

1 AN ACT relating to the Kentucky Positive Youth Development Commission.

2 WHEREAS, suicide is the second leading cause of death for youth and young
3 adults in Kentucky; and

4 WHEREAS, the 2023 Kentucky Youth Risk Behavior Survey reported that 18.6
5 percent of Kentucky high schoolers seriously considered attempting suicide, 8.6 percent
6 of Kentucky high schoolers attempted suicide, and 24.6 percent of Kentucky middle
7 schoolers purposely hurt themselves; and

8 WHEREAS, around 16 percent of Kentucky children between the ages of 3 and 17
9 face anxiety or depression; and

10 WHEREAS, in 2024, 48 percent of American teenagers reported that social media
11 sites have a mostly negative effect on people in their age group, up from 32 percent in
12 2022; and

13 WHEREAS, experts say that suicide can be preventable when educators, students,
14 and communities learn the warning signs and how to take action when a young person
15 might be at risk of a suicidal crisis; and

16 WHEREAS, Kentucky can address the more harmful effects of social media
17 through positive childhood experiences that are associated with reduced rates of
18 depression, substance use, delinquent behavior, risky sexual behavior, persistent
19 insomnia, and lower inflammatory markers; and

20 WHEREAS, research demonstrates a dose-response relationship between childhood
21 exposure to adverse experiences and positive childhood experiences, with improvements
22 in mental and relational health in adulthood for those who have more positive childhood
23 experiences;

24 NOW, THEREFORE,

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

26 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO
27 READ AS FOLLOWS:

1 As used in Sections 1 to 3 of this Act, unless the context otherwise requires:

2 (1) "Commission" means the Kentucky Positive Youth Development Commission
 3 established in Section 2 of this Act;

4 (2) "Department" means the Department for Behavioral Health, Developmental and
 5 Intellectual Disabilities;

6 (3) "Eligible organization" means an organization that provides positive youth
 7 development programming;

8 (4) "Positive youth development programming":

9 (a) Means structured programs or activities that:

10 1. Promote youth mental well-being;

11 2. Aim to reduce risk factors for suicide, self-harm, and related adverse
 12 outcomes of mental health challenges;

13 3. Engage youth through adult mentorship, enrichment, after school
 14 supports, and community connection;

15 4. Utilize evidence-based or evidence-informed practices;

16 5. Are prevention-focused;

17 6. Are provided to youth outside of school hours; and

18 7. Are provided to parents and adult caregivers for the purpose of family
 19 engagement; and

20 (b) Does not include education programming provided during school hours;
 21 and

22 (5) "Youth" means school-age children and young adults up to age twenty-five (25).

23 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO
 24 READ AS FOLLOWS:

25 (1) The Positive Youth Development Commission is hereby established and shall be
 26 attached to the Department for Behavioral Health, Developmental and
 27 Intellectual Disabilities within the cabinet to promote youth well-being and

1 connection to prevent self-harm among children and youth through accessible,
2 community-based programs. The cabinet shall provide staffing for the
3 commission.

4 (2) (a) The commission shall consist of the following voting members:

5 1. The commissioner of the Department for Behavioral Health,
6 Developmental and Intellectual Disabilities or his or her designee,
7 who shall act as chair;

8 2. The State Treasurer or his or her designee;

9 3. The secretary of the cabinet or his or her designee;

10 4. The commissioner of the Department for Public Health or his or her
11 designee;

12 5. The commissioner of the Department of Education or his or her
13 designee;

14 6. The Attorney General or his or her designee;

15 7. The chairperson of the State Interagency Council for Services and
16 Supports to Children and Transition-Age Youth or his or her
17 designee;

18 8. One (1) member appointed by the chairperson of the State Interagency
19 Council for Services and Supports to Children and Transition-Age
20 Youth to represent the regional interagency councils;

21 9. One (1) member appointed by the secretary representing the Suicide
22 Prevention Program within the Department for Behavioral Health,
23 Developmental and Intellectual Disabilities;

24 10. Two (2) members appointed by the secretary representing
25 grantmaking organizations that have funded grants to serve children
26 and youth;

27 11. One (1) member appointed by the Attorney General representing law

1 enforcement;

2 12. One (1) member appointed by the secretary who is a mental health
3 provider specializing in the mental, social, and emotional development
4 of children;

5 13. One (1) member appointed by the secretary representing the Kentucky
6 Chapter of the American Academy of Pediatrics;

7 14. One (1) member appointed by the secretary who is a psychologist
8 specializing in social media addiction; and

9 15. One (1) member appointed by the Department of Kentucky State
10 Police who is a Kentucky State Police school resource officer as
11 defined in KRS 158.441.

12 (b) The commission shall consist of the following nonvoting members who
13 shall serve at the pleasure of their appointing authorities:

14 1. One (1) member appointed by the Speaker of the House of
15 Representatives;

16 2. One (1) member appointed by the President of the Senate;

17 3. Two (2) members appointed by the secretary from statewide youth-
18 serving organizations from geographically diverse areas; and

19 4. One (1) member from the Kentucky Out-of-School Alliance.

20 (3) (a) Members of the commission appointed under subsection (2)(a)1. to 7. of this
21 section shall serve terms concurrent with holding their respective offices or
22 positions.

23 (b) The remaining members of the commission shall serve staggered two (2)
24 year terms.

25 (c) Members of the commission shall not receive compensation for their
26 services but may be reimbursed for necessary travel and lodging expenses
27 incurred in the performance of their duties.

1 (4) (a) Meetings of the commission shall be conducted according to KRS 61.805 to
2 61.850.

3 (b) The commission shall meet at least twice within each calendar year.

4 (c) Eight (8) voting members of the commission shall constitute a quorum for
5 the transaction of business.

6 (d) Each voting member of the commission shall have one (1) vote, with all
7 actions being taken by an affirmative vote of the majority of members
8 present.

9 (5) The commission may contract with any public or private agency or any individual
10 for research, the gathering of information, the printing and publication of
11 reports, consulting, or for any other purposes necessary to discharge the duties of
12 the commission.

13 (6) The department shall promulgate administrative regulations in accordance with
14 KRS Chapter 13A to:

15 (a) Establish a grant application process for eligible organizations;

16 (b) Award moneys from the positive youth development fund established in
17 Section 3 of this Act to eligible organizations to fund positive youth
18 development programming impacting children and youth in Kentucky; and

19 (c) Identify and coordinate with a grantmaking entity to develop applications
20 and reporting requirements, monitor utilization of granted funds,
21 administer quality control, and evaluate services or grant funds to fulfill
22 these duties.

23 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) There is hereby established in the State Treasury a trust and agency account to be
26 known as the positive youth development fund. The fund shall consist of:

27 (a) Moneys received by the Commonwealth, counties, consolidated local

1 governments, urban-county governments, and cities of the Commonwealth
2 in any settlement, judgement, or bankruptcy proceeding against any social
3 media company or person related to harms against children and youth to
4 the extent that it is not inconsistent with an order of a court of competent
5 jurisdiction; and

6 (b) Any other moneys received from state appropriations, gifts, grants, federal
7 funds, and any other source not prohibited by law.

8 (2) The fund shall be administered by the cabinet.

9 (3) Amounts deposited in the fund shall be used for the purposes described in
10 Sections 1 to 3 of this Act and for no other purpose.

11 (4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
12 year shall not lapse but shall be carried forward into the next fiscal year.

13 (5) The commission shall reserve ten percent (10%) of the funds to administer the
14 grant program and provide technical assistance to organizations applying for and
15 administering grants under Sections 1 to 3 of this Act.

16 (6) Moneys in the funds shall be distributed no less than annually.

17 (7) (a) The Office of the Attorney General may recover its reasonable costs of
18 litigation in accordance with KRS 48.005 from moneys received from a
19 legal settlement, judgement, or bankruptcy proceedings related to litigation
20 against social media companies.

21 (b) The Office of the Attorney General may recover any direct costs, including
22 employee time, used to perform or administer the duties required by
23 Sections 1 to 3 of this Act. The Office of the Attorney General shall report
24 all such recovered costs to the commission no less than annually.

25 ➔Section 4. KRS 200.503 is amended to read as follows:

26 As used in KRS 200.501 to 200.509, unless the context otherwise requires:

27 (1) "Child with a behavioral health need" means a child or transition-age youth with, or

1 at risk of developing, an emotional disability, substance use disorder, or mental,
2 emotional, or behavioral needs;

3 (2) "Child with an emotional disability" means a child or transition-age youth with a
4 clinically significant disorder of thought, mood, perception, orientation, memory, or
5 behavior that is listed in the current edition of the American Psychiatric
6 Association's Diagnostic and Statistical Manual of Mental Disorders and seriously
7 limits a child's capacity to function in the home, school, or community;

8 (3) "Child with a serious emotional disability" means a child or transition-age youth
9 with a clinically significant disorder of thought, mood, perception, orientation,
10 memory, or behavior that is listed in the current edition of the American Psychiatric
11 Association's Diagnostic and Statistical Manual of Mental Disorders and that:

12 (a) Presents substantial limitations that have persisted for at least one (1) year or
13 are judged by a mental health professional to be at high risk of continuing for
14 one (1) year without professional intervention in at least two (2) of the
15 following five (5) areas: "Self-care," defined as the ability to provide, sustain,
16 and protect his or herself at a level appropriate to his or her age;
17 "Interpersonal relationships," defined as the ability to build and maintain
18 satisfactory relationships with peers and adults; "Family life," defined as the
19 capacity to live in a family or family type environment; "Self-direction,"
20 defined as the child's ability to control his or her behavior and to make
21 decisions in a manner appropriate to his or her age; and "Education," defined
22 as the ability to learn social and intellectual skills from teachers in available
23 educational settings;

24 (b) Is a Kentucky resident and is receiving residential treatment for emotional
25 disability through the interstate compact;

26 (c) The Department for Community Based Services has removed the child from
27 the child's home and has been unable to maintain the child in a stable setting

1 due to behavioral health needs; or

2 (d) Is a person under twenty-one (21) years of age meeting the criteria of
3 paragraph (a) of this subsection and who was receiving services prior to age
4 eighteen (18) that must be continued for therapeutic benefit;

5 (4) "Least restrictive alternative mode of treatment" means treatment given in the least
6 confining setting which will provide a child or transition-age youth with an
7 emotional disability or serious emotional disability appropriate treatment or care
8 consistent with accepted professional practice. For purposes of this section, least
9 restrictive alternative mode of treatment may include an institutional placement;

10 (5) **"Positive youth development programming" has the same meaning as in Section**
11 **1 of this Act;**

12 **(6)** "System of care" means a spectrum of effective, community-based services and
13 supports for children and transition-age youth with or at risk of developing
14 behavioral health needs and their families, that is organized into a coordinated
15 network, builds meaningful partnerships with families and youth, and addresses
16 their cultural and linguistic needs, in order to help them to function better at home,
17 in school, in the community, and throughout life; and

18 ~~(7)(6)~~ "Transition-age youth" means individuals between the ages of sixteen (16)
19 and twenty-five (25).

20 ➔Section 5. KRS 200.505 is amended to read as follows:

21 There is hereby created a State Interagency Council for Services and Supports to
22 Children and Transition-Age Youth. The chairperson of the council shall be designated
23 by the Governor and shall establish procedures for the council's internal procedures.

24 (1) This council shall be composed of the following:

25 (a) Members who shall serve by virtue of their positions: the commissioner of the
26 Department of Education, the commissioner of the Department for Behavioral
27 Health, Developmental and Intellectual Disabilities, **the state suicide**

1 prevention coordinator from the Department for Behavioral Health,
2 Developmental and Intellectual Disabilities, the commissioner of the
3 Department for Community Based Services, the commissioner of the
4 Department for Public Health, the Attorney General, the commissioner of the
5 Department for Medicaid Services, the commissioner of the Department of
6 Juvenile Justice, the director of the Division of Family Resource and Youth
7 Services Centers, the executive director of the Office for Children with
8 Special Health Care Needs, the executive officer of the Department of Family
9 and Juvenile Services of the Administrative Office of the Courts, the chair of
10 the Subcommittee for Equity and Justice for all Youth of the Juvenile Justice
11 Advisory Board, the executive director of the Kentucky Housing Corporation,
12 the executive director of the Kentucky Office of Vocational Rehabilitation,
13 and the president of the Council on Postsecondary Education, or their
14 designees;

15 (b) The chairperson of the council shall appoint one (1) parent of a child or
16 transition-age youth with a behavioral health need, who is a consumer of
17 services and supports within the system of care to serve as a member of the
18 council, and one (1) parent who meets the same criteria to serve as the parent
19 member's alternate to serve in the absence of the parent member. For each
20 appointment to be made, the State Interagency Council for Services and
21 Supports to Children and Transition-Age Youth shall vote on nominations
22 submitted by members. The nominee receiving the most votes shall be
23 appointed. Appointees shall serve a term of two (2) years and may be
24 reappointed to additional two (2) year terms. If the child of the parent member
25 or alternate parent member ceases to be a consumer of services and supports
26 within the system of care during the term of appointment, the member shall be
27 eligible to serve out the remainder of the term of appointment. The alternate

1 parent member may attend and participate in all council meetings but shall
2 vote only in the absence of the parent member. The parent member and
3 alternate parent member shall receive no compensation in addition to that
4 which they may already receive as service providers or state employees who
5 are required to attend as part of their duties, but the parent member and
6 alternate parent member shall be reimbursed for expenses incurred through
7 the performance of their duties as council members if it is outside the scope of
8 their job duties;

- 9 (c) The chairperson of the council shall appoint two (2)~~one (1)~~ youth between
10 the ages of sixteen (16) and twenty-five (25), one (1) who has a behavioral
11 health disorder and who is receiving or has received services to address
12 mental health, and one (1) who has substance use, or co-occurring mental
13 health and substance use disorder, to serve as a member of the council, and
14 one (1) youth who meets the same criteria to serve as the youth member's
15 alternate in the absence of the youth member. For each appointment to be
16 made, the State Interagency Council for Services and Supports to Children
17 and Transition-Age Youth shall vote on nominations submitted by members.
18 The nominee receiving the most votes shall be appointed. Appointees shall
19 serve a term of two (2) years and may be reappointed to additional two (2)
20 year terms, and the youth member and the youth member's alternate shall be
21 eligible to serve out the remainder of their term of appointment regardless of
22 age. The alternate youth member may attend and participate in all council
23 meetings but shall vote only in the absence of the youth member. The youth
24 member and alternate youth member shall receive no compensation in
25 addition to that which they may already receive as service providers or state
26 employees who are required to attend as part of their duties, but the youth
27 member and alternate youth member shall be reimbursed for expenses

1 incurred through the performance of their duties as council members if it is
2 outside the scope of their job duties;

3 (d) The chairperson of the council shall appoint one (1) member of a nonprofit
4 family organization representing consumers of services and supports within
5 the system of care whose membership, leadership, and governance include
6 parents, primary caregivers, or children or transition-age youth with serious
7 emotional, behavioral, or mental health needs, to serve as a member of the
8 council. For each appointment to be made, the chair shall publicly post on the
9 State Interagency Council for Services and Supports to Children and
10 Transition-Age Youth Web site a solicitation for letters of interest from
11 qualified organizations and submit all qualified responses to a vote of the full
12 membership. The organization which receives the most votes shall designate a
13 representative to serve a term of two (2) years, and may be reappointed to
14 additional two (2) year terms. The family organization member shall receive
15 no compensation in addition to that which the member may already receive as
16 an employee who is required to attend as part of his or her duties, but shall be
17 reimbursed for expenses incurred through the performance of duties as a
18 council member if it is outside the scope of his or her job duties; and

19 (e) At the end of a term, a member shall continue to serve until a successor is
20 appointed.

21 (2) The State Interagency Council for Services and Supports to Children and
22 Transition-Age Youth shall:

23 (a) Make recommendations annually to the Governor and the Legislative
24 Research Commission regarding the system of care for children and
25 transition-age youth with or at risk of behavioral health needs;

26 (b) Direct each regional interagency council to:

27 1. Operate as the regional locus of accountability for the system of care;f

1 and]

2 2. Participate in family accountability, intervention, and response teams
3 established pursuant to KRS 605.035; and

4 **3. Coordinate with the Kentucky Positive Youth Development**
5 **Commission established in Section 2 of this Act to establish Suicide**
6 **Awareness and Reduction Network workgroups that shall:**

7 **a. Perform community needs assessments;**

8 **b. Research opportunities for positive youth development**
9 **programming; and**

10 **c. Apply for grants to fund and implement positive youth**
11 **development programming;**

12 (c) Assess the effectiveness of regional councils in serving as the locus of
13 accountability for the system of care for children and transition-age youth
14 with or at risk of behavioral health needs;

15 (d) Meet at least monthly and maintain records of meetings; and

16 (e) Develop a comprehensive array of services and supports to meet the needs of
17 children and transition-age youth with or at risk of developing behavioral
18 health needs.

19 (3) Agencies represented on the state council shall adopt interagency agreements as
20 necessary to advance the system of care.

21 (4) The State Interagency Council for Services and Supports to Children and
22 Transition-Age Youth may promulgate administrative regulations necessary to
23 comply with the requirements of KRS 200.501 to 200.509.

24 ➔Section 6. KRS 200.509 is amended to read as follows:

25 (1) There are hereby created regional interagency councils for the system of care.
26 These councils shall be formed in each area development district within the
27 Commonwealth of Kentucky, except that those area development districts that

1 contain a county with a population greater than one hundred thousand (100,000)
2 may form up to three (3) such councils. The regional interagency councils shall be
3 chaired by one (1) member, chosen by a majority vote of the members. Each
4 council shall be composed of the following members:

5 (a) The children's services director from each regional community mental health
6 center or their designee;

7 (b) One (1) court-designated specialist or court-designated worker chosen by the
8 executive officer of the Department of Family and Juvenile Services of the
9 Administrative Office of the Courts;

10 (c) One (1) special education cooperative representative with behavioral health
11 experience chosen by the directors of cooperatives in the area served by the
12 regional council;

13 (d) One (1) parent of a child with a behavioral health need, who is or has been a
14 consumer of system of care services and supports, and one (1) parent who
15 meets the same criteria to serve as the parent member's alternate, who may
16 attend and participate in all council meetings, but shall vote only in the
17 absence of the parent member. For each appointment to be made, the regional
18 interagency council for which the appointment is to be made shall submit to
19 the chair of the State Interagency Council for Services and Supports to
20 Children and Transition-Age Youth a list of two (2) names of parents who are
21 qualified for appointment from which list the chair of the State Interagency
22 Council for Services and Supports to Children and Transition-Age Youth shall
23 make the appointment. Appointees shall serve a term of two (2) years, and
24 may be reappointed to additional two (2) year terms. If the child of the parent
25 member or alternate parent member ceases to be a consumer of system of care
26 services and supports during the term of appointment, the member shall be
27 eligible to serve out the remainder of the term of appointment;

- 1 (e) One (1) transition-age youth who has a behavioral health disorder and who is
2 receiving or has received a service to address mental health, substance use, or
3 co-occurring mental health and substance use disorder, and one (1) transition-
4 age youth who meets the same criteria to serve as the youth member's
5 alternate in the absence of the youth member. For each appointment to be
6 made, the regional interagency council for which the appointment is to be
7 made shall submit to the chair of the State Interagency Council for Services
8 and Supports to Children and Transition-Age Youth a list of two (2) names of
9 transition-age youth who are qualified for appointment from which list the
10 chair of the State Interagency Council for Services and Supports to Children
11 and Transition-Age Youth shall make the appointment. Appointees shall serve
12 a term of two (2) years, and may be reappointed to additional two (2) year
13 terms. If the youth member or alternate youth member ceases to be a
14 consumer of system of care services and supports during the term of
15 appointment, the member shall be eligible to serve out the remainder of the
16 term of appointment;
- 17 (f) Any other local public or private agency that provides services and supports to
18 children and transition-age youth with behavioral health needs which the
19 regional interagency council may invite to have a representative become a
20 permanent or temporary member of the council; and
- 21 (g) One (1) representative from each of the Department of Juvenile Justice,
22 family resource and youth services centers, the Kentucky Office of Vocational
23 Rehabilitation, the Department for Community Based Services, and local
24 health departments.
- 25 (2) No member of a regional interagency council for the system of care shall be given
26 compensation in addition to that which they already receive as service providers or
27 state employees, except that the parent and youth members and alternate parent and

1 youth members of regional interagency councils shall be reimbursed by the regional
 2 interagency council's contracted fiscal agent for all expenses incurred through the
 3 performance of their duties as council members if it is outside the scope of their job
 4 duties.

5 (3) Each regional interagency council for the system of care shall perform the
 6 following functions:

7 (a) Conduct regional system of care planning and operations;

8 (b) Coordinate system-level continuous quality improvement;

9 (c) Identify and develop system of care expansion opportunities;

10 (d) Promote awareness of the system of care;

11 (e) Initiate and adopt interagency agreements as necessary for providing services
 12 and supports to children and transition-age youth with or at risk of behavioral
 13 health needs by the agencies represented in the regional council;

14 (f) Advise the state interagency council regarding the system of care within the
 15 region; ~~and~~

16 (g) Participate in family accountability, intervention, and response teams
 17 established pursuant to KRS 605.035; and

18 (h) 1. Coordinate with the Kentucky Positive Youth Development
 19 Commission established in Section 2 of this Act to establish Suicide
 20 Awareness and Reduction Network workgroups whose membership
 21 shall include but not be limited to members representing:

22 a. Local school districts;

23 b. Local law enforcement;

24 c. School resource officers;

25 d. Mental health professionals;

26 e. Local health departments;

27 f. Child development specialists or pediatricians;

- 1 **g. Regional community mental health centers;**
 2 **h. Parents of children and transition-age youth; and**
 3 **i. Transition age-youth.**
- 4 **2. The workgroups shall:**
- 5 **a. Perform community needs assessments;**
 6 **b. Research opportunities for positive youth development**
 7 **programming; and**
 8 **c. Apply for grants to fund and implement positive youth**
 9 **development programming.**

10 (4) The secretary for health and family services and the designee of the State
 11 Department of Education shall ensure that regional interagency councils for the
 12 system of care are formed.

13 (5) Local interagency councils for the system of care may be formed at the discretion of
 14 a regional interagency council to advance the functions of the regional interagency
 15 council at the city, county, or other local community level.

16 ➔Section 7. Members of the commission appointed under subsection (2)(a)8. to
 17 11. of Section 2 of this Act shall serve an initial term of one (1) year and members of the
 18 commission appointed under subsection (2)(a)12. to 15. of Section 2 of this Act shall
 19 serve an initial term of two (2) years.