

CABINET FOR HEALTH AND FAMILY SERVICES
KENTUCKY MEDICAL CANNABIS PROGRAM
TEAM KENTUCKY MEDICAL CANNABIS WORKGROUP
LOCAL GOVERNMENT & LAW ENFORCEMENT SUBCOMMITTEE

MINUTES OF THE APRIL 16, 2024 MEETING

- I. The Local Government & Law Enforcement Subcommittee meeting of the Team Kentucky Medical Cannabis Workgroup was called to order by Sam Flynn, Executive Director of the Kentucky Medical Cannabis Program, on April 16, 2024, at approximately 2:06 PM. The members met virtually via Zoom.

Workgroup Members Present:

Sam Flynn, designee for Eric Friedlander
Michael Kidd, designee for Phillip Burnett
Ashley Smith

Workgroup Members not Present:

Ashton McKenzie
Michael Mueller

Additional Attendees:

Shelby Lewis, Executive Policy Advisor, Kentucky Medical Cannabis Program
Scotty McFarlan, Deputy Executive Director, Kentucky Medical Cannabis Program
Chafic George, Director of Enforcement and Compliance, Kentucky Medical Cannabis Program
Alyssa Erickson, Director of Education and Outreach, Kentucky Medical Cannabis Program
Malaya Rivers, Executive Administrative Secretary, Kentucky Medical Cannabis Program
Members of the Public

II. OLD BUSINESS

None.

III. NEW BUSINESS

a. Report from the Executive Director

Mr. Flynn provided an update on the progress of the Kentucky Medical Cannabis Program (“KMCP”), including the program’s filing of additional administrative

regulations establishing processes and procedures for patients and caregivers to receive a medical cannabis card. These recent regulation filings are in addition to ten regulations previously filed by the cabinet regarding cannabis businesses, including cultivators, processors, producers, dispensaries, and safety compliance facilities.

b. Legislative and Regulatory Update

Mr. Flynn explained the general legislative process in Kentucky, including how a bill becomes a law. Mr. Flynn then discussed various bills filed during the current legislative session that affected medical cannabis in Kentucky. House Bill (“HB”) 829 passed on April 15, 2024 which modifies Senate Bill (“SB”) 47 in several ways. For example, HB 829 creates the Office of Medical Cannabis and creates powers and authorities to administer the program.

HB 829 moves up the licensing of cannabis businesses from January 1, 2025 to July 1, 2024, places restrictions and notice requirements on local government opt-outs, removes provisional receipts, adds a pharmacist representative to the Board of Physicians and Advisors, and requires the Board to assist KMCP with preparing an educational pamphlet for cardholders to be distributed by dispensaries.

Mr. Flynn then explained the new budget finding. HB 6 is the budget bill that includes funding for the KMCP if the Board of Physicians and Advisors (“Board”) finds there is a propensity of peer reviewed published research with sufficient evidence as to the efficacy of medical cannabis for the persistent reduction of symptoms of diseases and conditions. KMCP presented the Board with relevant findings required by HB 6. The Board then made a motion regarding the finding, the motion was carried unanimously, and the finding was made by the Board of Physicians and Advisors on April 15, 2024.

c. Impact on Local Government

Mr. Flynn discussed the impact of HB 829 on the local government. For example, HB 829 removes provisional receipts, closing the loophole in the provisional medical card receipt process, allowing only individuals approved by the program to receive medical cannabis.

HB 829 also requires the Cabinet to create a Medicinal Cannabis Advisory Pamphlet to provide at dispensaries for cardholders. This is in addition to cardholders meeting with medical cannabis practitioners and is required if it is the first time the patient has purchased medical cannabis, if it has been at least twelve months since the dispensary provided the pamphlet to the patient, or if the information within the pamphlet has changed. The medical cannabis patient must sign electronically stating they received the pamphlet, and the dispensary may retain these signatures for their records.

Mr. Flynn then discussed the new date for cannabis business licensing. HB 829 moves up the cannabis business licensing date from January 1, 2025 to July 1, 2024. HB 829 also clarifies that licensed medical cannabis dispensaries may not sell medical cannabis prior to January 1, 2025.

Mr. Flynn discussed opt-in and opt-out restrictions and notice requirements on local governments. HB 829 allows local governments to prohibit cannabis business operations within their jurisdiction through the passage of the ordinance. For example, local governments may establish and assess reasonable local fees to compensate for any additional costs caused by the operation of cannabis businesses within its territory. However, local governments may not enact any ordinances that are less restrictive than the statutes or regulations governing the Program. HB 829 also ups the threshold to get on the ballot from 5% to 10%. Mr. Flynn then explained if a local government opts-out of allowing medical cannabis in their jurisdiction, they must notify the Program within five days after passage in writing. Local governments may act by January 1, 2025 to prohibit cannabis business operations in their jurisdiction.

Mr. Flynn discussed opt-in and opt-out requirements on local schools. HB 829 allows for each local school board to either prohibit or permit the use of medical cannabis on school grounds by a student who is a registered qualified patient as deemed necessary by the student's parent or legal guardian. HB 829 also allows for local school districts who permit the use of medical cannabis on school grounds to institute policies regarding the students access to medical cannabis while on school grounds. These policies must be established by December 1, 2024.

d. Other Business

None.

IV. COMMENTS AND ANNOUNCEMENTS

Mr. Flynn then took questions and comments from both Workgroup members and members of the public.

Members of the public asked questions regarding HB 829, business licenses and regulations, and dispensary applications.

V. ADJOURNMENT

There being no further business, Mr. Flynn moved to adjourn the meeting. Major Kidd seconded, and the motion carried 3-0 (approximately 2:46 PM).



Sam Flynn
Executive Director
Kentucky Medical Cannabis Program

