GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2022 REGULAR SESSION

SENATE BILL NO. 25

AS ENACTED

THURSDAY, JANUARY 13, 2022

RECEIVED AND FILED
DATE January 14, 2022
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MICHAEL G. ADAMS
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Heather S. Quinn

1 AN ACT relating to actions in response to the SARS-COV-2 virus and declaring an
2 emergency.
3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***
4 ➔Section 1. All SARS-COV-2-related executive orders issued by the Governor
5 and all executive actions and administrative orders, administrative regulations, or other
6 administrative actions not specifically extended by this Act are of no further force or
7 effect as of the effective date of this Act.
8 ➔Section 2. The General Assembly hereby approves, extends, and in some cases
9 modifies as stated, the following executive orders and declares that the same shall be in
10 effect until and expire on April 14, 2022:
11 (1) 2020 Executive Order 2020-215 only to the extent necessary to:
12 (a) Secure current or future federal funding, including reimbursements, related to
13 the SARS-COV-2 virus;
14 (b) Preserve the protections and status afforded by 2021 RS SB 5, 2021 Ky. Acts
15 ch. 205; and
16 (c) Extend 2020 RS SB 150, 2020 Ky. Acts ch. 73, until April 14, 2022, to the
17 extent the provisions are not superseded by statute or administrative
18 regulation, except that Section 1(4) of 2020 RS SB 150, 2020 Ky. Acts ch. 73,
19 shall be in effect until and expire on May 15, 2022, to the extent the
20 provisions are not superseded by statute or administrative regulation;
21 (2) 2020 Executive Order 2020-220, related to health insurers waiving costs for certain
22 screening, testing, and immunizations;
23 (3) 2020 Executive Order 2020-243 only to the extent set forth herein:
24 (a) Encourages social distancing among citizens; and
25 (b) Allows state agencies to:
26 1. Encourage social distancing;
27 2. Provide and conduct services by mail, Internet, phone, and/or video

1 conferencing;
2 3. Extend licenses, credentials, or certificates that require in-person
3 appearances or education for renewal;
4 4. Permit education and continuing education to be satisfied online;
5 5. Extend deadlines for statutory or regulatory reporting; and
6 6. Extend deadlines for payments of fees, taxes, and assessments, and
7 waive late payment penalties incurred;
8 (4) 2020 Executive Order 2020-265, allowing retired first responders returning to work;
9 (5) 2020 Executive Order 2020-266, allowing retired state employees returning to
10 work, except the provisions in paragraphs 8 and 9;
11 (6) 2020 Executive Order 2020-277, providing temporary disability from certain
12 occupational exposures, except the provisions in paragraph 3;
13 (7) Notwithstanding any statutory provisions to the contrary, 2021 Executive Order
14 2021-665, related to price gouging;
15 (8) Notwithstanding any statutory provisions to the contrary, 2021 Executive Order
16 2021-666, related to the dispensing of pharmaceuticals; and
17 (9) Secretary of the Governor's Executive Cabinet Order, dated April 24, 2020, related
18 to the "practice of pharmacy" including initiating, ordering, and administering
19 certain testing.
20 ➔Section 3. The General Assembly hereby approves, ratifies, modifies, and
21 extends the following executive actions and administrative regulations issued by a
22 cabinet, agency, or department until April 14, 2022:
23 (1) Labor Cabinet Administrative Order 2020-001, dated April 10, 2020, related to the
24 allowing of digital signatures to facilitate workers' compensation matters;
25 (2) Cabinet for Health and Family Services Order, dated July 8, 2021, eliminating the
26 requirement of a clinician's order to administer, bill, or insure certain testing and
27 prohibiting cost-sharing;

1 (3) Education and Workforce Development Administrative Order 2020-02, dated
2 March 25, 2020, paragraphs 5, 7, 9, and 10 only, related to the filing of
3 unemployment claims, access to benefits, and funding the Unemployment Insurance
4 Trust Fund;
5 (4) Education and Workforce Development Administrative Order 2020-07, dated July
6 30, 2020, related to unemployment insurance clarification that Education and
7 Workforce Development Administrative Order 2020-02 does not supersede federal
8 law;
9 (5) Labor Cabinet Administrative Order 2021-02, dated May 24, 2021, related to
10 permitting auto industry employers to file electronically for unemployment
11 insurance benefits for employees with recall rights;
12 (6) Personnel Cabinet Memorandum No. 21-14, dated August 5, 2021, except that the
13 annual leave shall be leave only and shall not be credited for compensation;
14 (7) Cabinet for Health and Family Services Directive, dated August 18, 2021, related to
15 out-of-state medical providers providing certain services;
16 (8) Cabinet for Health and Family Services Directive, dated August 8, 2021, related to
17 certain testing waivers;
18 (9) The Department of Financial Institutions Guidance for conducting business during a
19 pandemic issued June 5, 2021, and any extension, but not including Section 2 of the
20 Guidance;
21 (10) The Department of Financial Institutions Guidance, undated, related to waiving the
22 requirement for physical signatures on U4 forms and updates on annual filings;
23 (11) 201 KAR 8:505E, Administration of certain immunizations;
24 (12) Energy and Environment Cabinet Emergency Bulletin to all solid waste
25 management facilities from the secretary of the Energy and Environment Cabinet,
26 dated March 26, 2020, related to the response to the request of the National Waste
27 and Recycling Association dated March 24, 2020, asking that the Department for

1 Environmental Protection consider granting relief or flexibility to certain
2 administrative regulations concerning the handling, storage, and disposal of solid
3 waste and recycling materials;
4 (13) Energy and Environment Cabinet Memorandum to the staff of the Department of
5 Environmental Protection, for dissemination, from the secretary of the Energy and
6 Environment Cabinet, dated March 26, 2020, related to waste water operators
7 certification;
8 (14) Energy and Environment Cabinet Memorandum to Department of Natural
9 Resources staff, for dissemination, from the secretary of the Energy and
10 Environment Cabinet, dated May 4, 2020, related to the extension of miner training
11 deadlines;
12 (15) Energy and Environment Cabinet Memorandum to the Department for Natural
13 Resources staff, for dissemination, from the secretary of the Energy and
14 Environment Cabinet, dated January 25, 2021, related to temporary master logger
15 designations and master logger designations;
16 (16) Public Protection Cabinet Order dated April 7, 2020, related to the temporary
17 suspension of the building code for hospital overflow areas;
18 (17) Department of Insurance Order, dated March 18, 2020, related to telehealth remote
19 communications and the prior relationship requirement;
20 (18) Cabinet for Health and Family Services, Office of the Secretary Order, dated April
21 6, 2020, related to Cabinet approval for a waiver if state law requirements are more
22 stringent than HHS 1135 blanket waivers; and
23 (19) Labor Cabinet Administrative Order 2020-04, dated December 15, 2020, related to
24 unemployment insurance reserve ratios for employers with 100 or fewer employees,
25 but not including section 3.
26 ➔Section 4. The General Assembly intends that the Commonwealth's boards and
27 commissions return to normal operations, especially with respect to licensing and

1 continuing education, and hereby approves, ratifies, and extends until April 14, 2022, and
2 no further, the following administrative actions issued by boards, commissions,
3 corporations, and authorities in response to the SARS-COV-2 virus, which extension will
4 give the boards and commissions listed below a period of time to transition back to
5 normal operations:
6 (1) Board of Veterinary Examiners Order, dated April 16, 2020, only to the extent that
7 the order fulfills the objectives of subsection (3) of Section 2 of this Act;
8 (2) Kentucky Applied Behavior Analysis Licensing Board Order, dated March 23,
9 2020, related to telehealth services;
10 (3) Kentucky Board of Alcohol and Drug Counselors Order, dated April 2, 2020,
11 related to licensure renewal deadlines;
12 (4) Kentucky Board of Licensed Diabetes Educators Order, dated July 21, 2020, related
13 to social distancing and telework;
14 (5) Kentucky Board of Licensure for Long-Term Care Administrators Orders, dated
15 May 29, 2020, and March 26, 2021, related to continuing education and licensure;
16 (6) Kentucky Board of Licensed Professional Counselors Order, dated April 2, 2020,
17 allowing distance counseling;
18 (7) Kentucky Board of Licensure for Marriage and Family Therapists Order, dated
19 March 31, 2020, allowing telework;
20 (8) Kentucky Board of Licensure for Occupational Therapy Order, dated March 24,
21 2020, allowing telehealth;
22 (9) Kentucky Board of Licensure for Private Investigators Order, dated June 10, 2020,
23 allowing a grace period for licensure;
24 (10) Kentucky Board of Examiners of Psychology Orders, dated March 25, 2020, June 8,
25 2020, and August 3, 2020, related to licensure, continuing education, and telehealth;
26 (11) Kentucky Board of Speech-Language Pathology and Audiology Orders, dated
27 March 25, 2020, and June 25, 2020, related to licensure and telehealth;

1 (12) Kentucky Board of Interpreters for Deaf and Hard of Hearing Order, dated April 27,
2 2020, related to fees, licensure, and continuing education;
3 (13) Kentucky Licensing Board for Specialists in Hearing Instruments Order, dated May
4 21, 2021, related to licensure and continuing education;
5 (14) Kentucky Board of Barbering Order, to the extent that the order fulfills the
6 objectives of subsection (3) of Section 2 of this Act;
7 (15) Kentucky Board of Licensure for Massage Therapy Order, dated May 11, 2020,
8 related to licensure;
9 (16) Board of Pharmacy Order, dated April 24, 2020, related to the suspension of
10 administrative regulations which relate to in-person work;
11 (17) Board of Dentistry Order, dated April 17, 2020, to the extent that the order fulfills
12 the objectives of subsection (3) of Section 2 of this Act;
13 (18) Board of Nursing Emergency Memoranda, dated March 5, 2021, August 26, 2020,
14 April 17, 2020, and March 27, 2020, related to clinical education, APRN licensure,
15 and temporary licensure;
16 (19) Board of Social Work Memorandum, dated March 30, 2020, related to licensure
17 and out-of-state practitioners;
18 (20) Board of Licensure for Pastoral Counselors action, dated April 24, 2020, related to
19 licensure;
20 (21) Board of Licensure for Dieticians and Nutritionists actions, dated March 30, 2020,
21 March 25, 2020, and October 30, 2019, related to licensure, telehealth, and
22 continuing education;
23 (22) Board of Durable Medical Equipment Suppliers action, dated May 19, 2020, related
24 to license renewals;
25 (23) Kentucky Board of Podiatry actions, dated April 13, 2021, and July 28, 2020,
26 related to a fee waiver;
27 (24) Board of Prosthetics, Orthotics, and Pedorthics action, dated May 26, 2020, related

1 to telehealth and continuing education;
2 (25) Board of Respiratory Care undated action premised on the August 18, 2021,
3 Cabinet for Health and Family Services directive, related to licensure;
4 (26) Board of Licensure for Professional Art Therapists action, dated May 13, 2020,
5 related to licensure;
6 (27) Board of Emergency Medical Services:
7 (a) 202 KAR 7:201, First responders;
8 (b) 202 KAR 7:301, EMT;
9 (c) 202 KAR 7:330, Requirements for examination, certification, and
10 recertification of the advanced emergency medical technician;
11 (d) 202 KAR 7:401, Paramedics;
12 (e) 202 KAR 7:501, Ambulance agency licensure;
13 (f) 202 KAR 7:510, Air ambulance services;
14 (g) 202 KAR 7:540, EMS data collection, management, and compliance;
15 (h) 202 KAR 7:545, License classifications;
16 (i) 202 KAR 7:550, Required equipment and vehicle standards;
17 (j) 202 KAR 7:555, Ground agencies;
18 (k) 202 KAR 7:560, Ground vehicle staff;
19 (l) 202 KAR 7:601, Training, education, and continuing education;
20 (m) 202 KAR 7:701, Scope of practice matters; and
21 (n) 202 KAR 7:801, Medical directors; and
22 (28) Kentucky Board of Home Inspectors action, dated August 18, 2020, related to
23 licensure.
24 ➔Section 5. The General Assembly hereby approves, ratifies, modifies, and
25 extends 803 KAR 25:305E, Workers' compensation expedited hearing pursuant to
26 occupational exposure, issued by the Department of Workers' Claims, until June 25,
27 2022.

1 ➔Section 6. The General Assembly hereby approves, ratifies, modifies, and
2 extends the following executive actions and administrative regulations issued by a
3 cabinet, agency, or department until June 28, 2022:
4 (1) 200 KAR 17:110E Guidelines for Kentucky Infrastructure Authority Drinking
5 Water and Wastewater Grant Program, unless it is replaced earlier by an ordinary
6 administrative regulation pursuant to KRS 13A.190, in which case it should expire
7 upon the ordinary administrative regulation becoming effective;
8 (2) 201 KAR 12:082E, Education requirements and school administration, unless it is
9 replaced earlier by an ordinary administrative regulation pursuant to KRS 13A.190,
10 in which case it should expire upon the ordinary administrative regulation becoming
11 effective;
12 (3) 803 KAR 2:330E, Occupational exposure to COVID-19;
13 (4) 902 KAR 2:230E, COVID-19 antibody administration center;
14 (5) 902 KAR 2:240E, COVID-19 test acquisition and distribution;
15 (6) 902 KAR 2:250E, COVID-19 vaccine storage; and
16 (7) 902 KAR 20:460E, Essential visitor programs; visitation guidelines for long-term
17 care facilities.
18 ➔Section 7. The General Assembly hereby approves, ratifies, modifies, and
19 extends 201 KAR 2:412E, Ordering and administering vaccinations, issued by the Board
20 of Pharmacy until July 9, 2022.
21 ➔Section 8. The General Assembly hereby approves, ratifies, modifies, and
22 extends 921 KAR 4:122E, Assistance for low-income households with water or
23 wastewater utility arrears, issued by the Department for Community Based Services
24 pursuant to KRS 13A.190, until:
25 (1) August 28, 2022;
26 (2) September 28, 2022, if the statement of consideration filing date is extended for the
27 ordinary administrative regulation; or

1 (3) It is replaced earlier by an ordinary administrative regulation, in which case it
2 should expire upon the ordinary administrative regulation becoming effective.
3 ➔Section 9. All executive orders, cabinet and agency orders, guidances,
4 memoranda, directives, or actions identified herein but not identified in 2021 SS HJR 1
5 shall be forwarded to the Secretary of State for posting prominently on the Secretary of
6 State's Web site.
7 ➔Section 10. Upon the expiration of a SARS-COV-2-related executive order,
8 other directive, or administrative regulation declaring an emergency or other
9 implementation of powers under KRS Chapter 39A, the Governor shall not declare a new
10 SARS-COV-2-related emergency or continue to implement any of the powers under KRS
11 Chapter 39A based upon the same or substantially similar facts and circumstances as the
12 original declaration or implementation without the prior approval of the General
13 Assembly.
14 ➔Section 11. If any suspension of statutes is included in the executive or
15 administrative actions identified herein, prior approval of the Attorney General shall be
16 obtained as required by KRS 39A.180.
17 ➔Section 12. (1) Notwithstanding any other statute or administrative
18 regulation to the contrary, a school district may temporarily assign students at the school,
19 grade, classroom, or student group level to remote instruction due to significant absences
20 of students or staff related to the COVID-19 pandemic until June 30, 2022.
21 (2) With prior authorization from the local board of education, the decision to
22 temporarily assign students to remote instruction shall be at the discretion of the
23 superintendent. The temporary assignment to remote instruction shall be no longer than is
24 necessary to alleviate student and staff absences due to COVID-19.
25 (3) Remote instruction may be provided to each school in a school district,
26 including to a particular grade, classroom, or group of students within the school, for up
27 to 10 days per school under this section. A school district shall not temporarily assign

1 every student in the district to remote instruction under this section, unless all students in
2 the school district are located in a single school facility.
3 (4) Students temporarily assigned to remote instruction shall receive at least the
4 minimum daily instruction required pursuant to KRS 158.060, which shall include the
5 content standards as provided in the Kentucky Academic Standards.
6 (5) Remote instruction provided under this section shall not be counted against
7 student attendance days authorized under a school district's approved nontraditional
8 instruction plan.
9 (6) The provisions of this section shall be retroactive to January 1, 2022.
10 ➔Section 13. (1) Notwithstanding 2021 (1st Extra. Sess.) Ky. Acts ch. 4, sec.
11 9, and notwithstanding any provision of KRS 161.605 or 161.612 to the contrary, for the
12 time period occurring on or after the effective date of this Act and until June 30, 2022, the
13 following shall apply to retirees who retired from the Teachers' Retirement System on or
14 before August 1, 2021, and who subsequently return to employment for a local board of
15 education in a full-time or part-time certified or classified position, or in a position
16 providing substitute certified or classified services:
17 (a) The separation of service required shall be a bona fide separation of at least
18 one month for retirees returning to work in a full-time, part-time, or substitute certified or
19 classified position with a local board of education. The system shall not be able to extend
20 the break in employment as provided by this paragraph unless an extension is needed due
21 to a conflict with federal law as described in subsection (4) of this section;
22 (b) The critical shortage program limitations on the number of retirees
23 reemployed under the program by a local school district as provided by KRS
24 161.605(8)(a) shall be increased to a maximum number of 10 percent of the total active
25 members employed by the local school district on a full-time basis as defined under KRS
26 161.220(21); and
27 (c) Other than the temporary adjustments provided in this subsection, all other

1 provisions of KRS 161.220 to 161.716 and 161.990 shall apply.
2 (2) The provisions of subsection (1) of this section shall expire on June 30, 2022.
3 Upon expiration of these temporary provisions, any future reemployment or ongoing
4 reemployment of retirees subject to the provisions of subsection (1) of this section shall,
5 for such future or ongoing reemployment occurring after June 30, 2022, be subject to
6 KRS 161.605, including the existing limitations on the critical shortage program, except
7 that a retiree who is reemployed according to the provisions of subsection (1) of this
8 section shall not be required to observe any additional separation of service beyond the
9 one month specified by subsection (1)(a) of this section if he or she remains employed or
10 is reemployed on or after June 30, 2022.
11 (3) Additional costs incurred to school districts under this section for the hiring of
12 critical shortage teachers to meet the educational challenges of the COVID-19 pandemic
13 are deemed a qualified expense by the General Assembly for purposes of utilizing federal
14 pandemic funds and shall be authorized for use by school districts for this purpose unless
15 in conflict with federal law.
16 (4) Any provision of subsection (1) and (2) of this section in conflict with federal
17 law as determined by the system shall be void. The school districts shall be notified of
18 any provision in conflict that is voided.
19 ➔Section 14. (1) Notwithstanding 2021 (1st Extra. Sess.) Ky. Acts ch. 4, sec.
20 10, and notwithstanding any provision of KRS 61.637 or 78.5540 to the contrary, for the
21 time period occurring on or after the effective date of this Act and until June 30, 2022, the
22 following shall apply to retirees who retired from the systems on or before August 1,
23 2021, and who subsequently return to employment for a local board of education in a full-
24 time or part-time certified or classified position, or in a position providing substitute
25 classified or certified services:
26 (a) The separation of service required shall be a bona fide separation of at least
27 one month for retirees returning to work in a full-time, substitute, or part-time certified or

1 classified position with a local board of education. The systems shall not be able to
2 extend the break in employment as provided by this paragraph unless an extension is
3 needed due to a conflict with federal law as described in subsection (3) of this section;
4 and
5 (b) Other than the temporary adjustments provided in this subsection, all other
6 provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 shall apply.
7 (2) The provisions of subsection (1) of this section shall expire on June 30, 2022.
8 Upon expiration of these temporary provisions, any future reemployment or ongoing
9 reemployment of retirees hired under the provisions of subsection (1) of this section shall,
10 for such future or ongoing reemployment occurring after June 30, 2022, be subject to
11 KRS 61.637 or 78.5540, as applicable, except that a retiree who is reemployed according
12 to the provisions of subsection (1) of this section shall not be required to observe any
13 additional separation of service beyond the one month specified by subsection (1)(a) of
14 this section if he or she remains employed or is reemployed on or after June 30, 2022.
15 (3) Any provision of this section in conflict with federal law as determined by the
16 systems shall be void. The school districts shall be notified of any provision in conflict
17 that is voided.
18 ➔Section 15. Nothing in this Act shall be interpreted to allow state agencies to
19 remain closed for regular in-person business.
20 ➔Section 16. It is not the intention of the General Assembly that this Act should
21 impair or delay the ability of the Commonwealth to receive any federal stimulus or
22 pandemic-related funds.
23 ➔Section 17. Whereas, the General Assembly desires to ensure that the school
24 children of the Commonwealth remain in school with live instruction and that the citizens
25 of the Commonwealth go about their personal and professional business to the extent
26 possible while remaining protected during the pandemic, an emergency is declared to
27 exist, and this Act takes effect upon its passage and approval by the Governor or upon its

1 otherwise becoming law.

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date 1-14-2022