

1 AN ACT relating to correctional facilities.

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

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

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

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

10 *(1) As used in this section:*

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

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

19 *(c) "Male" means an individual whose biological reproductive system is*  
20 *developed to fertilize the ova of a female; who has, had, will have or would*  
21 *have, but for a developmental or genetic anomaly or historical accident, the*  
22 *reproductive system that at some point produces, transports, and utilizes*  
23 *sperm for fertilization;*

24 *(d) "Sex" means an individual's biological sex, either male or female, as*  
25 *observed or clinically verified at birth. Gender identity and other subjective*  
26 *terms shall not be used as synonyms or substitutes for sex; and*

27 *(e) "Sleeping quarters" means a room with more than one (1) bed and in*

- 1           which more than one (1) individual is housed overnight.
- 2   (2) A facility shall designate each multi-occupancy restroom, changing room, and  
3   sleeping quarters for the exclusive use of either females, males, or members of  
4   the same family.
- 5   (3) (a) A restroom, changing room, or sleeping quarters within a facility that is  
6   designated for females or males shall be used only by members of that sex.  
7   An individual shall not enter a restroom, changing room, or sleeping  
8   quarters that is designated for females or males unless he or she is a  
9   member of that sex.
- 10   (b) A facility shall take reasonable steps to provide individuals with privacy in  
11   restrooms, changing rooms, and sleeping quarters from members of the  
12   opposite sex.
- 13   (4) This section does not apply to an individual who enters a restroom, changing  
14   room, or sleeping quarters designated for the opposite sex to:
- 15   (a) Perform custodial services or maintenance;  
16   (b) Render medical assistance;  
17   (c) Render assistance by law enforcement; or  
18   (d) Provide services or render aid during a natural disaster, a declared  
19   emergency, or when necessary to prevent a serious threat to good order or  
20   safety.
- 21   (5) This section shall not be construed to prohibit a facility from adopting policies  
22   necessary to accommodate persons protected under the Americans with  
23   Disabilities Act when using restrooms, changing rooms, or sleeping quarters.
- 24   ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 197 IS CREATED TO  
25 READ AS FOLLOWS:  
26   All inmates are subject to search at any time. Searches shall be conducted in a  
27   professional and respectful manner, in the least intrusive manner possible, and

1 consistent with security needs.

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

4 (1) As used in this section:

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

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

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

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

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

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

21       3. Any other political subdivision of the Commonwealth, and any  
22       department, agency, or instrumentality thereof; and

23       (c) "Sex" means the biological indication of male and female as evidenced by  
24       sex chromosomes, naturally occurring sex hormones, gonads, and  
25       nonambiguous internal and external genitalia present at birth.

26 (2) Except as provided in subsection (3) of this section, public funds shall not be  
27 directly or indirectly used, granted, paid, or distributed for the purpose of

1 providing a cosmetic service or elective procedure to an inmate in a correctional  
2 facility.

3 (3) The prohibitions of subsection (2) of this section do not include prescribing or  
4 administering cross-sex hormones to an inmate if the inmate was undergoing this  
5 treatment upon admission to the correctional facility and physical harm would  
6 result from its discontinuation.

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

9 (1) As used in this section:

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

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

18 (c) "Male" means an individual whose biological reproductive system is  
19 developed to fertilize the ova of a female; who has, had, will have or would  
20 have, but for a developmental or genetic anomaly or historical accident, the  
21 reproductive system that at some point produces, transports, and utilizes  
22 sperm for fertilization;

23 (d) "Sex" means an individual's biological sex, either male or female, as  
24 observed or clinically verified at birth. Gender identity and other subjective  
25 terms shall not be used as synonyms or substitutes for sex; and

26 (e) "Sleeping quarters" means a room with more than one (1) bed and in  
27 which more than one (1) individual is housed overnight.

1 (2) A correctional facility shall designate each multi-occupancy restroom, changing  
2 room, and sleeping quarters for the exclusive use of either females, males, or  
3 members of the same family.

4 (3) (a) A restroom, changing room, or sleeping quarters within a correctional  
5 facility that is designated for females or males shall be used only by  
6 members of that sex. An individual shall not enter a restroom, changing  
7 room, or sleeping quarters that is designated for females or males unless he  
8 or she is a member of that sex.

9 (b) A correctional facility shall take reasonable steps to provide individuals with  
10 privacy in restrooms, changing rooms, and sleeping quarters from members  
11 of the opposite sex.

12 (4) This section does not apply to an individual who enters a restroom, changing  
13 room, or sleeping quarters designated for the opposite sex to:

14 (a) Perform custodial services or maintenance;

15 (b) Render medical assistance;

16 (c) Render assistance by law enforcement; or

17 (d) Provide services or render aid during a natural disaster, a declared  
18 emergency, or when necessary to prevent a serious threat to good order or  
19 safety.

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

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

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

1 consistent with security needs.

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

4 (1) As used in this section:

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

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

13       (c) "Male" means an individual whose biological reproductive system is  
14       developed to fertilize the ova of a females; who has, had, will have or would  
15       have, but for a developmental or genetic anomaly or historical accident, the  
16       reproductive system that at some point produces, transports, and utilizes  
17       sperm for fertilization;

18       (d) "Sex" means an individual's biological sex, either male or female, as  
19       observed or clinically verified at birth. Gender identity and other subjective  
20       terms shall not be used as synonyms or substitutes for sex; and

21       (e) "Sleeping quarters" means a room with more than one (1) bed and in  
22       which more than one (1) individual is housed overnight.

23 (2) A jail shall designate each multi-occupancy restroom, changing room, and  
24 sleeping quarters for the exclusive use of either females, males, or members of  
25 the same family.

26 (3) (a) A restroom, changing room, or sleeping quarters within a jail that is  
27 designated for females or males shall be used only by members of that sex.

1           An individual shall not enter a restroom, changing room, or sleeping  
2           quarters that is designated for females or males unless he or she is a  
3           member of that sex.

4           (b) A jail shall take reasonable steps to provide individuals with privacy in  
5           restrooms, changing rooms, and sleeping quarters from members of the  
6           opposite sex.

7           (4) This section does not apply to an individual who enters a restroom, changing  
8           room, or sleeping quarters designated for the opposite sex to:

9           (a) Perform custodial services or maintenance;

10          (b) Render medical assistance;

11          (c) Render assistance by law enforcement; or

12          (d) Provide services or render aid during a natural disaster, a declared  
13          emergency, or when necessary to prevent a serious threat to good order or  
14          safety.

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