

DEPARTMENT OF LAW
Kentucky Opioid Abatement Advisory Commission
(New Administrative Regulation)

40 KAR 9:020. Local government application procedure.

RELATES TO: KRS 15.291, 15.293

STATUTORY AUTHORITY: KRS 15.291, 15.293

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.291 and 15.293 permit the Kentucky Opioid Abatement Advisory Commission (the "Commission") to promulgate administrative regulations to administer funds received by the Commission and to oversee the use of funds received under KRS 15.293(4). KRS 15.293 requires each recipient of funds under KRS 15.293(4) to submit certifications that the use of such funds is consistent with the criteria in KRS 15.291(5), a description of the use of such funds, and other information as the Commission requests through the promulgation of administrative regulations. Therefore, this administrative regulation establishes the procedure for a county, consolidated local government, urban-county government, or city of the Commonwealth that receives funds under KRS 15.293(4) to certify use consistent with KRS 15.293.

Section 1. Covered Governmental Bodies. Any county, consolidated local government, urban-county government, or city in the Commonwealth that received or will receive opioid funds under KRS 15.293(4) shall be a covered governmental body.

Section 2. Duties of Covered Governmental Bodies.

(1) Consistent with KRS 15.293(4)(c)(2), covered governmental bodies shall submit quarterly certifications to the Commission due on the following dates of the calendar year:

- (a) March 31;
- (b) June 30;
- (c) September 30; and
- (d) December 31.

(2) Covered governmental bodies shall submit certifications using the KYOAC Certification Form, which is incorporated by reference in 40 KAR 9:010.

(3) Certifications are required until the recipient exhausts all funds received pursuant to KRS 15.291 or 15.293 and until the recipient has submitted a certification stating that all such funds have been exhausted.

Section 3. Noncompliance.

(1) Noncompliance shall include:

- (a) Materially falsified information in any certifications filed pursuant to or required by KRS 15.291, KRS 15.293, or related regulations;
- (b) Failure to meet certification submission deadlines; or
- (c) Failure to expend funds in conformity with the enumerated purposes set forth in KRS 15.291, pursuant to KRS 15.293(5).

(2) The Commission shall require covered governmental bodies to reimburse the Commission for any funds expended in a noncompliant manner.

(3) The Commission shall report noncompliance to the Department of Law for determination as to whether further action is necessary to ensure compliance with opioid-related agreements.

DANIEL CAMERON, Attorney General
W. BRYAN HUBBARD, Executive Director

APPROVED BY AGENCY: December 21, 2022

FILED WITH LRC: January 6, 2023 at 10:26 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 21, 2023, at 1:00 p.m. Eastern Time at 1024 Capital Center Drive, Frankfort, Kentucky 40601. 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 shall 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. If you do not wish to be heard at the public hearing, you shall submit written comments on the proposed administrative regulation. Written comments shall be accepted through midnight of March 28, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Alison Chavies, Office of the Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601-3449, phone 502-696-5638, fax 502-564-2894, email ali-son.chavies@ky.gov.