

STATEMENT OF EMERGENCY

902 KAR 2:250E.

This emergency administrative regulation is being promulgated to establish the storage and handling protocols for the COVID-19 vaccines. All health care providers who provide the COVID-19 vaccine will need to ensure the vaccine is stored in compliance with the storage and handling protocols established by the Centers for Disease Control and Prevention. This emergency administrative regulation is needed pursuant to KRS 13A.190(1)(a)1. to protect public health, safety, and welfare, and KRS 13A.190(1)(a)3. as directed by 2021 Extra. Sess. Ky. Acts Ch. 5. This emergency administrative regulation will not be replaced by an ordinary administrative regulation.

ANDY BESHEAR, Governor

ERIC C. FRIEDLANDER, Secretary

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Epidemiology and Health Planning
(New Emergency Administrative Regulation)

902 KAR 2:250E. COVID-19 vaccine storage.

RELATES TO: KRS 194A.050, 211.180

STATUTORY AUTHORITY: 2021 Extra. Sess. Ky. Acts Ch. 5

NECESSITY, FUNCTION, AND CONFORMITY: 2021 Extra. Sess. Ky. Acts Ch. 5 requires the Cabinet for Health and Family Services to promulgate an emergency administrative regulation for storage of COVID-19 vaccines. This emergency administrative regulation establishes vaccine storage protocols.

Section 1. Vaccine Storage Protocol.

(1) All COVID-19 vaccines shall be stored in accordance with the most current guidance from the Centers for Disease Control and Prevention available online at <https://www.cdc.gov/vaccines/hcp/admin/storage/toolkit/index.html>.

(2) The Janssen (Johnson and Johnson) COVID-19 vaccine shall be stored in accordance with the most current protocol established by the Centers for Disease Control and Prevention (CDC) available at <https://www.cdc.gov/vaccines/covid-19/info-by-product/janssen/downloads/janssen-storage-handling-summary.pdf>.

(3) The Moderna COVID-19 vaccine shall be stored in accordance with the most current protocol established by the CDC available at <https://www.cdc.gov/vaccines/covid-19/info-by-product/moderna/downloads/storage-summary.pdf>.

(4) The Pfizer-BioNTech COVID-19 vaccine shall be stored in accordance with the most current protocol established by the CDC available at <https://www.cdc.gov/vaccines/covid-19/info-by-product/pfizer/downloads/storage-summary.pdf>.

STEVEN J. STACK, MD, MBA, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: September 27, 2021

FILED WITH LRC: October 1, 2021 at 10:03 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on November 22, 2021, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by November 15, 2021, 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 virtually 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 November 30, 2021. 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.

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