

1 AN ACT relating to employers.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 446 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) An employer that requires an employee, as a condition of employment, to be*
6 *immunized against disease shall:*

7 *(a) Grant an exception to any employee for a sincerely held religious belief*
8 *against immunization;*

9 *(b) Grant an exception to any employee for whom, in the written opinion of a*
10 *health care provider, the required immunization would be injurious to his*
11 *or her health; and*

12 *(c) Provide notice of the required immunization to each employee in a written*
13 *document that:*

14 *1. Advises in plain language the available exemptions from the required*
15 *immunization for a sincerely held religious belief or medical*
16 *contraindication; and*

17 *2. Requires each employee to acknowledge, in writing, receipt of the*
18 *requirement and receipt of the available exemptions.*

19 *(2) An employer may require an employee to swear or affirm the claimed exemption*
20 *on a form that substantially complies with the following:*

21 *"I, [employee name], swear or affirm, by my signature below, that I:*
22 *.....Hold a sincere religious belief against receiving immunization*
23 *against disease;*

24 *.....Object to the immunization as the required immunization would*
25 *be injurious to my health.*

26 *[Employee signature] [Date]....."*

27 *(3) No additional substantiation or documentation of an employee's sincerely held*

1 religious belief shall be required.

2 (4) A written opinion from a health care provider that the required immunization
3 would be injurious to the employee's health shall be the only documentation
4 required for an employee's claimed health exemption. As used in this subsection,
5 "health care provider" means:

6 (a) An advanced practice registered nurse licensed under KRS Chapter 314;

7 (b) A chiropractor licensed under KRS Chapter 312;

8 (c) An optometrist licensed under KRS Chapter 320;

9 (d) A pharmacist licensed under KRS Chapter 315;

10 (e) A physician, osteopath, or podiatrist licensed under KRS Chapter 311; or

11 (f) A physician assistant regulated under KRS Chapter 311.

12 (5) Any employee in this state whose employer is subject to COVID-19 vaccine
13 mandates under Federal Executive Order 14042, Federal Executive Order 14043,
14 or 42 C.F.R. pt. 416, et seq. shall be given written notice of his or her right to an
15 exemption from the mandate on the ground of the employee's sincerely held
16 religious belief in a manner consistent with the rules and procedures prescribed
17 under federal law establishing the exemption. The notice shall detail the
18 employee's due process rights in the event an exemption request is denied and
19 shall be accompanied by a form for the employee to claim the religious exemption
20 and acknowledge receipt of the notice required under this subsection.

21 (6) Any person injured by any act in violation of the provisions of this section shall
22 have a civil cause of action in Circuit Court to enjoin further violations, and to
23 recover the actual damages sustained, including reasonable attorney's fees,
24 together with the costs of the action.