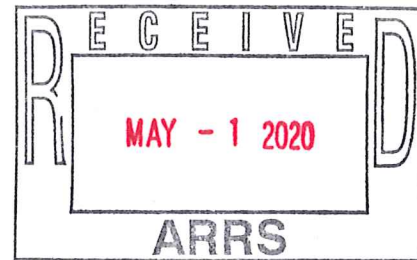


Andy Beshear  
Governor



Lt. Gov. Jacqueline Coleman  
Secretary  
Education and Workforce  
Development Cabinet

Kevin C. Brown  
Interim Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION  
300 Sower Boulevard • Frankfort, Kentucky 40601  
Phone: (502) 564-3141 • [www.education.ky.gov](http://www.education.ky.gov)

May 1, 2020

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: 16 KAR 5:020, Standards for admission to educator preparation.

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 16 KAR 5:020, the Education Professional Standards Board proposes the attached amendment to 16 KAR 5:020.

Sincerely,

A handwritten signature in black ink that reads "Cassie L. Trueblood".

Cassie L. Trueblood, Policy Advisor and Counsel  
Education Professional Standards Board

**Staff-suggested Amendment**

**Final Version 4/28/2020 10:05 a.m.  
EDUCATION AND WORKFORCE DEVELOPMENT CABINET  
Education Professional Standards Board**

**16 KAR 5:020. Standards for admission to educator preparation.**

**Page 2**

**Section 1(2)(a)2.b.**

**Line 5**

After "two (2) semesters", insert "1".

**Page 3**

**Section 1(4)(c)1.**

**Line 16**

After "established in Title 16", insert "KAR".

**Page 5**

**Section 2(5)**

**Line 13**

After "notice to the EPSB", insert "of".



**Andy Beshear**  
Governor

**KENTUCKY BOARD OF PHARMACY**

125 Holmes Street, Suite 300  
State Office Building Annex  
Frankfort, Kentucky 40601  
Phone (502) 564-7910  
Fax (502) 696-3806  
[pharmacy.ky.gov](http://pharmacy.ky.gov)

**Board Members**  
Peter P. Cohron, R.Ph.  
Jody Forgy, Consumer  
John Fuller, R.Ph.  
Craig Martin, Pharm D.  
Ron Poole, R.Ph.  
Jill Rhodes, Pharm.D.

**Executive Director**  
Larry A. Hadley, R.Ph.

April 30, 2020

Senator Stephen West, Co-Chair  
Representative David, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
702 Capitol Avenue  
Capitol Annex, 029  
Frankfort, Kentucky 40601

RE: 201 KAR 2:095. Pharmacy Interns

Dear Co-Chairs West and Hale

After discussion with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 2:095, the Pharmacy Interns, the Kentucky Board of Pharmacy proposes the attached amendment to 201 KAR 2:095.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry A. Hadley".

Larry A. Hadley, R.Ph.  
Executive Director  
Kentucky Board of Pharmacy  
125 Holmes Street, Suite 300  
State Office Building Annex  
Frankfort, Kentucky 40601

**Suggested Amendment  
GENERAL GOVERNMENT CABINET  
Kentucky Board of Pharmacy**

**201 KAR 2:095. Pharmacist Interns.**

**Page 1**

**RELATES TO**

**Line 5**

After "KRS 315.010", insert "(12), (18), (27)".

Delete "(19), (25)".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 7**

After "KRS 315.191(1)(a)", insert "authorizes".

Delete "requires".

**Line 8**

After "regulate and control", insert the following:

all matters set forth in KRS Chapter 315 relating to

After "pharmacists", insert "and pharmacist interns".

**Page 1**

**Section 1**

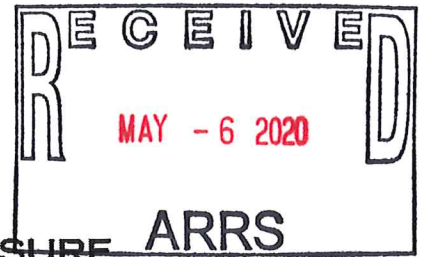
**Line 11**

After "Section 1.", insert the following:

A pharmacist intern, under the supervision and direction of a licensed pharmacist, shall practice pharmacy pursuant to KRS 315.010(22) with the exception that prior to dispensing, a pharmacist shall verify the accuracy and appropriateness to include drug utilization review (DUR) and final product verification of the prescription or product dispensed.

Delete the remainder of Section 1 in its entirety.





KENTUCKY BOARD OF MEDICAL LICENSURE

Andy Beshear  
Governor

Hurstbourne Office Park  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222

www.kbml.ky.gov  
(502) 429-7150

May 6, 2020

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort, KY 40601

**RE: 201 KAR 9:270. Professional standards for prescribing or dispensing  
Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.**

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 9:270, the Kentucky Board of Medical Licensure proposes the attached amendments to 201 KAR 9:270.

Sincerely,

Leanne K. Diakov  
General Counsel

Version: 5/5/20

**SUGGESTED AMENDMENT**

**KENTUCKY BOARD OF MEDICAL LICENSURE**

**201 KAR 9:270. Professional standards for prescribing or dispensing Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.**

**Page 2**

**Section 2**

**Line 19**

After "or Dispensing", delete "transmucosal".

**Page 2**

**Section 2(1)(a)**

**Line 22**

After "provided in", insert "paragraph".

Delete "paragraphs".

After "(b)", delete "and (c)".

**Page 9**

**Section 2(4)(e)2.c.(i)**

**Line 7**

After "twice daily;", delete "or".

**Page 9**

**Section 2(4)(e)2.c.(iii)**

**Line 11**

After "or tid;", insert "or".

Delete "and".

**Page 9**

**Section 2(4)(e)2.c.(iv)**

**Line 16**

After "(14) days", insert ", and".

Delete the period.

**Page 14**

**Section 4**

**Line 16**

---

After "Outcomes", insert a comma.

**Page 15**

**Section 4(2)**

**Line 2**

After "set forth in this", insert "administrative".

**Page 15**

**Section 5**

**Line 13**

After "Sections 2", insert a comma.

Delete "and".

After "3", insert ", and 4".



Andy Beshear  
Governor

Julie M. Campbell  
Administrator

May 4, 2020



Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: 201 KAR 12:030 – Licensing, Permits and Examinations.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 12:030, the Kentucky Board of Cosmetology proposes the attached amendments to 201 KAR 12:030.

Sincerely,

Julie M. Campbell, Board Administrator

Kentucky Board of Cosmetology

111 St. James Court, St. A, Frankfort, KY 40601

**Suggested Amendment  
GENERAL GOVERNMENT  
Kentucky Board of Cosmetology**

**201 KAR 12:030. Licensing, permits, and examinations.**

**Page 1  
RELATES TO  
Line 5**

After "317A.060", insert "317A.145".

**Page 1  
Section 3  
Line 20**

After "Section 3. Reciprocal Licensing.", insert the following:

(1) A license issued by another state shall be considered comparable if the laws of that state require at a minimum:

(a) 1,500 hours of curriculum for cosmetology;

(b) 450 hours of curriculum for nail technology;

(c) 750 hours of curriculum for esthetics; or

(d) 750 hours of curriculum for instructors.

(2)

**Page 2  
Section 3(1)  
Line 5**

Delete "(1)".

**Page 13  
Section 20(1)(a)  
Line 15**

After "Application", and the closing quotation marks and the comma, insert "April 2020".

Delete "December 2019".

**Page 14  
Section 20(1)(m)  
Line 4**

After "Application", and the closing quotation marks and the comma, insert "April 2020".

Delete "December 2019".

## **MATERIAL INCORPORATED BY REFERENCE**

**At the time that the agency files this staff suggested amendment, the agency needs to file one (1) clean copy of each of the forms listed below and that includes the changes that the agency needs to make as indicated.**

### **Out of State Transfer Application**

- **Update the edition date of the form to April 2020**
- **Change any references from "must" to "shall"**
- **Avoid use of "and/or" in paragraph at the bottom of the page that is to be avoided under KRS Chapter 13A drafting rules and change to use either "and" or "or"**
- **Fix the Fees by the check boxes that should be \$50.00. Add in the fee for nail instructor \$50.00 that was missing. The agency changed these fees so the fees complied with 201 KAR 12:260, and are correct.**

### **Limited Facility Permit Application**

- **Update the edition date of the form to April 2020**
- **Change the title from "Limited Facility Application" to "Limited Facility Permit Application" so that the title on the actual form matches exactly the title as used in the administrative regulation**
- **Change any references from "must" to "shall"**
- **Make sure that the application includes all of the current salon types as listed**

### **Limited Facility Permit Application Instructions**

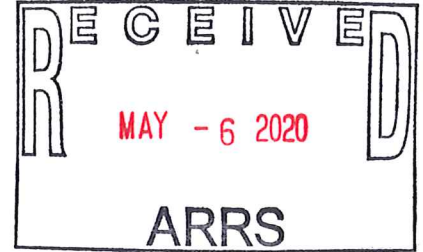
- **Update the edition date of the instructions to April 2020**
- **Change any references from "must" to "shall"**
- **Verify that the instructions include the correct information and terminology since the agency should have used the base version of the instructions (*as the instructions were when last effective in June 2019*) when the administrative regulation last went through the process to make the agency's changes**



Andy Beshear  
Governor

Julie M. Campbell  
Administrator

May 4, 2020



Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: 201 KAR 12:060 – Inspections.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 12:060, the Kentucky Board of Cosmetology proposes the attached amendments to 201 KAR 12:060.

Sincerely,

Julie M. Campbell, Board Administrator

Kentucky Board of Cosmetology

111 St. James Court, St. A, Frankfort, KY 40601

**Suggested Amendment  
GENERAL GOVERNMENT  
Kentucky Board of Cosmetology**

**201 KAR 12:060. Inspections.**

**Page 1**

**RELATES TO**

**Line 5**

After "317A.140", delete ", 317B.020".

**Page 1**

**STATUTORY AUTHORITY**

**Line 6**

After "317A.060", delete ", 317B.020".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 7**

After "KRS 317A.060", insert "requires".

**Lines 7-8**

Delete "and 317B.020 require".

**Page 2**

**Section 1(5)**

**Line 5**

After "an accessible", insert "and".

**Page 2**

**Section 2(1)**

**Line 10**

After "KRS Chapter 317A", delete "or 317B,".

**Page 2**

**Section 2(6)**

**Line 23**

After "with KRS", insert "Chapter".

Delete "Chapters".

After "317A", delete "and 317B,".

**Page 3**

**Section 3(3)**

**Line 10**



After "Chapter 12;" delete "or".

**Page 3**

**Section 3(4)(b)**

**Lines 16-17**

After "promulgated by the board", insert "or".  
Delete the period.

**Page 3**

**Section 4**

**Line 21**

After "esthetic salon", insert a comma.



Andy Beshear  
Governor  
Julie M. Campbell  
Administrator

May 4, 2020

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601



Re: 201 KAR 12:082 – School Administration.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 12:082, the Kentucky Board of Cosmetology proposes the attached amendments to 201 KAR 12:082.

Sincerely,

Julie M. Campbell, Board Administrator

Kentucky Board of Cosmetology

111 St. James Court, St. A, Frankfort, KY 40601

**Suggested Amendment  
GENERAL GOVERNMENT CABINET  
Kentucky Board of Cosmetology**

**201 KAR 12:082. Education requirements and school administration.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Lines 9-10**

After "nail technology", and before "KRS 317A.090", insert a period.

**Page 11**

**Section 18(1)**

**Line 6**

After "attendance record", insert the following:  
used only for the verification and tracking of the required contact hours for education

**Line 7**

After "instructors", insert "with".  
After "records", insert "that".

**Line 8**

After "keeping program", insert "as follows:".  
Delete the period and the semicolon.

**Page 11**

**Section 18(1)(a)**

**Line 9**

After "break", insert a comma.

**Page 11**

**Section 18(1)(b)**

**Line 10**

After "All instructors", delete "also".  
After "system;", insert "and".

**Page 11**

**Section 18(1)(c)**

**Line 11**

After "six (6) months from", insert the following:  
the effective date of this administrative regulation  
Delete "enactment".

**Page 15**

**Section 32**

**Line 23**

After "Program", insert "Hour".  
After "Transfer", insert "Request".  
Capitalize the first letter of "form".

**Page 16**

**Section 32**

**Line 1**

After "Program", insert "Hour".  
After "Transfer", insert "Request".  
Capitalize the first letter of "form".

**Page 16**

**Section 33(1)(c)**

**Line 18**

After "Program", insert "Hour".  
After "Transfer", insert "Request".  
After "Form", ", insert "April 2020".  
Delete "January 2019".  
After the period, insert the following:  
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Cosmetology, 111 St. James Court, Suite A, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

**MATERIAL INCORPORATED BY REFERENCE**

**At the time that it files this staff suggested amendment, the agency needs to file one (1) clean copy of the "Program Hour Transfer Request Form" that includes the following changes:**

- **Updates edition date on form to April 2020 to distinguish the form from the previous versions**
- **Changes all occurrences of "must" to "shall"**
- **Changes references to "Shampoo and Style" to "Blow drying services"**
- **Correct spacing below the school name and school license number boxes**
- **Verified that changes were made to the correct version of the form. The base for making the form changes should be to "Program Hour Transfer Request Form" with the edition date of January 2019. It appears that the agency had made the changes to the 10/2018 older version of the form before it was updated.**

201 KAR 012:082  
Filed 5-6-2020

## Kentucky Board of Cosmetology



111 St. James Ct. , Suite A • Frankfort, KY 40601 • (502)-564-4262 • [www.KBC.ky.gov](http://www.KBC.ky.gov)

### Limited Facility Permit Application Instructions

- ALL requested information shall be provided with no changes to the printed form. Incomplete or incorrect applications WILL NOT be accepted.
  - Type or write legibly with black or blue ink only. State full legal name of owner and manager (name changes shall be accompanied by official name change documents.)
  - The salon owner and manager are required to attach copies of a government issued photo ID.
  - If an individual owns the salon, a social security number will be required. All corporate owned salons will provide a tax ID number.
  - Expired facilities shall submit an updated Limited Facility Application. This application shall be accompanied by the Limited Facility Permit Fee and Limited Facility Restoration Fee as shown on the application.
  - Expired facilities requiring a manager change shall submit an updated Limited Facility Application and Manager Change form accompanied by a copy of the managers government issued photo I.D. in addition to both required fees.
  - Planning and Zoning shall sign the Limited Facility Application. (This is not a requirement for a kiosk.)
  - The Plumbing Inspector shall sign the Limited Facility Application. (This is not a requirement for a kiosk)
  - All sections of the application shall be complete and the salon prepared to open for business PRIOR to calling the KBC Inspector for the final inspection.
  - Visit [www.kbc.ky.gov](http://www.kbc.ky.gov) to obtain the KBC Inspector's name and phone number. The inspectors are listed by the counties they serve.
  - **The KBC Inspector shall process the initial salon inspection online; sign and attach it to the Limited Facility Permit Application in order for the board staff to print and mail the permit.**
  - Payment for the license will be accepted in the form of debit or credit card at the time of inspection. The salon cannot open for business until the business permit has been issued.
  - All business owners shall acquire an Occupation or Business License from the City or County in which the facility is located. Visit [www.onestop.ky.gov](http://www.onestop.ky.gov) for additional information.
- A Limited Facility, which is new or relocating, shall be inspected, submit the Limited Facility application, required documentation, and fee a minimum of five days prior to opening for business. This includes moving locations, changing owners or making a manager change. All unlicensed owners shall have a licensed or permitted individual listed as manager on the permit at all times.**



Matthew G. Bevin  
Governor

Julie M. Campbell  
Administrator

May 1, 2020

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601



Re: 201 KAR 12:100 – Infection Control, Health and Safety

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 12:100, the Kentucky Board of Cosmetology proposes the attached amendments to 201 KAR 12:100.

Sincerely,

Julie M. Campbell, Board Administrator

Kentucky Board of Cosmetology

111 St. James Court, St. A, Frankfort, KY 40601

4/23/2020

**Suggested Substitute**

**BOARDS AND COMMISSIONS  
Kentucky Board of Cosmetology  
(Amendment)**

**201 KAR 12:100. Infection control, health, and safety~~[Sanitation standards]~~.**

RELATES TO: KRS 317A.130

STATUTORY AUTHORITY: KRS 317A.060

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060 **requires**~~[authorizes]~~ the Kentucky Board of Cosmetology to regulate the practice of cosmetology, nail technology, and esthetics in Kentucky and establish standards for the course and conduct of school owners, instructors, apprentice instructors, licensed cosmetologists, nail technicians, beauty salons, nail salons, cosmetology schools, and estheticians to protect the health and safety of the public. This administrative regulation establishes infection control, health, and safety ~~[sanitation]~~ standards for all licensed facilities.

Section 1. ~~[Health and Public Safety][General Sanitation]. The entire licensed facility, including all equipment, employees, and implements contained in the facility, shall be continually maintained in a safe manner that reduces the risk of injury or illness for both the consumer and the licensee~~~~[sanitary manner]~~.

~~Section 2.]~~ Definitions.

(1) **(a) "Clean" means:**

**1. Removal of surface ~~or~~~~[and/or]~~ visible debris by using soap, detergent, or chemical "cleaner", followed by a clean water rinse;**

**2. ~~Preparing~~~~[Prepares]~~ non-porous items for disinfection by removing debris, product residues, organic matter, and oils that may interfere with disinfection chemicals;**  
**and**

**3. ~~Reducing~~~~[Reduces]~~ the number and ~~slowing~~~~[slows]~~ the growth of pathogens on both porous and non-porous surfaces; and**

**(b) "Clean" ~~[Cleaning]~~ does not mean making**~~[make]~~ multi-use items safe for use.

(2) **"Contact time" means:**

**(a) The amount of wet contact time required for a disinfectant to be effective against the pathogens on the label; and**

**(b) ~~The~~~~[.]~~ clean items or surfaces ~~[must]~~ remain completely immersed or visibly wet through the use of ~~[sprays or] wiper[s]~~ for the full contact time to be effective.**

(3) **"Disinfect" means:**

(a) The process of making a non-porous item safe for use; and

(b) ~~Including~~, ~~Requires~~ the use of a chemical intended to kill or denature a bacteria, virus, or fungus. ~~Items to be disinfected must be cleaned prior to disinfection. Proper disinfection requires adherence to manufacturers label with regard to concentration and contact time. UV light is not acceptable for disinfection.~~

(4) "Disinfectant" means an approved disinfectant ~~that is~~**[shall be]**:

(a) Environmental Protection Agency (EPA) registered bactericidal, virucidal, and fungicidal disinfectant ~~[that is]~~ approved for use in the salon or spa environment, and used in accordance with the instruction label for dilution ratio and contact time; or

(b) ~~1.~~ EPA-registered Sodium Hypochlorite 5.25 percent or higher (household chlorine bleach) product used in accordance with the instructions for disinfection and dilution on the label; and

~~2. Uses~~:] bleach ~~[shall be]~~ active (not expired) with a manufacture date of less than six (6) months prior to use.

(5) "Non-Porous" means:

(a) Material that has no pores and does not allow for liquids to be absorbed or ~~passed~~**[pass]** through; and

(b) ~~[-]~~ Common non-porous materials include glass, metal, and plastic.

(6) "Porous" ~~means~~:] a material that has minute spaces or holes through which liquid or air may pass ~~making it~~**[-**] permeable, penetrable, and cellular.

(7) "Sterilize" ~~means~~:] the eradication of all microbial life through the use of heat, pressure, steam, or chemical sterilants~~]. Autoclaves used to sterilize must be spore tested through an independent lab every 30 days to ensure functionality. Lab results must be kept onsite for 12 months~~].

**Section 2. Health and Public Safety. The entire licensed facility, including all equipment, employees, and implements contained in the facility, shall be continually maintained in a safe manner that reduces the risk of injury or illness for both the consumer and the licensee.**

[Methods of Sanitizing.

(1) All implements used on the public shall be sanitized. Each method of sanitation shall be bacteriologically effective.

(2) A commercially prepared sanitizing agent or disinfectant shall be used in accordance with the manufacturer's instructions. An approved sanitizing agent or disinfectant shall be:

(a) Environmental Protection Agency (EPA) registered bactericidal, virucidal and fungicidal disinfectant that is approved for use in hospital settings and used in accordance with the instruction label for dilution ratio and contact time; or

(b) EPA-registered Sodium Hypochlorite 5.25 percent or higher (household bleach)



~~product used in accordance with the instructions for disinfection and dilution on the label. Bleach shall be active (not expired) with a manufacture date of less than six (6) months prior to use.]~~

Section 3. Cleaning and Disinfecting.

(1) All non-porous implements used on the public shall be cleaned and disinfected before each use including **items such as**~~[- but not limited to]~~ combs, brushes, shears, hair clips, hair rollers, pushers, nippers, and plastic or metal spatulas.

(2) Disinfectants shall be used **properly to disinfect** in accordance with the manufacturer's instructions **or on the manufacturer's label with regard to concentration and contact time. UV light shall not be acceptable for disinfection.**

(3) Each non-porous implement used in a licensed facility shall first be thoroughly cleaned prior to disinfection with warm soapy water or a chemical cleaner. Non-porous surfaces, such as workstations and nail tables, shall be cleaned with a wipe or spray **[as defined above]** prior to each service.~~[- then;]~~

(4) **After cleaning,** implements shall be rinsed and dried with a single use paper towel or air dried.~~[- then;]~~

(5) Implements shall then be disinfected by completely immersing in an appropriate disinfectant for the full contact time listed on the manufacturer's label. **If**~~[Where]~~ appropriate, disinfecting wipes and sprays may also be used.~~[- then;]~~

(6) When **the** full contact time has been met, implements shall be removed, rinsed, and dried with a single use paper towel or air dried.

(7) Disinfected implements shall be stored in a clean, covered container or drawer labeled as "disinfected" or "ready to use". Dirty items shall be kept in a covered container, labeled "dirty" until they are properly disinfected. Once an item has been placed in the "dirty" container, it **shall**~~[may]~~ not be removed until **the** cleaning **and**~~[&]~~ disinfecting process has been started.

Section 4. Chemical Safety. All chemicals used in a licensed facility shall be:

(1) Transported and stored in accordance with the manufacturer's label;

(2) Stored in original containers in ~~[locked]~~ cabinets that may be **locked**~~[lacked,]~~ that are not in public spaces or bathrooms;

(3) Mixed and applied to individuals ~~[as]~~ specifically as instructed by the manufacturer's label, including patch tests; ~~[and]~~

(4) Discarded according to the manufacturer's label and, if applicable, local, state, and federal rules; and

(5) All chemicals that are concentrates mixed into a container or distributed into a secondary container, **shall**~~[must]~~ be labeled to indicate the contents. All poisonous substances **shall**~~[must]~~ be clearly labeled **[as such]**.

Section 5. Disinfectant.~~[4. Disinfection of Implements and Spills; Blood and Body Fluids.~~

~~(1) Each implement and surface used in a licensed facility shall first be thoroughly cleaned prior to disinfection.]~~

~~(1)[(a)] Disinfectants shall be prepared fresh daily and any [each] time the solution becomes diluted or soiled.~~

~~(2)[(b)] Contact time. To disinfect [clean] a non-porous surface, it shall be left wet or completely immersed for the full contact time [~~ten (10) minutes or longer as~~] required by the manufacturer for disinfecting against HIV, HBV, and all other viruses, bacteria, and fungi. If no contact time is indicated for disinfecting, the product is not an EPA registered disinfectant.]~~

~~(c) Any nonporous surface that comes in contact with blood or body fluids shall first be cleaned with warm soapy, detergent water, and then an appropriate disinfectant shall be used.~~

~~(2) All used implements shall first be cleaned of visible dirt, debris, or bodily fluids with warm soapy, detergent water and then disinfected by completely immersing in an appropriate disinfectant.~~

~~(a) All implements that come into contact with intact skin, blood, or bodily fluids shall be thoroughly cleaned before immersion in an appropriate disinfectant.~~

~~(b) For personal protection against blood-borne pathogens, cleanup shall be done wearing protective gloves and gowns. Eye protection shall be used for large spills.]~~

~~(3) A container other than the original manufacturer's container used for immersing or application of appropriate disinfectant shall be properly labeled as to contents. [~~percentage solution, and date mixed.~~]~~

~~(4) Cleanup items from minor cuts or items containing blood or other bodily fluids shall be double bagged or placed in biohazard containers. A licensee shall consult with the local health department for directions about disposal of biohazard containers.~~

~~(5) Styptics to arrest bleeding shall be used only in liquid or powder form and shall be applied by clean gauze, cotton, or any other sanitary item.]~~

~~(4)[(6)] All Food and Drug Administration (FDA) designated "medical devices" shall only be disinfected by appropriate EPA-approved disinfectants in accordance with the manufacturer's instructions. [~~

~~(7) All esthetics facilities shall employ a sharp's disposal container as needed for disposal of hazardous materials.]~~

Section 6. Towel Warmers. [~~Disinfection Procedures.~~]

~~(1) [Shampoo bowls. All shampoo bowls or similar items shall be sanitized after each use.~~

~~(2)] Towel warmers shall be disinfected daily using disinfecting [~~sanitizing~~] wipes or a spray and left open to allow the warmer to dry completely.~~

~~(2)~~<sup>(3)</sup> Towels used in a towel warmer both wet and dry shall be washed daily, regardless ***if/of*** used or not, and replaced at the opening of each day.

Section 7. Nail and Pedicure Stations. [

~~(4) Electrical equipment that provides circulating, whirlpool, or vacuum effects including a microdermabrasion or facial machine and a~~

(1) Pedicure stations[station] shall be cleaned and disinfected after each use by: [removing all movable parts by:]

(a) Removing all removable parts;

(b) **Emptying[Empty]** bowl and scrub with detergent and scrub brush;

(c) **Rinsing[Rinse]** bowl and **filling[fill]** with clean water;

(d) **Adding[Add]** appropriate disinfectant [~~as defined above~~] in **a** proper concentration for **the** size of bowl; and

(e) 1. If **the** bowl has any circulation or whirlpool effect, allow disinfectant to circulate for **full[fill]** contact time as listed on the manufacturer's label; **or**

2. If there is no circulation or whirlpool effect, allow disinfectant to stand in bowl for full contact time as listed on the **manufacturer's[manufacturers]** label.

(2) Surfaces of nail stations shall be disinfected between clients.

(3) Nail clients shall be offered hand sanitizer prior to a service.

(4) A nail drill or body treatment equipment shall be:

(a) Cleaned and disinfected after each use by removing all removable parts; and

(b) Following the specific disinfection instructions recommended by the manufacturer.

(5) Drill bits shall be soaked in acetone to remove product, scrubbed, and soaked in disinfectant for full contact time after each use.[

~~1. Filling, circulating, cleaning, and disinfecting with the use of hospital grade disinfectant; or~~

~~2. The ten (10) percent bleach solution that is circulated through the machine for the minimum time recommended by the manufacturer; and~~

~~(b) Rinsing and air drying, or wiping dry with a clean cloth or paper towel.~~

~~(3) A nail drill or body treatment equipment shall be:~~

~~(a) Cleaned and disinfected after each use by removing all movable parts; and~~

~~(b) 1. Flushed, cleaned, and disinfected bi-weekly with the use of hospital grade disinfectant; or~~

~~2. The ten (10) percent bleach solution circulated through the machine for the minimum time recommended by the manufacturer.]~~

Section 8. Electrical Implements.

(1)~~(6)~~ Heated electrical equipment, such as a thermal iron [~~shall be sanitized~~] are disinfected by the heat source. Unheated parts of heated electrical equipment shall be

cleaned and disinfected according to the manufacturer's recommendations.

~~(2)~~~~(7)~~ All other electrical equipment, including clippers and attachments, shall be cleaned and disinfected after each use by:

- (a) Removing hair and all foreign matter from the equipment; and
- (b) Completely saturating the clipper blade and attachment with an EPA-registered high level disinfectant solution, spray, or foam used according to the manufacturer's instructions.

~~(8) All nonporous items to be used on multiple clients shall be cleaned and disinfected after use.~~

~~(9) Drill bits shall be soaked in acetone to remove product, scrubbed, and soaked in disinfectant for full contact time.~~

~~(10) All nonelectrical items required to be cleaned and disinfected after each use including, combs, brushes, shears, hair clips, hair rollers, pushers, nippers, and plastic or metal spatulas shall be cleaned and disinfected. All multi-use items shall be stored in clean, covered container marked "disinfected" or "ready to use".~~

#### Section 9. Waxing Services.

(1) Waxing services **shall/may** only be performed on intact skin.

(2) Wax applicator sticks **shall/may** only be used for a single dip into the wax and then **shall/must** be immediately discarded.

(3) If the wax pot becomes contaminated or debris is visible it shall be completely cleaned and disinfected through the following steps:

~~(11) Wax pots shall be completely cleaned and disinfected when the wax is contaminated or debris is visible through the following steps:~~

- (a) Wax shall be emptied and disposed of properly;
- (b) Pots shall be washed with detergent and rinsed;
- (c) All pot surfaces shall be wiped or sprayed with EPA- registered disinfectant following manufacturer's guidelines for contact time;
- (d) Pots shall be air dried or wiped dry with a clean paper towel; and
- (e) New wax shall always be used and pots shall remain covered at all times. ~~[and]~~

~~(4)~~~~(f)~~ Paraffin wax shall be portioned out to prevent contamination between clients and disposed of immediately.

#### Section 10. General Cleaning and Disinfection.

~~(1)~~~~(12)~~ Any item that may not be cleaned and disinfected is considered single use and shall be disposed of after each use. This includes **items such as, but is not limited to,** nail files or emery boards made of any material except metal or glass, all cotton, buffing blocks, pumice stones, wooden cuticle pushers, slipper shoes, toe separators, wooden spatulas, neck strips, and paper coverings.

(2) All shampoo bowls or similar items shall be cleaned after each use and disinfected

at the end of each day.

(3) All nonporous items to be used on multiple clients shall be cleaned and disinfected after **each** use.

~~Section 6. Proper Protection of Neck.~~

~~(1) A shampoo apron, hair cloth, or similar article shall not be placed directly against the neck of the patron, and shall be kept from direct contact with the patron by means of a paper neck band or clean towel.~~

~~(2) A neck band of paper shall not be used more than once.~~

~~(3) A towel or cloth shall not be used more than once without proper laundering.~~

Section 11. Removal of Product from Multi-Use Containers. [7. Use of Creams.]

(1) All products [A cream or other semi-solid substance shall be] removed from a multi-use [its] container such as a tub or tube, shall be done in a manner that prevents contamination of the remaining product within the container.[with a clean, sanitized spatula.]

(2) Products such as pomades, waxes, and gels shall be removed with either a single use spatula that is disposed of immediately after a single use or a disinfected multi use spatula. Fingers **shall[may]** not be used to remove product.

(3) Powders and lotions shall be dispensed from a shaker or pump ensuring that the licensee's or client's hands never touch the dispensing portions of the container.[A spatula made of a washable nonabsorbent material shall be sanitized before re-use.]

Section 12[8]. Special Solution Containers. Single use product containers shall be used whenever possible to prevent the contamination of unused solution. All leftover product shall be disposed of, not reused.

~~Section 9. Use of Powder. Powder shall be dispensed from a shaker or similar receptacle and shall be applied with a disposable puff, or cotton pledget, or other disposable applicator.~~

Section 13[10]. Walls and Floors. Walls, floors, and fixtures shall be kept in a safe manner[sanitary and clean] at all times. If any condition potentially places the consumer or the licensee at risk of harm, it shall be remedied immediately.

Section 14[11]. Trash Containers and Debris.

(1) All trash containers shall have solid sides and a liner shall be used.[a lid or cover, and a liner shall always be used. Lids shall close completely.]

(2) All hair and debris shall be swept up immediately following each client and placed in the closed trash container.

Section 15[12]. Proper Laundering Methods.

(1) All cloth towels, robes, and similar items shall be laundered in a washing machine with laundry detergent [~~and chlorine bleach~~] used according to the manufacturer's directions. [~~for sanitation purposes.~~]

(2) Laundry may be done through a commercial laundry service.

(3) A closed, dustproof cabinet shall be provided for clean towels and linen, and a closed, side vented hamper or receptacle shall be provided for all soiled towels and linens.

Section 16 [13.] Personal Hygiene.

(1) Every person licensed or permitted by the board shall thoroughly cleanse his or her hands with soap and water or an equally effective [~~alcohol-based~~] hand sanitizer [~~of at least seventy (70) percent alcohol~~] immediately before serving each patron.

(2) Hand sanitizer shall be made available for use by patrons at each nail station in the licensed facility.

(3) A cosmetology instrument or implement shall not be carried or stored in a pocket, belt, apron, or smock.

Section 17. Blood Exposure.

(1) If a licensee or client are injured during the service and blood is present, service shall[must] be stopped immediately.

(2) If possible **the** area shall[should] be washed under clean running water at a sink.

(3) If the injury is on the client, **the** licensee shall put on[should don] gloves and clean **the** area, then apply antibacterial ointment and offer a bandage to the client. **The** licensee shall[should] then remove gloves, wash **his or her[their]** own hands and re-apply gloves for **the** duration of the service.

(4) If **the** injury is on licensee, **the licensee shall put on** gloves [~~should be donned~~] and any blood on **the** workstation or client shall[should] be cleaned. **The** licensee shall[should] then remove gloves, wash the area, and apply antibiotic cream and a bandage to the area. **The licensee shall[They should]** then re-apply gloves, **and** properly disinfect **the** work surface and implements prior to starting the service again.

(5) When service is complete, all disposable items shall be immediately thrown away and all non-porous items thoroughly cleaned and disinfected.

(6) Styptics to arrest bleeding shall be used only in liquid or powder form and shall be applied using new gauze, or cotton.

Section 18. Communicable Disease.

(1) **Licensees[Licensee's]** shall not perform any service if they have been diagnosed with a communicable disease until cleared by a medical professional for return to work.

(2) **Licensees[Any licensee]** with a respiratory illness, regardless of if they have been diagnosed, **shall[should]** consider the use of a facemask to protect clients from the possibility of transmission.

(3) **Licensees[Licensee's]** shall not perform a service on a client who has visible swelling, eruption, redness, bruising on skin, or rash in an area where a service is to be performed.

(4) Clients with a physician's note indicating they are not contagious, such as psoriasis or other non-communicable skin disorders, are an exception to this rule.

#### Section 19. Eyelash Services.

(1) Eyelash stands, holders, or pallets including tiles or stones, and trays **shall[must]** be cleaned and disinfected before use with each client.

(2) Eyelash extensions **shall[must]** be stored in a clean, closed container or in closed, original packaging. Eyelash extensions that are removed from the container or original packaging for a client's eyelash service and not used **shall[must]** be disposed of and **shall[must]** not be used for another client.

(3) When removing eyelashes from the container or package to portion out eyelashes for a service, a practitioner **shall[must]** use disinfected scissors, blade, or other tool to snip a portion of a strip, or disinfected tweezers to portion out the lashes for each service.

(4) Any cutting implement used to cut the lashes in to sections, to render lash strips a one-time use, **shall[must]** be disinfected and stored in covered containers.

(5) Tape used for taping back eye lid skin or lashes **shall not[cannot]** be de-tacked on skin. De-tacking shall only be done on a clean towel.

(6) Any nozzle or dropper used for rinsing or flushing the eye during the service **shall not[cannot]** come in direct contact with the eye or skin.

(7) Only medical grade adhesives intended for use on the human body **shall[may]** be used.

#### Section 20. Esthetics.

(1) All esthetics facilities shall have a sharp's disposal container available for disposal of sharp items, such as lancets.

(2) A microdermabrasion or facial machine shall be:

(a) Cleaned and disinfected after each use by removing all movable parts:

**(b) Filled, circulated, cleaned, and disinfected[and: (a) Filling, circulating, cleaning, and disinfecting]** with the use of hospital grade disinfectant or a ten (10) percent bleach solution that is circulated through the machine for the minimum time recommended by the manufacturer; and

**(c) Rinsed[(b) Rinsing]** and air **dried[drying]**, or **wiped[wiping]** dry with a clean cloth or paper towel.

Section 21[44]. Prohibited Items. The following sanitation methods and cosmetology practices shall be prohibited:

- (1) Methyl Methacrylate acid (MMA);
- (2) Isobornyl Methacrylate (IBMA);
- (3) Blades for cutting the skin including ~~items such as~~ ~~but not limited to~~ credo blades, rasps, and graters for callous removal;
- (4) UV light boxes or "Sterilizers";
- (5) Roll on wax;
- (6) Waxing of nasal hair;
- (7) Any product banned by the FDA; and
- (8) Use of any live animal [Live fish, leeches, snails and other living creatures for use] in any cosmetic service.

**Section 22. Autoclaves.**

**(1) Autoclaves used to sterilize shall be spore tested through an independent laboratory every thirty (30) days to ensure functionality.**

**(2) Laboratory results shall be kept onsite for twelve (12) months.**

MARGARET MEREDITH, Board Chair

APPROVED BY AGENCY: February 13, 2020

FILED WITH LRC: February 14, 2020 at 11 a.m.

CONTACT PERSON: Julie M. Campbell, Board Administrator, 111 St. James Ct. Ste A. Frankfort, Kentucky 40601, (502) 564-4262, [julie.campbell@ky.gov](mailto:julie.campbell@ky.gov).





Andy Beshear  
Governor

Julie M. Campbell  
Administrator

May 4, 2020



Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: 201 KAR 12:140- School Equipment.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 12:140, the Kentucky Board of Cosmetology proposes the attached amendments to 201 KAR 12:140.

Sincerely,

Julie M. Campbell, Board Administrator

Kentucky Board of Cosmetology

111 St. James Court, St. A, Frankfort, KY 40601

**Suggested Amendment  
GENERAL GOVERNMENT  
Kentucky Board of Cosmetology**

**201 KAR 12:140. School equipment.**

**Page 2**

**Section 2(3)**

**Line 17**

After "(3)", insert "Each".

Delete "All".

After "licensed", insert "school shall".

Delete "schools must".

After "provide", insert "and maintain".

**Line 18**

After "instructors", insert the following:  
as required by 201 KAR 12:082



Andy Beshear  
Governor

Julie M. Campbell  
Administrator

May 4, 2020

Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601



Re: 201 KAR 12:260- Fees.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 12:260, the Kentucky Board of Cosmetology proposes the attached amendments to 201 KAR 12:260.

Sincerely,

Julie M. Campbell, Board Administrator

Kentucky Board of Cosmetology

111 St. James Court, St. A, Frankfort, KY 40601

**Suggested Amendment  
GENERAL GOVERNMENT  
Kentucky Board of Cosmetology**

**201 KAR 12:260. Fees.**

**Page 2**

**Section 2(12)**

**Line 22**

After "Limited facility", insert "license".

Delete "permit".

**Page 4**

**Section 4(11)**

**Line 1**

After "limited facility", insert "license".

Delete "permit".

MIR attached

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## KENTUCKY BOARD OF NURSING

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Andy Beshear  
Governor

April 27, 2020

Senator Stephen West, Co-Chair

Representative David Hale, Co-Chair

c/o Emily Caudill, Regulation Complier

Adminstrative Regulation Review Subcommittee

Legislative Research Commission

029, Captiol Annex

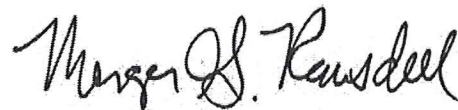
Frankfort, KY 40601

Re: 201 KAR 20:600. Standards for training programs for licensed certified professional midwives.

Dear Co-Chairs West and Hale:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:600, the Kentucky Board of Nursing proposes the attached amendment to 201 KAR 20:600.

Sincerely,



Morgan G. Ransdell, General Counsel  
Kentucky Board of Nursing  
312 Whittington Parkway, Suite 300  
Louisville, KY 40222

**Suggested Amendment  
GENERAL GOVERNMENT CABINET  
Board of Nursing**

**201 KAR 20:600. Standards for training programs for licensed certified professional midwives.**

**Page 1**

**RELATES TO**

**Line 6**

After "KRS" insert "314.400 – 314.414".

Delete "314.404-314.416".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "KRS 314.404(1)", insert "requires".

Delete "authorizes".

**Line 12**

After "midwives.", insert the following:

This administrative regulation establishes the required standards for training programs for licensed certified professional midwives.

**Page 1**

**Section 1**

**Line 13**

After "Section 1.", insert the following:

Definition. "Preceptor" means a licensed certified professional midwife (LCPM), an APRN designated Certified Nurse Midwife, or a physician, who serves as a role model and mentor to assist in the development and validation of the competencies of a student.

Section 2.

**Pages 2, 3, 4, 6, 7**

**Sections 2 through 8**

**Lines 1 and 4, Line 8, Line 16, Lines 5 and 21, Line 7**

**NOTE TO COMPILER: After making all of the changes as directed in this staff amendment, renumber all remaining Sections, Section 2 through 8, as Section 3 through 9.**

**Page 1**

**Section 1(2)**

**Lines 17-18**

After "constitute a violation of", insert the following:  
this administrative regulation and 201 KAR 20:610

Delete "these administrative regulations".

**Page 2**

**Section 3(3)(c)**

**Line 15**

After "two", insert "2".

**Page 2**

**Section 3(3)(d)**

**Lines 19-22**

After "evaluation", insert a semicolon and delete the following:

. A program administrator without previous program administrator experience shall have a mentor assigned by the governing institution and an educational development plan implemented. The mentor shall have documented experience in program administration.

**Page 3**

**Section 3(3)(e)**

**Line 1**

After "at least", insert "seventy-five (".

After "75", insert ")".

**Page 3**

**Section 3(4)**

**Line 7**

After "practice.", insert the following:

(5) A program administrator without previous program administrator experience shall have a mentor assigned by the governing institution and an educational development plan implemented. The mentor shall have documented experience in program administration.

**Page 4**

**Section 5(1)(b)**

**Line 21**

After "encompass" capitalize the first letter of "the".

Immediately after "The", insert the following:

Midwives Alliance of North America

After "Competencies", insert a comma.

After the "and", immediately following, insert "the".

**Line 22**

After "Standards", insert the following:

and Qualifications for the Art and Practice of Midwifery

Delete "of Practice".

**Page 6**

**Section 6**

**Line 5**

After "Experience", insert "or".

Delete "/".

**Page 6**

**Section 6(1)**

**Line 6**

After "experience", insert "or".

Delete "/".

**Page 6**

**Section 6(2)**

**Line 10**

After "experience", insert "or".

Delete "/".

**Page 6**

**Section 6(2)(a)**

**Line 11**

After "attending", insert "twenty (".

After "20", insert ")".

**Page 6**

**Section 6(2)(b)**

**Line 12**

After "attending", insert "twenty (".

After "20", insert ")".

**Line 13**

After "ten", insert "(10)".

**Lines 13-14**

After "(3) of the", insert "twenty (".

**Line 14**

After "20", insert ")".

**Line 16**

After "one", insert "(1)".



**Page 6**

**Section 6(2)(c)1.**

**Line 18**

After "1.", insert "Seventy-five (".

After "75", insert ")".

After "at least", insert "twenty (".

After "20", insert ")".

**Page 6**

**Section 6(2)(c)2.**

**Line 19**

After "2.", insert "twenty (".

After "20", insert ")".

**Page 6**

**Section 6(2)(c)3.**

**Line 20**

After "3.", insert "Forty (".

After "40", insert ")".

**Page 7**

**Section 7(2)**

**Line 1**

After "shall maintain", insert "in the student's file".

After "evidence of", insert the following:

compliance with the requirements in Section 6(3) of this administrative regulation, in Section 7 of this administrative regulation, and in subsection (1) of this section

**Lines 1-2**

Delete the following:

the above requirements in the student's file

**Page 7**

**Section 8(2)(b)**

**Line 13**

After "fees", insert a comma.

**Page 7**

**Section 8(2)(h)**

**Line 21**

After "settings.", insert the following:

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "The Midwives Alliance of North America Core Competencies", (December 2014); and

(b) "Standards and Qualifications for the Art and Practice of Midwifery", Midwives Alliance of North America, (October 2005).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m.

#### **MATERIAL INCORPORATED BY REFERENCE**

**At the time the agency files this staff suggested amendment, the agency needs to file one (1) clean copy of each of the following:**

- **The Midwives Alliance of North America Core Competencies (December 2014)**
- **Standards and Qualifications for the Art and Practice of Midwifery (October 2005)**
- **Summary of Material Incorporated By Reference Page meeting the requirements of KRS 13A.2251(3).**

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## KENTUCKY BOARD OF NURSING

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Andy Beshear  
Governor

April 27, 2020

Senator Stephen West, Co-Chair

Representative David Hale, Co-Chair

c/o Emily Caudill, Regulation Complier

Administrative Regulation Review Subcommittee

Legislative Research Commission

029, Capitol Annex

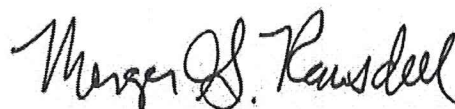
Frankfort, KY 40601

Re: 201 KAR 20:610. Approval process for training programs for licensed certified professional midwives.

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:610, the Kentucky Board of Nursing proposes the attached amendment to 201 KAR 20:610.

Sincerely,



Morgan G. Ransdell, General Counsel  
Kentucky Board of Nursing  
312 Whittington Parkway, Suite 300  
Louisville, KY 40222

**Suggested Amendment  
GENERAL GOVERNMENT CABINET  
Board of Nursing**

**201 KAR 20:610. Approval process for training programs for licensed certified professional midwives.**

**Page 1**

**RELATES TO**

**Line 6**

After "KRS" insert "314.400 – 314.414".

Delete "314.404-314.416".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "KRS 314.404(1)", insert "requires".

Delete "authorizes".

**Line 12**

After "midwives.", insert the following:

This administrative regulation establishes the approval process for training programs for licensed certified professional midwives.

**Page 1**

**Section 1(2) and Section 1(3)**

**Lines 14-17**

After "(2)", delete the following:

"Preceptor" means a licensed certified professional midwife (LCPM), APRN designated Certified Nurse Midwife, or physician, who serves as a role model and mentor to assist in the development and validation of the competencies of a student

(3)

**Page 2**

**Section 3(2)(c)**

**Line 18**

After "at least", insert "seventy-five (".

After "75", insert ")".

**Line 19**

After "intrapartum", insert a comma.

**Page 3**

**Section 3(2)(e)**

**Line 2**

After "curriculum development", insert a comma.

**Page 4**

**Section 3(5)**

**Line 19**

After "\$1", insert a comma.

**Page 5**

**Section 4(3)(d)**

**Line 20**

After "sequence", insert a comma.

**Page 8**

**Section 6(4)(b)**

**Line 16**

After "compliance with", insert the following:

201 KAR 20:600 and this administrative regulation

Delete "administrative regulations".

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## KENTUCKY BOARD OF NURSING

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Andy Beshear  
Governor

April 27, 2020

Senator Stephen West, Co-Chair

Representative David Hale, Co-Chair

c/o Emily Caudill, Regulation Complier

Adminstrative Regulation Review Subcommittee

Legislative Research Commission

029, Captiol Annex

Frankfort, KY 40601

Re: 201 KAR 20:620. Licensing requirements for licensed certified professional midwives.

Dear Co-Chairs West and Hale:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:620, the Kentucky Board of Nursing proposes the attached amendment to 201 KAR 20:620.

Sincerely,

A handwritten signature in black ink that reads "Morgan G. Ransdell".

Morgan G. Ransdell, General Counsel  
Kentucky Board of Nursing  
312 Whittington Parkway, Suite 300  
Louisville, KY 40222

**Suggested Amendment  
GENERAL GOVERNMENT CABINET  
Board of Nursing**

**201 KAR 20:620. Licensing requirements for licensed certified professional midwives.**

**Page 1**

**RELATES TO**

**Line 6**

After "KRS" insert "194A.540, 314.400 – 314.414, 620.020".

Delete "314.404-314.416".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "KRS 314.404(2)", insert "requires".

Delete "authorizes".

**Line 12**

After "KRS 314.404(5)", insert "requires".

Delete "authorizes".

**Line 13**

After "fees.", insert the following:

This administrative regulation establishes the fees and requirements for initial licensure, renewal, and reinstatement for licensed certified professional midwives.

**Page 1**

**Section 1(1)**

**Line 15**

After "shall be", insert "\$1,000".

Delete "one thousand dollars (\$1000)".

**Page 1**

**Section 1(2)**

**Line 16**

After "shall be", insert "\$1,000".

Delete "one thousand dollars (\$1000)".

**Page 1**

**Section 1(3)**

**Line 17**

After "shall be", insert "\$1,000".

Delete "one thousand dollars (\$1000)".

**Page 1**

**Section 2**

**Line 21**

After "established in", capitalize the first letter of "section".

**Page 2**

**Section 3(5)**

**Line 18**

Lowercase the first letter of "Board".

**Page 3**

**Section 7(1)**

**Line 13**

After "KRS 314.404 and", capitalize the first letter of "sections".

**Page 3**

**Section 7(2)**

**Line 16**

After "one", insert "(1)".

**Line 17**

After "pursuant to", capitalize the first letter of "section".

**Page 3**

**Section 8(1)**

**Line 21**

After "established in", capitalize the first letter of "section".

**Page 4**

**Section 8(4)**

**Line 4**

After "one", insert "(1)".

**Page 4**

**Section 9(1)**

**Line 8**

After "established in", capitalize the first letter of "section".

**Page 4**

**Section 9(4)**

**Line 13**

After "requirements of", capitalize the first letter of "sections".



**Page 4**

**Section 10(1)(a)**

**Lines 17-18**

After "1/2020", delete ", Kentucky Board of Nursing".

**Page 4**

**Section 10(1)(b)**

**Lines 19-20**

After "1/2020", delete ", Kentucky Board of Nursing".

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Andy Beshear  
Governor

April 27, 2020

Senator Stephen West, Co-Chair

Representative David Hale, Co-Chair

c/o Emily Caudill, Regulation Complier

Adminstrative Regulation Review Subcommittee

Legislative Research Commission

029, Captiol Annex

Frankfort, KY 40601

Re: 201 KAR 20:630. Disciplinary actions for licensed certified professional midwives.

Dear Co-Chairs West and Hale:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:630, the Kentucky Board of Nursing proposes the attached amendment to 201 KAR 20:630.

Sincerely,

A handwritten signature in black ink that reads "Morgan G. Ransdell".

Morgan G. Ransdell, General Counsel  
Kentucky Board of Nursing  
312 Whittington Parkway, Suite 300  
Louisville, KY 40222

**Suggested Amendment  
GENERAL GOVERNMENT CABINET  
Board of Nursing**

**201 KAR 20:630. Disciplinary actions for licensed certified professional midwives.**

**Page 1**

**RELATES TO**

**Line 5**

After "KRS" insert the following:

314.089, 314.091, 314.400 – 314.414, 314.991, 335B.020

Delete "314.404-314.416".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 9**

After "KRS 314.404(4)", insert "requires".

Delete "authorizes".

**Line 11**

After "midwives.", insert the following:

This administrative regulation establishes conditions for disciplinary action, permits a penalty in addition to other disciplinary actions, and provides an appeals process.

**Page 1**

**Section 1**

**Line 12**

After "Board of Nursing", insert the following:

may reprimand, deny, limit, revoke, probate, or suspend the license of

Delete the following:

shall have the authority to discipline

**Page 2**

**Section 1(5)**

**Line 1**

After "scope of practice", insert the following:

pursuant to KRS 314.400 to 314.414 and 201 KAR 20:600 to 201 KAR 20:690

Delete "granted by law".

**Page 2**

**Section 1(7)**

**Line 5**

After "including", delete "but not limited to".

**Page 2**

**Section 1(9)**

**Line 10**

After "essential records", insert the following:  
such as patient records, lab reports, and newborn records

**Page 2**

**Section 1(11)**

**Line 14**

After "required by law", insert the following:  
such as pursuant to the Health Insurance Portability and Accountability Act (HIPAA) of 1996, Pub L. No. 104-191, 110 Stat. 1936

**Page 2**

**Section 1(12)**

**Line 15**

After "violated" insert the following:  
201 KAR 20:600 to 201 KAR 20:690  
Delete the following:  
any administrative regulation promulgated by the board

**Page 2**

**Section 2**

**Line 18**

After "KRS 314.091", insert the following:  
(2) through (6) and (8)

**Page 2**

**Section 3**

**Line 20**

After "provisions of", capitalize the first letter of "section".

**Line 21**

After "may impose", insert "pursuant to KRS 314.991(3)".

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## KENTUCKY BOARD OF NURSING

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c/o Emily Caudill, Regulation Complier

Adminstrative Regulation Review Subcommittee

Legislative Research Commission

029, Captiol Annex

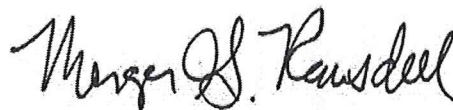
Frankfort, KY 40601

Re: 201 KAR 20:640. Requirements for informed consent for licensed certified professional midwives.

Dear Co-Chairs West and Hale:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:640, the Kentucky Board of Nursing proposes the attached amendment to 201 KAR 20:640.

Sincerely,



Morgan G. Ransdell, General Counsel  
Kentucky Board of Nursing  
312 Whittington Parkway, Suite 300  
Louisville, KY 40222

**Suggested Amendment  
GENERAL GOVERNMENT CABINET  
Board of Nursing**

**201 KAR 20:640. Requirements for informed consent for licensed certified professional midwives.**

**Page 1**

**RELATES TO**

**Line 6**

After "KRS" insert "314.400 – 314.414".

Delete "314.404-314.416".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "KRS 314.404(6)", insert "requires".

Delete "authorizes".

**Line 12**

After "midwife.", insert the following:

This administrative regulation establishes requirements for informed consent for licensed certified professional midwives.

**Page 1**

**Section 1(1)**

**Line 13**

After "shall obtain", insert "written".

**Page 1**

**Section 1(2)(c)**

**Line 20**

After "a copy of", delete "the administrative regulations".

**Lines 20-21**

After "201 KAR 20:600", insert "to 201 KAR 20:690".

Delete "-690".

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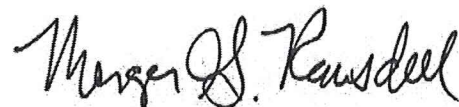
Frankfort, KY 40601

Re: 201 KAR 20:650. Licensed certified professional midwives permitted medical tests and formulary.

Dear Co-Chairs West and Hale:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:650, the Kentucky Board of Nursing proposes the attached amendment to 201 KAR 20:650.

Sincerely,



Morgan G. Ransdell, General Counsel  
Kentucky Board of Nursing  
312 Whittington Parkway, Suite 300  
Louisville, KY 40222

**Suggested Amendment  
GENERAL GOVERNMENT CABINET  
Board of Nursing  
(Amended After Comments Version)**

**201 KAR 20:650. Licensed certified professional midwives permitted medical tests and formulary.**

**Page 1**

**RELATES TO**

**Line 5**

After "KRS" insert "314.400 – 314.414".

Delete "314.404-314.416".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 9**

After "KRS 314.404(7)", insert "requires".

Delete "authorizes".

**Line 13**

After "unrelated to pregnancy.", insert the following:

This administrative regulation establishes the medical tests and formulary for licensed certified professional midwives.

**Page 2**

**Section 2**

**Line 22**

After "test which is", insert "determined as".

Delete "deemed".

**Page 3**

**Section 3(1)(c)**

**Line 4**

After "USP", insert ", five-tenths".

After "0.5", delete "%".

After ")", insert "percent".

**Page 3**

**Section 3(1)(h)**

**Line 20**

After "Lidocaine", insert ", one (1) percent".

Delete "1%".

After "up to", insert "twenty (".



After "20", insert "]".

**Page 3**

**Section 3(1)(i)**

**Line 21**

After "Lidocaine", insert "two (2) percent".

Delete "2%".

After "only", insert "if".

Delete "in order that".

After "compounded to", insert "one (1) percent".

Delete "1%".

**Line 22**

After "if Lidocaine", insert "one (1) percent".

Delete "1%".

**Page 4**

**Section 3(2)(b)**

**Line 6**

After "one", insert "(1)".

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Andy Beshear  
Governor

April 27, 2020

Senator Stephen West, Co-Chair

Representative David Hale, Co-Chair

c/o Emily Caudill, Regulation Complier

Adminstrative Regulation Review Subcommittee

Legislative Research Commission

029, Captiol Annex

Frankfort, KY 40601

**Re: 201 KAR 20:660.** Licensed certified professional midwives duty to report.

Dear Co-Chairs West and Hale:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:660, the Kentucky Board of Nursing proposes the attached amendment to 201 KAR 20:660.

Sincerely,

A handwritten signature in black ink that reads "Morgan G. Ransdell".

Morgan G. Ransdell, General Counsel  
Kentucky Board of Nursing  
312 Whittington Parkway, Suite 300  
Louisville, KY 40222

**Suggested Amendment  
GENERAL GOVERNMENT CABINET  
Board of Nursing**

**201 KAR 20:660. Licensed certified professional midwives duty to report.**

**Page 1**

**RELATES TO**

**Line 5**

After "KRS" insert the following:

213.046, Chapter 209A, 314.400 – 314.414

Delete "314.404-314.416".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 9**

After "KRS 314.404(10)", insert "requires".

Delete "authorizes".

**Lines 13-14**

After "KRS 314.404(11)", insert "requires".

Delete "authorizes".

**Line 17**

After "discovery of death.", insert the following:

This administrative regulation establishes reporting requirements for licensed certified professional midwives, and for the review of those reports.

**Page 1**

**Section 1**

**Line 18**

After "days of", insert "the occurrence of".

**Page 2**

**Section 2**

**Line 1**

After "of each", insert "year".

**Page 2**

**Section 5(1)**

**Line 18**

After "1/2020,", delete "Kentucky Board of Nursing,".

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## KENTUCKY BOARD OF NURSING

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Andy Beshear  
Governor

April 27, 2020

Senator Stephen West, Co-Chair

Representative David Hale, Co-Chair

c/o Emily Caudill, Regulation Complier

Adminstrative Regulation Review Subcommittee

Legislative Research Commission

029, Captiol Annex

Frankfort, KY 40601

Re: 201 KAR 20:670. Licensed certified professional midwives consultation, collaboration, and referral provisions.

Dear Co-Chairs West and Hale:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:670, the Kentucky Board of Nursing proposes the attached amendment to 201 KAR 20:670.

Sincerely,

A handwritten signature in black ink that reads "Morgan G. Ransdell".

Morgan G. Ransdell, General Counsel  
Kentucky Board of Nursing  
312 Whittington Parkway, Suite 300  
Louisville, KY 40222

**Suggested Amendment  
GENERAL GOVERNMENT CABINET  
Board of Nursing**

**201 KAR 20:670. Licensed certified professional midwives consultation, collaboration, and referral provisions.**

**Page 1**

**RELATES TO**

**Line 6**

After "KRS" insert "314.400 – 314.414".

Delete "314.404-314.416".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 10**

After "KRS 314.404(12)", insert "requires".

Delete "authorizes".

**Line 14**

After "referral.", insert the following:

This administrative regulation establishes the process for and the list of conditions requiring collaboration, consultation, and referral.

**Page 2**

**Section 1(7)**

**Line 11**

After "consent of the client", insert the following:

as required by 201 KAR 20:640

**Page 2**

**Section 1(7)(d)**

**Line 17**

After "level of care", insert the following:

pursuant to 201 KAR 20:690

**Page 2**

**Section 1(9)**

**Lines 21-22**

After "aspects of", insert "the client's".

Delete "their".

**Page 3**

**Section 1(13)**

**Line 11**

After "care", insert "shall".  
Delete "should".  
After "referral.", insert "If".  
Delete "When".

**Page 3**

**Section 2(1)**

**Line 20**

After "one", insert "(1)".

**Line 22**

After "mutually determine", insert "if".  
Delete "whether".

**Page 4**

**Section 2(1)(b)**

**Line 2**

After "after", insert "thirty-two".  
After "32", insert ")".

**Page 4**

**Section 2(1)(l)**

**Line 13**

After "symptom which", insert "may".  
Delete "could".

**Page 4**

**Section 2(2)**

**Line 15**

After "condition listed in", insert "subsection (1) of".

**Page 4**

**Section 3(1)**

**Line 22**

After "one", insert "(1)".

**Page 5**

**Section 3(1)**

**Line 1**

After "mutually determine", insert "if".  
Delete "whether".

**Page 5**

**Section 3(1)(e)**

**Line 7**

After "than", insert "forty-two".  
After "42", insert "]".

**Page 5**

**Section 3(2)**

**Line 8**

After "condition listed in", insert "subsection (1) of".

**Line 13**

After "client's record that", insert "the client".  
Delete "she".

**Page 5**

**Section 4(1)**

**Line 18**

After "one", insert "(1)".

**Page 6**

**Section 5(1)**

**Line 22**

After "1/2020,", delete "Kentucky Board of Nursing,".

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## KENTUCKY BOARD OF NURSING

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Andy Beshear  
Governor

April 27, 2020

Senator Stephen West, Co-Chair

Representative David Hale, Co-Chair

c/o Emily Caudill, Regulation Complier

Adminstrative Regulation Review Subcommittee

Legislative Research Commission

029, Captiol Annex

Frankfort, KY 40601

Re: 201 KAR 20:680. Licensed certified professional midwives client records.

Dear Co-Chairs West and Hale:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:680, the Kentucky Board of Nursing proposes the attached amendment to 201 KAR 20:680.

Sincerely,

A handwritten signature in black ink that reads "Morgan G. Ransdell".

Morgan G. Ransdell, General Counsel  
Kentucky Board of Nursing  
312 Whittington Parkway, Suite 300  
Louisville, KY 40222



**Suggested Amendment  
GENERAL GOVERNMENT CABINET  
Board of Nursing**

**201 KAR 20:680. Licensed Certified Professional Midwives client records.**

**Page 1**

**RELATES TO**

**Line 5**

After "KRS" insert "314.400 – 314.414".

Delete "314.404-314.416".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 9**

After "KRS 314.404(9)", insert "requires".

Delete "authorizes".

**Line 11**

After "midwifery services.", insert the following:

This administrative regulation establishes requirements for record keeping by licensed certified professional midwives.

**Page 2**

**Section 1(2)**

**Line 3**

After "confidentiality", delete "and retention".

After "client's records", insert the following:

such as pursuant to the Health Insurance Portability and Accountability Act (HIPAA) of 1996, Pub L. No. 104-191, 110 Stat. 1936

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## KENTUCKY BOARD OF NURSING

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Governor

April 27, 2020

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c/o Emily Caudill, Regulation Complier

Adminstrative Regulation Review Subcommittee

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029, Captiol Annex

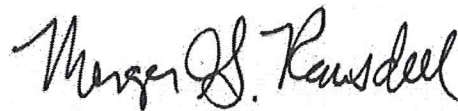
Frankfort, KY 40601

Re: 201 KAR 20:690. Licensed certified professional midwives transfer guidelines.

Dear Co-Chairs West and Hale:

After discussions with Adminstrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 20:690, the Kentucky Board of Nursing proposes the attached amendment to 201 KAR 20:690.

Sincerely,



Morgan G. Ransdell, General Counsel  
Kentucky Board of Nursing  
312 Whittington Parkway, Suite 300  
Louisville, KY 40222

**Suggested Amendment  
GENERAL GOVERNMENT CABINET  
Board of Nursing  
(Amended After Comments Version)**

**201 KAR 20:690. Licensed certified professional midwives transfer guidelines.**

**Page 1**

**RELATES TO**

**Line 5**

After "KRS" insert "314.400 – 314.414".

Delete "314.404-314.416".

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 9**

After "KRS 314.404(3)", insert "requires".

Delete "authorizes".

**Line 12**

After "developed by the", insert "transfer guidelines".

After "work group.", insert the following:

This administrative regulation establishes requirements for licensed certified professional midwives regarding the transfer of care.

**Page 2**

**Section 1(3)(b)1.**

**Line 5**

After "1.", insert "a.".

**Page 2**

**Section 1(3)(b)1. and Section 1(3)(b)2.**

**Lines 5-6**

After "access care; or", insert "b.".

Delete "2.".

**Page 2**

**Section 1(3)(b)2. and Section 1(3)(b)3.**

**Lines 6-8**

After "facility; or", insert "2.".

Delete "3.".

Ryan F. Quarles  
Commissioner



Corporate Drive  
Complex  
Frankfort, KY 40601  
(502) 573-0282

## Kentucky Department of Agriculture



May 7, 2020


Senator Stephen West, Co-Chair  
Representative David Hale, Co-Chair  
c/o Emily Caudill  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort KY 40601

Re: 302 KAR 22:130. Equine

Dear Co-Chairs West and Hale:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 302 KAR 22:130 the Kentucky Department of Agriculture proposes the attached amendments to 302 KAR 22:130.

Sincerely,

  
Clint Quarles  
Staff Attorney  
Kentucky Department of Agriculture  
107 Corporate Drive  
Frankfort, KY 40601



**SUGGESTED SUBSTITUTE**  
**Final 5/7/2020 12:04 PM**

**DEPARTMENT OF AGRICULTURE**  
**Office of the State Veterinarian**

**302 KAR 22:130. Equine.**

RELATES TO: KRS 246.030, 257.020, 257.030, 257.080, 9 C.F.R. 161.1 – 161.4

STATUTORY AUTHORITY: KRS 277.020, 257.030(4), 257.550, KRS 257.552

NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 257.020 requires the Board of Agriculture to prevent, control, and eradicate any communicable disease of animals. KRS 257.030(4) authorizes the board to promulgate administrative regulations necessary to administer any provision of KRS Chapter 257. This administrative regulation establishes requirements for movement, importation, and exhibition of equine in Kentucky.[HORSE]***

Section 1. Definitions.

(1) "Accredited veterinarian" means a veterinarian accredited by the USDA in accordance with the provisions of 9 C.F.R. 161.1 to 161.4.

(2) "Animal health authority" means the person or entity holding the title of state veterinarian or chief livestock official in any particular state or region.

(3) "Book" or "booking" means the contracting or scheduling of a mare to breed to a stallion.

(4) "Breeding" or "bred" means the natural covering of a mare.

(5) "CEM" means contagious equine metritis.

(6) "CEM infected stallion" means a stallion proven or believed to be a carrier of the CEM organism.

(7) "Certificate of Veterinary Inspection" or "CVI" means an official document approved by the chief animal health authority of the state of origin or by USDA APHIS VS to verify the completion of a veterinary inspection by a licensed and USDA accredited veterinarian.

(8) "Certificate of Veterinary Inspection Reconsignment Form" means an official document, on a form approved by the animal health authority of the state of origin, that is attached to a valid CVI for the movement of animals from a sale to the buyer's premises.

(9) "CF test" means a complement-fixation test on equine serum for the detection of specific antibodies to the contagious equine metritis bacterium.

(10) "Cover" means the act of breeding a stallion to a mare.

(11) "Directly" means moved ***by[in]*** a means of conveyance, without stopping to unload while en route, except for stops of less than twenty four (24) hours to feed, water, or rest the animals being moved, and with no commingling of animals at ***[such]*** stops.

(12) "EAV" means equine arteritis virus, the organism ***that[which]*** causes the disease equine viral arteritis.

(13) "EIA" means equine infectious anemia.

(14) "EVA" means equine viral arteritis, which is a communicable disease in equines.

(15) "EVA sero-negative" means a horse has reacted negatively to a blood test for EVA.

(16) "EVA sero-positive" means a horse has demonstrated a positive reaction in serum neutralization with a titer of greater than one (1) to four (4) to a blood test for EVA.

(17) "EVA vaccinated" or "vaccination" means an equine has been vaccinated with an approved EVA modified live virus vaccine and the vaccination status has been kept current in accordance with the manufacturer's recommendations.

(18) "Exhibition" means a fair, show, exposition, rodeo, competition, trail ride, or racing event, ***[; or]*** any presentation that might result in a transfer of ownership, ***[;]*** or any presentation for sale.

(19) "High risk mare" means a mare that is culture positive or complement-fixation (CF) positive after being bred to an CEM Infected stallion before stallion was removed from service and treated.

(20) "Interstate movement" means movement from one ***(1)*** state into or through any other state.

(21) "Intrastate movement" means movement solely within the boundaries of the Commonwealth of Kentucky.

(22) "Kentucky approved veterinarian" or "KAV" means a licensed veterinarian who is accredited to do regulatory work by the USDA and who has physically demonstrated proper swabbing and sampling methods to a representative of the Office of the State Veterinarian.

(23) "Location identification ***[(LID)]***number" ***or "LID"*** means a nationally unique number issued by a state, tribal, or federal animal health authority to a location as determined by the state or tribe in which it is issued. The LID number ***can[may]*** be used in conjunction with a producer's own unique livestock production numbering system to provide a nationally unique and herd-unique identification number for an animal. It ***can[may]*** also be used as a component of a ***group or lot[group/lot]*** identification number (GIN).

(24) "Maiden mare" means a female equine over 731 days of age that has not been covered by a stallion.

(25) "Mare" means a female horse over 731 days of age.

(26) "Medium risk mare" means a mare that is CF negative and culture negative but bred to an CEM Infected stallion prior to treatment.

(27) "Move" means to carry, enter, import, mail, ship, or transport; to aid, abet, cause ***[;]*** or induce carrying, entering, importing, mailing, shipping, or transporting; to offer to carry, enter, import, mail, ship, or transport; to receive in order to carry, enter, import, mail, ship, or transport; or to allow any of these activities.

(28) "National Uniform Eartagging System" or "NUES" means a numbering system for the identification of individual animals in the United States that provides a nationally unique identification number for each animal.

(29) "Office of State Veterinarian" or "OSV" means that section of the Kentucky Department of Agriculture in KRS 246.030.

(30) "Official eartag" means an identification tag approved by APHIS that bears an official identification number for individual animals. Beginning March 11, 2014, all official eartags manufactured **[must]** bear an official eartag shield. Beginning March 11, 2015, all official eartags applied to animals must bear an official eartag shield. The design, size, shape, color, and other characteristics of the official eartag will depend on the needs of the users, subject to the approval of the USDA administrator. The official eartag **is[must]** be tamper-resistant and **has[have]** a high retention rate in the animal.

(31) "Official identification number" or "OID" means a nationally unique number that is permanently associated with an animal or group of animals and that adheres to one **(1)** of the following systems:

(a) National Uniform Eartagging System (NUES);

(b) Animal identification number (AIN);

(c) Location-based number system (LID);

(d) Any other numbering system approved by the Administrator for the official identification of animals, including a group identification number;

(e) The animal's breed association tattoo registration number, or freeze brand number **that[which]** uniquely identifies the animal, **if[when]** accompanied by the registration documents; or

(f) Tattoo.

(32) "Owner" is defined by KRS 257.010(11) and means any person owning or leasing from another, or having in charge any equine.

(33) "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

(34) "Premises identification number" or "PIN" means a nationally unique number assigned by a state, tribal, or federal animal health authority to a premises that is, in the judgment of the state, tribal, or federal animal health authority, a geographically distinct location from other premises. The PIN **can[may]** be used in conjunction with a producer's own livestock production numbering system to provide a nationally unique and herd-unique identification number for an animal. It **can[may]** be used as a component of a **group or lot[group/lot]** identification number (GIN).

(35) "Radio Frequency Identification Device" or "RFID" means a device electronically encoded with a unique identification and that meets the applicable International Standards Organization (ISO) standards.

(36) "Set of CEM swabs" means:

(a) For a female equine, a swab obtained from the clitoral sinus and clitoral fossa; and

(b) For an intact male equine, a swab obtained from the prepuce, the urethral sinus, and the fossa glandis, including the diverticulum of the fossa glandis.

(37) "Shedder" or "shedding" means an equine has been determined to have EAV in its body and is capable of transmitting the EAV to other equine.

(38) "Stallion" means a male horse, other than a gelding, over 731 days of age.

(39) "USDA" means the United States Department of Agriculture.

(40) "USDA APHIS VS" means the USDA, Animal Plant and Health Inspection Service, Veterinary Services.

## Section 2. Certificate of Veterinary Inspection.

(1) CVI Expiration Period.

(a) A CVI shall remain valid for thirty (30) days after date of issuance, for all purposes except intrastate exhibition.

(b) A CVI for intrastate exhibition shall remain valid for the duration of the EIA test certificate's validity, but ~~[in any event]~~ shall not remain valid for more than one (1) year from the date ~~[when]~~ the CVI was issued.

(2) A CVI shall contain ~~[the following information]:~~

(a) Identification of each animal recorded on the certificate;

(b) An official identification (OID) for each equine;

(c) The species, breed, sex, and age of the equine;

(d) The name and address of the owner or agent shipping the animal;

(e) The location from which the animal is loaded for movement;

(f) The name and address of the person receiving the animal;

(g) The location at which the animal will be received;

(h) The purpose of the movement and the total number of animals;

(i) All blank spots for data are crossed out by the accredited Veterinarian prior to signing;

(j) The import permit or movement number issued by the OSV;

(k) The following statement or one substantially similar: "I certify as an accredited veterinarian that the above described animals have been inspected by me on this date and that they are not showing signs of infection or communicable disease (except if noted). The vaccinations and results of tests are as indicated on the certificate. To the best of my knowledge, the animals listed on this certificate meet the state of destination and federal interstate requirements."; and

(l) The signature, date of signature, and licensure number of the accredited veterinarian.

(3) ~~If [Where]~~ the accredited veterinarian ~~uses [shall send]~~ a paper CVI. (a) The first physical page shall be mailed or otherwise delivered to the OSV within seven (7) days of the date it is written.

(b) An exact replica image (a photocopy) of the first page may be submitted in lieu of the first physical page.



(c) The second page shall physically accompany the animal being moved and be readily accessible during the movement.

(d) The third page shall be sent to the Animal health authority in the state of destination within seven (7) days of the date it is written.

(e) The fourth page shall be retained by the issuing veterinarian for a period of at least five (5) years from the date of issuance.

(f) A legible copy of any supplemental pages shall **have its identification on the CVI[be]** stapled to the original and each copy of the CVI.

(g) Any equine listed on the CVI, but not moved, shall be struck through and initialed.

(4) Electronically submitted CVI.

(a) **A CVI or[CVI and]** permit **[submission requirements]** may be submitted via an importable format as allowed by USAHA AHSIS Subcommittee on Data Standards **[“]standard XML schema document[“]**.

(b) Animals moving with an electronically submitted CVI shall be accompanied by a paper copy or have the electronic material stored on a device that **can[may]** be read immediately upon request.

(5) CVI Reconsignment Form. Sale animals purchased at a Kentucky sale venue may move to the buyer's destination with a CVI Reconsignment Form attached to the original CVI for the sale if **[the following conditions are met]:**

(a) The animal health authority in the state of destination agrees to accept a reconsigned CVI;

(b) The animal **shall[will]** reach its final destination within thirty (30) days from the date stated on the original CVI;

(c) The requirements of the state of destination, including required test results, have been met and denoted on the CVI Reconsignment Form; and

(d) The reconsigning veterinarian submits the Reconsignee Certificate and a copy of the original CVI to the animal health authority in the state of destination and to the OSV within seven (7) days of the date of reconsignment, and meets the other requirements **established[set forth]** in **subsection (3) of this section[section (3) above]** for paper submission or **subsection (4) of this section** for electronic submission.

### Section 3. Movement Permit.

(1) A permit for interstate movement into Kentucky **shall[is]** only **be** required during times of equine disease outbreaks, or from **[such]** areas where **[such]** an outbreak has occurred. Persons wishing to move equine interstate into Kentucky shall consult any applicable requirements as found on the Web site at [www.kyagr.com](http://www.kyagr.com). Instructions and a permit, if required, may be obtained on the Web site.

(2) Entry permit instructions may be obtained by calling the OSV at 502-573-0282, Monday through Friday, 8 a.m. EST to 4:30 p.m. EST.

(3) Required testing or vaccinations. All required tests and vaccinations shall be

performed by~~[one (1) of the following]~~:

- (a) A licensed and accredited veterinarian;
- (b) A representative of the State Veterinarian; or
- (c) A representative of the USDA.
- (4) Required tests shall be conducted at no expense to the Commonwealth of Kentucky.
- (5) Required laboratory tests shall be conducted in a state-federal approved laboratory.

Section 4. Official Identification and Other Acceptable Identification. Methods of official identification. The official individual identification shall consist of a set of alphanumeric characters or physical characteristics that ***shall be[are]*** uniquely associated with an individual equine as ***established in subsections (1) through (5) of this section.*** ***Required information shall include[list in this subsection]:***

(1) A written or graphic description of an equine that uniquely identifies that equine and includes ~~the[all of the following information]~~:

- (a) Breed;
- (b) Age;
- (c) Color;
- (d) Distinctive markings; and
- (e) Gender and sexual status;~~;~~
- (2) An official breed association tattoo, tag, or photograph;
- (3) A microchip that complies with ISO 11784/11785;

(4) A non-ISO electronic identification injected to the equine on or before March 11, 2014; ***or***

(5) An RFID, ***only one (1) of which shall be placed on an animal***, if ~~the RFID[all the following apply]~~:

- (a) ~~[The RFID]~~Uniquely identifies the animal;
- (b) ~~[The RFID]~~Is attached to or implanted in the animal; ***and***
- (c) ~~[The RFID]~~Is registered to a PIN or to a person;~~;~~ ***and***
- ~~(d) Only one (1) RFID shall be placed on an animal].~~

Section 5. Premises of Origin Information.

(1) Premises of origin information shall be provided about premises from which the equines were loaded.

(2) The premises of origin information of the specific location the equines were loaded shall include:

- (a) A PIN or LID issued by the USDA, OSV, or the animal health authority in the state of origin or the physical address of the location or origin; and
- (b) The equine owner at the time of movement~~;~~ and that owner's address and contact information.

Section 6. Requirements for Interstate Movement into Kentucky. ~~[(1)] An[No]~~ equine ***shall not enter[entering]*** Kentucky without having a valid CVI and either a Form VS 10-11, or an EIA test form verifying negative EIA from a laboratory approved by the USDA, within the past twelve (12) months; except ***if the equine[when]***:

~~(1)[(a)] [The equine]~~ Has a valid Equine Interstate Event Permit;

~~(2)[(b)] [The equine]~~ Is an unweaned foal accompanied by their dam, ***in which case,*** the foal shall be exempt from the EIA test requirement or a VS 10-11;

~~(3)[(c)] [The equine]~~ Is directly moving to a Kentucky veterinary facility; or

~~(4)[(d)] [The equine]~~ Is directly moving to an approved Kentucky horse sale.

Section 7. Requirements for Movement within Kentucky.

(1) Equines moving intrastate for sale, racing, change of ownership, exhibition, or into a public stable, fairgrounds, or showgrounds shall ***comply with paragraphs (a) and (b) of this subsection.[meet the following requirements:]***

(a) CVI or Equine Interstate Event Permit.

1. Equines moving intrastate shall be accompanied by a valid CVI.

2. A CVI for change of ownership or sale shall be valid for thirty (30) days from the date of issuance.

3. A CVI for intrastate exhibition shall remain valid for the duration of the EIA negative test result certificate date, but shall ***not*** exceed one (1) year from the date of CVI issuance.

4. An Equine Interstate Event Permit issued within the previous twelve (12) months shall be accepted in lieu of a CVI and EIA test report for exhibition purposes.

5. A CVI or an Equine Interstate Event Permit shall be ***[deemed]*** void upon change of ownership.

(b) Equine Infectious Anemia (EIA) test results.

1. Except for unweaned foals accompanied by their dam, equines shall be negative to an USDA official test for EIA within the previous twelve (12) months.

2. A copy of Form VS 10-11 or an EIA test form verifying a negative EIA test result from a laboratory approved by the USDA shall accompany the CVI. The laboratory accession number and date of test shall be recorded on the CVI.

3. Unweaned foals accompanied by their dam shall be exempt from EIA test requirements.

(2) Equine exempt from intrastate movement requirements.***[:]***

(a) Equines moving farm-to-farm with no change of ownership or to a veterinary facility shall not be required to obtain a CVI or negative EIA test result.

(b) Equines moving directly to an approved Kentucky horse sale shall meet the requirements established in section 17 of this administrative regulation.

Section 8. Requirements for Movement for Export from Kentucky. Equines being moved for export from Kentucky shall have movement documentation and any applicable

permits as required by the state of destination, and have these documents immediately available for inspection.

Section 9. Requirements for Interstate Movement through Kentucky. Equines being moved interstate through Kentucky shall have movement documentation and any applicable permits as required by the state of destination, and have these documents immediately available for inspection.

#### Section 10. Extended Equine CVI Program.

(1) The Extended Equine CVI shall be accepted from equines from any states participating in a Memorandum of Agreement with Kentucky. The participating states are four **(4)** at the link: <https://www.globalvetlink.com/eecvi/>.

(2) The Extended Equine CVI shall be issued through Global Vet Link, and shall be valid for six (6) months from date of issue for out-of-state equines.

(3) The Extended Equine CVI shall be valid until one (1) year after date of issue for intrastate movement for exhibition or until the expiration of the EIA test, whichever occurs first.

(4) Each equine shall have a permanent individual animal identification in the form of a unique identifier, lip tattoo, brand, electronic implant, or digital photograph, which shall be referenced on the issued permit.

(5) An accurate event itinerary log shall be in the owner or transporter's possession documenting each equine movement during the period of permit.

#### Section 11. Treatment of Imported Mares.

(1) A mare imported into Kentucky for breeding from a country known to be affected by Contagious Equine Metritis (CEM) shall be tested and treated for CEM by or under the direct supervision of a KAV who is approved by the Kentucky Department of Agriculture according to the procedures established in this section.

(a) Prior to the mare's arrival, the premises shall be inspected by a representative of the OSV in accordance with USDA Veterinary Services Guidance 13406.1 and an **[Agreement]** to Import ***Mare Worksheet*** form shall be completed at the time of inspection and signed by the farm manager or authorized representative.

(b) Upon arrival, the mare shall be placed in quarantine until released by the OSV.

(c) Following arrival, the Kentucky approved veterinarian shall determine the mare's pregnancy status, review the prescribed testing and treatment schedule, and submit to the OSV the reported findings and acceptance, or required amendments to the testing schedule, based on the conditions of the mare by completing the Import Mare Pregnancy and Schedule form.

(d) During the course of the quarantine, the Kentucky approved veterinarian shall collect and submit for CEM culture three (3) sets of swabs from the mare. The sets of

swabs shall be collected during a twelve (12) day period with at least of seventy-two (72) hours lapsing between each set being collected. Mares determined and reported to be non-pregnant shall have an additional swab collected from the endometrium or distal cervix to be included with the third set of CEM swabs.

(e) Following the third set of CEM swabs being submitted for culture, the Kentucky approved veterinarian shall manually remove all organic debris from the clitoral fossa and sinuses. The sinuses shall then be flushed with an approved ceruminolytic agent until all remaining debris has been removed. The Kentucky approved veterinarian shall, for five (5) consecutive days, wash and clean (scrub), with a solution of not less than two (2) percent chlorhexidine in a detergent base, the external genitalia, vaginal vestibule, clitoral fossa, and clitoral sinuses. The clitoral fossa, clitoral sinuses, external genitalia, and vaginal vestibule shall be filled and covered with an antibiotic ointment that is effective against the CEM organism and is approved by USDA and the Kentucky State Veterinarian.

(f) After the procedures established in paragraphs (c) and (d) of this section have been satisfactorily completed and all three (3) of the swabs are reported to the OSV as testing negative for CEM bacterium, the completed CEM Worksheet shall be submitted and the imported mare may be released from quarantine by the OSV.

(g) Before an imported mare may be bred in Kentucky, a swab shall be collected from the endometrium and cultured negative for CEM. This swab may be included with any of the three (3) required sets of swabs, or for a pregnant mare, may be collected after foaling.

(h) An imported mare bred in Kentucky shall be prophylactically scrubbed and bred last of the group of mares bred during that session. The external genitalia of the covering stallion shall be cleansed, as ***established[defined]*** in Section 12(2)(e) of this administrative regulation, after breeding an imported mare. The next three (3) mares bred to the stallion, after the imported mare, shall have a blood sample collected and submitted for CF testing fifteen (15) to twenty-five (25) days post-breeding. Included with the submission of the sample shall be the name of the imported mare that was bred prior to the mare being tested, and the name of the covering stallion, date, and time bred.

(i) The farm manager where the stallion is standing shall notify the owner or agent of the three (3) mares bred to the stallion, following an imported mare, that a post-breeding CF test ***shall be[is]*** required.

(j) The farm manager where the stallion is standing shall contact the OSV and provide the name, breeding date, time, and location of the imported mare covered, and the name, breeding date, time, and location of the three (3) mares bred to the stallion following the imported mare.

(2) A CEM culture positive mare shall remain under quarantine and shall be treated as ***established[described]*** in subsection (1)(d) and (g) of this ***section[administrative regulation]***. The mare shall have sets of swabs obtained, as ***established[described]*** in subsection (1)(c) of this ***section[administrative regulation]***, no less than twenty-one (21) days after the last day of treatment. If all required specimens taken from the mare test

negative for the CEM bacterium, then the mare may be released from quarantine.

(3) User fees shall be assessed for an equine import.

(a)1. An import broker making application to import mares into Kentucky for completion of a CEM quarantine shall pay a fee for the processing, implementation, and monitoring of the quarantine.

2. If multiple destinations are declared for equine to be quarantined, each listed destination shall constitute a separate application.

(b) An application processing and premise inspection fee of \$100 shall be assessed for each application received to import mares into Kentucky for completion of the CEM quarantine.

(c) Upon receipt of the ***mare or mares[mare(s)]*** at the quarantine facility, the broker shall be assessed a fee of \$120 per individual mare for the receipt, inspection, quarantine, and monitoring to establish the ***[equine's]*** disease status during the quarantine period.

(d) An import broker shall pay an additional fee for each shipment of mares ***that[which]*** arrives at a Kentucky quarantine destination on weekends, state-recognized holidays, ***or[and]*** between the hours of 5:01 p.m. and 6:59 a.m.

1. For weekends, and between the hours of 5:01 p.m. and 6:59 a.m., the assessed fee shall be sixty (60) dollars per hour with a minimum of two (2) hours, including the travel time of KDA employees.

2. For state-recognized holidays, the assessed fee shall be \$120 per hour with a minimum of two (2) hours charged. The holiday fee shall apply to all mares received during the holiday period, which runs from the close of business on the last scheduled work day preceding the holiday, through the start of business on the next scheduled work day following the holiday, including the travel time of KDA employees.

(e) The broker shall pay the assessed fees by check. The check shall be made payable to the Kentucky State Treasurer and mailed to the OSV within ninety-six (96) hours of receipt of the charges.

(f) Failure to comply with the user fee schedule may result in an application for importation to be delayed or denied.

***(4)[Section 4.]*** An imported mare shall be released from quarantine if:

***(a)[1.]*** The requirements of all sections of this administrative regulation have been completed;

***(b)[2.]*** The required specimens taken from the mare test negative for the CEM bacterium; and

***(c)[3.]*** No other evidence of CEM conditions, indication of possible CEM suppression, or other related medical issues were found.

#### Section 12. Treatment of Imported Stallions.

(1) A stallion imported into Kentucky from a country identified or classified by the USDA to be affected with Contagious Equine Metritis, and which imports into the United States

and Kentucky via a breeding permit issued by USDA shall be quarantined by the OSV until the testing for CEM is complied with, and it is determined the stallion is free of the disease-causing organism.

(2) Stallions, other than those addressed in subsection (1) of this administrative regulation, that are imported from any country outside the continental United States, its territories, possessions, or Canada shall, before breeding in Kentucky, be treated by or under the direct supervision of a KAV according to the procedures established in this section.

(a) While wearing disposable gloves and using disposable equipment, the Kentucky approved veterinarian shall collect one (1) set of CEM swabs from the stallion to be cultured for CEM.

(b) The stallion shall be bred to two (2) test mares that have been qualified as CEM-free. The test mares shall qualify as CEM-free if:

1. They test negative to a CF test; and
2. ~~[[f]]~~ Three (3) sets of swabs taken from the mares during a twelve (12) day period, with at least ~~[of]~~ seventy-two (72) hours lapsing between each set being collected, are culture negative for the CEM bacterium.

(c) After being bred by the stallion, a set of CEM swabs shall be collected from the test mares on the third, sixth, and ninth days after breeding.

(d) The test mares shall have a CF test conducted fifteen (15) days after breeding.

(e) With the stallion in full erection, the Kentucky approved veterinarian shall, for five (5) consecutive days, wash and clean (scrub) with a solution of not less than two (2) percent chlorhexidine in a detergent base, the prepuce, urethral sinus, and fossa glandis, including the diverticulum of the fossa glandis. The external genitalia, the prepuce, urethral sinus, and fossa glandis, including the diverticulum of the fossa glandis, shall then be filled and covered with an antibiotic ointment that is effective against the CEM organism and ~~that~~~~[which]~~ is approved by the USDA and the OSV.

(f) All tests and cultures required by this section shall be conducted at a laboratory approved by the USDA's National Veterinary Services Laboratory and the OSV. A list of approved laboratories may be found at [http://www.aphis.usda.gov/animal health/lab info services/downloads/Approvedlabs CEM.pdf](http://www.aphis.usda.gov/animal%20health/lab%20info/services/downloads/Approvedlabs%20CEM.pdf). If all required specimens taken from the test mares and stallion are test-negative and culture-negative for the CEM bacterium, then the stallion and the test mares may be released from quarantine.

(3) User fees shall be assessed for an equine import.

(a) An import broker ~~applying~~~~[making application]~~ to import a stallion into Kentucky for completion of a CEM quarantine shall pay a fee for the processing, implementation, and monitoring of the quarantine. If multiple destinations are declared for equines to be quarantined, each listed destination shall constitute a separate application.

(b) An application processing and premise inspection fee of \$100 shall be assessed for each application received to import horses into Kentucky for completion of the prescribed

CEM quarantine and testing.

(c) Upon receipt of the stallion at the quarantine facility, the broker shall be assessed a fee of \$260 per individual stallion for the receipt, inspection, quarantine, test breeding, and monitoring of the stallion and test mares to establish the animal's disease status during the quarantine period.

(d) An import broker shall pay an additional fee, ***as established in subparagraph 2. of this paragraph,*** for each shipment of stallions ***that[which]*** arrive at a Kentucky quarantine destination on weekends, state-recognized holidays, and between the hours of 5:01 p.m. and 6:59 a.m.

1. For weekends and between the hours of 5:01 p.m. and 6:59 a.m., the assessed fee shall be sixty (60) dollars per hour with a minimum of two (2) hours time charged including the travel time of OSV employees.

2. For state-recognized holidays, the assessed fee shall be \$120 per hour with a minimum of two (2) hours of time charged. The holiday fee shall apply to all stallions received during the holiday period, which runs from the close of business on the last scheduled work day preceding the holiday, through the start of business on the next scheduled work day following the holiday including the travel time of OSV employees.

(e) The broker shall pay the assessed fees by check. The check shall be made payable to the Kentucky State Treasurer and mailed to the OSV within ninety-six (96) hours of receipt of the charges.

(f) Failure to comply with the user fee schedule ***shall subject the[may result in an]*** application for importation to be delayed or denied.

Section 13. Treatment of Contagious Equine Metritis. Treatment of CEM in stallions shall occur in accordance with the plan developed by OSV and the veterinarian for the stallion.

Section 14. Breeding Shed for Imported Female Equines.

(1) Maiden mares over 731 days of age at the time of importation from any country outside the continental United States, its territories, possessions, or Canada shall, before being bred in Kentucky, have two (2) sets of swabs testing negative for CEM bacterium with a minimum of seventy-two (72) hours lapsing between collecting the swabs. One (1) of the two (2) sets of swabs shall include a swab collected from the endometrium. Imported maiden mares bred in Kentucky shall be prophylactically scrubbed and bred last of any group of mares bred during that session. After the breeding, the external genitalia of the covering stallion shall be cleansed as ***established[defined]*** in Section 12(2)(e) of this administrative regulation.

(a) The next three (3) mares bred to the stallion, after the imported mare, shall have a blood sample collected and submitted for CF testing fifteen (15) to twenty-five (25) days postbreeding. Included with the submission of the sample shall be the name of the



imported mare that was bred prior to the mare being tested, and the name of the covering stallion, date, and time bred.

(b) It shall be the responsibility of the farm where the stallion is standing to notify the owner or agent of the three (3) mares bred to the stallion, following an imported mare, that a postbreeding CF test is required.

(c) The farm where the stallion is standing shall contact the OSV, and provide the name, breeding date, time, and location of the imported mare covered, and the name, breeding date, time, and location of the three (3) mares bred to the stallion following the imported mare.

(2) Mares over 731 days of age imported from any country outside the continental United States, its territories, possessions, or Canada, that are not listed ~~**[in the Code of Federal Regulations]**~~ as being affected by CEM shall, before being bred in Kentucky, have two (2) negative sets of swabs with a minimum of seventy-two (72) hours lapsing between collecting the swabs. Prior to being bred, a swab shall be collected from the endometrium and tested negative for CEM. This swab may be included with either of the required sets, or for a pregnant mare, may be collected after foaling. Imported mares, addressed in this section, bred in Kentucky shall be prophylactically scrubbed and bred last of any group of mares bred during that session. The covering stallion shall be cleansed as **established[defined]** in Section 1 of this administrative regulation after breeding.

(a) The next three (3) mares bred to the stallion, after the imported mare, shall have a blood sample collected and submitted for testing fifteen (15) to twenty-five (25) days postbreeding. Included with the submission of the sample shall be the name of the imported mare that was bred prior to the mare being tested, and the name of the covering stallion, date, and time bred.

(b) It shall be the responsibility of the farm where the stallion is standing to notify the owner or agent of the three (3) mares bred to the stallion, following an imported mare, that the postbreeding CF test is required.

(c) The farm where the stallion is standing shall contact the OSV and provide the name, breeding date, time, and location of the imported mare covered, and the name, breeding date, time, and location of the three (3) mares bred to the stallion following the imported mare.

(3) Mares, other than maidens, over 731 days of age imported into Kentucky for breeding from countries listed ~~**[in the Code of Federal Regulations]**~~ as being affected with CEM shall be treated in accordance with Section 11 of this administrative regulation.

#### Section 15. Equine Viral Arteritis in Thoroughbreds.

(1) EVA Shedding Stallions. A thoroughbred stallion known to be shedding EAV shall not be permitted to breed until the State Veterinarian determines that the stallion does not pose a threat of transmitting EAV. In making this determination, the State Veterinarian shall consider whether the requirements of paragraphs (b) and (c) of this section

***shall[will]*** be complied with by the farm on which the shedding stallion is located. The ***[following]*** restrictions ***established in paragraphs (a) through (c) of this subsection*** shall apply to a shedding stallion that is permitted to breed.***[:]***

(a) An owner or agent of a mare booking or seeking to book a mare to a shedding stallion shall be notified in writing by the owner or agent that the stallion is classified as an EVA shedder. A written copy of the booking confirmation shall be sent to the OSV.***[:]***

(b) A shedding stallion shall be housed, handled, and bred in a facility isolated from a nonshedding stallion.***[:and]***

(c) A shedding stallion shall be bred to a mare that:

1. Has been vaccinated against EVA at least twenty-one (21) days prior to breeding; or  
2. Demonstrates an EVA titer from vaccination or exposure to EAV, if the serological EVA test to determine the mare is EVA ***[EVA]*** sero positive was conducted no sooner than November 1 of the previous calendar year for the following breeding season.

(2) EVA sero positive nonshedding stallions. The ***[following]*** restrictions ***established in paragraphs (a) and (b) of this subsection*** shall apply to a nonshedding stallion that was previously classified as a shedding stallion.***[:]***

(a) During the first breeding season following the stallion's classification as a nonshedder, the first five (5) EVA Sero negative mares covered by the stallion shall have a blood sample collected for an EVA test twenty-eight (28) days after breeding.***[:and]***

(b) During the second breeding season, the stallion shall be bred to two (2) mares negative for EAV antibodies or have its semen collected and cultured for EAV. If the culture report and blood samples are negative for EAV, there shall not be restrictions placed on a future breeding season.

(3) A EVA Sero positive EVA vaccinated (arvac) stallion that did not have an EVA negative test prior to vaccination shall be eligible for breeding by complying with ***paragraph (a) or (b) of this subsection.[one (1) of the following:]***

(a) Semen shall be collected and cultured for EAV and culture shall be reported as negative.***[:or]***

(b) Prior to entering the breeding shed, the stallion shall be bred to two (2) mares negative for EAV antibodies. The two (2) mares shall have blood collected for an EVA test twenty-eight (28) days after breeding. ***Prior to the horse entering the breeding shed,*** test results shall be reported as negative for EAV antibodies.

(4) A nonvaccinated EVA Sero positive stallion (or EVA vaccinated stallion that does not have documentation of the vaccination or a stallion with unknown exposure to EAV) shall be eligible for breeding ***as established in paragraphs (a) through (c) of this subsection.[by complying with the following:]***

(a)***1.*** Semen shall be collected and cultured for EAV; or

***2.[:(b)]*** Prior to entry into the breeding shed, the stallion shall be bred to two (2) mares negative for EVA antibodies. The two (2) mares shall have blood collected for an EVA test twenty-eight (28) days after breeding. ***Prior to the horse entering the breeding shed,***

test results shall be reported as negative for EVA antibodies.

**(b)[(e)]** The first two (2) EVA Sero negative mares covered by the stallion shall have a blood sample collected for an EVA test twenty-eight (28) days after breeding.

**(c)[(d)]** The Kentucky State Veterinarian may monitor a EVA Sero negative mare covered by the stallion during a breeding season. **Monitoring shall include[by]** having a blood sample collected for an EVA test twenty-eight (28) days after breeding.

(5) The determination that a stallion is not a shedder shall be made based on a scientific procedure approved by the state veterinarian. The procedures shall be conducted in the presence of the State Veterinarian or his or her designee.

(6) EVA Classification Category.

(a) Category One Mares. Category One Mares shall include mares bred to a shedding stallion for the first time. Category One Mares shall be EVA vaccinated a minimum of twenty-one (21) days prior to the first cover by a shedding stallion and shall be isolated a minimum of twenty-one (21) days after the first cover.

1. During isolation, the Category One Mare shall be physically separated from other **equine or equines[equine(s)]** in a separate isolation area approved by the State Veterinarian or designated personnel.

2. After the isolation period, a Category One Mare may move without restriction.

3. A Category One Mare that does not conceive after being bred to a shedding stallion and has completed the twenty-one (21) day isolation period following the first cover shall be reclassified as a Category Two Mare for the remainder of the breeding season.

(b) Category Two Mares. Category Two Mares shall include a mare:

1. **a.** Bred to a shedding stallion within the previous two (2) years; or

**b.[2.]** Previously classified as a Category One Mare that has completed the twenty-one (21) day isolation period; and

**2.[3.]** May move without restrictions after being covered by a shedding stallion.

(c) A mare bred to a shedding stallion may return to the farm of origin in a van or other transport vehicle by herself, or with EVA Sero positive equine. Upon returning to the farm of origin, the van or other transport vehicle and equipment used to move the mare shall be immediately cleaned and disinfected.

(d) A mare bred to a shedding stallion shall be bred to a shedding stallion during that estrus cycle. A mare may be bred to a nonshedding, EVA vaccinated stallion on subsequent estrus cycles during the breeding season.

(e)1. Except as **established[provided]** in subparagraph (2) of this subsection, in cooperation with the stallion's owner or manager, the State Veterinarian shall determine that a stallion is not shedding EAV prior to the stallion being permitted to breed.

2. A stallion shall be permitted to breed with an EVA Sero negative test mare without the determination required by paragraph (a) of this subsection.

(7) A stallion or mare infected with EAV during the breeding season shall immediately cease breeding, and the State Veterinarian shall be immediately notified. An owner or

agent with a mare booked or bred to a stallion that became infected with EAV during the breeding season shall be immediately notified in writing by the stallion's owner or agent. A copy of the written notification shall be sent to the State Veterinarian. A stallion infected with EAV during the breeding season shall be classified as a shedder and shall be handled accordingly. Following the stallion's classification as a shedder, the State Veterinarian may reclassify the stallion as a nonshedder in accordance with Section 15(5) of this administrative regulation.

(8) Equine Vaccinated Against EVA. Equine vaccinated for the first time against EVA shall have a blood sample collected for an EVA test prior to vaccination. A certificate documenting the equine has been EVA Vaccinated shall be sent to the State Veterinarian within seven (7) days of the vaccination date. A EVA Vaccinated stallion shall not be exposed to an EVA affected equine and shall not be used for breeding within twenty-one (21) days after vaccination. A thoroughbred stallion used for breeding in Kentucky shall be EVA Vaccinated annually with an approved state federal EVA vaccine.

(9) A nurse mare shall be:

- (a) EVA Sero negative;
- (b) Officially EVA Vaccinated; and
- (c) Isolated from other equine on the farm.

(10) A teaser shall be officially EVA Vaccinated against EVA.

(11)(a) An EVA test mare shall be isolated from the other equine and under the supervision of state personnel if the mare becomes:

1. Affected with EAV after breeding; or
2. EVA Sero positive after breeding.

(b) An isolated mare shall be eligible for release from isolation by the State Veterinarian after:

1. Twenty-eight (28) days in isolation; or
2. The spread of EAV is no longer a risk, whichever is longer.

Section 16. Equine Infectious Anemia Positive Horses.

(1) Equines positive ~~as~~**ans** confirmed ~~by a~~**to-an** USDA approved test for EIA shall be officially identified and permanently identified using the numbers and letter "61A" with a brand on the left neck region.

(2) All classified positive EIA equines not slaughtered or euthanized shall be isolated and quarantined. Isolation shall include stabling in a stall that is screened to preclude entry and exit of mosquitoes, stable flies, and horse flies during seasons of the year when such insects are prevalent. EIA positive equines ~~shall~~**will** also be kept at least 200 yards from all other equine.

(3) The movement of any quarantined positive EIA equines shall occur only with permission by the OSV.

(4) All equines on the premises where a EIA-positive equine was identified shall be

quarantined pending a negative test for EIA.

Section 17. Approved Kentucky Horse Sale.

(1) Operating Sale Requirements. The sale management shall ***comply with paragraphs (a) through (i) of this subsection***~~***meet the following requirements***~~ pertaining to the sale and the premises at which the sale is conducted. ***The sale manager shall:***

- (a) ***Submit***~~***Furnish***~~ a schedule of sale days to the OSV;
- (b) Submit an Application for an approved Kentucky horse sale to the OSV and have approval confirmed by the OSV prior the first sale date;
- (c) Maintain well-constructed pens and handling facilities that are clean, well-lighted and in good repair;
- (d) Maintain a cleaning and disinfection program;
- (e) Ensure that all equines on the premises without valid negative EIA test certificates shall have a blood sample drawn for EIA testing by the approved market veterinarian at the owner's expense prior to the sale;
- (f) ***Ensure***~~***Insure***~~ that all horses be identified by a back tag or other official ID tag, with each horse's color, sex, breed, age, and back tag number, ***which*** shall be recorded by sales staff;
- (g) Maintain on file for ***at least*** twelve (12) months, complete records of the origin and destination of each equine going through the sale. These records shall be made available to the department upon request. Records shall include~~***the following***~~:
  - 1. Identification of each equine sold that meets the requirements as established in paragraph (e) of this subsection; and
  - 2. The premises of origin address for the equine, the name and address for the seller, and the name and address for the buyer. A driver's license or other valid identification shall be used to verify complete address of both the buyer and seller of each equine;~~***and***~~
- (h) Post notices announcing that equines are being sold without proof of negative testing for EIA in visible locations throughout the market and sale area; ~~***and***~~~~***.***~~
- (i) Arrange for a licensed and accredited veterinarian, approved by the OSV as the equine market veterinarian, to implement the provisions established in Section 3 of this administrative regulation.

(2) Veterinary Duties. The equine market veterinarian shall:

- (a) Submit ~~***an application***~~ of the form titled Responsibilities of the Equine Market Veterinarian to the OSV and be approved by the OSV.
- (b) Visually inspect each equine for clinical evidence of communicable diseases prior to the equine leaving the sales premises and report the presence of any communicable disease condition to the State Veterinarian or an authorized representative;
- (c) Provide direct supervision for the collection of required blood samples from each eligible equine and for the recording of corresponding identification of each sample; and
- (d) Cooperate with state-federal inspectors, and sale management, in carrying out all

applicable laws and regulations governing the sale and movement of equines.

Section **18.[20.]** Material Incorporated by Reference. (1) The following material is incorporated by reference:

- (a) **"CVI", 2019;**
- (b) **"CVI Reconsignment Form", 2019;**
- (c) **"Form VS 10-11", 2019;**
- (d) **"EIA Test Form", 2019;**
- (e) **"Import Mare Agreement Form", 2019;**
- (g) **"Import Mare Pregnancy and Schedule Form", 2019;**
- (h) **"Import Mare Worksheet Form", 2019;**
- (i) **"Import Stallion Worksheet Form", 2019;**
- (j) **"Import Stallion Agreement Form and CEM Imported Stallion Worksheet Form", 2019; and**
- (k) **"Responsibilities of the Equine Market Veterinarian", 2019.**

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Agriculture, Division of Animal Health, 111 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.