

1 AN ACT relating to the protection of children.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 5 of this Act:*

- 6 *(1) "Cross-sex hormones" means testosterone, estrogen, or other androgens given to*
7 *a person in amounts that are larger or more potent than would normally occur*
8 *naturally in a healthy person of the same age and sex;*
- 9 *(2) "Gender" means the psychological, behavioral, social, and cultural aspects of*
10 *being a person whose sex is male or female;*
- 11 *(3) "Gender-affirming care" includes treatments by health care providers and*
12 *mental health care providers that support a gender transition;*
- 13 *(4) "Gender reassignment surgery" means any service that seeks to surgically alter*
14 *or remove physical or anatomical characteristics or features that are typical for a*
15 *person's sex in order to instill or create physiological or anatomical*
16 *characteristics that resemble a different sex, including but not limited to genital*
17 *or nongenital gender reassignment surgery performed for the purpose of*
18 *assisting a person with a gender transition;*
- 19 *(5) "Gender transition" means the process in which a person goes from identifying*
20 *with and living as a gender that corresponds to his or her sex to identifying with*
21 *and living as a different gender and may involve social, legal, or physical*
22 *changes;*
- 23 *(6) (a) "Gender transition services" means any service provided or performed by a*
24 *health care provider or mental health care provider for the purpose of*
25 *assisting a person with a gender transition. Gender transition services*
26 *include but are not limited to:*
- 27 *1. Social transition services by health care providers and mental health*

1 care providers;

2 2. Inpatient and outpatient hospital services;

3 3. Prescribing or dispensing puberty-blocking drugs;

4 4. Prescribing or dispensing cross-sex hormones;

5 5. Genital gender reassignment surgery; and

6 6. Nongenital gender reassignment surgery.

7 (b) "Gender transition services" do not include:

8 1. Services to persons born with a medically verifiable disorder of sex
9 development, including a person with external sex characteristics that
10 are irresolvably ambiguous, such as those born with forty-six (46) XX
11 chromosomes with virilization, forty-six (46) XY chromosomes with
12 undervirilization, or having both ovarian and testicular tissue;

13 2. Services provided to a person diagnosed by a physician after genetic or
14 biochemical testing as having a disorder of sexual development caused
15 by an abnormal sex chromosome structure, sex steroid production, or
16 sex steroid hormone action;

17 3. The acute and chronic treatment of any infection, injury, disease, or
18 disorder that has been caused by or exacerbated by the performance of
19 a gender transition service, whether or not the gender transition
20 service was performed in accordance with state and federal law or
21 whether or not funding for the gender transition procedure is
22 permissible under Sections 1 to 5, 6, and 9 of this Act; or

23 4. Services of a mental health care provider that do not include gender-
24 affirming care for a person under the age of eighteen (18) years;

25 (7) "Genital gender reassignment surgery" means a medical procedure performed
26 for the purpose of assisting a person with a gender transition, including but not
27 limited to surgical services such as:

- 1 (a) Surgeries that sterilize, including castration, vasectomy, hysterectomy,
2 oophorectomy, orchiectomy, and penectomy; and
- 3 (b) Surgeries that artificially construct tissue with the appearance of genitalia
4 that differs from the individual's sex, including metoidioplasty, phalloplasty,
5 and vaginoplasty;
- 6 (8) "Health care provider" means a:
- 7 (a) Health facility or service required to be licensed under KRS Chapter 216B;
8 (b) Massage therapist or community health worker licensed or credentialed
9 under KRS Chapter 309;
- 10 (c) Physician, osteopath, or podiatrist licensed under KRS Chapter 311;
11 (d) Physician assistant regulated under KRS Chapter 311;
12 (e) Chiropractor licensed under KRS Chapter 312;
13 (f) Dentist licensed under KRS Chapter 313;
14 (g) Advanced practice registered nurse (APRN), licensed practical nurse (LPN),
15 or registered nurse (RN) licensed under KRS Chapter 314;
16 (h) Pharmacist and all sites or persons that are required to obtain a license,
17 certificate, or permit from the Board of Pharmacy under KRS Chapter 315;
18 (i) Optometrist licensed under KRS Chapter 320;
19 (j) Pharmaceutical companies; manufacturers and distributors of puberty-
20 blocking drugs or cross-sex hormones as defined in this section; or any
21 other person or entity that dispenses, prescribes, or distributes such puberty-
22 blocking drugs or cross-sex hormones via courier, delivery, or mail service
23 for use by a person in the Commonwealth under the age of eighteen (18)
24 years; and
- 25 (k) Any other health care practitioners as determined by any division of state
26 government by administrative regulations promulgated in accordance with
27 KRS Chapter 13A;

- 1 (9) "Mental health care provider" means:
- 2 (a) School counselor or school-based mental health services provider as defined
- 3 in KRS 158.4416 or credentialed under KRS Chapter 158;
- 4 (b) Employees of the Kentucky Department of Education, Kentucky Board of
- 5 Education, or local boards of education who meet the certification
- 6 requirements to be a social worker, psychologist, or mental health counselor
- 7 as established, or which may be established, by the Kentucky Board of
- 8 Education and/or the Education Professional Standards Board under KRS
- 9 Chapter 156, 157, 158, 159, 160, 161, 162, or 163;
- 10 (c) Alcohol and drug counselor or art therapist licensed or credentialed under
- 11 KRS Chapter 309;
- 12 (d) Psychiatrist licensed under KRS Chapter 311;
- 13 (e) Psychologist, psychological practitioner, psychologist with autonomous
- 14 functioning, or psychological associate licensed or certified under KRS
- 15 Chapter 319;
- 16 (f) Pastoral counselor licensed under KRS Chapter 335;
- 17 (g) Social worker or clinical social worker licensed or certified under KRS
- 18 Chapter 335;
- 19 (h) Marriage and family therapist or marriage and family therapist associate as
- 20 licensed or credentialed under KRS Chapter 335;
- 21 (i) Professional clinical counselor or professional clinical counselor associate
- 22 licensed under KRS Chapter 335; and
- 23 (j) Any other mental health care practitioners as determined by any division of
- 24 state government by administrative regulations promulgated in accordance
- 25 with KRS Chapter 13A;
- 26 (10) "Nongenital gender reassignment surgery" means medical services performed
- 27 for the purpose of assisting a person with a gender transition, including but not

1 limited to augmentation mammoplasty, subcutaneous mastectomy, liposuction,
2 lipofilling, thyroid cartilage reduction, gluteal augmentation, pectoral implants,
3 hair reconstruction, or various aesthetic services;

4 (11) "Puberty-blocking drugs" means gonadotropin-releasing hormone analogues or
5 other synthetic drugs used to stop luteinizing hormone and follicle stimulating
6 hormone secretion, synthetic antiandrogen drugs used to block the androgen
7 receptor, or any other drug used to delay or suppress pubertal development in
8 persons under the age of eighteen (18) years for the purpose of assisting those
9 persons with a gender transition;

10 (12) "Public funds" means any money, regardless of the original source of the money,
11 of:

12 (a) The Commonwealth of Kentucky, and any department, agency, or
13 instrumentality thereof;

14 (b) Any county, city, or local school district, special district, and any
15 department, agency, or instrumentality thereof; and

16 (c) Any other political subdivision of the Commonwealth, and any department,
17 agency, or instrumentality thereof;

18 (13) "Sex" means the biological state of being male or female based on a person's
19 chromosomes, in the absence of any of the medically verifiable disorders
20 described in subsection (6)(b) of this section; and

21 (14) "Social transition services" means any gender-affirming care, encouragement,
22 affirmation, or advocacy for gender transition, including but not limited to
23 affirming the person's name change, pronoun adoption, dress and grooming, and
24 sex-role specific behaviors that vary from those behaviors typically associated
25 with the person's sex.

26 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
27 READ AS FOLLOWS:

- 1 (1) The provision of one (1) or more gender transition services to a person under the
2 age of eighteen (18) years by a health care provider or mental health care
3 provider is unethical and unprofessional conduct that establishes the provider is
4 unfit to perform the duties and discharge the responsibilities of his or her position
5 or occupation.
- 6 (2) All licensing or certifying agencies for health care providers or mental health
7 care providers, in accordance with each agency's disciplinary and hearing
8 process, shall:
- 9 (a) Investigate any report that a provider it licenses or certifies has provided
10 gender transition services to a person under the age of eighteen (18) years;
11 and
- 12 (b) Revoke the provider's licensure or certification if a report made under this
13 subsection is confirmed.
- 14 (3) A state, county, city, local government, local school district, special district, or any
15 department, agency, or instrumentality thereof, in accordance with each entity's
16 disciplinary and hearing process, shall:
- 17 (a) Investigate any report that a publicly funded health care provider or mental
18 health care provider has rendered gender transition services to a person
19 under the age of eighteen (18) years; and
- 20 (b) Terminate the public funding of a health care provider or mental health
21 care provider if a report made under this subsection is confirmed.
- 22 (4) A state, county, city, local government, local school district, special district, or any
23 department, agency, instrumentality thereof, shall terminate public funding for a
24 health care provider or mental health care provider if the provider's licensure or
25 certification is revoked under subsection (2) of this section.
- 26 (5) This section shall constitute a complete defense to any and all claims, demands,
27 damages, actions, state judicial or administrative proceedings, or professional

1 licensing or disciplinary proceedings based on the refusal by a health care
2 provider or mental health care provider to provide gender transition services to a
3 person under the age of eighteen (18) years.

4 (6) A health care provider who provides gender transition services to any person
5 under the age of eighteen (18) years shall report the provided services to the Vital
6 Statistics Branch. A health care provider who fails to report the provided services
7 to the Vital Statistics Branch within thirty (30) days of providing the services shall
8 be guilty of a:

9 (a) Class B misdemeanor for the first offense;

10 (b) Class A misdemeanor for the second offense; and

11 (c) Class D felony for each subsequent offense.

12 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
13 READ AS FOLLOWS:

14 (1) Notwithstanding any other provision of the law to the contrary, including KRS
15 214.185, health care providers and mental health care providers that engage in
16 the following activities shall be jointly and severally liable for all damages and
17 costs sustained by reason thereof:

18 (a) Providing gender transition services for a person under the age of eighteen
19 (18) years;

20 (b) Dispensing, prescribing, or distributing any puberty-blocking drugs or
21 cross-sex hormones for the purpose of assisting a person under the age of
22 eighteen (18) years with gender transitioning; or

23 (c) Aiding or assisting in the provision of gender transition services for a
24 person under the age of eighteen (18) years, except to the extent allowable
25 under the First Amendment to the United States Constitution and the
26 Constitution of Kentucky.

27 (2) This section shall constitute a complete defense to any and all claims, demands,

1 damages, actions, state judicial or administrative proceedings, or professional
2 licensing or disciplinary proceedings based on the refusal by a health care
3 provider or mental health care provider to provide gender transition services to a
4 person under the age of eighteen (18) years.

5 (3) Notwithstanding any other provision of the law to the contrary, including KRS
6 214.185, if any act in subsection (1) of this section results in personal injury, an
7 action may be brought by the person's parent or guardian before the person
8 attains the age of eighteen (18) years and may be brought by the person within
9 thirty (30) years after attaining the age of eighteen (18) years, except that:

10 (a) If, at the time the person attains the age of eighteen (18) years, he or she is
11 under other legal disability, the limitation period shall not begin to run until
12 the removal of the disability; and

13 (b) If, during any period of time, the person is subject to threats, intimidation,
14 manipulation, fraudulent concealment, or fraud perpetrated by the health
15 care provider who prescribed or otherwise provided gender transition
16 services or by any person acting in the interest of the health care provider,
17 the limitation period shall not run during this time period.

18 (4) The right of action for personal injury under this section shall not cease or die
19 with the person injuring or injured. An action may be brought or revived under
20 this section by the personal representative or against the personal representative,
21 heir, or devisee.

22 (5) In an action brought under this section:

23 (a) If the plaintiff prevails, he or she shall be entitled to reasonable costs and
24 attorney's fees;

25 (b) Compensatory damages may be awardable, including but not limited to:

26 1. Pain and suffering;

27 2. Loss of reputation;

- 1 3. Loss of income;
 2 4. Loss of consortium between spouses;
 3 5. Loss of consortium between parent and child; and
 4 6. Loss of enjoyment of life, including the expectation or experience of
 5 biological parenthood; and
 6 (c) Injunctive, declaratory, punitive, and any other appropriate relief may be
 7 awarded.
 8 (6) Notwithstanding any other provision of law to the contrary, an action under this
 9 section may be commenced and relief may be granted in a judicial proceeding
 10 without regard to whether anyone commencing the action has sought or
 11 exhausted available contractual or administrative remedies.
 12 (7) Nothing in this section shall be construed as precluding legal action under any
 13 other applicable statute.
 14 (8) Qualified official immunity to suit and from liability are waived to the extent of
 15 liability created by this section.

16 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
 17 READ AS FOLLOWS:

- 18 (1) Public funds shall not be directly or indirectly used, granted, paid, or distributed
 19 to any entity, organization, or individual that provides gender transition services
 20 to persons under the age of eighteen (18) years.
 21 (2) Gender transition services shall not be provided to persons under the age of
 22 eighteen (18) years by a health care provider or mental health care provider
 23 owned, operated, or employed, directly or indirectly, by the state, county, city,
 24 local government, local school district, special district, or any department,
 25 agency, or employee or instrumentality thereof.

26 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
 27 READ AS FOLLOWS:

1 (1) The Attorney General may bring an action to enforce compliance with Sections 2,
 2 3, 4, 6, 7, 9, 11, 12, 13, 14 or subsection (23) of Section 8 of this Act.

3 (2) Nothing in Sections 2, 3, 4, 6, 7, 9, 11, 12, 13, 14 or subsection (23) of Section 8
 4 of this Act shall deny, impair, or otherwise affect any right or authority of the
 5 Attorney General, the Commonwealth of Kentucky, or any agency, officer, or
 6 employee of the state, acting under any law other than this section, to institute or
 7 intervene in any proceeding.

8 (3) No health care provider or mental health care provider owned, operated, or
 9 employed, directly or indirectly, by the state, county, city, local government, local
 10 school district, special district, or instrumentality thereof, shall intervene in a
 11 legal proceeding brought to challenge Sections 2, 3, 4, 6, 7, 9, 11, 12, 13, 14 or
 12 subsection (23) of Section 8 of this Act.

13 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
 14 READ AS FOLLOWS:

15 The Department for Medicaid Services and any managed care organization contracted
 16 to provide Medicaid or Kentucky Children's Health Insurance Program benefits
 17 pursuant to this chapter shall not reimburse or provide benefits or coverage for gender
 18 transition services as defined in Section 1 of this Act for persons under the age of
 19 eighteen (18) years.

20 ➔SECTION 7. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 304
 21 IS CREATED TO READ AS FOLLOWS:

22 (1) As used in this section:

23 (a) "Gender transition services" has the same meaning as in Section 1 of this
 24 Act; and

25 (b) "Insurer" includes any nongovernmental self-insurer, self-insured plan,
 26 self-insured group, or other entity that reimburses or provides benefits or
 27 coverage for health care services.

1 **(2) To the extent permitted under federal law:**

2 **(a) If an insurer elects to reimburse or provide benefits or coverage for gender**
 3 **transition services for persons under the age of eighteen (18) years, the**
 4 **insurer shall:**

5 **1. Be jointly and severally liable for damages sustained as a result of the**
 6 **gender transition services, notwithstanding any other provision of law**
 7 **to the contrary, including KRS 214.185; and**

8 **2. Not require an insured or any other party to submit to arbitration a**
 9 **claim under subparagraph 1. of this paragraph.**

10 **(b) Any contractual arbitration clause contained in a policy, plan, certificate, or**
 11 **contract that is in violation of this subsection shall be void and**
 12 **unenforceable.**

13 **(3) Notwithstanding any other provision of the law to the contrary, including KRS**
 14 **214.185, and to the extent permitted under federal law, if any act in subsection (2)**
 15 **of this section results in personal injury, an action may be brought in the same**
 16 **manner as the cause of action authorized in subsections (3) to (7) of Section 3 of**
 17 **this Act.**

18 ➔Section 8. KRS 18A.225 is amended to read as follows:

19 (1) (a) The term "employee" for purposes of this section means:

20 1. Any person, including an elected public official, who is regularly
 21 employed by any department, office, board, agency, or branch of state
 22 government; or by a public postsecondary educational institution; or by
 23 any city, urban-county, charter county, county, or consolidated local
 24 government, whose legislative body has opted to participate in the state-
 25 sponsored health insurance program pursuant to KRS 79.080; and who
 26 is either a contributing member to any one (1) of the retirement systems
 27 administered by the state, including but not limited to the Kentucky

- 1 Retirement Systems, County Employees Retirement System, Kentucky
2 Teachers' Retirement System, the Legislators' Retirement Plan, or the
3 Judicial Retirement Plan; or is receiving a contractual contribution from
4 the state toward a retirement plan; or, in the case of a public
5 postsecondary education institution, is an individual participating in an
6 optional retirement plan authorized by KRS 161.567; or is eligible to
7 participate in a retirement plan established by an employer who ceases
8 participating in the Kentucky Employees Retirement System pursuant to
9 KRS 61.522 whose employees participated in the health insurance plans
10 administered by the Personnel Cabinet prior to the employer's effective
11 cessation date in the Kentucky Employees Retirement System;
- 12 2. Any certified or classified employee of a local board of education or a
13 public charter school as defined in KRS 160.1590;
- 14 3. Any elected member of a local board of education;
- 15 4. Any person who is a present or future recipient of a retirement
16 allowance from the Kentucky Retirement Systems, County Employees
17 Retirement System, Kentucky Teachers' Retirement System, the
18 Legislators' Retirement Plan, the Judicial Retirement Plan, or the
19 Kentucky Community and Technical College System's optional
20 retirement plan authorized by KRS 161.567, except that a person who is
21 receiving a retirement allowance and who is age sixty-five (65) or older
22 shall not be included, with the exception of persons covered under KRS
23 61.702(2)(b)3. and 78.5536(2)(b)3., unless he or she is actively
24 employed pursuant to subparagraph 1. of this paragraph; and
- 25 5. Any eligible dependents and beneficiaries of participating employees
26 and retirees who are entitled to participate in the state-sponsored health
27 insurance program;

- 1 (b) The term "health benefit plan" for the purposes of this section means a health
2 benefit plan as defined in KRS 304.17A-005;
- 3 (c) The term "insurer" for the purposes of this section means an insurer as defined
4 in KRS 304.17A-005; and
- 5 (d) The term "managed care plan" for the purposes of this section means a
6 managed care plan as defined in KRS 304.17A-500.
- 7 (2) (a) The secretary of the Finance and Administration Cabinet, upon the
8 recommendation of the secretary of the Personnel Cabinet, shall procure, in
9 compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090,
10 from one (1) or more insurers authorized to do business in this state, a group
11 health benefit plan that may include but not be limited to health maintenance
12 organization (HMO), preferred provider organization (PPO), point of service
13 (POS), and exclusive provider organization (EPO) benefit plans
14 encompassing all or any class or classes of employees. With the exception of
15 employers governed by the provisions of KRS Chapters 16, 18A, and 151B,
16 all employers of any class of employees or former employees shall enter into
17 a contract with the Personnel Cabinet prior to including that group in the state
18 health insurance group. The contracts shall include but not be limited to
19 designating the entity responsible for filing any federal forms, adoption of
20 policies required for proper plan administration, acceptance of the contractual
21 provisions with health insurance carriers or third-party administrators, and
22 adoption of the payment and reimbursement methods necessary for efficient
23 administration of the health insurance program. Health insurance coverage
24 provided to state employees under this section shall, at a minimum, contain
25 the same benefits as provided under Kentucky Kare Standard as of January 1,
26 1994, and shall include a mail-order drug option as provided in subsection
27 (13) of this section. All employees and other persons for whom the health care

1 coverage is provided or made available shall annually be given an option to
2 elect health care coverage through a self-funded plan offered by the
3 Commonwealth or, if a self-funded plan is not available, from a list of
4 coverage options determined by the competitive bid process under the
5 provisions of KRS 45A.080, 45A.085, and 45A.090 and made available
6 during annual open enrollment.

7 (b) The policy or policies shall be approved by the commissioner of insurance
8 and may contain the provisions the commissioner of insurance approves,
9 whether or not otherwise permitted by the insurance laws.

10 (c) Any carrier bidding to offer health care coverage to employees shall agree to
11 provide coverage to all members of the state group, including active
12 employees and retirees and their eligible covered dependents and
13 beneficiaries, within the county or counties specified in its bid. Except as
14 provided in subsection (20) of this section, any carrier bidding to offer health
15 care coverage to employees shall also agree to rate all employees as a single
16 entity, except for those retirees whose former employers insure their active
17 employees outside the state-sponsored health insurance program and as
18 otherwise provided in KRS 61.702(2)(b)3.b. and 78.5536(2)(b)3.b.

19 (d) Any carrier bidding to offer health care coverage to employees shall agree to
20 provide enrollment, claims, and utilization data to the Commonwealth in a
21 format specified by the Personnel Cabinet with the understanding that the data
22 shall be owned by the Commonwealth; to provide data in an electronic form
23 and within a time frame specified by the Personnel Cabinet; and to be subject
24 to penalties for noncompliance with data reporting requirements as specified
25 by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions
26 to protect the confidentiality of each individual employee; however,
27 confidentiality assertions shall not relieve a carrier from the requirement of

- 1 providing stipulated data to the Commonwealth.
- 2 (e) The Personnel Cabinet shall develop the necessary techniques and capabilities
3 for timely analysis of data received from carriers and, to the extent possible,
4 provide in the request-for-proposal specifics relating to data requirements,
5 electronic reporting, and penalties for noncompliance. The Commonwealth
6 shall own the enrollment, claims, and utilization data provided by each carrier
7 and shall develop methods to protect the confidentiality of the individual. The
8 Personnel Cabinet shall include in the October annual report submitted
9 pursuant to the provisions of KRS 18A.226 to the Governor, the General
10 Assembly, and the Chief Justice of the Supreme Court, an analysis of the
11 financial stability of the program, which shall include but not be limited to
12 loss ratios, methods of risk adjustment, measurements of carrier quality of
13 service, prescription coverage and cost management, and statutorily required
14 mandates. If state self-insurance was available as a carrier option, the report
15 also shall provide a detailed financial analysis of the self-insurance fund
16 including but not limited to loss ratios, reserves, and reinsurance agreements.
- 17 (f) If any agency participating in the state-sponsored employee health insurance
18 program for its active employees terminates participation and there is a state
19 appropriation for the employer's contribution for active employees' health
20 insurance coverage, then neither the agency nor the employees shall receive
21 the state-funded contribution after termination from the state-sponsored
22 employee health insurance program.
- 23 (g) Any funds in flexible spending accounts that remain after all reimbursements
24 have been processed shall be transferred to the credit of the state-sponsored
25 health insurance plan's appropriation account.
- 26 (h) Each entity participating in the state-sponsored health insurance program shall
27 provide an amount at least equal to the state contribution rate for the employer

1 portion of the health insurance premium. For any participating entity that used
2 the state payroll system, the employer contribution amount shall be equal to
3 but not greater than the state contribution rate.

- 4 (3) The premiums may be paid by the policyholder:
- 5 (a) Wholly from funds contributed by the employee, by payroll deduction or
6 otherwise;
- 7 (b) Wholly from funds contributed by any department, board, agency, public
8 postsecondary education institution, or branch of state, city, urban-county,
9 charter county, county, or consolidated local government; or
- 10 (c) Partly from each, except that any premium due for health care coverage or
11 dental coverage, if any, in excess of the premium amount contributed by any
12 department, board, agency, postsecondary education institution, or branch of
13 state, city, urban-county, charter county, county, or consolidated local
14 government for any other health care coverage shall be paid by the employee.
- 15 (4) If an employee moves his or her place of residence or employment out of the
16 service area of an insurer offering a managed health care plan, under which he or
17 she has elected coverage, into either the service area of another managed health care
18 plan or into an area of the Commonwealth not within a managed health care plan
19 service area, the employee shall be given an option, at the time of the move or
20 transfer, to change his or her coverage to another health benefit plan.
- 21 (5) No payment of premium by any department, board, agency, public postsecondary
22 educational institution, or branch of state, city, urban-county, charter county,
23 county, or consolidated local government shall constitute compensation to an
24 insured employee for the purposes of any statute fixing or limiting the
25 compensation of such an employee. Any premium or other expense incurred by any
26 department, board, agency, public postsecondary educational institution, or branch
27 of state, city, urban-county, charter county, county, or consolidated local

- 1 government shall be considered a proper cost of administration.
- 2 (6) The policy or policies may contain the provisions with respect to the class or classes
3 of employees covered, amounts of insurance or coverage for designated classes or
4 groups of employees, policy options, terms of eligibility, and continuation of
5 insurance or coverage after retirement.
- 6 (7) Group rates under this section shall be made available to the disabled child of an
7 employee regardless of the child's age if the entire premium for the disabled child's
8 coverage is paid by the state employee. A child shall be considered disabled if he or
9 she has been determined to be eligible for federal Social Security disability benefits.
- 10 (8) The health care contract or contracts for employees shall be entered into for a
11 period of not less than one (1) year.
- 12 (9) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of
13 State Health Insurance Subscribers to advise the secretary or the secretary's
14 designee regarding the state-sponsored health insurance program for employees.
15 The secretary shall appoint, from a list of names submitted by appointing
16 authorities, members representing school districts from each of the seven (7)
17 Supreme Court districts, members representing state government from each of the
18 seven (7) Supreme Court districts, two (2) members representing retirees under age
19 sixty-five (65), one (1) member representing local health departments, two (2)
20 members representing the Kentucky Teachers' Retirement System, and three (3)
21 members at large. The secretary shall also appoint two (2) members from a list of
22 five (5) names submitted by the Kentucky Education Association, two (2) members
23 from a list of five (5) names submitted by the largest state employee organization of
24 nonschool state employees, two (2) members from a list of five (5) names submitted
25 by the Kentucky Association of Counties, two (2) members from a list of five (5)
26 names submitted by the Kentucky League of Cities, and two (2) members from a
27 list of names consisting of five (5) names submitted by each state employee

1 organization that has two thousand (2,000) or more members on state payroll
2 deduction. The advisory committee shall be appointed in January of each year and
3 shall meet quarterly.

4 (10) Notwithstanding any other provision of law to the contrary, the policy or policies
5 provided to employees pursuant to this section shall not provide coverage for
6 obtaining or performing an abortion, nor shall any state funds be used for the
7 purpose of obtaining or performing an abortion on behalf of employees or their
8 dependents.

9 (11) Interruption of an established treatment regime with maintenance drugs shall be
10 grounds for an insured to appeal a formulary change through the established appeal
11 procedures approved by the Department of Insurance, if the physician supervising
12 the treatment certifies that the change is not in the best interests of the patient.

13 (12) Any employee who is eligible for and elects to participate in the state health
14 insurance program as a retiree, or the spouse or beneficiary of a retiree, under any
15 one (1) of the state-sponsored retirement systems shall not be eligible to receive the
16 state health insurance contribution toward health care coverage as a result of any
17 other employment for which there is a public employer contribution. This does not
18 preclude a retiree and an active employee spouse from using both contributions to
19 the extent needed for purchase of one (1) state sponsored health insurance policy
20 for that plan year.

21 (13) (a) The policies of health insurance coverage procured under subsection (2) of
22 this section shall include a mail-order drug option for maintenance drugs for
23 state employees. Maintenance drugs may be dispensed by mail order in
24 accordance with Kentucky law.

25 (b) A health insurer shall not discriminate against any retail pharmacy located
26 within the geographic coverage area of the health benefit plan and that meets
27 the terms and conditions for participation established by the insurer, including

1 price, dispensing fee, and copay requirements of a mail-order option. The
2 retail pharmacy shall not be required to dispense by mail.

3 (c) The mail-order option shall not permit the dispensing of a controlled
4 substance classified in Schedule II.

5 (14) The policy or policies provided to state employees or their dependents pursuant to
6 this section shall provide coverage for obtaining a hearing aid and acquiring hearing
7 aid-related services for insured individuals under eighteen (18) years of age, subject
8 to a cap of one thousand four hundred dollars (\$1,400) every thirty-six (36) months
9 pursuant to KRS 304.17A-132.

10 (15) Any policy provided to state employees or their dependents pursuant to this section
11 shall provide coverage for the diagnosis and treatment of autism spectrum disorders
12 consistent with KRS 304.17A-142.

13 (16) Any policy provided to state employees or their dependents pursuant to this section
14 shall provide coverage for obtaining amino acid-based elemental formula pursuant
15 to KRS 304.17A-258.

16 (17) If a state employee's residence and place of employment are in the same county,
17 and if the hospital located within that county does not offer surgical services,
18 intensive care services, obstetrical services, level II neonatal services, diagnostic
19 cardiac catheterization services, and magnetic resonance imaging services, the
20 employee may select a plan available in a contiguous county that does provide
21 those services, and the state contribution for the plan shall be the amount available
22 in the county where the plan selected is located.

23 (18) If a state employee's residence and place of employment are each located in
24 counties in which the hospitals do not offer surgical services, intensive care
25 services, obstetrical services, level II neonatal services, diagnostic cardiac
26 catheterization services, and magnetic resonance imaging services, the employee
27 may select a plan available in a county contiguous to the county of residence that

1 does provide those services, and the state contribution for the plan shall be the
2 amount available in the county where the plan selected is located.

3 (19) The Personnel Cabinet is encouraged to study whether it is fair and reasonable and
4 in the best interests of the state group to allow any carrier bidding to offer health
5 care coverage under this section to submit bids that may vary county by county or
6 by larger geographic areas.

7 (20) Notwithstanding any other provision of this section, the bid for proposals for health
8 insurance coverage for calendar year 2004 shall include a bid scenario that reflects
9 the statewide rating structure provided in calendar year 2003 and a bid scenario that
10 allows for a regional rating structure that allows carriers to submit bids that may
11 vary by region for a given product offering as described in this subsection:

12 (a) The regional rating bid scenario shall not include a request for bid on a
13 statewide option;

14 (b) The Personnel Cabinet shall divide the state into geographical regions which
15 shall be the same as the partnership regions designated by the Department for
16 Medicaid Services for purposes of the Kentucky Health Care Partnership
17 Program established pursuant to 907 KAR 1:705;

18 (c) The request for proposal shall require a carrier's bid to include every county
19 within the region or regions for which the bid is submitted and include but not
20 be restricted to a preferred provider organization (PPO) option;

21 (d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the
22 carrier all of the counties included in its bid within the region. If the Personnel
23 Cabinet deems the bids submitted in accordance with this subsection to be in
24 the best interests of state employees in a region, the cabinet may award the
25 contract for that region to no more than two (2) carriers; and

26 (e) Nothing in this subsection shall prohibit the Personnel Cabinet from including
27 other requirements or criteria in the request for proposal.

1 (21) Any fully insured health benefit plan or self-insured plan issued or renewed on or
2 after July 12, 2006, to public employees pursuant to this section which provides
3 coverage for services rendered by a physician or osteopath duly licensed under KRS
4 Chapter 311 that are within the scope of practice of an optometrist duly licensed
5 under the provisions of KRS Chapter 320 shall provide the same payment of
6 coverage to optometrists as allowed for those services rendered by physicians or
7 osteopaths.

8 (22) Any fully insured health benefit plan or self-insured plan issued or renewed to
9 public employees pursuant to this section shall comply with:

10 (a) KRS 304.12-237;

11 (b) KRS 304.17A-270 and 304.17A-525;

12 (c) KRS 304.17A-600 to 304.17A-633;

13 (d) KRS 205.593;

14 (e) KRS 304.17A-700 to 304.17A-730;

15 (f) KRS 304.14-135;

16 (g) KRS 304.17A-580 and 304.17A-641;

17 (h) KRS 304.99-123;

18 (i) KRS 304.17A-138;

19 (j) KRS 304.17A-148;

20 (k) KRS 304.17A-163 and 304.17A-1631; and

21 (l) Administrative regulations promulgated pursuant to statutes listed in this
22 subsection.

23 **(23) A fully insured health benefit plan or self-insured plan issued or renewed to**
24 **public employees pursuant to this section shall not reimburse or provide benefits**
25 **or coverage for gender transition services as defined in Section 1 of this Act for**
26 **persons under the age of eighteen (18) years.**

27 ➔Section 9. KRS 454.210 is amended to read as follows:

- 1 (1) As used in this section, "person" includes an individual, his or her executor,
2 administrator, or other personal representative, or a corporation, partnership,
3 association, or any other legal or commercial entity, who is a nonresident of this
4 Commonwealth.
- 5 (2) (a) A court may exercise personal jurisdiction over a person who acts directly or
6 by an agent, as to a claim arising from the person's:
- 7 1. Transacting any business in this Commonwealth;
 - 8 2. Contracting to supply services or goods in this Commonwealth;
 - 9 3. Causing tortious injury by an act or omission in this Commonwealth;
 - 10 4. Causing tortious injury in this Commonwealth by an act or omission
11 outside this Commonwealth if he or she regularly does or solicits
12 business, or engages in any other persistent course of conduct, or derives
13 substantial revenue from goods used or consumed or services rendered
14 in this Commonwealth, provided that the tortious injury occurring in this
15 Commonwealth arises out of the doing or soliciting of business or a
16 persistent course of conduct or derivation of substantial revenue within
17 the Commonwealth;
 - 18 5. Causing injury in this Commonwealth to any person by breach of
19 warranty expressly or impliedly made in the sale of goods outside this
20 Commonwealth when the seller knew such person would use, consume,
21 or be affected by, the goods in this Commonwealth, if he or she also
22 regularly does or solicits business, or engages in any other persistent
23 course of conduct, or derives substantial revenue from goods used or
24 consumed or services rendered in this Commonwealth;
 - 25 6. Having an interest in, using, or possessing real property in this
26 Commonwealth, providing the claim arises from the interest in, use of,
27 or possession of the real property, provided, however, that such in

1 personam jurisdiction shall not be imposed on a nonresident who did not
 2 himself or herself voluntarily institute the relationship, and did not
 3 knowingly perform, or fail to perform, the act or acts upon which
 4 jurisdiction is predicated;

5 7. Contracting to insure any person, property, or risk located within this
 6 Commonwealth at the time of contracting;

7 8. Committing sexual intercourse in this state which intercourse causes the
 8 birth of a child when:

9 a. The father or mother or both are domiciled in this state;

10 b. There is a repeated pattern of intercourse between the father and
 11 mother in this state; or

12 c. Said intercourse is a tort or a crime in this state;~~[-or]~~

13 9. Making a telephone solicitation, as defined in KRS 367.46951, or a
 14 charitable solicitation as defined in KRS 367.650 via
 15 telecommunication, into the Commonwealth; or

16 **10. Engaging in any of the following activities as a health care provider or**
 17 **mental health care provider, as defined in Section 1 of this Act;**

18 **a. Providing gender transition services as defined in Section 1 of**
 19 **this Act for a person under the age of eighteen (18) years who**
 20 **resides in the Commonwealth before and after receiving the**
 21 **services and at the time the action is brought;**

22 **b. Dispensing, prescribing, or distributing any puberty-blocking**
 23 **drugs or cross-sex hormones as defined in Section 1 of this Act,**
 24 **for the purpose of assisting with the gender transitioning of a**
 25 **person under the age of eighteen (18) years who resides in the**
 26 **Commonwealth before and after receiving the services and at the**
 27 **time the action is brought; or**

1 *c. Aiding or assisting in the provision of gender transition services*
2 *as defined in Section 1 of this Act for a person under the age of*
3 *eighteen (18) years who resides in the Commonwealth before*
4 *and after receiving the services and at the time the action is*
5 *brought.*

6 (b) When jurisdiction over a person is based solely upon this section, only a claim
7 arising from acts enumerated in this section may be asserted against him *or*
8 *her.*

9 (3) (a) When personal jurisdiction is authorized by this section, service of process
10 may be made:

11 1. In any manner authorized by the Kentucky Rules of Civil Procedure;

12 2. On such person, or any agent of such person, in any county in this
13 Commonwealth, where he *or she* may be found; or

14 3. On the Secretary of State who, for this purpose, shall be deemed to be
15 the statutory agent of ~~*the*~~^{*such*} person.

16 (b) The clerk of the court in which the action is brought shall issue a summons
17 against the defendant named in the complaint. The clerk shall execute the
18 summons either by:

19 1. Sending by certified mail two (2) true copies to the Secretary of State
20 and shall also mail with the summons two (2) attested copies of
21 plaintiff's complaint; or

22 2. Transmitting an electronically attested copy of the complaint and
23 summons to the Secretary of State via the Kentucky Court of Justice
24 electronic filing system.

25 (c) The Secretary of State shall, within seven (7) days of receipt thereof in his *or*
26 *her* office, mail a copy of the summons and complaint to the defendant at the
27 address given in the complaint. The letter shall be posted by certified mail,

1 return receipt requested, and shall bear the return address of the Secretary of
2 State. The clerk shall make the usual return to the court, and in addition the
3 Secretary of State shall make a return to the court showing that the acts
4 contemplated by this statute have been performed, and shall attach to his or
5 her return the registry receipt, if any. Summons shall be deemed to be served
6 on the return of the Secretary of State and the action shall proceed as provided
7 in the Rules of Civil Procedure.

8 (d) The clerk mailing the summons to the Secretary of State shall mail to him or
9 her, at the same time, a fee of ten dollars (\$10), which shall be taxed as costs
10 in the action. The fee for a summons transmitted electronically pursuant to
11 this subsection shall be transmitted to the Secretary of State on a periodic
12 basis.

13 (4) When the exercise of personal jurisdiction is authorized by this section, any action
14 or suit may be brought in the county wherein the plaintiff resides or where the cause
15 of action or any part thereof arose.

16 (5) A court of this Commonwealth may exercise jurisdiction on any other basis
17 authorized in the Kentucky Revised Statutes or by the Rules of Civil Procedure,
18 notwithstanding this section.

19 ➔Section 10. KRS 141.039 is amended to read as follows:

20 In the case of corporations:

21 (1) Gross income shall be calculated by adjusting federal gross income as defined in
22 Section 61 of the Internal Revenue Code as follows:

23 (a) Exclude income that is exempt from state taxation by the Kentucky
24 Constitution and the Constitution and statutory laws of the United States;

25 (b) Exclude all dividend income;

26 (c) Include interest income derived from obligations of sister states and political
27 subdivisions thereof;

- 1 (d) Exclude fifty percent (50%) of gross income derived from any disposal of
 2 coal covered by Section 631(c) of the Internal Revenue Code if the
 3 corporation does not claim any deduction for percentage depletion, or for
 4 expenditures attributable to the making and administering of the contract
 5 under which such disposition occurs or to the preservation of the economic
 6 interests retained under such contract;
- 7 (e) Include the amount calculated under KRS 141.205;
- 8 (f) Ignore the provisions of Section 281 of the Internal Revenue Code in
 9 computing gross income;
- 10 (g) Include the amount of depreciation deduction calculated under 26 U.S.C. sec.
 11 167 or 168; and
- 12 (h) Allow the same treatment allowed under Pub. L. No. 116-260, secs. 276 and
 13 278, related to the tax treatment of forgiven covered loans, deductions
 14 attributable to those loans, and tax attributes associated with those loans for
 15 taxable years ending on or after March 27, 2020, but before January 1, 2022;
 16 and
- 17 (2) Net income shall be calculated by:
- 18 (a) Subtracting from gross income:
- 19 ~~1.(a)~~ The deduction for depreciation allowed by KRS 141.0101;
- 20 ~~2.(b)~~ Any amount paid for vouchers or similar instruments that provide
 21 health insurance coverage to employees or their families;
- 22 ~~3.(c)~~ All the deductions from gross income allowed corporations by
 23 Chapter 1 of the Internal Revenue Code, as modified by KRS 141.0101,
 24 except:
- 25 ~~a.[1-]~~ Any deduction for a state tax which is computed, in whole or in
 26 part, by reference to gross or net income and which is paid or
 27 accrued to any state of the United States, the District of Columbia,

1 the Commonwealth of Puerto Rico, any territory or possession of
2 the United States, or to any foreign country or political subdivision
3 thereof;

4 b.~~[2.]~~ The deductions contained in Sections 243, 245, and 247 of the
5 Internal Revenue Code;

6 c.~~[3.]~~ The provisions of Section 281 of the Internal Revenue Code shall
7 be ignored in computing net income;

8 d.~~[4.]~~ Any deduction directly or indirectly allocable to income which is
9 either exempt from taxation or otherwise not taxed under the
10 provisions of this chapter, except for deductions allowed under
11 Pub. L. No. 116-260, secs. 276 and 278, related to the tax
12 treatment of forgiven covered loans and deductions attributable to
13 those loans for taxable years ending on or after March 27, 2020,
14 but before January 1, 2022, and nothing in this chapter shall be
15 construed to permit the same item to be deducted more than once;

16 e.~~[5.]~~ Any deduction for amounts paid to any club, organization, or
17 establishment which has been determined by the courts or an
18 agency established by the General Assembly and charged with
19 enforcing the civil rights laws of the Commonwealth, not to afford
20 full and equal membership and full and equal enjoyment of its
21 goods, services, facilities, privileges, advantages, or
22 accommodations to any person because of race, color, religion,
23 national origin, or sex, except nothing shall be construed to deny a
24 deduction for amounts paid to any religious or denominational
25 club, group, or establishment, or any organization operated solely
26 for charitable or educational purposes which restricts membership
27 to persons of the same religion or denomination in order to

1 promote the religious principles for which it is established and
2 maintained;

3 ~~f.[6.]~~ Any deduction prohibited by KRS 141.205; and

4 ~~g.[7.]~~ Any dividends-paid deduction of any captive real estate
5 investment trust;~~and~~

6 4. a.~~(d)1.~~ A deferred tax deduction in an amount computed in
7 accordance with this subparagraph~~[paragraph]~~.

8 b.~~[2.]~~ For purposes of this subparagraph~~[paragraph]~~:

9 i.~~[a.]~~ "Net deferred tax asset" means that deferred tax assets
10 exceed the deferred tax liabilities of the combined group, as
11 computed in accordance with accounting principles generally
12 accepted in the United States of America; and

13 ii.~~[b.]~~ "Net deferred tax liability" means deferred tax liabilities that
14 exceed the deferred tax assets of a combined group as
15 defined in KRS 141.202, as computed in accordance with
16 accounting principles generally accepted in the United States
17 of America.

18 c.~~[3.]~~ Only publicly traded companies, including affiliated corporations
19 participating in the filing of a publicly traded company's financial
20 statements prepared in accordance with accounting principles
21 generally accepted in the United States of America, as of January
22 1, 2019, shall be eligible for this deduction.

23 d.~~[4.]~~ If the provisions of KRS 141.202 result in an aggregate increase to
24 the member's net deferred tax liability, an aggregate decrease to
25 the member's net deferred tax asset, or an aggregate change from a
26 net deferred tax asset to a net deferred tax liability, the combined
27 group shall be entitled to a deduction, as determined in this

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~~e.[5.]~~ For ten (10) years beginning with the combined group's first taxable year beginning on or after January 1, 2024, a combined group shall be entitled to a deduction from the combined group's entire net income equal to one-tenth (1/10) of the amount necessary to offset the increase in the net deferred tax liability, decrease in the net deferred tax asset, or aggregate change from a net deferred tax asset to a net deferred tax liability. The increase in the net deferred tax liability, decrease in the net deferred tax asset, or the aggregate change from a net deferred tax asset to a net deferred tax liability shall be computed based on the change that would result from the imposition of the combined reporting requirement under KRS 141.202, but for the deduction provided under this subparagraph~~[paragraph]~~ as of June 27, 2019.

~~f.[6.]~~ The deferred tax impact determined in subdivision e.~~[subparagraph 5.]~~ of this subparagraph~~[paragraph]~~ shall be converted to the annual deferred tax deduction amount, as follows:

~~i.[a.]~~ The deferred tax impact determined in subparagraph 5. of this paragraph shall be divided by the tax rate determined under KRS 141.040;

~~ii.[b.]~~ The resulting amount shall be further divided by the apportionment factor determined by KRS 141.120 or 141.121 that was used by the combined group in the calculation of the deferred tax assets and deferred tax liabilities as described in subdivision e.~~[subparagraph 5.]~~ of this subparagraph~~[paragraph]~~; and

~~iii.[c.]~~ The resulting amount represents the total net deferred tax

1 deduction available over the ten (10) year period as
2 described in subparagraph 5. of this paragraph.

3 ~~g.~~^[7.] The deduction calculated under this ~~subdivision~~^[paragraph] shall
4 not be adjusted as a result of any events happening subsequent to
5 the calculation, including but not limited to any disposition or
6 abandonment of assets. The deduction shall be calculated without
7 regard to the federal tax effect and shall not alter the tax basis of
8 any asset. If the deduction under this section is greater than the
9 combined group's entire Kentucky net income, any excess
10 deduction shall be carried forward and applied as a deduction to
11 the combined group's entire net income in future taxable years
12 until fully utilized.

13 ~~h.~~^[8.] Any combined group intending to claim a deduction under this
14 ~~subdivision~~^[paragraph] shall file a statement with the department on or
15 before July 1, 2019. The statement shall specify the total amount of the
16 deduction which the combined group claims on the form, including
17 calculations and other information supporting the total amounts of the
18 deduction as required by the department. No deduction shall be allowed
19 under this ~~subdivision~~^[paragraph] for any taxable year, except to the
20 extent claimed on the timely filed statement in accordance with this
21 ~~subdivision~~^[paragraph]; and

22 (b) Adding to gross income any deduction directly or indirectly related to the
23 provision of gender transition services as defined in Section 1 of this Act for
24 a person under the age of eighteen (18) years.

25 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
26 READ AS FOLLOWS:

27 (1) Notwithstanding any law to the contrary, including KRS 214.185, no public

1 school counselor, school-based mental health services provider, or other public
2 employee shall aid or assist in the provision of gender transition services as
3 defined in Section 1 of this Act for a person under the age of eighteen (18) years,
4 including but not limited to encouraging or making a recommendation to a
5 person under the age of eighteen (18) years to consider or to obtain gender
6 transition services, except to the extent allowable under the First Amendment to
7 the United States Constitution and the Constitution of Kentucky.

8 (2) Notwithstanding any other provision of the law to the contrary, including KRS
9 214.185, if any employee identified in subsection (1) of this section provides a
10 gender transition service to a person under the age of eighteen (18) years that
11 results in personal injury, that employee shall be jointly and severally liable for
12 damages sustained as a result of the gender transition services.

13 (3) Notwithstanding any other provision of the law to the contrary, including KRS
14 214.185, if any employee identified in subsection (1) of this section provides a
15 gender transition service to a person under the age of eighteen (18) years that
16 results in personal injury, an action may be brought in the same manner as the
17 cause of action authorized in subsections (3) to (8) of Section 3 of this Act.

18 (4) A schools shall notify each parent or guardian of a student who is a person under
19 the age of eighteen (18) years if:

20 (a) The student significantly changes his or her gender expression;

21 (b) The student expresses an inconsistency between his or her sex and his or
22 her perceived gender or perceived sex; or

23 (c) The student expresses a desire to be referred to by a name, pronoun, or
24 other identifier inconsistent with his or her sex.

25 (5) A school shall withhold from a parent or guardian the notification required
26 under subsection (4) of this section if:

27 (a) A school health care provider or mental health provider, in good faith and

1 with reasonable cause, determines that the student is a victim of physical,
 2 sexual, or substance abuse by that parent;

3 (b) The school health care provider or mental health provider reports that
 4 parent's abuse as required under KRS 620.030(2); and

5 (c) Obtaining that parent's consent would place the student at risk of further
 6 abuse by that parent.

7 (6) Nothing in subsection (5) of this section shall relieve a school from making the
 8 required notification to the student's other parent or guardian.

9 ➔Section 12. KRS 213.121 is amended to read as follows:

10 (1) A certificate or report registered under this chapter may be amended only in
 11 accordance with this section and administrative regulations adopted by the cabinet
 12 to protect the integrity and accuracy of vital records.

13 (2) A certificate or report that is amended under this section shall be marked
 14 "amended," except as otherwise provided in this section. The date of amendment
 15 and a summary description of the evidence submitted in support of the amendment
 16 shall be endorsed on or made a part of the record. The cabinet shall prescribe by
 17 administrative regulation the conditions under which additions or minor corrections
 18 may be made to certificates or records within one (1) year after the date of the event
 19 without the certificate or record being marked "amended."

20 (3) Upon written request of both parents and receipts of a sworn acknowledgment of
 21 paternity signed by both parents of a child born to an unmarried woman, the state
 22 registrar shall amend the certificate of birth to show the paternity, if paternity is not
 23 already shown on the certificate of birth. The certificate shall not be marked
 24 "amended."

25 (4) Upon receipt of a certified copy of an order of a court changing the name of a
 26 person born in the Commonwealth and upon request of the person or the person's
 27 parents, guardian, or legal representative, the state registrar shall amend the

1 certificate of birth to show the new name.

2 (5) Upon receipt of a sworn statement by a licensed physician indicating that the
3 gender of an individual born in the Commonwealth has been changed by surgical
4 procedure and a certified copy of an order of a court of competent jurisdiction
5 changing that individual's name, the certificate of birth of the individual shall be
6 amended as prescribed by regulation to reflect the change.

7 **(6) Notwithstanding subsections (4) and (5) of this section, a certificate or report**
8 **registered under this chapter shall not be amended if the purpose is to assist a**
9 **person under the age of eighteen (18) years with a gender transition as defined in**
10 **Section 1 of this Act.**

11 ➔Section 13. KRS 401.020 is amended to read as follows:

12 **(1)** Both parents, provided both are living, or one (1) parent if one (1) is deceased, or if
13 no parent is living, the guardian, may have the name of a child under the age of
14 eighteen (18) changed by the District Court, or if the Family Court or Circuit Court
15 has a case before it involving the family, the Family Court of a county with a
16 Family Court, or the Circuit Court of a county without a Family Court of the county
17 in which the child resides. However, if one (1) parent refuses or is unavailable to
18 execute the petition, proper notice of filing the petition shall be served in
19 accordance with the Rules of Civil Procedure. If the child resides on a United States
20 Army post, military reservation, or fort, his or her name may be changed by the
21 District Court, or the Family Court of a county with a Family Court, or the Circuit
22 Court of a county without a Family Court of any county adjacent thereto.

23 **(2) A name change under subsection (1) of this section shall not be approved by any**
24 **court if the court finds that the purpose of the requested name change is to assist**
25 **a person under the age of eighteen (18) years with a gender transition as defined**
26 **in Section 1 of this Act.**

27 ➔SECTION 14. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO

1 READ AS FOLLOWS:

2 **(1) Any classification of the sex of any person under the age of eighteen (18) years**
3 **under KRS Chapters 600 to 645 shall be the person's sex as defined in Section 1**
4 **of this Act.**

5 **(2) The Department of Juvenile Justice shall not classify the sex of any detained**
6 **person under the age of eighteen (18) years to be a sex that is inconsistent with**
7 **his or her sex as defined in Section 1 of this Act.**

8 ➔Section 15. If any provision of this Act or the application thereof to any person
9 or circumstance is held invalid, the invalidity shall not affect the other provisions or
10 applications of the Act that can be given effect without the invalid provision or
11 application, and to this end the provisions of this Act are severable.

12 ➔Section 16. This Act may be cited as the Do No Harm Act.

13 ➔Section 17. This Act takes effect January 1, 2024, so that persons under the age
14 of 18 years in the Commonwealth currently using puberty-blocking drugs or cross-sex
15 hormones have time for appropriate medication tapering and discontinuation under the
16 care of their health care providers or mental health care providers.