

13A.105 Promulgation of administrative regulations -- Criteria -- Certification by administrative body and Governor.

- (1) Except as provided in subsection (2) of this section, after March 31, 2025, an administrative body shall not file or promulgate, or have power or authority to promulgate, any new administrative regulation, ordinary administrative regulation, emergency administrative regulation, administrative regulation in contemplation of a statute, or administrative regulation amending an existing regulation, or administrative regulation repealing an existing regulation.
- (2) Notwithstanding subsection (1) of this section, an administrative body shall have authority to promulgate a new administrative regulation, ordinary administrative regulation, emergency administrative regulation, administrative regulation in contemplation of a statute, or administrative regulation amending an existing administrative regulation if the administrative body is given statutory authority to promulgate administrative regulations in a particular subject matter and certifies in the administrative regulation that the administrative regulation:
 - (a) Will not have a major economic impact;
 - (b) Is an emergency administrative regulation that must be put into effect immediately to meet an imminent threat to public health, safety, or welfare;
 - (c) Is necessary to prevent the loss of federal or state funds;
 - (d) Is necessary to meet a deadline that is established by federal law, federal regulation, or state law;
 - (e) Is necessary to comply with a final order from a court of competent jurisdiction; or
 - (f) Relates to the licensure and regulation of health facilities and services pursuant to KRS Chapter 216B.
- (3) An administrative regulation filed or promulgated by any of the following administrative bodies, or by an office, division, or other unit within any of the following administrative bodies, shall include the Governor's certification that it meets one (1) or more of the six (6) criteria set forth in subsection (2) of this section in addition to the administrative body's certification that it meets one (1) or more of the six (6) criteria set forth in subsection (2) of this section:
 - (a) The Governor, Lieutenant Governor, and Office of the Governor;
 - (b) Justice and Public Safety Cabinet;
 - (c) Energy and Environment Cabinet;
 - (d) Public Protection Cabinet;
 - (e) Transportation Cabinet;
 - (f) Cabinet for Economic Development;
 - (g) Cabinet for Health and Family Services;
 - (h) Finance and Administration Cabinet;
 - (i) Tourism, Arts and Heritage Cabinet;
 - (j) Personnel Cabinet;
 - (k) Education and Labor Cabinet;

- (l) Department of Education;
 - (m) Council on Postsecondary Education;
 - (n) Department of Military Affairs;
 - (o) Department for Local Government;
 - (p) Kentucky Commission on Human Rights;
 - (q) Kentucky Commission on Women;
 - (r) Department of Veterans' Affairs;
 - (s) Kentucky Commission on Military Affairs;
 - (t) Office of Minority Empowerment;
 - (u) Governor's Council on Wellness and Physical Activity;
 - (v) Kentucky Communications Network Authority;
 - (w) Executive Branch Ethics Commission;
 - (x) Teachers' Retirement System; and
 - (y) Kentucky Public Pensions Authority.
- (4) Any administrative regulation that any person causes to be filed or promulgated, or attempts to file or promulgate, in violation of this section shall be null, void, and unenforceable.

Effective: March 31, 2025

History: Created 2025 Ky. Acts ch. 101, sec. 8, effective March 31, 2025.