

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2025 REGULAR SESSION
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Amend printed copy of **SB 2/GA**

Beginning on page 1, line 3, and continuing through page 2, line 10, delete Section 1 in its entirety and insert in lieu thereof the following:

"➔SECTION 1. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

All incarcerated youth are subject to search at any time. Searches shall be conducted in a professional and respectful manner, in the least intrusive manner possible, and consistent with security needs.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Changing room" means a room or area in which a person may be in a state of undress in the presence of others, including a locker room or shower room;

(b) "Female" means an individual whose biological reproductive system is developed to produce ova; who has, had, will have or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes eggs for fertilization;

(c) "Male" means an individual whose biological reproductive system is developed to fertilize the ova of a female; who has, had, will have or would have, but for a

Amendment No. HFA 3

Rep. Rep. Candy Massaroni

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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- developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization;
- (d) "Sex" means an individual's biological sex, either male or female, as observed or clinically verified at birth. Gender identity and other subjective terms shall not be used as synonyms or substitutes for sex; and
- (e) "Sleeping quarters" means a room with more than one (1) bed and in which more than one (1) individual is housed overnight.
- (2) A facility shall designate each multi-occupancy restroom, changing room, and sleeping quarters for the exclusive use of either females, males, or members of the same family.
- (3) (a) A restroom, changing room, or sleeping quarters within a facility that is designated for females or males shall be used only by members of that sex. An individual shall not enter a restroom, changing room, or sleeping quarters that is designated for females or males unless he or she is a member of that sex.
- (b) A facility shall take reasonable steps to provide individuals with privacy in restrooms, changing rooms, and sleeping quarters from members of the opposite sex.
- (4) This section does not apply to an individual who enters a restroom, changing room, or sleeping quarters designated for the opposite sex to:
- (a) Perform custodial services or maintenance;
- (b) Render medical assistance;
- (c) Render assistance by law enforcement; or
- (d) Provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety.
- (5) This section shall not be construed to prohibit a facility from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act when using

restrooms, changing rooms, or sleeping quarters.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO READ AS FOLLOWS:

All inmates are subject to search at any time. Searches shall be conducted in a professional and respectful manner, in the least intrusive manner possible, and consistent with security needs.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Cosmetic service" or "elective procedure" means any procedure, treatment, or surgery to enhance or alter appearance to any areas of the head, neck, and body, including but not limited to:

1. Prescribing or administering cross-sex hormones in amounts greater than would normally be produced endogenously in a healthy person of the same age and sex; and

2. Performing any gender reassignment surgery to alter or remove physical or anatomical characteristics or features that are typical for a person's sex in order to instill or create physiological or anatomical characteristics that resemble a different sex;

(b) "Public funds" means any money, regardless of the original source of the money, of:

1. The Commonwealth of Kentucky, and any department, agency, or instrumentality thereof;

2. Any county, city, local school district, or special district, and any department, agency, or instrumentality thereof; and

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3. Any other political subdivision of the Commonwealth, and any department, agency, or instrumentality thereof; and
- (c) "Sex" means the biological indication of male and female as evidenced by sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth.
- (2) Except as provided in subsection (3) of this section, public funds shall not be directly or indirectly used, granted, paid, or distributed for the purpose of providing a cosmetic service or elective procedure to an inmate in a correctional facility.
- (3) If a health care provider has initiated a course of treatment for an inmate that includes the prescription or administration of any drug or medication for a cosmetic service or elective procedure and the health care provider determines and documents in the inmate's medical record that immediately terminating use of the drug or medication would cause physical harm to the inmate, the health care provider may institute a period during which the inmate's use of the drug or hormone is systematically reduced and eliminated.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO READ AS FOLLOWS:

- (1) As used in this section:
- (a) "Changing room" means a room or area in which a person may be in a state of undress in the presence of others, including a locker room or shower room;
- (b) "Female" means an individual whose biological reproductive system is developed to produce ova; who has, had, will have or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes eggs for fertilization;
- (c) "Male" means an individual whose biological reproductive system is developed to

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- fertilize the ova of a female; who has, had, will have or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization;
- (d) "Sex" means an individual's biological sex, either male or female, as observed or clinically verified at birth. Gender identity and other subjective terms shall not be used as synonyms or substitutes for sex; and
- (e) "Sleeping quarters" means a room with more than one (1) bed and in which more than one (1) individual is housed overnight.
- (2) A correctional facility shall designate each multi-occupancy restroom, changing room, and sleeping quarters for the exclusive use of either females, males, or members of the same family.
- (3) (a) A restroom, changing room, or sleeping quarters within a correctional facility that is designated for females or males shall be used only by members of that sex. An individual shall not enter a restroom, changing room, or sleeping quarters that is designated for females or males unless he or she is a member of that sex.
- (b) A correctional facility shall take reasonable steps to provide individuals with privacy in restrooms, changing rooms, and sleeping quarters from members of the opposite sex.
- (4) This section does not apply to an individual who enters a restroom, changing room, or sleeping quarters designated for the opposite sex to:
- (a) Perform custodial services or maintenance;
- (b) Render medical assistance;
- (c) Render assistance by law enforcement; or
- (d) Provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety.

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(5) This section shall not be construed to prohibit a correctional facility from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act when using restrooms, changing rooms, or sleeping quarters.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 441 IS CREATED TO READ AS FOLLOWS:

All prisoners are subject to search at any time. Searches shall be conducted in a professional and respectful manner, in the least intrusive manner possible, and consistent with security needs.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 441 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

- (a) "Changing room" means a room or area in which a person may be in a state of undress in the presence of others, including a locker room or shower room;**
- (b) "Female" means an individual whose biological reproductive system is developed to produce ova; who has, had, will have or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes eggs for fertilization;**
- (c) "Male" means an individual whose biological reproductive system is developed to fertilize the ova of a females; who has, had, will have or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization;**
- (d) "Sex" means an individual's biological sex, either male or female, as observed or clinically verified at birth. Gender identity and other subjective terms shall not be used as synonyms or substitutes for sex; and**
- (e) "Sleeping quarters" means a room with more than one (1) bed and in which more**

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- than one (1) individual is housed overnight.
- (2) A jail shall designate each multi-occupancy restroom, changing room, and sleeping quarters for the exclusive use of either females, males, or members of the same family.
- (3) (a) A restroom, changing room, or sleeping quarters within a jail that is designated for females or males shall be used only by members of that sex. An individual shall not enter a restroom, changing room, or sleeping quarters that is designated for females or males unless he or she is a member of that sex.
- (b) A jail shall take reasonable steps to provide individuals with privacy in restrooms, changing rooms, and sleeping quarters from members of the opposite sex.
- (4) This section does not apply to an individual who enters a restroom, changing room, or sleeping quarters designated for the opposite sex to:
- (a) Perform custodial services or maintenance;
- (b) Render medical assistance;
- (c) Render assistance by law enforcement; or
- (d) Provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety.
- (5) This section shall not be construed to prohibit a jail from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act when using restrooms, changing rooms, or sleeping quarters."