

**13A.280 Statement of consideration -- Amendment -- Format -- Information required -- Publication.**

- (1) Following the last day of the comment period, the administrative body shall give consideration to all comments received at the public hearing and all written comments received during the comment period, including:
  - (a) Any report filed by the Commission on Small Business Innovation and Advocacy in accordance with KRS 11.202(1)(e) and 13A.270(4), or by a local government in accordance with KRS 11.202(1)(e) and 13A.270(5); and
  - (b) Any comments regarding the administrative regulation's major economic impact as submitted by agencies, local governments, or regulated entities.
- (2)
  - (a) Except as provided in paragraph (b) of this subsection, the administrative body shall file with the Commission on or before 12 noon, eastern time, on the fifteenth day of the calendar month following the end of the public comment period the statement of consideration relating to the administrative regulation and, if applicable, the amended after comments version.
  - (b) If the administrative body has received a significant number of public comments:
    1. It may extend the time for filing the statement of consideration for an ordinary administrative regulation and, if applicable, the amended after comments version by notifying the regulations compiler in writing on or before 12 noon, eastern time, on the fifteenth day of the calendar month following the end of the public comment period; and
    2. The administrative body shall file the statement of consideration for an ordinary administrative regulation and, if applicable, the amended after comments version, with the Commission on or before 12 noon, eastern time, no later than the fifteenth day of the second calendar month following the end of the public comment period.
- (3)
  - (a) If the administrative regulation is amended as a result of the hearing or written comments received, the administrative body shall file the items specified in this paragraph with the regulations compiler by 12 noon, eastern time, on the applicable deadline specified in subsection (2) of this section:
    1. The original and four (4) copies of the administrative regulation indicating any amendments resulting from comments received at the public hearing and during the comment period. The amendments shall be indicated in:
      - a. The original wording for an ordinary administrative regulation;
      - b. The original wording for an emergency administrative regulation;  
or
      - c. The wording of an emergency administrative regulation as amended, for an emergency administrative regulation that was amended at a legislative committee meeting pursuant to KRS 13A.190(3);
    2. The original and four (4) copies of the statement of consideration as

required by subsection (2) of this section, attached to the back of the original and each copy of the administrative regulation; and

3. The regulatory impact analysis, tiering statement, federal mandate comparison if applicable, and fiscal note. These documents shall reflect changes resulting from amendments made after the public hearing.
- (b)
1. Each original amended after comments version, the statement of consideration, and the attachments required by paragraph (a)3. of this subsection shall be single-sided and stapled in the top left corner.
  2. One (1) of the copies shall be single-sided and unstapled.
  3. The other three (3) copies shall be stapled in the top left corner and may be double-sided.
- (c) At the same time as, or prior to, filing the paper version, the administrative body shall file an electronic version of the amended after comments version, the statement of consideration, and the required attachments saved as a single document for each amended after comments administrative regulation in an electronic format approved by the regulations compiler.
- (d) Within five (5) working days after filing an amended after comments version, an administrative body shall:
1. Prominently display on its website:
    - a. A notice that an amended after comments version has been filed with the Commission;
    - b. A summary of the amended after comments version, including:
      - i. The number of the administrative regulation;
      - ii. The title of the administrative regulation; and
      - iii. A brief explanation of the changes made; and
    - c. Information on how to access the amended after comments version on the Commission's website; and
  2. Email the amended after comments version and statement of consideration as filed, and all attachments required by paragraph (a)3. of this subsection, to every person who has registered pursuant to KRS 13A.270(3)(a)2. and provided an email address as part of the registration request.
- (e) Material incorporated by reference that is amended after comments shall be filed, and if applicable, displayed in the manner required by KRS 13A.2255.
- (4) (a)
1. If the administrative regulation is not amended as a result of the public hearing, or written comments received, the administrative body shall file the original and four (4) copies of the statement of consideration with the regulations compiler by 12 noon, eastern time, on the deadline established in subsection (2) of this section.
  2. Each original statement of consideration shall be single-sided and stapled in the top left corner.
  3. One (1) of the copies shall be single-sided and unstapled.
  4. The other three (3) copies shall be stapled in the top left corner and may

be double-sided.

- (b) If the statement of consideration covers multiple administrative regulations that were not amended as a result of the public hearing or written comments received, the administrative body shall file with the regulations compiler:
    - 1. The original and four (4) copies of the statement of consideration as required by paragraph (a) of this subsection; and
    - 2. Two (2) additional unstapled, single-sided copies of the statement of consideration for each additional administrative regulation included in the group of administrative regulations.
  - (c) At the same time as, or prior to, filing the paper version, the administrative body shall file an electronic version of the statement of consideration saved as a single document for each statement of consideration in an electronic format approved by the regulations compiler.
- (5)
- (a) If comments are received either at the public hearing or during the public comment period, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee following the month in which the statement of consideration is due.
  - (b) A filed administrative regulation that is deferred under this subsection due to receipt of public comments may still be placed on the subcommittee's agenda for informational review pursuant to KRS 13A.030(3) or (4).
  - (c) If a filed administrative regulation is placed on the agenda pursuant to paragraph (b) of this subsection, the full review of the filed administrative regulation shall still be deferred in accordance with this subsection.
- (6) The format for the statement of consideration shall be as follows:
- (a) The statement shall be typewritten on white paper, size eight and one-half (8-1/2) by eleven (11) inches. Copies of the statement may be mechanically reproduced;
  - (b) The first page of the statement of consideration shall have a two (2) inch top margin;
  - (c) The heading of the statement shall consist of the words "STATEMENT OF CONSIDERATION RELATING TO" followed by the number of the administrative regulation that was the subject of the public hearing and comment period and the name of the promulgating administrative body. The heading shall be centered. This shall be followed by the words "Not Amended After Comments," "Emergency Not Amended After Comments," "Amended After Comments," or "Emergency Amended After Comments," whichever is applicable;
  - (d) If a hearing has been held or written comments received, the heading is to be followed by:
    - 1. A statement setting out the date, time and place of the hearing, if the hearing was held;
    - 2. A list of those persons who attended the hearing or who submitted comments and the organization, agency, or other entity represented, if

- applicable; and
3. The name and title of the representative of the promulgating administrative body;
- (e) 1. Following the general information, the promulgating administrative body shall summarize the comments received at the public hearing and during the comment period and the response of the promulgating administrative body. Each subject commented upon shall be summarized in a separate numbered paragraph. Each numbered paragraph shall contain two (2) subsections:
- a. Subsection (a) shall be labeled "Comment," shall identify the name of the person, and the organization represented if applicable, who made the comment, and shall contain a summary of the comment; and
  - b. Subsection (b) shall be labeled "Response" and shall contain the response to the comment by the promulgating administrative body.
2. If administrative regulations were considered as a group and a comment relates to one (1) or more of the administrative regulations, the summary of the comment and response shall specify each administrative regulation to which it applies;
- (f) 1. Following the summary of the comments and responses, the promulgating administrative body shall summarize the statement of consideration and the action taken by the administrative body as a result of comments received at the public hearing and during the comment period.
2. If administrative regulations were considered as a group, a separate summary and action taken shall be provided for each administrative regulation; and
- (g) Emergency administrative regulations shall be in a separate statement of consideration from ordinary administrative regulations.
- (7) If the administrative regulation is amended pursuant to subsection (3) of this section, the full text of the administrative regulation shall be published in the Administrative Register. The changes made to the administrative regulation shall be typed in bold and made in the format prescribed by KRS 13A.222(2). The administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee after such publication.
- (8) If requested, copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available by the promulgating administrative body to persons attending the hearing or submitting comments or who specifically request a copy from the administrative body.

**Effective:** June 27, 2025

**History:** Amended 2025 Ky. Acts ch. 2, sec. 4, effective February 25, 2025; and ch. 88, sec. 11, effective June 27, 2025. -- Amended 2022 Ky. Acts ch. 207, sec. 3, effective April 14, 2022. -- Amended 2021 Ky. Acts ch. 7, sec. 10, effective February 2, 2021; and ch. 185, sec. 99, effective June 29, 2021. -- Amended 2019 Ky. Acts ch. 192,

sec. 6, effective June 27, 2019. -- Amended 2016 Ky. Acts ch. 82, sec. 25, effective July 15, 2016. -- Amended 2012 Ky. Acts ch. 138, sec. 12, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 100, sec. 16, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 165, sec. 6, effective July 13, 2004. -- Amended 2003 Ky. Acts ch. 7, sec. 10, effective June 29, 2021; and ch. 89, sec. 14, effective June 24, 2003. -- Amended 2000 Ky. Acts ch. 406, sec. 15, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 38, sec. 6, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 180, sec. 12, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 20, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 26, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 425, sec. 10, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 417, sec. 28, effective April 13, 1984.

**Legislative Research Commission Note (6/27/2025).** This statute was amended by 2025 Ky. Acts. chs. 2 and 88. Where these Acts are not in conflict, they have been codified together. Where a conflict exists, Acts ch. 88, which was last enacted by the General Assembly, prevails under KRS 446.250.

**Legislative Research Commission Note (4/14/2022).** This statute was amended by 2022 Ky. Acts ch. 207, sec. 3. Under Section 5 of that Act, the Act shall be known and may be cited as the Kentucky REINS Act, or the Kentucky Regulations from the Executive in Need of Scrutiny Act.