

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) "Company" means any means any corporation, partnership, sole
7 proprietorship, firm, enterprise, franchise, association, organization, self-
8 employed individual, holding company, joint stock company, receivership,
9 trust, professional service corporation, or any legal entity through which
10 business is conducted for profit that is doing business within Kentucky;

11 (b) "Health care provider" means:

12 1. Any physician, osteopath, dentist, podiatrist, nurse or nurse's
13 assistant, certified registered nurse anesthetist, physical or
14 occupational therapist, or psychologist, licensed to practice health
15 care in this state;

16 2. Any hospital, medical clinic, medical foundation, health maintenance
17 organization, extended care facility, intermediate care facility, nursing
18 home, emergency treatment center, outpatient medical or surgical
19 center, frontier nursing service, or any other facility or service
20 licensed, certified, or registered in Kentucky to provide health care
21 within this state, or any officer, director, or employer agent thereof;
22 and

23 3. Any corporation, partnership, or sole proprietorship that directly
24 provides medical services to its employees;

25 (c) "Personal protective equipment" means:

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

27 2. Protective clothing;

1 3. Respiratory devices; and

2 4. Protective shields and barriers;

3 necessary to be worn by reason of hazards of processes or environment,
4 chemical hazards, radiological hazards, or mechanical irritants
5 encountered in a manner capable of causing illness of a person through
6 absorption, inhalation, or physical contact;

7 (d) "Public agency" means the Commonwealth of Kentucky, its departments,
8 agencies, boards, commissions, and institutions, and all political
9 subdivisions, including school districts; and

10 (e) "United States" means the United States of America, the District of
11 Columbia, and all territories and possessions subject to the jurisdiction of
12 the United States of America.

13 (2) Each contract for the purchase or lease of personal protective equipment by any
14 public agency, company, or health care provider shall contain a provision that
15 any manufactured goods or commodities used or supplied in the performance of
16 that contract or any subcontract thereto shall be manufactured or produced in
17 the United States.

18 (3) The requirements of subsection (2) of this section shall not apply if the executive
19 head of the public agency, company, or health care provider certifies in writing to
20 the Finance and Administration Cabinet and the Attorney General that the
21 specified products:

22 (a) Are not manufactured or produced in the United States in sufficient
23 quantities to meet the requirements of the public agency, company, or
24 health care provider;

25 (b) Cannot be manufactured or produced in the United States within the
26 necessary time in sufficient quantities to meet the requirements of the
27 public agency, company, or health care provider;

1 (c) Are unavailable in the United States; or

2 (d) Would increase the cost of the contract by more than ten percent (10%) if
3 manufactured or produced in the United States.

4 (4) The certification provided under subsection (3) of this section shall specify the
5 nature of the contract, the product being purchased or leased, the names and
6 addresses of the United States manufacturers and producers contacted by the
7 public agency, company, or health care provider, and an indication that those
8 manufacturers or producers could not supply sufficient quantities.

9 (5) The Finance and Administration Cabinet shall alert the Attorney General of any
10 violations of this section. Any public agency, company, or health care provider
11 that violates this section shall for the first violation be subject to a civil penalty of
12 one thousand dollars (\$1,000), for the second violation a civil penalty of five
13 thousand dollars (\$5,000), and for each subsequent violation a civil penalty of
14 twenty thousand dollars (\$20,000).