

1 AN ACT relating to medical marijuana for palliative or end of life care.

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

3 ➔Section 1. KRS 218A.010 is amended to read as follows:

4 As used in this chapter:

- 5 (1) "Administer" means the direct application of a controlled substance, whether by
6 injection, inhalation, ingestion, or any other means, to the body of a patient or
7 research subject by:
- 8 (a) A practitioner or by his or her authorized agent under his or her immediate
9 supervision and pursuant to his or her order; or
- 10 (b) The patient or research subject at the direction and in the presence of the
11 practitioner;
- 12 (2) "Anabolic steroid" means any drug or hormonal substance chemically and
13 pharmacologically related to testosterone that promotes muscle growth and includes
14 those substances listed in KRS 218A.090(5) but does not include estrogens,
15 progestins, and anticosteroids;
- 16 (3) "Cabinet" means the Cabinet for Health and Family Services;
- 17 (4) "Child" means any person under the age of majority as specified in KRS 2.015;
- 18 (5) "Cocaine" means a substance containing any quantity of cocaine, its salts, optical
19 and geometric isomers, and salts of isomers;
- 20 (6) "Controlled substance" means methamphetamine, or a drug, substance, or
21 immediate precursor in Schedules I through V and includes a controlled substance
22 analogue;
- 23 (7) (a) "Controlled substance analogue," except as provided in paragraph (b) of this
24 subsection, means a substance:
- 25 1. The chemical structure of which is substantially similar to the structure
26 of a controlled substance in Schedule I or II; and
- 27 2. Which has a stimulant, depressant, or hallucinogenic effect on the

1 central nervous system that is substantially similar to or greater than the
2 stimulant, depressant, or hallucinogenic effect on the central nervous
3 system of a controlled substance in Schedule I or II; or

4 3. With respect to a particular person, which such person represents or
5 intends to have a stimulant, depressant, or hallucinogenic effect on the
6 central nervous system that is substantially similar to or greater than the
7 stimulant, depressant, or hallucinogenic effect on the central nervous
8 system of a controlled substance in Schedule I or II.

9 (b) Such term does not include:

10 1. Any substance for which there is an approved new drug application;
11 2. With respect to a particular person, any substance if an exemption is in
12 effect for investigational use for that person pursuant to federal law to
13 the extent conduct with respect to such substance is pursuant to such
14 exemption; or

15 3. Any substance to the extent not intended for human consumption before
16 the exemption described in subparagraph 2. of this paragraph takes
17 effect with respect to that substance;

18 (8) "Counterfeit substance" means a controlled substance which, or the container or
19 labeling of which, without authorization, bears the trademark, trade name, or other
20 identifying mark, imprint, number, or device, or any likeness thereof, of a
21 manufacturer, distributor, or dispenser other than the person who in fact
22 manufactured, distributed, or dispensed the substance;

23 (9) "Dispense" means to deliver a controlled substance to an ultimate user or research
24 subject by or pursuant to the lawful order of a practitioner, including the packaging,
25 labeling, or compounding necessary to prepare the substance for that delivery;

26 (10) "Dispenser" means a person who lawfully dispenses a Schedule II, III, IV, or V
27 controlled substance to or for the use of an ultimate user;

1 (11) "Distribute" means to deliver other than by administering or dispensing a controlled
2 substance;

3 (12) "Dosage unit" means a single pill, capsule, ampule, liquid, or other form of
4 administration available as a single unit;

5 (13) "Drug" means:

6 (a) Substances recognized as drugs in the official United States Pharmacopoeia,
7 official Homeopathic Pharmacopoeia of the United States, or official National
8 Formulary, or any supplement to any of them;

9 (b) Substances intended for use in the diagnosis, care, mitigation, treatment, or
10 prevention of disease in man or animals;

11 (c) Substances (other than food) intended to affect the structure or any function of
12 the body of man or animals; and

13 (d) Substances intended for use as a component of any article specified in this
14 subsection.

15 It does not include devices or their components, parts, or accessories;

16 (14) "Good faith prior examination," as used in KRS Chapter 218A and for criminal
17 prosecution only, means an in-person medical examination of the patient conducted
18 by the prescribing practitioner or other health-care professional routinely relied
19 upon in the ordinary course of his or her practice, at which time the patient is
20 physically examined and a medical history of the patient is obtained. "In-person"
21 includes telehealth examinations. This subsection shall not be applicable to hospice
22 providers licensed pursuant to KRS Chapter 216B;

23 (15) "Hazardous chemical substance" includes any chemical substance used or intended
24 for use in the illegal manufacture of a controlled substance as defined in this section
25 or the illegal manufacture of methamphetamine as defined in KRS 218A.1431,
26 which:

27 (a) Poses an explosion hazard;

- 1 (b) Poses a fire hazard; or
- 2 (c) Is poisonous or injurious if handled, swallowed, or inhaled;
- 3 (16) "Heroin" means a substance containing any quantity of heroin, or any of its salts,
- 4 isomers, or salts of isomers;
- 5 (17) "Hydrocodone combination product" means a drug with:
- 6 (a) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of
- 7 its salts, per one hundred (100) milliliters or not more than fifteen (15)
- 8 milligrams per dosage unit, with a fourfold or greater quantity of an
- 9 isoquinoline alkaloid of opium; or
- 10 (b) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of
- 11 its salts, per one hundred (100) milliliters or not more than fifteen (15)
- 12 milligrams per dosage unit, with one (1) or more active, nonnarcotic
- 13 ingredients in recognized therapeutic amounts;
- 14 (18) "Immediate precursor" means a substance which is the principal compound
- 15 commonly used or produced primarily for use, and which is an immediate chemical
- 16 intermediary used or likely to be used in the manufacture of a controlled substance
- 17 or methamphetamine, the control of which is necessary to prevent, curtail, or limit
- 18 manufacture;
- 19 (19) "Intent to manufacture" means any evidence which demonstrates a person's
- 20 conscious objective to manufacture a controlled substance or methamphetamine.
- 21 Such evidence includes but is not limited to statements and a chemical substance's
- 22 usage, quantity, manner of storage, or proximity to other chemical substances or
- 23 equipment used to manufacture a controlled substance or methamphetamine;
- 24 (20) "Isomer" means the optical isomer, except as used in KRS 218A.050(3) and
- 25 218A.070(1)(d). As used in KRS 218A.050(3), the term "isomer" means the optical,
- 26 positional, or geometric isomer. As used in KRS 218A.070(1)(d), the term "isomer"
- 27 means the optical or geometric isomer;

- 1 (21) "Manufacture," except as provided in KRS 218A.1431, means the production,
2 preparation, propagation, compounding, conversion, or processing of a controlled
3 substance, either directly or indirectly by extraction from substances of natural
4 origin or independently by means of chemical synthesis, or by a combination of
5 extraction and chemical synthesis, and includes any packaging or repackaging of the
6 substance or labeling or relabeling of its container except that this term does not
7 include activities:
- 8 (a) By a practitioner as an incident to his or her administering or dispensing of a
9 controlled substance in the course of his or her professional practice;
- 10 (b) By a practitioner, or by his or her authorized agent under his supervision, for
11 the purpose of, or as an incident to, research, teaching, or chemical analysis
12 and not for sale; or
- 13 (c) By a pharmacist as an incident to his or her dispensing of a controlled
14 substance in the course of his or her professional practice;
- 15 (22) "Marijuana" means all parts of the plant Cannabis sp., whether growing or not; the
16 seeds thereof; the resin extracted from any part of the plant; and every compound,
17 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin
18 or any compound, mixture, or preparation which contains any quantity of these
19 substances. The term "marijuana" does not include:
- 20 (a) Industrial hemp as defined in KRS 260.850;
- 21 (b) The substance cannabidiol, when ***recommended***, transferred, dispensed, or
22 administered pursuant to the written order of a physician ***acting in good faith,***
23 ***and provided that the delta-9 tetrahydrocannabinol content of the***
24 ***substance, plant, or solution is equal to or less than ninety-nine hundredths***
25 ***of one percent (0.99%) and the ratio of cannabidiol to delta-9***
26 ***tetrahydrocannabinol is at least two to one (2:1)***~~[practicing at a hospital or~~
27 ~~associated clinic affiliated with a Kentucky public university having a college~~

1 ~~or school of medicine~~; or

2 (c) For persons participating in a clinical trial or in an expanded access program,
3 a drug or substance approved for the use of those participants by the United
4 States Food and Drug Administration;

5 (23) "Medical history," as used in KRS Chapter 218A and for criminal prosecution only,
6 means an accounting of a patient's medical background, including but not limited to
7 prior medical conditions, prescriptions, and family background;

8 (24) "Medical order," as used in KRS Chapter 218A and for criminal prosecution only,
9 means a lawful order of a specifically identified practitioner for a specifically
10 identified patient for the patient's health-care needs. "Medical order" may or may
11 not include a prescription drug order;

12 (25) "Medically necessary marijuana" means marijuana which is administered
13 pursuant to the written order of a medical professional to treat or alleviate
14 symptoms associated with life-threatening illnesses for palliative and end-of-life
15 care;

16 (26) "Medical record," as used in KRS Chapter 218A and for criminal prosecution only,
17 means a record, other than for financial or billing purposes, relating to a patient,
18 kept by a practitioner as a result of the practitioner-patient relationship;

19 (27)~~(26)~~ "Methamphetamine" means any substance that contains any quantity of
20 methamphetamine, or any of its salts, isomers, or salts of isomers;

21 (28)~~(27)~~ "Narcotic drug" means any of the following, whether produced directly or
22 indirectly by extraction from substances of vegetable origin, or independently by
23 means of chemical synthesis, or by a combination of extraction and chemical
24 synthesis:

25 (a) Opium and opiate, and any salt, compound, derivative, or preparation of
26 opium or opiate;

27 (b) Any salt, compound, isomer, derivative, or preparation thereof which is

1 chemically equivalent or identical with any of the substances referred to in
2 paragraph (a) of this subsection, but not including the isoquinoline alkaloids
3 of opium;

4 (c) Opium poppy and poppy straw;

5 (d) Coca leaves, except coca leaves and extracts of coca leaves from which
6 cocaine, ecgonine, and derivatives of ecgonine or their salts have been
7 removed;

8 (e) Cocaine, its salts, optical and geometric isomers, and salts of isomers;

9 (f) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; and

10 (g) Any compound, mixture, or preparation which contains any quantity of any of
11 the substances referred to in paragraphs (a) to (f) of this subsection;

12 ~~(29)~~[(28)] "Opiate" means any substance having an addiction-forming or addiction-
13 sustaining liability similar to morphine or being capable of conversion into a drug
14 having addiction-forming or addiction-sustaining liability. It does not include,
15 unless specifically designated as controlled under KRS 218A.030, the
16 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
17 (dextromethorphan). It does include its racemic and levorotatory forms;

18 ~~(30)~~[(29)] "Opium poppy" means the plant of the species *papaver somniferum* L., except
19 its seeds;

20 ~~(31)~~[(30)] "Person" means individual, corporation, government or governmental
21 subdivision or agency, business trust, estate, trust, partnership or association, or any
22 other legal entity;

23 ~~(32)~~[(31)] "Physical injury" has the same meaning it has in KRS 500.080;

24 ~~(33)~~[(32)] "Poppy straw" means all parts, except the seeds, of the opium poppy, after
25 mowing;

26 ~~(34)~~[(33)] "Pharmacist" means a natural person licensed by this state to engage in the
27 practice of the profession of pharmacy;

1 ~~(35)~~~~(34)~~ "Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific
2 investigator, optometrist as authorized in KRS 320.240, advanced practice
3 registered nurse as authorized under KRS 314.011, or other person licensed,
4 registered, or otherwise permitted by state or federal law to acquire, distribute,
5 dispense, conduct research with respect to, or to administer a controlled substance
6 in the course of professional practice or research in this state. "Practitioner" also
7 includes a physician, dentist, podiatrist, veterinarian, or advanced practice registered
8 nurse authorized under KRS 314.011 who is a resident of and actively practicing in
9 a state other than Kentucky and who is licensed and has prescriptive authority for
10 controlled substances under the professional licensing laws of another state, unless
11 the person's Kentucky license has been revoked, suspended, restricted, or probated,
12 in which case the terms of the Kentucky license shall prevail;

13 ~~(36)~~~~(35)~~ "Practitioner-patient relationship," as used in KRS Chapter 218A and for
14 criminal prosecution only, means a medical relationship that exists between a
15 patient and a practitioner or the practitioner's designee, after the practitioner or his
16 or her designee has conducted at least one (1) good faith prior examination;

17 ~~(37)~~~~(36)~~ "Prescription" means a written, electronic, or oral order for a drug or
18 medicine, or combination or mixture of drugs or medicines, or proprietary
19 preparation, signed or given or authorized by a medical, dental, chiropody,
20 veterinarian, optometric practitioner, or advanced practice registered nurse, and
21 intended for use in the diagnosis, cure, mitigation, treatment, or prevention of
22 disease in man or other animals;

23 ~~(38)~~~~(37)~~ "Prescription blank," with reference to a controlled substance, means a
24 document that meets the requirements of KRS 218A.204 and 217.216;

25 ~~(39)~~~~(38)~~ "Presumptive probation" means a sentence of probation not to exceed the
26 maximum term specified for the offense, subject to conditions otherwise authorized
27 by law, that is presumed to be the appropriate sentence for certain offenses

1 designated in this chapter, notwithstanding contrary provisions of KRS Chapter
2 533. That presumption shall only be overcome by a finding on the record by the
3 sentencing court of substantial and compelling reasons why the defendant cannot be
4 safely and effectively supervised in the community, is not amenable to community-
5 based treatment, or poses a significant risk to public safety;

6 ~~(40)~~~~(39)~~ "Production" includes the manufacture, planting, cultivation, growing, or
7 harvesting of a controlled substance;

8 ~~(41)~~~~(40)~~ "Recovery program" means an evidence-based, nonclinical service that assists
9 individuals and families working toward sustained recovery from substance use and
10 other criminal risk factors. This can be done through an array of support programs
11 and services that are delivered through residential and nonresidential means;

12 ~~(42)~~~~(41)~~ "Salvia" means *Salvia divinorum* or Salvinorin A and includes all parts of the
13 plant presently classified botanically as *Salvia divinorum*, whether growing or not,
14 the seeds thereof, any extract from any part of that plant, and every compound,
15 manufacture, derivative, mixture, or preparation of that plant, its seeds, or its
16 extracts, including salts, isomers, and salts of isomers whenever the existence of
17 such salts, isomers, and salts of isomers is possible within the specific chemical
18 designation of that plant, its seeds, or extracts. The term shall not include any other
19 species in the genus *salvia*;

20 ~~(43)~~~~(42)~~ "Second or subsequent offense" means that for the purposes of this chapter an
21 offense is considered as a second or subsequent offense, if, prior to his or her
22 conviction of the offense, the offender has at any time been convicted under this
23 chapter, or under any statute of the United States, or of any state relating to
24 substances classified as controlled substances or counterfeit substances, except that
25 a prior conviction for a nontrafficking offense shall be treated as a prior offense
26 only when the subsequent offense is a nontrafficking offense. For the purposes of
27 this section, a conviction voided under KRS 218A.275 or 218A.276 shall not

1 constitute a conviction under this chapter;

2 ~~(44)~~~~(43)~~ "Sell" means to dispose of a controlled substance to another person for
3 consideration or in furtherance of commercial distribution;

4 ~~(45)~~~~(44)~~ "Serious physical injury" has the same meaning it has in KRS 500.080;

5 ~~(46)~~~~(45)~~ "Synthetic cannabinoids or piperazines" means any chemical compound which
6 is not approved by the United States Food and Drug Administration or, if approved,
7 which is not dispensed or possessed in accordance with state and federal law, that
8 contains Benzylpiperazine (BZP); Trifluoromethylphenylpiperazine (TFMPP); 1,1-
9 Dimethylheptyl-11-hydroxytetrahydrocannabinol (HU-210); 1-Butyl-3-(1-
10 naphthoyl)indole; 1-Pentyl-3-(1-naphthoyl)indole; dexanabinol (HU-211); or any
11 compound in the following structural classes:

12 (a) Naphthoylindoles: Any compound containing a 3-(1-naphthoyl)indole
13 structure with substitution at the nitrogen atom of the indole ring by an alkyl,
14 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
15 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further
16 substituted in the indole ring to any extent and whether or not substituted in
17 the naphthyl ring to any extent. Examples of this structural class include but
18 are not limited to JWH-015, JWH-018, JWH-019, JWH-073, JWH-081,
19 JWH-122, JWH-200, and AM-2201;

20 (b) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole
21 structure with substitution at the nitrogen atom of the indole ring by an alkyl,
22 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
23 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further
24 substituted in the indole ring to any extent and whether or not substituted in
25 the phenyl ring to any extent. Examples of this structural class include but are
26 not limited to JWH-167, JWH-250, JWH-251, and RCS-8;

27 (c) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with

1 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
2 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
3 or 2-(4-morpholinyl)ethyl group whether or not further substituted in the
4 indole ring to any extent and whether or not substituted in the phenyl ring to
5 any extent. Examples of this structural class include but are not limited to
6 AM-630, AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4;

7 (d) Cyclohexylphenols: Any compound containing a 2-(3-
8 hydroxycyclohexyl)phenol structure with substitution at the 5-position of the
9 phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
10 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl
11 group whether or not substituted in the cyclohexyl ring to any extent.
12 Examples of this structural class include but are not limited to CP 47,497 and
13 its C8 homologue (cannabicyclohexanol);

14 (e) Naphthylmethylindoles: Any compound containing a 1H-indol-3-yl-(1-
15 naphthyl)methane structure with substitution at the nitrogen atom of the indole
16 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
17 methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not
18 further substituted in the indole ring to any extent and whether or not
19 substituted in the naphthyl ring to any extent. Examples of this structural class
20 include but are not limited to JWH-175, JWH-184, and JWH-185;

21 (f) Naphthoypyrroles: Any compound containing a 3-(1-naphthoypyrrole
22 structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl,
23 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
24 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further
25 substituted in the pyrrole ring to any extent and whether or not substituted in
26 the naphthyl ring to any extent. Examples of this structural class include but
27 are not limited to JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

- 1 (g) Naphthylmethylenes: Any compound containing a 1-(1-
2 naphthylmethyl)indene structure with substitution at the 3-position of the
3 indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
4 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether
5 or not further substituted in the indene ring to any extent and whether or not
6 substituted in the naphthyl ring to any extent. Examples of this structural class
7 include but are not limited to JWH-176;
- 8 (h) Tetramethylcyclopropanoylindoles: Any compound containing a 3-(1-
9 tetramethylcyclopropoyl)indole structure with substitution at the nitrogen
10 atom of the indole ring by an alkyl, haloalkyl, cycloalkylmethyl,
11 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl
12 group, whether or not further substituted in the indole ring to any extent and
13 whether or not further substituted in the tetramethylcyclopropyl ring to any
14 extent. Examples of this structural class include but are not limited to UR-144
15 and XLR-11;
- 16 (i) Adamantoylindoles: Any compound containing a 3-(1-adamantoyl)indole
17 structure with substitution at the nitrogen atom of the indole ring by an alkyl,
18 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
19 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further
20 substituted in the indole ring to any extent and whether or not substituted in
21 the adamantyl ring system to any extent. Examples of this structural class
22 include but are not limited to AB-001 and AM-1248; or
- 23 (j) Any other synthetic cannabinoid or piperazine which is not approved by the
24 United States Food and Drug Administration or, if approved, which is not
25 dispensed or possessed in accordance with state and federal law;
- 26 ~~(47)~~~~[(46)]~~ "Synthetic cathinones" means any chemical compound which is not approved
27 by the United States Food and Drug Administration or, if approved, which is not

1 dispensed or possessed in accordance with state and federal law (not including
2 bupropion or compounds listed under a different schedule) structurally derived from
3 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl,
4 or thiophene ring systems, whether or not the compound is further modified in one
5 (1) or more of the following ways:

6 (a) By substitution in the ring system to any extent with alkyl, alkylendioxy,
7 alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further
8 substituted in the ring system by one (1) or more other univalent substituents.
9 Examples of this class include but are not limited to 3,4-
10 Methylenedioxcathinone (bk-MDA);

11 (b) By substitution at the 3-position with an acyclic alkyl substituent. Examples of
12 this class include but are not limited to 2-methylamino-1-phenylbutan-1-one
13 (buphedrone);

14 (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
15 methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a
16 cyclic structure. Examples of this class include but are not limited to
17 Dimethylcathinone, Ethcathinone, and α -Pyrrolidinopropiophenone (α -PPP);
18 or

19 (d) Any other synthetic cathinone which is not approved by the United States
20 Food and Drug Administration or, if approved, is not dispensed or possessed
21 in accordance with state or federal law;

22 ~~(48)~~~~[(47)]~~ "Synthetic drugs" means any synthetic cannabinoids or piperazines or any
23 synthetic cathinones;

24 ~~(49)~~~~[(48)]~~ "Telehealth" has the same meaning it has in KRS 311.550;

25 ~~(50)~~~~[(49)]~~ "Tetrahydrocannabinols" means synthetic equivalents of the substances
26 contained in the plant, or in the resinous extractives of the plant Cannabis, sp. or
27 synthetic substances, derivatives, and their isomers with similar chemical structure

1 and pharmacological activity such as the following:

- 2 (a) Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers;
3 (b) Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; and
4 (c) Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;

5 ~~(51)~~~~(50)~~ "Traffic," except as provided in KRS 218A.1431, means to manufacture,
6 distribute, dispense, sell, transfer, or possess with intent to manufacture, distribute,
7 dispense, or sell a controlled substance;

8 ~~(52)~~~~(51)~~ "Transfer" means to dispose of a controlled substance to another person
9 without consideration and not in furtherance of commercial distribution; and

10 ~~(53)~~~~(52)~~ "Ultimate user" means a person who lawfully possesses a controlled substance
11 for his or her own use or for the use of a member of his or her household or for
12 administering to an animal owned by him or her or by a member of his or her
13 household.

14 ➔Section 2. (1) The Legislative Research Commission is directed to establish
15 the Implementation Task Force on the Palliative and End of Life Use of Medical
16 Marijuana.

17 (2) The Implementation Task Force on the Palliative and End of Life Use of
18 Medical Marijuana shall recommend the establishment of the Medically Necessary
19 Marijuana Program that will be created by legislation during the 2018 General Assembly.
20 Such legislation also would establish the requirements for regulating the program.

21 (3) The Implementation Task Force on the Palliative and End of Life Use of
22 Medical Marijuana shall meet at least monthly during the 2017 Interim. The task force
23 shall submit its findings and recommendations and any proposed legislation to the
24 Legislative Research Commission for referral to the appropriate committee or committees
25 by December 1, 2017.

26 ➔Section 3. (1) The task force shall consist of the following members with final
27 membership of the task force being subject to the consideration and approval of the

1 Legislative Research Commission:

- 2 (a) The chair of the Senate Health and Welfare Committee who shall serve as co-
3 chair of the task force; however, if he or she declines to serve, the President of
4 the Senate shall designate a member of the Senate to serve as co-chair of the
5 task force;
- 6 (b) The chair of the House of Representatives Health and Family Services
7 Committee who shall serve as co-chair of the task force; however, if he or she
8 declines to serve, the Speaker of the House of Representatives shall designate
9 a member of the House of Representatives to serve as co-chair of the task
10 force;
- 11 (c) The chair of the Senate Judiciary Committee; however, if he or she declines to
12 serve, a designee appointed by the President of the Senate;
- 13 (d) The chair of the House of Representatives Judiciary Committee; however, if
14 he or she declines to serve, a designee appointed by the Speaker of the House;
- 15 (e) Two Senate members appointed by the President of the Senate;
- 16 (f) One Senate member appointed by the Minority Floor Leader of the Senate;
- 17 (g) Two House members appointed by the Speaker of the House of
18 Representatives;
- 19 (h) One House member appointed by the Minority Floor Leader of the House of
20 Representatives;
- 21 (i) The director of the Office for Drug Control Policy;
- 22 (j) The Commissioner of the Department for Public Health;
- 23 (k) The Commissioner of the Department for Agriculture;
- 24 (l) A representative from the Kentucky Nurses Association;
- 25 (m) A representative from the Kentucky Medical Association;
- 26 (n) A representative from the Kentucky Pharmacists' Association; and
- 27 (o) One health care provider designated by the Senate task force co-chair, and one

1 health care provider designated by the House task force co-chair.

2 (2) (a) The task force shall conduct research and receive testimony concerning the
3 use of medical marijuana for patients receiving end of life and palliative care.
4 The task force shall consider legislation that establishes reasonable procedures
5 for managing the use of medical marijuana.

6 (b) Areas for discussion may include:

- 7 1. Restricting certain varieties to specific debilitating medical conditions;
- 8 2. Restricting administration methods for certain varieties of cannabis; and
- 9 3. Restricting delivery methods for specific varieties of cannabis.

10 (c) Areas that shall be addressed in the draft legislation include:

- 11 1. Designating an agency to administer the Medically Necessary Marijuana
12 Program;
- 13 2. Licenses for cultivating, processing, dispensing, administering, and
14 processing medically necessary marijuana;
- 15 3. Criteria for medical professionals to obtain authority to recommend or
16 dispense medically necessary marijuana; and
- 17 4. Administration of the program and fees and taxes to be collected.

18 ➔Section 4. Provisions of Sections 2 to 3 of this Act to the contrary
19 notwithstanding, the Legislative Research Commission shall have the authority to
20 alternatively assign the issues identified in Sections 2 to 3 of this Act to an interim joint
21 committee or subcommittee thereof and to designate a study completion date.

22 ➔Section 5. Sections 2 to 3 of this Act shall have the same legal status as a Senate
23 Concurrent Resolution.