Legislative Update
2022 Regular Session

Senate Bills

SB 1 AN ACT relating to education and declaring an emergency.

- council elections to occur over multiple days and via electronic means
- requires that the superintendent instead of the council determine curriculum after consultation with the local school board, principal, and school council and after a stakeholder response period
- requires that allocations to schools by local boards be determined by the principal after consultation with the council instead of being determined by the council
- alters the principal hiring process by requiring that the principal be selected by the superintendent after consultation with the school council
- for a county school district in a county with a consolidated local government adopted under KRS Chapter 67C:
    - designates the authority and duties of a local board of education and a superintendent
    - provides that any duties not expressly vested with the local board of education are vested with the superintendent
    - provides that the local board of education shall delegate the authority to manage the day-to-day operations of the district to the superintendent
    - sets the maximum frequency of local board of education meetings to once every 4 weeks
    - provides that the local board of education may withhold approval of a rule, regulation, bylaw, or statement for policy submitted by the superintendent with a 2/3 vote
    - increases the contracting authority of a superintendent under the Kentucky Model Procurement Code from $20,000 to $250,000
    - authorizes the superintendent to make line-item budget transfers of up to $250,000 without board approval
- requires public schools to provide instruction that is consistent with designated concepts related to race, sex, and religion
- provides that nothing in the section shall be construed to restrict historical instruction
- requires that designated core American documents be incorporated in middle and high school social studies academic standards by July 1, 2023
- provides that instruction on current, controversial topics shall be age-appropriate, relevant, objective, and nondiscriminatory
- provides that a public school employee cannot require or incentivize a student to participate in designated political or policy advocacy
- provides that a public school employee shall not be required to engage in training, orientation, or therapy that coerces the employee to engage in stereotyping
- credits up to 15 days of sick leave to school employees who used sick leave during 2021-2022 due to a COVID-19 infection

- provides up to 5 days of paid leave from March 1 through June 30, 2022, to school employees who have a COVID-19 infection
- makes sick leave provisions RETROACTIVE to March 1, 2022
- provides that Sections 4 and 5 of the Act be cited as the Teaching American Principles Act

SB 6 AN ACT relating to athletics and declaring an emergency.

- Covered in detail at previous CLE on June 8th
- provides protections for student athletes seeking compensation through name, image, and likeness agreements or seeking an athlete agent

SB 8 AN ACT relating to child welfare and declaring an emergency.

- establish new membership of the State Child Abuse and Neglect Prevention Board
- requires the state board to meet at least quarterly
- amends KRS 194A.010 relating to the implementation of child welfare programs by CHFS
- amends KRS 199.505, relating to a five-business-day notification requirement if someone is registered on the putative father registry
- amends KRS 199.540 to remove a condition when an adoption can be annulled
- amends KRS 199.570 to reference digital files related to an adoption case
- amends KRS 200.575 related to when family preservation services are provided
- creates a new section of KRS Chapter 205 relating to Medicaid reimbursement for certain services at children's advocacy centers
- requires the annual report of the external child fatality and near fatality review panel to be delivered to State Child Abuse and Neglect Prevention Board and the Interim Joint Committee on Health, Welfare, and Family Services
- amends KRS 620.140, relating to eligible youths' ability to commit and recommit themselves to the custody of CHFS
- amends KRS 620.363 to add new rights for foster children and require the Kentucky Personnel Cabinet to promulgate administrative regulations related to KECC

SB 9 AN ACT relating to early literacy education, making an appropriation therefor, and declaring an emergency.

- amends KRS 158.791 to specify the Department of Education's role in assisting local school districts with regard to reading instruction, supports, and interventions
- requires the department to collaborate with designated agencies on reading programming, materials, and activities
- requires a superintendent to adopt and implement a reading universal screener and reading diagnostic assessment by January 1, 2023
- permits a superintendent to adopt a common comprehensive reading program for K-3
- requires all K-3 teachers to be trained in any reading diagnostic assessment and universal screener adopted by a superintendent
- establishes requirements for the administration of reading universal screeners by grade level
- defines and establishes the requirements for a reading improvement plan

- establishes service requirements for a student who needs accelerated intervention as demonstrated by the results of the approved reading diagnostic assessment or state annually required grade 3 assessment
- requires the department to establish reading teacher academies or coaching models by September 1, 2023, if funds are appropriated
- removes the requirement for the department to provide an annual report to the Interim Joint Committee on Education on academic interventions
- amends KRS 158.792 to include the employment of reading interventionists as a purpose of the reading diagnostic and intervention fund
- prevents the Kentucky Board of Education from limiting grant recipients from expending grant funds for authorized purposes
- reorganizes the reading diagnostic and intervention grant steering committee
- requires the Council on Postsecondary Education to submit an annual report to the Interim Joint Committee on Education on the compliance of teacher preparation programs to this Act
- requires postsecondary institutions offering early childhood or elementary teacher preparation programs to include designated instruction
- requires the Education Professional Standards Board to maintain a list of approved reading teacher preparation tests
- requires all new teachers seeking certification in Interdisciplinary Early Childhood Education or Elementary School to take an approved reading teacher preparation test
- requires regular reports to an external evaluator
- requires the Kentucky Board of Education to pass administrative regulations that prioritize schools with the most need and schools that have not received a grant in the previous cycle when awarding reading diagnostic and intervention grants
- grant applications currently under consideration shall be subject to terms of the Act
- provides that moneys and interest in the fund shall not lapse
- designates the Act as the Read to Succeed Act

SB 10 AN ACT relating to nursing and declaring an emergency.

- establishes rules for registered nurses and licensed practical nurses from another state who want to practice in Kentucky
- exempts nurses licensed in a nursing compact member state
- directs the Board of Nursing to establish temporary work permit requirements for foreign nursing school graduates who are pursuing licensure by endorsement
- issues a license by endorsement to international applicants who graduated nursing school, passed the NCLEX examination, and received credentialing from the Commission on Graduates of Foreign Nursing Schools International, Inc. or another organization recognized by the board
- allows nurses in good standing in another state to hold a temporary work permit in Kentucky
- prohibits the board from restricting nursing school or nursing program student enrollment if the school or program has at least an 80% pass rate for the NCLEX
- describes nursing education levels needed to teach at various types of nursing programs
- limits nursing board members to three consecutive terms

- adds a certified registered nurse anesthetist board member
- makes board appointments subject to confirmation by the Senate
- requires board appointments to include two members from each congressional district and a maximum of six nurse educators

SB 11 AN ACT relating to long-term care facilities.

- provides requirements for the cabinet to consider when an applicant is seeking a license as an assisted living community with dementia care
- establishes the procedures for when a licensee chooses to voluntarily relinquish a license as an assisted living community with dementia care
- lists the responsibilities of an assisted living community with dementia care
- requires continuing education training for assisted living managers of an assisted living community with dementia care
- requires assisted living communities with dementia care to develop and implement additional policies
- provides staffing requirements for individuals employed in assisted living communities with dementia care
- requires additional services to be provided by an assisted living community with dementia care
- lists training requirements for staff working in dementia care units
- establishes categories of licensure for assisted living communities
- requires assisted living communities to obtain a license from the cabinet to operate as a dementia care unit
- allows licensed personal care homes, under specific circumstances, to be licensed as an assisted living community or assisted living community with dementia care
- establishes guidelines for fines and violations of an assisted living community
- requires assisted living communities to provide each resident with access to specific services according to the lease agreement
- allows assisted living communities to provide additional services
- lists permitted services for which a resident may arrange or contract
- requires assisted living communities to complete and provide to residents the service plans and any other topics the assisted living communities determine to be necessary
- changes the administrative procedure process of assisted living communities
- adds a relicensure review process
- changes the certification process to a licensure process
- changes the statute that will govern the conduct of hearings upon appeals
- amends the guidelines for on-site visits
- sets guidelines on revocation of licensure
- requires the cabinet to make findings from licensure reviews available to the public
- amends KRS 194A.711 to revise the criteria to be met by residents in an assisted living community
- amends KRS 194A.717 to include staffing needs pursuant to an assisted living community's service plan and to require an assisted living community to create a policy for when emergency evacuation may be necessary
- requires orientation education prior to independently working with residents

- establishes rules for residence in a personal care home or a specialized personal care home
- allows a personal care home or specialized personal care to provide additional services in certain situations
- allows residents to arrange for additional services
- establishes staffing requirements in personal care homes or specialized personal care homes
- requires a policy for when emergency evacuation may be necessary
- requires the cabinet to promulgate administrative regulations to regulate an initial and relicensure review process and to establish additional procedures
- allows the cabinet to request information, to conduct on-site visits, and to set guidelines for on-site visits
- amends KRS 216.515 to indicate that only residents of a long-term care facility licensed under KRS Chapter 216B whose rights are deprived shall have a cause of action
- amends KRS 216.530 to amend the inspection period for assisted living communities, personal care homes, and specialized personal care homes
- amends KRS 216.557 to exclude assisted living communities from receiving citations as type A or type B violations
- amends KRS 216.560, 216.563, 216.565, 216.577, 216A.030, and 218A.180 to exclude assisted living communities
- amends KRS 216.573 to broaden the cabinet's power to institute injunctive proceedings
- amends KRS 216.765 to require a specific medical examination for admission into assisted living communities
- amends KRS 216B.160 to allow a manager's designee in an assisted living community to conduct an ongoing assessment

SB 20 AN ACT relating to legislative redistricting challenges and declaring an emergency.

- establishes that an action challenging the constitutionality of any created legislative district shall be filed in the Circuit Court of the plaintiff's residence

SB 23 AN ACT relating to theft of mail matter.

- includes common carriers and delivery services in protection against theft of mail matter.

SB 25 AN ACT relating to actions in response to the SARS-CoV-2 virus and declaring an emergency.

- Expires or extends certain executive orders, including emergency executive orders, administrative orders, administrative regulations, or other administrative actions, relating to the SARS-CoV-2 virus
- provides up to 10 days of remote instruction per school for school districts to use at the school, classroom, grade, or group level for the 2021-2022 school year retroactive to January 1, 2022
- temporarily revises retirement reemployment provisions until June 30, 2022

SB 30 AN ACT relating to motor vehicle registration and making an appropriation therefor.

- allow a person applying online for motor vehicle registration renewal to make a donation to an organ donor program or express willingness to be an organ donor
- allows a county clerk to ask a person applying in person for motor vehicle registration to make a donation to an organ donor program or express willingness to be an organ donor
- requires the Transportation Cabinet and county clerks to forward funds to the Kentucky Circuit Court Clerks' Trust for Life on a monthly basis

SB 38 AN ACT relating to incest.

- includes incest as a qualifying crime for designation as a violent offender.

SB 56 AN ACT relating to opioid antagonists designed to reverse the effects of an opioid overdose.

- defines "opioid antagonist" as naloxone or any FDA-approved opioid antagonist designed to reverse the effects of an opioid overdose
- permits an opioid antagonist to be provided to persons who have been trained as part of a harm reduction program
- replaces references to naloxone with "opioid antagonist."

SB 64 AN ACT relating to peer counseling for public safety employees.

- provides the same protections in disciplinary, civil, or criminal proceedings, with exceptions, that any counselor-client privilege allows
- authorizes any public agency to establish a peer support counseling program
- provides for confidentiality of communications within a peer support counseling program
- establishes the Task Force for Public Safety Peer Support Best Practices

SB 65 AN ACT relating to deficient administrative regulations and declaring an emergency.

- Creates a new section of KRS Chapter 13A to nullify proposed amendments to 803 KAR 25:190 after those amendments were found deficient during the 2021 interim
- creates a new section of KRS Chapter 13A to nullify 702 KAR 1:192E after that administrative regulation was found deficient

SB 66 AN ACT relating to coroners.

- requires coroners and deputy coroners to attend 4 hours of training concerning the grieving process and procedures for death notifications
- establishes procedures for providing death notifications
- delays the effective date of the new training requirement to January 1, 2023
- coroners and deputy coroners serving at the time of implementation have until January 1, 2026, to complete the new training requirement
- Short title of "Nathan's Law."

SB 83 AN ACT relating to athletics.

- requires a public postsecondary education institution or private postsecondary education institution that is a member of a national intercollegiate athletic association to designate all intercollegiate and intramural athletics authorized by the institution based on biological sex of students eligible to participate
- requires that institutions prohibit male students from participating in women's athletics
- prohibits designated agencies from entertaining complaints or investigations of policies
- requires KHSAA to promulgate administrative regulations or bylaws requiring schools to designate all interscholastic athletics for students in grades 6 through 12 based upon the biological sex of the students eligible to participate
- prohibits male students in grades 6 through 12 from participating in girls' athletics
- establishes how to designate biological sex
- prohibits designated agencies from entertaining complaints or investigations of policies
- establishes the short title of "Fairness in Women's Sports Act"

SB 90 AN ACT relating to legal proceedings and making an appropriation therefor.

- provides for telehealth services in county jails
- establishes a behavioral health conditional dismissal pilot program beginning January 1, 2023, and continuing for 4 years to provide eligible individuals an alternative to receive treatment for a behavioral health disorder, including a substance abuse disorder, instead of incarceration, resulting in a dismissal of the criminal charges upon successful completion of the program
- provides that the pilot program shall be established in no less than 10 counties to be determined by the Chief Justice of the Kentucky Supreme Court
- establishes program procedures, including reporting requirements
- establishes program criteria including access to medical treatment, counseling, education, and vocational counseling and training
- creates a council to assist with the implementation of the pilot program
- establishes a trust and agency account to be administered by the Department for Behavioral Health, Development and Intellectual Disabilities
- appropriates $10,500,000 each fiscal year from the Opioid Abatement Trust Fund for the pilot project, including up to $500,000 per year to the Administrative Office of the Courts for administrative costs
- include petitions filed under KRS 625.050 as information to be considered by the court in an involuntary termination of parental rights action
- amends 2022 RS HB 214/EN to make technical corrections

SB 91 An ACT relating to motor vehicle dealers.

- allows vehicle dealers to deliver vehicles purchased via the Internet to customers
- authorizes the Motor Vehicle Commission to establish licenses and fees for the license activities.

SB 96 AN ACT relating to the Kentucky Law Enforcement Council.

- includes the chief of police of the Bowling Green Police Department on the Kentucky Law Enforcement Council; change quorum requirements for council.

SB 97 AN ACT relating to child fatalities and near fatalities.

- requires a coroner to immediately contact Department for Community Based Services, law enforcement, and local health department to determine the existence of relevant information concerning the case
- requires law enforcement to request a blood, breath, or urine test from a caregiver suspected of being under the influence at the time of a child fatality or near fatality, and to request a search warrant for the test if consent is not given by the caregiver
- changes the number of members on the external child fatality and near fatality review panel from 15 to 17, to include the president of the Kentucky Coroners Association and a medication-assisted treatment provider selected by AG
- requires the membership of the external child fatality and near fatality review panel to include two members of the Kentucky General Assembly, one appointed by the President of the Senate, and one appointed by the Speaker of the House
- panel's annual report to be due February 1 instead of December 1 each year
- creates a process for the panel to suggest recommendations to state agencies and for the state agencies to respond and implement the recommendations
- establishes that all proceedings, opinions, and records of the panel are privileged and not subject to subpoena.

SB 100 AN ACT relating to essential caregivers and declaring an emergency.

- establishes the right to designate an essential compassionate caregiver to visit a resident in-person at long-term care facilities, assisted-living communities, and state mental hospitals
- requires CHFS to promulgate administrative regulations within 14 days of the effective date of this Act to establish conditions for essential personal care visitation

SB 102 AN ACT relating to mental health providers in schools.

- requires local superintendents to report information on school-based mental health services providers in the district to the Kentucky Department of Education
- requires the department to compile and maintain the information and report annually to the Interim Joint Committee on Education.

SB 105 AN ACT relating to newborn and infant screenings.

- requires cytomegalovirus testing if a newborn fails the initial two auditory hearing screenings with the option for parents or guardians to opt out
- requires physicians or health facilities to provide information relating to cytomegalovirus to pregnant women or women who may become pregnant
- allows physicians or health facilities to use the materials developed by the Department for Public Health
- provides that the Act may be cited as the Bella Dawn Streeval Law.

SB 106 AN ACT relating to the administrative dissolution of cities.

- provides an administrative dissolution process for cities
- Department of Local Government to implement.

SB 114 AN ACT relating to the disposition of catalytic converters and other items containing metal.

- requires purchasers of catalytic converters to keep a record that contains proof of ownership
- failure to maintain register of metal and objects containing metals is a Class B misdemeanor
- unlawful acts relating to the purchase or disposition of metals is a Class B misdemeanor
- additional proof of ownership requirements for the purchase of a catalytic converter
- establishes that the purchaser may accept a personal identification card as proof of identity
- allows KSP to request reports containing the information maintained by the purchaser.

SB 135 AN ACT relating to county clerks.

- allows a county clerk in a county containing a population of less than 70,000 to receive an advancement to defray necessary official expenses
- provides that funds advanced to county clerks to defray necessary expenses shall be repaid by the end of the calendar year or the county clerk or the county clerk's surety shall be liable for the amount not repaid
- provides that the $10 storage fee collected by a county clerk shall be held by the county fiscal court or legislative body of a consolidated local government or urban-county government for the exclusive purpose of providing funding for the permanent storage of recorded instruments
- establishes deadlines for county clerks to maintain portals for the electronic filing and searching of recorded instruments
- provides that county clerks may redact certain personal information listed on electronic copies of official records
- provides that the actual cost incurred by county clerks may include contracting with a private vendor for the development and maintenance of a portal to access recorded instruments and insurance premiums
- provides that KRS 68.275 shall not apply to requests from county clerks for expenses relating to the electronic storage and access to official documents
- 90 percent of the funds held for the local records grant program shall be set aside and distributed as grants for county clerks.

SB 150 AN ACT relating to fiscal matters, making an appropriation therefor, and declaring an emergency.

- allows a qualified lender to be eligible to receive certain financial support
- requires that eligible expenses be limited to the extent of damage directly caused by the storms
- includes within eligible expenses costs associated with contracted employees to administer and report on the funds
- allows nonprofit or public utility service providers to receive moneys in the fund and requires that the funds shall not be used for capital improvements

- allows moneys reimbursed to the Commonwealth before July 1, 2024, to be deposited in the SAFE fund and requires moneys reimbursed after June 30, 2024, to be deposited in the general fund
- requires the Office of State Budget Director, the Department of Education, and the Cabinet for Economic Development to report on the lists of requests and amounts awarded to A&R
- creates several new sections of Subchapter 20 of KRS Chapter 154 to define terms and establish a process for risk mitigation related to loans from qualified lenders
- creates a new section of Subchapter 20 of KRS Chapter 154 to create the Western Kentucky Risk Assistance fund and appropriates moneys to the fund
- allows a public agency that is located within the areas named in a Presidential Declaration of Emergency relating to storms and tornadoes that occurred in December 2021 to be exempted from the public procurement procedures required by state law if the public agency makes any decision related to the selection of vendors within an open meeting, the contract entered into is made part of the public record, and that contract is subject to disclosure
- appropriates moneys from the SAFE fund to the Department of Military Affairs
- appropriates moneys to the Department for Local Government to be distributed to the Paducah City Commission
- appropriates moneys from the SAFE fund to Murray State University

SB 151 AN ACT relating to school breakfasts.

- permits a superintendent of a school district that participates in the Federal School Breakfast Program to authorize up to 15 minutes of the student attendance day to provide the opportunity for children to eat breakfast during instructional time.

SB 167 AN ACT relating to library district boards.

- allows a county judge/executive to appoint library district board members when the fiscal court has adopted an alternative appointment process by resolution
- requires the county judge/executive under the alternative appointment process to request the Department for Libraries and Archives (DLA) to submit two additional recommendations for each board position that remains unfilled from the first set of recommendations prior to allowing the county judge/executive to appoint members of his or her choosing
- requires the county judge/executive to notify DLA of the name of any individual appointed under an alternative appointment process not recommended by DLA
- provide libraries the authority to lease and build to lease buildings for use by educational institutions
- requires a majority vote of the board and fiscal court approval for leasing or constructing buildings for use by educational institutions and expenditures of capital projects over $1 million except for public library construction fund awards that were made before the effective date of the Act
- defines appropriate buildings for use by educational institutions

SB 176 AN ACT relating to use of facial recognition technology.

- creates a working group on facial technology required to adopt a model facial recognition technology policy by January 1, 2024
- sets forth standards and components of the policy
- requires law enforcement agencies that use the technology to have a use policy in place
- excludes consumer products using facial recognition technology to access a secure device or secure premises.

SB 179 AN ACT relating to criminal offenses committed during a declared emergency.

- amends KRS 508.025, 511.020, 511.030, 511.040, 511.060, 511.070, 511.080, 512.020, 512.030, 512.040, 514.110, 515.020, and 515.030 to provide enhanced penalties if the offense occurred during a declared emergency arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster
- provides that any classification of theft by deception or theft by unlawful taking or disposition shall be charged one level higher if the offense occurred during a declared emergency arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster

SB 205 AN ACT relating to state dealings with companies that engage in energy company boycotts.

- declare findings regarding the financial harms of boycotting energy companies for dealing in fossil-fuel-based energy
- requires the State Treasurer to publish, maintain, and update a list of financial companies engaged in energy company boycotts and to file the list with the Legislative Research Commission and AG
- requires state governmental entities to notify the Treasurer of the listed financial companies in which the state governmental entity owns direct or indirect holdings
- requires state governmental entities to inform and warn listed financial companies that they may become subject to divestment by the state governmental agency unless they clarify their actions or cease their energy company boycott
- requires governmental entities to divest from the listed financial company if it does not cease its energy company boycott in the timeframes established by the section
- provides for delays in the divestment schedule if it will result in a loss of value or a benchmark deviation
- requires that delays in divestment be reported to the Treasurer, the Legislative Research Commission, and AG
- provides that a state governmental entity shall not be required to divest from any holdings in actively or passively managed investment funds or private equity funds
- provides for exceptions from divestment requirements
- requires that beginning on December 1, 2023, and each December 1 thereafter, each state governmental agency shall file a report with the Treasurer, AG, and the Legislative Research Commission identifying the divestments it made and the investments prohibited under the Act
- allows AG or the Treasurer to enforce the Act through civil actions

- prohibits a governmental entity from entering into a contract for goods or services with a company that engages in energy company boycotts

SB 216 AN ACT relating to elections and declaring an emergency.

- expands AG's independent inquiry of potential election irregularities from not less than 5 percent of Kentucky counties to not fewer than 12 counties
- include the Secretary of State as chair of the State Board of Elections and removes the ability of the executive director of the State Board of Elections to cast a vote
- requires all voting systems to be approved in accordance with prescribed requirements by January 1, 2024
- prohibits a voting system's capability of connecting to any network, including the Internet, or with any device external to the voting system
- prescribe requirements relating to the county clerk's duties of securing and protecting voting equipment
- expands the time in which voting equipment is to remain locked against voting after the election
- requires the voting equipment and ballot boxes to be under video surveillance
- requires a video surveillance system that monitors voting equipment and ballot boxes to have the capacity to include enough storage capacity to hold 60 consecutive days of continuous recording data
- requires the county clerk of each county and the Secretary of State to display, on the clerk's Web site and the Secretary of State's Web site, information related to candidates who are on the ballot for a regular election
- requires the county clerk of each county and the Secretary of State to display, on the clerk's Web site and the Secretary of State's Web site, information related to candidates in a primary
- requires the county clerk of each county and the Secretary of State to display, on the clerk's Web site and the Secretary of State's Web site, information related to candidates to be chosen by convention
- requires the Secretary of State to display on the Secretary of State's Web site information related to judicial candidates in a primary
- removes the requirement that a candidate or slate of candidates designate a treasurer at the office with which they file for candidacy, and instead requires the office for which the candidate files to forward a copy to the registry
- allows a member of the General Assembly to contribute up to $5,000 in his or her campaign account to a political party or caucus campaign committee
- permits a candidate and a candidate-authorized campaign committee to file annual campaign finance reports, with requirements prescribed, unless the candidate is seeking statewide office or a candidate-authorized campaign committee for statewide office
- removes the requirement that a candidate or slate of candidates file campaign finance reports with the office with which they file for candidacy and instead requires the candidate or slate of candidates to file with the registry

SB 245 AN ACT relating to protective orders.

- requires that emergency protective orders and interpersonal orders set forth which communications are authorized and which are unauthorized as requested by the petitioner and to allow either party to retrieve personal belongings from a shared residence
- allows courts to authorize limited contact at the request of the petitioner and to allow the parties to remain in a common area closer than 500 feet under limited circumstances as requested by the petitioner
- nothing in this Act shall be interpreted to place restrictions on the petitioner.

SB 271 AN ACT relating to domestic violence.

- sets procedure for reporting of domestic abuse by a professional
- specifies necessary data for CHFS reporting
- requires the Criminal Justice Statistical Analysis Center to compile data on domestic violence fatalities and occurrences of dating violence and abuse or domestic violence and abuse
- amends KRS 209A.100 to include the reporting of suspected dating violence and abuse or domestic violence and abuse deaths to the Criminal Justice Statistical Analysis Center
- amends KRS 209A.120 to indicate when KSP is to report data to the Criminal Justice Statistical Analysis Center
- amends KRS 403.785 and 456.090 to mandate reporting of JC-3 forms.

SB 272 AN ACT relating to sound that is recorded or performed live.

- prohibits a person from using a false, deceptive, or misleading affiliation when advertising or conducting a live musical performance in the Commonwealth
- permits AG or county attorney to bring a civil cause of action and assess a civil penalty
- creates a private cause of action
- obligates a Web site or online service or owner and operator who disseminates a commercial recording or audiovisual work of a third party to disclose his or her personal information on that Web site or online service
- creates a civil cause of action and creates civil penalties
- establishes the short title of Kentucky True Origin of Digital Goods and Truth in Musical Advertising Act

SB 315 AN ACT relating to oil and gas, making an appropriation therefor, and declaring an emergency.

- includes remediation in the purpose of the Kentucky Abandoned Storage Tank and Orphan Well Reclamation Program
- stipulates how moneys received by the Energy and Environment Cabinet from the Infrastructure Investment and Jobs Act are to be used
- authorizes the Abandoned Storage Tank and Orphan Well Reclamation Fund to maintain separate accounts to segregate moneys received and expended for different programs
- requires the cabinet to tier the number of wells in vendor contracts
- allows the last tier to have an unlimited number of wells in the contract

- authorizes the cabinet to adjust the number of wells to comply with deadlines imposed by the Infrastructure Investment and Reclamation Fund for initial grants

Senate Joint Resolutions

SJR 150 A JOINT RESOLUTION terminating the declaration of emergency regarding the SARS-CoV-2 virus and declaring an emergency.

- Terminates the declaration of emergency regarding the SARS-CoV-2 virus in 2020 Executive Order 2020-215 and all subsequent directives based upon the declaration of emergency in 2020 Executive Order 2020-215

House Bills

HB 3 AN ACT relating to public health and declaring an emergency.

- requires CHFS to publish information about the potential ability to reverse the effects of abortion-inducing drugs
- requires the cabinet to create and distribute consent and reporting forms
- requires the cabinet to keep reported data confidential
- requires the cabinet to communicate reporting requirements to those required to report
- requires the health care facility or abortion clinic to inform the parents of their rights to determine the final disposition of the fetal remains within 24 hours before a surgical or medication abortion
- requires the mother to be informed, if a medication induced abortion, that the remains may be returned to the facility for final disposition
- requires the parents to inform the facility of their choice for the disposition of the fetal remains
- requires the cabinet to promulgate administrative regulations to design forms to document the status of the fetal remains
- establishes conditions for final disposition of fetal remains
- requires a prescription for an abortion-inducing drug dispensed by a pharmacy to be reported to the cabinet within 3 days after the end of the month
- requires fetal remains to have a permit stating the cause of death and authorizing cremation or transport for cremation
- permits the cremation of fetuses by simultaneous cremation
- requires that the form for cremation of fetal remains created by the cabinet be provided to an abortion patient upon request
- expands the statistical reporting requirements for abortions by physicians
- requires prescriptions for abortion-inducing drugs to be reported within 3 days after the end of the month issued
- requires the Office of the Inspector General to audit required reporting to the cabinet
- prohibits the audit from including personally identifying information of any pregnant woman upon whom an abortion was performed or attempted
- requires that any personally identifying information viewed or recorded in conducting the audit not be subject to the Open Records Act
- requires an annual report to be submitted by the cabinet including findings from the audit and abortion facility inspections to the General Assembly and AG
- requires the cabinet to create a certification program for the distribution of abortion-inducing drugs
- requires manufacturers, distributors, pharmacies, and abortion facilities distributing abortion-inducing drugs to be certified
- establishes requirements for certification
- requires the cabinet to develop a plan to enforce certification
- establishes requirements for a physician to register as a nonsurgical abortion provider
- requires the cabinet to develop a complaint portal for reporting violations
- allows KBML to suspend or revoke the license of any physician for violations of consent for a minor's abortion

- requires that abortion-inducing drugs be provided only by a physician who is registered with the cabinet as a nonsurgical abortion provider
- prohibits the provision of abortion-inducing drugs by courier, delivery, or mail service
- establishes required qualifications for physicians to provide abortion-inducing drugs
- requires an in-person examination of a patient receiving an abortion-inducing drug
- requires a follow-up visit to be scheduled
- requires the informed consent of a patient 24 hours before the provision of abortion-inducing drugs
- requires the information to be provided for the informed consent form
- requires each abortion-inducing drug provided to be reported to the cabinet
- requires reporting to the cabinet of any treatment for adverse events or complications related to a drug-induced abortion
- prohibits any provisions of the Act from being construed as creating or recognizing a right to abortion
- prohibits the provision of abortion-inducing drugs in any school facility or on state grounds
- provides additional legal remedies for the failure of a physician to comply with abortion-inducing drug qualifications
- permits AG to bring an action to enforce compliance with abortion-inducing drug provisions
- establishes penalties for violations
- permits AG to extradite violators from any other states
- prohibits public agency funds from being paid to any entity, organization, or individual that performs, induces, refers for, or counsels in favor of abortions
- requires the informed written consent of a parent or legal guardian for a minor to obtain an abortion to include a copy of that parent's or legal guardian's government-issued identification
- requires government-issued identification for the minor
- requires notification to any other parent with joint or physical custody with exceptions
- requires the physician to keep a copy of the informed written consent
- requires the physician to execute an affidavit of identity
- requires additional criteria and standards for a court to determine whether to allow a minor to self-consent to an abortion
- requires the court hearing to remain confidential and be held in a private, informal setting within the courthouse
- requires the physician to notify the parent or legal guardian within 24 hours of an abortion in the case of a medical emergency
- requires report of consent decisions to the cabinet
- requires a prescription for an abortion-inducing drug to be reported within 3 days
- creates new sections of KRS Chapter 311.781 to 311.786 stating General Assembly findings on the gestation of an unborn child
- permits AG or the Board of Medical Licensure to have authority to bring an action on its own behalf
- requires probable gestational age to be 15 weeks instead of 20 weeks to permit an abortion

- amends KRS 311.783 to add physician reporting requirement to the cabinet
- prohibits the inducement of an abortion on a pregnant woman after the unborn child reaches the probable gestational age of 15 weeks
- establishes criminal penalties for violations of abortion provisions for minors
- establishes penalties for a person who violates drug-induced abortion restriction
- requires that a pharmacy presume a prescription or medical order for a drug that is known to possibly cause an abortion is intended to treat indications other than inducement of abortion
- adds penalty for violation by a pharmacy of the abortion-inducing drug certification program
- requires provisions of this Act to be severable
- establishes the short title of Humanity in Healthcare Act of 2022

HB 4 AN ACT relating to unemployment insurance.

- Covered in detail at previous CLE on June 8th
- provides for a variable duration of unemployment insurance benefits, ranging from 12 weeks to 24 weeks, based upon the state average unemployment rate at the time of each individual's application for benefits except in certain situations
- establishes the short title of Unemployment Insurance Sustainability Act of 2022

HB 6 AN ACT relating to the valuation of motor vehicles for property tax purposes and declaring an emergency.

- exempts a portion of property taxes assessed for the January 1, 2022, and January 1, 2023, assessment dates
- mandates refunds for overpayments
- requires the Department of Revenue and county clerks to establish procedures for refunds
- requires that the average trade-in value and not the rough trade-in value or clean trade-in value be used as the standard value of a motor vehicle for property tax purposes
- allows the PVA to adjust a motor vehicle's value when the registrant has provided evidence that the standard value does not reflect the motor vehicle's condition, options, mileage, or certification of title issued
- provides that the trade-in value requirement and PVA adjustment apply to assessments on or after January 1, 2024

HB 9 AN ACT relating to educational opportunities and making an appropriation therefor.

- requires urban academies to have an enrollment preference for students who live in close proximity to the school
- allows the enrollment lottery to consider siblings
- removes regional achievement zones
- requires public charter schools to record student enrollment and attendance data in a manner necessary to participate in the Support Education Excellence in Kentucky fund
- requires public charter schools to establish food programs that provide free and reduced-price meals to student

- requires public charter school applications to outline resident and nonresident enrollment policies
- requires applications to explain how the school's proposed education program will serve students with individualized education programs or provide career readiness education opportunities
- requires a memorandum of understanding with the district of location, if the district has a total student enrollment of 7,500 or less
- creates conditions for an exception for qualifying urban academies
- requires any authorizer to establish an annual timeline for the application process
- changes the application process to allow for seeking an extension for curing deficiencies identified by the authorizer
- makes changes to the review process
- requires the Kentucky Department of Education to provide technical assistance to a charter applicant upon request
- modifies appellate procedures
- establishes public charter schools as schools within an authorizing district for state and local funding purposes
- establishes public charter schools as local education agencies for federal funding purposes
- establishes terms for students enrolled in a public charter school to be included in the average daily attendance and transportation calculations of the district of location
- establishes a calculation to identify the amount of funding for a district of location to transfer to public charter schools
- requires public charter schools to provide services if funding received is tied to providing a service
- establishes how funding a collaborative's public charter school shall be determined
- establishes how data will be developed to provide funding during the public charter school's first year of operation
- provides a transfer mechanism with authorizer fees and penalty provisions
- determines how the Kentucky Board of Education shall develop a schedule for the transfer of funds
- makes public charter schools eligible for federal and state grants
- requires the Commissioner of the Department of Education to apply for all federal funding that supports charter school initiatives
- determines the distribution of public charter school assets upon closure
- authorizes the Kentucky Board of Education to promulgate regulations for the calculation and distribution of funds to public charter schools
- establishes the Kentucky Public Charter School Pilot Project
- identifies pilot project authorizers
- requires at least one charter authorization
- requires pilot authorizers to submit reports
- requires the Office of Education Accountability to review the performance of pilot public charter schools
- requires a public charter school to participate in the state-sponsored health insurance program, requires that any on-behalf payment made by the state for local public

employees or school district employees also be made for public charter school employees
- requires public charter schools to make employer contributions to retirement systems in the same manner as school districts
- limits the accrual to sick leave credit for public charter school employees to the same limits as the authorizing district
- requires employees of education service providers to have the same certifications and background checks as public charter school employees
- provides public charter schools' participation in state retirement systems
- provides that any provision of this Act is severable

HB 43 AN ACT relating to religious freedom during a declared emergency.

- excludes houses of worship from emergency condemnation authority unless they have become unsafe to a degree that would justify condemnation in the absence of a state of emergency
- prohibits a governmental entity from restricting a religious organization to the same or any greater extent than businesses or organizations that provide essential services
- waives sovereign, governmental, and qualified immunity to the extent of liability created under this section
- requires a compelling governmental interest to place a burden on a religious organization
- prohibits a governmental entity from taking any discriminatory action against a religious organization on the basis that the organization is religious
- defines "discriminatory action," "governmental entity," "religious organization," and "religious services"
- includes in the definition of "discriminatory action" certain actions that would adversely affect the ability of a religious organization to receive any benefits to which it is entitled and any action taken by a governmental entity wholly or partially on the basis that an organization is religious, operates or seeks to operate during a state of emergency, or engages in the exercise of religion as protected under the First Amendment to the Constitution
- allows a religious organization to assert a violation of this section as a claim against a governmental entity or as a defense and waive sovereign, governmental, and qualified immunity to the extent of liability under the section
- sets out remedies available to a religious organization
- requires construction in favor of protecting free exercise of religion
- requires a religious organization to bring an action no later than 2 years from the date the person should have known of the discriminatory action.

HB 48 AN ACT relating to crimes and punishments.

- provides for a civil cause of action for damages arising from the false reporting of an incident
- establishes that falsely reporting an incident under certain circumstances is a Class D felony and to provide for restitution

HB 63 AN ACT relating to school security.

- allows local boards of education to establish a police department for local school districts
- provides the general police powers each officer shall have in performing their duties if permitted by local board of education policy
- provides the qualifications each officer shall have at the time of employment
- provides for the appointment or promotion to the ranks and grades of the department
- includes an officer appointed under the Act within the term "school resource officer"
- allows the board of education to regulate the traffic and parking on property owned, used, or occupied by the local school district
- prohibits a person from impersonating a police officer hired by the board of education
- requires the assignment of school resource officers to schools by August 1, 2022
- requires local school boards to ensure that at least one school resource officer works full-time on-site at each school campus
- provides that if sufficient funds and personnel are not available, school districts shall fulfill the requirement on a per campus basis as approved by the state school security marshal
- affirms that local government agencies are not required to fund school resource officer positions.

HB 92 AN ACT relating to opioid abatement trust fund and declaring an emergency.

- Amends KRS 15.293 to provide that funds received from bankruptcy proceedings shall also be allocated to the opioid abatement trust fund and local governments
- specifies that any defendant named in *In re National Prescription Opiate Litigation*, MDL No. 2804, Case No. 1:17-md-02804, in the United States District Court for the Northern District of Ohio shall be included
- adds that if the negotiation class metrics established in the case would result in a city's receiving a sum total of less than $30,000 in any individual settlement, these payments shall be instead made to the county, consolidated local government, or urban-county government in which the city sits
- establishes the local government fee fund, which consists of moneys received from the national contingency fee fund established by the National Prescription Opiate Litigation, to be allocated to each county, consolidated local government, urban-county government, and city within the Commonwealth to pay counsel

HB 154 AN ACT relating to driving under the influence and declaring an emergency.

- provides that a court may order a person to surrender any and all license plates of motor vehicles owned by the person upon conviction of driving under the influence
- provides that the court may order a peace officer to seize any license plates not surrendered within 45 days of the final sentencing hearing
- provides that a breath test may be performed in accordance with instructions adopted by the Department of Criminal Justice Training and approved by the manufacturer of that test
- allows a court to issue warrants for blood or urine tests in all cases where a person is charged with driving under the influence

- amends KRS 189A.110 to include an alcohol concentration reading of 0.15 percent as a qualifying result for the minimum 4-hour detention requirement

HB 170 AN ACT relating to civil proceedings and declaring an emergency.

- establishes a new procedure for legal settlements with a minor when the amount of the settlement is $25,000 or less after reduction for liens, expenses, attorney fees, and costs
- provides that certain records be maintained for a period of 5 years
- provides protections for minors entitled to receive the settlement proceeds
- provides that any person or entity may file a petition for an emergency appointment as a limited guardian or conservator
- provides that the court shall review all petitions for an emergency appointment without delay and that the Commonwealth shall not exclude any petition from presentation to the court
- requires an attorney with CHFS to notify a foster parent of any proceeding with respect to a child currently placed in the foster parent's care
- establishes short title of Jeff Tyler Act

HB 179 AN ACT relating to districts of the Supreme Court and declaring an emergency.

- DISTRICT 1 - Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Todd, Trigg, Union, and Webster Counties
- DISTRICT 2 - Allen, Barren, Breckinridge, Bullitt, Butler, Edmonson, Grayson, Hancock, Hardin, Hart, Larue, Meade, Monroe, Ohio, Simpson, Spencer, and Warren Counties
- DISTRICT 3 - Adair, Anderson, Bell, Boyle, Casey, Clinton, Cumberland, Garrard, Green, Harlan, Knox, Laurel, Lincoln, Marion, McCreary, Mercer, Metcalfe, Nelson, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, and Whitley Counties
- DISTRICT 4 - Jefferson County
- DISTRICT 5 - Bourbon, Clark, Fayette, Franklin, Jessamine, Madison, Scott, and Woodford Counties
- DISTRICT 6 - Boone, Bracken, Campbell, Carroll, Gallatin, Grant, Henry, Kenton, Oldham, Owen, Pendleton, Shelby, and Trimble Counties
- DISTRICT 7 - Bath, Boyd, Breathitt, Carter, Clay, Elliott, Estill, Fleming, Floyd, Greenup, Harrison, Jackson, Johnson, Knott, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owsley, Perry, Pike, Powell, Robertson, Rowan, and Wolfe Counties

HB 206 AN ACT relating to peace officer certification.

- prohibits anyone who has been convicted of various misdemeanor offenses and inchoate offenses under KRS Chapter 510 from being certified as a peace officer
- prohibits peace officers who have been convicted of various misdemeanor offenses and inchoate offenses under KRS Chapter 510 from returning to active certification from inactive status

- provides that a peace officer's certification shall be revoked if he or she pleads guilty to, is convicted of, or enters an Alford plea to various misdemeanor offenses and inchoate offenses under KRS Chapter 510

HB 214 AN ACT relating to judicial districts and circuits and declaring an emergency.

HB 215 AN ACT relating to crimes and punishments.

- enhances the penalty for importing and for aggravated trafficking of carfentanil, fentanyl, or fentanyl derivatives from a minimum of 50 percent of the sentence served to a minimum of 85 percent of the sentence served
- prohibits pretrial diversion for those criminal offenses
- establishes the short title of Dalton's Law.

HB 216 AN ACT relating to crimes and punishments.

- includes domestic violence shelters as a covered location for terroristic threatening in the first degree.

HB 222 AN ACT relating to legal actions concerning the exercise of a person's constitutional rights.

- Covered in detail earlier today
- establishes the short title of Uniform Public Expression Protection Act.

HB 239 AN ACT relating to local government and making an appropriation therefor.

- prohibits any constable elected for the first time after January 1, 2023, from exercising general police powers unless certified, leaving all other constables unchanged
- allows constables to apply for training at any Kentucky Law Enforcement Council-approved basic training course, cost allocation determined
- requires the Department of Criminal Justice Training to accept one qualified constable per training class for training

HB 256 AN ACT relating to the unauthorized practice of law.

- increases unauthorized practice of law to a Class A misdemeanor for the first offense
- makes each subsequent offense a Class D felony.

HB 263 AN ACT relating to criminal abuse.

- increases penalties if the victim is under 12 years of age
- establishes the short title of Kami's Law.

HB 269 AN ACT relating to mental illness.

- provides that a person has a serious mental illness if they have active symptoms and a documented history of schizophrenia, schizoaffective disorder, bipolar disorder, or delusional disorder and the disorder is not manifested primarily by repeated criminal conduct or attributable solely to the effects of alcohol or substance abuse
- provides that the documented history and diagnosis shall come from a mental health professional

- a defendant shall notify the court of a serious mental illness at least 120 days before trial and the court shall determine if the defendant has a serious mental illness at least 90 days before trial
- a person with a serious mental illness shall not be subject to execution for conviction of a capital offense.

HB 310 AN ACT relating to home incarceration.

- allows defendants in the home incarceration program who did not participate in a global positioning monitoring system to receive credit for time served while on pretrial release.

HB 399 AN ACT relating to local government.

- requires a public hearing and notifications concerning public hearings by a local government receiving economic development funds
- requires local governments to provide for public input into the expenditure of public funds for economic development
- changes audit deadlines from February to March and reporting deadlines from March to April
- increases exemption for city audit from $75,000 to $150,000
- requires that if a city claims the exemption for 4 years, an attestation of engagement must be prepared by either a certified public accountant or the Auditor of Public Accounts
- requires a public hearing and notification for a public meeting on the expenditure of road funds.

HB 402 AN ACT relating to assisted reproduction.

- creates the crime of fraudulent assisted reproduction; authorizes a civil action; establishes a penalty
- adds fraudulent assisted reproduction to the list of violations that may cause a doctor to lose or be restricted in the use of his or her medical license.

HB 458 AN ACT relating to the Juvenile Justice Oversight Council and declaring an emergency.

- extends the term of the Juvenile Justice Oversight Council to July 1, 2030

HB 501 AN ACT relating to child support.

- Covered in detail by previous presenters

HB 502 AN ACT relating to genetic information.

- Amends KRS 15.440 and 17.175 to mirror federal law and include a requirement that DNA profiles from samples voluntarily provided for elimination purposes not be included in any DNA index or database
- regulates the collection, use, and disclosure of genetic data
- creates a civil cause of action for violations of the prohibitions, to be brought by AG
- establishes the short title of Genetic Information Privacy Act.

HB 523 AN ACT relating to the priority of purchase money deeds of trusts and mortgages.

- establishes priority for purchase money deeds of trust and mortgages over a prior judgment lien against the purchaser

HB 618 AN ACT relating to elections.

- includes a definition of "e-poll book" and exclude it from the definition of "voting machine" and "voting systems"
- provides the county clerk of each county with voter registration lists at least 18 days prior to a primary or an election
- allows a county government the ability to select, at its discretion, an e-poll book that complies with the specifications and requirements of KRS Chapter 117
- includes e-poll book products within the State Board of Elections' purview of examination and certification of permissible voting products to be used for an election by means of statutory and administrative regulatory requirements
- requires approved e-poll book products to be used after May 11, 2023
- provides separate standards for an e-poll book product report and a voting system report
- permits the State Board of Elections to examine any voter registration system maintained by the county clerk, including e-poll books, to establish the security of the system and its components, report to the county board of elections.

HB 668 AN ACT relating to Kentucky Employees Retirement System employers and declaring an emergency.

- Amends KRS 61.565 to require KERS to provide employers with the member data provided to the actuary and the data the actuary produced as it relates to prorating liabilities to each employer under HB 8 passed during the 2021 Regular Session
- amends KRS 61.5991 to exempt contracts for services through a non-core services independent contractor used by a KERS quasi-governmental employer from the reporting requirements established by HB 8 during the 2021 Regular Session
- deletes provisions that prohibit the Kentucky Public Pensions Authority (KPPA) from requiring employers to pay back contributions if they find that KERS quasi-governmental employers have failed to properly report employees eligible for retirement coverage
- requires the KPPA to perform audits on KERS quasi-governmental employers to ensure that eligible employees are being reported to and contributions are being paid to the system and provide that, if any agency does not comply with the audits, then the employer shall lose eligibility for future subsidies

HB 678 AN ACT relating to public schools and declaring an emergency.

- Until June 30, 2024, suspends the requirement for prior approval for a local board to commence funding, financing, design, construction, renovation, or modification of district facilities
- allows a local board to utilize estimates from architects or engineers as an alternative to competitive bids for calculating financing of district projects
- requires a local board to continue to submit BG-1 Project Application forms

- Department of Education shall continue to have authority to intercede on bond payments
- until June 30, 2024, provides for an expedited process for approval of district facility plans and the acquisition and disposal or property
- requires the department to provide assistance to districts upon request concerning facilities and properties procedures
- ensures that current applications are governed by the Act
- includes extracurricular facilities as facilities covered by the Act
- declares that nothing in the Act waives prior approval of Elementary and Secondary School Emergency Relief funds or other federal funds for which federal law requires state authorization
- requires KDE to conduct a review of facilities regulations, documents, and procedures to identify inefficiencies and possible improvements
- requires KDE and the Department of Housing, Buildings and Construction (DHBC) to consult and to explore what school-specific items may be appropriate for inclusion in DHBC regulations
- requires KDE to report results of reviews, plans, and consultations to A&R and the Interim Joint Committee on Education by September 1, 2023

HB 773 AN ACT relating to the Prosecutors Advisory Council.

- expands membership of the Prosecutors Advisory Council from 9 to 13 members
- amends requirements for commonwealth's attorneys and allows the Commonwealth's Attorneys Association to elect its members
- amends requirements for county attorneys and allows the County Attorneys Association to elect its members
- allows AG to appoint the nonattorney citizen members
- provides that members shall serve for 2-year terms
- commonwealth's attorneys and county attorneys shall not serve more than two consecutive terms
- requires the council to propose and adopt a code of ethics for prosecutors
- requires the council to provide the proposed budget to A&R each biennium