

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky Law Enforcement Council
(Amendment)

502 KAR 47:010. Methamphetamine.

RELATES TO: KRS 218A.1431, 224.1-010-410 , 224.99-010

STATUTORY AUTHORITY: KRS 16.080, 224.1-010-410

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.1-010-410 requires the Department of Kentucky State Police to promulgate administrative regulations establishing a method for assessing properties when an officer has evidence that methamphetamine has been manufactured at a property . This administrative regulation establishes the method by which the Kentucky State Police shall notify the Energy and Environment Cabinet and the Cabinet for Health and Family Services that a property contains potentially hazardous materials resulting from the manufacture of methamphetamine.

Section 1. Reporting. Officers conducting a criminal investigation occurring at a property in which a suspect has manufactured methamphetamine shall complete and submit the Energy and Environment Cabinet's Clandestine Drug Lab Preliminary Assessment Tier Selection Criteria form DEP 1016, incorporated by reference in 401 KAR 101:030.

(1) This form shall not be part of the officer's criminal investigation file and is not a Department of Kentucky State Police form.

(2) Neither the form nor information derived solely from the form shall be used for investigative purposes.

Section 2. Distribution. Officers shall complete Energy and Environment Cabinet form, Clandestine Drug Lab Preliminary Assessment Tier Selection Criteria form DEP 1016, incorporated by reference in 401 KAR 101:030, and submit a copy to the Local Health Department, the Energy and Environment Cabinet, and the Department of Public Health. (36 Ky.R. 494; Am. 784; eff. 11-6-2009; 48 Ky.R. 1339; eff. 4-5-2022.)

COL. PHILLIP J. BURNETT, JR., Commissioner

APPROVED BY AGENCY: August 24, 2021

FILED WITH LRC: August 26, 2021 at 4:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on 3:00 p.m. on November 23, 2021 at 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475. Individuals interested in being heard at this hearing shall notify this agency in writing by five 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 wishes to be heard 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 the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.