

Harm Reduction Policy

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Kentucky Public Health
Prevent. Promote. Protect.



TEAM 
KENTUCKY®

CABINET FOR HEALTH
AND FAMILY SERVICES

The presenter has no financial interest to disclose.

Objectives

- 🛡️ Identify the Kentucky legislative process
- 🛡️ Examine existing harm reduction policies
- 🛡️ Discuss the role you have in advocating for policy change

Kentucky Department for Public Health

Mission and Vision in Action

**Healthier People,
Healthier Communities.**

Our mission is to improve the health and safety of people in Kentucky through prevention, promotion and protection.

Prevention

- Diabetes Prevention
- Disease Surveillance
- Environmental Inspections
- HANDS

Promotion

- Immunizations
- KEIS
- Mobile Harm Reduction
- Newborn Screening

Protection

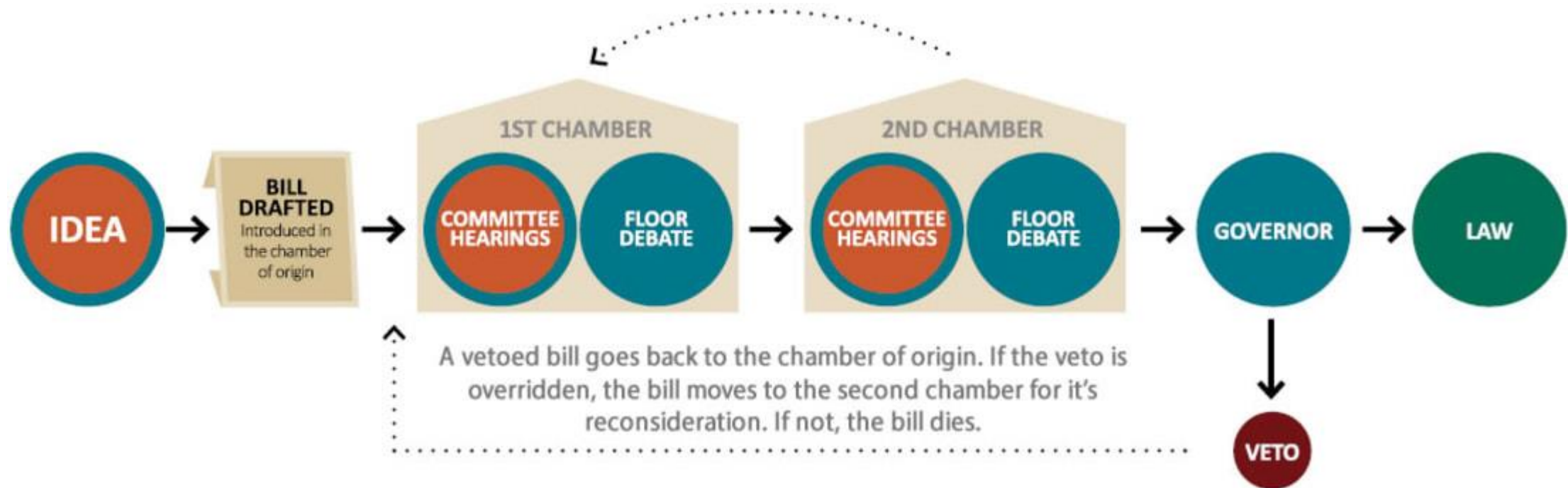
- Prescription Assistance
- Public Health and Disaster Preparedness
- Smoking Cessation
- WIC

What is “public policy”?

- 🛡️ Policy is made in response to some sort of issue or problem that requires attention.
- 🛡️ Policy is what the government chooses to do (actual) or not do (implied) about a particular issue or problem.
- 🛡️ **Policy might take the form of law, or regulation, or the set of all the laws and regulations that govern a particular issue or problem.**
- 🛡️ Policy is made on behalf of the "public."
- 🛡️ Policy is oriented toward a goal or desired state, such as the solution of a problem.
 - <https://www.civiced.org/project-citizen/what-is-public-policy>

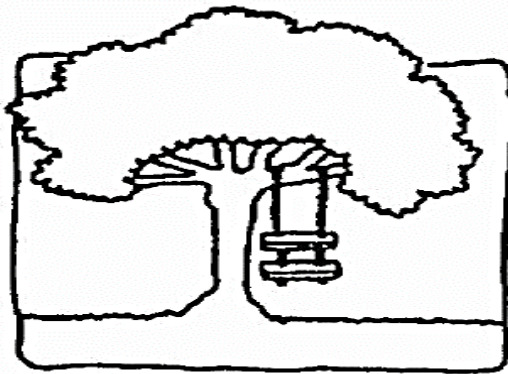
The Legislative Process



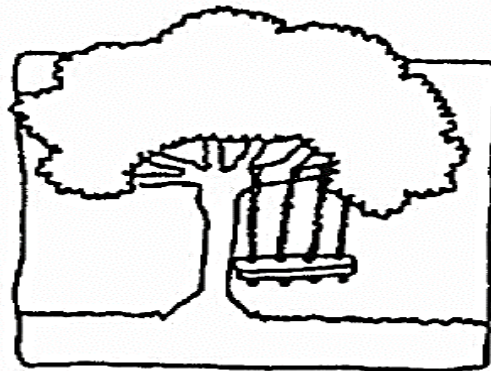


<https://www.ncsl.org/legislative-staff/civics-education/learning-the-game>

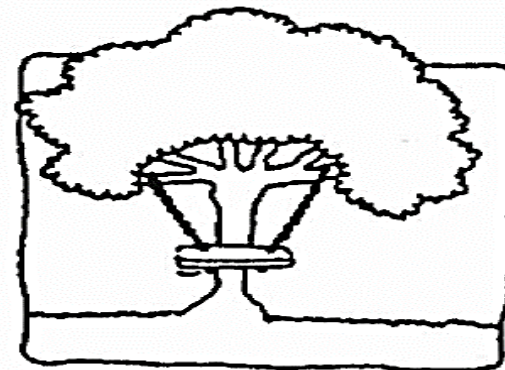
How a Bill Becomes Law



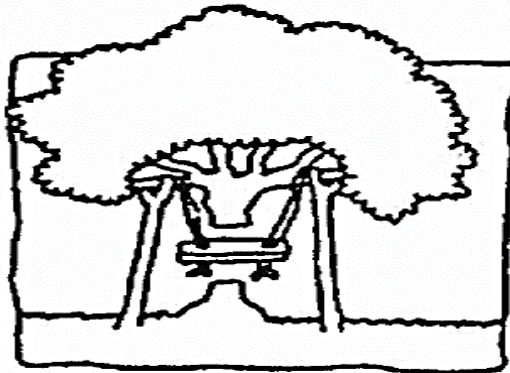
AS INTRODUCED



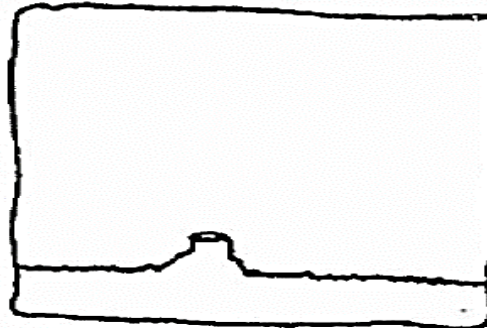
AS AMENDED IN COMMITTEE



AS AMENDED ON SECOND READING



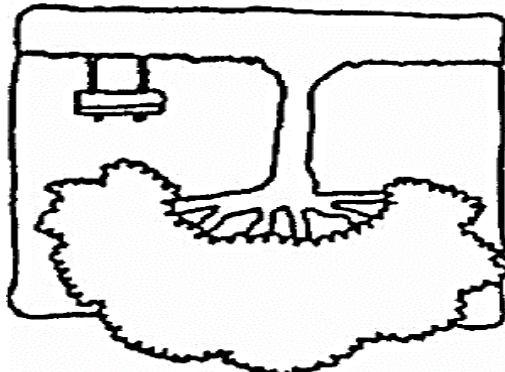
AS ENACTED



AS FUNDED BY JOINT BUDGET COMMITTEE



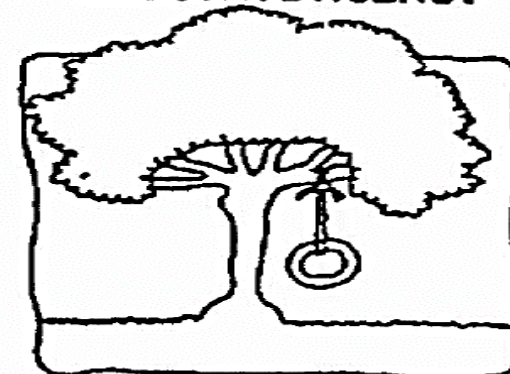
AS IMPLEMENTED BY THE STATE AGENCY



AS REPORTED BY THE MEDIA



AS UNDERSTOOD BY THE PUBLIC



WHAT WAS ACTUALLY NEEDED

Harm Reduction Laws

- 🛡️ Senate Bill (SB) 192 from 2015
 - Introduces as
 - “AN ACT relating to contract for health care services for inmates.”
 - Passed as
 - “AN ACT relating to controlled substances and declaring an emergency.”
- 🛡️ Signed by Governor 3/25/2015 (Acts ch. 66)
 - <https://apps.legislature.ky.gov/record/15rs/sb192.html>

KRS 218A.500(5) as amended by Section 18

- 🛡️ (5)(a) This section shall not prohibit a local health department from operating a substance abuse treatment outreach program which allows participants to exchange hypodermic needles and syringes.

- 🛡️ (b) To operate a substance abuse treatment outreach program under this subsection, the local health department shall have the consent, which may be revoked at any time, of the local board of health and:
 - 1. The legislative body of the first or home rule class city in which the program would operate if located in such a city; and
 - 2. The legislative body of the county, urban-county government, or consolidated local government in which the program would operate.

- 🛡️ (c) Items exchanged at the program shall not be deemed drug paraphernalia under this section while located at the program.

Other SB 192 Changes

- 🛡️ KRS 196.288 as amended by Section 3
 - Fifty percent (50%) shall be distributed for the following purposes:
 - To the department* to provide or to contract for the provision of substance abuse treatment in county jails, regional jails, or other local detention centers that employ evidence-based practices in behavioral health treatment or medically assisted treatment for nonstate inmates with opiate addiction or other substance abuse disorders;
- *Corrections

- 🛡️ A new section of KRS Chapter 205 as created by Section 5
 - (1) The Department for Medicaid Services shall provide a substance use disorder benefit consistent with federal laws and regulations which shall include a broad array of treatment options for those with heroin and other substance use disorders.

- 🛡️ A new section of KRS Chapter 216B as created by Section 7
 - When a person is admitted to a hospital emergency department or hospital emergency room for treatment of a drug overdose: (1) The person shall be informed of available substance use disorder treatment services known to the hospital that are provided by that hospital, other local hospitals, the local community mental health center, and any other local treatment programs licensed pursuant to KRS 222.231;

KRS 217.186 as amended by Section 8

- A person or agency, including a peace officer, jailer, firefighter, paramedic, or emergency medical technician or a school employee authorized to administer medication under KRS 156.502, may:
 - (a) Receive a prescription for the drug naloxone;
 - (b) Possess naloxone pursuant to this subsection and any equipment needed for its administration; and
 - (c) Administer naloxone to an individual suffering from an apparent opiate related overdose.
- (6) (b) In collaboration with local health departments, local health providers, and local schools and school districts, the Kentucky Department for Public Health shall develop clinical protocols to address supplies of naloxone kept by schools under this section and to advise on the clinical administration of naloxone.

KRS 625.050 as amended by Section 20

- No petition may be filed to terminate the parental rights of a woman solely because of her use of a nonprescribed controlled substance during pregnancy if she enrolls in and maintains substantial compliance with both a substance abuse treatment or recovery program and a regimen of prenatal care as recommended by her health care practitioner throughout the remaining term of her pregnancy.
- Upon certified completion of the treatment or recovery program, or six (6) months after giving birth during which time substantial compliance with a substance abuse treatment or recovery program has occurred, whichever is earlier, any records maintained by a court or by the cabinet relating to a positive test for a nonprescribed controlled substance shall be sealed by the court and may not be used in any future criminal prosecution or future petition to terminate the woman's parental rights.

2023 Legislative Record

House Bill 353

- “AN ACT relating to crimes and punishments.”


Signed by Governor 3/31/2023 (Acts ch. 166)

- <https://apps.legislature.ky.gov/record/23rs/hb353.html>

KRS 218A.500(7) as amended by Section 1

- 🛡️ (7)(c) 1. Except as provided in subparagraph 2. of this paragraph, narcotic drug testing products utilized in determining whether a controlled substance contains a synthetic opioid or its analogues shall not be deemed drug paraphernalia under this section.
 - 2. A narcotic drug testing product that is utilized in conjunction with the importation, manufacture, or selling of fentanyl or a fentanyl analogue in violation of this chapter shall be deemed drug paraphernalia under this section.

- 🛡️ (d) Notwithstanding any other statute to the contrary, possession of a narcotic drug testing product used in accordance with paragraph (c)1. of this subsection that contains residual or trace amounts of a synthetic opioid or an analogue thereof shall not be prosecuted as possession of a controlled substance under any provision of this chapter.

 Section 4. The Cabinet for Health and Family Services, in coordination with the Justice and Public Safety Cabinet, shall conduct or have conducted a Fentanyl Education and Awareness campaign. The campaign shall begin no later than 90 days after the effective date of this Act.

House Bill 98

- Introduced as “AN ACT relating to controlled substances.”

(2) Within six (6) months after the effective date of this Act, the department shall establish a program to prevent drug overdoses through the use of harm reduction centers.

(3) Harm reduction centers established pursuant to Sections 1 to 3 of this Act shall be operated by a local health department. The legislative body of the county, urban-county government, or consolidated local government in which the program will operate shall approve the:

- (a) Opening and operation of the proposed harm reduction center;
- (b) Location of the proposed harm reduction center; and
- (c) Hours of operation of the proposed harm reduction center.

Other Programs and Policies

201 KAR 20:065

- Establishes the protocols for APRNs to prescribe Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone

<https://apps.legislature.ky.gov/law/kar/titles/201/020/065/>

Kentucky Opioid Response Effort (KORE)

- Supports the implementation of evidence-based prevention, treatment, and recovery

Office of Drug Control and Policy

- Coordinates Kentucky's response to substance misuse

Attorney General

- Has made “tackling the drug epidemic” a top priority

What can you do?



Education

- 🛡️ Providing information about your community, your department, or a public health issue
 - 🛡️ Helps lawmakers be informed when making decisions that can impact your department
 - 🛡️ Many different ways for everyone to be active
- <https://www.naccho.org/uploads/downloadable-resources/Advocacy-Toolkit-February-2022.pdf>



Examples of educational activities

- Preparing educational materials that emphasize success stories from your department programs
- Sending a newsletter discussing factual information regarding harm reduction services in your community
- Reminder: KDPH educational materials must be approved by the Commissioner's Office before sending

Advocacy

- Defined as “promotion of an idea that is directed at changing a policy, position, or program at an institution” (IRS, 2016)
- A strategy that aims to draw attention to or educate a policymaker on a particular issue

Effective advocacy

- Builds relationships
- Educates and influences
- Alters existing policies, laws, and budgets
- Encourages the creation of new programs



Be Informed

A Look at the KY General Assembly

- A video presentation about the legislative process
 - <https://www.youtube.com/watch?v=ElPrQSKDduc>

Live coverage

- Kentucky Educational Television livestreams Senate and House proceedings and many committee meetings and some livestreams are available on YouTube
 - <https://legislature.ky.gov/Public%20Services/PIO/Pages/Live-Streams.aspx>

Bill Watch

- A free service that enables Kentucky.gov registered users unlimited tracking of legislation during the Kentucky Legislative Session
 - <https://www.kentucky.gov/services/pages/billwatch.aspx>

Questions?



Thank you!

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