

1 AN ACT relating to immunization.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO
4 READ AS FOLLOWS:

5 *A fully insured health benefit plan or self-insured plan issued or renewed to public*
6 *employees pursuant to KRS 18A.225 shall not accept, utilize, or provide funding,*
7 *directly or indirectly, for monetary or in-kind incentives for the immunization of any*
8 *person.*

9 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
10 READ AS FOLLOWS:

11 *A public or nonpublic elementary or secondary school shall not accept, utilize, or*
12 *provide funding, directly or indirectly, for monetary or in-kind incentives for the*
13 *immunization of any person.*

14 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
15 READ AS FOLLOWS:

16 *A public or nonpublic postsecondary educational institution shall not accept, utilize, or*
17 *provide funding, directly or indirectly, for monetary or in-kind incentives for the*
18 *immunization of any person.*

19 ➔Section 4. KRS 214.036 is amended to read as follows:

20 (1) Nothing contained in KRS 158.035, 214.010, 214.020, 214.032 to 214.036, and
21 214.990 shall be construed to require:

22 (a) The testing for tuberculosis or the immunization of any child at a time when,
23 in the written opinion of his or her attending health care provider, such testing
24 or immunization would be injurious to the child's health;

25 (b) The immunization of any child whose parents or guardian are opposed to
26 medical immunization against disease, and who object by a written sworn
27 statement to the immunization of such child based on religious grounds; or

- 1 (c) The immunization of any emancipated minor or adult who is opposed to
2 medical immunization against disease, and who objects by a written sworn
3 statement to the immunization based on religious grounds.
- 4 (2) In the event of an epidemic in a given area, the Cabinet for Health and Family
5 Services may require the immunization of all persons within the area of epidemic,
6 against the disease responsible for such epidemic, except that any administrative
7 regulation promulgated pursuant to KRS Chapter 13A, administrative order issued
8 by the cabinet or a local public health department, or executive order issued
9 pursuant to KRS Chapter 39A requiring such immunization shall not include:
- 10 (a) The immunization of any child or adult for whom, in the written opinion of
11 his or her attending health care provider, such testing or immunization would
12 be injurious to his or her health;
- 13 (b) The immunization of any child whose parents or guardians are opposed to
14 medical immunization against disease and who object by a written sworn
15 statement to the immunization based on religious grounds or conscientiously
16 held beliefs; or
- 17 (c) The immunization of any emancipated minor or adult who is opposed to
18 medical immunization against disease, and who objects by a written sworn
19 statement to the immunization based on religious grounds or conscientiously
20 held beliefs.
- 21 (3) The cabinet shall:
- 22 (a) Develop and make available on its website~~[Web site]~~ a standardized form
23 relating to exemptions in this section from the immunization requirements;
24 and
- 25 (b) Accept a completed standardized form when submitted.
- 26 **(4) The Cabinet for Health and Family Services, or any other agent or**
27 **instrumentality owned, operated, or employed, directly or indirectly, by the state,**

1 county, city, local government, special district, or any department, agency, or
2 employee or instrumentality thereof, shall not accept, utilize, or provide funding,
3 directly or indirectly, for monetary or in-kind incentives for the immunization of
4 any person.

5 (5) Public funds shall not be directly or indirectly used, granted, paid, or distributed
6 to any entity, organization, or individual that accepts, utilizes, or provides
7 funding, directly or indirectly, for monetary or in-kind incentives for the
8 immunization of any person.

9 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 216A IS CREATED TO
10 READ AS FOLLOWS:

11 A health facility as defined in KRS 216B.015 or any health care provider shall not
12 accept, utilize, or provide funding, directly or indirectly, for monetary or in-kind
13 incentives for the immunization of any person.

14 ➔SECTION 6. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 304
15 IS CREATED TO READ AS FOLLOWS:

16 (1) As used in this section, "insurer" includes any nongovernmental self-insurer,
17 self-insured plan, self-insured group, or other entity that reimburses or provides
18 benefits or coverage for health care services.

19 (2) An insurer shall not accept, utilize, or provide funding, directly or indirectly, for
20 monetary or in-kind incentives for the immunization of any person.

21 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO
22 READ AS FOLLOWS:

23 An employer as defined in KRS 338.015 shall not accept, utilize, or provide funding for
24 monetary or in-kind incentives for the immunization of any employee as defined in
25 KRS 338.015.