

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Public Health Protection and Safety
(Amendment)

902 KAR 50:005.[Grade-A] Milk Advisory Committee.

RELATES TO: KRS 217C.010[-217C.990]

STATUTORY AUTHORITY: KRS 194.050(1), 217C.070(2)[211.090]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet.~~[The Secretary for Human Resources is directed by]~~ KRS 217C.070 requires the secretary to appoint a[Grade-A] Milk Advisory Committee and requires the procedures for selection of advisory nominees to be in accordance with the administrative regulations of the secretary. This administrative regulation establishes procedures for the selection of nominees for appointment to the[Grade-A] Milk Advisory Committee~~[in accordance with KRS 217C.070].~~

Section 1. Procedure for the Selection of Nominees. The secretary shall appoint:~~[to the Grade A Milk Advisory Committee. The procedure for the selection of nominees for appointment by the Secretary for Human Resources to the Grade A Milk Advisory Committee shall be as follows:]~~

(1)~~[The secretary shall appoint]~~ Three (3) processors or representatives thereof, from nominations received from:

(a) An[-Any] organization representing[Grade-A] processors in Kentucky, which may nominate two (2) candidates for each of the three (3) positions; or

(b) An[-In addition, any] individual[Grade-A] processor, who may submit his or her own name for consideration for appointment;[-]

(2)~~[The secretary shall appoint]~~ Three (3) producers or representatives thereof, from nominations received from:

(a) An[-Any] organization representing[Grade-A] milk producers in Kentucky, which may nominate two (2) candidates for each position; or

(b) An[-In addition, any] individual[Grade-A] milk producer, who may submit his or her own name for consideration for appointment; and

(3)[-The secretary shall appoint] Two (2) citizens at large to represent consumers, from nominations received from an[-Any] organization that[which] represents consumers in Kentucky, which

(a) May submit two (2) names for each position for consideration for appointment; and

(b)[-Nominees] Shall not nominate an individual who is[be] directly connected with the producing, processing, or distribution of dairy products.

Section 2. Purpose and Operating Procedure. ~~[The purpose of the Grade A Milk Committee and its operating procedures are as follows:]~~

(1) The milk advisory committee shall:

(a) Advise[Committee advises] the department on matters pertaining to the Grade A Milk Industry or the milk-for-manufacturing industry, respectively;

(b) Provide[-(2) Committee provides] the department with technical review and comment on proposed new department administrative regulations or amendments to existing administrative

regulations; and

~~(c) Provide which may be promulgated and which regulate the Grade A Milk Industry.~~

~~(3) Committee also provides] the department with other advice and direction as[~~it feels~~] necessary.~~

~~(2)(a)[(4)] Members shall elect the chairperson and vice chairperson of the committee.~~

~~(b) The terms of the chairperson and vice chairperson shall be[are] two (2) years unless:~~

~~1. Their terms on the committee expire and they are not reappointed;~~

~~2. A[~~or~~] resignation of the chairperson or vice chairperson occurs;[~~r~~] or~~

~~3.[unless] An additional election is called for by a majority vote of the committee members, in which the[~~The~~] chairperson and vice chairperson may be eligible for reelection.~~

~~(3) The committee shall meet[(5) Committee meets] at least semiannually and on other occasions;~~

~~(a) As [may be] necessary;~~

~~(b)[~~r~~] On call of the chairperson; or~~

~~(c) Upon request of the secretary[~~, Cabinet for Human Resources~~].~~

~~(4) The meeting place and time shall be[are] announced a minimum of five (5) days prior to a[~~the~~] meeting.~~

~~(5) A total of five (5) of the eight (8) committee[nine (9) appointed] members shall constitute a quorum.~~

~~(6) A[~~Any~~] member may call a special meeting with the written endorsement of at least four (4) other committee members.~~

~~(7) The chairperson shall preside at all committee meetings and appoint subcommittees.~~

~~(8) The vice chairperson shall preside over committee meetings in the absence of the chairperson and serve as chairperson if the position is vacated until a new chairperson is elected by the members.~~

~~(9) If the chairperson and vice chairperson are absent from a regular or special meeting of the committee, the committee shall choose[~~elects~~] a committee member to function as chairperson of that meeting.~~

JEFFREY D. HOWARD, JR., MD, Commissioner

ADAM M. MEIER, Secretary

APPROVED BY AGENCY: June 17, 2019

FILED WITH LRC: July 11, 2019 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on August 26, 2019, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky 40621. Individuals interested in attending this hearing shall notify this agency in writing by August 19, 2019, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until August 31, 2019. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Chase Coffey, Executive Administrative Assistant, Office of Legisla-

tive and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-6746; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Persons: Julie Brooks, (502) 564-3970, julied.brooks@ky.gov.; or Chase Coffey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures relating to the milk advisory committee in accordance with KRS 217C.070.

(b) The necessity of this administrative regulation: KRS 217C.070 requires the procedures for the selection of the milk advisory committee members to be in accordance with administrative regulations of the secretary.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS 217C.070 by establishing the procedures for the selection of the milk advisory committee nominees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes procedures for selecting nominees for the milk advisory committee and ensures equal representation from milk producers and milk processors on the milk advisory committee.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes references to the Grade A Milk Advisory Committee and references a single milk advisory committee.

(b) The necessity of the amendment to this administrative: 2019 Ky. Acts ch. 090 revised KRS 217C.070 by removing the provisions for separate Grade A Milk and Milk-for-Manufacturing Advisory Committees.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment establishes the procedures for the selection of advisory committee nominees for a single milk advisory committee.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: KRS 217C.070 established both a Grade A Milk Advisory Committee, composed of eight (8) appointed members and the Milk-for-Manufacturing Advisory Committee, also composed of eight (8) appointed members. The secretary or designee serves on each committee and the committees are administered by the Department for Public Health Milk Safety Branch. The amendment to this administrative regulation reduces the total number of milk advisory committee members by eight (8) appointed members and no longer distinguishes between a Grade A Milk Advisory Committee and a Milk-for-Manufacturing Advisory Committee. The secretary or designee will still serve as an ex officio member of the milk advisory committee.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: Both the current Grade A Milk Advisory Committee and the Milk-for-Manufacturing Advisory Committee will need to be made aware of the changes to KRS 217C.070. Those individuals currently serving on their respective committee will need to apply for reappointment to the Milk Advisory Committee. The secretary

will need to appoint nominees in a manner consistent with KRS 217C.070 and this administrative regulation. The staff of the Milk Safety Branch will need to ensure the newly formed Milk Advisory Committee conducts business in accordance with this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): There are no costs associated with this proposed amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The elimination of separate advisory committees for Grade A Milk and Milk-for-Manufacturing will result in improved communication between the Milk Safety Branch and the milk advisory committee.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no costs to the administrative body associated with this administrative regulation.

(b) On a continuing basis: There are no costs to the administrative body associated with this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Milk Safety Branch operates with approximately \$1 million from the General Fund. There are no costs associated with this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: An increase in fees or funding is not necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. This administrative regulation does not establish or increase any fees.

(9) TIERING: Is tiering applied? No. This administrative regulation is applicable to the milk advisory committee.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department for Public Health, Milk Safety Branch administers the milk advisory committee.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), 217C.070.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation does not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation does not generate revenue.

(c) How much will it cost to administer this program for the first year? The Milk Safety program operates with approximately \$1 Million from the General Fund. There is no additional cost in administering this program for the first year.

(d) How much will it cost to administer this program for subsequent years? The entire Milk

Safety program operates with approximately \$1 Million from the General Fund. There is no additional cost in administering this program in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: