

454.462 Scope.

- (1) Except as otherwise provided in subsection (2) of this section, KRS 454.460 to 454.478 applies to a cause of action asserted against a person based on the person's:
 - (a) Communication in a legislative, executive, judicial, administrative, or other governmental proceeding;
 - (b) Communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or
 - (c) Exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, as guaranteed by the United States Constitution or Kentucky Constitution, on a matter of public concern.
- (2) (a) Except as provided in paragraph (b) of this subsection, KRS 454.460 to 454.478 shall not apply to a cause of action asserted:
 1. Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;
 2. By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety;
 3. Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication or lack of communication related to the person's sale or lease of the goods or services;
 4. Against a person named in a civil suit brought to establish or declare real property possessory rights, use of real property, recovery of real property, quiet title to real property, or other claims relating to real property;
 5. Seeking recovery for bodily injury, wrongful death, or survival, or to statements made regarding that legal action;
 6. Under the Kentucky Insurance Code or arising out of an insurance contract;
 7. Based on a common law fraud claim;
 8. Under KRS Chapters 401 to 407;
 9. Under KRS Chapter 337, 338, 339, 342, 344, or 345, including claims of negligent supervision, retention, or infliction of emotional distress; wrongful discharge in violation of public policy; whistleblowing, including KRS 61.101 to 61.103; or enforcement of employee rights under civil service, collective bargaining, or handbooks and policies; or
 10. Under the Kentucky Consumer Protection Act, KRS 367.110 to 367.300.
- (b) KRS 454.460 to 454.478 applies to a cause of action asserted under paragraph (a) of this subsection when the cause of action is:
 1. An action against a person arising from any act of that person, whether

public or private, related to the gathering, receiving, posting, or processing of information for communication to the public, whether or not the information is actually communicated to the public, for the creation, dissemination, exhibition, or advertisement or other similar promotion of a dramatic, literary, musical, political, journalistic, or otherwise artistic work, including audio-visual work regardless of the means of distribution, a motion picture, a television or radio program, or an article published in a newspaper, Web site, magazine, or other platform, no matter the method or extent of distribution; or

2. An action against a person related to the communication, gathering, receiving, posting, or processing of consumer opinions or commentary, evaluation of consumer complaints, or reviews or ratings of businesses.

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History: Created 2022 Ky. Acts ch. 233, sec. 2, effective July 14, 2022.