

A year out from legal medical marijuana, legislature makes final updates

BY SARAH MICHELS
Bluegrass Live

Kentucky is a year closer to legalized medical marijuana, and the state legislature is making its final preparations.

In 2023, the General Assembly voted to legalize medical cannabis. However, the legislature pushed the start date to Jan. 1, 2025, to give the Cabinet for Health and Family Services time to develop the necessary regulations.

This year, Rep. Jason Nemes, R-Middleton, filed House Bill 829 to update the bill before it takes effect next year.

After earning a favorable Senate State & Local Government committee vote, the Senate and the House passed HB829.

Most of the votes aligned with last year's medical cannabis vote, but Sen. Mike Wilson, R-Bowling Green flipped from a no to a yes, while Sen. Lindsey Tichenor, R-Smithfield, switched from yes to no.

How will legalized medical marijuana work?

In 2025, eligible Kentuckians can become medical cannabis cardholders.

They must have one of the following qualifying conditions:

- any type or form of cancer regardless of stage;
- chronic, severe, intractable or debilitating pain;
- epilepsy or any other intractable seizure disorder;
- multiple sclerosis, muscle spasms or spasticity;
- chronic nausea or cyclical vomiting syndrome that has proven resistant to other conventional medical treatments;



House Majority Whip Jason Nemes, R-Middleton, (left) confers with Rep. Savannah Maddox, R-Dry Ridge, and Rep. Steven Doan, R-Erlanger, in the House chamber. (LRC Public Information photo)

post-traumatic stress disorder; or

any other medical condition for which Kentucky Center for Cannabis determines medical cannabis has evidence-backed medical, therapeutic or palliative benefits.

In January, the Team Kentucky Medical Cannabis Workgroup and the Board of Physicians and Advisors sent a letter to the legislature asking for 14 additional qualifying conditions, including ALS, Parkinson's disease, severe arthritis, muscular dystrophy, HIV/AIDS and terminal illness. None were added.

Prospective cardholders must be seen by a physician, who will look into their medical records, current medications and potential risks and side effects. They will also be subject

to a criminal background check to determine whether they were previously convicted of a felony offense disqualifying them from receiving medical cannabis.

Nemes said it should take about 30 to 45 days for eligible Kentuckians to receive their cards, and potentially quicker for end-of-life situations.

Cardholders can then get cannabis from the state's dispensaries. However, they cannot smoke or vape the product, and cannot use cannabis in public. If they do so, cardholders would face potential prosecution and revocation of their card.

"You cannot smoke in this," Nemes said. "This is not a wink wink, nod nod move to recreational. This is to help people who need to be helped.

If you're smoking, you won't only lose your card, you should go to jail. It is still a felony in Kentucky to do that."

One budget item could complicate medical cannabis' launch. The budget appropriates \$15.3 million to the Office of Medical Cannabis, only if the Board of Physicians and Advisors 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."

Gov. Andy Beshear line-item vetoed this provision, but his veto was overridden.

Under HB829, dispensaries can start growing hemp in July, six months before they can legally sell it. However,

localities also have that time to opt out of legal medical cannabis.

Localities can call for a local election, similar to a wet/dry vote, in which voters decide whether to allow dispensaries to operate. Or they can pass an ordinance banning cannabis businesses in their jurisdiction.

If the ban occurs through an ordinance, 10% of registered voters can sign a petition calling for an election to overturn the ordinance.

If localities wait until after Jan. 1, 2025 to ban dispensaries, businesses that have already gotten their licenses would be grandfathered in.

"Everyone should know, if you get licensed and to get set up before this time, you're taking a bit of a risk," said Sen. Stephen West, R-Paris. "But it does allow these businesses and the growers especially to get up and running, start growing product, so there's actually something there to sell January 1."

Kentucky hemp businesses already in good standing with the Department of Agriculture have "front of the line" status for licensing.

Schools can also opt out and refuse to administer medical cannabis on their premises. If schools opt in, they must create a process to determine who administers the medication—a nurse or parent—and ensure it occurs out of view of other students.

HB829 passed committee in an 8-1 vote. Senate Majority Leader Damon Thayer was a "reluctant yes" after saying he did "everything (he) could to try to kill this bill."

Nemes said he doesn't want to expand conditions before the program is operating, and even then, only if necessary.

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