

CHAPTER 140**(HB 384)**

AN ACT relating to local health and fitness incentive programs for local emergency services personnel.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 64 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Emergency services personnel" means any nonelected persons employed by or volunteering for a:*

1. *Fire department operating under KRS Chapter 67 or 95 or under the authority of an urban-county government, consolidated local government, charter-county government or unified local government;*
2. *Police department operating under KRS Chapter 67 or 95 or under the authority of an urban-county government, consolidated local government, charter-county government, or unified local government; or*
3. *Sheriff's department; and*

(b) *"Local government" means a city, county, urban-county government, charter county government, consolidated local government, or unified local government.*

(2) *Any local government or group of local governments may elect, through the adoption of an ordinance, or identical ordinances in the case of a group of local governments, to establish an incentive program for emergency services personnel to be rewarded for their leadership in achieving health and fitness goals that can be a model for others in the community.*

(3) *The ordinance or ordinances shall specify what measures shall be part of the incentive program, which may include the following health and fitness indicators:*

- (a) *Fasting blood lipid levels that include total cholesterol, low density lipoproteins, high density lipoproteins, and triglycerides;*
- (b) *Fasting glucose levels;*
- (c) *Systolic and diastolic blood pressure levels, the measurement of which is encouraged to be recorded when the participant is in a more relaxed state;*
- (d) *Fitness levels, including activities such as distances walked, pushups, sit-ups, pull-ups, and, in lieu of pull-ups for females, timed hangs;*
- (e) *Body fat percentages;*
- (f) *Body mass index; and*
- (g) *Any other measure of fitness or health as determined by the local government, such as a reduction in the use of tobacco products or sodium.*

The ordinance or ordinances may provide considerations for differences in age and gender of the emergency services personnel. Local governments are encouraged, at a minimum, to include in their program the measures indicated in paragraphs (a) to (c) of this subsection.

(4) (a) *Local governments may reward participants who make the most positive gains in the health and fitness indicators measured by the local government.*

(b) *The ordinance or ordinances shall clearly set out what health and fitness standards will be rewarded within the selected measures.*

(5) *The ordinance or ordinances may include a step-based system of awards, in the instance if a certain standard is met consistently or consecutively for an established duration of time, the reward is to be incrementally increased.*

- (6) *The ordinance or ordinances, in addition to or in lieu of rewarding individual emergency services personnel performance, may reward performance to a particular department or any combination of departments either in the local government or among different local governments.*
- (7) *The reward may be monetary in nature, or any other consideration or reward not otherwise prohibited by state or federal law.*
- (8) *A local government may, by ordinance, elect to repeal the program.*
- (9) *Any monetary reward provided under this section shall not be included in the calculation for a retirement allowance for any emergency services personnel participating in the County Employees Retirement System set out in KRS 78.510 to 78.852.*
- (10) *A local government shall follow any applicable state and federal laws in the gathering of any health and fitness data from participants in the program, including the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.*
- (11) *Local governments are encouraged to acquire health and fitness baseline data for the participants by using previously collected health and fitness data or by collecting health and fitness data on the participants at the beginning of the program or when they begin participating in the program.*
- (12) *Each local government adopting an ordinance pursuant to this section shall send a copy of its ordinance, and any amendments thereto, to the Kentucky Department for Local Government. The ordinance or amendment may be sent electronically or by any other method deemed suitable by the local government. The ordinances and amendments shall be deemed public records pursuant to KRS 61.870 to 61.884.*
- (13) *A local government may accept money by grant, gift, donation, bequest, legislative appropriation, or other conveyance to be used for the sole purpose of this section and shall be placed in a separate account apart from all other funds of the local government.*
- (14) *Nothing in this section shall be construed to prohibit any local government from enacting or establishing alternative incentives or from participating in other incentive programs for the rewarding of health or fitness levels or goals.*
- (15) *Participation in the program shall be voluntary on the part of emergency services personnel. The failure of any emergency services personnel to meet a standard set out in this program, or to participate in the program, shall not be used as a measure of his or her job-related performance.*

Signed by Governor April 27, 2016.