

CHAPTER 120**(HB 207)**

AN ACT relating to energy source availability.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in subsection (2) of this section, no law, ordinance, policy, resolution, code, or other form of executive, administrative, or legislative action shall be enacted, adopted, or enforced that has the purpose or effect of prohibiting, discriminating against, restricting, limiting, or impairing, based upon the energy source, a consumer's ability to use:*
 - (a) *The utility services that are described in KRS 278.010(3)(a), (b), or (c) and that are provided by a utility that is regulated by the Public Service Commission under KRS Chapter 278 or is otherwise incorporated under KRS Chapter 279; or*
 - (b) *Liquefied petroleum gas as defined in KRS 234.100.*
- (2) *Nothing in this section shall be interpreted or construed to prohibit or alter the powers and authority of the Public Service Commission under KRS Chapter 278, or the ability of a local government to act in any manner under the laws of the Commonwealth in all matters other than those enumerated in subsection (1) of this section, including but not limited to the power to act:*
 - (a) *Pursuant to authority granted under KRS Chapter 100;*
 - (b) *Pursuant to authority granted under Sections 163 and 164 of the Kentucky Constitution and any law enacted pursuant to those sections; and*
 - (c) *Through the local government or its utilities to provide any lawful utility service to its customers pursuant to state law.*
- (3) *As used in this section, "local government" means any city, county, urban-county government, consolidated local government, unified local government, or charter county government.*

Signed by Governor March 25, 2021.