



to prove that something else caused the adverse effects, KLC believes that the legislation mimics workers' compensation coverage already provided for employer required vaccinations.

However, with incentivized vaccines, KEMI does not currently categorize adverse reactions as a covered injury under KRS 342.0011(1) and anticipates increased premiums due to that additional liability. KLC has not established a position as to whether incentivized vaccines are covered under its self-insurance program.

In addition to private employers; state and local-government employers in Kentucky, as it has an Occupational Safety and Health Administration-approved state plan, with one hundred or more employees would have needed a mandatory COVID-19 vaccination policy; however, the Supreme Court blocked the requirement. *If* mandated vaccines already would have been covered by workers' compensation (may not have been for some localities); then this legislation would add liability to those localities, as well as smaller localities, incentivizing vaccines.

Frankfort, Lexington, Louisville, and Owensboro have their own workers' compensation self-insurance programs. Louisville Metro recently approved utilizing American Rescue Plan funds for premium pay (bonuses), with essential employees receiving the second half of their \$5,000 or \$1,500 payment after showing proof of full vaccination or a waiver. The remaining employees would receive \$500 after showing proof of full vaccination or a waiver. Louisville Metro anticipates increased financial exposure and premiums with this legislation.

The Centers for Disease Control and Prevention's *Selected Adverse Events Reported after COVID-19 Vaccination* website shows very low percentages of those self-reporting serious adverse reactions.

### **Part III: Differences to Local Government Mandate Statement from Prior Versions**

Part II refers to the bill as introduced, there are no prior versions.

**Data Source(s):** LRC Staff, Kentucky Employers' Mutual Insurance, Kentucky League of Cities, Louisville Metro Government, Occupational Safety and Health Administration COVID-19 Vaccination and Testing Emergency Temporary Standard fact sheet, Centers for Disease Control and Prevention's Selected Adverse Events Reported after COVID-19 Vaccination website

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