

MENTAL HEALTH:

Sexual orientation and gender identity change efforts for minors, prohibition:

HOUSE BILL 19 (Bill Request #99) – *AN ACT relating to youth mental health protection* and declaring an emergency. Sponsors L. Willner, K. Banta, R. Roberts. Create a new section of KRS Chapter 210 define sexual orientation and gender identity change efforts, mental health professional, and public funds; to prohibit mental health professionals from engaging in sexual orientation and gender identity change efforts with a person under eighteen (18) years of age or a person who is eighteen (18) years or older who is an adult as defined in KRS 209.020 or a ward as defined in KRS 387.510; require violations to be subject to board discipline; prohibit public funds from being used for sexual orientation and gender identity change efforts; create a new section of KRS Chapter 211 to require the Department for Public Health to develop, produce, and disseminate educational materials regarding sexual orientation and gender identity change efforts; permit the cabinet to contract for the educational materials; add the short title "Mental Health Protection Act"; EMERGENCY. Prefiled by Sponsor 8/25/21. Introduced in House to Committee on Committees (H) 1/5/21.

SENATE BILL 30 (Bill Request #216) – *AN ACT relating to youth mental health protection* and declaring an emergency. Sponsor A. Kerr. Create a new section of KRS Chapter 210 define sexual orientation and gender identity change efforts, mental health professional, and public funds; to prohibit mental health professionals from engaging in sexual orientation and gender identity change efforts with a person under eighteen (18) years of age or a person who is eighteen (18) years or older who is an adult as defined in KRS 209.020 or a ward as defined in KRS 387.510; require violations to be subject to board discipline; prohibit public funds from being used for sexual orientation and gender identity change efforts; create a new section of KRS Chapter 211 to require the Department for Public Health to develop, produce, and disseminate educational materials regarding sexual orientation and gender identity change efforts; permit the cabinet to contract for the educational materials; add the short title "Mental Health Protection Act"; EMERGENCY. Prefiled 8/25/20 by sponsor. Introduced in Senate to Committee on Committees (S), 1/5/21.

Mental Health Wellness Exams, coverage:

HOUSE BILL 77 – *AN ACT relating to coverage of mental health wellness examinations.* Sponsors [R. Roberts](#), [T. Bojanowski](#), [J. Raymond](#), [S. Westrom](#), [L. Willner](#). Create a new section of Subtitle 17A of KRS Chapter 304 to define terms; require certain health insurance policies to provide coverage for an annual mental health wellness examination of at least 45 minutes provided by a mental health professional; require the coverage to be no less extensive than coverage for medical and surgical benefits; require the coverage to comply with the Mental Health Parity and Addiction Equity Act of 2008; provide that coverage shall not be subject to cost-sharing requirements; amend KRS 205.522 to require the Department for Medicaid Services and managed care organizations contracted to provide Medicaid benefits to comply with the mental health wellness examination coverage requirement; amend KRS 205.6458 to require the Kentucky Children's Health Insurance Program to comply with the mental health examination coverage requirement; amend KRS 18A.225 to require the state employee health plan to comply with the mental health coverage requirement; EFFECTIVE, January 1, 2022.

Transportation, hospital and psychiatric facility, voluntary

SENATE BILL 21 – *AN ACT relating to mental health treatment.* Sponsors [R. Alvarado](#). Amend KRS 202A.021 to permit voluntary transport to a hospital or psychiatric facility with authorization of the originating and receiving hospital or facility and a patient's signed written agreement to be voluntarily transported and to not be physically removed during transport; amend KRS 645.030 to permit voluntary transport of a child to a hospital or psychiatric facility with authorization of the originating and receiving hospital or facility and a parent if the child is under 16 and parent and child if the child is age 16 or older and a signed written agreement to be voluntarily transported and to not be physically removed during transport; amend KRS 214.185 to establish that any qualified mental health professional may provide outpatient mental health counseling to any child who is age 16 or older and is an unaccompanied youth; amend KRS 645.190 to conform.

Suicide assessment training, diversity:

SENATE BILL 42 – *AN ACT relating to training programs in suicide assessment, treatment, and management.* Sponsors [R. Thomas](#). Amend KRS 210.366 to require that training programs in suicide assessment, treatment, and management include cultural diversity programs for licensed, registered, or certified social workers, marriage and family therapists, professional counselors, pastoral counselors, alcohol and drug counselors, alcohol and drug peer support specialists, psychologists, and occupational therapists; and update the date which a report of the model list of training programs is due to the Interim Joint Committee on Health, Welfare, and Family Services.

SUBSTANCE:

Local regulation of tobacco or vapor products, permitting:

HOUSE BILL 147 – *AN ACT relating to the regulation of tobacco products and vapor products.* Sponsors K. Moser, T. Bojanowski. Create a new section of KRS 438.305 to 438.350 to permit city or county governments to impose restrictions or requirements on the use, display, sale, and distribution of tobacco products or vapor products that are stricter than those imposed under state law; repeal KRS 438.300. Introduced in the House to Committee on Committees (H), 1/5/21.

SENATE BILL 81 – *AN act relating to the regulation of tobacco products and vapor products.* Sponsor J. Adams. Create a new section of KRS 438.305 to 438.350 to permit city or county governments to impose restrictions or requirements on the use, display, sale, and distribution of tobacco products or vapor products that are stricter than those imposed under state law; repeal KRS 438.300. Introduced in Senate to Committee on Committees (S) 1/7/21.

Medical Cannabis program, establishment:

SENATE BILL 92 – *AN ACT relating to medicinal cannabis.* Sponsors [S. West](#), [D. Harper Angel](#), [M. Nemes](#), [D. Parrett](#), [R. Webb](#), [D. Yates](#). Create various new sections of KRS Chapter 218A to define terms; exempt the medicinal cannabis program from existing provisions in Kentucky law to the contrary; require the Department of Alcoholic Beverage and Cannabis Control implement and regulate the medicinal cannabis program; establish the Division of Medicinal Cannabis and the Board of Physicians and Advisors within the Department of Alcoholic Beverage and Cannabis Control; establish restrictions on the possession and use of medicinal cannabis by cardholders; establish certain protections for cardholders; establish professional protections for practitioners, attorneys, and other professionals; provide for the authorizing of practitioners by state licensing boards to issue written certifications for the use medicinal cannabis; prohibit the consumption of medicinal cannabis by smoking; permit an employer to restrict the possession and use of medicinal cannabis by an employee; require the department to implement and operate a registry identification card program; establish requirements for registry identification cards; require the department to operate a provisional licensure receipt system for cardholders; establish the requirements for a registry identification card and the application process; establish notification requirements for cardholders; establish when a registry identification card may be revoked; establish various cannabis business licensure categories; establish requirements for a cannabis business licensure and the application process for a license; prohibit a practitioner from being a board member or principal officer of a cannabis business; prohibit cross-ownership of certain classes of cannabis businesses; establish rules for local sales, including establishing the process by which a local legislative body may prohibit the operation of cannabis businesses within its territory and the process for local ordinances and ballot initiatives; establish technical requirements for cannabis businesses; establish limits on the THC potency of medicinal cannabis that can be produced or sold in the state; establish cultivation square footage limits for cannabis businesses that are permitted to cultivate; establish procedures for the department to

inspect cannabis businesses; establish procedures for the suspension or revocation of a cannabis business license; exempt certain records and information from the disclosure under the Kentucky Open Records Act; require the department to develop, maintain, and operate electronic systems for monitoring the medicinal cannabis program; require the department to promulgate administrative regulations necessary to implement the medicinal cannabis program; establish that nothing in the bill requires government programs or private insurers to reimburse for the cost of use; amend KRS 342.815 to establish that the Employer's Mutual Insurance Authority shall not be required to provide coverage to an employer if doing so would subject the authority to a violation of state or federal law; amend KRS 216B.402 to require hospital emergency departments to report cases of cannabinoid hyperemesis syndrome to the Department of Alcoholic Beverage and Cannabis Control; amend KRS 218A.010, 218A.1421, 218A.1422, 218A.1423, and 218A.500 to conform; amend KRS 12.020, 12.252, 15.300, 15.380, 15.398, 15.420, 15A.340, 61.592, 62.120, 131.1815, 211.285, 241.010, 241.015, 241.030, 243.025, 243.0307, 243.038, 243.090, 243.360, 438.310, 438.311, 438.313, 438.315, 438.317, 438.320438.325, 438.330, 438.337, and 438.340 to change the name of the Department of Alcoholic Beverage Control to the Department of Alcoholic Beverage and Cannabis Control; some sections EFFECTIVE July 1, 2022. Introduced in Senate to Committee on Committees (S) 1/8/21.

HOUSE BILL 136 – AN ACT relating to medicinal cannabis and making an appropriation thereof. Sponsors J. Nemes, A. Gentry, W. Lawrence, T. Bojanowski, K. Flood, R. Goforth, A. Hatton, T. Huff, N. Kirk-McCormick, N. Kulkarni, D. Lewis, J. Miller, P. Minter, D. Osborne, P. Pratt, C. Stevenson. Create various new sections of KRS Chapter 218A to define terms; exempt the medicinal cannabis program from existing provisions in Kentucky law to the contrary; require the Department of Alcoholic Beverage and Cannabis Control implement and regulate the medicinal cannabis program; establish the Division of Medicinal Cannabis and the Board of Physicians and Advisors within the Department of Alcoholic Beverage and Cannabis Control ; establish restrictions on the possession and use of medicinal cannabis by cardholders; establish certain protections for cardholders; establish professional protections for practitioners, attorneys, and other professionals; provide for the authorizing of practitioners by state licensing boards to issue written certifications for the use medicinal cannabis; prohibit the consumption of medicinal cannabis by smoking; permit an employer to restrict the possession and use of medicinal cannabis by an employee; require the department to implement and operate a registry identification card program; establish requirements for registry identification cards; establish registry identification card fees; require the department to operate a provisional licensure receipt system for cardholders; establish the requirements for a registry identification card and the application process; establish notification requirements for cardholders; establish when a registry identification card may be revoked; establish various cannabis business licensure categories; establish requirements for a cannabis business licensure and the application process for a license; prohibit a practitioner from being a board member or principal officer of a cannabis business; prohibit cross-ownership of certain classes of cannabis businesses; establish rules for local sales, including establishing the process by which a local legislative body may prohibit the operation of cannabis businesses within its territory and the process for local ordinances and ballot initiatives; establish technical requirements for cannabis businesses; establish limits on the THC potency of medicinal cannabis that can be produced or sold in the state; establish cultivation square footage limits for cannabis businesses that are permitted to cultivate; establish procedures for the department to inspect cannabis businesses; establish procedures for the suspension or revocation of a cannabis business license; exempt certain records and information from the disclosure under the Kentucky Open Records Act; require the department to develop, maintain, and operate electronic systems for monitoring the medicinal cannabis program; require the department to promulgate administrative regulations necessary to implement the medicinal cannabis program; establish that nothing in the bill requires government programs or private insurers to reimburse for the cost of use; establish the medicinal cannabis trust fund; establish the local medicinal cannabis trust fund; establish procedures for the distribution of local cannabis trust fund moneys; create a new section of KRS Chapter 138 to establish an excise tax on certain transfers of medicinal cannabis; amend KRS 216B.402 to require hospital emergency departments to report cases of cannabinoid hyperemesis syndrome to the Department of Alcoholic Beverage and Cannabis Control; amend KRS 342.815 to establish that the Employer's Mutual Insurance Authority shall not be required to provide coverage to an employer if doing so would subject the authority to a violation of state or federal law; amend KRS 139.470 to exempt the sale of medical cannabis from the state sales tax; amend KRS 218A.010, 218A.1421, 218A.1422, 218A.1423, and 218A.500 to conform; amend KRS 12.020, 12.252, 15.300, 15.380, 15.398, 15.420, 15A.340, 61.592, 62.120, 131.1815, 211.285, 241.010, 241.015, 241.030, 243.025, 243.0307, 243.038, 243.090, 243.360, 438.310, 438.311, 438.313, 438.315, 438.317, 438.320438.325, 438.330, 438.337, and 438.340 to change the name of the Department of Alcoholic Beverage Control to the Department of Alcoholic Beverage and Cannabis Control; some sections EFFECTIVE July 1, 2022; APPROPRIATION. Introduced in House to Committee on Committees (H) 1/6/2021.

OTHER BILLS OF POSSIBLE INTEREST:

Juvenile justice, protocols:

HOUSE BILL 66 – ***AN ACT relating to solitary confinement of juveniles.*** Sponsors [B. Wheatley](#), [K. Flood](#), [J. Jenkins](#), [J. Raymond](#), [S. Westrom](#). Create a new section of KRS Chapter 15A to limit use of solitary confinement for juveniles and require reporting of data on its use.

Intellectual disabilities, rights:

HOUSE BILL 160 – ***AN ACT relating to individuals with intellectual and developmental disabilities.*** Sponsors [M. Hart](#). Create a new section of KRS 210.005 to 210.366 to establish the rights of individuals with intellectual disabilities; cite as the Frank Huffman Act.

Unlawful Storage of a firearm, prohibition:

HOUSE BILL 80 (Bill request #431) – ***AN ACT relating to gun safety for children.*** Sponsor [G. Brown Jr.](#) Create a new section of KRS Chapter 527 to make it a crime to unlawfully store a firearm; establish elements of the crime for recklessly allowing access to an unsecured firearm by a minor; establish the crime as a Class B misdemeanor unless a physical injury or death results, in which case it is a Class A misdemeanor; establish the short title of "Baby Dre Gun Safety Act." Prefiled 10/30/20 by sponsor. Introduced in House to Committee on Committees (H) 1/5/21.

HOUSE BILL 46 (Bill Request #858) – ***AN ACT relating to gun safety for children.*** Sponsor [G. Neal](#). Create a new section of KRS Chapter 527 to make it a crime to unlawfully store a firearm; establish elements of the crime for recklessly allowing access to an unsecured firearm by a minor; establish the crime as a Class B misdemeanor unless a physical injury or death results, in which case it is a Class A misdemeanor; establish the short title of "Baby Dre Gun Safety Act." Prefiled 12/7/20 by sponsor. Introduced to House To Committee on Committees (H) 1/5/21.

Purchase of Personal Protective equipment restricted to United States, exceptions:

HOUSE BILL 214 – ***AN ACT relating to the purchase or lease of personal protective equipment.*** Sponsors [M. Koch](#), [J. Nemes](#), [K. King](#), [B. Rowland](#). Create a new section of KRS Chapter 42 to mandate that personal protective equipment purchased or leased in the Commonwealth of Kentucky be manufactured or produced in the United States; create exceptions that are to be monitored by the Finance and Administration Cabinet and the Attorney General; assign penalties for violations. Introduced in House to Committee on Committees (H) 1/7/21.

Providers, Prohibition of Discrimination for acts of conscience:

SENATE BILL 83 – ***AN ACT protecting the exercise of medical ethics and diversity within the medical profession.*** Sponsor [S. Meredith](#). Create new sections of KRS Chapter 344 to define terms; prohibit discrimination against medical care providers who decline to perform procedures that violate their conscience; grant providers the right not to participate in or pay for services that violate their conscience; exempt providers from liability for exercising these rights; establish a civil cause of action for persons injured by violations of these provisions. To Committee on Committees (S) 1/7/21.

Telehealth, coverage and reimbursement rates, establishment:

HOUSE BILL 140 (Bill Request #163) – ***An Act relating to telehealth.*** Sponsor D. Frazier. Create various new sections of KRS Chapter 211 to define terms; require the Cabinet for Health and Family Services to establish minimum standards to telehealth; reestablish the requirement for the Cabinet for Health and Family Services and managed care organizations to study the impact of telehealth on the state's health care delivery system; prohibit certain practices in telehealth; authorize health practitioner licensure boards to promulgate administrative regulations related to telehealth; amend KRS 205.510 to revise definitions; amend KRS 205.559 to require reimbursement rates for telehealth to be equivalent to reimbursement rates for the same service provided in person, permit the Department for Medicaid services to approve additional telecommunication technologies for telehealth, and to delete the requirement for the Cabinet for Health and Family Services and managed care organizations to study the impact of telehealth on the state's health care delivery system; amend KRS 205.5591 to require telehealth coverage and reimbursement rates to be equivalent to coverage requirements and reimbursement rates for the same service provided in person; amend KRS 304.17A-005 to delete the definition of "telehealth"; amend KRS 304.17A-138 to define "telehealth" and to require that telehealth coverage and reimbursement rates be equivalent to coverage and reimbursement for the same service provided in person; require the Cabinet for Health and Family Services or the Department for Medicaid Services to seek federal approval if they determine that such approval is necessary; and certain sections EFFECTIVE January 1, 2022. Prefiled 12/11/20 by Sponsor. Introduced in House to Committee on Committees, 1/5/2021. To Health & Family Services (H) 1/13/21.

Corporal physical discipline, use of, prohibiting:

HOUSE BILL 134 (Bill request #838) – ***AN ACT relating to corporal punishment in schools.*** Sponsors S. Riley, T. Bojanowski. Create a new section of KRS 158.440 to 158.449 to define "corporal punishment"; prohibit a person employed by a school district from using corporal physical discipline; amend KRS 158.444 to remove corporal punishment as a form of discipline in a school; amend KRS 503.110 to remove the exception that permitted the use of physical force by a teacher against a minor. Prefiled 12/11/2020 by sponsor. To Committee on Committees (H), 1/5/21.

First Responders, Doctor, Nurse, and Health Care Professional Recognition Day, designation:

HOUSE BILL 166 - AN ACT relating to First Responder, Doctor, Nurse, and Health Care Professional Recognition Day. Sponsor C. Massey. Create a new section of KRS Chapter 2 to designate the first Saturday of October of each year as "First Responder, Doctor, Nurse, and Health Care Professional Recognition Day"; require the Governor to proclaim the date each year and require state flags to be lowered to half-mast on state public buildings from sunrise to sunset on that day. Introduced in House to Committee on Committees (H), 1/5/21.