

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 January 27, 2022, more than 360 million cases of COVID-19
5 have been reported worldwide with over 71 million cases in the United States and over 1
6 million cases in Kentucky which have resulted in more than 5 million deaths worldwide,
7 more than 860,000 deaths in the United States, and over 12,000 deaths in Kentucky; and

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

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

14 WHEREAS, more than 662 million doses of the Pfizer-BioNTech, Moderna, and
15 Johnson and Johnson COVID-19 vaccines have been administered in the United States
16 with more than 6.1 million doses administered in Kentucky; and

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

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

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

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

27 WHEREAS, serology testing offers an option for assessing an individual's

1 immunity status, is affordable, and is readily available in most communities at
2 pharmacies, physicians' offices, and labs;

3 NOW, THEREFORE,

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

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

12 ➔Section 2. The provisions of this Joint Resolution shall expire on January 31,
13 2023.

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