

EXECUTIVE CABINET
Kentucky Commission on Human Rights
(Amendment)

104 KAR 1:100. Nondiscrimination on the basis of disability by a place of public accommodations, licensing agencies and trade organizations.

RELATES TO: KRS 344.050, 344.060, 344.120, 344.130, 344.500, 28 C.F.R. 36

STATUTORY AUTHORITY: KRS 12.290, 344.190(14), 28 C.F.R. 36, 42 U.S.C. 12181

NECESSITY, FUNCTION, AND CONFORMITY: KRS 344.190(14) requires the Kentucky Commission on Human Rights to prescribe administrative regulations to effectuate the purposes and provisions of the Kentucky Civil Rights Act. This administrative regulation provides that all places of public accommodation be designed and constructed so as to be readily accessible to and usable by persons with disabilities. In addition, examinations or courses related to licensing or certification for professional and trade purposes shall be accessible to persons with disabilities.

Section 1. Part 36—Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, 28 C.F.R. Part 36, 81 Federal Register 53240, August 11, 2016, 56 Federal Register 35592, July 26, 1991, is adopted without change and supplements Title III of the Americans with Disabilities Act, which extends the prohibitions against disabilities discrimination to privately operated public accommodations and commercial facilities. It further requires that examinations or courses related to licensing or certification for professional and trade purposes be accessible to the disabled. This administrative regulation was promulgated by the U.S. Department of Justice and is enforced by the Kentucky Commission on Civil Rights.

(19 Ky.R. 2158; Am. 2397; eff. 5-10-1993; Cert eff. 1-29-2020; 50 Ky.R. 86; eff. 10-1-2024)

This is to certify that the Commissioners of the Kentucky Commission on Human Rights have approved this administrative regulation as amended prior to its filing with the Legislative Research Commission, as required by KRS 344.190(14).

RAYMOND BURSE, Commission Chair

CYNTHIA FOX, Executive Director

APPROVED BY AGENCY: May 24, 2023

FILED WITH LRC: June 14, 2023 at 1:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 21, 2023, at 10 a.m. Eastern Time at the office of the Kentucky Commission on Human Rights, 332 W. Broadway, Louisville, Kentucky 40202. 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 August 31, 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: L. Joe Dunman, Staff Attorney Manager/Assistant General Counsel, Kentucky Commission on Human Rights, 332 W. Broadway, Louisville, Kentucky

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