



# INTERIM RECORD

A SUMMARY OF INTERIM ACTIVITIES

2023

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## Legislators debate penalties for selling drugs

by Nancy Royden - LRC Public Information

FRANKFORT — The Interim Joint Committee on Judiciary heard testimony Thursday for and against legislation that would boost penalties for delivering, administering, distributing or selling controlled substances that result in an overdose death.

Rep. Deanna Frazier Gordon, R-Richmond, sponsored House Bill 388 during the 2023 Regular Session with Rep. Brandon Reed, R-Hodgenville. It would have allowed prosecutors to pursue murder charges in such cases. However, the measure remained in committee when the session ended.

"This is something that my constituents have been asking us for," she said. "We're not making good progress in the issues of opioid abuse and drug trafficking. Twenty other states in some way have enhanced their charges dealing in this area."

Rep. John Blanton, R-Salyersville, also testified in favor of the proposal, calling it an important tool to help law enforcement investigate drug crimes and root out "bad actors." Blanton, a former law enforcement officer, said he wished the law had been tougher in the 1990s.

"We're not interested in that user. We're interested in the dealer, the one that's putting the poison out on the street," he said. "The one that's killing our family members. And so this is another tool that will help law enforcement to get these people out of our communities and make it safer for our children, and our neighbors, and our communities."



Rep. Kevin D. Bratcher, R-Louisville, asks a question at Thursday's Interim Joint Committee on Judiciary meeting.

Richmond Police Chief Rodney Richardson also testified in support. He told lawmakers that Madison County has suffered a high number of fatal overdoses in recent years. The county counted 85 in 2021, up from 68 the

Continued on page 5



# 2023 Kentucky General Assembly

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## Penalties for selling drugs, from page 1

prior year, he said.

"One a week where we're finding people deceased, either in their homes, in parking lots, in tents on the side of the road, wherever we can find them," he said. "These are the ones that are reported to us."

Richardson said mothers have expressed frustration with the way the department has handled their loved ones' cases.

However, Rep. Lindsey Burke, D-Lexington, said she has concerns about 18 to 21-year olds who have drug addiction problems and might face prison on a capital offense. She said she had friends and classmates who went down the wrong path, and some never recovered.

"When I think about the people who I knew and loved who were using and selling drugs, they were young people. They were young people who made big mistakes," she said.

B. Scott West, deputy public advocate for the Kentucky Department of Public Advocacy, spoke in opposition to the measure. He cited a report that found prosecution doesn't stop people from selling drugs, but "chills" Good Samaritan laws.

"What this study finds is that the threat of criminal prosecution for murder, or lesser degrees of murder, are a chill effect and can actually lead to people walking away," he said.

Rep. Kevin D. Bratcher, R-Louisville, asked a rhetorical question about how much money federal, state and local governments have spent on the efforts. He also asked Thursday's presenters how effective drug reduction efforts have been.

"We've been talking about this stuff for 23 years, at least. And here we are again, and guys come in and they say this is a tool that we need. And it's just like a revolving cycle of what needs to be done," he said.

Richardson said the county coroner supplies the police department with different types of statistics. So far this year, the county has experienced 22 overdose deaths, and Richardson projected that the number would exceed 50 this year.

"We're on an uptick, so it's told me basically that we're increasing our numbers," he said.

Maj. Josh Hale of the Richmond Police Department, who also testified, said the money spent is worth it.

"I don't think we're ever going to be wasting time if we're talking about victims and families," he said.

# Committee Meetings

## LEGISLATIVE RESEARCH COMMISSION

### Minutes of the 574th Meeting May 10, 2023

#### Call to Order and Roll Call

The 574th meeting of the Legislative Research Commission was held on Wednesday, May 10, 2023, at 12:30 PM, in Room 125 of the Capitol Annex. Representative David W. Osborne, Chair, called the meeting to order, and the secretary called the roll.

#### Present were:

Members: Representative David W. Osborne, Chair; Senators Julie Raque Adams, David P. Givens, Gerald A. Neal (Zoom), Damon Thayer, Reginald Thomas, Mike Wilson, and David Yates; Representatives Derrick Graham, Suzanne Miles, Rachel Roberts, Steven Rudy, and Cherynn Stevenson.

LRC Staff: Jay Hartz and Christy Glass.

There being a quorum present, Representative Osborne called for a motion to approve the minutes of the November 9, 2022, meeting; accept as indicated items A. through M. under Staff and Committee Reports; approve items A. through K. under New Business; and accept and refer as indicated items 1. through 45. under Communications.

A Motion was made by Senator Thayer and seconded by Representative Rudy, to approve, accept, or refer the following items and a roll call vote was taken.

#### DISPOSITION of minutes of the November 9, 2022, MEETING

#### STAFF AND COMMITTEE REPORTS

Committee reports since November 9, 2022.

Reports of the Administrative Regulations Review Subcommittee meetings on November 9 and December 13, 2022, and January 10, February 14, March 7, and April 11, 2023.

Committee review of administrative regulations by the Interim Joint Committee on Agriculture during its meeting on November 3, 2022.

Committee review of administrative regulations by the Interim Joint Committee on Natural Resources and Energy during its meetings on October 20 and November 3, 2022.

Committee review of administrative regulations by the Interim Joint Committee on Health, Welfare, and Family Services during its meeting on November 15, 2022.

Committee review of administrative regulations by the Senate Standing Committee on Health Services during its meetings on January 12, February 15, and March 8, 2023.

Committee review of administrative regulations by the Senate Standing Committee on Families and Children during its meetings on February 14 and March 16, 2023.

Committee review of administrative regulations by the House Standing Committee on Health Services during its meetings on January 12, February 16, and March 9, 2023.

Committee review of administrative regulations by the House Standing Committee on Families and Children during its meetings on February 16 and March 16, 2023.

Committee review of administrative regulations by the Senate Standing Committee on Natural Resources and Energy and the House Standing Committee on Natural Resources and Energy during their joint meeting on February 2, 2023.

Committee review of FY 2023 Small Cities Community Development Block Grant and Section 108 Loan Guarantee Program Application by the Senate Standing Committee on State and Local Government and the House Standing Committee on Local Government during its meeting on March 1, 2023.

Committee review of the 2023 Social Services Block Grant (SSBG) State Plan by the Senate Standing Committee on Families and Children during its meeting on March 16, 2023.

Committee review of the 2023 Social Services Block Grant (SSBG) State Plan by the House Standing Committee on Families and Children during its meeting on March 16, 2023.

#### NEW BUSINESS

From Senate President Robert Stivers and House Speaker David Osborne: Memorandum appointing commissioners to the National Conference of Commissioners on Uniform State Laws.

From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the committee structure for the NCSL 2024 Legislative Summit in Louisville.

From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the authorization and organization of the Engage and Empower Caucus.

From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the authorization and organization of the Kentucky-Israel Caucus.

From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the creation of the Interim Joint Committee on Health Services and the Interim Joint Committee on Families and Children.

From Senate President Robert Stivers and House Speaker David Osborne: Memorandum authorizing the approval of the 2023 Interim Joint Committee Regular Meeting Schedule.

From Senator Chris McDaniel and Representative Jason Petrie, Co-chairs of the Interim Joint Committee on Appropriations and Revenue: Memorandum requesting authorization of the membership of the LRC Subcommittee on 2024-2026 Budget Preparation and Submission.

From Senator Whitney Westerfield and Representative Daniel Elliott, Co-chairs of the Interim Joint Committee on Judiciary: Memorandum requesting approval to meet on October 13, rather than the regularly scheduled meeting date of October 19. There are no apparent conflicts.

From Senator Jared Carpenter and Representative Michael Meredith, Co-chairs of the Interim Joint Committee on Banking and Insurance: Memorandum requesting approval to meet at 9:30 a.m. rather than the regularly scheduled time of 9:00 a.m., during the 2023 legislative interim. The Committee Co-chairs agree to shorten the committee's allotted meeting to ensure no conflicts with other meetings.

From Senate President Robert Stivers and House Speaker David Osborne: Memorandum approving the creation, authorization, and appointments of the 2023 Interim Task Forces.

From Senator Rick Girdler and Representative Walker Thomas, Co-chairs of the Interim Joint Committee on Veterans, Military Affairs, and Public Protection: Memorandum requesting approval to meet on August 22 at 11:00 a.m. There are no apparent conflicts.

#### COMMUNICATIONS

From the Finance and Administration Cabinet, Office of the Controller: Surtax Receipts Statements for the Law Enforcement and Professional Firefighters Foundation Fund Programs, which reflect activity for Accounting Periods 5, 6, 7, 8,

and 9, and year-to-date activity for the period of November 1, 2022, through March 31, 2023. Pursuant to KRS 42.190.

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From the Cabinet for Economic Development: Construction activity reports for each loan approved as of the quarters ending December 31, 2022, and March 31, 2023. Pursuant to KRS 154.20-150.

From the Kentucky Teachers' Retirement System: FY 2022 Report of the Actuary on the Annual Valuation of the Retirement Annuity Trust.

From the Kentucky Teachers' Retirement System: FY 2022 Report of the Actuary on the Annual Valuation of the Retiree Health and Life Insurance Trusts

From the Auditor of Public Accounts: FY 2022 Report of the Audit of the Kentucky River Authority.

From the Kentucky Legislative Ethics Commission: FY 2022 Annual Report. Pursuant to KRS 6.6666(16).

From the Cabinet for Health and Family Services: 2022 Annual Status Report of the Kentucky Commission on Services and Supports for Individuals with Intellectual and Other Developmental Disabilities. Pursuant to KRS 210.577(3).

From the Auditor of Public Accounts: FY 2022 Report of the Audit of the Kentucky Artisan Center at Berea.

From the Kentucky Personnel Cabinet: Quarterly reports as of September 30 and December 31, 2022, which lists the number of all full-time classified (merit) and unclassified (non-merit) employees. Pursuant to KRS 61.392.

From the Kentucky Personnel Cabinet: September 2022 Semi-Annual Report listing all filled positions. Pursuant to KRS 18A.030(6).

From the Finance and Administration Cabinet, Office of Fleet Management: 2022 Alternative Fuel Vehicle Report. Pursuant to KRS 45A.625.

From the Finance and Administration Cabinet, Commonwealth Office of Technology: 2022 Blockchain Working Group Annual Report. Pursuant to KRS 42.747.

From the Finance and Administration Cabinet, Department of Revenue: 2022 Property Tax Assessment Procedures for Well-Managed Forests.

From the Cabinet for Health and Family Services: 2022 Child Care Advisory Council Annual Report. Pursuant to KRS 199.8983.

From the Cabinet for Health and Family Services: RS 22 HB 7 Implementation Status Report.

From the Cabinet for Health and Family Services: 2022 Annual Report on Committed Children. Pursuant to KRS 194A.365.

From the Cabinet for Health and Family Services: 2022 Kentucky Eating Disorder Council Annual Report. Pursuant to KRS 210.051(9).

From the Cabinet for Health and Family Services: 2022 Social Worker Alternative Work Program Recommendations.

From the Cabinet for Health and Family Services: 2022 Kentucky Elder Abuse Annual Report.

From the State Interagency Council: 2022 Recommendations regarding the system of care for children and transition-age youth with or at risk of behavioral health needs. Pursuant to KRS 200.505.

From the Office of Broadband Development: December 2022 Semi-Annual Report. Pursuant to KRS 224A.1118(4).

From the Public Protection Cabinet: 2022 Kentucky Board of Occupational Therapy Annual Report. Pursuant to KRS 319A.010.

From the Public Protection Cabinet: 2022 Kentucky Board of Licensure for Marriage and Family Therapists Annual Report. Pursuant to KRS 335.320.

From the Public Protection Cabinet: 2022 Kentucky Board of Pastoral Counselors Annual Report. Pursuant to KRS 335.615(9).

From the Public Protection Cabinet: 2022 Kentucky Board of Alcohol and Drug Counselors Annual Report. Pursuant to KRS 309.0813(4).

From the Justice and Public Safety Cabinet, Department of Corrections: 2022 Reentry Drug Supervision Annual Report. Pursuant to KRS 439.651.

From the Department for Environmental Protection, Division of Waste Management: 2022 Waste Tire Program Annual Report. Pursuant to KRS 224.50-872.

From the Public Protection Cabinet, Department of Professional Licensing: 2022 Kentucky Board of Licensure for Massage Therapy Annual Report. Pursuant to KRS 309.350.

From the Cabinet for Families and Children: 2022 Child Fatality and Near Fatality External Review Panel Annual Report.

From the Governor's Office for Economic Analysis, Office of State Budget Director: Commonwealth of Kentucky Quarterly Economic and Revenue Report, 2nd and 3rd Quarters, FY 2023.

From the Cabinet for Health and Family Services: 2022 Sickle Cell Disease in Kentucky Annual Report.

From the Cabinet for Health and Family Services: 2022 4th Quarter Social Service Worker Caseload Averages Reporting. Pursuant to KRS 199.431(4).

From the Cabinet for Health and Family Services: 2022 Pharmacy Benefits Report.

From the Justice and Public Safety Cabinet: FY 2023 2nd Quarter Substance Abuse Treatment and Job Training Pilot. Pursuant to 22 RS HB1.

From the Justice and Public Safety Cabinet: FY 2023 2nd Quarter Population Management Reporting. Pursuant to 22 RS HB1.

From the Cabinet for Health and Family Services: 2023 Telehealth Final Report. Pursuant to KRS 211.334.

From the Cabinet for Health and Family Services: 2023 Employee Child Care Assistance Partnership Program Implementation Report. Pursuant to KRS 199.883(12).

From the Justice and Public Safety Cabinet, Department of Corrections: 2022 Restrictive Housing Report. Pursuant to KRS 196.176.

From the Auditor of Public Accounts: FY 2022 Report of the Statewide Single Audit of the Commonwealth of Kentucky, Volume II.

From the Auditor of Public Accounts: FY 2022 Examination of Certain Financial Operations and Internal Policies and Controls of Kentucky State University.

From the Council on Postsecondary Education: Kentucky State University Monthly Update for December 2022

From the Kentucky Council on Postsecondary Education: 2021-22 Report of the Tuition and Mandatory Fee Waiver Program for Foster or Adopted Children. Pursuant to KRS 164.2847.

From the Auditor of Public Accounts: FY 22 Report of the Audit of Motor Vehicle and Motorboat Taxes and Registration Fees Collected and Remitted to the Commonwealth of Kentucky by each County Clerk.

From the Governor's School for Entrepreneurs: 2022 Kentucky Entrepreneurship Education Network, Inc. Audited Financial Statements. Pursuant to KRS 158.6485.

From Health Plan Data Solutions: FY 2023 1st Quarter Payment Integrity Findings Report, Kentucky Employees' Health Plan. Pursuant to KRS 18A.2258(3)(f).

The motion passed unanimously.

Senator Thomas asked for clarification on the policy for members of attending Interim Joint Committee meetings virtually. Representative Osborne responded that members are welcome to attend virtually, but they will not be compensated as attending in person. Senator Thayer also replied that this is a job in which constituents expect members to be present.

Senator Thomas asked if members of the 2024 NCSL Host Committee could receive reports regarding their duties and updates. Director Jay Hartz replied that the most recent update that had been sent to members remains accurate and unchanged.

There being no further business, the meeting was adjourned.





2023 Interim  
**LEGISLATIVE  
RECORD**

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The Commission and its staff, by law and by practice, perform numerous fact-finding and service functions for members of the Legislature, employing professional, clerical and other employees required when the General Assembly is in session and during the interim period between sessions. These employees, in turn, assist committees and individual legislators in preparing legislation. Other services include conducting studies and investigations, organizing and staffing committee meetings and public hearings, maintaining official legislative records and other reference materials, providing information about the Legislature to the public, compiling and publishing administrative regulations, administering a legislative intern program, conducting orientation programs for new legislators, and publishing a daily index and summary of legislative actions during sessions.

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