

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, association,
10 church, religious institution, or any school, public, private, or religiously affiliated, may
11 remain open and operational so long as it obtains and follows a comprehensive operating
12 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, association,
16 church, religious institution, or school, whether public, private, or religiously affiliated,
17 will operate to allow employees, customers, attendees and patrons to remain safe,
18 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, association, church,
21 religious institution, or school, whether public, private, or religiously affiliated, and on
22 the Web site of the business, for-profit or not-for-profit organization, association, church,
23 religious institution, or school, whether public, private, or religiously affiliated, if one
24 exists; and

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

26 (b) The business, for-profit or not-for-profit organization, association, church,
27 religious institution, or school, whether public, private, or religiously affiliated, may

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

4 (c) No state or local agency shall enforce restrictions that exceed current
5 applicable guidelines issued by the Centers for Disease Control and Prevention.

6 (2) Interest and penalties on unpaid employer contributions pursuant to KRS
7 341.300 shall not accrue, shall not be charged against an employer, shall not be
8 considered due and owing, and shall not be collected by the Labor Cabinet through
9 December 31, 2021.

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

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

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

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

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

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

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

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

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

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

14 (5) The Cabinet for Health and Family Services shall develop regulations and
15 guidelines authorizing and regulating visitation by family members or legal guardians that
16 are designated as being important to the mental, physical, or social well-being of a
17 resident in critical situations such as end of life, or in the instance of significant mental or
18 social decline of the resident, or when exigent circumstances exist regarding a resident, in
19 residential long-term care facilities 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 during critical situations such as end of life, or in the instance of significant mental or
23 social decline of the resident, or when exigent circumstances exist regarding a resident as
24 an "essential compassionate care visitor";

25 (b) Require all essential compassionate care visitors to follow safety protocols
26 required for long-term residential care staff, including testing of communicable disease,
27 checking body temperature, health screenings, the use of appropriate personal protection

1 equipment, social distancing, and any other requirement the facility deems appropriate in
2 accordance with guidance from the Centers for Disease Control and Prevention. If testing
3 of communicable disease is not provided by the long-term care facility, the essential
4 personal care visitor is responsible for obtaining testing per protocol mandated by the
5 facility;

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

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

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

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

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