



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE GOVERNOR

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**VETO MESSAGE FROM THE**  
**GOVERNOR OF THE COMMONWEALTH OF KENTUCKY**  
**REGARDING HOUSE BILL 1 OF THE**  
**2021 REGULAR SESSION**

*I, Andy Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under section 88 of the Kentucky Constitution, do hereby veto the following:*

House Bill 1 of the 2021 Regular Session of the General Assembly in its entirety.

*I am vetoing House Bill 1 because it is unconstitutional, impractical, and would severely hamper the serious and significant steps needed to protect lives and keep our workforce healthy and thereby our economy open.*

*House Bill 1 attempts to remove the authority from the Executive Branch to respond to a worldwide health pandemic at a time when the state is experiencing some of its highest cases, deaths, and hospitalizations. A mutated strain of the virus is spreading more aggressively than at any time in the pandemic. Areas of the country that have not acted quickly and with flexibility are seeing devastating results, with Los Angeles County out of hospital beds, unable to make ambulance runs, and now storing bodies in as many as 88 freezer trucks.*

*It is at this time that House Bill 1 attempts to remove authority from the Governor and instead write "guidelines issued by the Center for Disease Control and Prevention" into law as enforceable regulation. Attached to this statement is a letter from Dr. Redfield, the Director of the CDC. In no uncertain terms, he states CDC Guidelines are not "meant to be prescriptive or interpreted as standards that can be regulated." Instead, Dr. Redfield says they are merely guidance meant to be considered for state or local emergency orders.*

*Not only are CDC Guidelines not written for or intended to be written into law, they can be contradictory, vague, and in some instances more restrictive than current state rules. For a single business, three or more sets of guidance may be applicable. One set of guidance could be read to prohibit all "group events, gatherings, or meetings where social distancing ... between people who do not live in the same household cannot be maintained" Another provision appears to require businesses to implement paid leave. A third may allow restaurants to be open, but to prohibit any customers.*

*House Bill 1 is further unconstitutional as the Kentucky Constitution tasks the Governor with responding to an emergency. By vesting the “supreme executive power” in the Governor and making him the Commander in Chief, while expressly limiting the General Assembly annual part-time meetings, our Constitution “tilts toward emergency powers in the executive branch.”* Beshear v. Acree, --- S.W.3d ---, No. 2020-SC-0313-OA, 2020 WL 6736090, at \*1 (Ky. Nov. 12, 2020).

*Finally, if responding to an emergency is – in any part – legislative, House Bill 1 is unconstitutional for vagueness, and for attempting to delegate rule making authority to chambers of commerce and trade organizations.*

This the 19th day of January, 2021.



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Andy Beshear  
Governor