CHAPTER 147

(SB 8)

AN ACT relating to exceptions to mandatory immunization requirements and declaring an emergency.

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

➔Section 1. KRS 214.036 is amended to read as follows:

(1) Nothing contained in KRS 158.035, 214.010, 214.020, 214.032 to 214.036, and 214.990 shall be construed to require***:***

(a) The testing for tuberculosis or the immunization of any child at a time when, in the written opinion of his ***or her attending health care provider*** ~~[attending physician]~~, such testing or immunization would be injurious to the child's health***;*** ~~[. Nor shall KRS 158.035, 214.010, 214.020, 214.032 to 214.036, and 214.990 be construed to require]~~

(b) The immunization of any child whose parents ***or guardian*** are opposed to medical immunization against disease, and who object by a written sworn statement to the immunization of such child ~~[on religious grounds. Provided, however, that]~~***based on religious grounds; or***

(c) ***The immunization of any emancipated minor or adult who is opposed to medical immunization against disease, and who objects by a written sworn statement to the immunization based on religious grounds.***

(2) In the event of an epidemic in a given area, the Cabinet for Health and Family Services may~~[, by emergency regulation,]~~ require the immunization of all persons within the area of epidemic, against the disease responsible for such epidemic***, except that any administrative regulation promulgated pursuant to KRS Chapter 13A, administrative order issued by the cabinet, or executive order issued pursuant to KRS Chapter 39A requiring such immunization shall not include:***

(a) ***The immunization of any child or adult for whom, in the written opinion of his or her attending health care provider, such testing or immunization would be injurious to his or her health;***

(b) ***The immunization of any child whose parents or guardians are opposed to medical immunization against disease and who object by a written sworn statement to the immunization based on religious grounds or conscientiously held beliefs; or***

(c) ***The immunization of any emancipated minor or adult who is opposed to medical immunization against disease, and who objects by a written sworn statement to the immunization based on religious grounds or conscientiously held beliefs***.

(3) ***The cabinet shall:***

(a) ***Develop and make available on its Web site a standardized form relating to exemptions in this section from the immunization requirements; and***

(b) ***Accept a completed standardized form when submitted.***

➔Section 2. Whereas the civil rights of Kentucky's citizens are to remain protected against mandatory immunization requirements during an epidemic, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Became law without Governor's signature March 29, 2021.