

1 AN ACT relating to immunization disclosure.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO
4 READ AS FOLLOWS:

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

6 *(a) "Public entity" means the Commonwealth of Kentucky, a county, city,*
7 *urban-county government, or charter county government, or any of their*
8 *agencies or departments, a public agency as defined in KRS 7.107, or any*
9 *nonprofit corporation as defined in KRS 14A.1-070;*

10 *(b) "Employee" means any person employed by or suffered or permitted to*
11 *work for the employer; and*

12 *(c) "Immunization status" means the status of either having received or not*
13 *received a vaccination for a vaccine-preventable disease or a vaccine*
14 *granted emergency use authorization by the United States Food and Drug*
15 *Administration.*

16 *(2) Notwithstanding any other provisions of the Kentucky Revised Statutes, a public*
17 *entity in the Commonwealth shall not require:*

18 *(a) An employee of the public entity to disclose his or her immunization status;*
19 *or*

20 *(b) An applicant for employment with the public entity to disclose his or her*
21 *immunization status as a condition of employment.*

22 *(3) A public entity shall not take adverse action against an employee or an applicant*
23 *for employment with the public entity who refuses to disclose his or her*
24 *immunization status.*

25 *(4) Notwithstanding any other provisions of the Kentucky Revised Statutes, a private*
26 *employer shall not require an employee to obtain a specific immunization if that*
27 *employee is opposed to medical immunization against disease and that employee*

1 objects by a written sworn statement to the immunization based on religious
2 grounds or conscientiously held beliefs.

3 (5) Nothing in this section shall be construed to:

4 (a) Restrict a public entity or private employer from implementing infection
5 screening and control protocols in accordance with state and federal law to
6 protect public health; or

7 (b) Interfere with an individual's right to access an individual's personal health
8 information under federal law.

9 (6) An employee or applicant for employment may bring against any public entity or
10 private employer in violation of this section a civil action for injunctive relief,
11 actual damages, statutory damages of one thousand (\$1,000) per day per
12 violation, and punitive damages.

13 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
14 READ AS FOLLOWS:

15 (1) For the purposes of this section, "immunization status" means the status of
16 either having received or not received a vaccination for a vaccine-preventable
17 disease or a vaccine granted emergency use authorization by the United States
18 Food and Drug Administration.

19 (2) Notwithstanding any other provisions of the Kentucky Revised Statutes, a school
20 in the postsecondary education system shall not require:

21 (a) A student, staff, or faculty member to disclose his or her immunization
22 status; or

23 (b) A prospective student or an applicant for employment as a staff or faculty
24 member to disclose his or her immunization status as a condition of
25 attendance or employment.

26 (3) A school in the postsecondary education system shall not take adverse action
27 against a current student, staff, or faculty member, a prospective student, or an

1 applicant for employment as staff or faculty member who refuses to disclose his
 2 or her immunization status. Adverse action includes, without limitation, denying
 3 him or her access to the school, school facilities, or services offered by the school.

4 (4) Nothing in this section shall be construed to:

5 (a) Restrict a school from implementing infection screening and control
 6 protocols in accordance with state and federal law to protect public health;

7 or

8 (b) Interfere with an individual's right to access an individual's personal health
 9 information under federal law.

10 (5) Notwithstanding any other law, each appropriate state agency shall ensure that
 11 all schools in the postsecondary education system in this state comply with this
 12 section. If a school fails to comply with this section, it shall be deemed ineligible
 13 to receive a state grant or enter into a contract payable with state funds, and the
 14 state may deny the school authorization for operation.

15 ➔Section 3. KRS 344.120 is amended to read as follows:

16 Except as otherwise provided in KRS 344.140 and 344.145, it is an unlawful practice for
 17 a person to deny an individual the full and equal enjoyment of the goods, services,
 18 facilities, privileges, advantages, and accommodations of a place of public
 19 accommodation, resort, or amusement, as defined in KRS 344.130, on the ground of
 20 disability, race, color, religion, immunization status, or national origin.

21 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO
 22 READ AS FOLLOWS:

23 (1) A business in this state may not require a customer to provide any documentation
 24 certifying that customer's immunization status as a condition of entry onto that
 25 business's premises or to receive the services provided by that business.

26 (2) This section may not be construed to:

27 (a) Restrict a business from implementing infection screening and control

1 protocols in accordance with state and federal law to protect public health;

2 or

3 (b) Interfere with an individual's right to access an individual's personal health
4 information under federal law.

5 (3) Each appropriate state agency shall ensure that businesses in this state comply
6 with this section and may require compliance with that section as a condition for
7 license, permit, or other state authorization necessary for conducting business in
8 this state. If a business fails to comply with this section, it shall be ineligible to
9 receive a state grant funds or enter into a contract payable with state funds.

10 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) As used in this section:

13 (a) "Public entity" means the Commonwealth of Kentucky, a county, city,
14 urban-county government, or charter county government, or any of their
15 agencies or departments, a public agency as defined in KRS 7.107, or any
16 nonprofit corporation as defined in KRS 14A.1-070; and

17 (b) "Immunization status" means the status of either having received or not
18 received a vaccination for a vaccine-preventable disease or a vaccine
19 granted emergency use authorization by the United States Food and Drug
20 Administration.

21 (2) A public entity shall not mandate a vaccine passport, vaccine pass, or issue
22 standardized documentation to certify and individual's immunization status to a
23 third party for a purpose other than healthcare or otherwise publish or share any
24 individual's immunization status or similar health information for a purpose
25 other than health care.

26 (3) Notwithstanding any other provisions in the Kentucky Revised Statutes, a public
27 entity may not share an individual's immunization status with any other public

1 **entity based in another state or the federal government.**

2 ➔Section 6. KRS 214.036 is amended to read as follows:

- 3 (1) Nothing contained in KRS 158.035, 214.010, 214.020, 214.032 to 214.036, and
4 214.990 shall be construed to require:
- 5 (a) The testing for tuberculosis or the immunization of any child at a time when,
6 in the written opinion of his or her attending health care provider, such testing
7 or immunization would be injurious to the child's health;
- 8 (b) The immunization of any child whose parents or guardian are opposed to
9 medical immunization against disease, and who object by a written sworn
10 statement to the immunization of such child based on religious grounds **or**
11 **conscientiously held beliefs**; or
- 12 (c) The immunization of any emancipated minor or adult who is opposed to
13 medical immunization against disease, and who objects by a written sworn
14 statement to the immunization based on religious grounds **or conscientiously**
15 **held beliefs**.
- 16 (2) In the event of an epidemic in a given area, the Cabinet for Health and Family
17 Services may require the immunization of all persons within the area of epidemic,
18 against the disease responsible for such epidemic, except that any administrative
19 regulation promulgated pursuant to KRS Chapter 13A, administrative order issued
20 by the cabinet, or executive order issued pursuant to KRS Chapter 39A requiring
21 such immunization shall not include:
- 22 (a) The immunization of any child or adult for whom, in the written opinion of
23 his or her attending health care provider, such testing or immunization would
24 be injurious to his or her health;
- 25 (b) The immunization of any child whose parents or guardians are opposed to
26 medical immunization against disease and who object by a written sworn
27 statement to the immunization based on religious grounds or conscientiously

- 1 held beliefs; or
- 2 (c) The immunization of any emancipated minor or adult who is opposed to
- 3 medical immunization against disease, and who objects by a written sworn
- 4 statement to the immunization based on religious grounds or conscientiously
- 5 held beliefs.
- 6 (3) The cabinet shall:
- 7 (a) Develop and make available on its Web site a standardized form relating to
- 8 exemptions in this section from the immunization requirements; and
- 9 (b) Accept a completed standardized form when submitted.