

1 AN ACT relating to the purchase or lease of personal protective equipment.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Personal protective equipment" means:*

7 *1. Protective equipment for eyes, face, head, and extremities;*

8 *2. Protective clothing;*

9 *3. Respiratory devices; and*

10 *4. Protective shields and barriers;*

11 *necessary to be worn by reason of hazards of processes or environment,*
12 *chemical hazards, radiological hazards, or mechanical irritants*
13 *encountered in a manner capable of causing illness of a person through*
14 *absorption, inhalation, or physical contact;*

15 *(b) "Public agency" means the Commonwealth of Kentucky, its departments,*
16 *agencies, boards, commissions, and institutions, and all political*
17 *subdivisions, including school districts; and*

18 *(c) "United States" means the United States of America, the District of*
19 *Columbia, and all territories and possessions subject to the jurisdiction of*
20 *the United States of America.*

21 *(2) Each contract for the purchase or lease of personal protective equipment by any*
22 *public agency shall contain a provision that any manufactured goods or*
23 *commodities used or supplied in the performance of that contract or any*
24 *subcontract thereto shall be manufactured or produced in Kentucky, or if*
25 *unavailable from such manufacturer in Kentucky, in the United States.*

26 *(3) The requirements of subsection (2) of this section shall not apply if the executive*
27 *head of the public agency certifies in writing to the Finance and Administration*

- 1 Cabinet and the Attorney General that the specified products:
- 2 (a) Are not manufactured or produced in Kentucky in sufficient quantities to
- 3 meet the requirements of the public agency and must be obtained from
- 4 elsewhere in the United States;
- 5 (b) Are not manufactured or produced in either Kentucky or the United States
- 6 in sufficient quantities to meet the requirements of the public agency, if
- 7 applicable;
- 8 (c) Cannot be manufactured or produced in Kentucky within the necessary
- 9 time in sufficient quantities to meet the requirements of the public agency
- 10 and must be obtained from elsewhere in the United States;
- 11 (d) Cannot be manufactured or produced in either Kentucky or the United
- 12 States within the necessary time in sufficient quantities to meet the
- 13 requirements of the public agency, if applicable; or
- 14 (e) Are unavailable in Kentucky or, if applicable, in the United States.
- 15 (4) The certification provided under subsection (3) of this section shall specify the
- 16 nature of the contract, the product being purchased or leased, the names and
- 17 addresses of the Kentucky manufacturers and producers contacted by the public
- 18 agency, or, if applicable, any manufacturers and producers in the United States
- 19 contacted by the public agency and an indication that those manufacturers or
- 20 producers could not supply sufficient quantities.
- 21 (5) The Finance and Administration Cabinet shall alert the Attorney General of any
- 22 violations of this section.
- 23 (6) Notwithstanding any provision to the contrary, this section shall not apply to
- 24 health care providers licensed in Kentucky or companies that purchase personal
- 25 protective equipment on behalf of, or to support, such health care providers.
- 26 Health care providers subject to this exemption shall be broadly construed to
- 27 include but not be limited to public and private providers licensed or certified as

1 *institutions, facilities, professionals, and health services providers.*

2 ➔Section 2. Whereas it is of utmost economic importance that Kentucky
3 manufacturers provide necessary protective equipment to public agencies during the
4 COVID-19 pandemic, an emergency is declared to exist, and this Act takes effect upon its
5 passage and approval by the Governor or upon its otherwise becoming a law.