

1 AN ACT relating to immunizations.

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

3 ➔Section 1. KRS 344.010 is amended to read as follows:

4 In this chapter:

- 5 (1) "Person" includes one (1) or more individuals, labor organizations, joint  
6 apprenticeship committees, partnerships, associations, corporations, legal  
7 representatives, mutual companies, joint-stock companies, trusts, unincorporated  
8 organizations, trustees, trustees in bankruptcy, fiduciaries, receivers, or other legal  
9 or commercial entity; the state, any of its political or civil subdivisions or agencies.
- 10 (2) "Commission" means the Kentucky Commission on Human Rights.
- 11 (3) "Commissioner" means a member of the commission.
- 12 (4) "Disability" means, with respect to an individual:
- 13 (a) A physical or mental impairment that substantially limits one (1) or more of  
14 the major life activities of the individual;
- 15 (b) A record of such an impairment; or
- 16 (c) Being regarded as having such an impairment.
- 17 Persons with current or past controlled substances abuse or alcohol abuse problems  
18 and persons excluded from coverage by the Americans with Disabilities Act of  
19 1990 (P.L. 101-336) shall be excluded from this section.
- 20 (5) "Discrimination" means any direct or indirect act or practice of exclusion,  
21 distinction, restriction, segregation, limitation, refusal, denial, or any other act or  
22 practice of differentiation or preference in the treatment of a person or persons, or  
23 the aiding, abetting, inciting, coercing, or compelling thereof made unlawful under  
24 this chapter.
- 25 (6) "Real property" includes buildings, structures, real estate, lands, tenements,  
26 leaseholds, cooperatives, condominiums, and hereditaments, corporeal and  
27 incorporeal, or any interest in the above.

- 1 (7) "Housing accommodations" includes improved and unimproved property and means  
2 any building, structure, lot or portion thereof, which is used or occupied, or is  
3 intended, arranged, or designed to be used or occupied as the home or residence of  
4 one (1) or more families, and any vacant land which is offered for sale or lease for  
5 the construction or location thereon of any such building or structure.
- 6 (8) "Real estate operator" means any individual or combination of individuals, labor  
7 organizations, joint apprenticeship committees, partnerships, associations,  
8 corporations, legal representatives, mutual companies, joint-stock companies, trusts,  
9 unincorporated organizations, trustees in bankruptcy, receivers, or other legal or  
10 commercial entity, the county, or any of its agencies, that is engaged in the business  
11 of selling, purchasing, exchanging, renting, or leasing real estate, or the  
12 improvements thereon, including options, or that derives income, in whole or in  
13 part, from the sale, purchase, exchange, rental, or lease of real estate; or an  
14 individual employed by or acting on behalf of any of these.
- 15 (9) "Real estate broker" or "real estate salesman" means any individual, whether  
16 licensed or not, who, on behalf of others, for a fee, commission, salary, or other  
17 valuable consideration, or who with the intention or expectation of receiving or  
18 collecting the same, lists, sells, purchases, exchanges, rents, or leases real estate, or  
19 the improvements thereon, including options, or who negotiates or attempts to  
20 negotiate on behalf of others such an activity; or who advertises or holds himself  
21 out as engaged in these activities; or who negotiates or attempts to negotiate on  
22 behalf of others a loan secured by mortgage or other encumbrance upon a transfer of  
23 real estate, or who is engaged in the business of charging an advance fee or  
24 contracting for collection of a fee in connection with a contract whereby he  
25 undertakes to promote the sale, purchase, exchange, rental, or lease of real estate  
26 through its listing in a publication issued primarily for this purpose; or any person  
27 employed by or acting on behalf of any of these.

- 1 (10) "Financial institution" means bank, banking organization, mortgage company,  
2 insurance company, or other lender to whom application is made for financial  
3 assistance for the purchase, lease, acquisition, construction, rehabilitation, repair,  
4 maintenance, or improvement of real property, or an individual employed by or  
5 acting on behalf of any of these.
- 6 (11) "Licensing agency" means any public or private organization which has as one (1)  
7 of its duties the issuing of licenses or the setting of standards which an individual  
8 must hold or must meet as a condition to practicing a particular trade or profession  
9 or to obtaining certain employment within the state or as a condition to competing  
10 effectively with an individual who does hold a license or meet the standards.
- 11 (12) "Credit transaction" shall mean any open or closed end credit transaction whether in  
12 the nature of a loan, retail installment transaction, credit card issue or charge, or  
13 otherwise, and whether for personal or for business purposes, in which a service,  
14 finance, or interest charge is imposed, or which provides for repayment in scheduled  
15 payments, when such credit is extended in the course of the regular course of any  
16 trade or commerce, including but not limited to transactions by banks, savings and  
17 loan associations, or other financial lending institutions of whatever nature, stock  
18 brokers, or by a merchant or mercantile establishment which as part of its ordinary  
19 business permits or provides that payment for purchases of property or services  
20 therefrom may be deferred.
- 21 (13) "To rent" means to lease, to sublease, to let, or otherwise to grant for a  
22 consideration the right to occupy premises not owned by the occupant.
- 23 (14) "Family" includes a single individual.
- 24 (15) (a) "Familial status" means one (1) or more individuals who have not attained the  
25 age of eighteen (18) years and are domiciled with:
- 26 1. A parent or another person having legal custody of the individual or  
27 individuals; or

1           2. The designee of a parent or other person having custody, with the  
2           written permission of the parent or other person.

3           (b) The protection afforded against discrimination on the basis of familial status  
4           shall apply to any person who is pregnant or is in the process of securing legal  
5           custody of any individual who has not attained the age of eighteen (18) years.

6           (16) "Discriminatory housing practice" means an act that is unlawful under KRS  
7           344.360, 344.367, 344.370, 344.380, or 344.680.

8           **(17) "Immunization" means the intentional introduction of a product that stimulates**  
9           **a person's immune system to produce immunity to a specific disease, protecting**  
10           **the person from that disease or conveying increased resistance to an infectious**  
11           **agent.**

12           ➔Section 2. KRS 344.040 is amended to read as follows:

13           (1) It is an unlawful practice for an employer:

14           (a) To fail or refuse to hire, or to discharge any individual, or otherwise to  
15           discriminate against an individual with respect to compensation, terms,  
16           conditions, or privileges of employment, because of the individual's race,  
17           color, religion, national origin, sex, age forty (40) and over, because the  
18           person is a qualified individual with a disability, or because the individual is a  
19           smoker or nonsmoker, as long as the person complies with any workplace  
20           policy concerning smoking;

21           (b) To limit, segregate, or classify employees in any way which would deprive or  
22           tend to deprive an individual of employment opportunities or otherwise  
23           adversely affect status as an employee, because of the individual's race, color,  
24           religion, national origin, sex, or age forty (40) and over, **because the person**  
25           **declines immunization or refuses to disclose his or her immunization status,**  
26           because the person is a qualified individual with a disability, or because the  
27           individual is a smoker or nonsmoker, as long as the person complies with any

1 workplace policy concerning smoking;

2 (c) To fail to make reasonable accommodations for any employee with limitations  
3 related to pregnancy, childbirth, or a related medical condition who requests  
4 an accommodation, including but not limited to the need to express breast  
5 milk, unless the employer can demonstrate the accommodation would impose  
6 an undue hardship on the employer's program, enterprise, or business. The  
7 following shall be required as to reasonable accommodations:

8 1. An employee shall not be required to take leave from work if another  
9 reasonable accommodation can be provided;

10 2. The employer and employee shall engage in a timely, good faith, and  
11 interactive process to determine effective reasonable accommodations;  
12 and

13 3. If the employer has a policy to provide, would be required to provide, is  
14 currently providing, or has provided a similar accommodation to other  
15 classes of employees, then a rebuttable presumption is created that the  
16 accommodation does not impose an undue hardship on the employer;{  
17 ~~or~~}

18 (d) To require as a condition of employment that any employee or applicant for  
19 employment abstain from smoking or using tobacco products outside the  
20 course of employment, as long as the person complies with any workplace  
21 policy concerning smoking; or

22 (e) To require as a condition of employment that any employee or applicant for  
23 employment submit to immunization or disclose his or her immunization  
24 status.

25 (2) (a) A difference in employee contribution rates for smokers and nonsmokers in  
26 relation to an employer-sponsored health plan shall not be deemed to be an  
27 unlawful practice in violation of this section.

1 (b) The offering of incentives or benefits offered by an employer to employees  
2 who participate in a smoking cessation program shall not be deemed to be an  
3 unlawful practice in violation of this section.

4 (3) (a) An employer shall provide written notice of the right to be free from  
5 discrimination in relation to pregnancy, childbirth, and related medical  
6 conditions, including the right to reasonable accommodations, to:

- 7 1. New employees at the commencement of employment; and
- 8 2. Existing employees not later than thirty (30) days after June 27, 2019.

9 (b) An employer shall conspicuously post a written notice of the right to be free  
10 from discrimination in relation to pregnancy, childbirth, and related medical  
11 conditions, including the right to reasonable accommodations, at the  
12 employer's place of business in an area accessible to employees.

13 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 338 IS CREATED TO  
14 READ AS FOLLOWS:

15 *An employer shall not require the immunization of any employee or applicant for*  
16 *employment as a condition of employment. An employer shall not request any*  
17 *employee or applicant for employment to disclose his or her immunization status.*