

1 AN ACT relating to immunization disclosure.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO
4 READ AS FOLLOWS:

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

6 *(a) "Employee" means any person employed by or suffered or permitted to*
7 *work for the employer;*

8 *(b) "Immunization status" means the status of either having received or not*
9 *received a vaccination against COVID-19, the novel coronavirus identified*
10 *as SARS-CoV-2, or a virus mutating from SARS-CoV-2, or any variant of*
11 *SARS-CoV-2; and*

12 *(c) "Public entity" means the Commonwealth of Kentucky, a county, city,*
13 *urban-county government, consolidated local government, unified local*
14 *government, or charter county government, or any of their agencies or*
15 *departments, a public agency as defined in KRS 7.107, or any nonprofit*
16 *corporation as defined in KRS 14A.1-070.*

17 *(2) Notwithstanding any other provisions of the Kentucky Revised Statutes, a public*
18 *entity in the Commonwealth shall not require:*

19 *(a) An employee of the public entity to disclose his or her immunization status;*
20 *or*

21 *(b) An applicant for employment with the public entity to disclose his or her*
22 *immunization status as a condition of employment.*

23 *(3) A public entity shall not take adverse action against an employee or an applicant*
24 *for employment with the public entity who refuses to disclose his or her*
25 *immunization status.*

26 *(4) Nothing in this section shall be construed to:*

27 *(a) Restrict a public entity from implementing infection screening and control*

1 protocols in accordance with state and federal law to protect public health;

2 or

3 (b) Interfere with an individual's right to access an individual's personal health

4 information under federal law.

5 (5) An employee or applicant for employment may bring against any public entity in

6 violation of this section, a civil action for injunctive relief, actual damages,

7 statutory damages of one thousand dollars (\$1,000) per day per violation, and

8 punitive damages.

9 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
10 READ AS FOLLOWS:

11 (1) For the purposes of this section, "immunization status" means the status of

12 either having received or not received a vaccination against COVID-19, the novel

13 coronavirus identified as SARS-CoV-2, or a virus mutating from SARS-CoV-2, or

14 any variant of SARS-CoV-2.

15 (2) Notwithstanding any other provisions of the Kentucky Revised Statutes, a public
16 school in the postsecondary education system shall not require:

17 (a) A student, staff member, or faculty member to disclose his or her
18 immunization status; or

19 (b) A prospective student or an applicant for employment as a staff member or
20 faculty member to disclose his or her immunization status as a condition of
21 attendance or employment.

22 (3) A public school in the postsecondary education system shall not take adverse
23 action against a current student, staff, or faculty member, a prospective student,
24 or an applicant for employment as a staff or faculty member who refuses to
25 disclose his or her immunization status. Adverse action includes, without
26 limitation, denying him or her access to the premises, facilities, or services
27 offered by the public school.

- 1 **(4) Nothing in this section shall be construed to:**
- 2 **(a) Restrict a public school from implementing infection screening and control**
- 3 **protocols in accordance with state and federal law to protect public health;**
- 4 **or**
- 5 **(b) Interfere with an individual's right to access an individual's personal health**
- 6 **information under federal law.**
- 7 **(5) Notwithstanding any other law, each appropriate state agency shall ensure that**
- 8 **all public schools in the postsecondary education system in this state comply with**
- 9 **this section. If a public school fails to comply with this section, it shall be deemed**
- 10 **ineligible to receive a state grant or enter into a contract payable with state funds,**
- 11 **and the state may deny the school authorization for operation.**

12 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO

13 READ AS FOLLOWS:

- 14 **(1) As used in this section:**
- 15 **(a) "Immunization status" means the status of either having received or not**
- 16 **received a vaccination for COVID-19, the novel coronavirus identified as**
- 17 **SARS-CoV-2, or a virus mutating from SARS-CoV-2, or any variant of**
- 18 **SARS-CoV-2; and**
- 19 **(b) "Public entity" means the Commonwealth of Kentucky, a county, city,**
- 20 **urban-county government, consolidated local government, unified local**
- 21 **government, or charter county government, or any of their agencies or**
- 22 **departments, a public agency as defined in KRS 7.107, or any nonprofit**
- 23 **corporation as defined in KRS 14A.1-070.**
- 24 **(2) A public entity shall not mandate a vaccine passport, vaccine pass, or issue**
- 25 **other standardized documentation to certify an individual's immunization**
- 26 **status to a third party for a purpose other than healthcare or otherwise**
- 27 **publish or share any individual's immunization status or similar health**

1 information for a purpose other than healthcare.

2 (3) Notwithstanding subsections (1) and (2) of this section, a public entity may share
 3 an individual's immunization status with another public entity or third party with
 4 the consent of that individual.

5 ➔Section 4. KRS 214.036 is amended to read as follows:

6 (1) Nothing contained in KRS 158.035, 214.010, 214.020, 214.032 to 214.036, and
 7 214.990 shall be construed to require:

8 (a) The testing for tuberculosis or the immunization of any child at a time when,
 9 in the written opinion of his or her attending health care provider, such testing
 10 or immunization would be injurious to the child's health;

11 (b) The immunization of any child whose parents or guardian are opposed to
 12 medical immunization against disease, and who object by a written sworn
 13 statement to the immunization of such child based on religious grounds;~~or~~

14 (c) The immunization of any emancipated minor or adult who is opposed to
 15 medical immunization against disease, and who objects by a written sworn
 16 statement to the immunization based on religious grounds; or

17 (d) The immunization against COVID-19 of any emancipated minor or adult,
 18 or any child whose parents or guardian are opposed to medical
 19 immunization against COVID-19, and who objects by a written sworn
 20 statement to the immunization on the basis of conscientiously held beliefs.

21 For the purposes of this subsection, the term "COVID-19" means the novel
 22 coronavirus identified as SARS-CoV-2, or a virus mutating from SARS-
 23 CoV-2, or any variant of SARS-CoV-2.

24 (2) In the event of an epidemic in a given area, the Cabinet for Health and Family
 25 Services may require the immunization of all persons within the area of epidemic,
 26 against the disease responsible for such epidemic, except that any administrative
 27 regulation promulgated pursuant to KRS Chapter 13A, administrative order issued

1 by the cabinet or a local public health department, or executive order issued
2 pursuant to KRS Chapter 39A requiring such immunization shall not include:

3 (a) The immunization of any child or adult for whom, in the written opinion of
4 his or her attending health care provider, such testing or immunization would
5 be injurious to his or her health;

6 (b) The immunization of any child whose parents or guardians are opposed to
7 medical immunization against disease and who object by a written sworn
8 statement to the immunization based on religious grounds or conscientiously
9 held beliefs; or

10 (c) The immunization of any emancipated minor or adult who is opposed to
11 medical immunization against disease, and who objects by a written sworn
12 statement to the immunization based on religious grounds or conscientiously
13 held beliefs.

14 (3) The cabinet shall:

15 (a) Develop and make available on its Web site a standardized form relating to
16 exemptions in this section from the immunization requirements; and

17 (b) Accept a completed standardized form when submitted.