

1 AN ACT relating to employee right of action and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) For the purposes of this section:*

6 *(a) "Employee" means any person employed by or suffered or permitted to*
7 *work for a private or public employer for wages or other remuneration;*

8 *(b) "Private employer" means any person, either individual, corporation,*
9 *partnership, agency, or firm that employs at least one (1) employee; and*

10 *(c) "Public employer" means the Commonwealth of Kentucky, and any of its*
11 *cabinets, departments, bureaus, agencies, or political subdivisions.*

12 *(2) Notwithstanding any provision of law to the contrary, an employee may bring a*
13 *claim against a private or public employer in a court of competent jurisdiction for*
14 *injuries caused by that employer if:*

15 *(a) That employer adopted a mandatory vaccination policy as a condition of*
16 *employment; and*

17 *(b) An employee received a vaccination and suffered an adverse reaction as a*
18 *result.*

19 *(3) In an action brought under this section, the court may award actual,*
20 *compensatory, and punitive damages. If the court finds a private employer*
21 *knowingly adopted a mandatory workplace vaccination policy without first*
22 *confirming the safety of the vaccination based on publicly available medical*
23 *testing and documentation, the court shall award punitive damages not less than*
24 *ten thousand dollars (\$10,000).*

25 *(4) The provisions of KRS 39A.275 shall not apply to an employer found liable under*
26 *this section.*

27 *(5) It is the intention of the General Assembly to provide an employee a right of*

1 action as described in subsections (2) and (3) of this section against the
2 Commonwealth of Kentucky, or any of its cabinets, departments, bureaus,
3 agencies, or political subdivisions. The Commonwealth hereby waives its
4 sovereign immunity and governmental immunity defense limited solely to the
5 conditions described in this section. For the purposes of this section, the Board of
6 Claims shall be deemed to be the court of competent jurisdiction for claims
7 brought against public employers and shall have exclusive jurisdiction over them.

8 ➔Section 2. Whereas it is increasingly important to provide employees equitable
9 recourse for harm arising from an employer-mandated vaccination policy, an emergency
10 is declared to exist and this Act takes effect upon its passage and approval by the
11 Governor or upon its otherwise becoming a law.

12 ➔Section 3. Section 1 of this Act shall be known as the Citizen Health Mandate
13 Protection Act.