

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, administrative regulation, executive  
6 order, or executive directive to the contrary, during the current state of emergency  
7 declared by the Governor in response to COVID-19 or any future state of emergency  
8 related to any virus or disease, including but not limited to any mutated strain of the  
9 current COVID-19 virus, until January 31, 2022:

10 (1) (a) Any business, for-profit or not-for-profit organization, local government,  
11 association, or any school or school district, public, private, or religiously affiliated, may  
12 remain open and fully operational for in-person services so long as it adopts an operating  
13 plan that:

14 1. Meets or exceeds all applicable guidance issued by the Centers for Disease  
15 Control and Prevention or by the executive branch, whichever is least restrictive;

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

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

26 (b) The business, for-profit or not-for-profit organization, local government,  
27 association, or school or school district, whether public, private, or religiously affiliated,

1 may prepare the plan detailed in paragraph (a) of this subsection itself or may utilize a  
2 plan prepared by a local or state government agency, 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  
6 and fully operational for in-person services that exceed current applicable guidelines  
7 issued by the Centers for Disease Control and Prevention or the executive branch,  
8 whichever is least restrictive.

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

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

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

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

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

26 (c) Require that, provided the residential long-term care facility is compliant with  
27 Kentucky State Health Department guidelines, essential care visitors assume the risk for

1 exposure to COVID-19 and other viruses;

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

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

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

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

18 (h) Provide that the long-term care facility may require a written agreement with  
19 the essential personal care visitor; and

20 (i) Provide that facilities are not required to accept visitors.

21 (5) The Cabinet for Health and Family Services shall develop regulations and  
22 guidelines authorizing and regulating visitation by family members or legal guardians, or  
23 outside caregivers, friends, or volunteers who provided regular care and support to the  
24 resident prior to the pandemic, that are designated as being important to the mental,  
25 physical, or social well-being of a resident in critical situations such as end of life, or in  
26 the instance of significant mental or social decline of the resident, or when exigent  
27 circumstances exist regarding a resident in a long-term care facility as defined in KRS

1 216A.010 or a residential long-term care facility as defined in KRS 216.510 that:

2 (a) Set forth procedures for the designation of a family member or legal guardian  
3 whose visitation is important to the mental, physical, or social well-being of the resident  
4 during critical situations such as end of life, or in the instance of significant mental or  
5 social decline of the resident, or when exigent circumstances exist regarding a resident as  
6 an "essential compassionate care visitor";

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

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

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

20 (e) Provide that the long-term care facility may require a written agreement with  
21 the essential personal care visitor;

22 (f) Require that, provided the residential long-term care facility is compliant with  
23 Kentucky State Health Department guidelines, essential compassionate care visitors  
24 assume the risk for exposure to COVID-19 and other viruses; and

25 (g) Provide that facilities are not required to accept visitors.

26 ➔Section 2. Whereas the economic impact of the state of emergency declared in  
27 response to COVID-19 on Kentucky's citizens and businesses is of the utmost

- 1 importance, an emergency is declared to exist, and this Act takes effect upon its passage
- 2 and approval by the Governor or upon its otherwise becoming a law.