

1 AN ACT relating to cannabis and declaring an emergency.

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

3 ➔Section 1. KRS 260.850 is amended to read as follows:

4 As used in KRS 260.850 to 260.869:

- 5 (1) "Commissioner" means the Commissioner of the Kentucky Department of  
6 Agriculture;
- 7 (2) "Cultivating" means planting, growing, and harvesting a plant or crop;
- 8 (3) "Department" means the Kentucky Department of Agriculture;
- 9 (4) "Handling" means possessing or storing hemp for any period of time on premises  
10 owned, operated, or controlled by a person licensed to cultivate or process hemp.  
11 "Handling" also includes possessing or storing hemp in a vehicle for any period of  
12 time other than during its actual transport from the premises of a licensed person to  
13 cultivate or process hemp to the premises of another licensed person;
- 14 (5) "Hemp" or "industrial hemp" means the plant *Cannabis sativa* L. and any part of  
15 that plant, including the seeds thereof and all ***nonintoxicating*** derivatives, extracts,  
16 cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not,  
17 with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of  
18 one percent (0.3%) on a dry weight basis;
- 19 (6) "Hemp products" or "industrial hemp products" means products derived from, or  
20 made by, processing hemp plants or plant parts;
- 21 (7) "Licensee" means an individual or business entity possessing a license issued by the  
22 department under the authority of this chapter to grow, handle, cultivate, process, or  
23 market hemp or hemp products;
- 24 (8) "Marketing" means promoting or selling a product within the Commonwealth, in  
25 another state, or outside of the United States. "Marketing" includes efforts to  
26 advertise and gather information about the needs or preferences of potential  
27 consumers or suppliers;

1 (9) "Processing" means converting an agricultural commodity into a marketable form;  
2 and

3 (10) "University" means an accredited institution of higher education located in the  
4 Commonwealth.

5 ➔Section 2. KRS 260.852 is amended to read as follows:

6 It is the declared policy of the Commonwealth that hemp is a viable agricultural crop in  
7 the Commonwealth. The purposes of KRS 260.850 to 260.869 are to:

8 (1) Promote the research and study methods of cultivating, processing, and marketing  
9 hemp;

10 (2) Promote the expansion of the Commonwealth's hemp industry to the maximum  
11 extent permitted by federal law by allowing citizens of the Commonwealth to  
12 cultivate, handle, or process hemp and nonintoxicating hemp products for  
13 commercial purposes;~~and~~

14 (3) Move the Commonwealth and its citizens to the forefront of the hemp industry; and

15 (4) Prohibit licensees and other participants in the Commonwealth's hemp licensing  
16 program from engaging in the manufacturing or distribution of intoxicating  
17 products derived from the plant Cannabis sativa L.

18 ➔Section 3. KRS 260.858 is amended to read as follows:

19 (1) Notwithstanding any other provision of law to the contrary, it is lawful for a  
20 licensee, or his or her agent, to cultivate, handle, or process hemp or  
21 nonintoxicating hemp products in the Commonwealth.

22 (2) It is unlawful for a person who does not hold a license issued by the department, or  
23 who is not an agent of a licensee, to cultivate, handle, process, or market living  
24 hemp plants or viable seeds, leaf materials, or floral materials derived from hemp.  
25 Penalties for persons who cultivate, handle, process, or market living hemp plants  
26 or viable seeds, leaf materials, or floral materials derived from hemp without a  
27 license are the same as those penalties that are applicable to persons who violate

1 KRS Chapter 218A, relating to marijuana.

2 (3) It is unlawful for a person who does not hold a license issued by the department, or  
3 who is not an agent of a licensee, to possess hemp extract material having a delta-9  
4 tetrahydrocannabinol concentration in excess of three-tenths of one percent (0.3%).  
5 Penalties for persons who possess such hemp extract materials without a license are  
6 the same as those penalties that are applicable to persons who violate KRS Chapter  
7 218A, relating to marijuana.

8 (4) It is unlawful for a person to possess or to convert a hemp-derived cannabinoid  
9 into an intoxicating substance, including but not limited to delta-8  
10 tetrahydrocannabinol, delta-10 tetrahydrocannabinol, tetrahydrocannabinol-O,  
11 tetrahydrocannabinol-P, or hexahydrocannabinol.

12 (5) It is unlawful for a person to possess hemp-extract material having a  
13 tetrahydrocannabinol concentration in excess of naturally occurring trace  
14 amounts. For delta-8 tetrahydrocannabinol, naturally occurring trace amounts  
15 shall mean not more than one-thousandth of one percent (0.001%).

16 (6) It is unlawful for a person to market, sell, or distribute in Kentucky:

17 (a) Hemp cigarettes;

18 (b) Hemp cigars;

19 (c) Chew, dip, or other smokeless material consisting of hemp;

20 (d) Hemp teas;

21 (e) Whole hemp buds;

22 (f) Ground hemp floral material; or

23 (g) Ground hemp leaf material.

24 (7) It is unlawful for a person to market or distribute an intoxicating substance  
25 derived from the plant *Cannabis sativa L.*

26 (8) Nothing in this chapter authorizes any person to violate any federal or state law or  
27 regulation.

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

2   As used in this chapter:

- 3   (1) "Administer" means the direct application of a controlled substance, whether by  
4       injection, inhalation, ingestion, or any other means, to the body of a patient or  
5       research subject by:
- 6       (a) A practitioner or by his or her authorized agent under his or her immediate  
7           supervision and pursuant to his or her order; or
- 8       (b) The patient or research subject at the direction and in the presence of the  
9           practitioner;
- 10   (2) "Anabolic steroid" means any drug or hormonal substance chemically and  
11       pharmacologically related to testosterone that promotes muscle growth and includes  
12       those substances classified as Schedule III controlled substances pursuant to KRS  
13       218A.020 but does not include estrogens, progestins, and antioestrogens;
- 14   (3) "Cabinet" means the Cabinet for Health and Family Services;
- 15   (4) "Carfentanil" means any substance containing any quantity of carfentanil, or any of  
16       its salts, isomers, or salts of isomers;
- 17   (5) "Certified community based palliative care program" means a palliative care  
18       program which has received certification from the Joint Commission;
- 19   (6) "Child" means any person under the age of majority as specified in KRS 2.015;
- 20   (7) "Cocaine" means a substance containing any quantity of cocaine, its salts, optical  
21       and geometric isomers, and salts of isomers;
- 22   (8) "Controlled substance" means methamphetamine, or a drug, substance, or  
23       immediate precursor in Schedules I through V and includes a controlled substance  
24       analogue;
- 25   (9) (a) "Controlled substance analogue," except as provided in paragraph (b) of this  
26       subsection, means a substance:
- 27       1. The chemical structure of which is substantially similar to the structure

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

11 (b) Such term does not include:

- 12 1. Any substance for which there is an approved new drug application;
- 13 2. With respect to a particular person, any substance if an exemption is in
- 14 effect for investigational use for that person pursuant to federal law to
- 15 the extent conduct with respect to such substance is pursuant to such
- 16 exemption; or
- 17 3. Any substance to the extent not intended for human consumption before
- 18 the exemption described in subparagraph 2. of this paragraph takes
- 19 effect with respect to that substance;

20 (10) "Counterfeit substance" means a controlled substance which, or the container or

21 labeling of which, without authorization, bears the trademark, trade name, or other

22 identifying mark, imprint, number, or device, or any likeness thereof, of a

23 manufacturer, distributor, or dispenser other than the person who in fact

24 manufactured, distributed, or dispensed the substance;

25 (11) "Dispense" means to deliver a controlled substance to an ultimate user or research

26 subject by or pursuant to the lawful order of a practitioner, including the packaging,

27 labeling, or compounding necessary to prepare the substance for that delivery;

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

3 (13) "Distribute" means to deliver other than by administering or dispensing a controlled  
4 substance;

5 (14) "Dosage unit" means a single pill, capsule, ampule, liquid, or other form of  
6 administration available as a single unit;

7 (15) "Drug" means:

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

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

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

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

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

18 (16) "Fentanyl" means a substance containing any quantity of fentanyl, or any of its salts,  
19 isomers, or salts of isomers;

20 (17) "Fentanyl derivative" means a substance containing any quantity of any chemical  
21 compound, except compounds specifically scheduled as controlled substances by  
22 statute or by administrative regulation pursuant to this chapter, which is structurally  
23 derived from 1-ethyl-4-(N-phenylamido) piperidine:

24 (a) By substitution:

25 1. At the 2-position of the 1-ethyl group with a phenyl, furan, thiophene, or  
26 ethyloxotetrazole ring system; and

27 2. Of the terminal amido hydrogen atom with an alkyl, alkoxy, cycloalkyl,

- 1                   or furanyl group; and
- 2       (b) Which may be further modified in one (1) or more of the following ways:
- 3           1. By substitution on the N-phenyl ring to any extent with alkyl, alkoxy,
- 4           haloalkyl, hydroxyl, or halide substituents;
- 5           2. By substitution on the piperadine ring to any extent with alkyl, allyl,
- 6           alkoxy, hydroxy, or halide substituents at the 2-, 3-, 5-, and/or 6-
- 7           positions;
- 8           3. By substitution on the piperadine ring to any extent with a phenyl,
- 9           alkoxy, or carboxylate ester substituent at the 4- position; or
- 10          4. By substitution on the 1-ethyl group to any extent with alkyl, alkoxy, or
- 11          hydroxy substituents;
- 12 (18) "Good faith prior examination," as used in KRS Chapter 218A and for criminal
- 13 prosecution only, means an in-person medical examination of the patient conducted
- 14 by the prescribing practitioner or other health-care professional routinely relied
- 15 upon in the ordinary course of his or her practice, at which time the patient is
- 16 physically examined and a medical history of the patient is obtained. "In-person"
- 17 includes telehealth examinations. This subsection shall not be applicable to hospice
- 18 providers licensed pursuant to KRS Chapter 216B;
- 19 (19) "Hazardous chemical substance" includes any chemical substance used or intended
- 20 for use in the illegal manufacture of a controlled substance as defined in this section
- 21 or the illegal manufacture of methamphetamine as defined in KRS 218A.1431,
- 22 which:
- 23       (a) Poses an explosion hazard;
- 24       (b) Poses a fire hazard; or
- 25       (c) Is poisonous or injurious if handled, swallowed, or inhaled;
- 26 (20) "Heroin" means a substance containing any quantity of heroin, or any of its salts,
- 27 isomers, or salts of isomers;

- 1 (21) "Hydrocodone combination product" means a drug with:
- 2 (a) Not more than three hundred (300) milligrams of dihydrocodeinone, or any of
- 3 its salts, per one hundred (100) milliliters or not more than fifteen (15)
- 4 milligrams per dosage unit, with a fourfold or greater quantity of an
- 5 isoquinoline alkaloid of opium; or
- 6 (b) 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 one (1) or more active, nonnarcotic
- 9 ingredients in recognized therapeutic amounts;
- 10 (22) "Immediate precursor" means a substance which is the principal compound
- 11 commonly used or produced primarily for use, and which is an immediate chemical
- 12 intermediary used or likely to be used in the manufacture of a controlled substance
- 13 or methamphetamine, the control of which is necessary to prevent, curtail, or limit
- 14 manufacture;
- 15 (23) "Industrial hemp" has the same meaning as in KRS 260.850;
- 16 (24) "Industrial hemp products" has the same meaning as in KRS 260.850;
- 17 (25) "Intent to manufacture" means any evidence which demonstrates a person's
- 18 conscious objective to manufacture a controlled substance or methamphetamine.
- 19 Such evidence includes but is not limited to statements and a chemical substance's
- 20 usage, quantity, manner of storage, or proximity to other chemical substances or
- 21 equipment used to manufacture a controlled substance or methamphetamine;
- 22 (26) "Isomer" means the optical isomer, except the Cabinet for Health and Family
- 23 Services may include the optical, positional, or geometric isomer to classify any
- 24 substance pursuant to KRS 218A.020;
- 25 (27) "Manufacture," except as provided in KRS 218A.1431, means the production,
- 26 preparation, propagation, compounding, conversion, or processing of a controlled
- 27 substance, either directly or indirectly by extraction from substances of natural



1 origin or independently by means of chemical synthesis, or by a combination of  
2 extraction and chemical synthesis, and includes any packaging or repackaging of the  
3 substance or labeling or relabeling of its container except that this term does not  
4 include activities:

- 5 (a) By a practitioner as an incident to his or her administering or dispensing of a  
6 controlled substance in the course of his or her professional practice;
- 7 (b) By a practitioner, or by his or her authorized agent under his supervision, for  
8 the purpose of, or as an incident to, research, teaching, or chemical analysis  
9 and not for sale; or
- 10 (c) By a pharmacist as an incident to his or her dispensing of a controlled  
11 substance in the course of his or her professional practice;

12 (28) "Marijuana" means all parts of the plant *Cannabis* sp., whether growing or not; the  
13 seeds thereof; the resin extracted from any part of the plant; and every compound,  
14 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin  
15 or any compound, mixture, or preparation which contains any quantity of these  
16 substances. The term "marijuana" does not include:

- 17 (a) Industrial hemp that is in the possession, custody, or control of a person who  
18 holds a license issued by the Department of Agriculture permitting that person  
19 to cultivate, handle, or process industrial hemp;
- 20 (b) Industrial hemp products that *are nonintoxicating and* do not include any  
21 living plants, viable seeds, leaf materials, or floral materials;
- 22 (c) The substance cannabidiol, when transferred, dispensed, or administered  
23 pursuant to the written order of a physician practicing at a hospital or  
24 associated clinic affiliated with a Kentucky public university having a college  
25 or school of medicine;
- 26 (d) For persons participating in a clinical trial or in an expanded access program,  
27 a drug or substance approved for the use of those participants by the United

- 1 States Food and Drug Administration;
- 2 (e) A nonintoxicating cannabidiol product derived from industrial hemp, as
- 3 defined in KRS 260.850;
- 4 (f) For the purpose of conducting scientific research, a nonintoxicating
- 5 cannabinoid product derived from industrial hemp, as defined in KRS
- 6 260.850; or
- 7 (g) A cannabinoid product approved as a prescription medication by the United
- 8 States Food and Drug Administration;
- 9 (29) "Medical history," as used in KRS Chapter 218A and for criminal prosecution only,
- 10 means an accounting of a patient's medical background, including but not limited to
- 11 prior medical conditions, prescriptions, and family background;
- 12 (30) "Medical order," as used in KRS Chapter 218A and for criminal prosecution only,
- 13 means a lawful order of a specifically identified practitioner for a specifically
- 14 identified patient for the patient's health-care needs. "Medical order" may or may
- 15 not include a prescription drug order;
- 16 (31) "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 (32) "Methamphetamine" means any substance that contains any quantity of
- 20 methamphetamine, or any of its salts, isomers, or salts of isomers;
- 21 (33) "Narcotic drug" means any of the following, whether produced directly or indirectly
- 22 by extraction from substances of vegetable origin, or independently by means of
- 23 chemical synthesis, or by a combination of extraction and chemical synthesis:
- 24 (a) Opium and opiate, and any salt, compound, derivative, or preparation of
- 25 opium or opiate;
- 26 (b) Any salt, compound, isomer, derivative, or preparation thereof which is
- 27 chemically equivalent or identical with any of the substances referred to in

- 1 paragraph (a) of this subsection, but not including the isoquinoline alkaloids  
2 of opium;
- 3 (c) Opium poppy and poppy straw;
- 4 (d) Coca leaves, except coca leaves and extracts of coca leaves from which  
5 cocaine, ecgonine, and derivatives of ecgonine or their salts have been  
6 removed;
- 7 (e) Cocaine, its salts, optical and geometric isomers, and salts of isomers;
- 8 (f) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; and
- 9 (g) Any compound, mixture, or preparation which contains any quantity of any of  
10 the substances referred to in paragraphs (a) to (f) of this subsection;
- 11 (34) "Opiate" means any substance having an addiction-forming or addiction-sustaining  
12 liability similar to morphine or being capable of conversion into a drug having  
13 addiction-forming or addiction-sustaining liability. It does not include, unless  
14 specifically designated as controlled under KRS 218A.020, the dextrorotatory  
15 isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does  
16 include its racemic and levorotatory forms;
- 17 (35) "Opium poppy" means the plant of the species *papaver somniferum* L., except its  
18 seeds;
- 19 (36) "Person" means individual, corporation, government or governmental subdivision  
20 or agency, business trust, estate, trust, partnership or association, or any other legal  
21 entity;
- 22 (37) "Physical injury" has the same meaning it has in KRS 500.080;
- 23 (38) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing;
- 24 (39) "Pharmacist" means a natural person licensed by this state to engage in the practice  
25 of the profession of pharmacy;
- 26 (40) "Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific  
27 investigator, optometrist as authorized in KRS 320.240, advanced practice

1 registered nurse as authorized under KRS 314.011, physician assistant as authorized  
2 under KRS 311.858, or other person licensed, registered, or otherwise permitted by  
3 state or federal law to acquire, distribute, dispense, conduct research with respect to,  
4 or to administer a controlled substance in the course of professional practice or  
5 research in this state. "Practitioner" also includes a physician, dentist, podiatrist,  
6 veterinarian, or advanced practice registered nurse authorized under KRS 314.011  
7 who is a resident of and actively practicing in a state other than Kentucky and who  
8 is licensed and has prescriptive authority for controlled substances under the  
9 professional licensing laws of another state, unless the person's Kentucky license  
10 has been revoked, suspended, restricted, or probated, in which case the terms of the  
11 Kentucky license shall prevail;

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

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

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

24 (44) "Presumptive probation" means a sentence of probation not to exceed the maximum  
25 term specified for the offense, subject to conditions otherwise authorized by law,  
26 that is presumed to be the appropriate sentence for certain offenses designated in  
27 this chapter, notwithstanding contrary provisions of KRS Chapter 533. That

1 presumption shall only be overcome by a finding on the record by the sentencing  
2 court of substantial and compelling reasons why the defendant cannot be safely and  
3 effectively supervised in the community, is not amenable to community-based  
4 treatment, or poses a significant risk to public safety;

5 (45) "Production" includes the manufacture, planting, cultivation, growing, or harvesting  
6 of a controlled substance;

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

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

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

- 1 (49) "Sell" means to dispose of a controlled substance to another person for  
2 consideration or in furtherance of commercial distribution;
- 3 (50) "Serious physical injury" has the same meaning it has in KRS 500.080;
- 4 (51) "Synthetic cannabinoids or piperazines" means any chemical compound which is  
5 not approved by the United States Food and Drug Administration or, if approved,  
6 which is not dispensed or possessed in accordance with state and federal law, that  
7 contains Benzylpiperazine (BZP); Trifluoromethylphenylpiperazine (TFMPP); 1,1-  
8 Dimethylheptyl-11-hydroxytetrahydrocannabinol (HU-210); 1-Butyl-3-(1-  
9 naphthoyl)indole; 1-Pentyl-3-(1-naphthoyl)indole; dexanabinol (HU-211); or any  
10 compound in the following structural classes:
- 11 (a) Naphthoylindoles: Any compound containing a 3-(1-naphthoyl)indole  
12 structure with substitution at the nitrogen atom of the indole ring by an alkyl,  
13 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
14 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further  
15 substituted in the indole ring to any extent and whether or not substituted in  
16 the naphthyl ring to any extent. Examples of this structural class include but  
17 are not limited to JWH-015, JWH-018, JWH-019, JWH-073, JWH-081,  
18 JWH-122, JWH-200, and AM-2201;
- 19 (b) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole  
20 structure with substitution at the nitrogen atom of the indole ring by an alkyl,  
21 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
22 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further  
23 substituted in the indole ring to any extent and whether or not substituted in  
24 the phenyl ring to any extent. Examples of this structural class include but are  
25 not limited to JWH-167, JWH-250, JWH-251, and RCS-8;
- 26 (c) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with  
27 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,

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

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

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

20          (f) Naphthoylpyrroles: Any compound containing a 3-(1-naphthoyl)pyrrole  
21          structure with substitution at the nitrogen atom of the pyrrole 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 pyrrole ring to any extent and whether or not substituted in  
25          the naphthyl ring to any extent. Examples of this structural class include but  
26          are not limited to JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

27          (g) Naphthylmethylindenes: Any compound containing a 1-(1-

1 naphthylmethyl)indene structure with substitution at the 3-position of the  
2 indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
3 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether  
4 or not further substituted in the indene ring to any extent and whether or not  
5 substituted in the naphthyl ring to any extent. Examples of this structural class  
6 include but are not limited to JWH-176;

7 (h) Tetramethylcyclopropanoylindoles: Any compound containing a 3-(1-  
8 tetramethylcyclopropoyl)indole structure with substitution at the nitrogen  
9 atom of the indole ring by an alkyl, haloalkyl, cycloalkylmethyl,  
10 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl  
11 group, whether or not further substituted in the indole ring to any extent and  
12 whether or not further substituted in the tetramethylcyclopropyl ring to any  
13 extent. Examples of this structural class include but are not limited to UR-144  
14 and XLR-11;

15 (i) Adamantoylindoles: Any compound containing a 3-(1-adamantoyl)indole  
16 structure with substitution at the nitrogen atom of the indole ring by an alkyl,  
17 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
18 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further  
19 substituted in the indole ring to any extent and whether or not substituted in  
20 the adamantyl ring system to any extent. Examples of this structural class  
21 include but are not limited to AB-001 and AM-1248; or

22 (j) Any other synthetic cannabinoid or piperazine which is not approved by the  
23 United States Food and Drug Administration or, if approved, which is not  
24 dispensed or possessed in accordance with state and federal law;

25 (52) "Synthetic cathinones" means any chemical compound which is not approved by the  
26 United States Food and Drug Administration or, if approved, which is not dispensed  
27 or possessed in accordance with state and federal law (not including bupropion or



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

- 5 (a) By substitution in the ring system to any extent with alkyl, alkylendioxy,  
6 alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further  
7 substituted in the ring system by one (1) or more other univalent substituents.  
8 Examples of this class include but are not limited to 3,4-  
9 Methylenedioxcathinone (bk-MDA);
- 10 (b) By substitution at the 3-position with an acyclic alkyl substituent. Examples of  
11 this class include but are not limited to 2-methylamino-1-phenylbutan-1-one  
12 (buphedrone);
- 13 (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or  
14 methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a  
15 cyclic structure. Examples of this class include but are not limited to  
16 Dimethylcathinone, Ethcathinone, and  $\alpha$ -Pyrrolidinopropiophenone ( $\alpha$ -PPP);  
17 or
- 18 (d) Any other synthetic cathinone which is not approved by the United States  
19 Food and Drug Administration or, if approved, is not dispensed or possessed  
20 in accordance with state or federal law;

21 (53) "Synthetic drugs" means any synthetic cannabinoids or piperazines, ~~for~~ any  
22 synthetic cathinones, or any synthetic tetrahydrocannabinols;

23 (54) "Synthetic tetrahydrocannabinols" means synthetic equivalents of the substances  
24 contained in any part of the plant Cannabis, sp. or synthetic substances,  
25 derivatives, and their isomers with similar chemical structure and  
26 pharmacological activity, including but not limited to:

27 (a) Delta 1 cis or trans tetrahydrocannabinol and their optical isomers;

- 1       **(b) Delta 6 cis or trans tetrahydrocannabinol and their optical isomers;**  
 2       **(c) Delta 3, 4 cis or trans tetrahydrocannabinol and its optical isomers;**  
 3       **(d) Delta 4 cis or trans tetrahydrocannabinol and its optical isomers;**  
 4       **(e) Delta 8 cis or trans tetrahydrocannabinol and its optical isomers;**  
 5       **(f) Delta 9 cis or trans tetrahydrocannabinol and its optical isomers;**  
 6       **(g) Delta 10 cis or trans tetrahydrocannabinol and its optical isomers;**  
 7       **(h) Tetrahydrocannabinol-O cis or trans tetrahydrocannabinol and its optical**  
 8               **isomers;**  
 9       **(i) Tetrahydrocannabinol-P cis or trans tetrahydrocannabinol and its optical**  
 10               **isomers;**  
 11       **(j) Hexahydrocannabinol cis or trans tetrahydrocannabinol and its optical**  
 12               **isomers; and**  
 13       **(k) Any other cis or trans tetrahydrocannabinol and its optical isomers that**  
 14               **mimics the intoxicating effects of delta-9 tetrahydrocannabinol;**

15       **(55)** "Telehealth" has the same meaning it has in KRS 311.550;

16       ~~[(55) "Tetrahydrocannabinols" means synthetic equivalents of the substances contained in~~  
 17       ~~the plant, or in the resinous extractives of the plant Cannabis, sp. or synthetic~~  
 18       ~~substances, derivatives, and their isomers with similar chemical structure and~~  
 19       ~~pharmacological activity such as the following:~~

- 20       ~~(a) Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers;~~  
 21       ~~(b) Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; and~~  
 22       ~~(c) Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers];~~

23       **(56)** "Traffic," except as provided in KRS 218A.1431, means to manufacture, distribute,  
 24       dispense, sell, transfer, or possess with intent to manufacture, distribute, dispense,  
 25       or sell a controlled substance;

26       **(57)** "Transfer" means to dispose of a controlled substance to another person without  
 27       consideration and not in furtherance of commercial distribution; and

1 (58) "Ultimate user" means a person who lawfully possesses a controlled substance for  
2 his or her own use or for the use of a member of his or her household or for  
3 administering to an animal owned by him or her or by a member of his or her  
4 household.

5 ➔Section 5. Whereas the General Assembly intended to create a sustainable hemp  
6 program to capitalize on the industrial uses of hemp in an environment free of controlled  
7 substances, and whereas a flood of intoxicating tetrahydrocannabinol products have been  
8 marketed for sale in the Commonwealth in direct contravention of legislative policy and  
9 those products are detrimental to the public health of the Commonwealth's citizens, an  
10 emergency is declared to exist, and this Act takes effect upon its passage and approval by  
11 the Governor or upon its otherwise becoming a law.