AN ACT relating to the COVID-19 pandemic and declaring an emergency.

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

Section 1. (1) Notwithstanding any state law, administrative regulation, executive order, or executive directive to the contrary that is related to the COVID-19 pandemic, each local school district shall provide the opportunity for full-day, in-person instruction to all students in accordance with the school calendar adopted under KRS 158.070 when 80% of certified personnel and 80% of classified personnel within the school district are vaccinated for COVID-19. For purposes of this section, a person is considered vaccinated once they have received the required number of vaccine doses.

(2) Any school personnel who is provided the opportunity to receive the COVID-19 vaccine in accordance with the state's COVID-19 vaccine distribution plan but elects not to receive it shall be counted as vaccinated for purposes of determining the vaccination rates in subsection (1) of this section.

(3) Each local school district shall calculate its COVID-19 vaccination rates for certified and classified staff and make the data available to the public. If the local school district has a Web site, the information shall be posted on it and updated at least weekly until the vaccination rates described in subsection (1) of this section are met.

(4) A local school district may offer hybrid or remote instruction to students for whom the district receives a written request from the parent or guardian due to the COVID-19 public health emergency. A parent or guardian shall have the option to revoke the request and return the student to full-day, in-person instruction at any time.

(5) A parent, guardian, or student aggrieved by a violation of this section may file an action against the local school district in the Circuit Court of the county in which the local school district is located seeking relief by declaratory judgment or injunction. The Circuit Court shall:

(a) Hold a hearing on the matter within 10 business days from the date the action is filed to determine whether the local school district has committed a violation of this
(b) Upon a showing by a preponderance of the evidence that the local school
district has committed a violation of this section, issue a restraining order or a temporary
or permanent injunction for the prevention or correction of a condition constituting a
violation of this section.

Section 2. (1) Notwithstanding any state law, administrative regulation,
executive order, or executive directive to the contrary, no requirement regarding the
wearing of face coverings or face masks in the Commonwealth related to the COVID-19
pandemic shall be implemented or enforceable once the Kentucky adult population
achieves a COVID-19 vaccination rate of 70% as determined by the Kentucky
Department for Public Health.

(2) Any adult who is provided the opportunity to receive the COVID-19
vaccination in accordance with the state's COVID-19 vaccine distribution plan but elects
not to receive it shall be counted as vaccinated for purposes of determining the
vaccination rate in subsection (1) of this section. The Department for Public Health shall
establish the method for determining the availability of the COVID-19 vaccine to all
adults in the Commonwealth and the number of those who elect to not receive it.

Section 3. Whereas the citizens of the Commonwealth, and especially its
children, have experienced significant negative consequences due to the restrictions
imposed as a result of the COVID-19 pandemic, and the increasing evidence of long-term
adverse impacts demands the ending of restrictions as COVID-19 vaccinations are
administered, an emergency is declared to exist, and this Act takes effect upon its passage
and approval by the Governor or upon it's otherwise becoming a law. The provisions of
this Act shall expire on February 29, 2024.