



**Kentucky Council on
Postsecondary Education**

Andy Beshear
Governor

100 Airport Road
Frankfort, Kentucky 40601
Phone: 502-573-1555
<http://www.cpe.ky.gov>



Aaron Thompson, Ph.D.
President

August 27, 2026

Senator Stephen West
Representative Derek Lewis
Legislative Research Commission
083, Capitol Annex
702 Capitol Avenue
Frankfort, KY 40601

Dear Co-Chairs

After consideration of the issues raised by 13 KAR 2:140, the Council on Postsecondary Education proposes the attached suggested substitute to this regulation.

Thank you,

Cassie L. Trueblood
Deputy General Counsel

An Equal Opportunity Employer M/F/D

**TEAM
KENTUCKY**

SUGGESTED SUBSTITUTE

COUNCIL ON POSTSECONDARY EDUCATION – TO AMENDED AFTER COMMENTS VERSION

13 KAR 2:140. Research consortiums.

RELATES TO: KRS 164.038, KRS 273.600(2)

STATUTORY AUTHORITY: KRS 164.038(6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.038(6) requires the Council on Postsecondary Education to promulgate administrative regulations to administer the provisions of the statute, ~~including~~. ~~KRS 164.038(6) requires the Council to include in administrative regulation the~~ metrics to evaluate joint funding applications submitted by two (2) or more Kentucky public universities to receive funding from a consortium account. This administrative regulation establishes the process by which requests for joint funding proposals will be advertised, what proposals shall include, how proposals will be evaluated, and how funding awards will be made.

Section 1. Definitions.

(1) "Council" is defined by KRS 164.001(8).

(2) "Eligible postsecondary institution" means any public university in Kentucky.

(3) "Endowed research fund" means the endowed research fund as established by KRS 164.038, based on the general fund type, "endowment fund," defined by KRS 273.600(2).

(4) "Peer reviewer" means an individual with demonstrated research expertise who is selected to evaluate joint funding applications.

(5) "Peer review panel" means a panel of three (3) or more peer reviewers convened by council staff to conduct the review, as established in Section 5 of this administrative regulation, of joint funding applications~~[described in Section 5 of this administrative regulation]~~.

(6)[(4)] "Research consortium" means two (2) or more eligible postsecondary institutions to receive joint funding from a consortium account through the endowed research fund administered by the council.

Section 2. Notice of Funding Opportunities.

(1) Once funds are available for distribution through the endowed research fund, the council shall publish notice of availability of funding opportunities for research consortia and issue a request for joint funding applications.

(2) The notice and request for joint funding applications shall include:

(a)[(1)] The funding period;

(b)[(2)] The date by which to submit a joint funding application;

(c)[(3)] The application evaluation metrics and relative weighting of each metric;

(d)[(4)] How to submit a joint funding application; and

(e)[(5)] The targeted date for making awards.

Section 3. Metrics to Evaluate Joint Funding Applications.

~~[(1)]~~ The council shall evaluate joint funding applications using the following metrics describing the research consortium's:

- ~~(1)~~~~[(a)]~~~~[(1)]~~ Planned area of research and its impact on human quality of life advancements;
- ~~(2)~~~~[(b)]~~~~[(2)]~~ Ability to innovate in the areas of medicine, health, or economic development;
- ~~(3)~~~~[(c)]~~~~[(3)]~~ Ability to obtain other sources of funding to perform initial research;
- ~~(4)~~~~[(d)]~~~~[(4)]~~ Potential to seek grant money from other sources in larger amounts;
- ~~(5)~~~~[(e)]~~~~[(5)]~~ Potential future funding sources and amounts; and
- ~~(6)~~~~[(f)]~~~~[(6)]~~ Implementation plan, including:
 - ~~(a)~~~~[(1)]~~~~[(a)]~~ The total proposed budget for the use of funds received through the endowed research fund for the initial five (5) year term;
 - ~~(b)~~~~[(2)]~~~~[(b)]~~ The total proposed budget for use of funds from other sources dedicated to the work of the research consortium for the initial five (5) year term; and
 - ~~(c)~~~~[(3)]~~~~[(c)]~~ Operations of the consortium, including a description of how the research consortium partners would collaborate to conduct the planned research.

Section 4. Funding Proposals.

~~[(1)]~~ To be eligible for funding, a joint funding application proposal shall include:

- ~~(1)~~~~[(a)]~~~~[(1)]~~ The participation in the research consortium certified by the signature of the respective chief executive officers and a designated point of contact and contact information for each participating eligible postsecondary institution;
- ~~(2)~~~~[(b)]~~~~[(2)]~~ A narrative addressing each metric established[set forth] in Section 3 of this administrative regulation;~~[-]~~
- ~~(3)~~~~[(c)]~~~~[(3)]~~ A response to any other funding proposal criteria as determined by the council;
- ~~(4)~~~~[(d)]~~~~[(4)]~~ A statement of assurances that statutory requirements shall be satisfied as established[set forth] in KRS 164.038; and
- ~~(5)~~~~[(e)]~~ The names of the key personnel assigned to the proposed research consortium.

Section 5. Evaluation Process.

- (1) Council staff shall convene a peer review panel to conduct a review of each completed and timely submitted joint funding application.
- (2) A peer reviewer shall not have a conflict of interest that would impair the reviewer's impartiality for any joint funding application reviewed by the peer review panel.
- (3) The peer review panel shall review, score, and rank each joint funding application on the extent to which the joint funding application complies with[meets] the metrics established[set forth] in Section 3 of this administrative regulation.
- (4) The peer review panel shall submit to the council the peer review panel's[its] ranking of the joint funding applications and a narrative to support that ranking.
- (5) The council shall:

(a) Review the submission of the peer review panel; and

~~[(1)] [The Council shall review and rank each completed and timely submitted funding application on the extent to which the application meets the metrics set forth in Section 3 of this administrative regulation.]~~

~~[(2)] [Once the funding applications are evaluated and ranked, the Council]~~

(b) ~~**[shall-]**~~Select up to five (5) high-quality research consortiums to receive funding from a consortium account.

(6)~~**(3)**~~ Once award distributions are finalized and approved by the Council, the Council shall notify the designated points of contact of the award.

Section 6. Awards.

(1) Upon award, the council and research consortium partners shall enter into an agreement **stating**~~**[outlining]**~~ the responsibilities of the parties, including **for example,**~~**[but not limited to]**~~ the estimated funding amount, the permissible uses of funds, and the reporting requirements.

(2) Once the agreement is finalized, the council shall disburse money from the research consortium's designated consortium account in accordance with KRS 164.038(1)(e) for a term of five (5) years.

(3) The term of eligibility of the research consortium may be renewed for up to five (5) additional years in accordance with KRS 164.038(4).



KENTUCKY REGISTRY OF ELECTION FINANCE

Thomas P. O'Brien, III, Chairman
Richard Clayton Larkin, Vice-Chair
H. David Wallace, Member
J. Bissell Roberts, Member
Jessica A. Burke, Member
Laura Marie Bennett, Member
Belle Townsend, Member

140 Walnut Street
Frankfort, Kentucky 40601-3240
Phone: (502) 573-2226
Fax: (502) 573-5622

John R. Steffen
Executive Director
Leslie M. Saunders
General Counsel

September 2, 2026

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

Re: 32 KAR 2:200. Allowable campaign expenditures.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 32 KAR 2:200, the Kentucky Registry of Election Finance proposes the attached amendment to 32 KAR 2:200.

Sincerely,



John R. Steffen
Executive Director



SUGGESTED SUBSTITUTE

**GENERAL GOVERNMENT CABINET
Kentucky Registry of Election Finance**

32 KAR 2:200. Allowable campaign expenditures.

RELATES TO: KRS 119.205(5), 121.015, 121.150, 121.175

STATUTORY AUTHORITY: KRS 121.120(1)(g), 121.175(4)

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 121.175(4) ~~as amended by the General Assembly in extraordinary session in 1993,~~ requires the Registry of Election Finance to promulgate administrative regulations to implement and enforce provisions for~~specifically define those~~ expenditures that may lawfully be made from a candidate's, committee's, or contributing organization's campaign account. This administrative regulation establishes allowable expenditures from a candidate's, committee's, or contributing organization's campaign account~~It is therefore necessary to promulgate this administrative regulation so that the agency may fulfill its statutory mandate~~.

Section 1. Allowable Expenditures. In addition to the general categories of allowable campaign expenditures established in KRS Chapter 121~~provided by law~~, the following expenditures shall be ~~considered~~ allowable:

- (1) Expenditures made or items donated to charitable and civic organizations such as clubs, neighborhood organizations, schools, and churches, ~~if provided that~~ the expenditure furthers the[a] candidacy through advertising;
- (2) Expenditures for items of personal property bearing the name or likeness of the candidate in a conspicuous manner for distribution by or on behalf of the[a] candidate and that shall be~~which are~~ distributed for the purpose of furthering the~~advertising that individual's~~ candidacy. These items include, for example,~~but are not limited to,~~ hats, shirts, calendars, magnets, holiday greeting cards, and similar items~~. The purchase of tickets for general distribution for the purpose of influencing an[and] election, either directly or indirectly, shall not be allowed under the subsection~~;
- (3) Reasonable expenditures for services such as distribution of campaign literature, staff services, and similar services that~~which~~ are primarily and directly related to the ~~individual's~~ candidacy;
- (4) In accordance with KRS 119.205(5), expenditures for the purchase of transportation services, including~~but not limited to~~ the transportation of voters to the polls, ~~if provided that~~ the expenditures are reasonable in light of the number of persons transported, mileage driven, and time spent. All transportation expenditures shall be primarily and directly related to the candidacy of the individual on whose behalf the expenditures are made;
- (5) Expenditures for tickets to political and other events to be attended by the candidate, the candidate's~~the candidate, his~~ spouse, or a campaign staff representative, and from which the

candidate derives a direct benefit to **the[his]** candidacy. The burden shall be on the candidate to prove to the registry that representation at the event provided a direct benefit to **the[his]** candidacy;

(6) The purchase of American, state, or other flags **that[which]** are donated to schools, civic, or charitable organizations;

(7) The purchase or rental of items such as cellular telephones, copiers, computers, automobiles, facsimile machines, and similar items. Only that use attributable to the campaign may be paid for with campaign funds, and the burden shall be on the candidate to prove that an expenditure is allowable under this subsection; ~~[(i)]~~;

(8) ~~The purchase of food and drink to be served at an event directly related to the candidacy~~ **of the individual on whose behalf the expenditures are made**;

(9) Expenditures made or items donated for a door prize that anyone who is attending **the event has the opportunity to win if the[-an] event is** directly related to the candidacy ~~of the individual has the opportunity to win~~; and

(10) Expenditures made or items donated for a silent auction-type fundraising event **if the[where] items are bid on independently for the purpose of raising funds to directly benefit the candidacy[campaign account]**.

Section 2. Unlawful Campaign Expenditures. In addition to the expenditures **expressly prohibited by KRS Chapter 121 and Section 1 of this administrative regulation** ~~specifically prohibited by law~~, the following categories of campaign expenditures shall not be ~~considered~~ allowable expenditures from a campaign account:

(1) Payment of dues to professional, civic, or other organizations to which the individual belongs or desires to join, unless membership in the organization provides the candidate with a direct benefit to the[his] candidacy. The burden shall be on the candidate to prove to the registry that membership in the organization provided a direct benefit to **the[his]** candidacy;

(2) Expenditures made to defray the costs associated with an individual's performance of **[his] official duties as an officeholder, except for those** ~~otherwise~~ **expressly allowed[permitted]** in KRS 121.175; ~~[(i)]~~

(3) Expenditures for food and drink to be served at events unrelated to the ~~individual's~~ candidacy;

(4) **The purchase of tickets for general distribution for the purpose of influencing an election, either directly or indirectly;**

(5) **Except as established in KRS 121.150(1), expenditures for items of personal property for distribution by or on behalf of the [a-]candidate that do not advertise nor promote the[that individual's] candidacy; and**

(6) ~~[(5)]~~ Expenditures made or items donated to hold a raffle or other game of chance **that[which]** require a person to pay for the chance to win a prize.

Section 3. If the registry staff, in the course of reviewing a candidate's, committee's, or contributing organization's ~~or incumbent's~~ campaign finance statements, determines that a questionable expenditure has been made, whether or not the expenditure was made during an election year, the burden shall be on the candidate, committee, or contributing organization ~~or incumbent~~ to prove that the expenditure was directly and primarily related to **the[a]** ~~his~~ candidacy.



**FINANCE AND ADMINISTRATION CABINET
DEPARTMENT OF REVENUE
OFFICE OF TAX POLICY AND REGULATION**

Andy Beshear
GOVERNOR

501 High Street, Station 1
Frankfort, Kentucky 40601
Phone: (502) 564-3226
Fax: (502) 564-9565



Thomas B. Miller
COMMISSIONER

Gary Morris
EXECUTIVE DIRECTOR

September 1, 2026

TO: Senator Stephen West
Representative Derek Lewis
Legislative Research Commission
083, Capital Annex
702 Capitol Avenue
Frankfort, KY 40601

Dear Co-Chairs:

After consideration of the issues raised by 103 KAR 28:051, the Department of Revenue proposes the attached suggested amendment to this administrative regulation.

Sincerely,

Gary C. Morris, Executive Director
Office of Tax Policy and Regulation
501 High Street, Station 1
Frankfort, KY 40601
Gary.Morris@ky.gov

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
(Amendment)

103 KAR 28:051. Leases and rentals.

RELATES TO: KRS 138.460, 138.463, 139.010, 139.105, 139.200, 139.210, 139.270, 139.280, 139.290, 139.310, 139.330, 139.340, 139.430, 139.471, 139.484, 139.600, 139.620

STATUTORY AUTHORITY: KRS 131.130(1), 139.710

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(1) authorizes the department to make administrative regulations for the administration and enforcement of all tax laws in this state, and KRS 139.710 requires the department to administer the provisions of KRS Chapter 139, regarding sales and use taxes. This administrative regulation sets forth requirements for leases and rentals of tangible personal property or digital property relating to the sales and use tax law.

Section 1. Definitions.

(1) "Department" is defined by KRS 139.010(7) ~~[139.010(6)]~~.

(2) "Extended warranty services" is defined by KRS 139.010(16) ~~[139.010(15)]~~.

~~(3)~~ ~~(4)~~ "Primary property location" means the location as indicated by an address for the property provided by the lessee that is available to the lessor from the lessor's records maintained in the ordinary course of business, if use of this address does not constitute bad faith. This location shall not be altered by intermittent use of the property at different locations.

~~(4)~~ ~~(2)~~ "Transportation equipment" means any of the following:

- (a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;
- (b) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of 10,001 pounds or greater, trailers, semi-trailers, or passenger buses that are:
 - 1. Registered through the International Registration Plan; and
 - 2. Operated under authority of a carrier authorized and certificated by the U.S. Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;
- (c) Aircraft that are operated by air carriers authorized and certificated by the U.S. Department of Transportation or another federal authority or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce; and
- (d) Containers designed for use on and component parts attached or secured on the items set forth in paragraphs (a) through (c) of this subsection ~~[section]~~.

Section 2. Registrants.

(1) A person engaged in leasing or renting tangible personal property or digital property for use in Kentucky ~~shall be~~ ~~[is]~~ a retailer and shall:

- (a) Complete a "Kentucky Tax Registration Application", Revenue Form 10A100; and
- (b) Report and pay the applicable tax derived from the gross lease or rental receipts utilizing the "Sales and Use Tax Return", Revenue Form 51A102.

(2) Each period for which a lease or rental is payable shall be considered a complete transaction in determining a retailer responsible for the tax pursuant to ~~[in accordance with]~~ KRS 139.010.

Section 3. Gross Receipts.

- ~~[(4)]~~ Gross receipts from the lease or rental of tangible personal property or digital property shall include:
- ~~(1)[(a)]~~ The total amount of payments, or consideration received by the lessor from the lessee;
 - ~~(2)[(b)]~~ Payments paid by the lessee to a third party for the benefit of the lessor **that[which]** are required by the terms of the agreement; ~~and~~
 - ~~(3)[(c)]~~ All itemized charges for costs incurred by the lessor and passed on to the lessee as separate charges in the lease or rental agreement including finance or interest charges, property tax, and insurance charges; ~~and~~;
 - ~~(4)~~ Charges for extended warranty services if included as part of the lease agreement or sold separately.
- ~~[(2)] [Charges by a lessor to a lessee for a separately-executed maintenance agreement, which is not a part of the lease or rental agreement, shall not be subject to tax.]~~

Section 4. Tax Responsibility.

- (1) The retailer or lessor~~[retailer/lessor]~~ leasing or renting tangible personal property or digital property within Kentucky shall be required to collect the sales tax from the customer or lessee~~[customer/lessee]~~.
- (2) Every out-of-state retailer leasing or renting tangible personal property or digital property for storage, use, or other consumption in this state shall be required to collect the use tax from the purchaser and remit the tax on gross lease or rental receipts to the department~~[Department of Revenue]~~.
- (3) The lessee's responsibility for the use tax shall not be relieved until payment of the amount due has been made to the department~~[Department of Revenue]~~ or to a retailer or lessor~~[retailer/lessor]~~ authorized to collect the Kentucky tax.

Section 5. Resale.

- (1) A lessor may claim a resale exemption for tangible personal property or digital property purchased exclusively for lease or rental.
- (2) Parts and accessories purchased by the lessor **that[which]** become part of the leased or rented property may also be purchased under a resale exemption. However, property purchased by a lessee to maintain leased or rented property of a lessor shall be subject to the sales and use tax.
- (3) Tangible personal property or digital property purchased for resale without payment of the tax and to be utilized exclusively for lease or rental, and so used, but subsequently used by the retailer or lessor~~[retailer/lessor]~~ for some purpose other than lease or rental shall become subject to tax upon this subsequent use. The tax shall be measured by purchase price of the property and shall be in addition to the tax due on the lease or rental receipts.
- (4) Tangible personal property or digital property purchased in part for lease or rental and in part for use shall not be purchased from a seller or retailer under a resale exemption and shall be subject to tax.
- (5) A retailer who purchases tangible personal property or digital property for outright sale, but, while holding the property in the retailer's inventory, makes use of the property in the retailer's business through lease or rental shall be responsible for the applicable tax to the lease or rental receipts.
- (6) Tangible personal property or digital property purchased by a retailer engaged exclusively in leasing or renting the property may be eligible for a deduction from the retailer's gross lease or rental receipts for an amount equal to the purchase price of the property used exclusively for lease or rental if the retailer has paid the sales or use tax applicable to the purchase price of the property.

Section 6. Lease with an Exemption Certificate. A lessor of tangible personal property or digital property shall not include within the measure of the tax gross receipts from a lease or rental if the lessor takes from the lessee a fully completed certificate of exemption as evidence that the property leased will be used in an exempt manner under the sales and use tax law.

Section 7. Motor Vehicles.

- (1) The lease or rental of motor vehicles, which are for use on the public highways and upon which any applicable tax levied under KRS 138.460 or KRS 138.463 has been paid, shall not be subject to the sales or use tax.
- (2) Motor vehicles, which are not subject to the motor vehicle usage tax established in KRS 138.460 or the U-Drive-It tax, established in KRS 138.463, shall be subject to the sales and use tax unless another applicable exemption applies.

Section 8. Reciprocity.

- (1) The sales and use tax law shall provide for credit against any Kentucky use tax for state sales tax paid in another state that~~[which]~~ imposes a sales tax substantially identical to that of Kentucky.
- (2) Out-of-state lessors who have collected sales tax on a lump-sum basis for their state shall be able to receive credit for the amount paid to that other state up to the amount due to Kentucky.
- (3) Kentucky shall tax any excess lease or rentals, relating to the lump-sum tax amounts.
- (4) Reciprocity shall apply to any tax due to Kentucky on lease or rental receipts only if the reciprocal state has levied and is legally due the sales or use tax paid on the lease or rental receipts.

Section 9. Lease of Real, Tangible, Digital and Intangible Property.

- (1) If lease or rental activity involves the lease or rental of real property, in combination with tangible personal property, digital property or intangible property, as in the lease or rental of a business operation or establishment, the total amount of the lease or rental shall be subject to the sales and use tax unless the amount applicable to the tangible personal property or digital property is separately stated.
- (2) The amount separately stated for the tangible personal property and digital property shall not be less than the fair market lease or rental value for like property for a like rental or lease period.
- (3) The lease or rental of tangible personal property and digital property between separate entities owned by the same or similar stockholders shall be subject to the tax unless otherwise exempted by the sales and use tax law.
- (4) The tax shall be levied on the lease or rental amount charged or the fair market lease or rental amount, whichever is greater.

Section 10. General Sourcing Rules.

- (1) The lease or rental of tangible personal property or digital property, other than property identified in subsection (5) of this section, shall be sourced pursuant to~~[according to the provisions of]~~ KRS 139.105(1).
- (2) For a lease or rental that requires recurring periodic payments, the first periodic payment shall be sourced as follows pursuant to~~[according to the provisions of]~~ KRS 139.105(1). Periodic payments made subsequent to the first payment shall be sourced to the primary property location for each period covered by the payment. The primary property location shall not be altered by intermittent use at different locations. Intermittent use shall include business property that accompanies employees on business trips and service calls.

(3) For a lease or rental that does not require recurring periodic payments, the payment shall be sourced the same as a retail sale ~~pursuant to~~~~[in accordance with the provisions of]~~ KRS 139.105(1).

(4) This subsection shall not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

(5) The lease or rental of motor vehicles, trailers, semi-trailers, or aircraft that do not qualify as transportation equipment shall be sourced as follows:

(a) For a lease or rental that requires recurring periodic payments, each periodic payment shall be sourced to the primary property location.

(b) For a lease or rental that does not require recurring periodic payments, the payment shall be sourced ~~pursuant to~~~~[in accordance with the provisions of]~~ KRS 139.105(1).

(c) This subsection shall not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

Section 11. Forms. The forms listed within this administrative regulation may be inspected, copied, or obtained, subject to applicable copyright law:

(1) At the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40620;

(2) At a Kentucky Taxpayer Service Center; or

(3) On the department's ~~department~~ website~~[Web site]~~ at www.revenue.ky.gov~~[http://revenue.ky.gov]~~.



**KENTUCKY STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

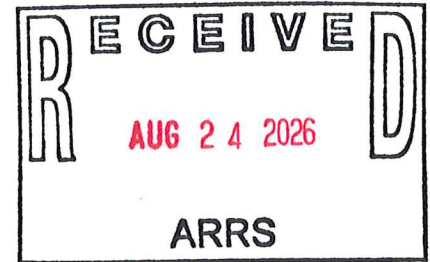
Andy Beshear
GOVERNOR

160 Democrat Drive
Frankfort, Kentucky 40601
Phone: (502) 573-2680
1-800-573-2680
Fax: (502) 573-6687

Kyle Elliott, PLS
EXECUTIVE DIRECTOR

August 24, 2026

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Ange Darnell, Regulations Compiler
Administrative Regulations Review Subcommittee
Legislative Research Commission
083, Capitol Annex
702 Capital Avenue
Frankfort, Kentucky 40601



Re: *201 KAR 18:120. Replacement of license certificates and business entity permit certificates.*

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 18:120, the State Board of Licensure for Professional Engineers and Land Surveyors proposes the attached suggested amendment to 201 KAR 18:120.

Very truly yours,

JAKE R. MILLER
General Counsel
Kentucky State Board of Licensure for
Professional Engineers and Land Surveyors
Email: jake.miller@ky.gov
Phone: (502) 782-5844

Attachment

The Kentucky State Board is self-supporting and receives no general fund tax dollars.

**TEAM
KENTUCKY™**

An Equal Opportunity Employer M/F/D
An Equal Opportunity Employer M/F/D

Staff-suggested Amendment

BOARDS AND COMMISSIONS

Kentucky State Board of Licensure for Professional Engineers and Land Surveyors

201 KAR 18:120. Replacement of license certificates and business entity permit certificates.

Page 1

NECESSITY, FUNCTION, AND CONFORMITY paragraph

Line 14

After "KRS 322.290(4)", insert "requires".

Delete "authorizes".



**KENTUCKY STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Andy Beshear
GOVERNOR

160 Democrat Drive
Frankfort, Kentucky 40601
Phone: (502) 573-2680
1-800-573-2680
Fax: (502) 573-6687

Kyle Elliott, PLS
EXECUTIVE DIRECTOR

August 24, 2026

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Ange Darnell, Regulations Compiler
Administrative Regulations Review Subcommittee
Legislative Research Commission
083, Capitol Annex
702 Capital Avenue
Frankfort, Kentucky 40601



Re: *201 KAR 18:150. Standards of practice for professional land surveyors.*

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 18:150, the State Board of Licensure for Professional Engineers and Land Surveyors proposes the attached suggested substitute to 201 KAR 18:150.

Very truly yours,

JAKE R. MILLER
General Counsel
Kentucky State Board of Licensure for
Professional Engineers and Land Surveyors
Email: jake.miller@ky.gov
Phone: (502) 782-5844

Attachment

The Kentucky State Board is self-supporting and receives no general fund tax dollars.



An Equal Opportunity Employer M/F/D

Subcommittee Substitute

BOARDS AND COMMISSIONS

Kentucky State Board of Licensure for Professional Engineers and Land Surveyors (Amendment)

201 KAR 18:150. Standards of practice for professional land surveyors.

RELATES TO: KRS 322.290[(1)(a), (2)(f)]

STATUTORY AUTHORITY: KRS 322.290(4), (12)~~[KRS 322.290(2)(f)]~~

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8. The Board of Licensure for Professional Engineers and Land Surveyors is not one of the agencies that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.290[(1)(a)] authorizes the board to administer KRS Chapter 322. ***KRS 322.290(4) requires the board to promulgate administrative regulations reasonably necessary for the proper performance of its duties.*** KRS 322.290(12)~~[KRS 322.290(2)(f)]~~ requires the board to adopt appropriate~~[establish]~~ standards of practice. This administrative regulation establishes standards of practice for professional land surveyors in Kentucky.

Section 1. Definitions.

- (1) "Boundary" means the perimeter of a parcel or tract of land.
- (2) "Boundary survey" means a survey to:
 - (a) Determine either the entire perimeter of a parcel or tract of land, or a portion of the perimeter of a parcel or tract of land;
 - (b) Establish or reestablish a parcel or tract of land's corner(s) or monument(s); or
 - (c) Divide or consolidate the parcels or tracts of land surveyed.
- (3) "Completion Date of Survey" means the last date when all the monuments were either found or set for the boundary~~[plat of]~~ survey~~[area]~~.
- (4) "Corner" means a point that designates a change in the direction of the boundary.
- (5) "Field work" means that work performed by a land surveyor on the ground in connection with the parcel or tract being surveyed.
- (6) "GIS" means Geographic Information System and is any system that captures, stores, analyzes, manages, and presents data that are linked to a land location and is the merging of cartography and database technology.
- (7) "GNSS" means Global Navigation Satellite Systems. The standard ~~[generic]~~ term for satellite navigation systems that provide autonomous geo-spatial positioning with global coverage.
- (8) ***["GPS" means the United States NAVSTAR Global Positioning System, a space-based global navigation satellite system]***~~[that when used in conjunction with suitable GPS receivers and processing software, provides reliable location information to the level of precision specified in this administrative regulation, in all weather and at all times and anywhere on the earth where there is an unobstructed line of sight to four (4) or more GPS satellites]]~~.

~~(9) "Meander point" means a survey point~~ [or station] ~~marking a change in direction along a linear feature such as a watercourse, ridge, road, or cliff.~~

~~(10)~~ "Monument" means an artificial, manmade, or natural object that is used as, or presumed to occupy, any of the following locations:

- (a) A boundary[property] corner;
- (b) A point on the boundary; or
- (c) A reference point.

~~(9)[(11)]~~ "Plat" means any representational drawing created by a land surveyor reflecting work falling within the definition of land surveying.

~~(10)[(12)]~~ "Plat of survey" means a finished drawing of a completed survey of a parcel or tract of land, used to depict the final results of a boundary survey[, drawn on a dimensionally stable media suitable for reproduction of copies].

~~[(13) "Point on Line" means a point on a boundary line other than a corner.]~~

~~(11)[(14)]~~ "Reference monument" means a monument:

- (a) That does not occupy the same defined position as a boundary[property] corner; [and]
- (b) That is to be set on line unless physically impractical; and
- ~~(c)[(b)]~~ Whose relationship to the corner of the boundary[property] is established by bearing and distance to the actual corner.

~~(12)[(15)]~~ "Relative Positional Accuracy" means the value expressed in feet that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the ninety-five (95) [95] percent confidence level.

~~(13)[(16)]~~ "Retracement survey" means a boundary survey of an existing parcel or tract of land.

~~(14)[(17)]~~ "Survey description" means a metes and bounds description of a survey of a parcel or tract of land.

Section 2. Application.

(1) Boundary surveys. The standards of practice established in Sections 1 through 12 of this administrative regulation:

- (a) Shall apply to the work product related to:
 - 1. Boundary surveys used for the purpose of creating, depicting, or locating interests in land;
 - 2. Partial surveys;
 - 3. Boundary surveys of leases; and
 - 4. Survey[Deed] descriptions prepared[written] by a professional land surveyor [surveyors];
- (b) Shall be the minimum standards of practice for a professional land surveyor; and
- (c) Shall not limit the establishment of more stringent standards of practice for a professional land surveyor by:
 - 1. An agency;
 - 2. An owner;
 - 3. A contract; or
 - 4. The professional land surveyor.
- (d) Shall not apply to surveys to determine or define political areas including historical, school, fire, voting, utility or magisterial districts, municipal or county limits, or governmental permit limits.

(2) Land surveying work other than boundary surveys. The standards of practice established in Sections 1, 2, 3, and 13 of this administrative regulation:

- (a) Shall apply to the work of the professional land surveyor falling within the definition of land surveying, but not falling within the definition of a boundary survey;
- (b) Shall be the minimum standards of practice for a professional land surveyor for that work; and
- (c) Shall not limit the establishment of more stringent standards of practice for a professional land surveyor by:
 - 1. An agency;
 - 2. An owner;
 - 3. A contract; or
 - 4. The professional land surveyor.

Section 3. Compliance.

- (1) Failure to comply with this administrative regulation shall constitute misconduct, gross negligence, incompetence, or a combination of these violations in the practice of professional land surveying.
- (2) A professional land surveyor shall not represent that:
 - (a) A boundary survey determines land ownership; or
 - (b) A boundary survey provides more than evidence of rights in land; or
 - (c) Land ownership can be established by any survey.

Section 4. Actual Boundary Survey.

- (1) The marks and monuments on the ground as found and verified, or as set by a professional land surveyor shall constitute the actual boundary survey.
- (2) Any plat of survey shall accurately represent the actual boundary survey.
- (3) Record research and field work required by the provisions of this administrative regulation:
 - (a) Shall be used by a professional land surveyor to determine the location of the boundary ~~of the property~~ to be surveyed; and
 - (b) Shall not be used by a professional land surveyor to determine ownership or title.

Section 5. Record Research. In performing a boundary survey, a professional land surveyor shall conduct research to obtain and evaluate the following:

- (1) The present and relevant historical record descriptions of:
 - (a) Each parcel to be surveyed; ~~and~~
 - (b) Each adjoining parcel; and
 - (c) Each adjoining right of way, both public and private.
- (2) The description of the physical monument that represents each boundary~~[property]~~ corner;
- (3) All other relevant documents of record including deeds and prior plats and surveys;
- (4) All other relevant public agency records including tax maps, GIS maps, and topographic maps; and
- (5) Any other available data or documents pertinent to the boundary survey.

Section 6. Field Work. A professional land surveyor shall thoroughly:

- (1) Search for the physical monuments that represent each boundary corner;

- (2) Search for other physical monuments set out in the description of the parcel or tract of land being surveyed;
- (3) Gather, analyze, and document evidence of occupation and physical evidence;
- (4) Gather, analyze, and document relevant parcel evidence; and
- (5) Compare evidence discovered by field work, with that discovered by record research, to determine or reestablish the boundary of the tract or parcel of land being surveyed.

Section 7. Measurement Specifications.

- (1) Every measurement made as a part of a boundary survey shall comply with the following:
 - (a) The standards for accuracy and precision established by the provisions of this section; or
 - (b) Standards for accuracy and precision that exceed the standards established by the provisions of this section but are:
 1. Requested by the client;
 2. Required by contract;
 3. Required by the agency or entity to which the plat of survey is to be presented; or
 4. Deemed desirable or necessary by the land surveyor.
- (2) A professional land surveyor shall conduct measurements with instruments and equipment that are properly:
 - (a) Adjusted;
 - (b) Maintained; and
 - (c) Calibrated to meet the appropriate tolerance required for the classification of survey as specified in subsection (5) of this section.
- (3) A boundary survey shall be conducted utilizing a method of measurement that achieves the appropriate minimum tolerance specified in subsection (5) of this section.
- (4) A boundary survey for platting or describing a parcel or tract of land shall be classified as Urban or Rural.~~["Urban" or "Rural"].~~
 - (a) An Urban survey shall:
 1. Consist of urban or suburban land; and
 2. Include a parcel or tract of land lying within, or adjacent to:
 - a. A city or town limit;
 - b. A commercial business area;
 - c. An industrial area; or
 - d. A residential area that is outside a city or town limit and contains subdivided lots smaller than five (5.0) acres.
 - (b) A Rural survey shall apply to all land not classified as ~~["Urban"]~~.
- (5) Table of Specifications by Class: Classification of Surveys.

		Urban	Rural	Remarks
Unadjusted Closure (Minimum)		1:10,000	1:5,000	Loop or Between Control Monuments
Angular Closure (Maximum)		15" N	30" N	N = Number of Angles in Traverse
Accuracy of Distances		+/-0.07[5]' + 50[100] PPM	+/-0.10' + 200 PPM	100PPM=1:10,000

Relative Accuracy	Positional	+/-0.07[5]' + 50[100] PPM	+/-0.10' + 200 PPM	<u>Maximum Allowable at the 95% Confidence Level</u>
-------------------	------------	---------------------------	--------------------	--

Section 8. Global Navigation Satellite System~~[Positioning Systems]~~.

(1) It shall be acceptable practice to incorporate the use of survey grade GNSS~~[GPS]~~ equipment into any boundary survey. The accuracy and precision of all measurements made with that equipment shall, at a minimum, meet all other accuracy and precision standards required otherwise by law or rules under Section 7(5) of this administrative regulation. If using GNSS~~[GPS]~~ equipment in the course of a boundary survey, the professional land surveyor shall state on the face of the plat of survey, the following:

(a) A note stating what portion (or all) of the boundary survey was performed using GNSS~~[GPS]~~ equipment;

~~[(b)] [The type of GPS equipment used, including manufacturer and model number, and whether single or dual frequency receivers were used;]~~

~~(b)[(e)] The type of GNSS[GPS] survey that was performed[, including static, real time kinematic ("RTK"), network adjusted real time kinematic, etc.];~~

~~(c)[(d)] A note that discloses the actual precision of the GNSS[GPS] work done, either in relative positional accuracy[.] or vector closure[.];~~

~~(d)[(e)] A statement identifying the horizontal datum, the vertical datum, and the Geoid model used; and~~

(e) Coordinates of at least one (1) [of a] boundary corner to the accuracy of the boundary survey, unless stated otherwise, on the identified datum required by subsection [Section 8](1)(d) of this section [administrative regulation].

(2) The professional land surveyor shall ~~[at a minimum]~~ retain adequate documentation of ~~all[, in either paper or electronic format, of raw field data, adjustment calculations and closure, or relative positional accuracy]~~ calculations ~~and[or]~~ computations necessary to support the accuracy and precision of the work product.

Section 9. Monumentation.

(1) Monumentation standards established in this section shall apply to all boundary surveys.~~.[:]~~

(2) Unless an adequate monument already exists at each boundary corner, a professional land surveyor shall set a monument or a reference monument at each corner of the boundary as provided in this section.

(3) A monument or reference monument set by a professional land surveyor shall conform to the following categories and shall meet the following criteria:

(a) "Typical and Preferred" _ an iron rod, iron pipe, or iron pin that is:

1. Not less than one-half (1/2) inch in diameter and eighteen (18) inches in length;
2. Equivalent to, or greater than, schedule-forty (40) weight if pipe is utilized; and
3. Identified with a cap bearing the license number of the professional land surveyor under whose direct supervision the survey was performed, and which cap does not display any other professional land surveyor's license number.

(b) "Non-typical" _ to be used only when it is not practical to set the monuments described in paragraph~~[subsection]~~ (a) of this subsection, and that:

1. Contains~~[Preferably contains]~~ a ferrous material or is otherwise capable of being located with a magnetic locator, and shall~~[may]~~ include ~~[P. K. or mag.]~~nails at least three eighths (3/8) inch in shaft diameter and at least three (3)~~[one 1 1/2 and one-half]~~ inches in length; and
 2. Is identified with the license number of the professional land surveyor under whose direct supervision the survey was performed~~[;]~~ and does not display any other professional land surveyor's license number.
- (c) "Alternate" - to be used only when it is not practical to set the monuments described in paragraphs~~[subsections]~~ (a) and (b) of this subsection and may include nails, railroad spikes, mine spikes, cross-cuts, chisel cuts, drill holes, and curb notches, and shall be referenced to a durable, physical feature.
- (4) The location of a~~[A]~~ boundary corner shall be perpetuated~~[identified]~~ by a reference monument if it is impractical to set a monument at the corner for either of the following reasons:
- (a) The corner is likely to be disturbed; or
 - (b) The corner is inaccessible.
- (5) A reference monument shall be set on the boundary line~~[;]~~ if practical~~[practicable, to perpetuate the location of each corner]~~.
- (6) A professional land surveyor shall set each monument in a manner to avoid or minimize the likelihood of its destruction.
- (7) A professional land surveyor may use a tree as a monument under the following conditions:
- (a) A tree ~~[may be]~~ established as a boundary corner or found to occupy the position of a record corner~~[monument only on a Rural boundary survey. Each tree utilized as a monument]~~ shall be marked in a conspicuous manner that is both physical and permanent and **shall** ~~[will]~~ not otherwise be harmful to the tree.
 - (b) A tree that a professional land surveyor establishes as a corner monument shall meet the following criteria:
 1. Be at least ten (10) inches in diameter at breast height;
 2. Be in sound condition;
 3. Be marked in a conspicuous manner that is both physical and permanent; and
 4. Be clearly described by size, species, and method of marking, on the plat and in the survey~~[written]~~ description.
 - (c) For a Rural survey for which trees~~[Trees shall not]~~ constitute more than fifty (50) percent of the boundary corners, reference~~[established]~~ monuments **shall be set so** ~~[such]~~ **that no more than fifty (50) percent of the boundary corners are perpetuated by only a tree with no reference monument**~~[for a rural boundary survey]~~.
 - (d) For an Urban~~[urban retracement]~~ survey for~~[in]~~ which a tree is established as the boundary corner or found to occupy the position~~[be the monument]~~ of a record corner, a reference monument shall be set to perpetuate the location of the boundary corner~~[the tree shall be reference-monumented]~~.
- (8) ~~If~~~~[A corner monument that]~~ a professional land surveyor has determined that a boundary corner monument is not of sound condition, fails to meet the standards established in this administrative regulation, or is inadequate under the definition of monument within this administrative regulation, a reference monument shall be set~~[reference-monumented]~~ to perpetuate the location of the boundary corner~~[location]~~. All existing record monuments

discovered during the performance of the survey shall be preserved and shall not be altered or destroyed.

(9)

~~[(a)]~~ Linear monuments may consist of a watercourse, ridge, road, or cliff, and:

~~(a)~~~~[(b)]~~

~~[1.]~~ The point at which a boundary line intersects a linear monument shall be monumented or perpetuated by a reference monument~~[monumented]~~; and

~~(b)~~~~[2.]~~ A physical feature that represents a linear monument shall be monumented or perpetuated by a reference monument~~[monumented]~~ at a minimum of every 1,000 feet~~[, and those monuments shall be set in intra-visible pairs not to exceed 1,000 feet in spacing between pairs].~~

(10) All monumentation shall be set prior to the time the plat of survey~~[, or record plat]~~ is certified~~[issued]~~ by the professional land surveyor. The signing and sealing of a plat of survey ~~[plat]~~ is certification by the professional land surveyor that all corners shown on the plat are set on the ground.

Section 10. Documentation of Boundary Surveys.

(1) A plat of survey shall be required to be given to the client when the professional land surveyor~~[does any of the following]:~~

(a) Performs a boundary survey which divides or consolidates parcels or tracts of land~~[Surveys a new boundary line]; or~~

(b) Performs a retracement survey and determines the found monuments~~[Retraces the boundary lines of a previously established boundary; or]~~

1. Do not match those depicted in the record survey description or plat; or

2. Do not meet the measurement specifications described in Section 7(5) of this administrative regulation.

~~[(c)] [Determines that the current physical description or plat does not accurately depict the actual conditions found during the course of performing the survey.]~~

(2) A professional land surveyor shall retain as permanent records the original plat of survey prepared by the land surveyor, or a copy thereof, and a copy of any new survey~~[physical]~~ description that was prepared from the survey.

(3) A professional land surveyor shall retain as permanent records the following items used to perform a boundary survey:

(a) Research documents including notations stating the source of each;

(b) Field and office notes;

(c) Digital~~[Electronic and magnetically stored]~~ field data;

(d) Documents of calculation stating the:

1. Relative positional accuracy or closure as required by Section 7 of this administrative regulation;

2. Adjustment method; if any; and

3. ~~[Bearing reference datum; and]~~

~~[4.]~~ Determination of corners;

(e) ~~[Plat of survey and written description, if any, of the surveyed parcel or tract of land;]~~

~~[(f)]~~ All other pertinent information necessary to reproduce the boundary survey; and

~~(f)~~~~(g)~~ All other pertinent information supporting the location of the boundary lines and corners of the boundary survey.

(4) ~~Survey~~~~Written~~ description. A ~~survey~~~~written~~ description prepared by a professional land surveyor shall be complete, shall accurately describe the actual boundary survey, and ~~shall~~ contain the following information:

(a) The general location of the land that was surveyed;

(b) The specific location of the land ~~by~~~~in~~ reference ~~of at least one (1) boundary corner to:~~~~a major physical feature or recognized control network;~~

1. A durable and recognizable physical object or a properly identified primary control network; and

2. At least one (1) boundary corner of the parent tract;

~~(c) [The reference of at least one (1) boundary corner to a corner of the parent tract;]~~

~~(d)~~ The direction and length of each line, as follows:

1. Each bearing represented in degrees, minutes, and seconds with each distance represented to the hundredths of a foot;

2. Any geometrically-curved line identified with a beginning point, terminus point, and sufficient curve data to define the curve; and

3. A description of each prominent terrain feature, if any, that the boundary follows or crosses;

~~(d)~~~~(e)~~ A notation as to whether each monument was found or set;

~~(e)~~~~(f)~~ The identification of each tree utilized as a ~~new~~ corner monument ~~by~~~~including~~ breast height diameter, species of tree, method of marking, and a notation as to whether the tree is a record monument or a newly established monument;

~~(f)~~~~(g)~~ A complete description of each ~~set~~ monument that marks or references a boundary corner to include, if appropriate, the monument's length, diameter, type of material, and the information contained on the identification~~identifying~~ cap or other identifier that was used;

~~(g)~~~~(h)~~ A complete description of each ~~found~~ monument that complies with the following:

1. It is sufficiently accurate and adequate for subsequent identification by another professional land surveyor; and

2. To the extent possible, the description shall include the monument's condition, dimensions, type of material, and the information contained on the identification cap or other identifier, or lack thereof~~that was used~~;

~~(h)~~ The record source of the tract or parcel of land surveyed;

~~(i)~~ The identity of each adjoiner, as appropriate, by:

1. The names and record sources; or

2. The names and record sources of each adjoining recorded subdivision plat and lot designation thereof;

~~(j)~~ The name of each adjacent or abutting road, along with any record source, or lack thereof;

~~(k)~~ ~~[A description of the location of any cemetery or grave site that is observable or evident during the performance of the field work, or discovered from the required research;]~~

~~(l)~~ ~~[The record source of the land surveyed and the names and record sources of all adjoining property owners;]~~

(k) The calculated area of the land surveyed stated to the nearest hundredth of an acre;

(l) A reference to the plat of survey for a depiction and location of any cemetery or grave site that is observable or evident during the performance of the field work or discovered from the required research;

(m) A reference to the plat of survey for a depiction and location of any apparent encroachment that is observable or evident during the performance of the field work or discovered from the required research;

(n) The reference meridian and whether its basis is:

1. Astronomic;
2. Grid;
3. Record, including the source of the record meridian;
4. State plane;
5. Magnetic, including the date and location of the observation; or
6. Geodetic;

(o) A statement as to whether the distance reported are grid or ground;

(p) Completion date of survey;

(q) Name, license number, and business address of the professional land surveyor who performed the survey and, if applicable, the name and address of the land surveying firm; and

(r) A dated signature and seal of the professional land surveyor under whose direct supervision the boundary survey was performed.

~~[(l)] [Name, certification date of the written description, license number and seal of the professional land surveyor under whose direct supervision the survey was performed, and name of the land surveying firm, if any; and]~~

~~[(m)] [Completion date of the boundary survey.]~~

(5) Plat of survey. A plat of survey shall be drawn to scale ~~[on durable, dimensionally-stable media,]~~ and clearly contain the following information:

(a) The specific location of the land by reference of at least one (1) boundary corner to:

1. A durable and recognizable physical object or a properly identified primary control network; and
2. At least one **(1)** boundary corner of the parent tract;

~~[(a)] [Direction]~~

(b) The direction and length of each line as follows:

1. Each bearing represented in degrees, minutes, and seconds with each distance represented to the hundredths of a foot;
2. Any geometrically-curved line identified with a beginning point, terminus point, and sufficient curve data to define the curve; and
3. A depiction of each prominent terrain feature, if any, that the boundary follows or crosses;[:]

~~[(b)] [The calculated area of the land surveyed, stated to the nearest hundredths of an acre;]~~

(c) A notation as to whether each monument was found or set;

(d) The identification of each tree utilized as a corner monument by breast height diameter, species of tree, method of marking, and a notation as to whether the tree is a record monument or newly established monument;

(e)~~[(d)]~~ A complete description of each set monument that marks or references a boundary corner to include, if appropriate, the monument's length, diameter, type of material, and the information contained on the identification~~[identifying]~~ cap or other identifier that was used;

~~(f)~~~~(e)~~ A complete description of each found monument that complies with the following:

1. It is sufficiently accurate and adequate for subsequent identification by another professional land surveyor; and
2. To the extent possible, the description shall include the monument's condition, dimensions, type of material, and the information contained on the identification~~[identifying]~~ cap or other identifier, or lack thereof;

~~(g)~~ The record source of each tract or parcel of land surveyed;

~~(h)~~ The location or address of each tract or parcel of land surveyed;

~~(i)~~ The identity of each adjoiner, as appropriate, by:

1. The names and record sources; or
2. The names and record sources of each adjoining recorded subdivision plat and lot designation thereof;

~~(j)~~ The name of each adjacent or abutting road, along with any record source, or lack thereof;

~~(k)~~ The calculated area of the land surveyed stated to the nearest hundredths of an acre;

~~(l)~~ The location of any cemetery or grave site that is observable or evident during the performance of the field work or discovered from the required research;

~~(m)~~ The location of any apparent encroachment that is observable or evident during the performance of the field work or discovered from the required research;

~~(f)~~ [Reference of at least one (1) corner to at least one (1) of the following;]

- ~~[1.] [A corner of the parent tract;]~~
- ~~[2.] [A durable and recognizable physical object; or]~~
- ~~[3.] [A properly identified primary control network;]~~

~~(g)~~ [The name of each road, along with any record source thereof;]

~~(h)~~ [The name and record sources of each adjoiner;]

~~(i)~~ [The name and record sources of each adjoining subdivision;]

~~(j)~~ [Any apparent encroachment discovered in the course of the survey;]

~~(n)~~~~(k)~~ The reference meridian and whether its basis is:

1. Astronomic~~[True];~~
2. Grid;
3. Record, including the source of the record meridian;
4. State plane~~[-or];~~
5. Magnetic, including the date and location of the observation; or

~~(l)~~ [A vicinity map of sufficient detail to locate the parcel or tract of land being surveyed, unless the location of the parcel or tract of land is clearly shown by the plat itself;]

6. Geodetic;

~~(o)~~ A vicinity map of sufficient detail to locate the parcel or tract of land being surveyed, unless the location of the parcel or tract of land is clearly shown by the plat itself;

~~(p)~~ A written and graphic scale;

~~(q)~~ Notes containing the following information:

1. Name and address of the client;
2. Name and address of the property owner of record;
3. A statement identifying the classification of the survey as Rural or Urban;
4. A statement, as appropriate, of:
 - a. The unadjusted error of closure for the traverse; and

- b. The relative positional accuracy for a GNSS based survey;
- 5. A statement as to whether the directions and distances shown on the plat of survey are adjusted or unadjusted;
- 6. A statement as to whether the distances reported are grid or ground;
- 7. GNSS survey notes as required by Section 8(1) of this administrative regulation, if applicable; and
- 8. A statement that the plat of survey represents a boundary survey and complies with 201 KAR 18:150;
- ~~[(m)] [A statement, as appropriate, of:]~~
 - ~~[1.] [The unadjusted error of closure for the traverse; and]~~
 - ~~[2.] [The relative positional accuracy for a GPS based survey;]~~
- ~~[(n)] [A statement identifying the classification of the survey as rural or urban;]~~
- ~~[(o)] [A statement as to whether the directions and distances shown on the plat are based on an adjusted traverse;]~~
- ~~[(p)] [The location of a cemetery or grave site that is observable or evident during the performance of the field work or discovered from the required research;]~~
- ~~[(q)] [A dated signature and the seal of the professional land surveyor under whose direct supervision the boundary survey was performed;]~~
- ~~[(r)] [A written and graphic scale; and]~~
- ~~[(s)] [A title block containing the following:~~
 - ~~1. Title of the survey[Name and address of the client];~~
 - ~~2. Completion date of survey[Name and address of the property owner of record]; and~~
 - ~~3. Name, license number, and business address of the professional land surveyor who performed the survey and, if applicable, the name and address of the surveying firm[Title of the survey]; and~~
- (s) A dated signature and seal of the professional land surveyor under whose direct supervision the boundary survey was performed.
- ~~[4.] [Statement that the plat of survey represents a boundary survey and complies with 201 KAR 18:150; and]~~
- ~~[5.] [Name and business address of the professional land surveyor who performed the survey and, if applicable, the name and address of the surveying firm; and]~~
- ~~[(t)] [The following information shall be placed conspicuously on the face of the plat of survey:]~~
 - ~~[1.] [The record source of the tract or parcel of land surveyed; and]~~
 - ~~[2.] [The location or address of each tract or parcel of land surveyed.]~~

Section 11. Identification of Drawings and Plats.

- (1) A plat of survey shall be signed, sealed, and dated by the professional land surveyor under whose direct supervision the survey was performed.
- (2) Working drawings or unfinished plats of not yet completed boundary surveys shall be prominently marked or stamped in at least sixteen (16) point type (0.22 inches tall) or its equivalent, as follows: Preliminary - Not ~~for~~[Før] Recording or Land Transfer.

Section 12. Partial Boundary Surveys.

(1) In performing a boundary survey, a professional land surveyor shall not be required to survey the parent tract in its entirety in order to create a smaller tract for conveyance if the following conditions are met:

- (a) Adequate evidence exists that conforms to the deeds of record;
- (b) Sufficient monumentation exists that is verifiable to establish the lines common to the boundary of the parent tract; and
- (c) There is sufficient evidence and monumentation to establish the lines common to the adjoining tracts without adversely affecting the property interests of any adjoining owners.

(2) In performing a boundary survey, a professional land surveyor is not required to survey the entire boundary of a tract of land in order to mark a boundary line or replace a boundary corner when the following conditions are met:

- (a) Sufficient evidence is found and verified to establish the record location of that portion of the boundary being surveyed; and
- (b) The marked boundary line or reestablished boundary corner does not adversely affect the property interests of any adjoining owners.

(3) A plat of survey for that part of the boundary surveyed pursuant to this section ***[of this administrative regulation]***, shall be required to comply with this administrative regulation for the part of the boundary that was surveyed, and shall graphically delineate and designate that portion of the boundary covered by the survey.

Section 13. Plats, Drawings, and Graphic Representations of Non-Boundary Survey Work Mandatory Disclosures.

(1) Plats, drawings, and graphic representations created by a professional land surveyor, not representing either a plat of survey, or a preliminary plat, drawing, or graphic representation of a boundary survey, shall meet the following criteria:

- (a) Be clearly marked as to ~~the~~^{their} intended use; and
- (b) State affirmatively on the face of the document~~[in a title block]~~ in at least sixteen (16)~~[twelve (12)]~~ point type (0.22 inches tall) or its equivalent, that the work does not represent a boundary survey and is not intended for land transfer; and
- (c) May be signed and sealed by the professional land surveyor under whose direct supervision the work represented by the plat, drawing, or graphic representation was performed or the document was prepared.

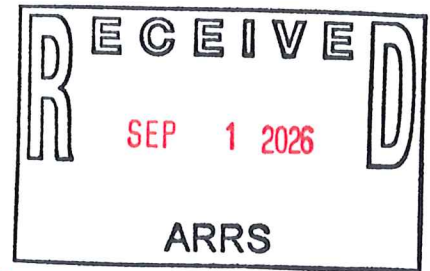
(2) A professional land surveyor shall state in a note or notes, on the face of any plat, drawing, or graphical representation of any work product falling within the definition of land surveying but not constituting either a plat of survey, or a preliminary plat, drawing, or graphic representation of a boundary survey, the following mandatory informational disclosures for the work product:

- (a) For whom and by whom the work product was created;
- (b) The purpose of the work product;
- (c) The method employed to create the work product and its underlying values and specifications;
- (d) The location of the parcel or tract of land with which the work product is concerned;
- (e) The date or dates that the work was performed;
- (f) The date of any certification of the work product by the licensee;

(g) The mathematical scale employed in any graphic representation of the work performed;
and

(h) The degree of accuracy [~~or level of quality~~] of the work product [~~expressed in terms of mathematical precision~~].

CONTACT PERSON: Jake R. Miller, General Counsel, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, phone: (502) 573-2680, facsimile: (502) 573-6687, email: jake.miller@ky.gov.



Board of Medical Imaging and Radiation Therapy

Andy Beshear
Governor

2365 Harrodsburg Rd, Suite A220
Lexington, KY 40504
502-782-5687
<https://kbmirt.ky.gov/>

Keri Leamy
Board Chair

September 1, 2026

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

Dear Co-Chairs,

After consideration of the issues raised by 201 KAR 46:035, the Board of Medical Imaging and Radiation Therapy proposes the attached suggested substitute to this ordinary administrative regulation.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Morgan".

Elizabeth Morgan, B.S., R.T.(R)
Executive Director, KBMIRT

SUGGESTED SUBSTITUTE

**GENERAL GOVERNMENT CABINET
Board of Medical Imaging and Radiation Therapy**

201 KAR 46:035. Practice standards, scopes of practice, and ethical standards.

RELATES TO: 311B.080

STATUTORY AUTHORITY: KRS 311B.050(2), 311B.080

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.050(2) requires the Kentucky Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to administer and enforce KRS Chapter 311B. KRS 311B.080 requires the board to recognize and enforce national practice standards, scopes of practice, and ethical standards. This administrative regulation establishes uniform standards for the licensure of individuals who perform medical imaging and radiation therapy for diagnostic and therapeutic purposes while under the supervision of a licensed practitioner of the healing arts.

Section 1. Applicability. A licensee shall only perform medical imaging or radiation therapy for diagnostic medical imaging or therapeutic purposes while under the direct or indirect supervision as **established[specified]** by a licensee's practice standards, by a licensee's scope of practice, or in the ACR-AAPM Technical Standard for the Management of the Use of Radiation in Fluoroscopic Procedures as listed in Section **4[3]** of this administrative regulation.

Section 2. If a licensee's practice standards, a licensee's scope of practice, or the ACR-AAPM Technical Standard for the Management of the Use of Radiation in Fluoroscopic Procedures fails to **state[specify]** who may provide direct or indirect supervision, a licensee shall only perform medical imaging or radiation therapy for diagnostic medical imaging or therapeutic purposes while under the direct or indirect supervision of a licensed practitioner of the healing arts.

Section 3. To ensure proper diagnosis and treatment of adverse events, a licensee shall only administer intravascular contrast media during medical imaging studies **while[when]** a licensed practitioner of the healing arts is immediately available:

(1) In person; or

(2) Virtually through real-time audio and video communications technology, and his or her designee **shall be[is]** immediately available in person. The designee, in addition to the medical imaging technologist or radiation therapist, shall be a licensed health care practitioner or provider whose scope of practice includes treatment of adverse events.

Section 4. Practice Standards. A licensee shall perform according to practice standards of the discipline for which the licensee holds a credential, as established by the American Society of Radiologic Technologists (ASRT), the American College of Radiology (ACR), the American

Association of Physicists in Medicine (AAPM), and the Society of Nuclear Medicine and Molecular Imaging (SNMMI) and incorporated by reference. These standards ***shall*** include the:

- (1) ~~[The]~~ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiography;
- (2) Nuclear Medicine Technologist Scope of Practice and Performance Standards;
- (3) Scope of Practice for the Nuclear Medicine Advanced Associate;
- (4) ~~[The]~~ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiation Therapy;
- (5) ~~[The]~~ASRT Practice Standards for Medical Imaging and Radiation Therapy – Bone Densitometry;
- (6) ~~[The]~~ASRT Practice Standards for Medical Imaging and Radiation Therapy – Cardiac-Interventional and Vascular-Interventional Technology;
- (7) ~~[The]~~ASRT Practice Standards for Medical Imaging and Radiation Therapy – Computed Tomography;
- (8) ~~[The]~~ASRT Practice Standards for Medical Imaging and Radiation Therapy – Limited X-ray Machine Operator;
- (9) ~~[The]~~ASRT Practice Standards for Medical Imaging and Radiation Therapy – Mammography;
- (10) ~~[The]~~ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiologist Assistant;
- (11) ACR ASRT Joint-Policy Statement-Radiologist Assistant: Roles and Responsibilities;
- (12) ACR-AAPM Technical Standard for Management of the Use of Radiation in Fluoroscopic Procedures;
- (13) ~~[The]~~American Registry of Radiologic Technologists' Standards~~[Code]~~ of Ethics; and
- (14) ~~[The]~~Nuclear Medicine Technology Certification Board's Code of Ethics.

Section 5.~~[Section 4.]~~ Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiography", revised June 22, 2025~~[30, 2024]~~;
 - (b) "Nuclear Medicine Technologist Scope of Practice and Performance Standards", October 5, 2024~~[June 9, 2022]~~;
 - (c) "Scope of Practice for the Nuclear Medicine Advanced Associate", February 2025~~[created 2009]~~;
 - (d) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiation Therapy", revised June 22, 2025~~[30, 2024]~~;
 - (e) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Bone Densitometry", revised June 22, 2025~~[30, 2024]~~;
 - (f) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Cardiac-Interventional and Vascular-Interventional Technology", revised June 22, 2025~~[30, 2024]~~;
 - (g) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Computed Tomography", revised June 22, 2025~~[30, 2024]~~;
 - (h) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Limited X-ray Machine Operator", revised June 22, 2025~~[30, 2024]~~;
 - (i) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Mammography", revised June 22, 2025~~[30, 2024]~~;

- (j) "The ASRT Practice Standards for Medical Imaging and Radiation Therapy – Radiologist Assistant", revised June 22, 2025[30, 2024];
 - (k) "ACR ASRT Joint Policy Statement-Radiologist Assistant: Roles and Responsibilities", May 2003;
 - (l) "ACR-AAPM Technical Standard for Management of the Use of Radiation in Fluoroscopic Procedures", revised 2023;
 - (m) "The American Registry of Radiologic Technologists' Standards[Code] of Ethics", (September 1, 2025[2023]); and
 - (n) "The Nuclear Medicine Technology Certification Board's Code of Ethics", (November 15, 2017).
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at:
- (a) American Society of Radiologic Technologists, 15000 Central Ave. SE Albuquerque, NM 87123-3909, <https://www.asrt.org/main/standards-regulations/practice-standards/practice-standards>;
 - (b) Society for Nuclear Medicine and Molecular Imaging, 1850 Samuel Morse Drive Reston, Virginia 20190, <http://www.snmimi.org>;
 - (c) The American Registry of Radiologic Technologists' Code of Ethics, 125 Northland Drive, Saint Paul, Minnesota 55120, https://assets-us-01.kc-usercontent.com/406ac8c6-58e8-00b3-e3c1-0c312965deb2/c5152767-a1a7-4db8-b57b-fcf6cd2e65cb/ARRT_Standards_of_Ethics.pdf[<https://www.arrt.org/docs/default-source/Governing-Documents/code-of-ethics.pdf?sfvrsn=10>];
 - (d) The Nuclear Medicine Technology Certification Board, 3558 Habersham at Northlake, Building I, Tucker, Georgia 30084, <https://www.nmtcb.org/policies/ethics.php>; or
 - (e) The Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Road, Suite A220, Lexington, Kentucky 40504, Monday through Friday, 8:00 a.m. to 4:30 p.m.

CONTACT PERSON: Elizabeth Morgan, Executive Director, 2365 Harrodsburg Rd, Suite A220, Lexington Kentucky 40504, 502-782-5687, fax 502-782-6495, elizabeth.morgan@ky.gov.

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



August 26, 2026

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

Re: 701 KAR 5:090. Teacher disciplinary hearings

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 701 KAR 5:090, the Kentucky Board of Education proposes the attached amendment to 701 KAR 5:090.

Sincerely,

Todd G. Allen

Todd G. Allen
Deputy Commissioner and General Counsel

attachment

Staff-suggested Amendment

**EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education**

701 KAR 5:090. Teacher disciplinary hearings.

Page 2

Section 1(6)(a)

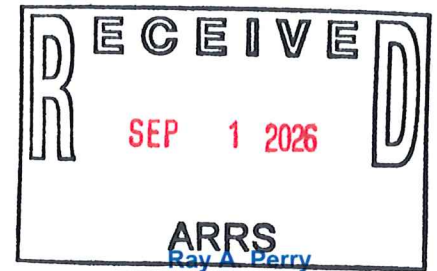
Lines 10-11

After "pursuant to", insert "KRS".



Andy Beshear
GOVERNOR
Jacqueline Coleman
LIEUTENANT
GOVERNOR

PUBLIC PROTECTION CABINET
Kentucky Department of Alcoholic Beverage Control
500 Mero Street, 2NW21
Frankfort, KY 40601
Phone: (502) 564-4850
Fax: (502) 564-1442



ARRS
Ray A. Perry
SECRETARY
DJ Wasson
DEPUTY SECRETARY
Scotty Tracy
COMMISSIONER

September 2, 2026

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

Re: 804 KAR 13:011

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 804 KAR 13:011, the Alcoholic Beverage Control Board proposes the attached amendments to 804 KAR 13:011.

Sincerely,

Joe Martz
Department of Alcoholic Beverage Control

Subcommittee Substitute

PUBLIC PROTECTION CABINET Department of Alcoholic Beverage Control

804 KAR 13:011. Tobacco, nicotine, and vapor product enforcement and administration.

RELATES TO: KRS Chapter 13B, 438.305 to 438.350

STATUTORY AUTHORITY: KRS 438.340, 438.3055

NECESSITY, FUNCTION, AND CONFORMITY: KRS 438.305 to 438.350 impose penalties upon tobacco, nicotine, and vapor product retailers, wholesalers, and manufacturers who violate relevant statutory provisions or the department's administrative regulations related to tobacco, nicotine, or vapor products. These statutes also mandate that the department enforce penalties using an administrative hearing process in accordance with KRS Chapter 13B, and that the department collect and report statistics relating to the illegal sale to persons under the age of twenty-one (21) of tobacco products, alternative nicotine products, and vapor products, and the enforcement of KRS 438.305 to 438.350. Specifically, KRS 438.340 authorizes the department to promulgate administrative regulations necessary to implement and carry out the provisions of KRS 438.305 to 438.350, and KRS 438.3055 requires the department to carry out the enforcement provisions of KRS 438.305 to 438.350, including the promulgation of administrative regulations that govern the sale and distribution of alternative nicotine products, tobacco products, and vapor products. Additionally, **KRS 438.340(2) requires [2026 Ky. Acts Ch. 70 (SB 245) mandates that]** the department prescribe and publish application forms for tobacco, nicotine, or vapor product licenses within **thirty (30) days of April 10, 2026 [its passage]**.

Section 1. Definitions.

- (1) "Department" is defined **by [in]** KRS 438.305(5).
- (2) "License" means a tobacco, nicotine, or vapor product license.

Section 2. Administration. The department shall be the administrative agency for hearing violations of KRS 438.305 to 438.350.

Section 3. Requests for Hearing.

- (1) A person or business receiving an administrative citation pursuant to KRS 438.305 to 438.350, a revocation of their license pursuant to KRS 438.3069, or a denial of their application for a license pursuant to KRS 438.3067, may request an administrative hearing on the matter~~[,]~~ to be conducted by the department in accordance with KRS Chapter 13B.
- (2) A request for hearing to contest the following shall be made in writing by the person or business receiving the administrative citation, revocation, or denial, or their attorney, within thirty (30) days of receipt:
 - (a) An administrative citation for a violation of KRS 438.305 to 438.350;
 - (b) A license revocation pursuant to KRS 438.3069; or
 - (c) A license application denial pursuant to KRS 438.3067.
- (3) A request for a hearing shall include:
 - (a) A copy of the administrative citation, notice of revocation, or notice of denial;
 - (b) The name, address, and contact information of the person or business that received the administrative citation, revocation, or denial; and

- (c) The name, address, and contact information of their agent for service, if that differs from the information provided pursuant to paragraph (b) of this subsection.
- (4) A request for a hearing shall be mailed to the Department of Alcoholic Beverage Control, ATTN: Tobacco Hearing Request, 500 Mero Street, Frankfort, Kentucky 40601, or emailed to the department at abc.legal@ky.gov.
- (5) Upon receipt of a timely request for hearing, the department shall refer the matter to an administrative hearing officer for adjudication in accordance with KRS Chapter 13B.
- (6) If a request for hearing is not made within thirty (30) days of receipt of an administrative citation, revocation, or denial, the opportunity for a hearing shall be ~~[deemed to have been]~~ waived and the disciplinary action imposed shall ~~[thereby]~~ be ~~[deemed]~~ effective.

Section 4. Prepayment of Fines. A fine imposed pursuant to an administrative citation shall be prepayable within thirty (30) days of issuance of the administrative citation. A person not wishing to contest the allegations in the citation may resolve the charge by making a payment in the amount set forth in the administrative citation through any of the following methods:

- (1) Mailing or otherwise submitting a cashier's check, certified check, business check, or money order payable to the Kentucky State Treasurer, to the Department of Alcoholic Beverage Control, 500 Mero Street, Frankfort, Kentucky 40601; or
- (2) Making an electronic Tobacco Citation Payment on the department's online payment portal at <https://abcportal.ky.gov/BELLEExternal>.

Section 5. License Surrender. A tobacco, nicotine, or vapor product licensee and its employees shall not evade imposition of penalties or a finding of culpability for violations related to the regulation of alternative nicotine products, tobacco products, or vapor products by surrender or expiration of its license. The department shall retain the authority to enforce relevant provisions and penalties of KRS 438.305 to 438.350 against any individual or business entity who is under investigation for or charged with a violation of those statutes, even if the individual's or business entity's tobacco, nicotine, or vapor product license has been surrendered or has expired by operation of law.

Section 6. Disposition of Records and Evidence.

- (1) The department shall preserve the confidentiality of all juvenile records by maintaining a separate filing system with access limited to the parties and their legal counsel. The department shall maintain statistical summaries of case information, including date of buy, geographical location of buy, name and address of retail seller, date of purchase, date of birth and gender of underage buyer, and disposition of case. Statistical summaries relating to underage buyers shall not identify the underage buyer by name.
- (2) Physical property seized as contraband property, as defined by KRS 438.305(4), in the course of investigations of administrative violations of KRS 438.305 to 438.350 shall be maintained by the department in a secured evidentiary storage facility and destroyed after the administrative matter is resolved, unless it is found that the evidence was not used in violation of the law, in which case the property shall be returned to its owner.
- (3) The disposition of contraband property and evidence shall not occur until all appeals associated with the administrative matter have been exhausted.

Section 7. Application Forms.

- (1) A tobacco, nicotine, or vapor product retailer shall initially apply for an annual tobacco, nicotine, or vapor product license by submitting the Initial Tobacco, Nicotine, or Vapor Product License Application Form to the department.

(a) The Initial Tobacco, Nicotine, or Vapor Product License Application Form shall be submitted with the following documents:

1. A copy of the deed or lease for the premises to be licensed if not currently on file with the department for an alcoholic beverage license, or a certification from the landlord or landowner stating that the premises may be used for the sale of tobacco, nicotine, or vapor products;
2. Proof of registration with the Department of Revenue; and
3. A **fifty (50) dollar [\$50]** non-refundable application fee.

(b) An electronic version of the Initial Tobacco, Nicotine, or Vapor Product License Application Form may be completed and submitted through the department's online portal located at <https://abcportal.ky.gov/BelleExternal/>.

(2) A tobacco, nicotine, or vapor product retailer shall apply for a temporary tobacco, nicotine, or vapor product license by submitting the Tobacco, Nicotine, or Vapor Product Temporary License Application Form to the department.

(a) The Tobacco, Nicotine, or Vapor Product Temporary License Application Form shall be submitted with proof of the occurrence and duration of the fair, festival, or other event where the products will be sold.

(b) An electronic version of the Tobacco, Nicotine, or Vapor Product Temporary License Application Form may be completed and submitted through the department's online portal located at <https://abcportal.ky.gov/BelleExternal/>.

Section 8. Batch Application Form.

(1) Notwithstanding Section 7 **of this administrative regulation**, a tobacco, nicotine, or vapor product retailer may submit a Tobacco, Nicotine, or Vapor Product License Batch Application Form for:

- (a) Multiple tobacco, nicotine, or vapor product licenses for multiple premises; or
- (b) A tobacco, nicotine, or vapor product license or multiple licenses for multiple premises, in conjunction with one **(1)** or more alcoholic beverage retail licenses.

(2) The Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Application Form shall be submitted with the following documents:

- (a) A copy of the deed or lease for each premises to be licensed if not currently on file with the department for an alcoholic beverage license, or a certification from the landlord or landowner stating that the premises may be used for the sale of tobacco, nicotine, or vapor products;
- (b) Proof of registration with the Department of Revenue; and
- (c) Any documents required by the department for alcoholic beverage licenses for which the applicant is applying.

(3) An electronic version of the Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Application Form may be completed and submitted through the department's online portal located at <https://abcportal.ky.gov/BelleExternal/>.

Section 9. Renewals. To renew its annual Tobacco, Nicotine, or Vapor Product Licenses, a licensed tobacco, nicotine, or vapor product retailer shall submit to the department:

- (1) A \$500 annual fee for each of the annual Tobacco, Nicotine, or Vapor Product licenses it holds; and
- (2) If a material change has occurred as defined in **KRS 438.3064 [26 RS SB 245]** Section **[2]**(2)(b):

- (a) A Tobacco, Nicotine, or Vapor Product License Renewal Form; or
- (b) An Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Renewal Form.

(3) Electronic versions of the Tobacco, Nicotine, or Vapor Product License Renewal Form, and the Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product Batch Renewal Form may be completed and submitted through the department's online portal located at <https://abcportal.ky.gov/BelleExternal/>.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Initial Tobacco, Nicotine, or Vapor Product License Application Form," May 2026;
- (b) "Tobacco, Nicotine, or Vapor Product Temporary License Application Form," May 2026;
- (c) "Tobacco, Nicotine, or Vapor Product License Renewal Form," May 2026;
- (d) "Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Application Form," May 2026; and
- (e) "Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Renewal Form," May 2026.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Alcoholic Beverage Control, 500 Mero St., Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the department's website, <http://www.abc.ky.gov/>.



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES

Steven Stack, MD
SECRETARY

275 East Main Street, 5W-A
Frankfort, Kentucky 40621
Phone: (502) 564-7042
Fax: (502) 564-7091

September 3, 2026



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

Re: 915 KAR 2:050. Qualifying Medical Conditions.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff regarding 915 KAR 2:050, the Cabinet for Health and Family Services proposes the attached amendments to 915 KAR 2:050.

Sincerely,

Executive Staff Advisor
Office of Legislative and Regulatory Affairs

Attachments

Subcommittee Substitute

CABINET FOR HEALTH AND FAMILY SERVICES

Office of Medical Cannabis

915 KAR 2:050. Qualifying Medical Conditions.

RELATES TO: KRS Chapter 218B

STATUTORY AUTHORITY: KRS 218B.020, ~~KRS~~ 218B.140(1)(c), ~~KRS~~ 218B.010(26)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 218B.020 charges the Cabinet for Health and Family Services with the implementation, operation, oversight, and regulation of the medicinal cannabis program established in KRS Chapter 218B. KRS 218B.140(1)(c)21 ***requires*** ~~*authorizes*~~ the Cabinet for Health and Family Services to promulgate administrative regulations that establish standards, procedures, or restrictions that the cabinet deems necessary to ensure the efficient, transparent, and safe operation of the medicinal cannabis program. This administrative regulation provides clarification regarding the definition of ~~qualifying medical condition~~ contained in KRS 218B.010(26).

Section 1. The Definition of ~~Qualifying Medical Condition~~.

(1) The definition of ~~qualifying medical condition~~ contained in KRS 218B.010(26) may encompass additional medical conditions if an underlying symptom of those conditions is:

- (a) Expressly defined as a ~~qualifying medical condition~~ in KRS 218B.010(26); and
- (b) Properly diagnosed by a medical cannabis practitioner or the medical cannabis practitioner properly confirms the diagnosis provided by another health care provider.

(2) The following list of medical conditions have been recommended for express inclusion within the definition of ~~qualifying medical condition~~ by the Kentucky Board of Physicians and Advisors and are recognized as having at least one (1) underlying symptom that is defined as a ~~qualifying medical condition~~ under KRS 218B.010(26):

- (a) Amyotrophic Lateral Sclerosis;
- (b) Parkinson's Disease;
- (c) Crohn's Disease;
- (d) Ulcerative Colitis;
- (e) Sickle Cell Anemia;
- (f) Cachexia or Wasting Syndrome;
- (g) Neuropathies;
- (h) Severe Arthritis;
- (i) Fibromyalgia;
- (j) Muscular Dystrophy;
- (k) Huntington's Disease;
- (l) Human Immunodeficiency Virus (HIV);
- (m) Acquired Immunodeficiency Syndrome (AIDS);
- (n) Glaucoma; and

(o) Terminal Illness.