

OFFICE OF ATTORNEY GENERAL
Opioid Abatement Advisory Commission
(Amendment)

40 KAR 9:020. Local government application procedure.

RELATES TO: KRS 15.291, 15.293

STATUTORY AUTHORITY: KRS 15.291(6), 15.293

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.291(6) requires the Kentucky Opioid Abatement Advisory Commission (the "commission" or "KYOACC") 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 opioid abatement funds is consistent with the criteria in KRS 15.291(5), a description of the use of the funds, and other information as the commission requests through the promulgation of administrative regulations. 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., a covered governmental body shall submit an annual certification report provided digitally on the KYOACC website, to the Commission on or before August 31.

(2) Annual certification reports shall be 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 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 if further action is necessary to ensure compliance with opioid-related agreements.

Section 4. Incorporation by Reference.

(1) "KYOACC Certification Report" (online submission), is incorporated by reference.

(2) This material shall be inspected, copied, or obtained, subject to copyright law, at the Office of the Attorney General Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(040 KAR 009:020. 49 Ky.R. 1709, 2273; eff. 7-24-2023; 51 Ky.R. 1701; eff. 9-30-2025.)

RUSSELL COLEMAN, Attorney General

CHRISTOPHER EVANS, Executive Director

APPROVED BY AGENCY: February 13, 2025

FILED WITH LRC: February 14, 2025 at 8:51 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 28, 2025 at 10:00 a.m. Eastern time, at the 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 was received by that date, the hearing may be cancelled. A transcript of this 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 April 30, 2025. 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: Jessica Bowman, Executive Advisor, Office of the Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601, phone (502) 696-5362, fax (502) 564-2894, email jbowman@ky.gov.