



**Andy Beshear**  
GOVERNOR

**Jacqueline Coleman**  
LIEUTENANT GOVERNOR

**PUBLIC PROTECTION CABINET**

**Department of Professional Licensing**  
Kentucky Board of Licensed Professional  
Counselors  
P.O. Box 1360  
Frankfort, KY 40602  
Phone: (502) 782-8803  
Fax: (502) 564-4818

**Ray A. Perry**  
SECRETARY

March 3, 2025

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission 083  
Capitol Annex  
Frankfort, KY 40601

RE: Suggested Substitute - Amended After Comments  
201 KAR 36:050

Dear Co-Chairs West and Lewis:

After agency amendments after comments, and discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 36:050, the Kentucky Board of Licensed Professional Counselors proposes the attached staff suggested amendments to 201 KAR 36:050.

Sincerely,

*Sara Boswell Janes*

Sara Boswell Janes  
Staff Attorney III  
Public Protection Cabinet  
Department of Professional Licensing  
as Board Counsel on behalf of the Kentucky  
Board of Licensed Professional Counselors  
500 Mero Street  
Frankfort, Kentucky 40601

**SUGGESTED SUBSTITUTE – AMENDED AFTER COMMENTS**

**BOARDS AND COMMISSIONS**  
**Board of Licensed Professional Counselors**

**201 KAR 36:050. Complaint management process.**

RELATES TO: KRS **Chapter 13B, 335.500-335.599, 45 C.F.R. Part 164.512**~~[335.540, 335.545]~~

STATUTORY AUTHORITY: KRS 335.515(3), (7)~~], 45 C.F.R. 164.512(a), (d), (e)~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(3) requires the board to promulgate administrative regulations necessary to carry out and enforce the provisions of KRS 335.500 to 335.599. This administrative regulation establishes the procedures for filing, investigating, and addressing a complaint filed against a professional counselor.

Section 1. Receipt of Complaints.

(1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity;

(b) Shall be:

1. In writing and provided on the Complaint Form **with Information Sheet and Authorization for Release of Medical and Client Records, DPL-LPC-11**~~[, DPL-LPC-12]~~; and
2. Signed by the person submitting the complaint; and

(c) May be filed by the board based upon information in its possession **without receipt of a third-party complaint if the board has reasonable cause to believe there may be a violation by a licensee.**

(2)

(a) Upon receipt of a complaint, a copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint.

(b) The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.

(3)

(a) Upon receipt of the written response of the individual named in the complaint, a copy of his or her response shall be sent to the complainant.

(b) The complainant shall have seven (7) days from the receipt to submit a written reply to the response.

Section 2. Initial Review.

(1) After the receipt of a complaint and the expiration of the period for the individual's response or reply, the complaint screening committee shall consider the individual's response, complainant's reply to the response, and any other relevant material available, and make a recommendation to the board.

The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, it shall:

- (a) Dismiss the complaint; and
- (b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, it shall:

- (a) Authorize an investigation into the matter; and
- (b) Order a report to be made to the complaint screening committee at the earliest opportunity.

### Section 3. Results of Formal Investigation; Board Decision on Hearing.

(1) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint. The committee shall review the investigative report and make a recommendation to the board. The board shall determine whether there has been a prima facie violation of KRS 335.500 to 335.599 or the administrative regulations promulgated thereunder and *whether* a complaint *shall[should]* be filed.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, it shall:

- (a) Dismiss the complaint or take action pursuant to KRS 335.540(3); and
- (b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint, which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual as required by KRS Chapter 13B.

(4) If the board determines that a person may be in violation, it shall:

- (a) Order the individual to cease and desist from further violations of KRS 335.505;
- (b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 335.505 with a request that appropriate action be taken under KRS 335.599; or
- (c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 335.505.

### Section 4. Settlement by Informal Proceedings.

(1) The board, through counsel and the complaint screening committee, may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chair.

(3) The board may employ mediation as a method of resolving the matter informally.

### Section 5. ***Written Admonishment.***

(1) If the complaint screening committee determines that a violation has occurred but is not serious, the complaint screening committee may recommend the issuance of a private written admonishment~~[reprimand]~~ to the board. If the board accepts the recommendation, the board shall issue a private written admonishment~~[reprimand]~~ to the credential holder.

(2) A copy of the private written admonishment~~[reprimand]~~ shall be placed in the permanent file of the credential holder.

(3) A private written admonishment~~[reprimand]~~ shall not:

- (a) Be subject to disclosure to the public under KRS 61.878(1)(l); or
- (b) Constitute disciplinary action.

(4) A private written ~~admonishment~~~~[reprimand]~~ may be used by the board for statistical purposes or in any subsequent disciplinary action against the credential holder or applicant.

Section 6. ***Board Ordered Examination.*** If the board determines that there is reasonable cause to believe that a license holder or applicant for a license is physically or mentally incapable of practicing professional counseling with reasonable skill and safety to clients, the board may order the license holder or applicant to submit to an examination by a mental health professional or a physician designated by the board to determine the license holder's or applicant's mental health or physical status to practice professional counseling.

Section 7. Notice and Service Process. A notice required by KRS 335.500 to 335.599 or this administrative regulation shall be issued pursuant to KRS Chapter 13B and 201 KAR 36:090.

Section 8. Notification. The board shall make public:

- (1) Its final order in a disciplinary action under KRS 335.540 with the exception of a written admonishment issued pursuant to KRS 335.540(3); and
- (2) An action to restrain or enjoin a violation of KRS 335.505. ~~[201 KAR 36:050.]~~

Section 9. ***Authorization for Release of Medical and Client Records.*** If the~~[your]~~ complaint relates to services provided ~~[to you]~~ by a licensee, the board or ~~its~~~~[it's]~~ authorized representative may contact ~~the complainant~~~~[you]~~ and request that ~~he or she~~~~[you]~~ sign an Authorization for Release of Medical and Client Records, ~~DPL-LPC-10~~~~/12~~. This involves health oversight activities and administrative proceedings of the board and disclosure is permitted ~~by~~~~[under]~~ 45 C.F.R. Section 164.512~~[(a), (d), and (e)]~~, the ~~federal~~ regulations implementing the Health Insurance Portability Accountability Act (HIPAA).

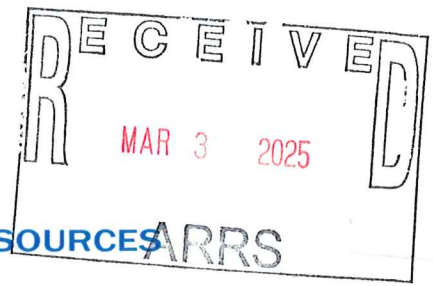
Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Complaint Form with Information Sheet and Authorization for Release of Medical and Client Records", DPL-LPC-11, February 2025~~[August 2024]~~; and~~[DPL-LPC-12, July 2023, is incorporated by reference.]~~
- (b) "Authorization for Release of Medical and Client Records", DPL-LPC-12, February 2025~~[August 2024]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensed Professional Counselors, 500 Mero Street, Frankfort, Kentucky 40601, from 8:00 a.m. to 4:00 p.m., Monday through Friday. This material is also available on the board's Web site at [ipc.ky.gov](http://ipc.ky.gov).

CONTACT PERSON: Sara Boswell Janes, Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services, 500 Mero Street, 2 NC WK#2, phone (502) 782-2709 (office), fax (502) 564-4818, email [Sara.Janes@ky.gov](mailto:Sara.Janes@ky.gov).



**KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES**

**Rich Storm**  
Commissioner

#1 Sportsman's Lane  
Frankfort, Kentucky 40601  
Phone (502) 564-3400  
Fax (502) 564-0506

**Brian Clark**  
Deputy Commissioner

**Gabe Jenkins**  
Deputy Commissioner

March 3, 2025

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
Rm 083, Capitol Annex  
Frankfort KY 40601

Re: 301 KAR 2:132., Elk hunting seasons, permits, zones and requirements., 301 KAR 5:022.,  
License, tag, and permit fees

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 2:132 and 301 KAR 5:022., Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 2:132 and 5:022.

Sincerely,

Jenny Gilbert  
Legislative Liaison  
Commissioner's Office  
Kentucky Department of Fish and Wildlife Resources  
1 Sportsmen's Lane  
Frankfort, KY 40601

**Staff-suggested Amendment  
Final version 3/3/2025**

**TOURISM, ARTS AND HERITAGE CABINET  
Department of Fish and Wildlife Resources**

**301 KAR 2:132. Elk hunting seasons, permits, zones, and requirements.**

**Page 12**

**Section 8(8)(c)**

**Line 19**

After "in the preceding", insert "thirty (30)".  
Delete "30".

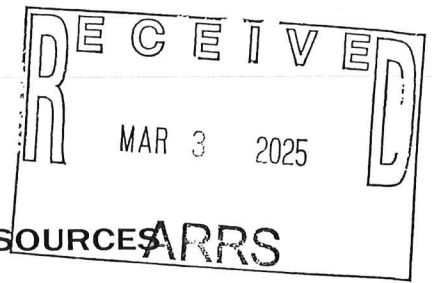
**Page 22**

**Section 16**

**Line 3**

After "Eastern Time", insert the following:

, or on the department's Web site at fw.ky.gov



KENTUCKY DEPARTMENT OF FISH & WILDLIFE RESOURCES

**Rich Storm**  
Commissioner

#1 Sportsman's Lane  
Frankfort, Kentucky 40601  
Phone (502) 564-3400  
Fax (502) 564-0506

**Brian Clark**  
Deputy Commissioner

**Gabe Jenkins**  
Deputy Commissioner

March 3, 2025

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
Rm 083, Capitol Annex  
Frankfort KY 40601

Re: 301 KAR 2:132., Elk hunting seasons, permits, zones and requirements., 301 KAR 5:022.,  
License, tag, and permit fees

Dear Co-Chairs:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 301 KAR 2:132 and 301 KAR 5:022., Kentucky Department of Fish and Wildlife Resources proposes the attached amendment to 301 KAR 2:132 and 5:022.

Sincerely,

A handwritten signature in cursive script that reads "Jenny Gilbert".

Jenny Gilbert  
Legislative Liaison  
Commissioner's Office  
Kentucky Department of Fish and Wildlife Resources  
1 Sportsmen's Lane  
Frankfort, KY 40601

**Staff-suggested Amendment**

**Final version 3/3/2025  
TOURISM, ARTS AND HERITAGE CABINET  
Department of Fish and Wildlife Resources**

**301 KAR 5:022. License, tag, and permit fees.**

**Page 2**

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

**Line 14**

After "license for", insert "invasive".  
Delete "Asian".

**Page 2**

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

**Line 19**

After "tags for", insert "invasive".  
Delete "Asian".

**Page 5**

**Section 1(8)(o)**

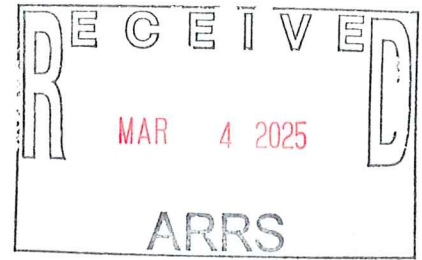
**Line 12**

After "\$550", insert "z".  
Delete ".".





COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET  
transportation.ky.gov



Andy Beshear  
GOVERNOR

Jim Gray  
SECRETARY

Tuesday, March 4, 2025

Senator Stephen West  
Representative Derek Lewis  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort, Kentucky 40601

Dear Co-Chairs:

After consideration of the issues raised by 601 KAR 12:120E, the Department of Vehicle Regulation proposes the attached suggested amendment to this regulation.

Sincerely,

A handwritten signature in cursive script that reads "Jesse Rowe".

Jesse Rowe, Assistant General Counsel  
Kentucky Transportation Cabinet  
Office of Legal Services  
200 Mero Street  
Frankfort, Kentucky 40601

**Suggested Amendment to Emergency Version**

Final Version: 01/28/25 at 2:30 p.m.

**TRANSPORTATION CABINET  
Department of Vehicle Regulation  
Division of Driver Licensing**

**601 KAR 12:120E. Testing applicants for initial or renewal instruction permit, initial or renewal operator's license, or reinstatement.**

**Page 1**

**NECESSITY, FUNCTION, AND CONFORMITY**

**Line 11**

After "Police to", insert "submit".

Delete "test".

**Lines 13 and 14**

After "Licensing, to", insert "submit".

Delete "test".

**Line 15**

After "reinstatement to", delete "submit to".

**Page 9**

**Section 5(1)(a)**

**Line 15**

After "Testing Certification,"", insert "December".

Delete "November".

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

**Line 16**

After "Credentialing Certification,"", insert "December".

Delete "November".

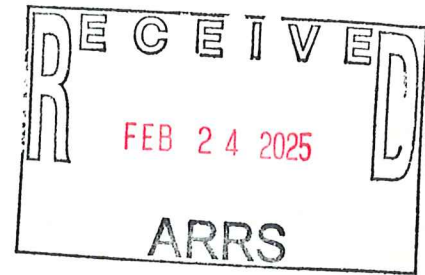
Andy Beshear  
Governor



Jamie Link  
Secretary, Education and  
Labor Cabinet

Dr. Robbie Fletcher  
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)



February 19, 2025

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Capitol Annex 083  
Frankfort, KY 40601

Re: 704 KAR 3:315. Certification of Nonpublic Schools.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 704 KAR 3:315, the Kentucky Board of Education proposes the attached amendment to 704 KAR 3:315

Sincerely,

*Todd G. Allen*

Todd G. Allen  
Deputy Commissioner and General Counsel

attachment

**Subcommittee Substitute  
Final version 2/19/25**

**EDUCATION AND LABOR CABINET  
Kentucky Board of Education  
Department of Education  
(As Amended at ARRS)**

**704 KAR 3:315. Certification of Nonpublic Schools.**

RELATES TO: KRS 156.160 [~~159.030, 159.040~~], 158.070, 158.080, 159.030, 159.040 [~~159.080, 156.160.~~]

STATUTORY AUTHORITY: KRS 156.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(3) provides that nonpublic schools may voluntarily comply with the curriculum, certification, and textbook standards established by the Kentucky Board of Education (KBE) and be certified upon application to the board. KRS 156.070(4) authorizes the KBE to promulgate regulations necessary to the efficient management and operation of programs under the KBE's jurisdiction. KRS 158.080 outlines the required courses to be taught in nonpublic schools. KRS 158.070 establishes the minimum required length of the school term. KRS 159.040 provides the records that ***shall*** [~~*must*~~] be maintained by nonpublic schools.

Section 1. Definitions. (1) "Nonpublic school" means any private, parochial, home-based, or church school. A public charter school as defined by KRS 160.1592 is not a nonpublic school.

Section 2. Procedures for Certification. (1) Nonpublic schools seeking voluntary certification from the Kentucky Board of Education (KBE) shall seek accreditation from an accrediting agency approved by the Kentucky Nonpublic Schools Commission (KNPSC).

(2) Following successful accreditation, nonpublic schools seeking voluntary certification shall apply with the KNPSC.

(3) The KNPSC shall annually produce a list of nonpublic schools that have successfully completed the accreditation process and are recommended for certification by the KBE. The list shall be submitted to the Kentucky Department of Education (KDE) by April 15 of each year for consideration by the KBE at its next regularly scheduled meeting.

(4) Upon the recommendation of the KNPSC, any certified nonpublic school may have its certification revoked by the KBE at any point during the school year. ***The*** [~~*Such*~~] recommendations shall be heard at the next regularly scheduled meeting of the KBE.

Section 3. KNPSC Required Policies. (1) The KNPSC shall develop a policy for the screening and selection of eligible accrediting agencies. The policy shall include at a minimum:

- (a) A procedure for accrediting agencies to seek approval by the KNPSC; [~~]~~
- (b) Detailed criteria for the screening and selection of eligible accrediting agencies; [~~]~~
- (c) A timeline for completing the screening and selection process; [~~]~~
- (d) Procedures for the periodic re-screening of approved accrediting agencies; ***and*** [~~]~~

- (e) A list of approved accrediting agencies.
- (2) The KNPSC shall develop a policy for recommending nonpublic schools to the KBE for certification. The policy shall include at a minimum:
  - (a) A process for nonpublic schools to apply for certification through the KNPSC;~~;~~
  - (b) A process to ensure that the nonpublic school is accredited by an approved accrediting agency;~~;~~
  - (c) A process to ensure the nonpublic school is in compliance with the reporting requirements in KRS 159.030;~~;~~
  - (d) A process to ensure the nonpublic school is in compliance with the record keeping requirements in KRS 159.040;~~;~~
  - (e) A process to ensure the nonpublic school is in compliance with the course requirements in KRS 158.070; **and**~~;~~
  - (f) A process to ensure the nonpublic school is in compliance with the required length of school term in KRS 158.080.
- (3) The KNPSC shall develop a policy to govern the recommended certification revocation of nonpublic schools. The policy shall include at a minimum:
  - (a) The conditions under which the KNPSC shall undergo consideration for certification revocation;~~;~~
  - (b) A process for investigating and collecting evidence to support a recommendation for certification revocation;~~;~~
  - (c) A process for the certified nonpublic school to appeal a decision to recommend certification revocation to the full KNPSC board of directors; **and**~~;~~
  - (d) A prohibition against recommending certification revocation for the failure to pay certification or accreditation fees.
- (4) The KDE shall provide technical assistance as requested by the KNPSC.
- (5) The KNPSC shall annually submit the three **(3)** required policies along with a letter explaining any updates to the policies by April 15 for review by the KBE at its next regularly scheduled meeting. Changes to the policies shall not be implemented until they are reviewed and approved by the KBE.

Section 4. Posting Requirements. (1) The KNPSC and KDE shall post on their websites a list of certified nonpublic schools that includes:

- (a) The name of the certified nonpublic school;~~;~~
  - (b) The public school district in which the nonpublic school is physically located;~~;~~
  - (c) The grade levels served;~~;~~
  - (d) The physical address;~~;~~
  - (e) The telephone number;~~;~~
  - (f) A static email address;~~;~~
  - (g) The school's website URL;~~;~~and
  - (h) The expiration date for the nonpublic school's voluntary certification.
- (2) The KNPSC and KDE shall post on their websites the list of approved accrediting agencies in Section 2(1)(e) of this regulation.
- (3) The KNPSC and KDE shall post on their websites the three **(3)** required policies found in Section 3 of this regulation.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

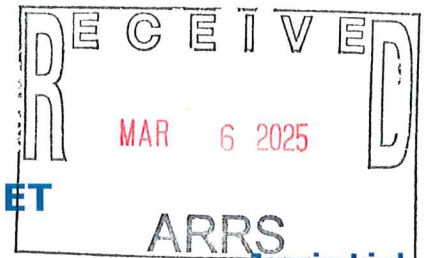
CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, Fifth Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email [regcomments@education.ky.gov](mailto:regcomments@education.ky.gov).



## EDUCATION AND LABOR CABINET

**Andy Beshear**  
Governor

**Department of Workplace Standards**  
**Kimberlee C. Perry**  
Commissioner  
500 Mero Street, 3<sup>rd</sup> Floor  
Frankfort, Kentucky 40601  
(502) 564-3070



**Jamie Link**  
Secretary

March 6, 2025

Stephen West  
Derek Lewis  
Legislative Research Commission  
083, Capitol Annex  
702 Capitol Avenue  
Frankfort, Kentucky 40601

Dear Co-Chairs:

After consideration of the issues raised by 803 KAR 2:320, the Department of Workplace Standards proposes the attached suggested substitute to this ordinary regulation.

Sincerely,

A handwritten signature in black ink that reads "Romi Mapler".

Standards Specialist  
Department of Workplace Standards  
KY Labor Cabinet  
Mayo-Underwood Building, 3<sup>rd</sup> Floor  
500 Mero Street  
Frankfort, KY 40601

**SUGGESTED SUBSTITUTE – TO ORDINARY ONLY**

**EDUCATION AND LABOR CABINET**  
**Department of Workplace Standards**  
**Division of Occupational Safety and Health Compliance**  
**Division of Occupational Safety and Health Education and Training**

**803 KAR 2:320. Toxic and hazardous substances.**

RELATES TO: KRS 338.015, 338.031, 29 C.F.R. 1902.3(c)(1), (d)(2), 1902.37(b)(3), 1910.134, 1910.141, 1910.1000\_1910.1450, 1953.1(a), (b), 1953.5, 1956.2(a), 1956.10(d)(1)

STATUTORY AUTHORITY: KRS 338.051(3), 338.061

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. 29 C.F.R. 1910.1000 through 1910.1450 ~~establishes the~~ establish federal requirements relating to toxic and hazardous substances. This administrative regulation establishes the toxic and hazardous substances standards enforced by the Department of Workplace Standards in ~~the area of~~ general industry.

Section 1. Definitions. (1) "Absolute filter" means a filter capable of retaining 99.97 percent of a mono disperse aerosol of zero and three-tenths (0.3) mu particles.

(2) "Area director" means Director, Division of Occupational Safety and Health Compliance, Kentucky Education and Labor Cabinet.

(3) "Authorized employee" means an employee whose duties require the employee to be in the regulated area and who has been specifically assigned to that area by the employer.

(4) "Clean change room" means a room where employees put on clean clothing or protective equipment in an environment free of 4,4' Methylene bis (2-chloroaniline).

(5) "Closed system" means an operation involving 4,4'-Methylene bis (2-chloroaniline) if containment prevents the release of 4,4' Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

(6) "Decontamination" means the inactivation of 4,4'-Methylene bis (2-chloroaniline) or its safe disposal.

(7) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by the director or the Secretary of Health, Education, and Welfare to act for the director.

(8) "Disposal" means the safe removal of 4,4'-Methylene bis (2-chloroaniline) from the work environment.

(9) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4,4'-Methylene bis (2-chloroaniline) that could result in exposure to or contact with 4,4'-Methylene bis (2-chloroaniline).

(10) "Employee" is defined by KRS 338.015(2).

(11) "Employer" is defined by KRS 338.015(1).

(12) "External environment" means any environment external to regulated and nonregulated areas.

(13) "Isolated system" means a fully enclosed structure, other than the vessel of containment, of 4,4'-Methylene bis (2-chloroaniline), which is impervious to the passage of entry of 4,4'-Methylene bis (2-chloroaniline) ~~and~~ and which would prevent the entry of 4,4'-Methylene bis (2-chloroaniline) into



regulated areas, or the external environment, if leakage or spillage from the vessel of containment occurs.

(14) "Laboratory type hood" means a device:

- (a) Enclosed on three (3) sides with the top and bottom designed and maintained to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; and
- (b) Designed, constructed, and maintained so that an operation involving 4,4'-Methylene bis (2-chloroaniline) within the hood does not require the insertion of any portion of an employee's body other than hands and arms.

(15) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(16) "Open vessel system" means an operation involving 4,4'-Methylene bis (2-chloroaniline) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

(17) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4,4'-Methylene bis (2-chloroaniline).

(18) "Regulated area" means an area where entry and exit is restricted and controlled.

(19) "Standard" means "occupational safety and health standards" as defined by KRS 338.015(3).

Section 2. 4,4'-Methylene bis (2-Chloroaniline). (1) Scope and application.

(a) This section shall apply to any area in which 4,4'-Methylene bis (2-chloroaniline), Chemical Abstracts Service Registry Number 101144, is manufactured, processed, repackaged, released, handled, or stored. This section shall not apply to trans-shipment in sealed containers, except for the labeling requirements under subsection (4)(b) ~~through~~, ~~(c)~~, ~~and~~ (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than one and zero-tenths (1.0) percent by weight of 4,4'-Methylene bis (2-chloroaniline).

(2) Requirements for areas containing 4,4'-Methylene bis (2-chloroaniline). A regulated area shall be established by an employer where 4,4'-Methylene bis (2-chloroaniline) is manufactured, processed, used, repackaged, released, handled, or stored. Those areas shall be controlled in accordance with the requirements established in paragraphs (a) through (g) of this subsection for the category or categories describing the operations involved.

(a) Isolated systems. Employees working with 4,4'-Methylene bis (2-chloroaniline) within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed system operation. Within regulated areas if 4,4'-Methylene bis (2-chloroaniline) is stored in a sealed container, or contained in a closed system including piping systems, with any sample ports or openings closed while 4,4'-Methylene bis (2-chloroaniline) is contained within:

1. Access shall be restricted to authorized employees only; and
2. Employees shall be required to wash hands, forearms, face, and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open vessel system operations. Open vessel system operations shall be prohibited.

(d) Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system. In operations involving a "laboratory type hood," or in locations where 4,4'-Methylene bis (2-chloroaniline) is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this paragraph shall apply.

1. Access shall be restricted to authorized employees only.

2. Each operation shall be provided with continuous local exhaust ventilation so that air movement shall always be from ordinary work areas to the operation.

a. Exhaust air shall not be discharged to regulated areas, nonregulated areas, or the external environment unless it is decontaminated.

b. Clean make-up air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

3. Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers, and gloves prior to entering the regulated area.

4. Employees engaged in 4,4'-Methylene bis (2-chloroaniline) handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with 29 C.F.R. 1910.134. A respirator affording a higher level of protection may be substituted.

5. Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day and to place used clothing and equipment in impervious containers at the point of exit for decontamination or disposal. The contents of the impervious containers shall be identified, as required under subsection (4)(b) ***through[, (e), and]*** (d) of this section.

6. Employees shall be required to wash hands, forearms, face, and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

7. Employees shall be required to shower after the last exit of the day.

8. Drinking fountains shall be prohibited in the regulated area.

(e) Maintenance and decontamination activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 4,4'-Methylene bis (2-chloroaniline) could result, each authorized employee entering that area shall be:

1. Provided with and required to wear clean, impervious garments, including gloves, boots, and continuous-air supplied hood in accordance with 29 C.F.R. 1910.134;

2. Decontaminated before removing the protective garments and hood; and

3. Required to shower upon removing the protective garments and hood.

(f) Laboratory activities. The requirements of this paragraph shall apply to research and quality control activities involving the use of 4,4'-Methylene bis (2-chloroaniline).

1. Mechanical pipetting aids shall be used for all pipetting procedures.

2. Experiments, procedures, and equipment that could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

3. Surfaces on which 4,4'-Methylene bis (2-chloroaniline) is handled shall be protected from contamination.

4.a. Contaminated wastes and animal carcasses shall be collected in impervious containers that ***shall be[are]*** closed and decontaminated prior to removal from the work area.

b. The wastes and carcasses shall be incinerated so that ***[no-]carcinogenic products shall not be[are]*** released.

5. All other forms of 4,4'-Methylene bis (2-chloroaniline) shall be inactivated prior to disposal.

6. Employees engaged in animal support activities shall be:

a. Provided with and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices;

- b. Required, prior to each exit from a regulated area, to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day and to place used clothing and equipment in impervious containers at the point of exit for decontamination or disposal. The contents of the impervious containers shall be identified as required under subsection (4)(b) **~~through~~, ~~(c)~~, ~~and~~** (d) of this section;
  - c. Required to wash hands, forearms, face, and neck upon each exit from the regulated area close to the point of exit and before engaging in other activities; and
  - d. Required to shower after the last exit of the day.
7. Employees, except for those engaged in animal support activities, each day shall be:
- a. Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat;
  - b. Required, prior to each exit from a regulated area, to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day and to place used clothing and equipment in impervious containers at the point of exit for decontamination or disposal. The contents of the impervious containers shall be identified as required under subsection (4)(b) **~~through~~, ~~(c)~~, ~~and~~** (d) of this section; and
  - c. Required to wash hands, forearms, face, and neck upon each exit from the regulated area close to the point of exit and before engaging in other activities.
8. Air pressure in laboratory areas and animal rooms where 4,4'-Methylene bis (2-chloroaniline) is handled and bioassay studies are performed shall be negative in relation to the pressure in the surrounding area. Exhaust air shall not be discharged to regulated areas, nonregulated areas, or the external environment unless it is decontaminated.
9. There shall not be a connection between regulated areas and any other areas through the ventilation system.
10. A current inventory of 4,4'-Methylene bis (2-chloroaniline) shall be maintained.
11. Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.
- (g) Premixed solutions. If 4,4'-Methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area shall not be required, except:
1. Only authorized employees **~~may~~~~shall be permitted to~~** handle the materials;
  2. Each day employees shall be provided with and required to wear a clean change of protective clothing (smocks, coveralls, or long-sleeved shirts and pants), gloves, and other protective garments and equipment necessary to prevent contact with the solution in the process used;
  3. Employees shall be required to remove and leave protective clothing and equipment if leaving the work area at the end of the work day or if solution is spilled on the clothing or equipment. Used clothing and equipment shall be placed in impervious containers for decontamination or disposal. The contents of the impervious containers shall be identified, as required under subsection (4)(b) **~~through~~, ~~(c)~~, ~~and~~** (d) of this section;
  4. Employees shall be required to wash hands and face after removing protective clothing and equipment and before engaging in other activities;
  5. Employees assigned to work covered by this paragraph shall be deemed to be working in regulated areas for the purposes of subsection (4)(a) **~~through~~, ~~(b)~~, ~~and~~** (c) of this section; and
  6. Work areas where solution could be spilled shall be:
    - a. Covered daily or after any spill with a clean covering; and

b. Cleaned thoroughly daily and after any spill.

(3) General regulated area requirements.

(a) Employee identification.

1. A daily roster of employees entering regulated areas shall be established and maintained.
2. The rosters or a summary of the rosters shall be retained for a period of **at least** twenty (20) years.
3. The rosters or summaries shall be provided upon request to authorized representatives of the assistant secretary and the director.
4. If the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.

(b) Emergencies. In an emergency, immediate measures, including the requirements of this paragraph, shall be implemented.

1. The potentially affected area shall be evacuated as soon as the emergency is determined.
2. Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.
- 3.a. Special medical surveillance by a physician shall be instituted within twenty-four (24) hours for employees present in the potentially affected area at the time of the emergency.
  - b. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with subsection (5)(b) of this section.
4. If an employee has a known contact with 4,4'-Methylene bis (2-chloroaniline), the employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.
5. An incident report on the emergency shall be reported as established in subsection (5)(b) of this section.

(c) Hygiene facilities and practices.

1. ***The following shall be prohibited in regulated areas:***

***a.*** Storage or consumption of food;

***b. [;]*** Storage or use of containers of ***or for*** beverages;

***c. [~~;~~ Storage or]*** Consumption of beverages;

***d. [;]*** Storage or application of cosmetics;

***e. [;]*** Smoking;

***f. [;]*** Storage of smoking materials, tobacco products, or other products for chewing; [;] or

***g.*** The chewing of ***tobacco or other chewing [those]*** products [~~;~~ ***shall be prohibited in regulated areas***].

2. If employees are required by this section to wash, washing facilities shall be provided in accordance with 29 C.F.R. 1910.141.

3. If employees are required by this section to shower, facilities shall be provided in accordance with 29 C.F.R. 1910.141(d)(3).

4. If employees wear protective clothing and equipment, clean change rooms shall be provided [;] in accordance with 29 C.F.R. 1910.141(e), for the number of employees required to change clothes.

5. If toilets are located in regulated areas, the toilets shall be in a separate room.

(d) Contamination control.

1. Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas.

a. Local exhaust ventilation may be used to satisfy this requirement.

b. Clean make-up air in equal volume shall replace air removed.

2. Any equipment, material, or other item taken or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

3. Decontamination procedures shall be established and implemented to remove 4,4'-Methylene bis (2-chloroaniline) from the surface of materials, equipment, and the decontamination facility.

4. Dry sweeping and dry mopping shall be prohibited.

(4) Signs, information, and training.

(a) Signs.

1. Entrance to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT Authorized Personnel Only

2. Entrances to regulated areas containing operations established in subsection (2)(e) of this section shall be posted with signs bearing the legend:

Cancer-Suspect Agent Exposed In this Area Impervious Suit Including Gloves, Boots, and Air-Supplied Hood Required At All Times Authorized Personnel Only

3. Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that shall be followed in entering and leaving a regulated area.

(b) Container labeling. Containers shall be labeled in accordance with the requirements of 29 C.F.R. 1910.1200.

(c) Lettering.

1. Lettering on signs and instructions required by paragraph (a) of this subsection shall be a minimum letter height of two (2) inches.

2. Labels on containers required by paragraph (b) of this subsection shall:

a. Not be less than one-half (1/2) the size of the largest lettering on the package, up to a maximum required size of one (1) inch in height; and

b. Not use less than eight (8) point type.

(d) Prohibited statements. A statement shall not appear on or near any required sign, label, or instruction that contradicts or detracts from the effect of any required warning, information, or instruction.

(e) Training and indoctrination.

1. Each employee, prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including:

a. The nature of the carcinogenic hazards of 4,4'-Methylene bis (2-chloroaniline), including local and systemic toxicity;

b. The specific nature of the operation involving 4,4'-Methylene bis (2-chloroaniline) that could result in exposure;

c. The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

d. The purpose for and application of decontamination practices and procedures;

e. The purpose for and significance of emergency practices and procedures;

f. The employee's specific role in emergency procedures;

g. Specific information to aid the employee in recognition and evaluation of conditions and situations that could result in the release of 4,4'-Methylene bis (2-chloroaniline); and

h. The purpose for and application of specific first-aid procedures and practices.

2. Each employee shall receive a review of this section at the employee's first training and indoctrination program and **at least** annually thereafter.

3. Specific emergency procedures shall be established and posted, and employees shall:

**a.** Be familiarized with **emergency procedure[their]** terms; and

**b. Rehearse emergency procedures[rehearsed in their application].**

4. All materials relating to the program shall be provided if requested by authorized representatives of the assistant secretary and the director.

(5) Reports.

(a) Operations. Not later than March 1 of each year, the information required by this paragraph shall be reported in writing by the employer to the nearest Area Director. Any change in the reported information shall be reported in writing within fifteen (15) calendar days of the change. The report shall contain:

1. A brief description and in-plant location of the areas regulated and the address of each regulated area;
2. The names and other identifying information as to the presence of 4,4'-Methylene bis (2-chloroaniline) in each regulated area;
3. The number of employees in each regulated area~~[7]~~ during normal operations, including maintenance activities; and
4. The manner in which 4,4'-Methylene bis (2-chloroaniline) is present in each regulated area, such as whether or not it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents that result in the release of 4,4'-Methylene bis (2-chloroaniline) into any area where employees may be exposed shall be reported in accordance with this paragraph.

1. A report of the incident and the facts obtainable at that time, including a report on any medical treatment of affected employees, shall be made within twenty-four (24) hours to the nearest area director.
2. A written report shall be filed with the nearest area director within fifteen (15) calendar days of the initial report and shall include:
  - a. A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;
  - b. A description of the area involved, and the extent of known and possible employee and area contamination;
  - c. A report of any medical treatment of affected employees and any medical surveillance program implemented; and
  - d. An analysis of the steps to be taken, with specific completion dates, to avoid further similar release.

(6) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations.

1. Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family, and occupational background, including genetic and environmental factors.
2. Authorized employees shall be provided with periodic physical examinations at least annually, following the preassignment examination.
3. In all physical examinations, the examining physician shall consider whether or not there exist conditions of increased risk, including reduced immunological competence, current treatment with steroids or cytotoxic agents, pregnancy, and cigarette smoking.

(b) Records.

1. Employers of employees examined pursuant to this subsection shall maintain complete and accurate records of all medical examinations. Records shall be maintained for at least the duration of the employee's employment. If the employee's employment is terminated, including by retirement or death, or if the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.
2. Records required by this paragraph shall be provided if requested by authorized representatives of the assistant secretary or the director. If requested by an employee or former employee, the records shall be provided to a physician designated by the employee or to a new employer.
3. Any physician who conducts a medical examination required by this subsection shall **submit[furnish]** to the employer, a statement of the employee's suitability for employment in the specific exposure.

Section 3. Laboratory Activities. The requirements of this section shall apply to research and quality control activities involving the use of chemicals covered by 29 C.F.R. 1910.1003 through 1910.1016.

- (1) Mechanical pipetting aids shall be used for all pipetting procedures.
- (2) Experiments, procedures, and equipment that could produce aerosols shall be confined to laboratory-type hoods or glove boxes.
- (3) Surfaces on which chemicals covered by 29 C.F.R. 1910.1003 through 1910.1016 are handled shall be protected from contamination.
- (4) Contaminated wastes and animal carcasses shall be collected in impervious containers that **shall be[are]** closed and decontaminated prior to removal from the work area. The wastes and carcasses shall be incinerated so that carcinogenic products shall not be released.
- (5) All other forms of chemicals covered by 29 C.F.R. 1910.1003 through 1910.1016 shall be inactivated prior to disposal.
- (6) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposal absolute filters.
- (7) Employees engaged in animal support activities shall be:
  - (a) Provided with and required to wear, a complete protective clothing change, clean each day, including coveralls[~~i~~] or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices;
  - (b)1. Required, prior to each exit from a regulated area, to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for decontamination or disposal; and
    2. The contents of the impervious containers shall be identified as required under Section 2(4)(b) **through[~~(c), and]~~** (d) of this administrative regulation;
  - (c) Required to wash hands, forearms, face, and neck upon each exit from the regulated area close to point of exit, and before engaging in other activities; and
  - (d) Required to shower after the last exit of the day.
- (8) Employees, except for those engaged only in animal support activities, each day shall be:
  - (a) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat;
  - (b)1. Required, prior to each exit from a regulated area, to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for decontamination or disposal; and
    2. The contents of the impervious containers shall be identified as required under Section 2(4)(b) **through[~~(c), and]~~** (d) of this administrative regulation; and

- (c) Required to wash hands, forearms, face, and neck upon each exit from the regulated area close to point of exit~~[,]~~ and before engaging in other activities.
- (9) Air pressure in laboratory areas and animal rooms where chemicals covered by 29 C.F.R. 1910.1003 through 1910.1016 are handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas, or the external environment unless it is decontaminated.
- (10) There shall not be a connection between regulated areas and any other areas through the ventilation system.
- (11) A current inventory of chemicals covered by 29 C.F.R. 1910.1003 through 1910.1016 shall be maintained.
- (12) Ventilated apparatus such as laboratory-type hoods shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

Section 4. Access to Exposure or Medical Records. (1) The language relating to the access to exposure or medical records in subsection (2) of this section shall apply in lieu of 29 C.F.R. 1910.1020(e)(1)(i).

(2) If an employee or designated representative requests access to an exposure or medical record, the employer shall ensure that access is provided in a reasonable time, place, and manner, but not longer than fifteen (15) days after the request for access is made unless sufficient reason is given why that time is unreasonable or impractical.

(3) The language relating to the access to exposure or medical records in subsection (4) of this section shall apply in lieu of 29 C.F.R. 1910.1020(e)(1)(iii).

(4) If an employee or designated representative requests a copy of a record, the employer shall, except as **established[specified]** in 29 C.F.R. 1910.1020(e)(1)(v) of this section, within the period of time established in subsection (2) of this section, ensure that either:

- (a) A copy of the record shall be provided without cost to the employee or representative;
- (b) The necessary mechanical copying facilities (for example, photocopying) shall be made available without cost to the employee or representative for copying the record; or
- (c) The record shall be loaned to the employee or representative for a reasonable time to enable a copy to be made.

Section 5. (1) The language relating to gloves in subsection (2) of this section shall apply in lieu of 29 C.F.R. 1910.1030(d)(3)(ix).

(2) Gloves shall be worn if it can be reasonably anticipated that the employees might have hand contact with blood, other potentially infectious materials, mucous membranes, **or[and]** nonintact skin if performing vascular access procedures or if handling or touching contaminated items or surfaces.

Section 6. Except as established by Sections 1 through 5 of this administrative regulation, general industry shall comply with 29 C.F.R. Subpart Z, Toxic and Hazardous Substances, published by the Office of the Federal Register, National Archives and Records Administration~~[Services, General Services Administration and the revisions to 29 C.F.R. 1910.1024 published in the July 14, 2020 Federal Register, Volume 85, Number 135]~~.





**KENTUCKY HORSE RACING & GAMING CORPORATION**

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March 7, 2025

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Legislative Research Commission  
083 Capitol Annex  
702 Capitol Avenue  
Frankfort, KY 40601

Re: Suggested substitute to 810 KAR 2:070. Thoroughbred and other flat racing officials

Dear Co-Chairs:

After Consideration of the issues raised by 810 KAR 2:070, the Kentucky Horse Racing and Gaming Corporation proposes the attached suggested substitute to this ordinary regulation.

Sincerely,

*/s/Ashleigh Bailey*

Ashleigh Bailey  
Chief Legal Officer

**SUGGESTED SUBSTITUTE**

**HORSE RACING AND GAMING CORPORATION**

**810 KAR 2:070. Thoroughbred and other flat racing associations.**

RELATES TO: KRS **137.180**, 230.215(2)(a), 230.260(8)

STATUTORY AUTHORITY: KRS 230.215(2)(a), 230.260(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2)(a) and 230.260(8) authorize the corporation to promulgate administrative regulations establishing conditions governing horse racing. This administrative regulation establishes requirements for thoroughbred and other flat racing associations.

Section 1. Maintenance of Grounds, Facilities and Uniform Track. (1) The grounds and facilities of an association shall be maintained in a manner that provides for the:

- (a) Comfort and safety of patrons, employees, and other persons whose business requires their attendance; and
  - (b) Health and safety of horses that are stabled, exercised, or entered to race at the association.
- (2) The grounds and facilities of an association shall be:
- (a) Neat and clean;
  - (b) Painted; and
  - (c) In good repair.
- (3) An association shall have implements adequate to maintain a uniform track, weather conditions permitting.

Section 2. Results Boards, Totalizators Required. An association shall provide and maintain mechanically operated totalizators and electronic boards that show odds, results, and other race information in plain view of patrons.

Section 3. Starting Gate. (1) An association shall provide and maintain a working starting gate on every day horses are **allowed[permitted]** to exercise on **an association's[its]** racing strip.

- (2) An association shall have in attendance one (1) or more persons qualified to keep the starting gates in good working order **while[whenever]** the gates are in use.
- (3) An association shall provide for periodic inspections of the starting gates.

Section 4. Stabling. (1) An association barn and stall shall be:

- (a) ~~Constructed of fire-resistant material;~~
  - ~~[(b)]~~ Clean, sanitary, and equipped for adequate drainage; and
  - ~~(b)~~~~[(c)]~~ Maintained in good repair.
- (2)(a) Prior to the opening of a race meeting, the corporation shall submit to the racing secretary, a list of locations of approved off-track stabling facilities from which horses shall be **allowed[permitted]** to race.
- (b) The locations shall be considered association grounds.

Section 5. Stands for Officials. (1) An association shall provide and maintain stands commanding an uninterrupted view of the entire racing strip for racing officials.

- (2) The stands and their locations shall be approved by the corporation **through the track's licensure process.**
- (3) The floor of patrol judge stands shall be at least six (6) feet higher than the track rail.

Section 6. Distance Pole Markings. (1) A thoroughbred or other flat racing association shall have:

- (a) Red and white quarter poles;
- (b) Green and white eighth poles; and
- (c) Black and white 16th poles.

(2) **(a)** Permanent markers shall be located at each standard Arabian, quarter horse, paint horse, and appaloosa distance as applicable.

**(b)** Distance pole markers and permanent markers shall be located where they can be seen clearly from the stewards' stand.

**(c)** Each post shall be identified by color as follows: 110 yds., black and white stripes; 220 yds., white; 250 yds., blue; 300 yds., yellow; 330 yds., green; 350 yds., red; 400 yds., black; 440 yds., orange; 550 yds., blue and white stripe; 660 yds., yellow and white stripes; 770 yds., green and white stripes; 870 yds., red and white stripes; and 1,000 yds., red and blue stripes.

**(d)** In addition **to the requirements established in paragraph (c) of this subsection**, for appaloosa races, markers shall be located at six (6) and six and one-half (6 1/2) furlongs **and shall[~~to~~]** be painted yellow and white and orange and white, respectively.

Section 7. Lighting. (1) An association shall provide and maintain flood lights that provide adequate illumination in the stable area and parking area.

(2) If an association conducts night racing, it shall provide adequate track lighting.

Section 8. Facilities for Stable Employees. (1) An association shall provide and maintain in good repair, adequate living quarters and conveniently located sanitary facilities that shall include showers, toilets, and wash basins for stable employees.

(2) Personnel shall not be **allowed[permitted]** to sleep in a stall or barn loft.

Section 9. Facilities for Jockeys. (1) An association shall provide and maintain adequate facilities for jockeys scheduled to ride each day.

(2) The facilities shall include accommodations for rest and recreation of jockeys on racing days, showers, toilets, wash basins, mirrors, arrangements for safekeeping of apparel and personal effects, and snack bar.

Section 10. Facilities for Corporation.

(1) An association shall provide adequate office space for the corporation on its grounds.

(2) To assist in the conduct of official business, an association shall provide **[the following-]** to the corporation:

(a) A season box, marked "Kentucky Horse Racing and Gaming Corporation[ ]", of six (6) to eight (8) seats; and

(b) A number of parking places sufficient for the corporation and corporation staff.

(3) An association shall honor for access to preferred parking facilities and other areas on its grounds, a corporation or Association of Racing Commissioners International ring, lapel button, or automobile emblem.

Section 11. Sanitary Facilities for Patrons. An association shall, on every racing day, provide sanitary toilets and wash rooms, and free drinking water adequate for the number of patrons and persons having business at the association that comply with applicable statutes, administrative regulations, codes, or ordinances.

Section 12. Manure Removal.(1) An association shall provide and maintain manure pits of the size and construction adequate to handle refuse from stalls.

(2) The contents of the manure pits shall be removed from the stable area as promptly as is possible.

Section 13. Photo Finish Cameras. (1) An association shall provide and maintain at the finish line, two (2) photo finish cameras for photographing the finish of races. For Quarter Horse races, the photo finish cameras shall be equipped with mirror image to photograph the finish of each race and shall record the running time for each horse to the nearest 1/1000th second.

(2) One (1) of the photo finish cameras shall be held in reserve. The photo finish photographer shall promptly **provide[furnish]** to the stewards and placing judges, the number of prints of finishes requested.

(3) An association shall maintain **at least** a one (1) year file of all photo finishes.

Section 14. Race Replays. (1) During a race meeting, an association shall provide and maintain personnel and equipment necessary to record and produce race replays that clearly record each race from start to finish.

(2) Projection or viewing equipment shall be adequate to **allow[permit]** simultaneous showing of head-on and side-angle views of the running of each race.

(3)(a) A race replay shall be:

1. Retained and secured by an association for at least one (1) year; and

2. Made available to the corporation and stewards upon demand.

(b) Upon order of the stewards, a visual record of a race that has raised a question, dispute, or controversy shall be filed with the corporation.

(4) Race replays shall be made available:

(a) For viewing at the track by licensees who owned, trained, or rode a horse in the race requested to be viewed; and

(b) To members of the press.

Section 15. Ambulances. (1) An association shall provide and maintain at least one (1) human ambulance and one (1) horse-ambulance **while horses are allowed[whenever horses are permitted]** to exercise or race.

(2) An ambulance shall be:

(a) Equipped;

(b) Manned;

(c) Ready for immediate duty; and

(d) Located at an entrance to the racing strip.

Section 16. (1) Except as **established[provided]** by subsection (2) of this section, an association shall equip and maintain a first aid facility that is:

(a) Equipped with at least two (2) beds; and

(b) Attended by a licensed physician and registered nurse or a board-certified athletic trainer during race hours.

(2) An association shall not be required to maintain a first aid facility, if the association has an ambulance on standby on its premises during racing hours. **The ambulance shall be[-which]:**

(a) **Able to[Can]** transport or make arrangements to transport an injured individual to a fully-equipped hospital emergency room in five (5) minutes or less; and

(b) ~~[Is-]~~Manned by a certified paramedic and certified emergency medical technician.

(3) A paramedic provided pursuant to subsection (2) of this section shall be **at a minimum** equipped with:

(a) Heart monitor and defibrillator;

- (b) Cellular phone; and
- (c) Airways intubation equipment.

Section 17. Track Kitchen. An association shall provide a track kitchen within the stable area, maintained in a clean and sanitary manner that complies with applicable statutes, administrative regulations, codes, or ordinances, at all times horses are stabled on association grounds.

Section 18. Communication System. An association shall install and maintain in good working service, a communication system between the stewards' stand and:

- (1) Outriders;
- (2) Pari-mutuel department;
- (3) Starting gate;
- (4) Public address announcer; and
- (5) Clerk of the scales.

Section 19. Fire Prevention. (1) An association shall have a fire prevention and suppression program.

(2) The corporation shall not approve the commencement of a race meeting unless, within fifteen (15) days before commencement of the race meeting, the state or local fire marshal:

- (a) Has inspected the association; and
  - (b) Certified that the association plant and stable area meets fire safety requirements.
- (3) An association shall maintain a firefighting unit of trained personnel that has high-expansion foam fire extinguishers and other equipment required by the local fire inspection authority.
- (4) An association shall prohibit:
- (a) Smoking in stalls, under shed rows, and in feed rooms;
  - (b) Open fires and oil or gas lamps in the stable area; and
  - (c) Locking of stalls occupied by horses.

Section 20. Association Security. (1) An association shall provide and maintain security services, night and day, on and about association grounds.

- (2) An association shall **provide the stewards with**~~[furnish to the stewards]~~ a report on any disturbances or disorderly conduct committed by a person on association grounds.
- (3) An association shall exclude from association grounds, a person designated to be denied access by order of the corporation or stewards.
- (4) An association shall implement security measures to protect a horse on association grounds from being injured by being frightened or tampered with.
- (5) An association shall exclude from the paddock area, race strip, and winner's entrance a person who:
- (a) Does not have an immediate connection with the horses entered; and
  - (b) Is not a corporation member, racing official, or accredited member of the news media.

Section 21. Vendors and Suppliers. (1) A vendor shall comply with procedures and requirements established by an association.

- (2) An association shall not attempt to control or monopolize sales to owners, trainers, or stable employees.
- (3) An association shall not grant an exclusive concession to a vendor of feed, racing supplies, or racing services.
- (4) A vendor of horse feeds or medications shall file with the corporation veterinarian a list of products that he or she proposes to sell, including a new preparation or medication.

(5) An association shall not allow/permit the sale of an alcoholic beverage, except beer within the stable area.

Section 22. Ejection or Exclusion from Association Grounds. (1) An association shall, for probable cause, eject or exclude from association grounds a person:

(a) Believed to be engaged in:

1. A bookmaking activity;
2. Solicitation of bets; or
3. Touting;

(b) Who as a business or for compensation, either directly or indirectly:

1. Accepted anything of value to be wagered, transmitted, or delivered for wager to a pari-mutuel wagering enterprise; or
2. Participated in the transaction; or

(c) Who attempted to use tax exempt admissions credentials not issued to him by the association.

(2) An association shall eject or exclude from its stable area, a person who is not:

(a) Licensed to conduct an activity that requires his presence in the stable area;

(b) An accredited member of the news media;

(c) A guest of a licensed owner or trainer accompanied by the owner or trainer; or

(d) Accompanied by, and under the control and supervision of a:

1. Racing official;
2. Association security guard; or
3. Association public relations department representative.

(3)(a) A report of an ejection or exclusion from association grounds shall be made immediately to the stewards, judges, and corporation director of security.

(b) A report shall state the:

1. Name of person ejected or excluded;
2. Reasons for the ejection or exclusion; and
3. Facts relating to the ejection or exclusion.

Section 23. Ownership of Associations. An association shall file with the corporation, a revised list of persons whose identity is required by 810 KAR 3:010, Section 8, immediately upon transfer of a beneficial interest or control in the association.

Section 24. Plan of Association Grounds. (1) An association shall file with the corporation, maps and plans of association grounds, showing:

(a) Structures;

(b) Piping;

(c) Fire hydrants;

(d) Fixed equipment;

(e) Racing strip, noting elevation as filled, drained, and gapped; and

(f) Composition of track base and cushion.

(2) An association shall file revised maps or plans of association grounds upon any material change.

Section 25. Attendance and Badge List Reports; Tax Exempt Credentials. (1) An association shall file with the corporation, a copy of the form, ~~required by KRS 137.180 and 138.480,~~ Race Track Pari-mutuel and Admissions Report, Revenue Form 73A100.

(2) A tax exempt admission credential shall not be transferable.

Section 26. Financial Report. Within sixty (60) days after the close of its fiscal year, an association shall file:

- (1) Three (3) copies of **the association's[its]** balance sheet; and
- (2) A comparison to the prior year.

Section 27. Horseman's Account and Horseman's Bookkeeper. (1) An association shall maintain a bank account that shall:

- (a) Be separate from its other accounts;
- (b) Be titled "horsemen's account"; and
- (c) Contain sufficient funds to pay money owing to horsemen for:
  1. Purses;
  2. Stakes;
  3. Rewards;
  4. Claims; and
  5. Deposits.

(2) Withdrawals from the horsemen's account shall be **audited[subject to audit]** by the corporation at any time.

(3)(a) For all races, purse money shall be available to earners after the result of the race in which the money was earned has been declared official and **for race dates in which:**

1. **[For race dates where]**All samples are reported by the corporation laboratory as passed at the screening level, within twenty-four (24) hours after receipt of the report by the corporation; or
2. **[For race dates where]**One (1) or more sample is reported by the corporation laboratory as suspicious at the screening level, within twenty-four (24) hours after receipt of the final report by the corporation.

(b) If a horse is disqualified and an appeal has been filed, purse money shall be available to other participants entitled to purse money in the amount they would have earned had a horse not been disqualified. The purse money to which the disqualified participant would be entitled shall be held in escrow by the association until final adjudication of a dispute over which persons are entitled to money.

(4)(a) Except for jockey fees, a deduction from purse money shall not be made, unless the deduction has been requested in writing by the:

1. Person to whom purse money is payable; or
2. Authorized representative of the person to whom purse money is payable.

(b) Whether or not a deduction request is made, at the close of a race meeting, the horsemen's bookkeeper in charge of the horsemen's account shall mail to an owner, a duplicate of each record of a deposit, withdrawal, or transfer of funds that affects his racing account.

(5) The horsemen's bookkeeper in charge of the horsemen's account shall be bonded.

Section 28. Outriders. (1) An association shall employ at least two (2) outriders.

(2) An outrider shall:

- (a) Escort starters to the post;
- (b) Assist in the returning of horses to the unsaddling area;
- (c) Only lead a horse that has demonstrated unruliness; and
- (d) Assist in the control of a horse that might cause injury to a jockey or others.

(3) **While[Whenever]** horses are **allowed[permitted]** on the racing strip for exercising or racing, an outrider shall be:

- (a) Present on the racing strip;
- (b) Mounted; and

- (c) Ready to assist in the:
1. Control of an unruly horse; or
  2. Recapture of a loose horse.

Section 29. Safety Equipment. (1) A person mounted on a horse or stable pony at a location under the jurisdiction of the corporation shall wear a properly secured safety helmet at all times. If requested by a corporation official, the person shall provide sufficient evidence that his helmet has a tag, stamp, or similar identifying marker indicating that it **complies with or exceeds**~~meets one of the following safety standards~~:

- (a) ASTM International Standard, ASTM F1163-04a;
- (b) British Standards, BS EN 1384:1997 or PAS 015:1999; or
- (c) Australian/New Zealand Standard, AS/NZS 3838:2006.

(2) A person mounted on a horse or stable pony on a location under the jurisdiction of the corporation, assistant starters, and a person handling a horse in a starting gate shall wear a safety vest at all times. If requested by a corporation official, the person shall provide sufficient evidence that his safety vest has a tag, stamp, or similar identifying marker indicating that it **complies with**~~meets~~ or exceeds~~one (1) of the following safety standards~~:

- (a) British Equestrian Trade Association (BETA):2000 Level 1;
- (b) Euro Norm (EN) 13158:2000 Level 1;
- (c) ASTM International Standard, ASTM F2681-08;
- (d) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or
- (e) Australian Racing Board (ARB) Standard 1.1998.

Section 30. Valets. (1) An association shall employ a number of licensed valets sufficient to attend each rider on a day's racing program.

- (2) A valet shall be under the immediate supervision and control of the clerk of scales.
- (3) A rider shall not employ a valet or be attended by a person other than the valet assigned to him by the clerk of scales.
- (4) A valet shall:
  - (a) Be responsible for the care and cleaning up of the apparel and equipment of his assigned rider;
  - (b) Ensure his rider has the proper equipment and colors for a race;
  - (c) Present the proper equipment and attend the saddling of his rider's mount; and
  - (d) Attend the weighing out of his rider.
- (5) A valet or other jockey room attendant shall not place a wager, directly or indirectly, on races run while he serves as a valet for himself or another.
- (6) An association shall provide uniform attire for all valets that shall be worn **while the valets**~~whenever they~~ perform their duties within public view.

Section 31. Minimum Purse and Stakes Values. (1) An association shall not program or run any race for which the purse is less than \$2,000 in cash, without **special** permission of the corporation.

- (2) An association shall not program or run a stakes race for which the added value is less than \$10,000 in cash added by the association to stakes fees paid by owners.
- (3) The minimum cash amounts paid by the association shall be exclusive of:
  - (a) Nomination;
  - (b) Eligibility;
  - (c) Entrance;
  - (d) Starting fees;



- (e) Cash awards;
- (f) Premiums;
- (g) Prizes; or
- (h) Objects of value.

Section 32. Maximum Number of Races. An association shall not program or run more than nine (9) races on a racing day without permission of the corporation through the track's licensure process.

Section 33. Two (2) Year Old Races. ~~[(1)] [Beginning on March 1 of each year, an association shall program in the conditions book at least four (4) two (2) year old races each week.]~~

~~[(2)]~~ Quarter horse race conditions for two (2) ~~[-]~~year-olds shall not be offered in the condition book prior to March 1 of that corresponding year.

Section 34. (1)(a) Exculpatory clauses. Stall applications, entry forms, condition books, and other agreements between persons or entities licensed by the Kentucky Horse Racing and Gaming Corporation regarding the stabling of horses, the racing of horses, the training of horses, or other activities at tracks owned or operated by licensed associations, and conditions of racing established by licensed associations, shall not contain provisions that absolve or hold harmless a licensee from liability, or limit the liability of a licensee, for loss, loss of use, injury, or damage caused or contributed to by the acts or omissions of any licensee, its agents, or employees, except for:

1. Ordinary negligence that causes or contributes to loss, injury, or damage to horses while on the premises of a licensed association; and
2. Ordinary negligence that causes or contributes to personal injury or property damage, including loss, loss of use, injury, or damage to horses arising from the use of grass fields or gallops owned or controlled by the licensed association.

(b) ~~With~~**[Subject to]** the exception in paragraph (a) of this subsection, licensees participating in the stabling of horses, the racing of horses, the training of horses, and related activities at tracks owned or operated by licensed associations shall be responsible for their own acts and omissions and those of their agents and employees to the same extent as provided by law. A licensee shall not attempt to limit liability of a person or entity for gross negligence or intentional wrongdoing.

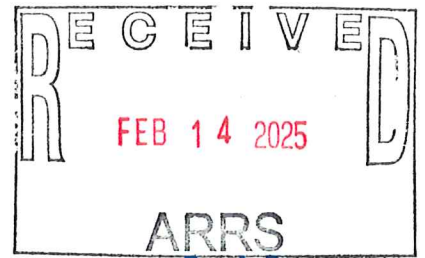
(2)(a) Constructive notice to and consent of licensees. Persons licensed by the Kentucky Horse Racing and Gaming Corporation shall be deemed, as a condition of licensure, to have notice of and to have consented to exculpatory provisions, which comply with the limitations established~~[set forth]~~ in this administrative regulation, included in agreements between licensees and in conditions of racing established by a licensed association.

~~(b)~~ Exculpatory provisions that exceed the limitations established~~[set forth]~~ in this administrative regulation shall be void and unenforceable in their entirety.

(3) Model provision. The following provision shall be deemed to comply with the limitations established~~[set forth]~~ in this administrative regulation: All Kentucky Horse Racing and Gaming Corporation licensees, including but not limited to the host association, owners, trainers, jockeys, and grooms (~~["]~~licensees~~["]~~), participating in stabling, racing, training, and related activities at (name of licensed association) recognize that hazards and risks inherent in these activities could~~[may]~~ cause the injury or death of horses. Therefore, in consideration of participating in stabling, racing, training, and related activities at (name of licensed association), all licensees assume the risks of, and release, hold harmless, and covenant not to sue other participating licensees for:

- (a) Ordinary negligence that causes or contributes to loss, loss of use, injury, or damage to horses while on the premises of (name of licensed association); and

(b) Ordinary negligence that causes or contributes to personal injury or property damage, including but not limited to loss, loss of use, injury, or damage to horses arising from the use of grass fields or gallops owned or controlled by (name of licensed association), whether arising from alleged acts or omissions of a licensee, its agents, or employees, the condition of the premises of (name of licensed association), or any other cause. Except as provided above, all licensees participating in racing, training, and related activities at (name of licensed association) shall be responsible for their own acts and omissions and those of their agents and employees to the same extent as provided by law.



**Andy Beshear**  
GOVERNOR

**Jacqueline Coleman**  
LIEUTENANT GOVERNOR

**PUBLIC PROTECTION CABINET**

**Kentucky Horse Racing  
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February 14, 2025

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Legislative Research Commission  
083 Capitol Annex  
702 Capitol Avenue  
Frankfort, KY 40601

Re: Suggested substitute to 810 KAR 4:030. Entries, subscriptions, and declarations.

Dear Co-Chairs:

After Consideration of the issues raised by 810 KAR 4:030, the Kentucky Horse Racing and Gaming Corporation proposes the attached suggested substitute to this ordinary regulation.

Sincerely,

*/s/Ashleigh Bailey*

Ashleigh Bailey  
Chief Legal Officer

**SUGGESTED SUBSTITUTE**

**HORSE RACING AND GAMING CORPORATION**

**810 KAR 4:030. Entries, subscriptions, and declarations.**

RELATES TO: KRS 230.215, 230.240, 230.260, 230.290, 230.310, 230.320

STATUTORY AUTHORITY: KRS 230.215(2)(a), ~~[(e),]~~ 230.260(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2)(a) ~~authorizes[and (e) authorize]~~ the Kentucky Horse Racing and Gaming Corporation to promulgate administrative regulations ~~to establish[prescribing]~~ the conditions under which all horse racing is conducted in Kentucky. KRS 230.260(8) authorizes the corporation to regulate conditions under which horse racing shall be conducted in Kentucky. This administrative regulation establishes requirements for entry, subscription, and declaration of horses in order to race.

Section 1. Definition. "Subscriber" means an owner who enters a horse into a stakes race and pays the requisite entry fee.

Section 2. Entering Required. **(1)** A horse shall not be qualified to start in any race unless ~~the horse[it]~~ has been, and continues to be, entered in the race.

**(2)** Entries or subscriptions for any horse, or the transfer of entries or subscriptions for any horse, may be refused or cancelled by the association without notice or reason given.

Section 3. Procedure for Making Entries. (1) An entry, subscription, declaration, or scratch shall be filed with the racing secretary and shall not be effective until received by the racing secretary. The racing secretary shall maintain a record of the time of receipt of an entry, subscription, declaration, or scratch for a period of at least one (1) year.

(2) An entry shall be made by the owner, the trainer, or an authorized agent of the owner or trainer. An entry shall be in the name of a horse's licensed owner, as completely disclosed and registered with the racing secretary pursuant to subsection (3) of this section.

(3) An entry shall be submitted in writing or by telephone to the racing secretary. A telephone entry shall be confirmed ~~[promptly]~~ in writing if requested by the stewards, the racing secretary, or an assistant to the racing secretary.

(4) An entry shall clearly designate the horse entered as reflected by ~~the horse's[its]~~ registration certificate, racing permit, or virtual certificate.

(a) A horse shall not race unless registered pursuant to 810 KAR 4:010 or otherwise correctly identified to the satisfaction of the stewards.

(b) Establishing the identity of a horse shall be the responsibility of its owner and of any other person required to certify the identity of the horse. ~~***Incorrect identification shall be grounds for disciplinary action as established in 810 KAR 8:030[A person shall be subject to appropriate disciplinary action under 810 KAR 8:030 for incorrect identification].***~~

(5) The entry shall indicate usage of furosemide pursuant to 810 KAR 8:010.

(6) An entry shall not be altered after the closing of entries, except to correct an error with permission of the stewards.

(7)(a) A horse shall not be entered in two (2) races to be run on the same day, unless:

1. Both races are graded-stakes races;

2. The horse will not be in the body of both races; and

3. The horse is not entered in either race to the exclusion of any horse.

(b) ~~[Regardless of Section 15(1)(a),]~~ A horse entered in two (2) races to be run on the same day **shall be scratched[must scratch]** from at least one (1) of the races at the earliest posted scratch time applicable to either race.

(8)(a) A horse that has not started in the past forty-five (45) days shall not ~~[be permitted to]~~ start unless **the horse[it]** has at least one (1) published workout within twenty (20) days of entry at a distance satisfactory to the stewards. If a horse has performed the requisite workout, but the workout does not appear in the past performances, the horse **may[shall be permitted to]** start if the stewards determine that the workout failed to be published through no fault of the trainer.

(b) A horse that has not started in the past ninety (90) days shall not ~~[be permitted to]~~ start unless **the horse[it]** has at least two (2) published workouts during the past ninety (90) day period, one (1) of which occurs within twenty (20) days of entry at a distance satisfactory to the stewards. If a horse has performed the requisite workouts, but the workouts do not appear in the past performances, the horse **may[shall be permitted to]** start if the stewards determine that the workout failed to be published through no fault of the trainer.

(c) A horse that has not started in the past 180 days shall not ~~[be permitted to]~~ start unless **the horse[it]** has at least three (3) published workouts during the past 180-day period, one (1) of which occurs within twenty (20) days of entry, at a distance satisfactory to the stewards. If a horse has performed the requisite workouts, but the workouts do not appear in the past performances, the horse **may[shall be permitted to]** start if the stewards determine that the workouts failed to be published through no fault of the trainer.

(d) A horse starting for the first time shall not ~~[be permitted to]~~ start unless **the horse[it]** has **at least** three (3) workouts, one (1) of which is from the starting gate, one (1) of which is within twenty (20) days of entry, and at least one (1) of which is published.

(e) A workout not appearing in the official program shall be publicly displayed on television monitors, the tote board, and, if available, the bulletin boards where photo finishes are shown at the time when mutuel windows are opened and shall be displayed until the conclusion of the race in which the horse is entered.

(f) A horse that has never started shall not be entered until the trainer has produced a document or card issued by the starter indicating that the horse has been adequately trained to race from the starting gate.

(g) Quarter horses that have never raced around a turn shall have completed at least one (1) workout at 660 yards or farther within thirty (30) days prior to entry.

(h) Quarter horses that have previously started in a race around a turn, but have not started in such a race within sixty (60) days, shall complete at least one (1) workout at 660 yards or farther within thirty (30) days prior to entry.

(9) If the published conditions of the race **allow[permit]**, an association may accept in a turf race, an entry designated "main track only." Preference shall apply to all horses drawn into a race, except that horses entered as "main track only" shall be listed as also-eligible and be considered only if the race is taken off the turf.

(10) A horse shall ~~not[only be permitted to]~~ enter if at the time of entry, the owner, trainer, or an authorized agent of the owner or trainer **has not submitted[submits]** a complete medical record for the horse for the fourteen (14) day period prior to the entry date.

(11) As a condition of entry, quarter horses shall either submit **non-positive[negative]** hair samples with a test date within thirty (30) days of the race or have a hair sample pulled by a corporation veterinarian prior to the race and sent to a testing laboratory. If a hair sample taken by a corporation

veterinarian returns a positive finding, the horse shall be disqualified and the owner and trainer may incur penalties established in 810 KAR 8:030. In addition, all quarter horses shall submit to out-of-competition testing as established by 810 KAR 8:040.

Section 4. Limitation as to Spouses. (1) An entry in a race shall not be accepted for a horse owned wholly or in part or trained by a person whose spouse is under license suspension, revocation, or is otherwise ineligible to be licensed~~[r]~~ at the time of the entry, except as established in subsection (2) of this section.

(2) If the license of a jockey has been suspended for a routine riding offense, depending on the severity of the offense, the stewards may waive the application of this section as to the licensed spouse of the suspended jockey.

Section 5. Mutuel Entries. (1) More than two (2) horses having common ties through ownership or training shall not be entered in a purse race.

(2) Horses entered in the same race and owned wholly or in part by the same owner or spouse, may be joined as a mutuel entry and single betting interest.

(3) More than two (2) horses having common ties through ownership or training shall not be joined as a mutuel entry in a purse race. If making a double entry of horses owned wholly or in part by the same owner or spouse~~[, or having common ties through training]~~, a preference for one (1) of the horses shall be made.

(4)(a) Two (2) horses having common ties through ownership ~~[or training]~~ shall not start in a purse race to the exclusion of a single entry.

(b) In any race, the racing secretary may uncouple entries having common ties through training or ownership to make two (2) separate betting interests.

Section 6. Subscriptions. (1) A subscriber to a stakes race may transfer or declare a subscription. **Transfer or declaration of a subscription shall be made** prior to the closing of entries for the race.

(2) Joint subscriptions and entries may be made by any one (1) of the joint owners of a horse. Each owner shall be jointly and severally liable for all payments due.

(3) Death of a horse or a mistake in **a horse's[its]** entry if the horse is eligible shall not release the subscriber or transferee from liability for all stakes fees due. Fees paid in connection with a subscription to a stakes race that is run shall not be refunded, except as otherwise stated in the conditions of the stakes race.

(4) Death of a nominator or original subscriber to a stakes race shall not render void any subscription, entry, or right of entry. All rights, privileges, and obligations shall attach to the successor owner, including the legal representatives of the decedent.

(5) If a horse is sold privately, sold at public auction, or claimed, stakes engagements for **the horse[it]** shall be transferred automatically with the horse to **the horse's[its]** new owner. If the horse is transferred to a person whose license is suspended, revoked, or is otherwise ineligible to be licensed, the subscription shall be void as of the date of the transfer.

(6) All stakes fees paid toward a stakes race shall be allocated to the winner unless otherwise provided by the condition for the stakes race. If a stakes race is cancelled for any reason, all subscription fees paid shall be refunded.

Section 7. Closings. (1) Entries for purse races and subscriptions to stakes races shall close at the time designated by the association in previously published conditions for the races.

(a) If a race is not split, an entry, subscription, or declaration shall not be accepted after closing time.

(b) If a purse race fails to fill, or in an emergency, the racing secretary may extend the closing time, if the approval of a steward has been obtained.

(2) Entries that have closed shall be compiled without delay by the racing secretary and shall be posted along with declarations.

Section 8. Number of Starters in a Race. (1) The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and any extensions approved by the corporation as can be positioned across the width of the track at the starting point for the race. The maximum number of starters further shall be limited by the number of horses that, in the opinion of the stewards after considering the safety of the horses and riders and the distance from the start to the first turn, may be afforded a fair and equal start.

(2)(a) A maiden, starter, or claiming race shall be run if:

1. Eight (8) or more horses are entered;
2. The horses entered represent different betting interests; and
3. The race is listed in the printed condition book.

(b) Except as established in paragraph (c) of this subsection, any other purse race shall be run if:

1. Six (6) or more horses are entered;
2. The horses entered represent different betting interests; and
3. The race is listed in the printed condition book.

(c) If a purse race under paragraph (b) of this subsection includes two (2) horses having common ties through training or ownership, the race shall be run if eight (8) or more horses are entered.

(3) If a purse race in the printed condition book fails to fill with the minimum number of entries required by subsection (2) of this section, the association may cancel or declare the race off. The names of all horses entered in the race shall be publicly posted in the office of the racing secretary on the date of entry.

Section 9. Split or Divided Races. (1) If a race is cancelled or declared off, the association may split any race programmed for the same day that may previously have been closed. Races printed in the condition book shall have preference over substitute and extra races.

(2) If a purse race is split, forming two (2) or more separate races, the racing secretary shall give notice of the split not less than fifteen (15) minutes before the races are closed in order to grant time for the making of additional entries to the split races.

(3) Division of entries upon the splitting of any race shall be made in accordance with the conditions under which entries and subscriptions were made and the conditions established in paragraphs (a) through (c) of this subsection.

(a) Horses originally joined as a mutuel entry may be placed in different divisions of a split race unless the person making the multiple entry, at the time of the entry, indicates the coupling of horses is not to be uncoupled if the race is split.

(b) Division of entries in any split stakes race may be made according to age, sex, or both.

(c) Entries for any split race not divided by any method provided for in this administrative regulation shall be divided by lot so as to provide a number of betting interests as nearly equal as possible for each division of the split race.

Section 10. Post Positions. (1) Post positions for all races shall be determined by lot, except as established in Section 11(5) of this administrative regulation. Owners, trainers, and their representatives shall have the opportunity to be present at the drawing.

(2) The racing secretary shall assign program numbers for each starter to conform with the post position drawn, except if a race includes two (2) or more horses joined as a single betting interest.

Section 11. Also-Eligible List. (1) If the number of entries for a race exceeds the number of horses **allowed[permitted]** to start, as established by Section 8 of this administrative regulation, the names of no more than eight (8) horses entered, but not drawn[,] into the race as starters, shall be posted on the entry sheet as "also-eligible" to start.

(2) After a horse has been excused from a race at scratch time, also-eligible horses shall be drawn into the body of the race based on preference. If preference is equal, horses shall be drawn by lot, unless otherwise stipulated in the conditions of the race.

(3)(a) An owner or trainer of a horse on the also-eligible list not wishing to start the horse in a race shall notify the racing secretary prior to scratch time for the race. The horse shall not forfeit any preference to which **the horse[it]** may have been entitled.

(b) If there are no scratches in the body of a race, a horse on the also-eligible list not drawn into the race shall retain **the horse's[its]** previously established preference.

(4) A horse on the also-eligible list for a race on the present day that has been drawn into the body of a race on a future race day, shall not be **allowed[permitted]** to run in the race on the present day for which **the horse[it]** had been listed as also-eligible. This shall not include stakes, handicaps, races at subsequent meets, or races in other jurisdictions.

(5) A horse on the also-eligible list shall be assigned a post position by preference. If preference is equal, post positions shall be drawn by lot, unless otherwise stipulated in the published conditions of the race.

(6) If there is a scratch in a straightaway quarter horse race that has an also eligible list, the also eligible horse shall take the post position of the scratched horse. If there is a scratch in a quarter horse race around a turn, the also eligible horse shall take the outside post position in the order drawn from the also eligible list.

Section 12. Preferred List. (1) The racing secretary shall maintain a list of horses that were entered, but denied an opportunity to race because they were eliminated from a race included in the printed condition book either by overfilling or failure to fill.

(2) The racing secretary shall submit, for approval of the corporation at least thirty (30) days prior to the opening date of a race meeting, a detailed description of the manner in which preference will be allocated.

(3) Preferences shall not be given to a horse otherwise eligible for a race if **that horse[it]** is also entered for a race on a future race day. This shall not include stakes and handicaps.

Section 13. Arrears. Unless approved by the racing secretary, a horse shall not be entered or raced unless **the horse's[its]** owner has paid all stakes fees owed.

Section 14. Declarations. (1) Declarations shall be made in the same form, time, and procedure as required for the making of entries.

(2) Declarations shall be irrevocable.

(3) A declaration fee shall not be required by any licensed association.

Section 15. Scratches. (1) Scratches shall be irrevocable and shall be **allowed[permitted]** under the conditions established in this section.

(a) Except as established in **Section 2(7)(b) and** paragraph (b) of this subsection, a horse may be scratched from a stakes race for any reason at any time until four (4) hours prior to post time for the race by obtaining approval from the stewards. Upon receiving a scratch from a stakes race, the racing secretary shall **immediately[promptly]** notify the stewards and pari-mutuel manager, and shall cause public announcement of the scratch to be made.



(b) If a list of also-eligible horses has been drawn, scratches shall be filed at the regular scratch time as posted by the racing secretary. Scratch time may be extended by the stewards at their discretion if warranted. Thereafter, a horse shall not be scratched unless:

1. A valid physical reason exists; or
2. The scratch is related to adverse track conditions or change of racing surface.

(c) A horse shall not be scratched from a purse race unless:

1. The approval of the stewards has been obtained; and
2. Intention to scratch has been filed in writing with the racing secretary or the secretary's assistant at or before scratch time.

(2) A scratch of one (1) horse coupled in a mutuel entry in a purse race shall be made at or before scratch time, unless permission is granted by the stewards to allow both horses to remain in the race until a later appointed scratch time.

(3) In a purse race, a horse that is physically disabled or sick shall be permitted to be scratched first. If horses representing more than eight (8) betting interests remain in after horses with physical excuses have been scratched, an owner or trainer may scratch horses without physical excuses at scratch time, down to a minimum of eight (8) betting interests. This privilege shall be determined by lot if an excessive number of owners or trainers wish to scratch their horses.

(4) A horse that has been scratched or excused from starting by the stewards because of a physical disability or sickness shall be placed on the corporation's veterinarian list for six (6) calendar days beginning the day after the horse was scratched or excused.

(5) Each association shall keep records and statistics documenting the effect upon field sizes of the six (6) day veterinarian list requirement in subsection (4) of this section. Records and statistics kept pursuant to this section shall be retained by the licensed racing association for at least one (1) year.

Section 16. Official Publication Statistics. In determining eligibility, allowances and penalties, the reports, records, and statistics as published in the Daily Racing Form or similar publication as the corporation considers appropriate to advise the public and the monthly chart books, or corresponding official publications of any foreign country, shall be considered official, but may be corrected until forty-five (45) minutes prior to post time of the race.

Section 17. Entry Examination by Attending Veterinarian. (1) ~~A [Subject to the exception in subsection (4) of this section, a] horse shall only start [be entered] if:~~

(a) The horse has been examined by an attending veterinarian licensed by the veterinary regulatory body in the jurisdiction where the examination occurs within [no more than] three (3) days after the close of entries and no later than two (2) days before the race; and [prior to entry;]

(b) The attending veterinarian certifies and electronically submits a report to the Equine Medical Director or its designee [in writing] that the horse is in serviceable, sound racing condition. [; and]

~~[(c)] [The written certification is provided to the Equine Medical Director or designee no later than the time of entry.]~~ (2) The examination required by subsection (1)(a) of this section shall include, at a minimum, examination of the legs and observation of the horse at rest and while jogging. [watching the horse jog in hand.]

(3) If the attending veterinarian who examines the horse prescribes a diagnostic test as part of the evaluation of the horse's soundness, the results of the test shall be provided to the corporation's veterinarian no later than one (1) day before the horse is set to start.

~~[(4)] [If a racing secretary contacts a trainer to fill a race, the trainer may enter a horse prior to obtaining the examination and written certification required in this section, if the certification required in this section is provided to the Equine Medical Director or designee on the day that the horse is entered.]~~



Andy Beshear  
GOVERNOR

**CABINET FOR HEALTH AND FAMILY SERVICES**

275 East Main Street, 5W-A  
Frankfort, Kentucky 40621  
Phone: (502) 564-7042  
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March 7, 2025

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

Re: 922 KAR 2:020

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 922 KAR 2:020, the Cabinet for Health and Family Services proposes the attached amendments to 922 KAR 2:020.

Sincerely,

Office of Legislative and Regulatory Affairs

Attachments

**Suggested Amendment**

**Cabinet for Health and Family Services  
Department for Community Based Services  
Division of Child Care**

**922 KAR 2:020. Child Care Assistance Program (CCAP) improper payments, claims,  
and penalties.**

**Page 7**

**Section 5(8)**

**Line 3**

After "value of", insert "\$10,000".

Delete the following:

ten thousand (\$10,000)

**Page 7**

**Section 5(9)**

**Line 5**

After "value of", insert "\$5,000".

Delete the following:

five thousand (\$5,000)

**Page 8**

**Section 7(1)(b)1.**

**Line 5**

After "Violation,", insert "2024".

Delete "02/16".

**Page 8**

**Section 7(1)(b)2.**

**Line 6**

After "A,", insert "2024".

Delete "02/16".