

1 A JOINT RESOLUTION establishing that the Commonwealth of Kentucky will
2 recognize a positive COVID-19 antibody test as equivalent to having been vaccinated
3 against COVID-19 and declaring an emergency.

4 WHEREAS, as of September 1, 2021, more than 218 million cases of COVID-19
5 have been reported worldwide with nearly 40 million cases in the United States and
6 nearly 600,000 cases in Kentucky which have resulted in more than 4.5 million deaths
7 worldwide, more than 650,000 deaths in the United States, and nearly 8,000 deaths in
8 Kentucky; and

9 WHEREAS, the United States Food and Drug Administration granted Emergency
10 Use Authorization for the Pfizer-BioNTech COVID-19 vaccine on December 3, 2020, for
11 the Moderna COVID-19 vaccine on December 18, 2020, and the Johnson and Johnson
12 COVID-19 vaccine on February 27, 2021; and

13 WHEREAS, the United States Food and Drug Administration granted full approval
14 for the Pfizer-BioNTech COVID-19 vaccine on August 23, 2021; and

15 WHEREAS, more than 370 million doses of the Pfizer-BioNTech, Moderna, and
16 Johnson and Johnson COVID-19 vaccines have been administered in the United States
17 with more than 4.7 million doses administered in Kentucky; and

18 WHEREAS, a growing number of events, organizations, and employers in
19 Kentucky, including more than a dozen healthcare organizations and hospital systems, are
20 implementing vaccine mandates for visitors, customers, or employees; and

21 WHEREAS, if an individual is infected with or vaccinated against COVID-19, their
22 body produces antibodies to the virus as part of the immune response; and

23 WHEREAS, the presence of antibodies to a particular virus can provide some
24 protection and immunity against future infection; and

25 WHEREAS, antibody or serology testing can confirm the presence of antibodies
26 and can provide a quantified, numerical value that indicates whether or not an individual
27 may have antibodies to the virus that causes COVID-19; and

1 WHEREAS, serology testing offers an option for assessing an individual's
2 immunity status, is affordable, and is readily available in most communities at
3 pharmacies, physicians' offices, and labs;

4 NOW, THEREFORE,

5 ***Be it resolved by the General Assembly of the Commonwealth of Kentucky:***

6 ➔Section 1. In accordance with national standards for vaccinations, the
7 Commonwealth of Kentucky and any agent, agency, authority, board, bureau,
8 commission, department, division, or other entity of the Commonwealth of Kentucky
9 shall recognize individuals, including but not limited to state employees, whose serology
10 test results show measurable neutralizing antibodies to COVID-19, quantified above the
11 20th percentile of the population of immunized individuals, as equivalent to being fully
12 vaccinated against the virus that causes COVID-19.

13 ➔Section 2. The provisions of this Joint Resolution shall expire on January 31,
14 2022.

15 ➔Section 3. Whereas a growing number of events, organizations, and employers
16 in Kentucky are implementing vaccine mandates for visitors, customers, or employees, an
17 emergency is declared to exist, and this Act takes effect upon its passage and approval by
18 the Governor or upon its otherwise becoming law.