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

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

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

(1) (a) Any business, for-profit or not-for-profit organization, local government, association, or any school or school district, public, private, or religiously affiliated, may remain open and fully operational for in-person services so long as it adopts an operating plan that:

1. Meets or exceeds all applicable guidance issued by the Centers for Disease Control and Prevention or by the executive branch, whichever is least restrictive;

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

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

(b) The business, for-profit or not-for-profit organization, local government, association, or school or school district, whether public, private, or religiously affiliated,

may prepare the plan detailed in paragraph (a) of this subsection itself or may utilize a plan prepared by a local or state government agency, local or state chamber of commerce, trade association, or any other recognized affiliated organization; and

(c) No state or local agency shall enforce restrictions related to the state of emergency impacting the ability of the entities listed in this subsection to remain open and fully operational for in-person services that exceed current applicable guidelines issued by the Centers for Disease Control and Prevention or the executive branch, whichever is least restrictive.

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

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

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

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

(b) Allow visitation by essential personal care visitors;

(c) Require that, provided the residential long-term care facility is compliant with Kentucky State Health Department guidelines, essential care visitors assume the risk for

exposure to COVID-19 and other viruses;

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

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

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

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

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

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

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

216A.010 or a residential long-term care facility as defined in KRS 216.510 that:

(a) Set forth procedures for the designation of a family member or legal guardian whose visitation is important to the mental, physical, or social well-being of the resident during critical situations such as end of life, or in the instance of significant mental or social decline of the resident, or when exigent circumstances exist regarding a resident as an "essential compassionate care visitor";

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

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

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

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

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

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

➔Section 2. Whereas the economic impact of the state of emergency declared in response to COVID-19 on Kentucky's citizens and businesses is of the utmost

importance, 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.