

1 AN ACT relating to controlled substances.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO  
4 READ AS FOLLOWS:

- 5 *(1) As used in Sections 1 to 3 of this Act, "harm reduction centers" means a*  
6 *community-based resource for health screening, disease prevention, and recovery*  
7 *assistance where persons may safely consume pre-obtained substances.*
- 8 *(2) Within six (6) months after the effective date of this Act, the department shall*  
9 *establish a pilot program to prevent drug overdoses through the establishment of*  
10 *harm reduction centers.*
- 11 *(3) Harm reduction centers established pursuant to Sections 1 to 3 of this Act shall*  
12 *be operated by a local health department. The legislative body of the county,*  
13 *urban-county government, or consolidated local government in which the*  
14 *program would operate shall approve the:*
- 15 *(a) Opening and operation of the proposed harm reduction center;*
- 16 *(b) Location of the proposed harm reduction center; and*
- 17 *(c) Hours of operation of the proposed harm reduction center.*
- 18 *(4) Each harm reduction center established pursuant to Sections 1 to 3 of this Act*  
19 *shall provide the necessary health care professionals to prevent overdose,*  
20 *referrals for counseling, or other medical treatment that may be appropriate for*  
21 *persons utilizing the harm reduction center.*
- 22 *(5) The commissioner shall promulgate regulations in accordance with KRS Chapter*  
23 *13A to authorize the program established by Sections 1 to 3 of this Act.*
- 24 *(6) Each harm reduction center approved for operation pursuant to Sections 1 to 3 of*  
25 *this Act shall cease operation on or before January 1, 2025, unless an act of the*  
26 *General Assembly authorizes the continuation of the operation of the harm*  
27 *reduction center.*

1           ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO  
2 READ AS FOLLOWS:

3 (1) There is hereby established an advisory committee to advise the commissioner  
4 with respect to administrative regulations necessary to effectuate the purpose of  
5 Sections 1 to 3 of this Act. The advisory committee shall be chaired by the  
6 commissioner, or the commissioner's designee, and shall consist of the following  
7 additional members:

8 (a) The commissioner of the Department for Behavioral Health, Developmental  
9 and Intellectual Disabilities, or his or her designee;

10 (b) The dean of the University of Kentucky College of Social Work, or his or  
11 her designee;

12 (c) The dean of the University of Louisville Raymond A. Kent School of Social  
13 Work and Family Science, or his or her designee;

14 (d) Three (3) members appointed by the Governor:

15 1. A physician certified by the American Society of Addiction Medicine;

16 and

17 2. Two (2) persons in recovery.

18 (2) The advisory committee shall make recommendations to the commissioner with  
19 respect to:

20 (a) Maximizing the potential public health and safety benefits of harm  
21 reduction centers;

22 (b) The proper disposal of hypodermic needles and syringes;

23 (c) The recovery of persons utilizing such harm reduction centers;

24 (d) Federal, state and local laws impacting the creation and operation of the  
25 harm reduction centers;

26 (e) Appropriate guidance to relevant professional licensing boards;

27 (f) Potential collaboration with other public health efforts;

1 (g) Consideration of any other factors beneficial to promoting the public health  
2 and safety; and

3 (h) Liability protection for property owners and harm reduction center staff,  
4 volunteers, and participants from criminal or civil liability resulting from  
5 the operation of a harm reduction center.

6 (3) The commissioner shall promulgate administrative regulations authorized by  
7 Sections 1 to 3 of this Act no later than six (6) months after the effective date of  
8 this Act.

9 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO  
10 READ AS FOLLOWS:

11 Notwithstanding any other law to the contrary, a person or entity, including but not  
12 limited to property owners, managers, employees, volunteers, clients, or participants,  
13 and state, city, or county government employees acting in the course and scope of  
14 employment, shall not:

15 (1) Be arrested, charged, or prosecuted pursuant to KRS Chapter 218A;

16 (2) Have their property subject to forfeiture;

17 (3) Be subject to any civil or administrative penalty, including but not limited to  
18 disciplinary action by a professional licensing board, credentialing restrictions,  
19 contractual or civil liability, or medical staff or other employment action;

20 (4) Be denied any right or privilege for actions, conduct, or omissions;  
21 relating to the approval or operation of a harm reduction center in compliance with  
22 Sections 1 to 3 of this Act and any regulations promulgated pursuant to Sections 1 to 3  
23 of this Act.