

1 AN ACT relating to the use of hemp-derived products by employees.

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

3 ➔Section 1. KRS 344.010 is amended to read as follows:

4 In this chapter:

- 5 (1) "Person" includes one (1) or more individuals, labor organizations, joint
6 apprenticeship committees, partnerships, associations, corporations, legal
7 representatives, mutual companies, joint-stock companies, trusts, unincorporated
8 organizations, trustees, trustees in bankruptcy, fiduciaries, receivers, or other legal
9 or commercial entity; the state, any of its political or civil subdivisions or agencies.
- 10 (2) "Commission" means the Kentucky Commission on Human Rights.
- 11 (3) "Commissioner" means a member of the commission.
- 12 (4) "Disability" means, with respect to an individual:
- 13 (a) A physical or mental impairment that substantially limits one (1) or more of
14 the major life activities of the individual;
- 15 (b) A record of such an impairment; or
- 16 (c) Being regarded as having such an impairment.
- 17 Persons with current or past controlled substances abuse or alcohol abuse problems
18 and persons excluded from coverage by the Americans with Disabilities Act of
19 1990 (P.L. 101-336) shall be excluded from this section.
- 20 (5) "Discrimination" means any direct or indirect act or practice of exclusion,
21 distinction, restriction, segregation, limitation, refusal, denial, or any other act or
22 practice of differentiation or preference in the treatment of a person or persons, or
23 the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under
24 this chapter.
- 25 (6) "Real property" includes buildings, structures, real estate, lands, tenements,
26 leaseholds, cooperatives, condominiums, and hereditaments, corporeal and
27 incorporeal, or any interest in the above.

- 1 (7) "Housing accommodations" includes improved and unimproved property and means
2 any building, structure, lot or portion thereof, which is used or occupied, or is
3 intended, arranged, or designed to be used or occupied as the home or residence of
4 one (1) or more families, and any vacant land which is offered for sale or lease for
5 the construction or location thereon of any such building or structure.
- 6 (8) "Real estate operator" means any individual or combination of individuals, labor
7 organizations, joint apprenticeship committees, partnerships, associations,
8 corporations, legal representatives, mutual companies, joint-stock companies, trusts,
9 unincorporated organizations, trustees in bankruptcy, receivers, or other legal or
10 commercial entity, the county, or any of its agencies, that is engaged in the business
11 of selling, purchasing, exchanging, renting, or leasing real estate, or the
12 improvements thereon, including options, or that derives income, in whole or in
13 part, from the sale, purchase, exchange, rental, or lease of real estate; or an
14 individual employed by or acting on behalf of any of these.
- 15 (9) "Real estate broker" or "real estate salesman" means any individual, whether
16 licensed or not, who, on behalf of others, for a fee, commission, salary, or other
17 valuable consideration, or who with the intention or expectation of receiving or
18 collecting the same, lists, sells, purchases, exchanges, rents, or leases real estate, or
19 the improvements thereon, including options, or who negotiates or attempts to
20 negotiate on behalf of others such an activity; or who advertises or holds himself
21 out as engaged in these activities; or who negotiates or attempts to negotiate on
22 behalf of others a loan secured by mortgage or other encumbrance upon a transfer of
23 real estate, or who is engaged in the business of charging an advance fee or
24 contracting for collection of a fee in connection with a contract whereby he
25 undertakes to promote the sale, purchase, exchange, rental, or lease of real estate
26 through its listing in a publication issued primarily for this purpose; or any person
27 employed by or acting on behalf of any of these.

- 1 (10) "Financial institution" means bank, banking organization, mortgage company,
2 insurance company, or other lender to whom application is made for financial
3 assistance for the purchase, lease, acquisition, construction, rehabilitation, repair,
4 maintenance, or improvement of real property, or an individual employed by or
5 acting on behalf of any of these.
- 6 (11) "Licensing agency" means any public or private organization which has as one (1)
7 of its duties the issuing of licenses or the setting of standards which an individual
8 must hold or must meet as a condition to practicing a particular trade or profession
9 or to obtaining certain employment within the state or as a condition to competing
10 effectively with an individual who does hold a license or meet the standards.
- 11 (12) "Credit transaction" shall mean any open or closed end credit transaction whether in
12 the nature of a loan, retail installment transaction, credit card issue or charge, or
13 otherwise, and whether for personal or for business purposes, in which a service,
14 finance, or interest charge is imposed, or which provides for repayment in scheduled
15 payments, when such credit is extended in the course of the regular course of any
16 trade or commerce, including but not limited to transactions by banks, savings and
17 loan associations, or other financial lending institutions of whatever nature, stock
18 brokers, or by a merchant or mercantile establishment which as part of its ordinary
19 business permits or provides that payment for purchases of property or services
20 therefrom may be deferred.
- 21 (13) "To rent" means to lease, to sublease, to let, or otherwise to grant for a
22 consideration the right to occupy premises not owned by the occupant.
- 23 (14) "Family" includes a single individual.
- 24 (15) (a) "Familial status" means one (1) or more individuals who have not attained the
25 age of eighteen (18) years and are domiciled with:
- 26 1. A parent or another person having legal custody of the individual or
27 individuals; or

1 2. The designee of a parent or other person having custody, with the
2 written permission of the parent or other person.

3 (b) The protection afforded against discrimination on the basis of familial status
4 shall apply to any person who is pregnant or is in the process of securing legal
5 custody of any individual who has not attained the age of eighteen (18) years.

6 (16) "Discriminatory housing practice" means an act that is unlawful under KRS
7 344.360, 344.367, 344.370, 344.380, or 344.680.

8 **(17) "Hemp" means the plant *Cannabis sativa L.* and any part of that plant, including**
9 **the seeds thereof, with a delta-9 tetrahydrocannabinol concentration of no more**
10 **than three-tenths of one percent (0.3%) on a dry weight basis.**

11 **(18) "Hemp-derived products" means all derivatives, extracts, oils, cannabinoids,**
12 **isomers, acids, salts, and salt isomers made from hemp which contain a delta**
13 **tetrahydrocannabinol concentration of no more than three-tenths of one percent**
14 **(0.3%) in the final derived form.**

15 ➔Section 2. KRS 344.040 is amended to read as follows:

16 (1) It is an unlawful practice for an employer:

17 (a) To fail or refuse to hire, or to discharge any individual, or otherwise to
18 discriminate against an individual with respect to compensation, terms,
19 conditions, or privileges of employment, because of the individual's race,
20 color, religion, national origin, sex, age forty (40) and over, because the
21 person is a qualified individual with a disability, **because the individual uses**
22 **hemp-derived products,** or because the individual is a smoker or nonsmoker,
23 as long as the person complies with any workplace policy concerning
24 smoking;

25 (b) To limit, segregate, or classify employees in any way which would deprive or
26 tend to deprive an individual of employment opportunities or otherwise
27 adversely affect status as an employee, because of the individual's race, color,

1 religion, national origin, sex, or age forty (40) and over, because the person is
2 a qualified individual with a disability, **because the individual uses hemp-**
3 **derived products,** or because the individual is a smoker or nonsmoker, as long
4 as the person complies with any workplace policy concerning smoking;

5 (c) To fail to make reasonable accommodations for any employee with limitations
6 related to pregnancy, childbirth, or a related medical condition who requests
7 an accommodation, including but not limited to the need to express breast
8 milk, unless the employer can demonstrate the accommodation would impose
9 an undue hardship on the employer's program, enterprise, or business. The
10 following shall be required as to reasonable accommodations:

- 11 1. An employee shall not be required to take leave from work if another
12 reasonable accommodation can be provided;
- 13 2. The employer and employee shall engage in a timely, good faith, and
14 interactive process to determine effective reasonable accommodations;
15 and
- 16 3. If the employer has a policy to provide, would be required to provide, is
17 currently providing, or has provided a similar accommodation to other
18 classes of employees, then a rebuttable presumption is created that the
19 accommodation does not impose an undue hardship on the employer;{
20 }{

21 (d) To require as a condition of employment that any employee or applicant for
22 employment abstain from smoking or using tobacco products outside the
23 course of employment, as long as the person complies with any workplace
24 policy concerning smoking; **or**

25 **(e) To require, as a conditions of employment, that employees or applicants for**
26 **employment abstain from smoking or using hemp-derived products outside**
27 **the course of employment, as long as the person complies with the**

1 *employer's policy concerning the use of such products in the workplace.*

2 (2) (a) A difference in employee contribution rates for smokers and nonsmokers in
3 relation to an employer-sponsored health plan shall not be deemed to be an
4 unlawful practice in violation of this section.

5 (b) The offering of incentives or benefits offered by an employer to employees
6 who participate in a smoking cessation program shall not be deemed to be an
7 unlawful practice in violation of this section.

8 (3) (a) An employer shall provide written notice of the right to be free from
9 discrimination in relation to pregnancy, childbirth, and related medical
10 conditions, including the right to reasonable accommodations, to:

- 11 1. New employees at the commencement of employment; and
12 2. Existing employees not later than thirty (30) days after June 27, 2019.

13 (b) An employer shall conspicuously post a written notice of the right to be free
14 from discrimination in relation to pregnancy, childbirth, and related medical
15 conditions, including the right to reasonable accommodations, at the
16 employer's place of business in an area accessible to employees.