

## CHAPTER 96

( SB 104 )

AN ACT relating to first responders.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 519 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"First responder" has the same meaning as in KRS 507.070, and includes a probation or parole officer, university police officer, and airport police officer; and*

(b) *"Harass" means to intentionally engage in a course of conduct directed at a first responder which causes or is intended to cause substantial emotional distress in the first responder and serves no legitimate purpose.*

(2) *A person is guilty of impeding a first responder when, after receiving a verbal warning not to approach from another person he or she knows or reasonably should know is a first responder who is engaged in the lawful performance of his or her duties, the person knowingly violates the verbal warning and approaches or remains within twenty-five (25) feet of the first responder with the intent to:*

(a) *Impede or interfere with the first responder's ability to perform the first responder's duties;*

(b) *Threaten the first responder with physical harm; or*

(c) *Harass the first responder.*

(3) *Impeding a first responder is a:*

(a) *Class B misdemeanor for the first offense;*

(b) *Class A misdemeanor for a second or third offense; and*

(c) *Class D felony for each subsequent offense.*

➔Section 2. KRS 95A.292 is amended to read as follows:

(1) The commission shall establish the Alan "Chip" Terry Professional Development and Wellness Program for firefighters *and rescue squad members*.

(2) *As used in this section, "rescue squad member" means an individual who is a member of a rescue squad as defined in KRS 39F.010.*

(3) The program shall:

(a) Use seminar-based peer support and counseling services designed to reduce negative mental and behavioral health outcomes; and

(b) Be offered to Kentucky professional and volunteer firefighters *and rescue squad members* in Kentucky at least two (2) times each calendar year.

~~(4)~~~~(3)~~ On a limited basis, the program may be offered to professional and volunteer firefighters *and rescue squad members* from states other than Kentucky upon application to and approval by the executive director. However, no Kentucky professional and volunteer firefighters *or rescue squad members* may be denied admission to the program if professional and volunteer firefighters *or rescue squad members* from another state are admitted to the program.

~~(5)~~~~(4)~~ The commission shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section. The administrative regulations shall address, at a minimum:

(a) The required qualifications and duties of any person used by the commission to implement or administer the program;

(b) The curriculum, programming, seminar type, and treatment modalities used in the program;

- (c) The extent to which a participating *firefighter or rescue squad member's* ~~firefighter's~~ relatives or friends may participate in seminars;
  - (d) The standards by which professional and volunteer firefighters *or rescue squad members* from other states may be accepted into the program by the executive director; and
  - (e) A protocol for establishing reciprocity for interagency assistance with other state, federal, and tribal professional and volunteer firefighters *or rescue squad members* in administering the program.
- ~~(6)(5)~~ ***The commission shall enter into an agreement with the Division of Emergency Management to provide rescue squad members with access to the program.***
- (7) (a) Except as provided in paragraphs (b) and (c) of this subsection, communications, identifying data, and any reports made in the application for or in the course of a *firefighter or rescue squad member's* ~~firefighter's~~ participation in the program shall be confidential and privileged from disclosure in any civil or criminal proceeding and shall not be subject to discovery, disclosure, or production upon the order or subpoena of a court or other agency with subpoena power, regardless of who possesses them. The participating firefighter *or rescue squad member* is the holder of the privilege.
- (b) The commission may use anonymous data for research, statistical analysis, and educational purposes.
  - (c) Any communication making an actual threat of physical violence against a clearly identified or reasonably identifiable victim or an actual threat of some specific violent act may be revealed by the program in order to prevent the commission of any physical violence or violent act using the protocol established in KRS 202A.400.
- ~~(8)(6)~~ (a) There is hereby established in the State Treasury a restricted fund to be known as the professional and volunteer firefighters professional development and wellness program fund.
- (b) The fund shall consist of moneys received from the Firefighters Foundation Program Fund established in KRS 95A.220, grants, gifts, state appropriations, and federal funds.
  - (c) The fund shall be administered by the commission.
  - (d) Amounts deposited in the fund shall be used only for administration of the program.
  - (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.
  - (f) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
  - ~~(g) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.~~
- ~~(9)(7)~~ (a) For the purposes of this subsection, "critical incident" means any event that has a stressful impact sufficient enough to overwhelm a *firefighter or rescue squad member's* ~~firefighter's~~ usual coping strategies. These events may include:
1. A fire or vehicle crash resulting in serious injury or death to a first responder or citizen;
  2. A firefighter *or rescue squad member* being the victim of a felonious assault;
  3. The death of a colleague or partner;
  4. A death of, or serious injury to, a person in the medical care of the firefighter *or rescue squad member*;
  5. The severe injury to, or death of, a child, particularly if the firefighter *or rescue squad member* has a child of or near the same age; or
  6. An incident involving multiple deaths or injuries in a short amount of time.
- (b) Any firefighter *or rescue squad member* involved directly in a critical incident may take up to forty-eight (48) hours of leave immediately following a critical incident. This leave may commence upon:
1. The completion of that *firefighter or rescue squad member's* ~~firefighter's~~ shift encompassing the critical incident, or when all necessary administrative procedures relating to a critical incident have been completed; and
  2. The firefighter *or rescue squad member* informs his or her supervisor.

- (c) For regular firefighters, this leave may be unpaid or paid leave. The pay status is to be determined by the firefighter's employment contract, collective labor agreement if any, or by written departmental policy. This subsection shall not be construed to set aside any employment contract, labor agreement, or departmental policies that grant more than forty-eight (48) hours of leave following an officer involved critical incident.
- (d) For volunteer firefighters, this leave may be unpaid or paid leave. The pay status is to be determined by the firefighter's written departmental policy.
- (e) *For rescue squad members, this leave may be unpaid or paid leave. The pay status is to be determined by a written policy of the Division of Emergency Management.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 39F IS CREATED TO READ AS FOLLOWS:

*The division shall enter into an agreement with the Kentucky Fire Commission to provide rescue squad members with access to the program under Section 2 of this Act.*

➔Section 4. Sections 2 to 3 of this Act may be cited as Gavin's Rights.

**Became law without Governor's signature April 12, 2026.**