

1 AN ACT relating to the protection of children.

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 *As used in Sections 1 to 5 of this Act:*

6 *(1) "Cross-sex hormones" means testosterone, estrogen, or other androgens given to*
7 *a person in amounts that are larger or more potent than would normally occur*
8 *naturally in a healthy person of the same age and sex;*

9 *(2) "Gender" means the psychological, behavioral, social, and cultural aspects of*
10 *being a person whose sex is male or female;*

11 *(3) "Gender-affirming care" includes treatments by health care providers that*
12 *support a gender transition;*

13 *(4) "Gender reassignment surgery" means any service that seeks to surgically alter*
14 *or remove physical or anatomical characteristics or features that are typical for a*
15 *person's sex in order to instill or create physiological or anatomical*
16 *characteristics that resemble a different sex, including but not limited to genital*
17 *or nongenital gender reassignment surgery performed for the purpose of*
18 *assisting a person with a gender transition;*

19 *(5) "Gender transition" means the process in which a person goes from identifying*
20 *with and living as a gender that corresponds to his or her sex to identifying with*
21 *and living as a different gender and may involve social, legal, or physical*
22 *changes;*

23 *(6) (a) "Gender transition services" means any service provided or performed by a*
24 *health care provider for the purpose of assisting a person with a gender*
25 *transition. Gender transition services include but are not limited to:*

26 *1. Inpatient and outpatient hospital services;*

27 *2. Prescribing or dispensing puberty-blocking drugs;*

1 3. Prescribing or dispensing cross-sex hormones;

2 4. Genital gender reassignment surgery; and

3 5. Nongenital gender reassignment surgery.

4 (b) "Gender transition services" do not include:

5 1. Services to persons born with a medically verifiable disorder of sex
6 development, including a person with external sex characteristics that
7 are irresolvably ambiguous, such as those born with forty-six (46) XX
8 chromosomes with virilization, forty-six (46) XY chromosomes with
9 undervirilization, or having both ovarian and testicular tissue;

10 2. Services provided to a person diagnosed by a physician after genetic or
11 biochemical testing as having a disorder of sexual development caused
12 by an abnormal sex chromosome structure, sex steroid production, or
13 sex steroid hormone action;

14 3. The acute and chronic treatment of any infection, injury, disease, or
15 disorder that has been caused by or exacerbated by the performance of
16 a gender transition service, whether or not the gender transition
17 service was performed in accordance with state and federal law or
18 whether or not funding for the gender transition procedure is
19 permissible under Sections 1 to 5, 6, and 8 of this Act; or

20 4. Services of a health care provider performed for the purpose of
21 tapering and discontinuing the use of puberty-blocking drugs and
22 cross-sex hormones prescribed to a person under the age of eighteen
23 (18) years;

24 (7) "Genital gender reassignment surgery" means a medical procedure performed
25 for the purpose of assisting a person with a gender transition, including but not
26 limited to surgical services such as:

27 (a) Surgeries that sterilize, including castration, vasectomy, hysterectomy,

1 oophorectomy, orchiectomy, and penectomy; and

2 (b) Surgeries that artificially construct tissue with the appearance of genitalia
3 that differs from the individual's sex, including metoidioplasty, phalloplasty,
4 and vaginoplasty;

5 (8) "Health care provider" means a:

6 (a) Health facility or service required to be licensed under KRS Chapter 216B;

7 (b) Physician, osteopath, or podiatrist licensed under KRS Chapter 311;

8 (c) Physician assistant regulated under KRS Chapter 311;

9 (d) Advanced practice registered nurse (APRN), licensed practical nurse (LPN),
10 or registered nurse (RN) licensed under KRS Chapter 314;

11 (e) Pharmacist and all sites or persons that are required to obtain a license,
12 certificate, or permit from the Board of Pharmacy under KRS Chapter 315;
13 and

14 (f) Pharmaceutical companies; manufacturers and distributors of puberty-
15 blocking drugs or cross-sex hormones as defined in this section; or any
16 other person or entity that dispenses, prescribes, or distributes such puberty-
17 blocking drugs or cross-sex hormones via courier, delivery, or mail service
18 for use by a person in the Commonwealth under the age of eighteen (18)
19 year;

20 (9) "Nongenital gender reassignment surgery" means medical services performed
21 for the purpose of assisting a person with a gender transition, including but not
22 limited to augmentation mammoplasty, subcutaneous mastectomy, liposuction,
23 lipofilling, thyroid cartilage reduction, gluteal augmentation, pectoral implants,
24 hair reconstruction, or various aesthetic services;

25 (10) "Puberty-blocking drugs" means gonadotropin-releasing hormone analogues or
26 other synthetic drugs used to stop luteinizing hormone and follicle stimulating
27 hormone secretion, synthetic antiandrogen drugs used to block the androgen

1 receptor, or any other drug used to delay or suppress pubertal development in
2 persons under the age of eighteen (18) years for the purpose of assisting those
3 persons with a gender transition;

4 (11) "Public funds" means any money, regardless of the original source of the money,
5 of:

6 (a) The Commonwealth of Kentucky, and any department, agency, or
7 instrumentality thereof;

8 (b) Any county, city, special district, and any department, agency, or
9 instrumentality thereof; and

10 (c) Any other political subdivision of the Commonwealth, and any department,
11 agency, or instrumentality thereof; and

12 (12) "Sex" means the biological state of being male or female based on a person's
13 chromosomes, in the absence of any of the medically verifiable disorders
14 described in subsection (6)(b) of this section.

15 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
16 READ AS FOLLOWS:

17 (1) The provision of one (1) or more gender transition services to a person under the
18 age of eighteen (18) years by a health care provider is unethical and
19 unprofessional conduct that establishes the provider is unfit to perform the duties
20 and discharge the responsibilities of his or her position or occupation.

21 (2) All licensing or certifying agencies for health care providers in accordance with
22 each agency's disciplinary and hearing process, shall:

23 (a) Investigate any report that a provider it licenses or certifies has provided
24 gender transition services to a person under the age of eighteen (18) years;
25 and

26 (b) Revoke the provider's licensure or certification if a report made under this
27 subsection is confirmed.

1 (3) A state, county, city, local government, special district, or any department,
2 agency, or instrumentality thereof, in accordance with each entity's disciplinary
3 and hearing process, shall:

4 (a) Investigate any report that a publicly funded health care provider has
5 rendered gender transition services to a person under the age of eighteen
6 (18) years; and

7 (b) Terminate the public funding of a health care provider if a report made
8 under this subsection is confirmed.

9 (4) A state, county, city, local government, special district, or any department,
10 agency, instrumentality thereof, shall terminate public funding for a health care
11 provider if the provider's licensure or certification is revoked under subsection
12 (2) of this section.

13 (5) This section shall constitute a complete defense to any and all claims, demands,
14 damages, actions, state judicial or administrative proceedings, or professional
15 licensing or disciplinary proceedings based on the refusal by a health care
16 provider to provide gender transition services to a person under the age of
17 eighteen (18) years.

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

20 (1) Notwithstanding any other provision of the law to the contrary, including KRS
21 214.185, health care providers that engage in the following activities shall be
22 jointly and severally liable for all damages and costs sustained by reason thereof:

23 (a) Providing gender transition services for a person under the age of eighteen
24 (18) years; or

25 (b) Dispensing, prescribing, or distributing any puberty-blocking drugs or
26 cross-sex hormones for the purpose of assisting a person under the age of
27 eighteen (18) years with gender transitioning.

1 (2) This section shall constitute a complete defense to any and all claims, demands,
2 damages, actions, state judicial or administrative proceedings, or professional
3 licensing or disciplinary proceedings based on the refusal by a health care
4 provider to provide gender transition services to a person under the age of
5 eighteen (18) years.

6 (3) Notwithstanding any other provision of the law to the contrary, including KRS
7 214.185, if any act in subsection (1) of this section results in personal injury, an
8 action may be brought by the person's parent or guardian before the person
9 attains the age of eighteen (18) years and may be brought by the person within
10 thirty (30) years after attaining the age of eighteen (18) years, except that:

11 (a) If, at the time the person attains the age of eighteen (18) years, he or she is
12 under other legal disability, the limitation period shall not begin to run until
13 the removal of the disability; and

14 (b) If, during any period of time, the person is subject to threats, intimidation,
15 manipulation, fraudulent concealment, or fraud perpetrated by the health
16 care provider who prescribed or otherwise provided gender transition
17 services or by any person acting in the interest of the health care provider,
18 the limitation period shall not run during this time period.

19 (4) The right of action for personal injury under this section shall not cease or die
20 with the person injuring or the person injured. An action may be brought or
21 revived under this section by the personal representative or against the personal
22 representative, heir, or devisee.

23 (5) In an action brought under this section:

24 (a) If the plaintiff prevails, he or she shall be entitled to reasonable costs and
25 attorney's fees;

26 (b) Compensatory damages may be awardable, including but not limited to:

27 1. Pain and suffering;

1 2. Loss of reputation;

2 3. Loss of income;

3 4. Loss of consortium between spouses;

4 5. Loss of consortium between parent and child; and

5 6. Loss of enjoyment of life, including the expectation or experience of
6 biological parenthood; and

7 (c) Injunctive, declaratory, punitive, and any other appropriate relief may be
8 awarded.

9 (6) Notwithstanding any other provision of law to the contrary, an action under this
10 section may be commenced and relief may be granted in a judicial proceeding
11 without regard to whether anyone commencing the action has sought or
12 exhausted available contractual or administrative remedies.

13 (7) Nothing in this section shall be construed as precluding legal action under any
14 other applicable statute.

15 (8) Qualified official immunity to suit and from liability are waived to the extent of
16 liability created by this section.

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

19 (1) Public funds shall not be directly or indirectly used, granted, paid, or distributed
20 to any entity, organization, or individual that provides gender transition services
21 to persons under the age of eighteen (18) years.

22 (2) Gender transition services shall not be provided to persons under the age of
23 eighteen (18) years by a health care provider owned, operated, or employed,
24 directly or indirectly, by the state, county, city, local government, special district,
25 or any department, agency, or employee or instrumentality thereof.

26 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO
27 READ AS FOLLOWS:

1 (1) The Attorney General may bring an action to enforce compliance with Section 2,
2 3, 4, 6, 7, 9, 11, 12, 13, or subsection (23) of Section 8 of this Act.

3 (2) Nothing in Section 2, 3, 4, 6, 7, 9, 11, 12, 13, or subsection (23) of Section 8 of
4 this Act shall deny, impair, or otherwise affect any right or authority of the
5 Attorney General, the Commonwealth of Kentucky, or any agency, officer, or
6 employee of the state, acting under any law other than this section, to institute or
7 intervene in any proceeding.

8 (3) No health care provider owned, operated, or employed, directly or indirectly, by
9 the state, county, city, local government, special district, or instrumentality
10 thereof, shall intervene in a legal proceeding brought to challenge Section 2, 3, 4,
11 6, 7, 9, 11, 12, 13, or subsection (23) of Section 8 of this Act.

12 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
13 READ AS FOLLOWS:

14 The Department for Medicaid Services and any managed care organization contracted
15 to provide Medicaid or Kentucky Children's Health Insurance Program benefits
16 pursuant to this chapter shall not reimburse or provide benefits or coverage for gender
17 transition services as defined in Section 1 of this Act for persons under the age of
18 eighteen (18) years.

19 ➔SECTION 7. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 304
20 IS CREATED TO READ AS FOLLOWS:

21 (1) As used in this section:

22 (a) "Gender transition services" has the same meaning as in Section 1 of this
23 Act; and

24 (b) "Insurer" includes any nongovernmental self-insurer, self-insured plan,
25 self-insured group, or other entity that reimburses or provides benefits or
26 coverage for health care services.

27 (2) To the extent permitted under federal law:

1 (a) If an insurer elects to reimburse or provide benefits or coverage for gender
2 transition services for persons under the age of eighteen (18) years, the
3 insurer shall:

4 1. Be jointly and severally liable for damages sustained as a result of the
5 gender transition services, notwithstanding any other provision of law
6 to the contrary, including KRS 214.185; and

7 2. Not require an insured or any other party to submit to arbitration a
8 claim under subparagraph 1. of this paragraph; and

9 (b) Any contractual arbitration clause contained in a policy, plan, certificate, or
10 contract that is in violation of this subsection shall be void and
11 unenforceable.

12 (3) Notwithstanding any other provision of the law to the contrary, including KRS
13 214.185, and to the extent permitted under federal law, if any act in subsection (2)
14 of this section results in personal injury, an action may be brought in the same
15 manner as the cause of action authorized in subsections (3) to (7) of Section 3 of
16 this Act.

17 ➔Section 8. KRS 18A.225 is amended to read as follows:

18 (1) (a) The term "employee" for purposes of this section means:

19 1. Any person, including an elected public official, who is regularly
20 employed by any department, office, board, agency, or branch of state
21 government; or by a public postsecondary educational institution; or by
22 any city, urban-county, charter county, county, or consolidated local
23 government, whose legislative body has opted to participate in the state-
24 sponsored health insurance program pursuant to KRS 79.080; and who
25 is either a contributing member to any one (1) of the retirement systems
26 administered by the state, including but not limited to the Kentucky
27 Retirement Systems, County Employees Retirement System, Kentucky

- 1 Teachers' Retirement System, the Legislators' Retirement Plan, or the
2 Judicial Retirement Plan; or is receiving a contractual contribution from
3 the state toward a retirement plan; or, in the case of a public
4 postsecondary education institution, is an individual participating in an
5 optional retirement plan authorized by KRS 161.567; or is eligible to
6 participate in a retirement plan established by an employer who ceases
7 participating in the Kentucky Employees Retirement System pursuant to
8 KRS 61.522 whose employees participated in the health insurance plans
9 administered by the Personnel Cabinet prior to the employer's effective
10 cessation date in the Kentucky Employees Retirement System;
- 11 2. Any certified or classified employee of a local board of education or a
12 public charter school as defined in KRS 160.1590;
- 13 3. Any elected member of a local board of education;
- 14 4. Any person who is a present or future recipient of a retirement
15 allowance from the Kentucky Retirement Systems, County Employees
16 Retirement System, Kentucky Teachers' Retirement System, the
17 Legislators' Retirement Plan, the Judicial Retirement Plan, or the
18 Kentucky Community and Technical College System's optional
19 retirement plan authorized by KRS 161.567, except that a person who is
20 receiving a retirement allowance and who is age sixty-five (65) or older
21 shall not be included, with the exception of persons covered under KRS
22 61.702(2)(b)3. and 78.5536(2)(b)3., unless he or she is actively
23 employed pursuant to subparagraph 1. of this paragraph; and
- 24 5. Any eligible dependents and beneficiaries of participating employees
25 and retirees who are entitled to participate in the state-sponsored health
26 insurance program;
- 27 (b) The term "health benefit plan" for the purposes of this section means a health

1 benefit plan as defined in KRS 304.17A-005;

2 (c) The term "insurer" for the purposes of this section means an insurer as defined
3 in KRS 304.17A-005; and

4 (d) The term "managed care plan" for the purposes of this section means a
5 managed care plan as defined in KRS 304.17A-500.

6 (2) (a) The secretary of the Finance and Administration Cabinet, upon the
7 recommendation of the secretary of the Personnel Cabinet, shall procure, in
8 compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090,
9 from one (1) or more insurers authorized to do business in this state, a group
10 health benefit plan that may include but not be limited to health maintenance
11 organization (HMO), preferred provider organization (PPO), point of service
12 (POS), and exclusive provider organization (EPO) benefit plans
13 encompassing all or any class or classes of employees. With the exception of
14 employers governed by the provisions of KRS Chapters 16, 18A, and 151B,
15 all employers of any class of employees or former employees shall enter into
16 a contract with the Personnel Cabinet prior to including that group in the state
17 health insurance group. The contracts shall include but not be limited to
18 designating the entity responsible for filing any federal forms, adoption of
19 policies required for proper plan administration, acceptance of the contractual
20 provisions with health insurance carriers or third-party administrators, and
21 adoption of the payment and reimbursement methods necessary for efficient
22 administration of the health insurance program. Health insurance coverage
23 provided to state employees under this section shall, at a minimum, contain
24 the same benefits as provided under Kentucky Kare Standard as of January 1,
25 1994, and shall include a mail-order drug option as provided in subsection
26 (13) of this section. All employees and other persons for whom the health care
27 coverage is provided or made available shall annually be given an option to

1 elect health care coverage through a self-funded plan offered by the
2 Commonwealth or, if a self-funded plan is not available, from a list of
3 coverage options determined by the competitive bid process under the
4 provisions of KRS 45A.080, 45A.085, and 45A.090 and made available
5 during annual open enrollment.

6 (b) The policy or policies shall be approved by the commissioner of insurance
7 and may contain the provisions the commissioner of insurance approves,
8 whether or not otherwise permitted by the insurance laws.

9 (c) Any carrier bidding to offer health care coverage to employees shall agree to
10 provide coverage to all members of the state group, including active
11 employees and retirees and their eligible covered dependents and
12 beneficiaries, within the county or counties specified in its bid. Except as
13 provided in subsection (20) of this section, any carrier bidding to offer health
14 care coverage to employees shall also agree to rate all employees as a single
15 entity, except for those retirees whose former employers insure their active
16 employees outside the state-sponsored health insurance program and as
17 otherwise provided in KRS 61.702(2)(b)3.b. and 78.5536(2)(b)3.b.

18 (d) Any carrier bidding to offer health care coverage to employees shall agree to
19 provide enrollment, claims, and utilization data to the Commonwealth in a
20 format specified by the Personnel Cabinet with the understanding that the data
21 shall be owned by the Commonwealth; to provide data in an electronic form
22 and within a time frame specified by the Personnel Cabinet; and to be subject
23 to penalties for noncompliance with data reporting requirements as specified
24 by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions
25 to protect the confidentiality of each individual employee; however,
26 confidentiality assertions shall not relieve a carrier from the requirement of
27 providing stipulated data to the Commonwealth.

- 1 (e) The Personnel Cabinet shall develop the necessary techniques and capabilities
2 for timely analysis of data received from carriers and, to the extent possible,
3 provide in the request-for-proposal specifics relating to data requirements,
4 electronic reporting, and penalties for noncompliance. The Commonwealth
5 shall own the enrollment, claims, and utilization data provided by each carrier
6 and shall develop methods to protect the confidentiality of the individual. The
7 Personnel Cabinet shall include in the October annual report submitted
8 pursuant to the provisions of KRS 18A.226 to the Governor, the General
9 Assembly, and the Chief Justice of the Supreme Court, an analysis of the
10 financial stability of the program, which shall include but not be limited to
11 loss ratios, methods of risk adjustment, measurements of carrier quality of
12 service, prescription coverage and cost management, and statutorily required
13 mandates. If state self-insurance was available as a carrier option, the report
14 also shall provide a detailed financial analysis of the self-insurance fund
15 including but not limited to loss ratios, reserves, and reinsurance agreements.
- 16 (f) If any agency participating in the state-sponsored employee health insurance
17 program for its active employees terminates participation and there is a state
18 appropriation for the employer's contribution for active employees' health
19 insurance coverage, then neither the agency nor the employees shall receive
20 the state-funded contribution after termination from the state-sponsored
21 employee health insurance program.
- 22 (g) Any funds in flexible spending accounts that remain after all reimbursements
23 have been processed shall be transferred to the credit of the state-sponsored
24 health insurance plan's appropriation account.
- 25 (h) Each entity participating in the state-sponsored health insurance program shall
26 provide an amount at least equal to the state contribution rate for the employer
27 portion of the health insurance premium. For any participating entity that used

1 the state payroll system, the employer contribution amount shall be equal to
2 but not greater than the state contribution rate.

3 (3) The premiums may be paid by the policyholder:

4 (a) Wholly from funds contributed by the employee, by payroll deduction or
5 otherwise;

6 (b) Wholly from funds contributed by any department, board, agency, public
7 postsecondary education institution, or branch of state, city, urban-county,
8 charter county, county, or consolidated local government; or

9 (c) Partly from each, except that any premium due for health care coverage or
10 dental coverage, if any, in excess of the premium amount contributed by any
11 department, board, agency, postsecondary education institution, or branch of
12 state, city, urban-county, charter county, county, or consolidated local
13 government for any other health care coverage shall be paid by the employee.

14 (4) If an employee moves his or her place of residence or employment out of the
15 service area of an insurer offering a managed health care plan, under which he or
16 she has elected coverage, into either the service area of another managed health care
17 plan or into an area of the Commonwealth not within a managed health care plan
18 service area, the employee shall be given an option, at the time of the move or
19 transfer, to change his or her coverage to another health benefit plan.

20 (5) No payment of premium by any department, board, agency, public postsecondary
21 educational institution, or branch of state, city, urban-county, charter county,
22 county, or consolidated local government shall constitute compensation to an
23 insured employee for the purposes of any statute fixing or limiting the
24 compensation of such an employee. Any premium or other expense incurred by any
25 department, board, agency, public postsecondary educational institution, or branch
26 of state, city, urban-county, charter county, county, or consolidated local
27 government shall be considered a proper cost of administration.

- 1 (6) The policy or policies may contain the provisions with respect to the class or classes
2 of employees covered, amounts of insurance or coverage for designated classes or
3 groups of employees, policy options, terms of eligibility, and continuation of
4 insurance or coverage after retirement.
- 5 (7) Group rates under this section shall be made available to the disabled child of an
6 employee regardless of the child's age if the entire premium for the disabled child's
7 coverage is paid by the state employee. A child shall be considered disabled if he or
8 she has been determined to be eligible for federal Social Security disability benefits.
- 9 (8) The health care contract or contracts for employees shall be entered into for a
10 period of not less than one (1) year.
- 11 (9) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of
12 State Health Insurance Subscribers to advise the secretary or the secretary's
13 designee regarding the state-sponsored health insurance program for employees.
14 The secretary shall appoint, from a list of names submitted by appointing
15 authorities, members representing school districts from each of the seven (7)
16 Supreme Court districts, members representing state government from each of the
17 seven (7) Supreme Court districts, two (2) members representing retirees under age
18 sixty-five (65), one (1) member representing local health departments, two (2)
19 members representing the Kentucky Teachers' Retirement System, and three (3)
20 members at large. The secretary shall also appoint two (2) members from a list of
21 five (5) names submitted by the Kentucky Education Association, two (2) members
22 from a list of five (5) names submitted by the largest state employee organization of
23 nonschool state employees, two (2) members from a list of five (5) names submitted
24 by the Kentucky Association of Counties, two (2) members from a list of five (5)
25 names submitted by the Kentucky League of Cities, and two (2) members from a
26 list of names consisting of five (5) names submitted by each state employee
27 organization that has two thousand (2,000) or more members on state payroll

1 deduction. The advisory committee shall be appointed in January of each year and
2 shall meet quarterly.

3 (10) Notwithstanding any other provision of law to the contrary, the policy or policies
4 provided to employees pursuant to this section shall not provide coverage for
5 obtaining or performing an abortion, nor shall any state funds be used for the
6 purpose of obtaining or performing an abortion on behalf of employees or their
7 dependents.

8 (11) Interruption of an established treatment regime with maintenance drugs shall be
9 grounds for an insured to appeal a formulary change through the established appeal
10 procedures approved by the Department of Insurance, if the physician supervising
11 the treatment certifies that the change is not in the best interests of the patient.

12 (12) Any employee who is eligible for and elects to participate in the state health
13 insurance program as a retiree, or the spouse or beneficiary of a retiree, under any
14 one (1) of the state-sponsored retirement systems shall not be eligible to receive the
15 state health insurance contribution toward health care coverage as a result of any
16 other employment for which there is a public employer contribution. This does not
17 preclude a retiree and an active employee spouse from using both contributions to
18 the extent needed for purchase of one (1) state sponsored health insurance policy
19 for that plan year.

20 (13) (a) The policies of health insurance coverage procured under subsection (2) of
21 this section shall include a mail-order drug option for maintenance drugs for
22 state employees. Maintenance drugs may be dispensed by mail order in
23 accordance with Kentucky law.

24 (b) A health insurer shall not discriminate against any retail pharmacy located
25 within the geographic coverage area of the health benefit plan and that meets
26 the terms and conditions for participation established by the insurer, including
27 price, dispensing fee, and copay requirements of a mail-order option. The

1 retail pharmacy shall not be required to dispense by mail.

2 (c) The mail-order option shall not permit the dispensing of a controlled
3 substance classified in Schedule II.

4 (14) The policy or policies provided to state employees or their dependents pursuant to
5 this section shall provide coverage for obtaining a hearing aid and acquiring hearing
6 aid-related services for insured individuals under eighteen (18) years of age, subject
7 to a cap of one thousand four hundred dollars (\$1,400) every thirty-six (36) months
8 pursuant to KRS 304.17A-132.

9 (15) Any policy provided to state employees or their dependents pursuant to this section
10 shall provide coverage for the diagnosis and treatment of autism spectrum disorders
11 consistent with KRS 304.17A-142.

12 (16) Any policy provided to state employees or their dependents pursuant to this section
13 shall provide coverage for obtaining amino acid-based elemental formula pursuant
14 to KRS 304.17A-258.

15 (17) If a state employee's residence and place of employment are in the same county,
16 and if the hospital located within that county does not offer surgical services,
17 intensive care services, obstetrical services, level II neonatal services, diagnostic
18 cardiac catheterization services, and magnetic resonance imaging services, the
19 employee may select a plan available in a contiguous county that does provide
20 those services, and the state contribution for the plan shall be the amount available
21 in the county where the plan selected is located.

22 (18) If a state employee's residence and place of employment are each located in
23 counties in which the hospitals do not offer surgical services, intensive care
24 services, obstetrical services, level II neonatal services, diagnostic cardiac
25 catheterization services, and magnetic resonance imaging services, the employee
26 may select a plan available in a county contiguous to the county of residence that
27 does provide those services, and the state contribution for the plan shall be the

1 amount available in the county where the plan selected is located.

2 (19) The Personnel Cabinet is encouraged to study whether it is fair and reasonable and
3 in the best interests of the state group to allow any carrier bidding to offer health
4 care coverage under this section to submit bids that may vary county by county or
5 by larger geographic areas.

6 (20) Notwithstanding any other provision of this section, the bid for proposals for health
7 insurance coverage for calendar year 2004 shall include a bid scenario that reflects
8 the statewide rating structure provided in calendar year 2003 and a bid scenario that
9 allows for a regional rating structure that allows carriers to submit bids that may
10 vary by region for a given product offering as described in this subsection:

11 (a) The regional rating bid scenario shall not include a request for bid on a
12 statewide option;

13 (b) The Personnel Cabinet shall divide the state into geographical regions which
14 shall be the same as the partnership regions designated by the Department for
15 Medicaid Services for purposes of the Kentucky Health Care Partnership
16 Program established pursuant to 907 KAR 1:705;

17 (c) The request for proposal shall require a carrier's bid to include every county
18 within the region or regions for which the bid is submitted and include but not
19 be restricted to a preferred provider organization (PPO) option;

20 (d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the
21 carrier all of the counties included in its bid within the region. If the Personnel
22 Cabinet deems the bids submitted in accordance with this subsection to be in
23 the best interests of state employees in a region, the cabinet may award the
24 contract for that region to no more than two (2) carriers; and

25 (e) Nothing in this subsection shall prohibit the Personnel Cabinet from including
26 other requirements or criteria in the request for proposal.

27 (21) Any fully insured health benefit plan or self-insured plan issued or renewed on or

1 after July 12, 2006, to public employees pursuant to this section which provides
2 coverage for services rendered by a physician or osteopath duly licensed under KRS
3 Chapter 311 that are within the scope of practice of an optometrist duly licensed
4 under the provisions of KRS Chapter 320 shall provide the same payment of
5 coverage to optometrists as allowed for those services rendered by physicians or
6 osteopaths.

7 (22) Any fully insured health benefit plan or self-insured plan issued or renewed to
8 public employees pursuant to this section shall comply with:

- 9 (a) KRS 304.12-237;
10 (b) KRS 304.17A-270 and 304.17A-525;
11 (c) KRS 304.17A-600 to 304.17A-633;
12 (d) KRS 205.593;
13 (e) KRS 304.17A-700 to 304.17A-730;
14 (f) KRS 304.14-135;
15 (g) KRS 304.17A-580 and 304.17A-641;
16 (h) KRS 304.99-123;
17 (i) KRS 304.17A-138;
18 (j) KRS 304.17A-148;
19 (k) KRS 304.17A-163 and 304.17A-1631; and
20 (l) Administrative regulations promulgated pursuant to statutes listed in this
21 subsection.

22 **(23) A fully insured health benefit plan or self-insured plan issued or renewed to**
23 **public employees pursuant to this section shall not reimburse or provide benefits**
24 **or coverage for gender transition services as defined in Section 1 of this Act for**
25 **persons under the age of eighteen (18) years.**

26 ➔Section 9. KRS 454.210 is amended to read as follows:

27 (1) As used in this section, "person" includes an individual, his **or her** executor,

1 administrator, or other personal representative, or a corporation, partnership,
2 association, or any other legal or commercial entity, who is a nonresident of this
3 Commonwealth.

4 (2) ~~{(a)—}~~A court may exercise personal jurisdiction over a person who is a party to a
5 civil action on any basis consistent with the Kentucky Constitution and the
6 Constitution of the United States, including but not limited to ~~{facts directly or by~~
7 ~~an agent, as to a claim arising from}~~ the person's:

8 ~~(a){1.}~~ Transacting any business in this Commonwealth;

9 ~~(b){2.}~~ Contracting to supply services or goods in this Commonwealth;

10 ~~(c){3.}~~ Causing tortious injury by an act or omission in this Commonwealth;

11 ~~(d){4.}~~ Causing tortious injury in this Commonwealth by an act or omission,
12 including but not limited to designing, manufacturing or marketing
13 products, including product components, outside this Commonwealth,
14 which are used or consumed in this Commonwealth or regularly available
15 for purchase in this Commonwealth ~~{outside this Commonwealth—}~~if he or
16 she regularly does or solicits business, or engages in any other persistent
17 course of conduct, or derives substantial revenue from goods used or
18 consumed or services rendered in this Commonwealth, provided that the
19 tortious injury occurring in this Commonwealth arises out of the doing or
20 soliciting of business or a persistent course of conduct or derivation of
21 substantial revenue within the Commonwealth;

22 ~~(e){5.}~~ Causing injury in this Commonwealth to any person by breach of
23 warranty expressly or impliedly made in the sale of goods outside this
24 Commonwealth when the seller knew such person would use, consume, or be
25 affected by, the goods in this Commonwealth, if he or she also regularly does
26 or solicits business, or engages in any other persistent course of conduct, or
27 derives substantial revenue from goods used or consumed or services rendered

1 in this Commonwealth;

2 ~~(f)~~^[6.] Having an interest in, using, or possessing real property in this
3 Commonwealth, providing the claim arises from the interest in, use of, or
4 possession of the real property, provided, however, that such in personam
5 jurisdiction shall not be imposed on a nonresident who did not himself or
6 herself voluntarily institute the relationship, and did not knowingly perform,
7 or fail to perform, the act or acts upon which jurisdiction is predicated;

8 ~~(g)~~^[7.] Contracting to insure any person, property, or risk located within this
9 Commonwealth at the time of contracting;

10 ~~(h)~~^[8.] Committing sexual intercourse in this state which intercourse causes the
11 birth of a child when:

12 1.~~[a.]~~ The father or mother or both are domiciled in this state;

13 2.~~[b.]~~ There is a repeated pattern of intercourse between the father and mother
14 in this state; or

15 3.~~[c.]~~ Said intercourse is a tort or a crime in this state; or

16 ~~(i)~~^[9.] Making a telephone solicitation, as defined in KRS 367.46951, or a
17 charitable solicitation as defined in KRS 367.650 via telecommunication, into
18 the Commonwealth.

19 ~~[(b) When jurisdiction over a person is based solely upon this section, only a claim~~
20 ~~arising from acts enumerated in this section may be asserted against him.]~~

21 (3) (a) When personal jurisdiction is authorized by this section, service of process
22 may be made:

23 1. In any manner authorized by the Kentucky Rules of Civil Procedure;

24 2. On such person, or any agent of such person, in any county in this
25 Commonwealth, where he or she may be found; or

26 3. On the Secretary of State who, for this purpose, shall be deemed to be
27 the statutory agent of the~~[such]~~ person.

- 1 (b) The clerk of the court in which the action is brought shall issue a summons
2 against the defendant named in the complaint. The clerk shall execute the
3 summons either by:
- 4 1. Sending by certified mail two (2) true copies to the Secretary of State
5 and shall also mail with the summons two (2) attested copies of
6 plaintiff's complaint; or
 - 7 2. Transmitting an electronically attested copy of the complaint and
8 summons to the Secretary of State via the Kentucky Court of Justice
9 electronic filing system.
- 10 (c) The Secretary of State shall, within seven (7) days of receipt thereof in his or
11 her office, mail a copy of the summons and complaint to the defendant at the
12 address given in the complaint. The letter shall be posted by certified mail,
13 return receipt requested, and shall bear the return address of the Secretary of
14 State. The clerk shall make the usual return to the court, and in addition the
15 Secretary of State shall make a return to the court showing that the acts
16 contemplated by this statute have been performed, and shall attach to his or
17 her return the registry receipt, if any. Summons shall be deemed to be served
18 on the return of the Secretary of State and the action shall proceed as provided
19 in the Rules of Civil Procedure.
- 20 (d) The clerk mailing the summons to the Secretary of State shall mail to him or
21 her, at the same time, a fee of ten dollars (\$10), which shall be taxed as costs
22 in the action. The fee for a summons transmitted electronically pursuant to
23 this subsection shall be transmitted to the Secretary of State on a periodic
24 basis.
- 25 (4) When the exercise of personal jurisdiction is authorized by this section, any action
26 or suit may be brought in the county wherein the plaintiff resides or where the cause
27 of action or any part thereof arose.

1 (5) A court of this Commonwealth may exercise jurisdiction on any other basis
2 authorized in the Kentucky Revised Statutes or by the Rules of Civil Procedure,
3 notwithstanding this section.

4 ➔Section 10. KRS 141.039 is amended to read as follows:

5 In the case of corporations:

- 6 (1) Gross income shall be calculated by adjusting federal gross income as defined in
7 Section 61 of the Internal Revenue Code as follows:
- 8 (a) Exclude income that is exempt from state taxation by the Kentucky
9 Constitution and the Constitution and statutory laws of the United States;
 - 10 (b) Exclude all dividend income;
 - 11 (c) Include interest income derived from obligations of sister states and political
12 subdivisions thereof;
 - 13 (d) Exclude fifty percent (50%) of gross income derived from any disposal of
14 coal covered by Section 631(c) of the Internal Revenue Code if the
15 corporation does not claim any deduction for percentage depletion, or for
16 expenditures attributable to the making and administering of the contract
17 under which such disposition occurs or to the preservation of the economic
18 interests retained under such contract;
 - 19 (e) Include the amount calculated under KRS 141.205;
 - 20 (f) Ignore the provisions of Section 281 of the Internal Revenue Code in
21 computing gross income;
 - 22 (g) Include the amount of depreciation deduction calculated under 26 U.S.C. sec.
23 167 or 168; and
 - 24 (h) Allow the same treatment allowed under Pub. L. No. 116-260, secs. 276 and
25 278, related to the tax treatment of forgiven covered loans, deductions
26 attributable to those loans, and tax attributes associated with those loans for
27 taxable years ending on or after March 27, 2020, but before January 1, 2022;

1 and

2 (2) Net income shall be calculated by:

3 (a) Subtracting from gross income:

4 1.~~1.(a)~~ The deduction for depreciation allowed by KRS 141.0101;

5 2.~~1.(b)~~ Any amount paid for vouchers or similar instruments that provide
6 health insurance coverage to employees or their families;

7 3.~~1.(c)~~ All the deductions from gross income allowed corporations by
8 Chapter 1 of the Internal Revenue Code, as modified by KRS 141.0101,
9 except:

10 a.~~1.~~ Any deduction for a state tax which is computed, in whole or in
11 part, by reference to gross or net income and which is paid or
12 accrued to any state of the United States, the District of Columbia,
13 the Commonwealth of Puerto Rico, any territory or possession of
14 the United States, or to any foreign country or political subdivision
15 thereof;

16 b.~~2.~~ The deductions contained in Sections 243, 245, and 247 of the
17 Internal Revenue Code;

18 c.~~3.~~ The provisions of Section 281 of the Internal Revenue Code shall
19 be ignored in computing net income;

20 d.~~4.~~ Any deduction directly or indirectly allocable to income which is
21 either exempt from taxation or otherwise not taxed under the
22 provisions of this chapter, except for deductions allowed under
23 Pub. L. No. 116-260, secs. 276 and 278, related to the tax
24 treatment of forgiven covered loans and deductions attributable to
25 those loans for taxable years ending on or after March 27, 2020,
26 but before January 1, 2022, and nothing in this chapter shall be
27 construed to permit the same item to be deducted more than once;

~~e.~~^{5.} Any deduction for amounts paid to any club, organization, or establishment which has been determined by the courts or an agency established by the General Assembly and charged with enforcing the civil rights laws of the Commonwealth, not to afford full and equal membership and full and equal enjoyment of its goods, services, facilities, privileges, advantages, or accommodations to any person because of race, color, religion, national origin, or sex, except nothing shall be construed to deny a deduction for amounts paid to any religious or denominational club, group, or establishment, or any organization operated solely for charitable or educational purposes which restricts membership to persons of the same religion or denomination in order to promote the religious principles for which it is established and maintained;

~~f.~~^{6.} Any deduction prohibited by KRS 141.205; and

~~g.~~^{7.} Any dividends-paid deduction of any captive real estate investment trust;~~and~~

4. ~~a.~~^{(d)1.} A deferred tax deduction in an amount computed in accordance with this ~~subparagraph~~^{paragraph}.

~~b.~~^{2.} For purposes of this ~~subparagraph~~^{paragraph}:

~~i.~~^{a.} "Net deferred tax asset" means that deferred tax assets exceed the deferred tax liabilities of the combined group, as computed in accordance with accounting principles generally accepted in the United States of America; and

~~ii.~~^{b.} "Net deferred tax liability" means deferred tax liabilities that exceed the deferred tax assets of a combined group as defined in KRS 141.202, as computed in accordance with

1 accounting principles generally accepted in the United States
2 of America.

3 ~~c.[3.]~~ Only publicly traded companies, including affiliated corporations
4 participating in the filing of a publicly traded company's financial
5 statements prepared in accordance with accounting principles
6 generally accepted in the United States of America, as of January
7 1, 2019, shall be eligible for this deduction.

8 ~~d.[4.]~~ If the provisions of KRS 141.202 result in an aggregate increase to
9 the member's net deferred tax liability, an aggregate decrease to
10 the member's net deferred tax asset, or an aggregate change from a
11 net deferred tax asset to a net deferred tax liability, the combined
12 group shall be entitled to a deduction, as determined in this
13 paragraph.

14 ~~e.[5.]~~ For ten (10) years beginning with the combined group's first
15 taxable year beginning on or after January 1, 2024, a combined
16 group shall be entitled to a deduction from the combined group's
17 entire net income equal to one-tenth (1/10) of the amount
18 necessary to offset the increase in the net deferred tax liability,
19 decrease in the net deferred tax asset, or aggregate change from a
20 net deferred tax asset to a net deferred tax liability. The increase in
21 the net deferred tax liability, decrease in the net deferred tax asset,
22 or the aggregate change from a net deferred tax asset to a net
23 deferred tax liability shall be computed based on the change that
24 would result from the imposition of the combined reporting
25 requirement under KRS 141.202, but for the deduction provided
26 under this subparagraph~~[paragraph]~~ as of June 27, 2019.

27 ~~f.[6.]~~ The deferred tax impact determined in subdivision

1 ~~e.[subparagraph 5.]~~ of this subparagraph~~[paragraph]~~ shall be
2 converted to the annual deferred tax deduction amount, as follows:

3 ~~i.[a.]~~ The deferred tax impact determined in subparagraph 5. of
4 this paragraph shall be divided by the tax rate determined
5 under KRS 141.040;

6 ~~ii.[b.]~~ The resulting amount shall be further divided by the
7 apportionment factor determined by KRS 141.120 or
8 141.121 that was used by the combined group in the
9 calculation of the deferred tax assets and deferred tax
10 liabilities as described in subdivision e.~~[subparagraph 5.]~~ of
11 this subparagraph~~[paragraph]~~; and

12 ~~iii.[c.]~~ The resulting amount represents the total net deferred tax
13 deduction available over the ten (10) year period as
14 described in subparagraph 5. of this paragraph.

15 ~~g.[7.]~~ The deduction calculated under this subdivision~~[paragraph]~~ shall
16 not be adjusted as a result of any events happening subsequent to
17 the calculation, including but not limited to any disposition or
18 abandonment of assets. The deduction shall be calculated without
19 regard to the federal tax effect and shall not alter the tax basis of
20 any asset. If the deduction under this section is greater than the
21 combined group's entire Kentucky net income, any excess
22 deduction shall be carried forward and applied as a deduction to
23 the combined group's entire net income in future taxable years
24 until fully utilized.

25 ~~h.[8.]~~ Any combined group intending to claim a deduction under this
26 subdivision~~[paragraph]~~ shall file a statement with the department
27 on or before July 1, 2019. The statement shall specify the total

1 amount of the deduction which the combined group claims on the
2 form, including calculations and other information supporting the
3 total amounts of the deduction as required by the department. No
4 deduction shall be allowed under this subdivision~~[paragraph]~~ for
5 any taxable year, except to the extent claimed on the timely filed
6 statement in accordance with this subdivision~~[paragraph]~~: and

7 **(b) Adding to gross income any deduction directly or indirectly related to the**
8 **provision of gender transition services as defined in Section 1 of this Act for**
9 **a person under the age of eighteen (18) years.**

10 ➔Section 11. KRS 213.121 is amended to read as follows:

- 11 (1) A certificate or report registered under this chapter may be amended only in
12 accordance with this section and administrative regulations adopted by the cabinet
13 to protect the integrity and accuracy of vital records.
- 14 (2) A certificate or report that is amended under this section shall be marked
15 "amended," except as otherwise provided in this section. The date of amendment
16 and a summary description of the evidence submitted in support of the amendment
17 shall be endorsed on or made a part of the record. The cabinet shall prescribe by
18 administrative regulation the conditions under which additions or minor corrections
19 may be made to certificates or records within one (1) year after the date of the event
20 without the certificate or record being marked "amended."
- 21 (3) Upon written request of both parents and receipts of a sworn acknowledgment of
22 paternity signed by both parents of a child born to an unmarried woman, the state
23 registrar shall amend the certificate of birth to show the paternity, if paternity is not
24 already shown on the certificate of birth. The certificate shall not be marked
25 "amended."
- 26 (4) Upon receipt of a certified copy of an order of a court changing the name of a
27 person born in the Commonwealth and upon request of the person or the person's

1 parents, guardian, or legal representative, the state registrar shall amend the
2 certificate of birth to show the new name.

3 (5) Upon receipt of a sworn statement by a licensed physician indicating that the
4 gender of an individual born in the Commonwealth has been changed by surgical
5 procedure and a certified copy of an order of a court of competent jurisdiction
6 changing that individual's name, the certificate of birth of the individual shall be
7 amended as prescribed by regulation to reflect the change.

8 **(6) Notwithstanding subsections (4) and (5) of this section, a certificate or report**
9 **registered under this chapter shall not be amended if the purpose is to assist a**
10 **person under the age of eighteen (18) years with a gender transition as defined in**
11 **Section 1 of this Act.**

12 ➔Section 12. KRS 401.020 is amended to read as follows:

13 **(1)** Both parents, provided both are living, or one (1) parent if one (1) is deceased, or if
14 no parent is living, the guardian, may have the name of a child under the age of
15 eighteen (18) changed by the District Court, or if the Family Court or Circuit Court
16 has a case before it involving the family, the Family Court of a county with a
17 Family Court, or the Circuit Court of a county without a Family Court of the county
18 in which the child resides. However, if one (1) parent refuses or is unavailable to
19 execute the petition, proper notice of filing the petition shall be served in
20 accordance with the Rules of Civil Procedure. If the child resides on a United States
21 Army post, military reservation, or fort, his or her name may be changed by the
22 District Court, or the Family Court of a county with a Family Court, or the Circuit
23 Court of a county without a Family Court of any county adjacent thereto.

24 **(2) A name change under subsection (1) of this section shall not be approved by any**
25 **court if the court finds that the purpose of the requested name change is to assist**
26 **a person under the age of eighteen (18) years with a gender transition as defined**
27 **in Section 1 of this Act.**

1 ➔SECTION 13. A NEW SECTION OF KRS CHAPTER 600 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) Any classification of the sex of any person under the age of eighteen (18) years
4 under KRS Chapters 600 to 645 shall be the person's sex as defined in Section 1
5 of this Act.

6 (2) The Department of Juvenile Justice shall not classify the sex of any detained
7 person under the age of eighteen (18) years to be a sex that is inconsistent with
8 his or her sex as defined in Section 1 of this Act.

9 ➔Section 14. If any provision of this Act or the application thereof to any person
10 or circumstance is held invalid, the invalidity shall not affect the other provisions or
11 applications of the Act that can be given effect without the invalid provision or
12 application, and to this end the provisions of this Act are severable.

13 ➔Section 15. This Act may be cited as the Do No Harm Act.