

1 AN ACT relating to health mandates in educational settings and declaring an
2 emergency.

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

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) Notwithstanding any state law, administrative regulation, executive order,*
7 *executive directive, school board policy, or school policy to the contrary, any*
8 *requirement that is imposed in response to the COVID-19 virus or any mutated*
9 *strain of the COVID-19 virus to:*

10 *(a) Wear any type of medical device, including but not limited to any type of*
11 *facial covering on any public school premises, on school-sponsored*
12 *transportation, or at a school-sponsored event; or*

13 *(b) Submit to any type of medical procedure or treatment, including but not*
14 *limited to any type of vaccination or testing;*
15 *shall provide a parent or guardian the opportunity to opt a student out of the*
16 *requirement for any reason.*

17 *(2) A parent or guardian that opts out in accordance with subsection (1) of this*
18 *section shall not be required to submit any type of certification or documentation*
19 *to secure an exemption from any requirement described in subsection (1) of this*
20 *section.*

21 *(3) Nothing in this section shall be interpreted to contradict the requirements of KRS*
22 *158.035 regarding certificates of immunization.*

23 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
24 READ AS FOLLOWS:

25 *(1) A public postsecondary education institution shall not impose any of the*
26 *following requirements in response to the COVID-19 virus or any mutated strain*
27 *of the COVID-19 virus on property located in the Commonwealth that is owned,*

1 leased, or operated by the institution that is not used for the delivery of medical or
2 dental services:

3 (a) The wearing of any type of medical device, including but not limited to any
4 type of facial covering; and

5 (b) Submission to any type of medical procedure or treatment, including but
6 not limited to any type of vaccination or testing.

7 (2) Nothing in this section shall be interpreted to prohibit an institution from
8 implementing or enforcing a requirement described in subsection (1) of this
9 section that is not responsive to the COVID-19 virus or mutated strand of the
10 COVID-19 virus, including but not limited to:

11 (a) A requirement in a postsecondary health care program that existed prior to
12 January 1, 2020; and

13 (b) A requirement necessary to maintain the integrity of the clinical research
14 conducted by the institution.

15 ➔Section 3. Whereas the ability of parents to opt children out of mandated
16 masking in educational settings has been unjustly subverted throughout the COVID-19
17 pandemic, an emergency is declared to exist, and this Act takes effect upon its passage
18 and approval by the Governor or upon its otherwise becoming a law.