

1 AN ACT relating to qualifying medical conditions for the use of medicinal
2 cannabis.

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

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

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

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

8 (a) Completed an initial in-person examination and assessment of the patient's
9 medical history and current medical condition;

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

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

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

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

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

22 (4) "Cannabis business agent" means a principal officer, board member, employee,
23 volunteer, or agent of a cannabis business;

24 (5) "Cardholder" means:

25 (a) A registered qualified patient, designated caregiver, or visiting qualified
26 patient who has applied for, obtained, and possesses a valid registry
27 identification card issued by the cabinet; or

- 1 (b) A visiting qualified patient who has obtained and possesses:
- 2 1. A valid out-of-state registry identification card; and
- 3 2. Documentation of having been diagnosed with a qualifying medical
- 4 condition;
- 5 (6) "Cultivator" means an entity licensed as such under KRS 218B.080, 218B.085, and
- 6 218B.090;
- 7 (7) "Cultivator agent" means a principal officer, board member, employee, volunteer,
- 8 or agent of a cultivator;
- 9 (8) "Designated caregiver" means a person who has registered as such with the cabinet
- 10 under KRS 218B.055 and 218B.060;
- 11 (9) "Dispensary" means an entity licensed as such under KRS 218B.080, 218B.085,
- 12 and 218B.090;
- 13 (10) "Dispensary agent" means a principal officer, board member, employee, volunteer,
- 14 or agent of a dispensary;
- 15 (11) "Disqualifying felony offense" means:
- 16 (a) A felony offense that would classify the person as a violent offender under
- 17 KRS 439.3401; or
- 18 (b) A violation of a state or federal controlled substance law that was classified as
- 19 a felony in the jurisdiction where the person was convicted, except:
- 20 1. An offense for which the sentence, including any term of probation,
- 21 incarceration, or supervised release, was completed five (5) or more
- 22 years earlier; or
- 23 2. An offense that consisted of conduct for which this chapter would likely
- 24 have prevented a conviction, but the conduct either occurred prior to the
- 25 enactment of this chapter or was prosecuted by an authority other than
- 26 the Commonwealth of Kentucky;
- 27 (12) "Enclosed, locked facility" means an indoor growing space such as a room,

1 greenhouse, building, or other indoor enclosed area that is maintained and operated
2 by a cultivator or producer and is equipped with locks and other security devices
3 that permit access only by authorized agents of the cultivator or producer, as
4 required by the cabinet;

5 (13) "Growth area" has the same meaning as an enclosed, locked facility;

6 (14) "Marijuana" has the same meaning as in KRS 218A.010;

7 (15) "Medicinal cannabis":

8 (a) Means marijuana as defined in KRS 218A.010 when cultivated, harvested,
9 processed, produced, transported, dispensed, distributed, sold, possessed, or
10 used in accordance with this chapter;

11 (b) Includes medicinal cannabis products and raw plant material; and

12 (c) Does not include industrial hemp or industrial hemp products as defined in
13 KRS 260.850;

14 (16) "Medicinal cannabis accessories" means any equipment, product, or material of any
15 kind which is used, intended for use, or designed for use in the preparing, storing,
16 using, or consuming medicinal cannabis in accordance with this chapter;

17 (17) "Medicinal cannabis practitioner" means a physician or an advanced practice
18 registered nurse who is authorized to prescribe controlled substances under KRS
19 314.042, who is authorized by his or her state licensing board to provide written
20 certifications pursuant to KRS 218B.050;

21 (18) "Medicinal cannabis product":

22 (a) Means any compound, manufacture, salt, derivative, mixture, or preparation
23 of any part of the plant Cannabis sp., its seeds or its resin; or any compound,
24 mixture, or preparation which contains any quantity of these substances when
25 cultivated, harvested, processed, produced, transported, dispensed, distributed,
26 sold, possessed, or used in accordance with this chapter; and

27 (b) Does not include industrial hemp products as defined in KRS 260.850;

- 1 (19) "Minor" means a person less than eighteen (18) years of age;
- 2 (20) "Out-of-state registry identification card" means a registry identification card, or an
3 equivalent document, that was issued pursuant to the laws of another state, district,
4 territory, commonwealth, or insular possession of the United States;
- 5 (21) "Processor" means an entity licensed as such under KRS 218B.080, 218B.085, and
6 218B.090;
- 7 (22) "Processor agent" means a principal officer, board member, employee, volunteer, or
8 agent of a processor;
- 9 (23) "Producer" means an entity licensed as such under KRS 218B.080, 218B.085, and
10 218B.090;
- 11 (24) "Producer agent" means a principal officer, board member, employee, volunteer, or
12 agent of a producer;
- 13 (25) "Qualified patient" means a person who has obtained a written certification from a
14 medicinal cannabis practitioner with whom he or she has a bona fide practitioner-
15 patient relationship;
- 16 (26) "Qualifying medical condition" means **any of the following:**
- 17 (a) **Acquired immunodeficiency syndrome (AIDS);**
- 18 (b) **Amyotrophic lateral sclerosis (ALS) or Lou Gehrig's disease;**
- 19 (c) **Cachexia or wasting syndrome;**
- 20 (d) ~~[Any type or form of]~~ Cancer regardless of **type, form, or** stage;
- 21 (e) **Chronic nausea or cyclical vomiting syndrome that has proven resistant to**
22 **other conventional medical treatments;**
- 23 ~~(f)(b)~~ Chronic, severe, intractable, or debilitating pain;
- 24 (g) **Crohn's disease;**
- 25 ~~(h)(c)~~ Epilepsy or any other intractable seizure disorder;
- 26 (i) **Fibromyalgia;**
- 27 (j) **Glaucoma;**

1 **(k) Hepatitis C;**

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

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

4 **(n)**~~[(d)]~~ Multiple sclerosis, muscle spasms, or spasticity;

5 **(o) Muscular dystrophy;**

6 **(p) Neuropathies;**

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

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

10 **(r)**~~[(f)]~~ Post-traumatic stress disorder;~~and]~~

11 **(s) Severe arthritis;**

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

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

14 **(v)**~~[(g)]~~ Any other medical condition or disease for which the Kentucky Center
15 for Cannabis established in KRS 164.983, or its successor, determines that
16 sufficient scientific data and evidence exists to demonstrate that an individual
17 diagnosed with that condition or disease is likely to receive medical,
18 therapeutic, or palliative benefits from the use of medicinal cannabis;

19 (27) "Raw plant material":

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

23 (b) Does not include plant material obtained from industrial hemp as defined in
24 KRS 260.850;

25 (28) "Registered qualified patient" means a qualified patient who has applied for,
26 obtained, and possesses a valid registry identification card or provisional
27 registration receipt issued by the cabinet;

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

1 (b) Does not include:

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

6 (38) "Visiting qualified patient" means a person who has registered as such through the

7 cabinet as required under this chapter or who possesses a valid out-of-state registry

8 identification card and documentation of having been diagnosed with a qualifying

9 medical condition; and

10 (39) "Written certification" means a document dated and signed by a medicinal cannabis

11 practitioner, that:

12 (a) States, that in the medicinal cannabis practitioner's professional medical

13 opinion, the patient may receive medical, therapeutic, or palliative benefit

14 from the use of medicinal cannabis;

15 (b) Specifies the qualifying medical condition or conditions for which the

16 medicinal cannabis practitioner believes the patient may receive medical,

17 therapeutic, or palliative benefit; and

18 (c) Affirms that the medicinal cannabis practitioner has a bona fide practitioner-

19 patient relationship with the patient.