

1 AN ACT relating to the COVID-19 pandemic and declaring an emergency.

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

3 ➔Section 1. (1) Notwithstanding any state law, administrative regulation,  
4 executive order, or executive directive to the contrary that is related to the COVID-19  
5 pandemic, each local school district shall provide the opportunity for full-day, in-person  
6 instruction to all students in accordance with the school calendar adopted under KRS  
7 158.070 when 80% of certified personnel and 80% of classified personnel within the  
8 school district are vaccinated for COVID-19. For purposes of this section, a person is  
9 considered vaccinated once they have received the required number of vaccine doses.

10 (2) Any school personnel who is provided the opportunity to receive the COVID-  
11 19 vaccine in accordance with the state's COVID-19 vaccine distribution plan but elects  
12 not to receive it shall be counted as vaccinated for purposes of determining the  
13 vaccination rates in subsection (1) of this section.

14 (3) Each local school district shall calculate its COVID-19 vaccination rates for  
15 certified and classified staff and make the data available to the public. If the local school  
16 district has a Web site, the information shall be posted on it and updated at least weekly  
17 until the vaccination rates described in subsection (1) of this section are met.

18 (4) A local school district may offer hybrid or remote instruction to students for  
19 whom the district receives a written request from the parent or guardian due to the  
20 COVID-19 public health emergency. A parent or guardian shall have the option to revoke  
21 the request and return the student to full-day, in person instruction at any time.

22 (5) A parent, guardian, or student aggrieved by a violation of this section may file  
23 an action against the local school district in the Circuit Court of the county in which the  
24 local school district is located seeking relief by declaratory judgment or injunction. The  
25 Circuit Court shall:

26 (a) Hold a hearing on the matter within 10 business days from the date the action  
27 is filed to determine whether the local school district has committed a violation of this

1 section; and

2 (b) Upon a showing by a preponderance of the evidence that the local school  
3 district has committed a violation of this section, issue a restraining order or a temporary  
4 or permanent injunction for the prevention or correction of a condition constituting a  
5 violation of this section.

6 ➔Section 2. (1) Notwithstanding any state law, administrative regulation,  
7 executive order, or executive directive to the contrary, no requirement regarding the  
8 wearing of face coverings or face masks in the Commonwealth related to the COVID-19  
9 pandemic shall be implemented or enforceable once the Kentucky adult population  
10 achieves a COVID-19 vaccination rate of 70% as determined by the Kentucky  
11 Department for Public Health.

12 (2) Any adult who is provided the opportunity to receive the COVID-19  
13 vaccination in accordance with the state's COVID-19 vaccine distribution plan but elects  
14 not to receive it shall be counted as vaccinated for purposes of determining the  
15 vaccination rate in subsection (1) of this section. The Department for Public Health shall  
16 establish the method for determining the availability of the COVID-19 vaccine to all  
17 adults in the Commonwealth and the number of those who elect to not receive it.

18 ➔Section 3. Whereas the citizens of the Commonwealth, and especially its  
19 children, have experienced significant negative consequences due to the restrictions  
20 imposed as a result of the COVID-19 pandemic, and the increasing evidence of long-term  
21 adverse impacts demands the ending of restrictions as COVID-19 vaccinations are  
22 administered, an emergency is declared to exist, and this Act takes effect upon its passage  
23 and approval by the Governor or upon its otherwise becoming a law. The provisions of  
24 this Act shall expire on February 29, 2024.