

1 AN ACT relating to reopening the economy in the Commonwealth of Kentucky in
2 response to the state of emergency declared by the Governor of Kentucky beginning in
3 March 2020 and continuing throughout the year of 2021 and declaring an emergency.

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

5 ➔Section 1. Notwithstanding any state law or executive order to the contrary,
6 during the current state of emergency declared by the Governor in response to COVID-19
7 or any future state of emergency related to any virus or disease, including but not limited
8 to any mutated strain of the current COVID-19 virus, until January 31, 2022:

9 (1) (a) Any business, for-profit or not-for-profit organization, local government,
10 association, or any school or school district, public, private, or religiously affiliated, may
11 remain open and operational so long as it obtains and follows an operating plan that:

12 1. Meets or exceeds all applicable guidance issued by the Centers for Disease
13 Control and Prevention;

14 2. Details how the business, for-profit or not-for-profit organization, local
15 government, association, or school or school district, whether public, private, or
16 religiously affiliated, will foster the safety of employees, customers, attendees and
17 patrons, including social distancing requirements; and

18 3. Is posted in a conspicuous place on the main entrance door of the physical
19 location of the business, for-profit or not-for-profit organization, local government,
20 association, or school or school district, whether public, private, or religiously affiliated,
21 and on the Web site of the business, for-profit or not-for-profit organization, local
22 government, association, or school or school district, whether public, private, or
23 religiously affiliated, if one exists; and

24 (b) The business, for-profit or not-for-profit organization, local government,
25 association, or school or school district, whether public, private, or religiously affiliated,
26 may prepare the plan detailed in paragraph (a) of this subsection itself or may utilize a
27 plan prepared by a local or state government agency, local or state chamber of commerce,

1 trade association, or any other recognized affiliated organization; and

2 (c) No state or local agency shall enforce restrictions related to the state of
3 emergency impacting the ability of the entities listed in this subsection to remain open or
4 operational that exceed current applicable guidelines issued by the Centers for Disease
5 Control and Prevention.

6 (2) Interest and penalties on unpaid employer contributions pursuant to KRS
7 341.300 shall not accrue, shall not be charged against an employer, shall not be
8 considered due and owing, and shall not be collected by the Labor Cabinet through
9 December 31, 2021.

10 (3) Existing court orders regarding in-person noncustodial parental visitation,
11 fictive kin visitation, parenting time, or timesharing pursuant to a valid court order shall
12 not be restricted, modified, or suspended by the Cabinet for Health and Family Services.

13 (4) The Cabinet for Health and Family Services shall develop regulations and
14 guidelines authorizing and regulating visitation by family members or legal guardians, or
15 outside caregivers, friends, or volunteers who provided regular care and support to the
16 resident prior to the pandemic, that are designated as being important to the mental,
17 physical, or social well-being of the resident in a long-term care facility as defined in
18 KRS 216A.010 or a residential long-term care facility as defined in KRS 216.510 that:

19 (a) Set forth procedures for the designation of a family member or legal guardian
20 whose visitation is important to the mental, physical, or social well-being of the resident
21 as an "essential personal care visitor";

22 (b) Allow visitation by essential personal care visitors;

23 (c) Require that, provided the residential long-term care facility is compliant with
24 Kentucky State Health Department guidelines, essential care visitors assume the risk for
25 exposure to COVID-19 and other viruses;

26 (d) Provide that a resident may designate no more than one (1) essential personal
27 care visitor along with procedures for changing the designation a personal care visitor;

1 (e) Provide that essential personal care visitors shall be exempt from any
2 prohibitions on visitation at a long-term care facility subject to the provisions of this
3 subsection;

4 (f) Require all essential personal care visitors to follow safety protocols required
5 for long-term residential care staff, including testing of communicable disease, checking
6 body temperature, health screenings, the use of appropriate personal protection
7 equipment, social distancing, and any other requirement the facility deems appropriate in
8 accordance with guidance from the Centers for Disease Control and Prevention. If testing
9 of communicable disease is not provided by the long-term care facility, the essential
10 personal care visitor is responsible for obtaining testing per protocol mandated by the
11 facility;

12 (g) Set forth the frequency of visitation, the duration of visits, and the total
13 number of essential personal care visitors allowed at the long-term care facility at any one
14 time;

15 (h) Provide that the long-term care facility may require a written agreement with
16 the essential personal care visitor; and

17 (i) Provide that facilities are not required to accept visitors.

18 (5) The Cabinet for Health and Family Services shall develop regulations and
19 guidelines authorizing and regulating visitation by family members or legal guardians, or
20 outside caregivers, friends, or volunteers who provided regular care and support to the
21 resident prior to the pandemic, that are designated as being important to the mental,
22 physical, or social well-being of a resident in critical situations such as end of life, or in
23 the instance of significant mental or social decline of the resident, or when exigent
24 circumstances exist regarding a resident in a long-term care facility as defined in KRS
25 216A.010 or a residential long-term care facility as defined in KRS 216.510 that:

26 (a) Set forth procedures for the designation of a family member or legal guardian
27 whose visitation is important to the mental, physical, or social well-being of the resident

1 during critical situations such as end of life, or in the instance of significant mental or
2 social decline of the resident, or when exigent circumstances exist regarding a resident as
3 an "essential compassionate care visitor";

4 (b) Require all essential compassionate care visitors to follow safety protocols
5 required for long-term residential care staff, including testing of communicable disease,
6 checking body temperature, health screenings, the use of appropriate personal protection
7 equipment, social distancing, and any other requirement the facility deems appropriate in
8 accordance with guidance from the Centers for Disease Control and Prevention. If testing
9 of communicable disease is not provided by the long-term care facility, the essential
10 personal care visitor is responsible for obtaining testing per protocol mandated by the
11 facility;

12 (c) Restrict visitation of essential compassionate care visitors to one room to
13 provide compassionate care to the resident;

14 (d) Provide that essential compassionate care visitors shall be exempt from any
15 prohibitions on visitation at a long-term care facility subject to the provisions of this
16 subsection;

17 (e) Provide that the long-term care facility may require a written agreement with
18 the essential personal care visitor;

19 (f) Require that, provided the residential long-term care facility is compliant with
20 Kentucky State Health Department guidelines, essential compassionate care visitors
21 assume the risk for exposure to COVID-19 and other viruses; and

22 (g) Provide that facilities are not required to accept visitors.

23 ➔Section 2. Whereas the economic impact of the state of emergency declared in
24 response to COVID-19 on Kentucky's citizens and businesses is of the utmost
25 importance, an emergency is declared to exist, and this Act takes effect upon its passage
26 and approval by the Governor or upon its otherwise becoming a law.