

1 AN ACT relating to health services.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
4 READ AS FOLLOWS:

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

6 *(a) "Health service" means any medical treatment or procedure; and*

7 *(b) "Seeking, obtaining, providing, or facilitating a health service" shall*
8 *include but not be limited to:*

9 *1. Reviewing or researching information related to a health service;*

10 *2. Expressing interest in a health service;*

11 *3. Offering to pay or provide, or paying or providing, financial assistance*
12 *for a health service;*

13 *4. Using, furnishing, providing, or disseminating any information*
14 *related to a health service;*

15 *5. Offering to provide or providing transportation for or related to a*
16 *health service;*

17 *6. Recommending, referring, arranging, assisting, or providing any*
18 *service related to obtaining a health service;*

19 *7. Providing any health service that is not prohibited in Kentucky;*

20 *8. Otherwise taking action to assist or obtain any health service; or*

21 *9. Attempting any action under subparagraphs 1. to 8. of this paragraph.*

22 *(2) Notwithstanding any other law to the contrary, a person, physician, health care*
23 *provider, medical referral or counseling agency, employer, or other individual or*
24 *entity shall not be subject to civil liability, criminal liability, or administrative*
25 *investigation for either or both of the following actions:*

26 *(a) Any act or attempted act to aid or encourage any person in connection with*
27 *seeking, obtaining, providing, or facilitating a health service that is provided*

- 1 outside of Kentucky to a patient who resides in Kentucky and the health
2 service is lawful in the state in which it is to be provided; or
- 3 **(b) The provision of any health service that occurs in Kentucky due to a**
4 **patient's use of a drug that:**
- 5 **1. Was lawfully provided to the patient outside of Kentucky for personal**
6 **and sole use; and**
- 7 **2. The patient personally transported the drug into Kentucky for the**
8 **patient's sole use.**
- 9 **(3) A medical record or other written, digital, or oral record created regarding any**
10 **action or attempted action protected under this section, or any information**
11 **contained in any such record, shall not be subject to disclosure or sale for the**
12 **purpose of either or both of the following:**
- 13 **(a) Investigating, tracking, or attempting to identify any person, physician,**
14 **health care provider, medical referral or counseling agency, employer, or**
15 **other individual or entity; or**
- 16 **(b) A criminal, civil, or administrative investigation into, or proceeding against,**
17 **any person in connection with seeking, obtaining, providing, or facilitating**
18 **a health service.**
- 19 **(4) A physician, health care provider, or other professional licensed in Kentucky**
20 **shall not be subject to any disciplinary action, including revocation, suspension,**
21 **initial denial, renewal denial, limitation, or restriction of a license, reprimand, or**
22 **monetary fine for any action or attempted action protected under this section.**
- 23 **(5) A business or organization shall not be refused a license to operate or do business**
24 **in Kentucky, or be subject to any monetary fine, based solely upon any action or**
25 **attempted action protected under this section.**
- 26 **(6) A public agency or employee, representative, or agent of a public agency, shall**
27 **not implement or enforce any regulation or policy that may prevent, restrict,**

1 impede, or provide for any retaliation against the ability of either or both of the
2 following:

3 (a) Any person to travel across a state line for the purpose of obtaining a health
4 service that is lawful in the state in which the service is to be provided; or

5 (b) Any person, physician, health care provider, medical referral or counseling
6 agency, employer, or other individual or entity, to assist another person
7 traveling across a state line for the purpose of obtaining a health service
8 that is lawful in the state in which the service is to be provided.

9 (7) An action protected under this section shall not by itself constitute a violation of
10 KRS 529.100 or KRS 529.110.

11 (8) Nothing in this section shall be construed to create a right to the performance of
12 a health service in Kentucky that is otherwise prohibited by the laws of Kentucky.