

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2022 REGULAR SESSION
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Amend printed copy of **SB 4/GA**

On page 16, after line 15 insert the following:

"➔SECTION 7. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

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

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

(c) "Public entity" means the Commonwealth of Kentucky, a county, city, urban-county government, consolidated local government, unified local government, or charter county government, or any of their agencies or departments, or a public agency as defined in KRS 7.107.

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

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

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

Amendment No. HFA

Rep. Rep. Savannah Maddox

Committee Amendment _____

Floor Amendment _____

Adopted: _____

Rejected: _____

Signed: _____

LRC Drafter: _____

Date: _____

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

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

(a) Restrict a public entity from implementing infection screening and control protocols in accordance with state and federal law to protect public health; or

(b) Interfere with an individual's right to access an individual's personal health information under federal law.

(5) An employee or applicant for employment may bring against any public entity in violation of this section, a civil action for injunctive relief, actual damages, statutory damages of one thousand dollars (\$1,000) per day per violation, and punitive damages.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) For the purposes of this section, "immunization status" means the status of either having received or not received a vaccination against COVID-19, the novel coronavirus identified as SARS-CoV-2, or a virus mutating from SARS-CoV-2, or any variant of SARS-CoV-2.

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

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

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

(3) A public school in the postsecondary education system shall not take adverse action

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against a current student, staff, or faculty member, a prospective student, or an applicant for employment as a staff or faculty member who refuses to disclose his or her immunization status. Adverse action includes, without limitation, denying him or her access to the premises, facilities, or services offered by the public school.

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

(a) Restrict a public school from implementing infection screening and control protocols in accordance with state and federal law to protect public health; or

(b) Interfere with an individual's right to access an individual's personal health information under federal law.

(5) Notwithstanding any other law, each appropriate state agency shall ensure that all public schools in the postsecondary education system in this state comply with this section. If a public school fails to comply with this section, it shall be deemed ineligible to receive a state grant or enter into a contract payable with state funds, and the state may deny the school authorization for operation.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

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

(b) "Public entity" means the Commonwealth of Kentucky, a county, city, urban-county government, consolidated local government, unified local government, or charter county government, or any of their agencies or departments, or a public agency as defined in KRS 7.107.

(2) A public entity shall not mandate a vaccine passport, vaccine pass, or issue other

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standardized documentation to certify an individual's immunization status to a third party for a purpose other than healthcare or otherwise publish or share any individual's immunization status or similar health information for a purpose other than healthcare.

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

➔Section 10. KRS 214.036 is amended to read as follows:

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

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

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

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

(d) The immunization against COVID-19 of any emancipated minor or adult, or any child whose parents or guardian are opposed to medical immunization against COVID-19, and who objects by a written sworn statement to the immunization on the basis of conscientiously held beliefs. For the purposes of this subsection, the term "COVID-19" means the novel coronavirus identified as SARS-CoV-2, or a virus mutating from SARS-CoV-2, or any variant of SARS-CoV-2.

(2) In the event of an epidemic in a given area, the Cabinet for Health and Family Services may

require the immunization of all persons within the area of epidemic, against the disease responsible for such epidemic, except that any administrative regulation promulgated pursuant to KRS Chapter 13A, administrative order issued by the cabinet or a local public health department, or executive order issued pursuant to KRS Chapter 39A requiring such immunization shall not include:

- (a) The immunization of any child or adult for whom, in the written opinion of his or her attending health care provider, such testing or immunization would be injurious to his or her health;
 - (b) The immunization of any child whose parents or guardians are opposed to medical immunization against disease and who object by a written sworn statement to the immunization based on religious grounds or conscientiously held beliefs; or
 - (c) The immunization of any emancipated minor or adult who is opposed to medical immunization against disease, and who objects by a written sworn statement to the immunization based on religious grounds or conscientiously held beliefs.
- (3) The cabinet shall:
- (a) Develop and make available on its Web site a standardized form relating to exemptions in this section from the immunization requirements; and
 - (b) Accept a completed standardized form when submitted."; and
- Renumber the subsequent section accordingly.