KENTUCKY

MEDICAL CANNABIS ACCESS STATE REPORT CARD 2015

F

Issue	Possible Points	
PATIENT RIGHTS & CIVIL PROTECTION (total)	**100**	**41**
Arrest protection	40	20
Affirmative defense	15	9
Child custody	10	0
DUID protections	5	0
Employment	5	0
Explicit privacy standards	7	7
Housing protections	5	0
Does not create new criminal penalties for patients	5	5
Organ transplants	5	0
Reciprocity	3	0
EASE OF NAVIGATION (total)	**100**	**75**
Comprehensive qualifying conditions	50	50
Adding new conditions (total)	10	0
Law/Regs allow for new conditions	5	0
System works for adding new conditions	5	0
Reasonable access for minors	10	10
Reasonable caregiver background check requirements	4	0
Number of caregivers	2	0
Patient/Practitioner focused task force/advisory Board	2	0
Reasonable fees (patients & caregivers)	10	10
Allows multiple-year registrations	2	0
Reasonable physician requirements	5	2
Does not classify cannabis as medicine of last resort	5	3
ACCESS TO MEDICINE (total)	**100**	**10**
Allows distribution programs (total)	40	0
Allows access to dried flowers	15	0
Allows delivery	5	0
No sales tax or reasonable sales tax	5	0
Reasonable number of dispensing facilities	5	0
Does not require vertical integration	2	0
Ownership/Employment restrictions	2	0
Provisions for labor standards	2	0
Environmental impact regulations	2	0
Unrestricted choice of dispensary	2	0
Non-commercial cultivation (total)	20	0
Personal cultivation	15	0
Collective gardens	5	0
Explicit right to edibles/concentrates/other forms	10	0
Does not impose limits or bans on THC	10	0
Does not impose minimum CBD requirements	10	10
Municipal bans/zoning	10	0
FUNCTIONALITY (total)	**100**	**28**
Patients are able to obtain medicine	50	0
Free of significant administrative or supply problems	15	10
Legal protections within reasonable time frame	10	10
Reasonable possession limit (ounces)	5	5
Reasonable purchase limits	5	0
Allows patients to medicate where they chose	5	3
Covered by insurance/state health aide	3	0
Financial hardship (fee waivers/discount medicine)	7	0
PRODUCT SAFETY (total - see back for details)	**100**	**n/a**
Dispensing	25	n/a
Cultivation	25	n/a
Manufacturing	25	n/a
Lab	25	n/a
Improvement Bonus		0
Total out of 400		154
Score percentage		39

Final Grade = F*

Areas for improvement: The Kentucky medical cannabis law is so limited that it cannot be referred to as a "program," and needs to be completely overhauled in order provide any benefit to the patients of the state. Passing comprehensive legislation to allow for the in-state production and distribution of medical cannabis, with strong product safety provisions, would be the most beneficial step the state could take on this front. Perhaps the only thing the current Kentucky law does better than any of the other CBD-focused laws is that it does not impose any restrictions on medical conditions. Kentucky should preserve this component and allow physicians to recommend medical cannabis to anyone for whom the benefits outweigh the risks.

Background: In 2014, the Kentucky legislature revised the definition of marijuana under state law to create legal protection for patients who use a cannabidiol (CBD) medicine as part of an approved clinical trial or on the written order of "a physician practicing at a hospital or associated clinic affiliated with a Kentucky public university having a college or school of medicine." The law does not create a production or distribution model within Kentucky, so patients with a qualifying Kentucky physician's recommendation can only obtain their medicine by traveling to a medical cannabis state that both has production of CBD medicines and would recognize a Kentucky physician's order as valid. States that offer reciprocity for medical cannabis patients who are not residents typically require a valid medical cannabis registry ID card, which Kentucky does not currently offer.

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PRODUCT SAFETY point breakdown

(Point totals by section included in grade calculation on reverse)

Issue	Possible Points	
DISPENSING (total)	**25**	**0**
Dispensary training	5	0
Operating Procedures and Protocols	5	0
Facility sanitary conditions	Y or N	N
Storage protocols	Y or N	N
Reasonable security protocols	Y or N	N
Inventory control	Y or N	N
Recall protocol and adverse event reporting	5	0
Product Labeling	5	0
Product contents including source material ID	Y or N	N
Allergens	Y or N	N
Potency/compound identification	Y or N	N
Required Testing	5	0
Active ingredient identification	Y or N	N
Contaminants	Y or N	N
Potency	Y or N	N
CULTIVATION (total)	**25**	0
Cultivation training	5	0
Standard Operating Procedures and Protocols	**5**	0
Facility and equipment sanitary conditions	Y or N	N
Workforce safety protocols	Y or N	N
Storage protocols (short and long term)	Y or N	N
Reasonable security protocols	Y or N	N
Batch and lot tracking	Y or N	N
Disposal/waste	Y or N	N
Water management	Y or N	N
Pesticide Guidance and Protocols	**5**	**0**
Pesticide guidance	Y or N	N
Product labeling	Y or N	N
Required testing	5	0
Active ingredient identification	Y or N	N
Contaminants	Y or N	N
Potency	Y or N	N
Sample retention	Y or N	N
Recall protocol and adverse event reporting	5	0
MANUFACTURING (total)	**25**	0
Manufacturing training	5	0
Standard Operating Procedures and Protocols	5	0
Facility and equipment sanitary conditions	Y or N	N
Workforce safety protocols	Y or N	N
Storage protocols	Y or N	N
Reasonable security protocols	Y or N	N
Batch and lot tracking	Y or N	N
Product Labeling	5	0
Product contents with source material ID	Y or N	N
Allergens	Y or N	N
Potency/compound identification	Y or N	N
Required Testing	5	0
Active ingredient identification	Y or N	N
Contaminants	Y or N	N
Potency	Y or N	N
Shelf life testing	Y or N	N
Sample retention	Y or N	N
Recall protocol and adverse event reporting:	5	0
LABORATORY (total)	**25**	**0**
Lab operations training	5	0
Method validation in accordance with AHP guidelines	5	0
Result reporting - disclose the type of testing used	5	0
Independent or third party: certification	5	0
Standard Operating Procedures and Protocols	**5**	**0**
Equipment and instrument calibration	Y or N	N
Sample tracking	Y or N	N
Facility and equipment sanitary conditions	Y or N	N
Disposal/waste protocols	Y or N	N
Storage protocols	Y or N	N
Workforce safety protocols	Y or N	N
Total out of 100		**n/a**

Tools for Success:

Improving your state law has never been easier. In the appendix of this report you will find model legislation and regulators guides for product safety protocols. ASA staff are all also available to draft and/or review legislative and regulatory language. Our website has many resources online including access to our policy shop at http://www.safeaccessnow.org/policy_shop, information for regulators available at http://patientfocusedcertification.org/about/information-for-regulators/ and a breakdown of all the state laws at http://www.safeaccessnow.org/state_and_federal_law.

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