



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

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GOVERNOR

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VETO MESSAGE FROM THE
GOVERNOR OF THE COMMONWEALTH OF KENTUCKY
REGARDING SENATE BILL 65 OF THE 2023 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:

Senate Bill 65 of the 2023 Regular Session of the General Assembly in its entirety.

Senate Bill 65 will harm Kentuckians and frustrate efforts to increase Kentucky's workforce.

Senate Bill 65 attempts to void emergency administrative regulations that are making Kentuckians healthier and allowing them to return to work. Vision, hearing and dental problems have removed thousands of Kentuckians from the workforce. The regulations provide basic and inexpensive care to get them back to work.

Research shows that on average nearly 100 million work hours are lost annually in the United States because of emergency dental care, with poor oral health being the leading cause. Regular preventative dental care and expanded Medicaid dental benefits prevent that loss of productivity. Research also shows that coverage of vision services for adults increases the likelihood of working full time. Hearing loss is the third most chronic physical condition among all adults in the country – more prevalent than cancer or diabetes – and about 16% of Kentuckians had some degree of hearing loss, with an estimated up to 700,000 people in the Commonwealth identifying as hard of hearing.

Since the regulation, more than 1,000 Kentuckians in all 120 counties have received nearly 3,330 dental services, including from a dentist in Clay County who, since January 1, 2023, has provided four sets of dentures for patients and has 44 more sets of dentures in progress. Nearly 7,000 Kentuckians have received vision services under these regulations, with nearly 43,000 services provided. And 40 Kentuckians have received hearing services with these regulations in place.

With Senate Bill 65, the General Assembly seeks to take all of these expanded services away from individuals who will not be able to seek employment without them.

When a purely advisory legislative committee found these regulations deficient, I exercised the executive discretion afforded to me under the law and decided they should remain in effect. In response to my decision, the General Assembly passed Senate Bill 65 to try to undo the

*Mary Ann Krol
Deputy Clerk Senate*

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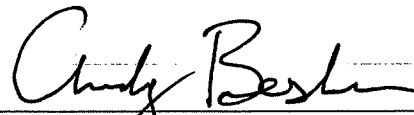
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regulations and stop the medical benefits they provide to vulnerable Kentuckians. Not only is Senate Bill 65 harmful for Kentucky's workforce, it also violates the separation of powers in the Kentucky Constitution. As the Supreme Court of Kentucky made clear, the adoption of regulations are within the constitutional purview of the executive branch, and a law giving the General Assembly the power to, by a bill or joint resolution, void a regulation already in effect is an unconstitutional encroachment into the power of the executive branch. Legislative Research Comm'n By and Through Prather v. Brown, 664 S.W.2d 907, 918-19 (Ky. 1984).

For these reasons, I am vetoing Senate Bill 65.

This, the ^{24th} day of March, 2023.



Andy Beshear
Governor