

1 AN ACT relating to syringe services programs.

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

3 ➔Section 1. KRS 218A.500 is amended to read as follows:

4 As used in this section and KRS 218A.510:

5 (1) "Drug paraphernalia" means all equipment, products and materials of any kind  
6 which are used, intended for use, or designed for use in planting, propagating,  
7 cultivating, growing, harvesting, manufacturing, compounding, converting,  
8 producing, processing, preparing, testing, analyzing, packaging, repackaging,  
9 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise  
10 introducing into the human body a controlled substance in violation of this chapter.

11 The term "drug paraphernalia" does not include medicinal cannabis accessories as  
12 defined in KRS 218B.010. It includes but is not limited to:

13 (a) Kits used, intended for use, or designed for use in planting, propagating,  
14 cultivating, growing, or harvesting of any species of plant which is a  
15 controlled substance or from which a controlled substance can be derived;

16 (b) Kits used, intended for use, or designed for use in manufacturing,  
17 compounding, converting, producing, processing, or preparing controlled  
18 substances;

19 (c) Isomerization devices used, intended for use, or designed for use in increasing  
20 the potency of any species of plant which is a controlled substance;

21 (d) Except as provided in subsection (7) of this section, testing equipment used,  
22 intended for use, or designed for use in analyzing the strength, effectiveness,  
23 or purity of controlled substances;

24 (e) Scales and balances used, intended for use, or designed for use in weighing or  
25 measuring controlled substances;

26 (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite,  
27 dextrose and lactose, used, intended for use, or designed for use in cutting

- 1 controlled substances;
- 2 (g) Separation gins and sifters used, intended for use, or designed for use in  
3 removing twigs and seeds from, or in otherwise cleaning or refining  
4 marijuana;
- 5 (h) Blenders, bowls, containers, spoons, and mixing devices used, intended for  
6 use, or designed for use in compounding controlled substances;
- 7 (i) Capsules, balloons, envelopes, and other containers used, intended for use, or  
8 designed for use in packaging small quantities of controlled substances;
- 9 (j) Containers and other objects used, intended for use, or designed for use in  
10 storing or concealing controlled substances;
- 11 (k) Hypodermic syringes, needles, and other objects used, intended for use, or  
12 designed for use in parenterally injecting controlled substances into the human  
13 body; and
- 14 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or  
15 otherwise introducing marijuana, cocaine, hashish, or hashish oil into the  
16 human body, such as: metal, wooden, acrylic, glass, stone, plastic, or ceramic  
17 pipes with or without screens, permanent screens, hashish heads, or punctured  
18 metal bowls; water pipes; carburetion tubes and devices; smoking and  
19 carburetion masks; roach clips which mean objects used to hold burning  
20 material, such as marijuana cigarettes, that have become too small or too short  
21 to be held in the hand; miniature cocaine spoons, and cocaine vials; chamber  
22 pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; ice  
23 pipes or chillers.
- 24 (2) It is unlawful for any person to use, or to possess with intent to use, drug  
25 paraphernalia for the purpose of planting, propagating, cultivating, growing,  
26 harvesting, manufacturing, compounding, converting, producing, processing,  
27 preparing, testing, analyzing, packing, repacking, storing, containing, concealing,

1 injecting, ingesting, inhaling, or otherwise introducing into the human body a  
2 controlled substance in violation of this chapter.

3 (3) It is unlawful for any person to deliver, possess with intent to deliver, or  
4 manufacture with intent to deliver, drug paraphernalia, knowing, or under  
5 circumstances where one reasonably should know, that it will be used to plant,  
6 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,  
7 process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest,  
8 inhale, or otherwise introduce into the human body a controlled substance in  
9 violation of this chapter.

10 (4) It is unlawful for any person to place in any newspaper, magazine, handbill, or  
11 other publication any advertisement, knowing, or under circumstances where one  
12 reasonably should know, that the purpose of the advertisement, in whole or in part,  
13 is to promote the sale of objects designed or intended for use as drug paraphernalia.

14 (5) (a) This section shall not prohibit a local health department or the United States  
15 Department of Veterans Affairs health care system from operating a  
16 substance abuse treatment outreach program which allows participants to  
17 exchange hypodermic needles and syringes.

18 (b) To operate a substance abuse treatment outreach program under this  
19 subsection, the local health department or the United States Department of  
20 Veterans Affairs health care system shall have the consent, which may be  
21 revoked at any time, of the local board of health and:

22 1. The legislative body of the first or home rule class city in which the  
23 program would operate if located in such a city; and  
24 2. The legislative body of the county, urban-county government, or  
25 consolidated local government in which the program would operate.

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

- 1 (6) (a) Prior to searching a person, a person's premises, or a person's vehicle, a peace  
2 officer may inquire as to the presence of needles or other sharp objects in the  
3 areas to be searched that may cut or puncture the officer and offer to not  
4 charge a person with possession of drug paraphernalia if the person declares  
5 to the officer the presence of the needle or other sharp object. If, in response  
6 to the offer, the person admits to the presence of the needle or other sharp  
7 object prior to the search, the person shall not be charged with or prosecuted  
8 for possession of drug paraphernalia for the needle or sharp object or for  
9 possession of a controlled substance for residual or trace drug amounts  
10 present on the needle or sharp object.
- 11 (b) The exemption under this subsection shall not apply to any other drug  
12 paraphernalia that may be present and found during the search or to controlled  
13 substances present in other than residual or trace amounts.
- 14 (7) (a) This section shall not prohibit the retail sale of hypodermic syringes and  
15 needles without a prescription in pharmacies.
- 16 (b) Hypodermic syringe and needle inventory of a pharmacy shall not be deemed  
17 drug paraphernalia under this section.
- 18 (c) 1. Except as provided in subparagraph 2. of this paragraph, narcotic drug  
19 testing products utilized in determining whether a controlled substance  
20 contains a synthetic opioid or its analogues shall not be deemed drug  
21 paraphernalia under this section.
- 22 2. A narcotic drug testing product that is utilized in conjunction with the  
23 importation, manufacture, or selling of fentanyl or a fentanyl analogue  
24 in violation of this chapter shall be deemed drug paraphernalia under  
25 this section.
- 26 (d) Notwithstanding any other statute to the contrary, possession of a narcotic  
27 drug testing product used in accordance with paragraph (c)1. of this

1 subsection that contains residual or trace amounts of a synthetic opioid or an  
2 analogue thereof shall not be prosecuted as possession of a controlled  
3 substance under any provision of this chapter.

4 (8) Any person who violates any provision of this section shall be guilty of a Class A  
5 misdemeanor.