

Regulatory History Lines

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What is a "Last Effective Date?" as it relates to the certification and expiration process

Pursuant to KRS 13A.010(10), "Last effective date" means the latter of:

- (1) The most recent date an ordinary administrative regulation became effective, without including the date a technical amendment was made pursuant to KRS 13A.040(10), 13A.2255(2), or 13A.312; or
- (2) The date a certification letter was filed with the regulations compiler for that administrative regulation pursuant to KRS 13A.3104(4), if the letter stated that the regulation shall remain in effect without amendment.

Translation:

- (1) The last effective date is based on either:
 - (a) A substantive change accomplished through the KRS Chapter 13A promulgation process; or
 - (b) The filing of a certification letter that says the agency has reviewed the substance of the regulation and the regulation should remain in effect "As Is."
- (2) The last effective date is:
 - (a) Not based on the date of an emergency regulation;
 - (b) Not affected by technical/non-substantive amendment;
 - (c) Not affected by a recodification.

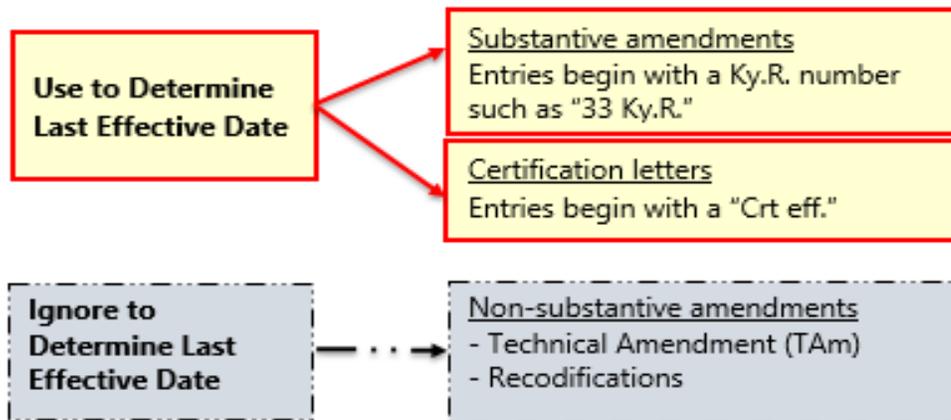
Why doesn't an emergency regulation's effective date affect the 7-year expiration date?

Emergency regulations are only temporary in nature. KRS 13A.3102 specifies that the 7-year expiration date is based on the last effective date of an ordinary (non-emergency) administrative regulation.

How do I determine a Last Effective Date?

Use the [Last Effective Date Excel file](#) or use a regulation's history line.

Kentucky's regulatory history lines are made up of groups of information; each "grouping" ends in a date. The examples below use the following color coding to indicate the groupings.



Examples of history line groupings

1 KAR 2:010 (Last effective date is 2-2-1983. 7-year expiration date is 3-1-2020.)

(4 Ky.R. 621; eff. 8-2-1978; 7 Ky.R. 18; 294; eff. 9-3-1980; 9 Ky.R. 793; 988; eff. 2-2-1983.)

401 KAR 40:010 (Last effective date is 10-9-2018. 7-year expiration date is 10-9-2025.)

(6 Ky.R. 479; 666; eff. 6-4-1980; Recodified from 401 KAR 2:065, Section 1, 3-1-1983; 10 Ky.R. 162; eff. 12-2-1983; TAm eff. 8-9-2007; Crt eff. 10-9-2018.)

40 KAR 2:155 (Last effective date is 2-16-2003. 7-year expiration is 3-1-2020.)

(23 Ky.R. 4018; Am. 24 Ky.R. 328; eff. 7-11-1997; 29 Ky.R. 995; 1832; 2079; eff. 2-16-2003; Recodified from 40 KAR 2:250, eff. 6-30-2016.)

791 KAR 1:035 (Last effective date 10-31-2014. 7-year expiration date is 10-31-2021.)

(18 Ky.R. 232; Am. 621; eff. 10-6-1991; Recodified from 783 KAR 1:030, 11-7-2002; Recodified from 201 KAR 40:035, 6-12-2014; 41 Ky.R. 123; 758; eff. 10-31-2014; TAm eff. 4-12-2017.)

How do I find a regulation's history line?

- From any main [Administrative Regulations](#) Web page click



- Click the relevant KAR Title and scroll to the appropriate chapter. Under the chapter heading is a list of regulations within that chapter.
- A regulation's history line can be found at the end of an existing ordinary version of a regulation. (Usually shown in blue until the link has been viewed.)

Use this
version

Administrative regulations you may view and print out will appear as follows:

1. 020 = Current effective administrative regulation
2. 020reg = Administrative regulation going through process
3. 020E = Emergency administrative regulation in effect

NOTE: A blue link will not exist if the regulation is new and does not yet have a permanent effective date or if a regulation has been repealed.

- Once you click on a blue link, the history information is at the end of a regulation inside parentheses.

Saint Clair Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5:00 p.m. (18 Ky.R. 1692; 2195; eff. 1-10-1992; 22 Ky.R. 1325; 3-7-1996; 31 Ky.R. 785; 1049; eff. 1-4-2005; 33 Ky.R. 2-2-2007; 44 Ky.R. 258; eff. 11-3-2017.)

Example of a history line at the end of a regulation:

NOTE: A handful of older regulations have appendices at the end of the regulation. If the history line is not at the end, check to see if it is located before the appendix.

What do the notations in a history line mean?

- “## Ky.R.”** Signifies the publication year of the *Kentucky Administrative Register*. (Example: 45 Ky.R. means the 45th year of the *Register*.)
- NOTE: Occasionally a regulation was filed twice within the same *Register* year. In these cases the history line does NOT repeat the Ky.R. citation.
- Example: (43 Ky.R. 81; eff. 9-2-2016; 1736; eff. 6-21-2017.)
- Translation: In the 43rd year of the *Register*, the version printed on page 81 went into effect on 9-2-2016. An amendment was filed and printed (still in the 43rd year of the *Register*) on page 1736. The version printed on page 1736 became effective on 6-21-2017.
- Page #** The Ky.R. citation is followed by page numbers. The regulation is printed as the regulation is amended while going through the KRS Chapter 13A review process.
- NOTE: Sometimes a regulation does not go into effect before the end of one *Register* year and continues the process into the next *Register* year. In these cases, an “extra” Ky.R. citation appears before the effective date.
- Example: (43 Ky.R. 2209; 44 Ky.R. 218; eff. 10-6-2017.)
- Translation: In the 43rd year of the *Register*, a version of the regulation was printed on page 2209. Before going into effect, the regulation was amended again; however, a new *Register* year had begun. The amended version was printed in the 44th year of the *Register* on page 218. The version printed on page 218 became effective on 10-6-2017.
- “Am.”** Antiquated notation found at the beginning of older regulations. Means that the regulation was “amended” or changed from the last time it was printed in the *Register*.
- Crt eff.** A certification letter was filed stating that the regulation shall remain in effect without amendment. This type of letter updates the Last Effective Date of a regulation thereby resetting the 7-year expiration cycle.
- Recodified from {reg #}** A regulation was moved from one part of the regulatory numbering scheme to its existing location often due to a governmental reorganization. This is not a substantive change to a regulation and does not affect the 7-year expiration cycle.
- TAm eff.** A technical, non-substantive change was made to the regulation. These changes include grammatical errors (KRS 13A.040(9)), updates that do not affect the substance of the regulation such as an address change or a broken citation (KRS 13A.040(10)), and requests by the agency to update the agency’s name due to reorganization (KRS 13A.312). This type of change does not affect the 7-year expiration cycle.

How do I find old versions of regulations in the *Register*?

Archived versions of the *Administrative Register of Kentucky* are available online beginning with the July 1, 1999 publication. If the "Ky.R. number in the history line is 26 or greater you can view the *Register* online.

On the [Administrative Register of Kentucky](#) web page:

The image shows a screenshot of the Administrative Register of Kentucky website with three numbered steps and red annotations. Step 1 points to a search bar containing "44 Ky.R. 2572; 45 Ky.R.340; eff. 8-24-2018". Step 2 points to a list of "Registers" where "Register Year 44" is selected. Step 3 points to a table of contents for "Register Year 44" where the entry "2469 - 2728 12 - June 2018" is circled. The page number "2572" in the search bar and the "June 2018" entry in the table are also circled.

1. Find the "Ky.R. year" (otherwise known as "KY Register Year") and click to expand the list.

2. Find the range that has your page number and click on the month to open the *Register*.

3. Scroll through the PDF to the correct page.

44 Ky.R. 2572; 45 Ky.R.340; eff. 8-24-2018

Kentucky Law / Kentucky Administrative Regulations / Registers

Registers

- Register Year 45
- Register Year 44**
- Register Year 43
- Register Year 42
- Register Year 41
- Register Year 40

Register Year 44

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