Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: 1101	
Bill #: HB 664	
Document ID #: 2335	
•	AN ACT relating to employee right of action and declaring an emergency.
Sponsor: Representative Mark Hart	
Unit of Government:	Unified Local
Office(s) Impacted:	X Charter County X Consolidated Local X Government All offices in a local government that has adopted a mandatory vaccination requirement as a condition of employment
Requirement:	Mandatory Optional
Effect on Powers & Duties:	Modifies Existing Adds NewX Eliminates Existing
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Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 664 would apply to employees of a private or public employer that adopts a mandatory vaccination requirement as a condition of employment. An employee may sue the employer if:

- 1. The employer adopted a mandatory vaccination requirement as a condition of employment; and
- 2. An employee received a vaccination and suffered an adverse reaction as a result.

The bill would provide a right of action against the Commonwealth, its cabinets, departments, bureaus, agencies, and political subdivisions, including local governments. The bill would waive the sovereign and governmental immunity of the Commonwealth against liability for claims arising under HB 664.

The court may award actual, compensatory, and punitive damages to the employee who prevails in such a lawsuit.

The fiscal impact of HB 664 on local governments would be nil to minimal.

The Kentucky League of Cities reports it is unaware of any cities that currently require vaccinations. In some cities employees may be offered a hepatitis vaccination as part of an occupational exposure control plan, but have the option of refusing the vaccination. If they refuse, they are required to sign a waiver acknowledging they refused the vaccination.

The Kentucky County Judge/Executives Association believes HB 664 would have only a minimal, if any, negative fiscal impact on counties, due to a potential increase in county liability insurance premiums for those counties requiring a vaccine as a condition of employment.

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

Part II applies to HB 664 as introduced. There is no earlier version for comparison.

Data Source(s): <u>Kentucky League of Cities; Kentucky County Judge/Executives</u>

Association; LRC staff.

Preparer: Mary Stephens (WFB) **Reviewer:** KHC **Date:** 3/8/22