## Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

## **Part I: Measure Information**

Bill Request #: 306						
Bill #: HB 177						
<b>Document ID #:</b> <u>2615</u>						
Bill Subject/Title: AN ACT relating to children and declaring an emergency.						
Sponsor: Representative Shane Baker						
Unit of Government:       X       City       X       County       X       Urban-County         Unified Local       X       Cluber C       X       County       Unified Local						
$\underline{\mathbf{X}}$ Charter County $\underline{\mathbf{X}}$ Consolidated Local $\underline{\mathbf{X}}$ Government						
Office(s) Impacted: All whose activities involve children						
Requirement: X Mandatory Optional						
Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing						

## Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 177 **Section 1** would prohibit any governmental entity, including city and county governments, from substantially burdening the right of a parent to direct the upbringing, education, healthcare, and mental healthcare of his or her child unless such substantial burden is necessary due to a compelling governmental interest, and is the least restrictive means of furthering that compelling governmental interest. Some examples specifically recognized in the bill are the right of parents to:

- 1. Consent in writing to all physical and mental healthcare decisions;
- 2. To view all medical records of their child;
- 3. To consent in writing before their child's biometric data is collected, shared or stored, except for general identification cards or documents;
- 4. To consent in writing before any record of their child's blood or DNA is created, stored, or shared, unless authorized by court order or collected as evidence to identify a person;

- 5. To consent in writing before a governmental entity makes a video or voice recording of the child unless the recording is made as part of a public event and other exceptions;
- 6. To be notified promptly if any employee of the state or other governmental entity suspects their child has been subjected to abuse, neglect, or other criminal offense, with exceptions;
- 7. No employee of any governmental entity may encourage or coerce a child to withhold information vital to a parent's exercise of parental rights or withhold information vital to the parent maintaining the physical, emotional or mental health of the child.

Section 2 of the bill details the policies and procedures a public or charter school would be required to adopt to promote involvement of parents of children enrolled in the school.

**HB 177 would have no to minimal direct fiscal impact on local governments.** The bill would require few, if any, affirmative actions on the part of a local government.

Locally-owned hospitals or health departments may need to draft and print parental consent forms, although it is likely they would only need to modify existing forms. In that event they may need the services of an attorney.

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

Part II applies to HB 177 as introduced. There is no earlier version for comparison.

Data Source(s)	: <u>LRC staff</u>				
Preparer: Ma	ary Stephens (RB)	<b>Reviewer:</b>	КНС	Date:	3/7/23