

1 AN ACT relating to discriminatory practices by state agencies.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in Sections 1 and 2 of this Act:*

6 *(a) "Computer" means an electronic device that has the ability to store,*
7 *retrieve, or process information;*

8 *(b) "Digital identification" means any electronic process, procedure, or*
9 *documentation used to verify an individual's name, likeness, or other traits*
10 *unique to the individual;*

11 *(c) "Mobile device" means a portable device that has the capability to connect*
12 *to the Internet or communicate with other cellular devices;*

13 *(d) "Resident of the Commonwealth" means:*

14 *1. An individual residing in the Commonwealth;*

15 *2. A domestic business entity with a location in the Commonwealth;*

16 *3. A foreign business entity registered with the Secretary of State;*

17 *4. An individual that is employed and works at a location or locations*
18 *within the Commonwealth;*

19 *5. An individual or business entity that owns real property within the*
20 *Commonwealth; or*

21 *6. Any individual or business entity that has been authorized to act on*
22 *behalf of an individual or business entity defined in subparagraphs 1.*
23 *to 5. of this patagraph; and*

24 *(e) "State agency" means any department, commission, council, board, bureau,*
25 *committee, institution, legislative body, agency, government corporation, or other*
26 *entity of the executive, judicial, or legislative branch of the state government.*

27 *(2) It is an unlawful practice for a state agency within the Commonwealth to:*

- 1 (a) Require a resident of the Commonwealth to own, operate, or communicate
2 with any state agency using a mobile device, computer, or digital
3 identification in order to receive benefits or entitlements for which the
4 person would otherwise be eligible. An alternate method of communication
5 or validation shall be provided by the state agency;
- 6 (b) Deny a resident of the Commonwealth access to any state building, agency,
7 or department of the state that is responsible for providing benefits or
8 entitlements based on ownership of a mobile device, computer, or digital
9 identification. An alternate method of access shall be provided by the state
10 agency;
- 11 (c) Deny access to a court hearing based on ownership of a mobile device,
12 computer, or digital identification. An alternate method of access shall be
13 provided by the state agency;
- 14 (d) Exclude a person from receiving benefits or entitlements for which he or
15 she would otherwise be eligible based on ownership of a mobile device,
16 computer, or digital identification. An alternate method of receipt of
17 benefits shall be provided by the state agency; or
- 18 (e) Require exclusively credit or other electronic payment methods. A method
19 of accepting cash payments shall be required.
- 20 (3) Any person injured by a violation of this section may bring an action in
21 accordance with KRS 344.450.

22 ➔Section 2. This Act may be cited as the Digital Identification Act.