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# The GOOD: *Bills strengthening the Family that passed.*



**Senate Bill 8: Conscience Protections for Vaccines - By Sen. Mike Wilson:** Senate Bill 8 provides exemptions from mandatory immunization for any child, emancipated minor, or adult who, personally or by a parent or guardian, submits a written sworn statement objecting to the immunization based on conscientiously held beliefs. It also prohibits any administrative regulation, administrative order, or executive order from requiring, during an epidemic, the immunization of persons who submit either a written sworn statement objecting to the immunization based on conscientiously held beliefs or the written opinion of the person's physician that such immunization would be injurious to the person's health.



**Senate Bill 9: The Born Alive Infant Protection Act - By Sen. Whitney Westerfield:** This bill protects infants, who are born alive, from being denied nourishment and reasonable medical care. SB 9 would apply to infants born alive after an attempted abortion and also to infants who may be born with medical complications or who are not wanted by their parents. (This bill passed the full Senate and its House Committee in 2019, but died for lack of time. It then passed the full Senate and the full House in 2020 during the veto over-ride days, but then was killed by Gov. Beshear's veto.) Though there were four "pro-life" bills passed this year, some regard this as "last Session's bill," not this year's bill.



**Senate Bill 64: The Online Enticement Statute - By Sen. Alice Forgy Kerr:** Senate Bill 64 clarifies the crime and increases the penalties for adults who solicit a minor under the age of 12 through an intermediary in an effort to engage in sexual acts with the minor. It also enhances the penalties if they travel across state lines for this purpose or if they are a previous sexual offender. It includes the use of online communications systems such as computers, computer bulletin boards and cellular telephones.



**House Bill 2: Empowering the AG to Investigate Abortion Clinics - By Rep. Nancy Tate:** House Bill 2 allows the Attorney General to seek injunctive relief as well as civil and criminal penalties to prevent, penalize, and remedy violations relating to abortion facilities, abortions, and emergency management orders relating to elective medical procedures. (In 2020, the essence of this bill was amended into Senate Bill 9 (*See above*) and passed by the full Senate and the full House during the veto over-ride days, but then it was killed by Gov. Beshear's veto.) Like Senate Bill 9 above, some regard this as "last Session's bill," not this year's bill.



**House Bill 91: The Kentucky Pro-Life Constitutional Amendment - By Rep. Joe Fischer:** This constitutional amendment affirms that the Kentucky Constitution does not guarantee the right to abortion or to have abortion paid for with taxpayer dollars. **HISTORY:** In a 2018 lawsuit brought by Planned Parenthood, the Iowa Supreme Court struck down the Iowa law being challenged and said the Iowa Constitution guarantees the right to abortion. Since then, Planned Parenthood has begun to challenge abortion laws in other states' courts. As a result, two neighboring states (Tennessee and West Virginia) have passed similar measures like HB 91. Note: HB 91 does not ban abortion, but rather it affirms that the right to an abortion is not in the Constitution.



**House Bill 155: "Safe Haven Baby Boxes" Act - By Rep. Nancy Tate:** In 2016, the "Safe Haven Baby Box" program was added to Indiana Law. Since then, no infants have been reported abandoned, rather, only safely surrendered through the Baby Box program. The program is now available in four states. Boxes are installed in participating fire stations or hospitals, which are manned 24/7. Funds for the hospital-grade containers are raised privately.



**House Bill 254: Increased Penalties for Child Porn - By Rep. Derek Lewis:** In order to stem the tide of rising sex crimes perpetrated on children, House Bill 254 raises the penalty for *possession* of material portraying a sexual performance by a minor under the age of 12 years to a Class C felony. In addition to *possession* of such materials, it also raises the penalty for the *distribution* of material portraying a sexual performance of a minor under the age of 12 years, once again, to a Class C felony for the first offense, and a Class B felony for each subsequent offense.



**House Bill 563: Tuition Tax Credits for Public and Private Schools - By Rep. Chad McCoy:** The concept of HB 563 is to allow for more choices for parents as they seek to find the right educational course for their child (or children.) This bill allows up to \$25 million in tax credits to businesses who donate to grant and scholarship organizations that help under-privileged students have access to various schools and programs in other public schools, or in other non-public schools. The bill has been highly criticized by the Kentucky Education Association (the KEA is the Kentucky public school teachers' union) as harming public schools, but some believe their concerns are more born out of a desire to maintain a monopoly within the education system.



**Senate Resolution 67 and House Resolution 41: Resolutions condemning anti-Semitism in the Commonwealth of Kentucky - By Sen. Ralph Alvarado and Rep. Dan Fister respectively:** These two different-Chamber resolutions work together to both condemn the particular transgression of anti-Semitism, and, as a by-product, establish a standard for religious liberty for all faiths and creeds throughout Kentucky. Thus, a *statement has been made* that the General Assembly will not tolerate anti-religious bigotry.

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# The **SAD:** *Very good bills that were NOT passed.*



**Senate Bill 83: The Medical Ethics and Diversity Act - By Sen. Stephen Meredith:** This bill would have provided religious liberty / conscience protections for medical professionals who are being confronted with an increasing number of controversial medical practices such as abortion, cloning, harvesting fetal organs, assisted suicide, and surgical and hormonal treatments to attempt to change children's biological sex. There are significant moral and ethical disagreements in the medical community. This bill would have protected a medical professional from being forced to participate in treatments that are against their conscience. All personnel would have still been required to provide emergency services for all people, but they could simply step away from controversial elective procedures.



**Senate Bill 97: Parents' Rights Protection Act - By Sen. Stephen West:** This bill would have affirmed that the rights of parents are "fundamental rights." The Government would have needed to prove it had a compelling interest (such as protecting a child from abuse) before it infringes on the rights of parents to make decisions regarding the upbringing of their children. Historically, parents' rights have been considered fundamental, but recently there has been a rising number of cases where the courts allow others to make decisions for children without parental knowledge and parental consent. This bill would have protected families by not allowing the government to unnecessarily undermine parental rights.



**Senate Bill 106: "Save Women's Sports" Act - By Sen. Robby Mills:** This bill would have prohibited biological males from competing as girls in girl's athletic events at Kentucky's public schools and colleges. Recently there has been an increase in the number of males who dress like and think they are the opposite biological sex. Women's sports, locker rooms and even educational opportunities are beginning to be won by these biological males. For example, since 2017 two high school males in Connecticut have competed as women and have taken 15 Connecticut high school track championships away from nine different girls. Previously, they ran as males and never won. Track is not the only sport impacted. As a result, girls are losing opportunities to advance to the next levels of competition where they can compete for scholarships and educational and career opportunities.



**House Bill 218: "The Church is Essential" Act - By Rep. Shane Baker:** Given the ups and downs of this past "Covid Year," this bill would have ensured that churches and other religious organizations receive equal treatment during a public crisis, allowing them to remain open on the same terms as other businesses and services that are deemed essential. It further would have protected religious organizations against government discrimination based upon the organizations' religious identity or activities."



**House Bill 460: The Omnibus Pro-Life Act - By Rep. Nancy Tate:** This bill had a number of components centered around the issue of abortion in an attempt to update Kentucky law. It is a group of adjustments that improve the effectiveness of existing statutes by reviewing what has been taking place and improving areas of deficit in the current law. Areas addressed in HB 460 included: 1) Documentation of parental consent for minors; 2) Criteria for the judicial bypass process for a minor who does not want to inform their parents that they are pregnant and of their intent of having an abortion; 3) Expand the reporting requirements for abortion to help gather appropriate statistical data; 4) Requiring a report with findings from an annual audit and abortion facility inspections; 5) Prohibiting abortion inducing drugs from being mailed or shipped directly to the patient; 6) Requiring dignified disposal of fetal remains; and 7) Prohibiting public agency funds from being paid to any entity or organization or individual that performs or refers for abortion.

# And The **UGLY:** *A hurtful bill, forcibly passed.*



**Senate Bill 120: Legalizing Historical Horse Racing "Slot" Machines - By Sen. John Schickel:** The question of whether so-called "Historical Horse Racing" (HHR) machines are legal has been the center of a 10-year court case brought by Kentucky's eight horse racing tracks and the Kentucky Horse Racing Commission, beginning in 2010. The Family Foundation petitioned to enter the case because the effort appeared to be nothing more than a strategy by Gov. Steve Beshear to circumvent the General Assembly after he had failed to expand gambling for three Sessions in a row, as he had planned. Finally, on Sept. 24 of last year, the machines were declared "not pari-mutuel," and therefore illegal, by the Kentucky Supreme Court. On Jan. 21, 2021, the Court then denied the tracks' appeal to re-hear the case. (*See article page 7 for more*)

Senate Bill 120 is nothing more than an attempt to adapt the law to the machines, rather than adapting the machines to the law. The bill purports to: 1) re-define what "pari-mutuel" means so the slot-type machines become "legal." But there are major problems both with the process and with the substance of the bill. Here's *just some* of the problems:

- I. How can a simple law alter an internationally known term, especially when the Kentucky Supreme Court had already defined the parameters for "pari-mutuel"?
- II. How can a law "forgive" retroactively the *illegal activity* of the HHR machines between 2011-2021 so that the illegally derived profits do not have to be returned?
- III. How can the Senate, which has a rule *NOT* to intervene in an ongoing court case with legislation, turn around and do so for the horse industry while the case is not final?
- IV. Why was SB 120 brought forward into the Senate when the Republican Caucus (*the SUPER-MAJORITY Caucus*) was not in favor of the bill?
- V. Why was SB 120 rushed through the legislative process (in just eight Session days) bringing in a *MAJOR* change of public policy for the Commonwealth?
- VI. Why was SB 120 *NOT* a constitutional amendment like the legislature used to expand gambling with The Kentucky Lottery and with charitable gambling?