

1 AN ACT relating to the purchase or lease of personal protective equipment and
2 declaring an emergency.

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

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

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

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

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

9 *2. Protective clothing;*

10 *3. Respiratory devices; and*

11 *4. Protective shields and barriers;*

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

16 *(b) "Public agency" means the Commonwealth of Kentucky and its*
17 *departments and agencies, but does not include state-supported public*
18 *universities; and*

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

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

27 *(3) The requirements of subsection (2) of this section shall not apply if the executive*

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

1 *to this exemption shall be broadly construed to include but not be limited to*
2 *public and private providers licensed or certified as institutions, facilities,*
3 *professionals, and health services providers.*

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