responsible for providing consent to treatment if the patient is a minor child,
5 with respect to the possible risks and side effects associated with medicinal
6 cannabis, including possible interactions between medicinal cannabis and any
7 other drug or medication that the patient is taking at that time; and
- 8 (e) Obtained the consent of the patient's custodial parent or legal guardian
9 responsible for providing consent to treatment, if the patient is a minor child.
- 10 (5) A bona fide practitioner-patient relationship may be established following a referral
11 from the patient's primary care provider and may be maintained via telehealth.
12 However, a bona fide practitioner-patient relationship shall not be established via
13 telehealth.
- 14 (6) (a) When issuing a written certification for the use of medicinal cannabis to a
15 patient, the medicinal cannabis practitioner shall use a form prescribed by the
16 cabinet.
- 17 (b) An initial written certification for the use of medicinal cannabis shall be
18 provided during the course of an in-person examination of the patient by the
19 medicinal cannabis practitioner. Subsequent written certifications, including
20 for the purpose of renewing a registry identification card, may be provided
21 electronically or during the course of a telehealth consultation.
- 22 (c) For the purpose of applying for a registry identification card, a written
23 certification provided under this section shall be valid for a period of not more
24 than sixty (60) days. The medicinal cannabis practitioner may renew a written
25 certification for not more than three (3) additional periods of not more than
26 sixty (60) days each. Thereafter, the medicinal cannabis practitioner may issue
27 another certification to the patient only after an in-person examination or an

1 examination conducted via telehealth of the patient by the medicinal cannabis
2 practitioner.

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

7 (7) A medicinal cannabis practitioner shall not:

8 (a) Dispense medicinal cannabis; or

9 (b) Provide a written certification for the use of medicinal cannabis to a family
10 member or for himself or herself.

11 (8) Nothing in this chapter shall prevent a medicinal cannabis practitioner from being
12 sanctioned for:

13 (a) Issuing a written certification without first obtaining authorization to provide
14 written certifications from a state licensing board;

15 (b) Issuing a written certification to a patient with whom the medicinal cannabis
16 practitioner does not have a bona fide practitioner-patient relationship;

17 (c) Failing to properly evaluate a patient's medical history and current medical
18 condition, including all prescription drugs that the patient is currently taking,
19 prior to issuing a written certification;

20 (d) Otherwise failing to use good faith in his or her treatment of the patient; or

21 (e) Any other violation of this section.

22 (9) A state licensing board may suspend or revoke a medicinal cannabis practitioner's
23 authorization to provide written certification for the use of medicinal cannabis and
24 practice license for multiple violations or a serious violation of this section or
25 administrative regulations promulgated thereunder.

26 (10) The state licensing boards shall:

27 (a) ~~[No later than July 1, 2024,]~~Promulgate administrative regulations in

1 accordance with KRS Chapter 13A to establish:

- 2 1. Procedures for applying for authorization to provide written
3 certifications;
- 4 2. The conditions that must be met to be eligible for authorization to
5 provide written certifications;
- 6 3. The process and procedures for renewing authorization to provide
7 written certifications;
- 8 4. Continuing education requirements for medicinal cannabis practitioners
9 who are authorized to provide written certifications;
- 10 5. The reasons for which authorization to provide written certifications for
11 the use of medicinal cannabis may be suspended or revoked; and
- 12 6. The minimal standards of care when providing written certifications
13 including record maintenance and follow-up care requirements;

14 (b) On a regular basis, provide the cabinet with the names of all medicinal
15 cannabis practitioners; and

16 (c) Immediately provide the cabinet with the name of any medicinal cannabis
17 practitioner whose authorization to provide written certifications is suspended
18 or revoked.

19 (11) This section does not apply to a practitioner who recommends treatment with
20 cannabis or a drug derived from cannabis under any of the following that are
21 approved by an investigational review board or equivalent entity, the United States
22 Food and Drug Administration, or the National Institutes for Health or any of its
23 cooperative groups or centers under the United States Department of Health and
24 Human Services:

- 25 (a) A research protocol;
- 26 (b) A clinical trial;
- 27 (c) An investigational new drug application; or

1 (d) An expanded access submission.

2 (12) As used in this section, "telehealth" has the same meaning as in KRS 211.332.

3 ➔Section 14. KRS 218B.145 is amended to read as follows:

4 If the Kentucky Center for Cannabis established in KRS 164.983, or its successor,
5 determines that sufficient scientific data and evidence exist to demonstrate that an
6 individual diagnosed with that specific medical condition or disease is likely to receive
7 medical, therapeutic, or palliative benefits from the use of medicinal cannabis, the center
8 shall notify the cabinet, the Kentucky Board of Medical Licensure, *the State Board of*
9 *Podiatry*, and the Kentucky Board of Nursing of its determination and the specific
10 medical condition or disease shall be considered to be a qualifying medical condition as
11 defined in KRS 218B.010.

12 ➔Section 15. KRS 311.390 is amended to read as follows:

13 KRS 311.380 to 311.500~~[311.510]~~, shall not apply to:

14 (1) Any person manufacturing or selling, as merchandise in a duly established
15 mercantile establishment, shoes or appliances designed and intended to equalize
16 pressure on different parts of the foot, or the sale by any licensed druggist of
17 plasters, salves, and lotions for corns, warts, callosities and bunions, provided such
18 persons shall make no diagnosis or recommendation and shall prescribe no remedy
19 or treatment;

20 (2) Or interfere in any manner with the practice of any person whose religion treats or
21 administers to the sick or suffering by purely spiritual means, nor with any
22 individual's selection of any such person;

23 (3) Physicians licensed by the State Board of Medical Examiners of this state;

24 (4) Surgeons of the United States Army, Navy, United States Department of Veterans
25 Affairs, and United States Public Health Service, when in actual performance of
26 their official duties.

27 ➔Section 16. KRS 311.490 is amended to read as follows:

- 1 (1) A suspension, probation, or revocation of a license, or a refusal to renew a license,
2 may be made or a fine imposed by the board only after a hearing which shall be
3 conducted in accordance with KRS Chapter 13B.
- 4 (2) The board may institute, in its own name, proceedings to temporarily or
5 permanently restrain and enjoin violations of KRS 311.380 to 311.500~~[311.510]~~,
6 regardless of whether the defendant has been convicted for violations of the penal
7 provisions thereof, and shall not be required to pay any cost or filing fees or furnish
8 any bond in connection therewith. Violations of injunctions and restraining orders
9 shall be punished as a contempt without the intervention of a jury.
- 10 (3) A licensee whose license has been revoked, probated, or suspended, or against
11 whom a fine has been imposed by the board, or who has been refused a renewal
12 license, may appeal a final order of the board to the Circuit Court of the county in
13 which the hearing was held.
- 14 ➔Section 17. KRS 311.495 is amended to read as follows:
- 15 (1) County and Commonwealth's attorneys and the Attorney General, within their
16 respective jurisdictions, shall prosecute all violations of the penal provisions of
17 KRS 311.380 to 311.500~~[311.510]~~ and shall, when requested by the board,
18 represent the board in matters relating to the enforcement of KRS 311.380 to
19 311.500~~[311.510]~~.
- 20 (2) For the purpose of enforcing the provisions of KRS 311.380 to 311.500~~[311.510]~~,
21 the investigators, inspectors, representatives and agents of the board shall have the
22 full power and authority of peace officers in this state, and shall have the power and
23 authority to administer oaths, to enter upon premises at all times for the purpose of
24 making inspections, to seize evidence, to interrogate all persons, and to require the
25 production of books, papers, documents or other evidence.
- 26 ➔Section 18. KRS 311.990 is amended to read as follows:
- 27 (1) Any person who violates KRS 311.250 shall be guilty of a violation.

- 1 (2) Any college or professor thereof violating the provisions of KRS 311.300 to
2 311.350 shall be civilly liable on his or her bond for a sum not less than one
3 hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each
4 violation, which may be recovered by an action in the name of the Commonwealth.
- 5 (3) Any person who presents to the county clerk for the purpose of registration any
6 license which has been fraudulently obtained, or obtains any license under KRS
7 311.380 to 311.500~~[311.510]~~ by false or fraudulent statement or representation, or
8 practices podiatry under a false or assumed name or falsely impersonates another
9 practitioner or former practitioner of a like or different name, or aids and abets any
10 person in the practice of podiatry within the state without conforming to the
11 requirements of KRS 311.380 to 311.500~~[311.510]~~, or otherwise violates or
12 neglects to comply with any of the provisions of KRS 311.380 to 311.500~~[311.510]~~,
13 shall be guilty of a Class A misdemeanor. Each case of practicing podiatry in
14 violation of the provisions of KRS 311.380 to 311.500~~[311.510]~~ shall be considered
15 a separate offense.
- 16 (4) Each violation of KRS 311.560 shall constitute a Class D felony.
- 17 (5) Each violation of KRS 311.590 shall constitute a Class D felony. Conviction under
18 this subsection of a holder of a license or permit shall result automatically in
19 permanent revocation of such license or permit.
- 20 (6) Conviction of willfully resisting, preventing, impeding, obstructing, threatening, or
21 interfering with the board or any of its members, or of any officer, agent, inspector,
22 or investigator of the board or the Cabinet for Health and Family Services, in the
23 administration of any of the provisions of KRS 311.550 to 311.620 shall be a Class
24 A misdemeanor.
- 25 (7) Each violation of KRS 311.375(1) shall, for the first offense, be a Class B
26 misdemeanor, and, for each subsequent offense shall be a Class A misdemeanor.
- 27 (8) Each violation of KRS 311.375(2) shall, for the first offense, be a violation, and, for

1 each subsequent offense, be a Class B misdemeanor.

2 (9) Each day of violation of either subsection of KRS 311.375 shall constitute a
3 separate offense.

4 (10) (a) Any person who intentionally or knowingly performs an abortion contrary to
5 the requirements of KRS 311.723(1) shall be guilty of a Class D felony.

6 (b) Any person who intentionally, knowingly, or recklessly violates the
7 requirements of KRS 311.723(2) shall be guilty of a Class A misdemeanor.

8 (11) (a) 1. Any physician who performs a partial-birth abortion in violation of KRS
9 311.765 shall be guilty of a Class D felony. However, a physician shall
10 not be guilty of the criminal offense if the partial-birth abortion was
11 necessary to save the life of the mother whose life was endangered by a
12 physical disorder, illness, or injury.

13 2. A physician may seek a hearing before the State Board of Medical
14 Licensure on whether the physician's conduct was necessary to save the
15 life of the mother whose life was endangered by a physical disorder,
16 illness, or injury. The board's findings, decided by majority vote of a
17 quorum, shall be admissible at the trial of the physician. The board shall
18 promulgate administrative regulations to carry out the provisions of this
19 subparagraph.

20 3. Upon a motion of the physician, the court shall delay the beginning of
21 the trial for not more than thirty (30) days to permit the hearing, referred
22 to in subparagraph 2. of this paragraph, to occur.

23 (b) Any person other than a physician who performs a partial-birth abortion shall
24 not be prosecuted under this subsection but shall be prosecuted under
25 provisions of law which prohibit any person other than a physician from
26 performing any abortion.

27 (c) No penalty shall be assessed against the woman upon whom the partial-birth

1 abortion is performed or attempted to be performed.

2 (12) (a) Except as provided in KRS 311.732(12), any person who intentionally,
3 knowingly, or recklessly performs an abortion upon a minor without obtaining
4 the required consent pursuant to KRS 311.732 shall be guilty of a Class D
5 felony.

6 (b) Except as provided in paragraph (a) of this subsection, any person who
7 intentionally or knowingly fails to conform to any requirement of KRS
8 311.732 is guilty of a Class A misdemeanor.

9 (c) Any person who negligently releases information or documents which are
10 confidential under KRS 311.732 is guilty of a Class B misdemeanor.

11 (13) Any person who performs an abortion upon a married woman either with
12 knowledge or in reckless disregard of whether KRS 311.735 applies to her and who
13 intentionally, knowingly, or recklessly fails to conform to the requirements of KRS
14 311.735 shall be guilty of a Class D felony.

15 (14) Any person convicted of violating KRS 311.750 shall be guilty of a Class B felony.

16 (15) Any person who violates KRS 311.760(2) shall be guilty of a Class D felony.

17 (16) Any person who violates KRS 311.770 shall be guilty of a Class D felony.

18 (17) Except as provided in KRS 311.787(3), any person who intentionally violates KRS
19 311.787 shall be guilty of a Class D felony.

20 (18) A person convicted of violating KRS 311.780 shall be guilty of a Class C felony.

21 (19) Except as provided in KRS 311.782(6), any person who intentionally violates KRS
22 311.782 shall be guilty of a Class D felony.

23 (20) Any person who violates KRS 311.783(1) shall be guilty of a Class B
24 misdemeanor.

25 (21) Any person who violates KRS 311.7705(1) is guilty of a Class D felony.

26 (22) Any person who violates KRS 311.7706(1) is guilty of a Class D felony.

27 (23) Except as provided in KRS 311.731(7), any person who violates KRS 311.731(2)

- 1 shall be guilty of a Class D felony.
- 2 (24) Any physician, physician assistant, advanced practice registered nurse, nurse, or
3 other healthcare provider who intentionally violates KRS 311.823(2) shall be guilty
4 of a Class D felony. As used in this subsection, "healthcare provider" has the same
5 meaning as in KRS 311.821.
- 6 (25) Any person who violates KRS 311.810 shall be guilty of a Class A misdemeanor.
- 7 (26) Any professional medical association or society, licensed physician, or hospital or
8 hospital medical staff who shall have violated the provisions of KRS 311.606 shall
9 be guilty of a Class B misdemeanor.
- 10 (27) Any administrator, officer, or employee of a publicly owned hospital or publicly
11 owned health care facility who performs or permits the performance of abortions in
12 violation of KRS 311.800(1) shall be guilty of a Class A misdemeanor.
- 13 (28) Any person who violates KRS 311.905(3) shall be guilty of a violation.
- 14 (29) Any person who violates the provisions of KRS 311.820 shall be guilty of a Class A
15 misdemeanor.
- 16 (30) Any person who fails to test organs, skin, or other human tissue which is to be
17 transplanted, or violates the confidentiality provisions required by KRS 311.281,
18 shall be guilty of a Class A misdemeanor.
- 19 (31) Any person who sells or makes a charge for any transplantable organ shall be guilty
20 of a Class D felony.
- 21 (32) Any person who offers remuneration for any transplantable organ for use in
22 transplantation into himself or herself shall be fined not less than five thousand
23 dollars (\$5,000) nor more than fifty thousand dollars (\$50,000).
- 24 (33) Any person brokering the sale or transfer of any transplantable organ shall be guilty
25 of a Class C felony.
- 26 (34) Any person charging a fee associated with the transplantation of a transplantable
27 organ in excess of the direct and indirect costs of procuring, distributing, or

1 transplanting the transplantable organ shall be fined not less than fifty thousand
2 dollars (\$50,000) nor more than five hundred thousand dollars (\$500,000).

3 (35) Any hospital performing transplantable organ transplants which knowingly fails to
4 report the possible sale, purchase, or brokering of a transplantable organ shall be
5 fined not less than ten thousand dollars (\$10,000) or more than fifty thousand
6 dollars (\$50,000).

7 (36) (a) Any physician or qualified technician who violates KRS 311.727 shall be
8 fined not more than one hundred thousand dollars (\$100,000) for a first
9 offense and not more than two hundred fifty thousand dollars (\$250,000) for
10 each subsequent offense.

11 (b) In addition to the fine, the court shall report the violation of any physician, in
12 writing, to the Kentucky Board of Medical Licensure for such action and
13 discipline as the board deems appropriate.

14 (37) Any person who violates KRS 311.691 shall be guilty of a Class B misdemeanor
15 for the first offense, and a Class A misdemeanor for a second or subsequent offense.
16 In addition to any other penalty imposed for that violation, the board may, through
17 the Attorney General, petition a Circuit Court to enjoin the person who is violating
18 KRS 311.691 from practicing genetic counseling in violation of the requirements of
19 KRS 311.690 to 311.700.

20 (38) Any person convicted of violating KRS 311.728 shall be guilty of a Class D felony.

21 (39) (a) A person who intentionally, knowingly, or recklessly violates KRS 311.7731
22 to 311.7739 is guilty of a Class D felony.

23 (b) No criminal penalty may be assessed against a pregnant patient upon whom a
24 drug-induced abortion is attempted, induced, or performed.