

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.020 is amended to read as follows:

4 (1) The Cabinet for Health and Family Services is hereby charged with the
5 implementation, operation, oversight, and regulation of the medicinal cannabis
6 program established in this chapter.

7 (2) There is hereby established within the cabinet a Board of Physicians and Advisors
8 which shall consist of the following members:

9 (a) Seven (7) physicians appointed by the Kentucky Board of Medical Licensure
10 and confirmed by the Senate in accordance with KRS 11.160. In order to be
11 eligible to be appointed to the board, a physician shall be authorized, pursuant
12 to KRS 218B.050, to provide written certifications for the use of medicinal
13 cannabis and shall be certified by the appropriate board in one (1) of the
14 following specialties:

- 15 1. Addiction medicine;
- 16 2. Anesthesiology;
- 17 3. Gastroenterology;
- 18 4. Infectious disease;
- 19 5. Neurology;
- 20 6. Obstetrics and gynecology;
- 21 7. Oncology;
- 22 8. Ophthalmology;
- 23 9. Optometry;
- 24 10. Pain management;
- 25 11. Pain medicine;
- 26 12. Pediatrics;
- 27 13. Physical medicine and rehabilitation; or

- 1 14. Psychiatry;
- 2 (b) Two (2) advanced practice registered nurses appointed by the Kentucky Board
- 3 of Nursing and confirmed by the Senate in accordance with KRS 11.160. In
- 4 order to be eligible to be appointed to the board, an advanced practice
- 5 registered nurse shall be authorized, pursuant to KRS 218B.050, to provide
- 6 written certifications for the use of medicinal cannabis; and
- 7 (c) One (1) pharmacist appointed by the Kentucky Board of Pharmacy and
- 8 confirmed by the Senate in accordance with KRS 11.160.
- 9 (3) Each member of the Board of Physicians and Advisors shall:
- 10 (a) Serve for a term of four (4) years and until his or her successor is appointed
- 11 and confirmed by the Senate;
- 12 (b) Be eligible for reappointment; and
- 13 (c) Serve without compensation, but each member of the board not otherwise
- 14 compensated for his or her time or expenses shall be entitled to
- 15 reimbursement for his or her actual and necessary expenses in carrying out his
- 16 or her duties with reimbursement for expenses being made in accordance with
- 17 administrative regulations relating to travel expenses.
- 18 (4) The Board of Physicians and Advisors shall not be subject to reorganization under
- 19 KRS Chapter 12.
- 20 (5) The Board of Physicians and Advisors shall:
- 21 (a) Review and recommend to the cabinet protocols for determining:
- 22 1. The amount of medicinal cannabis or delta-9 tetrahydrocannabinol that
- 23 constitutes a daily supply, an uninterrupted ten (10) day supply, and an
- 24 uninterrupted thirty (30) day supply of medicinal cannabis for registered
- 25 qualified patients and visiting qualified patients; and
- 26 2. The amount of raw plant material that medicinal cannabis products are
- 27 considered to be equivalent to;

- 1 (b) Review and recommend to the cabinet protocols, evolving continuous quality
2 improvement metrics, and minimal performance standards for the biennial
3 accreditation process of licensed cannabis businesses;
- 4 (c) Review relevant peer-reviewed, scientific data related to the delta-9
5 tetrahydrocannabinol content limits established in KRS 218B.095(2)(b) and
6 make recommendations to the General Assembly regarding revisions to the
7 limits as the board deems appropriate;
- 8 (d) Review relevant peer-reviewed, scientific data related to the various methods
9 of use and consumption of medicinal cannabis and make recommendations to
10 the General Assembly to approve or restrict certain methods as the board
11 deems appropriate;
- 12 (e) Review relevant peer-reviewed, scientific data related to the use of medicinal
13 cannabis for medical, therapeutic, or palliative purposes and make
14 recommendations to the General Assembly to add or remove conditions from
15 the list of qualifying medical conditions defined in KRS 218B.010;
- 16 (f) Perform other duties related to the use of medicinal cannabis upon request by
17 the secretary of the cabinet; and
- 18 (g) Assist the cabinet in developing the Medicinal Cannabis Advisory Pamphlet
19 described in KRS 218B.140(2)(b).
- 20 (6) No later than December 1 of each year beginning in 2024, the cabinet~~, in~~
21 ~~consultation with the University of Kentucky College of Medicine and the~~
22 ~~Kentucky Center for Cannabis,~~ shall submit an annual report to the Legislative
23 Research Commission. **The cabinet may consult with the University of Kentucky**
24 **College of Medicine and the Kentucky Center for Cannabis in preparing the**
25 **report.** The report submitted by the cabinet shall, at a minimum, include:
- 26 (a) The number of applications and renewals received by the cabinet for registry
27 identification cards for registered qualified patients, visiting qualified patients,

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

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

1 cannabis; and

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

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

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