

1 AN ACT relating to reopening the economy in the Commonwealth of Kentucky in  
2 response to the state of emergency declared by the Governor of Kentucky beginning in  
3 March 2020 and continuing throughout the year of 2021 and declaring an emergency.

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

5 ➔Section 1. Notwithstanding any state law or executive order to the contrary,  
6 during the current state of emergency declared by the Governor in response to COVID-19  
7 or any future state of emergency related to any virus or disease, including but not limited  
8 to any mutated strain of the current COVID-19 virus, until January 31, 2022:

9 (1) (a) Any business, for-profit or not-for-profit organization, local government,  
10 association, church, religious institution, or any school or school district, public, private,  
11 or religiously affiliated, may remain open and operational so long as it obtains and  
12 follows a comprehensive operating plan that:

13 1. Meets or exceeds all applicable guidance issued by the Centers for Disease  
14 Control and Prevention;

15 2. Details how the business, for-profit or not-for-profit organization, local  
16 government, association, church, religious institution, or school or school district,  
17 whether public, private, or religiously affiliated, will foster the safety of employees,  
18 customers, attendees and patrons, including social distancing requirements;

19 3. Is posted in a conspicuous place on the main entrance door of the physical  
20 location of the business, for-profit or not-for-profit organization, local government,  
21 association, church, religious institution, or school or school district, whether public,  
22 private, or religiously affiliated, and on the Web site of the business, for-profit or not-for-  
23 profit organization, local government, association, church, religious institution, or school  
24 or school district, whether public, private, or religiously affiliated, if one exists; and

25 4. Has been submitted to the local health department;

26 (b) The business, for-profit or not-for-profit organization, local government,  
27 association, church, religious institution, or school or school district, whether public,

1 private, or religiously affiliated, may prepare the plan detailed in paragraph (a) of this  
2 subsection itself or may utilize a plan prepared by a local or state chamber of commerce,  
3 trade association, or any other recognized affiliated organization; and

4 (c) No state or local agency shall enforce restrictions related to the state of  
5 emergency impacting the ability of the entities listed in this subsection to remain open or  
6 operational that exceed current applicable guidelines issued by the Centers for Disease  
7 Control and Prevention.

8 (2) Interest and penalties on unpaid employer contributions pursuant to KRS  
9 341.300 shall not accrue, shall not be charged against an employer, shall not be  
10 considered due and owing, and shall not be collected by the Labor Cabinet through  
11 December 31, 2021.

12 (3) Existing court orders regarding in-person noncustodial parental visitation,  
13 fictive kin visitation, parenting time, or timesharing pursuant to a valid court order shall  
14 not be restricted, modified, or suspended by the Cabinet for Health and Family Services.

15 (4) The Cabinet for Health and Family Services shall develop regulations and  
16 guidelines authorizing and regulating visitation by family members or legal guardians that  
17 are designated as being important to the mental, physical, or social well-being of the  
18 resident in a long-term care facility as defined in KRS 216A.010 or a residential long-  
19 term care facility as defined in KRS 216.510 that:

20 (a) Set forth procedures for the designation of a family member or legal guardian  
21 whose visitation is important to the mental, physical, or social well-being of the resident  
22 as an "essential personal care visitor";

23 (b) Allow visitation by essential personal care visitors;

24 (c) Require that essential personal care visitors waive liability against a  
25 residential long-term care facility for exposure to COVID-19 or other disease or virus;

26 (d) Provide that a resident may designate no more than one (1) essential personal  
27 care visitor along with procedures for changing the designation a personal care visitor;

1 (e) Provide that essential personal care visitors shall be exempt from any  
2 prohibitions on visitation at a long-term care facility subject to the provisions of this  
3 subsection;

4 (f) Require all essential personal care visitors to follow safety protocols required  
5 for long-term residential care staff, including testing of communicable disease, checking  
6 body temperature, health screenings, the use of appropriate personal protection  
7 equipment, social distancing, and any other requirement the facility deems appropriate in  
8 accordance with guidance from the Centers for Disease Control and Prevention. If testing  
9 of communicable disease is not provided by the long-term care facility, the essential  
10 personal care visitor is responsible for obtaining testing per protocol mandated by the  
11 facility;

12 (g) Set forth the frequency of visitation, the duration of visits, and the total  
13 number of essential personal care visitors allowed at the long-term care facility at any one  
14 time; and

15 (h) Provide that the long-term care facility may require a written agreement with  
16 the essential personal care visitor.

17 (5) The Cabinet for Health and Family Services shall develop regulations and  
18 guidelines authorizing and regulating visitation by family members or legal guardians that  
19 are designated as being important to the mental, physical, or social well-being of a  
20 resident in critical situations such as end of life, or in the instance of significant mental or  
21 social decline of the resident, or when exigent circumstances exist regarding a resident in  
22 a long-term care facility as defined in KRS 216A.010 or a residential long-term care  
23 facility as defined in KRS 216.510 that:

24 (a) Set forth procedures for the designation of a family member or legal guardian  
25 whose visitation is important to the mental, physical, or social well-being of the resident  
26 during critical situations such as end of life, or in the instance of significant mental or  
27 social decline of the resident, or when exigent circumstances exist regarding a resident as

1 an "essential compassionate care visitor";

2 (b) Require all essential compassionate care visitors to follow safety protocols  
3 required for long-term residential care staff, including testing of communicable disease,  
4 checking body temperature, health screenings, the use of appropriate personal protection  
5 equipment, social distancing, and any other requirement the facility deems appropriate in  
6 accordance with guidance from the Centers for Disease Control and Prevention. If testing  
7 of communicable disease is not provided by the long-term care facility, the essential  
8 personal care visitor is responsible for obtaining testing per protocol mandated by the  
9 facility;

10 (c) Restrict visitation of essential compassionate care visitors to one room to  
11 provide compassionate care to the resident;

12 (d) Provide that essential compassionate care visitors shall be exempt from any  
13 prohibitions on visitation at a long-term care facility subject to the provisions of this  
14 subsection; and

15 (e) Provide that the long-term care facility may require a written agreement with  
16 the essential personal care visitor.

17 ➔Section 2. Section 1 of this Act is retroactive to March 6, 2020.

18 ➔Section 3. Whereas the economic impact of the state of emergency declared in  
19 response to COVID-19 on Kentucky's citizens and businesses is of the utmost  
20 importance, an emergency is declared to exist, and this Act takes effect upon its passage  
21 and approval by the Governor or upon its otherwise becoming a law.