

1 AN ACT relating to public accommodations.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO
4 READ AS FOLLOWS:

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

6 *(a) "Biological sex" means the physical condition of being male or female as*
7 *stated on the person's birth certificate;*

8 *(b) "Multiple occupancy bathroom or changing facility" means a location*
9 *designed or designated to be used by more than one (1) person at a time*
10 *where persons may be in various stages of undress in the presence of other*
11 *persons. A multiple occupancy bathroom or changing facility may include a*
12 *restroom, locker room, changing room, or shower room; and*

13 *(c) "Single occupancy bathroom or changing facility" means a location*
14 *designed or designated to be used by only one (1) person at a time where a*
15 *person may be in various stages of undress. A single occupancy bathroom*
16 *or changing facility may include a single stall restroom designated as*
17 *unisex or for use based on biological sex.*

18 *(2) Every multiple occupancy bathroom or changing facility under control of the*
19 *executive branch of state government shall be designated for and used only by*
20 *persons based on their biological sex.*

21 *(3) Nothing in this section shall prohibit accommodations such as a single*
22 *occupancy bathroom or changing facility, or controlled use of facilities upon a*
23 *request to the Finance and Administration Cabinet due to special circumstances.*
24 *However, no accommodation by the cabinet shall allow a person to use a multiple*
25 *occupancy bathroom or changing facility designated under subsection (2) of this*
26 *section for a sex other than the person's biological sex.*

27 *(4) This section shall not apply to persons entering a multiple occupancy bathroom*

1 or changing facility designated for use by the opposite sex:

2 (a) For custodial purposes;

3 (b) For maintenance or inspection purposes;

4 (c) To render medical assistance;

5 (d) To accompany a person needing assistance when the assisting individual is
 6 an employee or authorized volunteer of the executive branch of state
 7 government, the person's relative, or an authorized caregiver;

8 (e) To receive assistance in using the facility;

9 (f) To accompany a person other than a person needing assistance; or

10 (g) That has been temporarily designated for use by that person's biological
 11 sex.

12 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
 13 READ AS FOLLOWS:

14 (1) As used in this section:

15 (a) "Biological sex" means the physical condition of being male or female as
 16 stated on the person's birth certificate;

17 (b) "Multiple occupancy bathroom or changing facility" means a location
 18 designed or designated to be used by more than one (1) person at a time
 19 where persons may be in various stages of undress in the presence of other
 20 persons. A multiple occupancy bathroom or changing facility may include a
 21 restroom, locker room, changing room, or shower room; and

22 (c) "Single occupancy bathroom or changing facility" means a location
 23 designed or designated to be used by only one (1) person at a time where a
 24 person may be in various stages of undress. A single occupancy bathroom
 25 or changing facility may include a single stall restroom designated as
 26 unisex or for use based on biological sex.

27 (2) Every multiple occupancy bathroom or changing facility under control of a city,

1 county, urban-county, consolidated local government, charter county, or unified
 2 local government shall be designated for and used only by persons based on their
 3 biological sex.

4 (3) Nothing in this section shall prohibit accommodations such as a single
 5 occupancy bathroom or changing facility, or controlled use of facilities upon a
 6 request to the applicable city, county, urban-county, consolidated local
 7 government, charter county, or unified local government due to special
 8 circumstances. However, no accommodation shall allow a person to use a
 9 multiple occupancy bathroom or changing facility designated under subsection
 10 (2) of this section for a sex other than the person's biological sex.

11 (4) This section shall not apply to persons entering a multiple occupancy bathroom
 12 or changing facility designated for use by the opposite sex:

13 (a) For custodial purposes;

14 (b) For maintenance or inspection purposes;

15 (c) To render medical assistance;

16 (d) To accompany a person needing assistance when the assisting individual is
 17 an employee or authorized volunteer of the city, county, urban-county,
 18 consolidated local government, charter county, or unified local government,
 19 the person's relative, or an authorized caregiver;

20 (e) To receive assistance in using the facility;

21 (f) To accompany a person other than a person needing assistance; or

22 (g) That has been temporarily designated for use by that person's biological
 23 sex.

24 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 21A IS CREATED TO
 25 READ AS FOLLOWS:

26 (1) As used in this section:

27 (a) "Biological sex" means the physical condition of being male or female as

1 stated on the person's birth certificate;

2 (b) "Multiple occupancy bathroom or changing facility" means a location
3 designed or designated to be used by more than one (1) person at a time
4 where persons may be in various stages of undress in the presence of other
5 persons. A multiple occupancy bathroom or changing facility may include a
6 restroom, locker room, changing room, or shower room; and

7 (c) "Single occupancy bathroom or changing facility" means a location
8 designed or designated to be used by only one (1) person at a time where a
9 person may be in various stages of undress. A single occupancy bathroom
10 or changing facility may include a single stall restroom designated as
11 unisex or for use based on biological sex.

12 (2) Every multiple occupancy bathroom or changing facility under control of the
13 Court of Justice shall be designated for and used only by persons based on their
14 biological sex.

15 (3) Nothing in this section shall prohibit accommodations such as a single
16 occupancy bathroom or changing facility, or controlled use of facilities upon a
17 request to the Court of Justice due to special circumstances. However, no
18 accommodation by the Court of Justice shall allow a person to use a multiple
19 occupancy bathroom or changing facility designated under subsection (2) of this
20 section for a sex other than the person's biological sex.

21 (4) This section shall not apply to persons entering a multiple occupancy bathroom
22 or changing facility designated for use by the opposite sex:

23 (a) For custodial purposes;

24 (b) For maintenance or inspection purposes;

25 (c) To render medical assistance;

26 (d) To accompany a person needing assistance when the assisting individual is
27 an employee or authorized volunteer of the Court of Justice, the person's

- 1 relative, or an authorized caregiver;
 2 (e) To receive assistance in using the facility;
 3 (f) To accompany a person other than a person needing assistance; or
 4 (g) That has been temporarily designated for use by that person's biological
 5 sex.

6 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
 7 READ AS FOLLOWS:

8 (1) As used in this section:

- 9 (a) "Biological sex" means the physical condition of being male or female as
 10 stated on the person's birth certificate;
 11 (b) "Multiple occupancy bathroom or changing facility" means a location
 12 designed or designated to be used by more than one (1) person at a time
 13 where students may be in various stages of undress in the presence of other
 14 persons. A multiple occupancy bathroom or changing facility may include a
 15 school restroom, locker room, changing room, or shower room; and
 16 (c) "Single occupancy bathroom or changing facility" means a location
 17 designed or designated to be used by only one (1) person at a time where
 18 students may be in various stages of undress. A single occupancy bathroom
 19 or changing facility may include a single stall restroom designated as
 20 unisex or for use based on biological sex.

21 (2) Boards of education shall require every multiple occupancy bathroom or
 22 changing facility that is designated for student use to be designated for and used
 23 only by students based on their biological sex.

24 (3) Nothing in this section shall prohibit boards of education from providing
 25 accommodations such as a single occupancy bathroom or changing facility, or
 26 controlled use of faculty facilities upon a request due to special circumstances.
 27 However, no accommodation by a board of education shall allow a student to use

- 1 *a multiple occupancy bathroom or changing facility designated under subsection*
 2 *(2) of this section for a sex other than the student's biological sex.*
 3 *(4) This section shall not apply to persons entering a multiple occupancy bathroom*
 4 *or changing facility designated for use by the opposite sex:*
 5 *(a) For custodial purposes;*
 6 *(b) For maintenance or inspection purposes;*
 7 *(c) To render medical assistance;*
 8 *(d) To accompany a student needing assistance when the assisting individual is*
 9 *an employee or authorized volunteer of the board of education, the student's*
 10 *parent, or an authorized caregiver;*
 11 *(e) To receive assistance in using the facility;*
 12 *(f) To accompany a person other than a student needing assistance; or*
 13 *(g) That has been temporarily designated for use by that person's biological*
 14 *sex.*

15 ➔Section 5. KRS 7.100 is amended to read as follows:

16 It shall be the duty of the Legislative Research Commission to:

- 17 (1) Maintain in the State Capitol or State Capitol Annex for the use and information of
 18 the General Assembly, a legislative reference room and working library; collect,
 19 summarize, and index information of a legislative and governmental nature relating
 20 to legislation and legislative policies and index all bills introduced in the General
 21 Assembly. Permanent office space for the Legislative Research Commission and for
 22 the director thereof and employees or subcommittees shall be provided on the third
 23 floor of the State Capitol. When the General Assembly is not in session, the
 24 Commission shall have jurisdiction over the use of the House and Senate chambers
 25 and over the allocation of all rooms used by the General Assembly while in session.
 26 The Commission may provide for such other office space as it may deem necessary.
 27 (2) Make or cause to be made such investigations into statute law, legislation,

1 governmental agencies and institutions, and matters of public policy as will aid the
2 General Assembly in performing its duties in the most efficient and economical
3 manner. In making such studies and investigations between the regular sessions of
4 the General Assembly, the Commission shall give priority to those subjects
5 requested by the General Assembly. The Commission shall promptly consider any
6 requests of the General Assembly by bill or resolution for the creation of task
7 forces, committees, subcommittees, or other entities for the purpose of studying or
8 reviewing issues or subjects. Provisions of the bill or resolution to the contrary
9 notwithstanding, the Commission, in its sole discretion, may grant or deny the
10 request to create an entity or alternatively assign the subject matter of the proposed
11 study or review to an existing committee or task force, including interim joint
12 subcommittees of the Commission.

13 (3) Afford to any member of the General Assembly or any committee of either house of
14 the General Assembly such information and assistance as may be practicable in the
15 preparation of bills, memorials, resolutions, amendments, alterations and changes
16 thereto, and revisions and substitutes thereof, proposed to be introduced into the
17 General Assembly.

18 (4) The Commission, at the close of each legislative session, shall assume custody of
19 all furniture, equipment, records, materials and supplies, and printed copies of bills
20 in the possession of the clerks of the Senate and House. Immediately prior to the
21 convening of the next session, the Commission shall transfer all furniture,
22 equipment, materials, and supplies to the clerks of the respective houses. The
23 Commission may, when the General Assembly is not in session, authorize the
24 expenditure of funds appropriated to the General Assembly for the purchase, repair,
25 or maintenance of furniture, equipment, materials, and supplies and contract for
26 services needed by the General Assembly.

27 (5) The Commission shall prepare and publish or contract for the preparation and

1 publishing of a daily index and digest of the content of and legislative action on all
2 measures introduced in the General Assembly.

3 (6) After each election the Commission shall conduct a pre-session orientation
4 conference for members of the General Assembly.

5 (7) The Commission shall notify the members of the General Assembly of the reports
6 filed with the Commission for distribution to the members of the General Assembly
7 and of the reports and publications of the Commission which are available for the
8 members of the General Assembly. Each member of the General Assembly shall
9 indicate upon a form provided by the Commission which reports shall be forwarded
10 to the member.

11 (8) Conduct, while the General Assembly is not in session, any and all business of the
12 legislative department of government, except for the passage of legislation, which
13 could be conducted by the legislative department of government or the General
14 Assembly if the General Assembly were in session.

15 (9) Conduct such other business and possess such other powers and duties as may be
16 assigned or authorized by the General Assembly by statute or otherwise.

17 **(10) (a) Require every multiple occupancy bathroom or changing facility under its**
18 **control to be designated for and only used by persons based on their**
19 **biological sex. Nothing in this subsection shall prohibit the Commission**
20 **from providing accommodations such as a single occupancy bathroom or**
21 **changing facility upon a person's request due to special circumstances.**
22 **However, no accommodation by the Commission shall allow a person to use**
23 **a multiple occupancy bathroom or changing facility designated under this**
24 **subsection for a sex other than a person's biological sex.**

25 **(b) As used in this subsection:**

26 **1. "Biological sex" means the physical condition of being male or**
27 **female as stated on the person's birth certificate;**

1 2. "Multiple occupancy bathroom or changing facility" means a
 2 location designed or designated to be used by more than one (1)
 3 person at a time where persons may be in various stages of undress in
 4 the presence of other persons. A multiple occupancy bathroom or
 5 changing facility may include a restroom, locker room, changing
 6 room, or shower room; and

7 3. "Single occupancy bathroom or changing facility" means a location
 8 designed or designated to be used by only one (1) person at a time
 9 where persons may be in various stages of undress. A single
 10 occupancy bathroom or changing facility may include a single stall
 11 restroom designated as unisex or for use based on biological sex.

12 (c) This subsection shall not apply to persons entering a multiple occupancy
 13 bathroom or changing facility designated for use by the opposite sex:

14 1. For custodial purposes;

15 2. For maintenance or inspection purposes;

16 3. To render medical assistance;

17 4. To accompany a person needing assistance when the assisting
 18 individual is an employee or authorized volunteer of the Commission,
 19 a person's relative, or an authorized caregiver;

20 5. To receive assistance in using the facility;

21 6. To accompany a person other than the person needing assistance; or

22 7. That has been temporarily designated for use by that person's
 23 biological sex.

24 ➔Section 6. KRS 164A.575 is amended to read as follows:

- 25 (1) The governing boards of each institution may elect to purchase interest in real
 26 property, contractual services, rentals of all types, supplies, materials, equipment,
 27 printing, and services, except that competitive bids may not be required for:

- 1 (a) Contractual services where no competition exists;
 - 2 (b) Food, clothing, equipment, supplies, or other materials to be used in
3 laboratory and experimental studies;
 - 4 (c) Instructional materials available from only one (1) source;
 - 5 (d) Where rates are fixed by law or ordinance;
 - 6 (e) Library books;
 - 7 (f) Commercial items that are purchased for resale;
 - 8 (g) Professional, technical, scientific, or artistic services, but contracts shall be
9 submitted in accordance with KRS 45A.690 to 45A.725;
 - 10 (h) All other commodities, equipment, and services which, in the reasonable
11 discretion of the board, are available from only one (1) source; and
 - 12 (i) Interests in real property.
- 13 (2) Nothing in this section shall deprive the boards from negotiating with vendors who
14 maintain a General Services Administration price agreement with the United States
15 of America or any agency thereof, provided, however, that no contract executed
16 under this provision shall authorize a price higher than is contained in the contract
17 between General Services Administration and the vendor affected.
- 18 (3) The governing board shall require the institution to take and maintain inventories of
19 plant and equipment.
- 20 (4) The governing board shall establish procedures to identify items of common general
21 usage among all departments to foster volume purchasing. It shall establish and
22 enforce schedules for purchasing supplies, materials, and equipment.
- 23 (5) The governing board shall have power to salvage, to exchange, and to condemn
24 supplies, equipment, and real property.
- 25 (6) Upon the approval of the secretary of the Finance and Administration Cabinet, the
26 governing board may purchase or otherwise acquire all real property determined to
27 be needed for the institution's use. The amount paid shall not exceed the appraised

1 value as determined by a qualified appraiser or the value set by the eminent domain
2 procedure. Any real property acquired under this section shall be in name of the
3 Commonwealth for the use and benefit of the institution.

4 (7) The governing board shall sell or otherwise dispose of all real or personal property
5 of the institution which is not needed or has become unsuitable for public use, or
6 would be more suitable consistent with the public interest for some other use, as
7 determined by the board. The determination of the board shall be set forth in an
8 order, and shall be reached only after review of a written request by the institution
9 desiring to dispose of the property. Such request shall describe the property and
10 state the reasons why the institution believes disposal should be effected. All
11 instruments required by law to be recorded which convey any interest in any such
12 real property so disposed of shall be executed and signed by the appropriate officer
13 of the board. Unless the board deems it in the best interest of the institution to
14 proceed otherwise, all such real or personal property shall be sold either by
15 invitation of sealed bids or by public auction; provided, however, that the selling
16 price of any interest in real property shall not be less than the appraised value
17 thereof as determined by the Finance and Administration Cabinet or the
18 Transportation Cabinet for such requirements of that department.

19 (8) Real property or any interest therein may, subject to the provisions of KRS Chapter
20 45A, be purchased, leased, or otherwise acquired from any officer or employee of
21 any board of the institution, based upon a written application by the grantor or
22 lessor approved by the board, that the employee has not either himself or through
23 any other person influenced or attempted to influence either the board requesting the
24 purchase of the property. In any case in which such an acquisition is consummated,
25 the said request and finding shall be recorded and kept by the Secretary of State
26 along with the other documents recorded pursuant to the provisions of KRS Chapter
27 56.

- 1 (9) (a) As used in this section, "construction manager-agency," "construction
2 management-at-risk," "design-bid-build," "design-build," and "construction
3 manager-general contractor" shall have the same meaning as in KRS 45A.030.
- 4 (b) For capital construction projects, the procurement may be on a total design-
5 bid-build basis, a design-build basis, construction manager-general contractor
6 basis, or construction management-at-risk basis, whichever in the judgment of
7 the board offers the best value to the taxpayer. Best value shall be determined
8 in accordance with KRS 45A.070. Proposals shall be reviewed by the
9 institution's engineering staff to assure quality and value, and compliance with
10 procurement procedures. All specifications shall be written to promote
11 competition. Services for projects delivered on the design-build basis,
12 construction manager-general contractor basis, or construction management-
13 at-risk basis shall be procured in accordance with KRS 45A.180, KRS
14 45A.183, and the regulations promulgated in accordance with KRS 45A.180.
15 Nothing in this section shall prohibit the procurement of construction
16 manager-agency services.
- 17 (10) The governing board shall attempt in every practicable way to insure the
18 institution's supplying its real needs at the lowest possible cost. To accomplish this
19 the board may enter into cooperative agreements with other public or private
20 institutions of education or health care.
- 21 (11) The governing board shall have control and supervision over all purchases of energy
22 consuming equipment, supplies, and related equipment purchased or acquired by
23 the institution, and shall designate by regulation the manner in which an energy
24 consuming item will be purchased so as to promote energy conservation and
25 acquisition of energy efficient products.
- 26 (12) The governing board may negotiate directly for the purchase of contractual services,
27 supplies, materials, or equipment in bona fide emergencies regardless of estimated

1 costs. The existence of the emergency must be fully explained, in writing, by the
2 vice president responsible for business affairs and such explanation must be
3 approved by the university president. The letter and approval shall be filed with the
4 record of all such purchases. Where practical, standard specifications shall be
5 followed in making emergency purchases. A good faith effort shall be made to
6 effect a competitively established price for emergency purchases.

7 (13) (a) All governing boards that purchase agricultural products, as defined by KRS
8 45A.630, shall, on or before January 1 of each year, provide a report to the
9 Legislative Research Commission and to the Department of Agriculture
10 describing the types, quantities, and costs of each product purchased. The
11 report shall be completed on a form provided by the department.

12 (b) If purchasing agricultural products, a governing board shall encourage the
13 purchase of Kentucky-grown agricultural products in accordance with KRS
14 45A.645. If a governing board purchases agricultural products through a
15 contract with a vendor or food service provider, the contract shall require that
16 if Kentucky-grown agricultural products are purchased, the products shall be
17 purchased in accordance with KRS 45A.645. Only contracts entered into or
18 renewed after July 15, 2008, shall be required to comply with the provisions
19 of this subsection.

20 (c) All governing boards that purchase Kentucky-grown agricultural products
21 shall, on or before January 1 of each year, provide a report to the Legislative
22 Research Commission and to the Department of Agriculture describing the
23 types, quantities, and costs of each product purchased. The report shall be
24 completed on a form provided by the department.

25 (14) Governing boards shall apply the reciprocal resident bidder preference described in
26 KRS 45A.494 prior to the award of any contract.

27 (15) Governing boards may authorize the use of reverse auctions as defined in KRS

1 45A.070 for the procurement of goods and leases.

2 **(16) (a) As used in this subsection:**

3 **1. "Biological sex" means the physical condition of being male or**
4 **female as stated on the person's birth certificate;**

5 **2. "Multiple occupancy bathroom or changing facility" means a**
6 **location designed or designated to be used by more than one (1)**
7 **person at a time where persons may be in various stages of undress in**
8 **the presence of other persons. A multiple occupancy bathroom or**
9 **changing facility may include a restroom, locker room, changing**
10 **room, or shower room; and**

11 **3. "Single occupancy bathroom or changing facility" means a location**
12 **designed or designated to be used by only one (1) person at a time**
13 **where persons may be in various stages of undress. A single**
14 **occupancy bathroom or changing facility may include a single stall**
15 **restroom designated as unisex or for use based on biological sex.**

16 **(b) A governing board shall require every multiple occupancy bathroom or**
17 **changing facility under its control to be designated for and only used by**
18 **persons based on their biological sex. Nothing in this subsection shall**
19 **prohibit the board from providing accommodations such as a single**
20 **occupancy bathroom or changing facility upon a person's request due to**
21 **special circumstances. However, no accommodation by the governing board**
22 **shall allow a person to use a multiple occupancy bathroom or changing**
23 **facility designated under this subsection for a sex other than a person's**
24 **biological sex.**

25 **(c) This subsection shall not apply to persons entering a multiple occupancy**
26 **bathroom or changing facility designated for use by the opposite sex:**

27 **1. For custodial purposes;**

- 1 2. For maintenance or inspection purposes;
- 2 3. To render medical assistance;
- 3 4. To accompany a person needing assistance when the assisting
- 4 individual is an employee or authorized volunteer of the board, a
- 5 person's relative, or an authorized caregiver;
- 6 5. To receive assistance in using the facility;
- 7 6. To accompany a person other than the person needing assistance; or
- 8 7. That has been temporarily designated for use by that person's
- 9 biological sex.