VOLUME 52, NUMBER 2 LEGISLATIVE RESEARCH COMMISSION AUGUST 1, 2025

ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, July 15, 2025

MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet on August 12, 2025 at 1:00 p.m. in room 149 Capitol Annex.
ARRS Tentative Agenda – 135 Online agenda updated as needed

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KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title		Chapter	Regulation
806	KAR	050:	155
Cabinet, Department, Board, or Agency		Office, Division, Board, or Major Function	Specific Regulation

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The following agenda may not take into consideration regulations that may be added for informational review of regulations, removed to either complete the public comment process, or are deferred or withdrawn by promulgating agencies.

Administrative Regulation Review Subcommittee
TENTATIVE Meeting Agenda
Tuesday, August 12, 2025 at 1:00 p.m.
Annex Room 149

1. CALL TO ORDER AND ROLL CALL

2. REGULATIONS FOR INFORMATIONAL REVIEW

3. REGULATIONS FOR FULL REVIEW

BOARDS AND COMMISSIONS

Board of Pharmacy

201 KAR 002:045. Technicians. (Not Amended After Comments)
201 KAR 002:165. Transfer of prescription information. (Not Amended After Comments)

Board of Cosmetology

201 KAR 012:010. Executive director's duties. (Deferred from July)
201 KAR 012:030. Licensing and examinations. (Not Amended After Comments)
201 KAR 012:060. Inspections. (Deferred from July)
201 KAR 012:082. Education requirements and school administration. (Not Amended After Comments)
201 KAR 012:100. Infection control, health, and safety. (Deferred from July)
201 KAR 012:190. Complaint and disciplinary process. (Not Amended After Comments)
201 KAR 012:260. Fees. (Not Amended After Comments)
201 KAR 012:280. Esthetic practices restrictions. (Not Amended After Comments)
201 KAR 012:290. Permits. (Deferred from July)

Board of Licensure for Occupational Therapy

201 KAR 028:240E. Occupational Therapy Licensure Compact. (Filed with Ordinary) ("E" expires 03-10-26)

Board of Registration for Professional Geologists

201 KAR 031:010. Fees.

TOURISM, ARTS AND HERITAGE CABINET

Department of Fish and Wildlife Resources

Fish

301 KAR 001:017. Repeal of 301 KAR 001:015.

Game

301 KAR 002:031. Repeal of 301 KAR 002:030.
301 KAR 002:221. Waterfowl seasons and limits.

Hunting and Fishing

301 KAR 003:001. Definitions for 301 KAR Chapter 3.
301 KAR 003:010. Public use of Wildlife Management Areas.
301 KAR 003:140. Take of wildlife with aircraft prohibited.

Wildlife

301 KAR 004:120. Wildlife disease reporting.

Water Patrol

301 KAR 006:006. Repeal of 301 KAR 006:005.

CABINET FOR ECONOMIC DEVELOPMENT

Economic Development Finance Authority

307 KAR 001:070E. Kentucky Entertainment Incentive Program. ("E" expires 02-09-2026) (Not Amended After Comments)

EDUCATION AND LABOR CABINET

Department of Workplace Standards

Division of Occupational Safety and Health Compliance

803 KAR 002:404E. Personal protective and lifesaving equipment. (Filed with Ordinary) ("E" expires 03-09-2026)

PUBLIC PROTECTION CABINET

Department of Insurance

Agents, Consultants, Solicitors and Adjusters

806 KAR 009:360. Pharmacy Benefit Manager License. (Deferred from February)

ENERGY AND ENVIRONMENT CABINET

Public Service Commission

Utilities

807 KAR 005:015. Access and attachments to utility poles and facilities. (Filed with Emergency; "E" expires 11-22-2025) (Not Amended After Comments)

KENTUCKY HORSE RACING AND GAMING CORPORATION

810 KAR 003:020. Licensing of racing participants.

CABINET FOR HEALTH AND FAMILY SERVICES

Office of the Inspector General

State Health Plan

900 KAR 005:020E. State Health Plan for Facilities and Services. (Filed with Ordinary) ("E" expires 03-06-2026)

900 KAR 006:075E. Certificate of Need nonsubstantive review. (Filed with Ordinary) ("E" expires 03-06-2026)

4. REGULATIONS REMOVED FROM FULL REVIEW

BOARDS AND COMMISSIONS

Board of Pharmacy

201 KAR 002:480. Telework and electronic supervision for remote prescription processing. (Comments received; SOC ext., due 08-15-2025)

Board of Medical Licensure

201 KAR 009:270. Professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone. (Comments received; SOC ext., due 08-15-2025)

Board of Social Work

201 KAR 023:075. Continuing education for renewal. (Comments received; SOC ext., due 08-15-2025)

STANDARD ADMINISTRATIVE REGULATION REVIEW PROCEDURE
Overview for Regulations Filed under KRS Chapter 13A

(See KRS Chapter 13A for specific provisions)

Filing and Publication

Administrative bodies shall file all proposed administrative regulations with the Regulations Compiler. Filed regulations shall include public hearing and comment period information; a regulatory impact analysis and tiering statement; a fiscal impact statement; and, if applicable, a federal mandate comparison and any required incorporated material. Administrative regulations received by the deadline established in KRS 13A.050 shall be published in the *Administrative Register of Kentucky*. Emergency administrative regulations become effective upon filing.

Public Hearing and Public Comment Period

The administrative body shall schedule a public hearing on a proposed administrative regulation. The public hearing is held between the 21st and the last workday of the month in which the public comment period ends. Information about the public comment period shall include: the place, time, and date of the hearing; the manner in which a person may submit written comments or a notification to attend the hearing; a statement specifying that unless a notification to attend the hearing is received no later than 5 workdays prior to the hearing date, the hearing may be cancelled; the deadline for submitting written comments; and the name, position, and contact information of the person to whom notifications and written comments shall be sent.

Public comment periods for ordinary regulations end on the last day of the month that follows publication; whereas, public comment periods for emergency regulations run through the last day of the month in which the regulation was published. For other ordinary regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

The administrative body shall notify the Compiler whether the hearing was held or cancelled and whether or not written comments were received. If comments were received during the public hearing or written comment period, the administrative body shall file a statement of consideration with the Compiler by the fifteenth day of the calendar month following the close of the public comment period. An agency may submit a one-time, one-month extension for filing a statement of consideration for an ordinary regulation.

Review Procedure

After the public hearing and public comment period processes are completed, the administrative regulation will be tentatively scheduled for review at the next meeting of the Administrative Regulation Review Subcommittee. After review by the subcommittee, the regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. If a quorum is present, unless the regulation is deferred or found deficient, an ordinary regulation shall be considered in effect upon adjournment of the appropriate jurisdictional committee or upon expiration of the review period, whichever occurs first.

EMERGENCY ADMINISTRATIVE REGULATIONS

NOTE: Pursuant to KRS 13A.190, emergency regulations expire after 270 days (or 270 days plus the number of days an accompanying ordinary is extended) or upon replacement by an ordinary regulation, whichever occurs first. Other statutes or legislation may affect a regulation's actual end date.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

STATEMENT OF EMERGENCY
201 KAR 46:010E.

This emergency amendment to the existing administrative regulation is being promulgated under KRS 13A.190(1)(a)(3) to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute or federal law. KRS 311B.050 requires the Board for Medical Imaging and Radiation Therapy ("Board") to promulgate administrative regulations to administer and enforce this chapter. 2025 RS HB 72, effective June 27, 2025, updates the definition of a limited x-ray machine operator. The current administrative regulation needs to be updated to provide further clarification as a result; therefore, the Board requests to make emergency adjustments to the administrative regulation to comply with this update. This emergency amendment to the existing administrative regulation shall be replaced by an identical ordinary administrative regulation.

KERI LEAMY, Board Chair
ANDY BESHEAR, Governor

BOARDS AND COMMISSIONS
Board of Medical Imaging and Radiation Therapy
(Emergency Amendment)

201 KAR 46:010E. Definitions for 201 KAR Chapter 46.

EFFECTIVE: June 30, 2025
RELATES TO: KRS 311B.020
STATUTORY AUTHORITY: KRS 311B.010, 311B.050
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.010 and 311B.050 require the Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to regulate medical imaging, radiation therapy, and related occupations. This administrative regulation establishes definitions for terms used in 201 KAR Chapter 46.

Section 1. Definitions.

(1) "Accredited educational program" means an educational program accredited by the Joint Review Committee on Education in Radiologic Technology (JRCERT), the Joint Review Committee on Educational Programs in Nuclear Medicine Technology (JRCNMT), or other accrediting agencies recognized by the American Registry of Radiologic Technologists (ARRT), which have been approved by the board.

(2) "Advanced imaging professional" means an individual who holds credentialing by the American Registry of Radiologic Technologists (ARRT) or by the Nuclear Medicine Technology Certification Board (NMTCB) as a registered radiologist assistant (R.R.A.) or nuclear medicine advanced associate (NMAA).

(3) "Alternate course of study" means an independent course of study that qualifies an individual to take an examination approved by the board.

(4) "Authorized user" is defined by KRS 311B.020(4).

(5) "Bedside radiography" means the use of portable x-ray equipment, mobile x-ray equipment, transportable x-ray equipment, or any other nonstationary piece of ionizing radiation emitting equipment used to perform medical imaging.

(6)[~~(5)~~] "Board" is defined by KRS 311B.020(5).

(7)[~~(6)~~] "Clinical education" means the component of the educational program that provides for supervised, competency-based, clinical education and experience.

(8)[~~(7)~~] "Computed tomography" or "CT" means the process of using specialized radiation producing equipment to create cross-sectional images of any part of the body.

(9)[~~(8)~~] "Computed tomography technologist" or "CT technologist" means an individual who has obtained a post-primary certification in computerized tomography from the American Registry of Radiologic Technologists (ARRT) or the Nuclear Medicine Technology Certification Board (NMTCB).

(10)[~~(9)~~] "Continuing education" is defined by KRS 311B.020(7).

(11)[~~(10)~~] "Continuing education unit" or "CEU" means fifty (50) contact minutes of participation in a continuing education experience completed by:

(a) Attendance at a professional meeting;

(b) Documenting completed, approved independent study; or

(c) Documenting completed academic courses applicable to health care, medical imaging, radiation therapy, or related courses.

(12)[~~(11)~~] "Contrast procedure" means a diagnostic or therapeutic procedure performed while administering contrast media into the human body to visualize anatomy not otherwise demonstrated on an image receptor.

(13)[~~(12)~~] "Course of study" means a curriculum in radiologic technology, nuclear medicine technology, the advanced imaging profession, limited x-ray machine operation, or radiation therapy approved by the board.

(14)[~~(13)~~] "Didactic education" means the component of the educational program that provides formal instruction with specific objectives and methods for assessing the student's progress for entry-level competency.

(15)[~~(14)~~] "Direct supervision" means supervised by, and in the physical presence of, a licensed practitioner of the healing arts.

(16)[~~(15)~~] "Educational program" means a board-approved, accredited educational program or limited x-ray machine operator program.

(17)[~~(16)~~] "Facility" means a hospital, outpatient department, clinic, radiology practice, mobile unit, or office of a physician or portion thereof, in which medical imaging or radiation therapy are performed.

(18)[~~(17)~~] "Indirect supervision" means supervised by a licensed practitioner of the healing arts who is immediately available in person or remotely via telecommunications device.

(19)[~~(18)~~] "License" means the document issued to a licensee to work as an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, a nuclear medicine technologist, or a limited x-ray machine operator in Kentucky.

(20)[~~(19)~~] "Licensed practitioner" or "licensed practitioner of the healing arts" is defined by KRS 311B.020(8).

(21)[~~(20)~~] "Licensee" means an individual licensed to perform the duties of an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, a nuclear medicine technologist, or a limited x-ray machine operator.

(22)[~~(21)~~] "Licensure" means the process by which a license is issued by the board pursuant to 201 KAR Chapter 46 and in accordance with KRS Chapter 311B.

(23)[~~(22)~~] "Limited radiographic procedures" means the following[~~ procedures~~]:

(a) Static x-ray exams[~~Radiography~~] of the thorax, lungs, and ribs;

(b) Static x-ray exams[~~Radiography~~] of the abdomen;

(c) Static x-ray exams[~~Radiography~~] of the skull and facial structures;

(d) Static x-ray exams[~~Radiography~~] of the upper and lower extremities;

(e) Static x-ray exams[~~Radiography~~] of the pectoral girdle, hips, and pelvis;

(f) Static x-ray exams[~~Radiography~~] of the cervical, thoracic, and lumbar spines; and

(g) Bone densitometry [~~procedures~~]exams utilizing dedicated Dual Energy X-ray Absorptiometry (DEXA or DXA) equipment.

(24)[~~(23)~~] "Limited x-ray machine operator" is defined by KRS 311B.020(9).

(25)[~~(24)~~] "Medical Imaging" means producing visual images of the human body utilizing various types of energy and technologies to determine the presence of disease and injury. Medical imaging is used for diagnostic, screening, treatment and monitoring purposes.

(26)[~~(25)~~] "Medical imaging technologist" is defined by KRS 311B.020(10).

(27)[~~(26)~~] "National organization" is defined by KRS 311B.020 (11).

(28)[~~(27)~~] "Nuclear medicine advanced associate" means an individual certified by the Nuclear Medicine Technology Certification Board (NMTCB) as a nuclear medicine advanced associate (NMAA) who works under the supervision of a radiologist or nuclear medicine physician, in accordance with practice standards.

(29)[~~(28)~~] "Nuclear medicine technologist" is defined by KRS 311B.020(12).

(30)[~~(29)~~] "Nuclear medicine technology" means technology applied by a nuclear medicine technologist utilizing radioactive material and with the nuclear medicine technologist being under the supervision of an authorized user.

(31)[~~(30)~~] "PET" means the positron emission tomography.

(32)[~~(31)~~] "Positron emission tomography" means the utilization of positron-emitting radioactive material for medical imaging under the supervision of an authorized user.

(33)[~~(32)~~] "Practice standards" means the standards established by board-approved professional organizations that define the practice expectations of individuals within the professions.

(34)[~~(33)~~] "Primary discipline" means radiography, nuclear medicine, and radiation therapy.

(35)[~~(34)~~] "Professional educational guidelines" means curriculum and educational standards established by national organizations and approved by the board.

(36)[~~(35)~~] "Program director" means an individual designated by a sponsoring institution to assure that the educational programs for an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, a nuclear medicine technologist, and a limited x-ray machine operator are properly conducted.

(37)[~~(36)~~] "Provisional nuclear medicine technology license" means a license issued by the board to an individual participating in the alternate nuclear medicine course of study approved by the board.

(38)[~~(37)~~] "Provisional training license" means a license issued to a nuclear medicine technologist or a radiation therapist pursuing post-primary certification in computed tomography or a license issued to a radiographer or radiation therapist pursuing post-primary certification in PET.

(39)[~~(38)~~] "Radiation safety officer" means an individual who has the training, knowledge, and responsibility to apply appropriate radiation safety practices.

(40)[~~(39)~~] "Radiation therapist" is defined by KRS 311B.020(15).

(41)[~~(40)~~] "Radiation therapy" means the therapeutic administration of ionizing radiation by a radiation therapist.

(42)[~~(41)~~] "Radioactive materials" means a solid, liquid, or gas that emits ionizing radiation spontaneously.

(43)[~~(42)~~] "Radiographer" is defined by KRS 311B.020(16).

(44)[~~(43)~~] "Radiography" means:

(a) The utilization and administration of ionizing radiation to produce medically relevant images for the diagnosis of injury or disease; and

(b) Includes a comprehensive scope of diagnostic-radiologic procedures.

(45)[~~(44)~~] "Radiologist assistant" means an individual certified by the American Registry of Radiologic Technologists (ARRT) as a registered radiologist assistant (R.R.A.) who works under the supervision of a radiologist, in accordance with supervision guidelines jointly established by the American College of Radiology (ACR), the American Society of Radiologic Technologists (ASRT), and the ARRT.

(46)[~~(45)~~] "Radionuclide" means a radioactive element or a radioactive isotope.

(47)[~~(46)~~] "Radiopharmaceuticals" means radioactive drugs used for the diagnosis and treatment of disease.

(48)[~~(47)~~] "Scope of practice" means the parameter of the specific practice.

(49)[~~(48)~~] "Source of radiation" means a radioactive material, device, or equipment emitting or capable of producing ionizing radiation.

(50)[~~(49)~~] "Sponsoring institution" means an institution recognized by the board to provide a post-secondary educational program in medical imaging, limited x-ray machine operation, radiation therapy, or advanced imaging professions.

(51)[~~(50)~~] "Student" means an individual enrolled in a board-recognized educational program.

(52)[~~(51)~~] "Supervision of students" means supervised by a licensed practitioner of the healing arts or a licensee in the appropriate field of practice who directs the activity of students.

(53)[~~(52)~~] "Temporary license" means a nonrenewable license issued by the board as established in 201 KAR Chapter 46 permitting an individual to practice for a specified period of time.

(54)[~~(53)~~] "Therapeutic procedures" means medical treatments that can help diagnose, cure, or treat a patient's condition.

KERI LEAMY, Board Chair

APPROVED BY AGENCY: June 10, 2025

FILED WITH LRC: June 30, 2025 at 4:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 27, 2025, at 1:00 p.m. Eastern time, in the office of the Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Rd, Suite A220, Lexington, Kentucky 40504, (502) 782-5687. 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.

CONTACT PERSON: Elizabeth Morgan, Executive Director, Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Rd, Suite A220, Lexington, Kentucky 40504, phone (502) 782-5687; fax (502) 782-6495; email elizabeth.morgan@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Elizabeth Morgan

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation defines essential terms applicable to the Medical Imaging profession and regulatory process.

(b) The necessity of this administrative regulation: The Board of Medical Imaging and Radiation Therapy is authorized by KRS 311B.010 to 311B.190 to regulate licensees other than licensed practitioners of the healing arts, including but not limited to: the classification and licensure of medical imaging technologists, radiation therapists, radiologist assistants and limited x-ray machine operators; examinations; standards of education and experience; curricula standards for institutions teaching persons to perform medical imaging and radiation therapy procedures; issuance, renewal, and revocation of licenses; the establishment of a reasonable schedule of fees and charges to be paid by individuals for examinations, licenses and renewal licenses; and to set other standards as may be appropriate for the protection of health and safety. This administrative regulation defines terms used in 201 KAR Chapter 46.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the requirements for licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes definitions used in the requirements for the practice of medical imaging, radiation therapy and related occupations.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment updates the definition of limited radiographic procedures for clarity and also creates definition for bedside radiography.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide clarification of these terms to assure compliance with the scope of practice.
(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the establishment of definition.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will ensure all "terms of art" used in the regulation have an appropriate definition.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 300 state health care organizations and approximately 8,000 licensees.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action is required. The amendment merely defines the terms for 201 KAR Chapter 46.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost associated with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Applicants and licensees benefit by having the definitions of terms used within the regulations to clarify the regulations and put the licensee on clear notice.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No new costs will be incurred by the changes.
(b) On a continuing basis: No additional costs will be incurred by the changes.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees and applicants.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will increase as a result of this amendment.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no related fees associated with this administrative regulation.
(9) TIERING: Is tiering applied? Tiering was not applied as the regulation is applicable to all licensees and applicants.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311B.010 to 311B.190.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Although amendment of this administrative regulation is not expressly authorized by an act by the general assembly, it is necessary to conform with 2025 Ky Acts Chapter 132, Section 1 (House Bill 72).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Medical Imaging and Radiation Therapy.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: n/a
For subsequent years: n/a
2. Revenues:
For the first year: n/a
For subsequent years: n/a
3. Cost Savings:
For the first year: n/a
For subsequent years: n/a
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: n/a
For subsequent years: n/a
2. Revenues:
For the first year: n/a
For subsequent years: n/a
3. Cost Savings:
For the first year: n/a
For subsequent years: n/a
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: There is no cost associated with administering this regulation.
(b) Methodology and resources used to reach this conclusion: This regulation merely defines terms used throughout the 201 KAR Chapter 46. There is no cost associated with administering this regulation.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no cost associated with administering this regulation.
(b) The methodology and resources used to reach this conclusion: This regulation merely defines terms used throughout the 201 KAR Chapter 46. There is no cost associated with administering this regulation.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

STATEMENT OF EMERGENCY
201 KAR 46:081E.

This emergency amendment to the existing administrative regulation is being promulgated under KRS 13A.190(1)(a)(3) to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute or federal law. KRS 311B.050 requires the Board for Medical Imaging and Radiation Therapy ("Board") to promulgate administrative regulations to administer and enforce this chapter. 2025 RS HB 72, effective June 27, 2025, updates the definition of a limited x-ray machine operator. The current administrative regulation needs to be updated to provide further clarification as a result; therefore, the Board requests to make

emergency adjustments to the administrative regulation to comply with this update.

KERI LEAMY, Board Chair
ANDY BESHEAR, Governor

BOARDS AND COMMISSIONS
Board of Medical Imaging and Radiation Therapy
(Emergency Amendment)

201 KAR 46:081E. Limited X-Ray machine operator.

EFFECTIVE: June 30, 2025
RELATES TO: KRS 311B.020, 311B.150, 311B.100(2), 311B.110, 311B.120, 311B.180, 311B.190
STATUTORY AUTHORITY: KRS 311B.050, 311B.100(2), 311B.110
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.050 requires the Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to establish the procedures for the issuance and renewal of a license. KRS 311B.100(2) and KRS 311B.110(6) require the board to promulgate administrative regulations to establish the qualifications for a limited x-ray machine operator. This administrative regulation establishes the requirements for the licensure of a limited x-ray machine operator.

Section 1. Applicability. This administrative regulation shall apply to individuals who perform limited diagnostic radiography while under the direct supervision or indirect supervision of a licensed practitioner of the healing arts.

Section 2. [~~Limited Licensee Employment Prohibition. An individual who holds a limited license shall not be employed as an operator of a source of radiation at a facility where contrast studies, fluoroscopy, mammography, computed tomography, magnetic resonance imaging, bedside radiography, nuclear medicine, positron emission tomography, or radiation therapy procedures are performed.~~]

[~~Section 3.~~] Pathway to the Limited X-ray Machine Operator License.

(1) An applicant shall complete a board-approved[~~an approved~~] postsecondary educational program that meets the curricular standards of Section 6 of this administrative regulation and successfully pass the Kentucky Limited Scope Exam as referenced in Section 3 of this administrative regulation[~~American Society of Radiologic Technologists (ASRT) Limited X-Ray Machine Operator Curriculum requirements. An individual shall complete a formal education program for limited x-ray machine operators approved by the board~~].

(2) If an applicant qualifies for licensure under KRS 12.245, 12.354, or 12.357, the applicant shall submit and satisfy the requirements of Section 4[~~5~~](1) through (6) of this administrative regulation, and shall submit form DD-214 or other proof of active or prior military service for the applicant or spouse of the applicant.

Section 3.[~~Section 4.~~] Application for Temporary Limited X-ray Machine Operator License.

(1) An applicant who has completed an[~~a formal~~] educational program shall submit:

(a) A completed and signed application Form KBMIRT Form 5;

(b) A nonrefundable, non-transferrable temporary limited x-ray machine operator application and license fee as mandated in 201 KAR 46:020, Section 5, unless the fee is waived in accordance with KRS 311B.140;

(c) The satisfactory results of a criminal background check completed within the past six (6) months in state of residence and employment and any other state of residence and employment within the past five (5) years; and

(d) A copy of a government-issued photo ID.

(2) The temporary limited x-ray machine operator license shall be effective for up to one (1) year from date of program completion and shall not be renewable.

(3) Upon completion of the limited x-ray machine operator educational[~~training~~] program, individuals shall:

(a) Apply for the Kentucky Limited Scope Exam[~~limited scope radiography exam~~]; and

(b) Submit the nonrefundable, non-transferrable limited x-ray machine operator examination fee as mandated in 201 KAR 46:020, Section 9.

(4) An individual shall successfully pass the Kentucky Limited Scope Exam, administered by the American Registry of Radiologic Technologists (ARRT)[~~, administered limited scope radiography exam~~] within one (1) calendar year of program completion and prior to the expiration date of the temporary license, except in the case of instances such as, disability, major illness, accident, or if an active duty member of the Armed Forces of the United States and at the discretion of the board.

(5) If a temporary licensee has successfully passed the Kentucky Limited Scope Exam[~~ARRT administered limited scope radiography exam~~] prior to the expiration date of the temporary license, the licensee shall be issued a limited x-ray machine operator license, which shall expire on the last day of the licensee's birth month. If the limited x-ray machine operator license is first issued to an individual less than six (6) months before the individual's birth month, the license issued to the individual shall not expire on that date, but instead it shall expire at the last day of the individual's birth month in the following calendar year.

Section 4.[~~Section 5.~~] Application for Initial Limited X-ray Machine Operator License. An Applicant shall submit:

(1) A completed and signed application, KBMIRT Form 4;

(2) A nonrefundable initial application and license fee as established in 201 KAR 46:020, Section 1, unless the fee is waived in accordance with KRS 311B.140;

(3) The results of a criminal background check completed within the past six (6) months in the state of residence and employment, and any other state of residence and employment within the past five (5) years;

(4) A copy of government-issued photo ID;

(5) Documentation of passing results of the Kentucky Limited Scope Exam[~~ARRT administered limited scope radiography exam~~] within one (1) calendar year of program completion, except in the case of instances such as, disability, major illness, accident, or if an active duty member of the Armed Forces of the United States and at the discretion of the board; and

(6) Verification of graduation from an educational[~~a formal education~~] program for limited x-ray machine operators approved by the board.

Section 5.[~~Section 6.~~] The issued license shall identify the licensee as a limited x-ray machine operator. The license shall also identify the category as general, bone densitometry, or podiatry.

Section 6.[~~Section 7.~~] Curricular Standards for [~~Formal~~]Educational Program. This administrative regulation applies to institutions offering a postsecondary educational program for limited x-ray machine operators.

(1) Programs for general limited x-ray machine operators shall:

(a) Meet the curricular standards established by the American Society of Radiologic Technologists (ASRT);

(b) Include a minimum of 240 classroom hours of didactic instruction and 360 clinical hours of education which shall include supervised practice and demonstration of clinical competency until June 30, 2027;

(c) Beginning July 1, 2027, include a minimum of 480 classroom hours of didactic instruction and a minimum of 700 clinical clock hours of education that shall include supervised practice and demonstration of clinical competency;

(d)[~~(c)~~] Supply data requested for a complete evaluation of its administration, organization, faculty, physical facilities, student policies, and curriculum;

(e)[~~(d)~~] Provide a structured curriculum with clearly written course descriptions, lesson plans, and objectives;

(f)[(e)] Provide an adequate faculty, which shall be qualified through academic preparation or experience to teach the subjects assigned;

(g)[(f)] Employ[Have] a program director who is a licensed radiographer with a minimum of three (3) years of clinical or teaching experience or a combination of clinical and teaching experience;

(h)[(g)] Provide a one-to-one licensee-to-student ratio consistent with professional educational guidelines in the appropriate field of practice;

(i)[(h)] Provide appropriate facilities, diverse patient populations, sufficient volume, and a variety of diagnostic exams to properly conduct the educational program;

(j)[(i)] Prohibit students from applying radiation to human beings for diagnostic purposes until they have obtained practical experience and have had their performance evaluated as satisfactory by the program faculty;

(k)[(j)] Provide direct or indirect supervision by a licensed practitioner of the healing arts or a licensee as required by the student's level of competency;

(l)[(k)] Prohibit students from administering radiation to a human being unless under direct or indirect supervision as required by the student's level of competency;

(m)[(l)] Maintain records of each student's attendance, grades, clinical competency, and subjects completed;

(n)[(m)] Designate a radiation safety officer; and

(o)[(n)] Permit site inspections by the board's representative.

(2) Programs for limited podiatry x-ray machine operators shall:

(a) Consist of instruction that reflects current modules of the Examination Content Specifications - Limited Scope of Practice in Radiography published by the ARRT. The curriculum shall include items such as:

1. Safety, including radiation physics; radiation protection, including personnel protection; radiation exposure, monitoring, and radiation units; biological effects of radiation; low-dose technique and minimizing patient exposure; applicable federal and state radiation regulations;

2. Image Production, including principle of the radiographic equipment; image acquisition and technical evaluation; equipment operation and quality assurance; developing and using technique charts; and

3. Patient Care, including patient interactions and management; and

(b) Consist of at least six (6) months of clinical experience of static x-ray exams of the foot and ankle[limited x-ray procedures] while under the direct supervision of a licensed practitioner of the healing arts, a licensed radiologic technologist, or a licensed limited x-ray machine operator.

(3) Programs for limited bone densitometry x-ray machine operators shall:

(a) Consist of instruction that reflects current content categories of the Examination Content Specifications - Bone Densitometry Equipment Operator published by the ARRT. The curriculum shall include items such as:

1. Patient Care, including osteoporosis, bone physiology, bone health and patient education, and patient preparation;

2. Safety, including fundamental principles, biological effects of radiation, units of measurement, and radiation protection; and

3. Image Production, including fundamentals of x-ray production, quality control, measuring and determining quality in bone mineral density; and

(b) Consist of at least six (6) months of bone densitometry clinical experience under the direct supervision of a licensed practitioner of the healing arts, a licensed radiologic technologist, or a licensed limited x-ray machine operator.

Section 7.[Section 8.] Approved Limited Radiographic Procedures[for the Limited X-ray Machine Operator]. An individual who holds a limited x-ray machine operator license is limited to performing the procedures authorized for his or her license as described in subsections (1), (2), and (3) of this section.

(1) An individual holding a general limited x-ray machine operator license shall perform only the following:

(a) Static x-ray exams[Radiography] of the thorax, lungs, and ribs;

(b) Static x-ray exams[Radiography] of the abdomen;

(c) Static x-ray exams[Radiography] of the skull and facial structures;

(d) Static x-ray exams[Radiography] of the upper and lower extremities;

(e) Static x-ray exams[Radiography] of the pectoral girdle, hips, and pelvis; and

(f) Static x-ray exams[Radiography] of the cervical, thoracic, and lumbar spines.

(2) An individual holding a limited podiatry x-ray machine operator license shall perform static x-ray exams[radiographic procedures] on the foot and ankle only.

(3) An individual holding a limited bone densitometry x-ray machine operator license shall perform bone densitometry exams utilizing dedicated Dual Energy X-ray Absorptiometry (DEXA or DXA) equipment[radiographic procedures] only.

(4) A limited x-ray machine operator shall comply with the Limited X-ray Machine Operator Practice Standards as incorporated by reference in 201 KAR 46:035, Section 4.

(5) A limited x-ray machine operator shall not:

(a) Perform contrast, fluoroscopy, mammography, computed tomography, magnetic resonance imaging, bedside radiography, nuclear medicine, positron emission tomography, or radiation therapy procedures;

(b) Operate or manipulate equipment utilized in fluoroscopy, mammography, computed tomography, magnetic resonance imaging, bedside radiography, nuclear medicine, positron emission tomography, or radiation therapy procedures.

Section 8.[Section 9.] Continuing Education Requirements. Licensees shall complete and document twelve (12) hours of continuing education biennially[biennually] as required by 201 KAR 46:060. A minimum of six (6) hours shall be related to radiation safety or medical imaging.

Section 9.[Section 10.] Continuing Education Audit Process.

(1) The board shall select a sample of twenty-five (25) percent of limited x-ray machine operator licensees to audit for continuing education compliance annually.

(2) The board shall send each licensee selected for audit a notification of audit.

(3) Each licensee shall maintain his or her personal files such as certificates or records of credit from approved continuing education programs from the current biennium and immediate prior biennium.

(4) A licensee selected for audit shall complete KBMIRT Form 8, as incorporated by reference in 201 KAR 46:060, and provide the board with a copy of his or her certificates or records of completion.

(5) Failure to comply with an audit may result in nonrenewal, suspension or revocation of license.

Section 10.[Section 11.] Renewal of License. A licensee shall renew annually prior to the expiration of his or her current license, which is the last day of the licensee's birth month, by:

(1) Completing KBMIRT Form 6; and

(2) Submitting the Renewal License Fee in accordance with 201 KAR 46:020, Section 2, unless the fee is waived in accordance with KRS 311B.140.

Section 11.[Section 12.] Reinstatement of Lapsed License. A licensee who has allowed the license to lapse for up to twelve (12) months is eligible to be reinstated upon submission of KBMIRT Form 6, documentation of twelve (12) hours of continuing education, and the payment of reinstatement and renewal fees pursuant to 201 KAR 46:020, Sections 2 and 7, unless the fees are waived in accordance with KRS 311B.140. A licensee whose license has lapsed for more than twelve (12) months shall:

(1) Successfully pass the Kentucky Limited Scope Exam[ARRT limited scope radiography examination];

(2) Submit a completed and signed application KBMIRT Form 4;

(3) Submit a nonrefundable initial application and license fee and reinstatement fee as mandated in 201 KAR 46:020, Sections 1

and 7, unless the fees are waived in accordance with KRS 311B.140;

(4) Submit satisfactory results of a criminal background check completed within the past six (6) months in state of residence and employment and any other state of residence and employment within the past five (5) years; and

(5) Submit a copy of a government-issued photo ID.

Section 12.[~~Section 13.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) KBMIRT Form 4, "Limited X-ray Machine Operator License Application", October 2023;

(b) KBMIRT Form 5, "Temporary Limited X-ray Machine Operator License Application", October 2023;

(c) KBMIRT Form 6, "Limited X-ray Machine Operator Renewal Application", October 2023;

(d) "Examination Content Specifications - Limited Scope of Practice in Radiography", January 2023[~~2018~~]; and

(e) "Examination Content Specifications - Bone Densitometry Equipment Operator", January 2023[~~2018~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Road, Suite A220, Lexington, Kentucky[~~,~~] 40504, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's website at https://kbmirt.ky.gov.

KERI LEAMY, Board Chair

APPROVED BY AGENCY: June 10, 2025

FILED WITH LRC: June 30, 2025 at 4:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 27, 2025, at 1:00 p.m. Eastern time, in the office of the Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Rd, Suite A220, Lexington, Kentucky 40504, (502) 782-5687. 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 August 31, 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: Elizabeth Morgan, Executive Director, Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Rd, Suite A220, Lexington, Kentucky 40504, phone (502) 782-5687; fax (502) 782-6495; email elizabeth.morgan@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Elizabeth Morgan

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the qualifications and process for licensure of a limited x-ray machine operator.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the standards and qualifications for licensure of a limited x-ray machine operator.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS Chapter 311B authorizes the board to determine and establish the standards and qualifications for licensure of a limited x-ray machine operator.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes standards and qualifications for licensure of a limited x-ray machine operator.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment revises 201 KAR 46:081 to remove the employment prohibition of the limited x-ray machine operator, provide updated curricular standards for the board-approved education programs, and clarify the scope of practice for the limited x-ray machine operator.

(b) The necessity of the amendment to this administrative regulation: The necessity of the amendment is to conform with 2025 Ky Acts Chapter 132, Section 1 (House Bill 72) as limited x-ray machine operators commence practice in settings previously not authorized.

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation establishes the procedures for the board to issue and renew the licenses of limited x-ray machine operators.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 300 state health care organizations, approximately 6 educational entities that provide board-approved education, and approximately 8,000 licensees, of which approximately 800 are limited x-ray machine operators.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The regulated entities will need to take the following actions to comply: Healthcare organizations: While these organizations may employ the limited x-ray machine operator in facilities where advanced imaging equipment is also present, the organizations should note the licensee's limited scope of practice; Education providers for the limited x-ray machine operator: Current board-approved education providers will be required to adjust curriculum standards to comply with amendments and will have approximately two (2) years to implement these changes; and Licensees: All licensees should be aware of the limited scope of practice as the limited x-ray machine operator may be employed in facilities where advanced imaging equipment is also present.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no foreseen cost associated with the entities identified in question 3.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Limited x-ray machine operators will benefit by being able to seek employment in facilities where advanced imaging equipment is also present. (5) Provide an estimate of how much it will cost to implement this administrative regulation: No additional cost will be incurred as a result of amending this administrative regulation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No ongoing costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees and applicants.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees will be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment will not increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied. This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311B.010 to 311B.190.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Although amendment of this administrative regulation is not expressly authorized by an act by the general assembly, it is necessary to conform with 2025 Ky Acts Chapter 132, Section 1 (House Bill 72).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Medical Imaging and Radiation Therapy.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: n/a
For subsequent years: n/a
2. Revenues:
For the first year: n/a
For subsequent years: n/a
3. Cost Savings:
For the first year: n/a
For subsequent years: n/a
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: n/a
For subsequent years: n/a
2. Revenues:
For the first year: n/a
For subsequent years: n/a
3. Cost Savings:
For the first year: n/a
For subsequent years: n/a
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: There is no cost associated with administering this regulation.
(b) Methodology and resources used to reach this conclusion: This regulation merely defines terms used throughout the 201 KAR Chapter 46. There is no cost associated with administering this regulation.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no cost associated with administering this regulation.
(b) The methodology and resources used to reach this conclusion: This regulation merely defines terms used throughout the 201 KAR Chapter 46. There is no cost associated with administering this regulation.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

STATEMENT OF EMERGENCY
307 KAR 1:080E.

This emergency administrative regulation is necessary to immediately establish and implement the Kentucky Film Office and the requirements for the distribution of limited funds authorized by the General Assembly for the Kentucky Entertainment Incentive Program in 2025 Ky. Acts ch. 91 (2025 SB 1), which will become effective July 1, 2025. The Cabinet for Economic Development will use additional processes to ensure the funds are used to maximize the benefits to the Commonwealth as expressed in the General Assembly's statement of the Program's purpose. The emergency administrative regulation sets forth these processes, including eligibility, applications, approvals, and fee obligations.
This emergency administrative regulation will be replaced by an ordinary administrative regulation identical to this regulation.

ANDY BESHEAR, Governor
JEFF NOEL, Secretary

CABINET FOR ECONOMIC DEVELOPMENT
(New Emergency Administrative Regulation)

307 KAR 1:080E. Kentucky Entertainment Incentive Program.

EFFECTIVE: July 1, 2025
RELATES TO: KRS 154.61-010, 154.61-020, 154.61-030
STATUTORY AUTHORITY: KRS 154.61-030(5), 2025 Ky. Acts ch. 91, sec. 1 (2025 SB 1)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 154.61-010, 154.61-020, 154-61-030, and 2025 Ky. Acts ch. 91, sec. 1 (2025 SB 1), authorize the Kentucky Film Office and Kentucky Film Leadership Council, through the Cabinet for Economic Development and its Secretary, to establish procedures and standards for the Kentucky Entertainment Incentive Program. This administrative regulation establishes the application, criteria, fee structure, and economic analysis to evaluate applications for the KRS Chapter 154.61 incentives.

Section 1. Definitions.
(1) "Above-the-line production crew" is defined by KRS 154.61-010(1).
(2) "Approved company" is defined by KRS 154.61-010(3).
(3) "Applicant" means an eligible company submitting an application for incentives under KRS 154.61-030.
(4) "Application" means an application for tax incentives filed with the Cabinet pursuant to KRS 154.61-030.
(5) "Below-the-line production crew" is defined by KRS 154.61-010(4).
(6) "Cabinet" is defined by KRS 154.61-010(5).
(7) "Commonwealth" is defined by KRS 154.61-010(6).
(8) "Common ownership" means two or more legal entities, such as corporations, limited liability companies, partnerships, and the like, where:
(a) The entities are owned by the same person(s);
(b) The same person(s) serves as officer(s) or director(s) of those entities; or
(c) The majority of one entity is owned by one or more of the other entities.
(9) "Compensation" is defined by KRS 154.61-010(7).
(10) "Continuous film production" is defined by KRS 154.61-010(8).
(11) "Council" is defined by KRS 154.61-010(9).
(12) "Eligible company" is defined by KRS 154.61-010(11).

(13) "Employee" is defined by KRS 154.61-010(12).

(14) "Enhanced incentive county" is defined by KRS 154.61-010(13).

(15) "Financial interest" means a pecuniary interest that a reasonable person would expect to influence the impartiality of the transaction.

(16) "Kentucky-based company" is defined by KRS 154.61-010(16).

(17) "Kentucky Film Office" is defined by 2025 Ky. Acts ch. 91, sec. 1.

(18) "Kentucky vendor" means an individual or entity that:

(a) Sells or rents a type of property of which more than a de minimis amount is regularly held in its inventory in the ordinary course of business in Kentucky, or provides a service not performed at the filming site but in Kentucky, which is the subject of the production expenditure, in its ordinary course of business;

(b) Has a physical location in Kentucky with at least one Kentucky resident employee working at such location on a regular basis. Registering with the Kentucky Secretary of State or appointing a registered agent in Kentucky does not establish a physical location in Kentucky for purposes of this definition;

(c) Is registered with the Kentucky Department of Revenue for collection of sales and use tax where required by law;

(d) Has a local Kentucky business license where required by law. The approved company is required to obtain a copy of the license from any Kentucky vendor where the total amount of purchases exceed $50,000 for such vendor during the period considered in the application and approval by the council; and

(e) For services rendered on set, such persons or vendors providing such services, are identified on the daily production reports or other reasonable evidence that such services were rendered on set is provided;

(19) "Negotiated" means an arm's-length transaction between two or more parties who are unrelated and unaffiliated, and entered into voluntarily in an open market where the parties acted in their own self-interest.

(20) "Non-resident" is any individual not meeting the definition of a "resident" under KRS 154.61-010(22).

(21) "Pass-through entity" is defined by KRS 141.010(28).

(22) "Person" is defined by KRS 154.61-010(20).

(23) "Program" means the Kentucky Entertainment Incentive Program established by KRS 141.383, 154.61-020, and 154.61-030.

(24) "Qualifying expenditure" is defined by KRS 154.61-010(21).

(25) "Qualifying payroll expenditure" is defined by KRS 154.61-010(22).

(26) "Resident" is defined by KRS 154.61-010(23).

Section 2. Qualifying Payroll Expenditures under the Kentucky Entertainment Incentive Program.

(1) Qualifying payroll expenditures submitted to the Cabinet by an approved company shall only include those expenditures made in Kentucky for services performed in the Commonwealth by above-the-line production crew or below-the-line production crew.

(2) When submitting qualifying payroll expenditures for above-the-line production crew, an approved company shall demonstrate to the Cabinet that the employee's salary was negotiated prior to commencement of the production. Salaries paid to producers with a financial interest in the approved company shall not be considered negotiated and shall not meet the requirements of a qualifying payroll expenditure.

(3) When submitting qualifying payroll expenditures made in the Commonwealth for services performed in the Commonwealth, an approved company shall demonstrate to the Cabinet that the employee rendered the service on-set or otherwise within the Commonwealth. Compensation for services conducted or rendered both in the Commonwealth and outside of the Commonwealth shall only qualify as a qualified payroll expenditure to the extent the service is physically rendered in the Commonwealth. If an approved company is unable to track the cost of the services physically rendered in Commonwealth, then some other reasonable method which approximates the cost of the services rendered in the Commonwealth may be used to determine the amount attributable to the Commonwealth subject to adjustment by the Cabinet.

Section 3. Qualifying Expenditures under the Kentucky Entertainment Incentive Program.

(1) An approved company submitting qualifying expenditures to the Cabinet shall only include expenditures made in the Commonwealth for one or more of the categories listed in KRS 154.61-010(21)(a)(1) through (9).

(2) Expenditures shall be considered made in the Commonwealth where they are made to a Kentucky vendor.

(3) Expenditures shall not be considered to be made in the Commonwealth when those expenditures are paid to a Kentucky vendor acting as a conduit, waypoint, or pass-through entity solely to enable the purchases or rentals to qualify as qualifying expenditures.

(4) Expenditures made to persons with common ownership or a financial interest with an approved company must be accompanied by supporting documentation, to the Cabinet's satisfaction, demonstrating the expenditure was reasonable within market rates. Common ownership extends to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the approved company.

(5) Failing to provide documentation when requested by the Cabinet shall result in expenditures being disqualified and the claimed qualifying expenditure being excluded.

Section 4. Application Requirements.

(1) Applicants seeking incentives under the program shall submit an application to the Cabinet that includes:

(a) The name and address of the applicant;

(b) Verification that the applicant is a Kentucky-based company;

(c) The preliminary production script or a detailed synopsis of the script;

(d) The locations where the filming or production will occur;

(e) The anticipated date on which filming or production shall begin in Kentucky;

(f) The anticipated date on which the applicant will complete incurring expenditures in Kentucky;

(g) The total anticipated qualifying expenditures;

(h) The total anticipated qualifying payroll expenditures for resident and nonresident above-the-line crew by county;

(i) The total anticipated qualifying payroll expenditures for resident and nonresident below-the-line crew by county;

(j) The address of a Kentucky location at which records of the production will be kept;

(k) An affirmation that if not for the incentive offered under this subchapter, the eligible company would not film or produce the production in the Commonwealth;

(l) Proof of funding for the project. Acceptable proof shall include:

1. IATSE Bond, SAG Bond, Completion Bond,
2. payroll statements;
3. bank statements;
4. financing or funding agreements; or
5. commitment letters.

(m) Whether the applicant has a distribution contract for the project; and

(n) Whether the applicant has previously received approval for incentives under the program, and, if so, shall specify the year(s) of such approval and amount(s) of incentives received in each year. This information shall include incentives received by any other entity with common ownership or any individual with a financial interest in the applicant. Common ownership extends to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the applicant.

(2) Applicants shall submit a completed application no later than thirty (30) calendar days prior to the date upon which applicant seeks to have the application reviewed by the council.

(3) Within twenty (20) calendar days of receiving an application, the Cabinet shall notify the applicant:

(a) That the Cabinet received the application;

(b) Whether, upon initial review, the applicant appears to meet the criteria of an eligible company or whether the Cabinet requires additional verification or documentation; and

(c) That, provided the applicant has not exceeded the individual incentive limitation set forth in Section 5 of this regulation, either:

1. Based upon the annual allocated funds for the program, enough uncommitted incentives remain in the program's calendar year to move forward with an economic analysis and ranking of the application and notification to the council thereof; or

2. Based upon the remaining annual allocated funds for the program, the Cabinet will not move forward with the application.

Section 5. Incentive Awards. To effectuate the purposes of the program set forth in KRS 154.61-020(1):

(1) the amount of incentive awards received by any single approved company, not otherwise meeting the definition of continuous film production, shall be limited to no more than ten percent (10%) of the total annual tax credit cap under KRS 154.61-020(4). In determining whether this limit has been met, the Cabinet shall consider the applicant in conjunction with any approved company sharing common ownership or a financial interest with the applicant; and

(2) the amount of incentive awards approved for all applicants in any single calendar month, not otherwise meeting the definition of continuous film production, shall be limited to no more than ten percent (10%) of the total annual tax credit cap under KRS 154.61-020(4). In the event the amount of incentive awards approved does not meet the ten percent (10%) limitation set forth in this subsection, the remainder shall carry forward to the subsequent calendar month.

Section 6. Economic Analysis.

(1) The Cabinet shall conduct an economic analysis of each application.

(2) The analysis shall evaluate each application on:

(a) The percentage of spend in the Commonwealth in relation to the total amount anticipated to be spent on a project;

(b) The percentage of total production costs in Kentucky compared to above-the-line and below-the-line production crew costs;

(c) The anticipated percentage of project filming in enhanced incentive counties;

(d) The percentage of anticipated employed Kentucky residents and total above-the-line and below-the-line production crew;

(e) The amount of time filming will occur in Kentucky; and

(f) The presence of a distribution contract.

(3) The Cabinet shall then rank each application submitted under the program based upon the program's purposes set forth in KRS 154.61-020(1)(a) through (d). Ranking shall prioritize applications with more Kentucky-based jobs, employed Kentucky residents, and percentage of spend going to Kentucky-based vendors in relation to the total amount of proposed spend on a project or incentives sought by an eligible company.

(4) Upon completion of the project, submission of qualifying expenditures and qualifying payroll expenditures, and certification of eligible expenditures by an independent certified public accountant, the Cabinet may reduce the approved incentive amount to an approved company based upon the variation between the approved company's application for incentives and actual expenditures submitted to the Cabinet.

Section 7. Fees. Applicants seeking incentives under the program shall include with their application:

(1) A nonrefundable application fee in the amount of:

(a) Two hundred fifty dollars ($250) where the total amount of qualifying expenditures and qualifying payroll expenditures is less than fifty thousand dollars ($50,000);

(b) Five hundred dollars ($500) where the total amount of qualifying expenditures and qualifying payroll expenditures is between fifty thousand dollars ($50,000) and one hundred thousand dollars ($100,000); or

(c) One thousand dollars ($1,000) where the total amount of qualifying expenditures and qualifying payroll expenditures is more than one hundred thousand dollars ($100,000); and

(2) an administrative fee of one-half of one percent (0.5%) of the estimated amount of tax incentive sought or five hundred dollars ($500), whichever is greater.

JEFF NOEL, Secretary

APPROVED BY AGENCY: June 30, 2025

FILED WITH LRC: July 1, 2025 at 12:05 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 26, 2025 at 10:00 a.m. Eastern Time at the Cabinet for Economic Development, Mayo Underwood Building, 500 Mero Street, 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 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, 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: Matthew Wingate, General Counsel, Cabinet for Economic Development, Mayo Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, phone (502) 782-1948, fax (502) 564-3256, email matthew.wingate@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Matthew Wingate or Dawn Powers

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the application, criteria, fee structure, and economic analysis to evaluate applications for the Kentucky Entertainment Incentive Program.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to administer the Kentucky Entertainment Incentive Program and Kentucky Film Office as required by statute.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the application process and review criteria and requirements for the Kentucky Entertainment Incentive Program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by establishing a framework for prioritizing applications based upon the purpose of the Kentucky Entertainment Incentive Program statutes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A.

(b) The necessity of the amendment to this administrative regulation: N/A.

(c) How the amendment conforms to the content of the authorizing statutes: N/A.

(d) How the amendment will assist in the effective administration of the statutes: N/A.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: this administrative regulation impacts the applicants to the Kentucky Entertainment Incentive Program.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will be able to participate in the Kentucky Entertainment Incentive Program through the established process.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Regulated entities will experience no new costs in complying with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Recipients will be able to participate in the Kentucky Entertainment Incentive Program.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No expenses or an unknown amount will be incurred.
(b) On a continuing basis: No expenses or an unknown amount will be incurred.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Pursuant to KRS 154.61-020, the total tax incentive amount of the Kentucky Entertainment Incentive Program is $75,000,000. Sources of funding for staffing are provided from General Funds provided to the Cabinet and restricted funds from application fees as set by KRS 154.61-030(5) and two and one-half percent (2.5%) of the transient room tax collected pursuant to KRS 142.400, up to the maximum amount of five hundred thousand dollars ($500,000) for the period beginning July 1, 2025, and ending June 30, 2027, as set by 2025 Ky. Acts ch. 91, sec. 1(4).
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Neither an increase in fees nor funding will be necessary to implement this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: KRS 154.61-030(5) establishes the fees used in this administrative regulation. This regulation does not increase any fees.
(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all applicants.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 154.61-010, 154.61-020, 154.61-030, 2025 Ky. Acts ch. 91, sec. 1.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Cabinet for Economic Development, other agencies have not been identified.
(a) Estimate the following for the first year:
Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.
Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.
Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The Cabinet does not expect a change to revenues or cost savings in subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A
(a) Estimate the following for the first year:
Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.
Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.
Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The Cabinet does not expect a change to revenues or cost savings in subsequent years.
(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include applicants to the Kentucky Entertainment Incentive Program.
(a) Estimate the following for the first year:
Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.
Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.
Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation. Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation. Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: The administrative regulation implements the application process and review criteria and requirements for the Kentucky Entertainment Incentive Program. The administrative regulation does not create a fiscal impact.
(b) Methodology and resources used to determine the fiscal impact: N/A.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) The administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.
(b) The methodology and resources used to reach this conclusion: This administrative regulation does not create a fiscal impact.

COMPILER'S NOTES:

- ***This emergency administrative regulation was withdrawn by the agency on July 16, 2025.***
- ***2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:***

STATEMENT OF EMERGENCY
601 KAR 9:076E.

This new emergency administrative regulation is being promulgated to comply with Senate Bill 136 of the 2025 Regular Session. Senate Bill 136 amends Subtitle 20 of KRS Chapter 304, to require the commissioner to promulgate emergency and ordinary administrative regulations to identify the nationally accredited used car valuation guides to be used by insurers when determining the retail value of wrecked, destroyed, or damaged vehicles. This administrative regulation is being filed on an emergency basis to meet the July 1, 2025, effective date. This emergency administrative regulation will be replaced by its companion ordinary administrative regulation pursuant to KRS Chapter 13A. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
JIM GRAY, Secretary

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Vehicle Licensing
(New Emergency Administrative Regulation)

601 KAR 9:076E. Vehicle valuation guides.

EFFECTIVE: July 10, 2025
RELATES TO: KRS 304.20-110
STATUTORY AUTHORITY: KRS 304.20-110, Chapter 186A
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.20-110 requires the Transportation Cabinet to identify the nationally accepted used car valuation guides or tools that are available to, and shall be used by, property, casualty, and property and casualty insurers when determining the retail value of a wrecked, destroyed, or damaged motor vehicle under KRS Chapter 186A.

Section 1. All valuations conducted pursuant to KRS Chapter 186A shall be made based upon J. D. Power Valuation Services. Values shall be delivered through used car data files and the J.D.

Power online value tool located at www.jdpowervalues.com. This valuation service shall provide value guidebooks for:

(1) Official Used Car Guide;

(2) Official Older Used Car Guide;

(3) Motorcycle, snowmobile, ATV, personal watercraft appraisal guide;

(4) Classic, collectible, exotic, and muscle car appraisal guide; and

(5) Recreational vehicles appraisal guide.

JIM GRAY, Secretary
MATTHEW COLE, Commissioner

APPROVED BY AGENCY: July 9, 2025

FILED WITH LRC: July 10, 2025 at 2:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 21, 2025, at 10:00 a.m. EST, at the Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) working days 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 cancelled. 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 11:59 p.m. on August 31, 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 below.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email jon.johnson@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes and identifies the nationally accepted car valuation guides or tools to be used to value vehicles.
(b) The necessity of this administrative regulation: This administrative regulation is required to comply with the requirements of 2025 SB 136, Section 12, a new subsection of subtitle 20 of KRS Chapter 304. This administrative regulation is also being promulgated to meet a deadline established by 2025 legislation. This deadline is July 1, 2025.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes and identifies the nationally accepted car valuation guides or tools that are available to, and shall be used by, property, casualty, and property and casualty insurers when determining the value of a wrecked, destroyed, or damaged motor vehicle under KRS Chapter 186A.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes and identifies the nationally accepted car valuation guides or tools that are available to, and shall be used by, property, casualty, and property and casualty insurers when determining the value of a wrecked, destroyed, or damaged motor vehicle under KRS Chapter 186A.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This is a new regulation.
(b) The necessity of the amendment to this administrative regulation: This is a new regulation.
(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.
(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect state and local governments, as well as individuals and businesses that deal with the valuation of motor vehicles.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This administrative regulation establishes and identifies the nationally accepted car valuation guides or tools that are available to, and shall be used by, property, casualty, and property and casualty insurers when determining the value of a wrecked, destroyed, or damaged motor vehicle under KRS Chapter 186A. All entities will have to use established and identified nationally accepted car valuation guides authorized by this regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost to all listed entities will be negligible.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): These entities will be able to value vehicles with a nationally recognized accurate and reliable source.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Costs for term from May 1, 2024, through April 30, 2025 totaled $358,340.00 dollars.
(b) On a continuing basis: Costs are projected to increase an average of 5 % annually.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Kentucky Department of Revenue.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No.
(9) TIERING: Is tiering applied? Tiering does not apply.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 186A.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is required to comply with the requirements of 2025 RS SB 136, Section 12. This administrative regulation is also being promulgated to meet a deadline established by 2025 legislation.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Transportation Cabinet, Kentucky Department of Revenue, local governments, local and state law enforcement.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $358,340.00.
For subsequent years: $435,340.00.
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Property, casualty, and property and casualty insurers.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: Unknown.
For subsequent years: Unknown.
2. Revenues:
For the first year: Unknown.
For subsequent years: Unknown.
3. Cost Savings:
For the first year: Unknown.
For subsequent years: Unknown.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Negligible.
(b) Methodology and resources used to reach this conclusion: Past performance.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): No.
(b) The methodology and resources used to reach this conclusion: Past performance.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

STATEMENT OF EMERGENCY
601 KAR 23:070E.

This emergency administrative regulation is being promulgated to comply with the provisions for street-legal special purpose vehicles and their use on a state highway, as outlined in Senate Bill 63 of the 2025 Regular Session. This administrative regulation is being filed on an emergency basis to meet the effective date of June 27, 2025, for KRS Chapter 186. This emergency administrative regulation will be replaced by an ordinary administrative regulation pursuant to KRS Chapter 13A. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
JIM GRAY, Secretary

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Vehicle Licensing
(New Emergency Administrative Regulation)

601 KAR 23:070E. Street-legal special purpose vehicles.

EFFECTIVE: July 10, 2025
RELATES TO: KRS 186.010,186.020,186.050, 186A.115
STATUTORY AUTHORITY: KRS 186.1(10), 186.020,186.050, 186A.115
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 186 requires the Transportation Cabinet to establish procedures for inspection, registration, operation, and compliance of street-legal special purpose vehicles (SLSPVs) on designated public roadways in Kentucky.

Section 1. Definitions.
(1) "Cabinet" means the Transportation Cabinet.
(2) "Local government" means a city, county, charter county government, urban-county government, consolidated local government, or unified local government.
(3) "Low-speed vehicle" means a motor vehicle that is not considered a street-legal special purpose vehicle under this regulation, as defined in KRS 186.010.
(4) "Kentucky certified inspector" means an inspector certified by the Department of Vehicle Regulation.
(5) "Proof of ownership" means that the owner has provided either a current title to the vehicle, MCO, manufacturer's certificate of origin, bill of sale, or affidavit of ownership.
(6) "Special purpose vehicle (SPV)" means an all-terrain vehicle, utility terrain vehicle, minitruck, pneumatic-tired military vehicle, or full-size special purpose-built vehicle, including a vehicle that is self-constructed or built by the original equipment manufacturer and a vehicle that has been modified. This does not include a low-speed vehicle as defined in KRS 186.010.
(7) "Street-legal special purpose vehicle (SLSPV)" means a special purpose vehicle that meets the safety and registration requirements to operate on public highways, is not a low-speed vehicle as defined in KRS 186.010, and is equipped with:
(a) One (1) or more headlamps;
(b) One (1) or more tail lamps;
(c) One (1) or more brake lamps;
(d) A trail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
(e) One (1) or more red reflectors on the rear of the vehicle;
(f) An amber electronic turn system, one (1) on each side of the front of the vehicle;
(g) An amber or red electric turn signals on the rear of the vehicle;
(h) A braking system, other than a parking brake;
(i) A horn or other warning device;
(j) A working muffler;
(k) Rearview mirrors on the right and left side of the driver;
(l) A windshield, unless the operator of the vehicle wears eye protection while operating the vehicle;
(m) A speedometer, illuminated for nighttime operation;
(n) A roll bar or roll cage;
(o) For multi-passenger vehicles, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. sec. 571.209 for each designated seating position; and
(p) Tires that have at least two thirty-seconds (2/32) of an inch or greater tire tread.

Section 2. Registration Requirements.
(1) All SLSPVs shall be registered with the Department of Vehicle Regulation.
(2) The SLSPVs shall be registered with the county clerk in the county where the owner resides or if not owned by a local resident, the county clerk in the county where the street-legal SPV is principally operated.
(3) The registration fee shall be ten (10) dollars per year pursuant to KRS 186.050.
(4) SLSPVs shall be plated with a motorcycle registration plate.
(5) Proof of insurance, as required under KRS 304.39-110, shall be submitted at the time of registration and shall be insured as a motorcycle.
(6) Registration applications shall include:
(a) Vehicle Identification Number (VIN);
(b) Make, model, and year of the SLSPV;
(c) Owner's full name and address; and
(d) Proof of vehicle safety compliance with proof of inspection, pursuant to 601 KAR 9:090, by a Kentucky certified inspector with detailed checklist verifying the SLSPV meets the safety equipment requirements of Section 4 of this administrative regulation.

Section 3. Operating Restrictions.
(1) SLSPVs may operate on public highways, subject to the following conditions:
(a) Operation is prohibited on highways located within the jurisdictional boundaries of a local government where operation of SLSPVs is not allowed by local ordinance.
(b) Operation is prohibited on controlled-access systems, including interstates or parkways.
(c) Operation is prohibited where the United States Department of Agriculture prohibits SLSPVs.

(d) SLSPVs are prohibited from traveling a distance greater than twenty (20) miles on a highway displaying centerline pavement markings.

(2) Operators shall obey all traffic laws and carry proof of registration and insurance.

Section 4. Vehicle Safety Requirements.

(1) A SLSPV shall be equipped with:

(a) One (1) or more headlamps;

(b) One (1) or more tail lamps;

(c) One (1) or more brake lamps;

(d) A trail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;

(e) One (1) or more red reflectors on the rear of the vehicle;

(f) An amber electronic turn system, one (1) on each side of the front of the vehicle;

(g) An amber or red electric turn signals on the rear of the vehicle;

(h) A braking system, other than a parking brake;

(i) A horn or other warning device;

(j) A working muffler;

(k) Rearview mirrors on the right and left side of the driver;

(l) A windshield, unless the operator of the vehicle wears eye protection while operating the vehicle;

(m) A speedometer, illuminated for nighttime operation;

(n) A roll bar or roll cage;

(o) For multi-passenger vehicles a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. sec. 571.209 for each designated seating position; and

(p) Tires that have at least two thirty-seconds (2/32) of an inch or greater tire tread.

(2) The vehicle shall pass an annual safety inspection conducted by a Kentucky certified inspector.

Section 5. Compliance and Enforcement.

(1) Law enforcement officers shall verify the compliance of SLSPVs pursuant to this administrative regulation.

(2) The license plate shall be the same size as the Kentucky motorcycle license plate.

(3) SLSPV may be equipped with a motorcycle temporary tag.

(4) Failure to comply with the registration, operation, and equipment requirements shall result in a citation and potential fines as established in KRS Chapter 186.

(5) Repeat offenders may face suspension or revocation of SLSPV registration.

Section 6. Appeals and Hearings.

(1) An owner cited for non-compliance may request a hearing within thirty (30) days of the citation issuance.

(2) The hearing shall be conducted in accordance with KRS Chapter 13B.

Section 7. Severability. If any provision of this administrative regulation is found invalid, the remaining sections shall remain in effect.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Kentucky Certificate of Title or Registration", TC 96-182, (01/2024 Edition); and

(b) "Street-Legal Special Purpose Vehicle Inspection", TC 96-365, (06/2025 Edition).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet Office Building, Department of Vehicle Regulation, 2nd Floor, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material is also available on Transportation Cabinet's website at drive.ky.gov.

JIM GRAY, Secretary
MATTHEW COLE, Commissioner
APPROVED BY AGENCY: July 9, 2025
FILED WITH LRC: July 10, 2025 at 2:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 21, 2024, at 11:00 a.m. EST, at the Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) working days 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 cancelled. 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 11:59 p.m. on August 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email jon.johnson@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures for inspection, registration, operation, and compliance of street-legal special purpose vehicles (SLSPVs) on designated public roadways in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is being promulgated to meet a deadline established by 2025 legislation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes procedures for inspection, registration, operation, and compliance of street-legal special purpose vehicles (SLSPVs) on designated public roadways in Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will allow procedures for inspection, registration, operation and compliance of street-legal special purpose vehicles (SLSPVs).

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect state and local governments, as well as individuals and businesses selling, maintaining, and selling insurance (SLSPV's).

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Local governments will have to define and authorize ordinances to allow SLSPV's. Other state and local government agencies will inspect and implement laws for compliance and safety of operations. Other businesses like insurance agencies will provide necessary support for operation and will issue proper insurance. Consumers will act to sale purchase and license and operate SLSPV's. The local governments will have to approve and authorize operation and location of SPV usage. They will also have inspection services in place to insure proper SLSPV vehicle features, condition and insurance. Owner operators will comply with this regulation in order operate SLSPV vehicles pursuant to this regulation pursuant to statutory authority.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs will vary depending on inspection fees and insurance costs. The local inspection fees are established in this regulation. Insurance premiums will be determined by market factors.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): These entities will be a part of a growing market that will expand local economies proportionate to usage. The benefits will also inure to the public by expansion of local use and needs for SLSPV vehicles.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Other than normal cost to create a new license plate, $2,500, there should be no additional cost.
(b) On a continuing basis: There is no cost associated with implementing this administrative regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No source of funding is required.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved to implement this regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.
(9) TIERING: Is tiering applied? Tiering does not apply. No tiering is required.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 186
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is being promulgated to meet a deadline established by 2025 legislation.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Transportation Cabinet, local governments, local and state law enforcement.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $2,500
For subsequent years: N/A
2. Revenues:
For the first year: Normal $9 motorcycle registration fee plus $1.
For subsequent years: Normal $9 motorcycle registration fee plus $1.
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): County Clerks and County Sheriffs.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: $25 per vehicle inspection to the Sheriff
For subsequent years: $25 per vehicle inspection to the Sheriff
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This regulation shall not have any fiscal impact.
(b) Methodology and resources used to reach this conclusion: The review of the statutory authority shows a $1 registration fee increase per vehicle using a motorcycle size registration license plate.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This regulation will not have a fiscal impact.
(b) The methodology and resources used to reach this conclusion: Registration and renewals will be used in the future. No data is available currently to reach a conclusion

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

STATEMENT OF EMERGENCY
803 KAR 2:181E.

This emergency amendment to an existing administrative regulation amends 803 KAR 2:181, Recordkeeping and reporting occupational injuries and illnesses. This emergency amendment requires employers to comply with 29 C.F.R. Part 1904, Recording and Reporting Occupational Injuries and Illnesses.
It is necessary to promulgate this emergency amendment to an existing regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health ("OSH") Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements.
This emergency amendment to an existing administrative regulation shall be replaced by an ordinary administrative regulation, which is being filed simultaneously with the Regulations Compiler. The ordinary administrative regulation is identical to this emergency amendment.

ANDY BESHEAR, Governor
JAMIE LINK, Secretary
KIMBERLEE C. PERRY, Commissioner

EDUCATION AND LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(Emergency Amendment)

803 KAR 2:181E. Recordkeeping and reporting occupational injuries and illnesses.

EFFECTIVE: July 1, 2025
RELATES TO: KRS 338.015(1), (2), 338.121(3), 338.161, 29 C.F.R. Part 1904
STATUTORY AUTHORITY: KRS 338.061, 338.161
CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.161(1) requires the Department of Workplace Standards to promulgate administrative regulations for the collection, compilation, and analysis of occupational safety and health statistics. 29 C.F.R. Part 1904 authorizes requirements for the recording and reporting of occupational illnesses and injuries. This administrative regulation establishes recordkeeping and reporting requirements for employers pursuant to KRS Chapter 338.

Section 1. Definitions.

(1) [~~"Amputation" means an injury in which a portion of the body including bone tissue is removed.~~]

[~~(2)~~] "C.F.R." means Code of Federal Regulations.

(2)[~~(3)~~] "Employee" is defined by KRS 338.015(2).

(3)[~~(4)~~] "Employer" is defined by KRS 338.015(1).

[~~(5)~~] [~~"Hospitalization" means formal admission to a hospital or clinic for care or treatment.~~]

[~~(6)~~] [~~"Loss of eye" means the physical removal of an eye from the socket.~~]

[~~(7)~~] [~~"Occupational Safety and Health Act" or "OSHA" means KRS Chapter 338~~].

(4)[~~(8)~~] "Secretary of Labor" means the Secretary of the United States Department of Labor or the Secretary of the Education and Labor Cabinet.

(5)[~~(9)~~] "Section 11(c) of the Act" means KRS 338.121(3).

[~~(10)~~] [~~"Work-related" means "work-related" or "work-relatedness" as established in 29 C.F.R. 1904.~~]

Section 2. Except as modified by the definitions in Section 1[~~and the requirements in Sections 3 and 4 of this administrative regulation,~~] an employer shall comply with 29 C.F.R. Part 1904, Recording and Reporting Occupational Injuries and Illnesses, published by the Office of the Federal Register, National Archives and Records Administration.

[~~Section 3.~~] [~~Reporting Fatalities, Amputations, Hospitalizations, or Loss of Eye.~~]

[~~(1)~~] [~~The reporting requirements established in this section shall apply in lieu of 29 C.F.R. 1904.39.~~]

[~~(2)~~] [~~An employer shall orally report to the Kentucky Education and Labor Cabinet, Department of Workplace Standards, Division of Occupational Safety and Health Compliance, at (502) 564-3070, the death of an employee as a result of a work-related incident, including death resulting from a heart attack.~~]

[~~(3)~~] [~~The report required pursuant to subsection (2) of this section shall be made within eight (8) hours from when the death is reported to the employer, the employer's agent, or another employee.~~]

[~~(4)~~] [~~An employer shall orally report to the Kentucky Education and Labor Cabinet, Department of Workplace Standards, Division of Occupational Safety and Health Compliance, at (502) 564-3070, any of the following that occurs as a result of a work-related incident:~~]

[~~(a)~~] [~~Amputation suffered by an employee;~~]

[~~(b)~~] [~~Employee's loss of an eye; or~~]

[~~(c)~~] [~~Hospitalization of an employee, including hospitalization resulting from a heart attack.~~]

[~~(5)~~] [~~The report required pursuant to subsection (4) of this section shall be made within seventy-two (72) hours from when the amputation, loss of an eye, or hospitalization is reported to the employer, the employer's agent, or another employee.~~]

[~~Section 4.~~] [~~If the employer cannot speak with someone in the Frankfort office, the employer shall make the report required pursuant to Section 3 of this administrative regulation to the OSHA toll-free, central telephone number, 1-800-321-OSHA (1-800-321-6742).~~]

JAMIE LINK, Secretary
KIMBERLEE C. PERRY, Commissioner
APPROVED BY AGENCY: July 1, 2025
FILED WITH LRC: July 1, 2025 at 3:42 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held August 21, 2025, at 3:00 pm EDST via Zoom. Public access to the meeting is available at: https://us06web.zoom.us/j/84374411820, or by telephone at (713) 353-0212 or (888) 822-7517 toll free, conference code 194378. 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 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, 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: Robin Maples, OSH Standards Specialist, Education and Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email robin.maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Robin Maples
(1) Provide a brief summary of:
(a) What this administrative regulation does: Section 1 of this administrative regulation defines terms not found in the federal standard. Section 2 requires employers to comply with the requirements of 29 C.F.R. Part 1904, Recording and Reporting Occupational Injuries and Illnesses.
(b) The necessity of this administrative regulation: This emergency regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute (KRS) 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health ("OSH") Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation complies and conforms with the authorizing statutes.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This emergency amendment requires employers comply with 29 C.F.R. Part 1904, Recording and Reporting Occupational

Injuries and Illnesses.
(b) The necessity of the amendment to this administrative regulation: It is necessary to promulgate this emergency regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements. The Education and Labor Cabinet must promulgate this administrative to ensure the state is at least as effective as the federal requirement. This administrative regulation ensures Kentucky's compliance with the federal mandates, maintains Kentucky's primacy, and retains federal funding.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation complies and conforms with the authorizing statutes.
(d) How the amendment will assist in the effective administration of the statutes: This amendment complies with the amendment to KRS 338.062 and keeps the state program consistent with the federal program.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all employers in the Commonwealth covered by KRS Chapter 338.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are imposed and no immediate action is required.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to the OSH Program to implement this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment complies with the amendment to KRS 338.062 and ensures the state requirement is as effective as the federal program.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no cost to the OSH Program to implement this administrative regulation.
(b) On a continuing basis: There are no new costs associated with this regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal funding.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is neither an increase in fees nor an increase in funding necessary to implement this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.
(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation imposes no new direct cost burden on employers and does not require them to take any action to comply.
(b) Methodology and resources used to reach this conclusion: Not

applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not a have a "major economic impact" as defined by KRS 13A.010(13).
(b) The methodology and resources used to reach this conclusion: Not applicable.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i).
(2) State compliance standards. The Kentucky OSH Program is mandated to be at least as effective as the federal requirement. This regulation is equivalent.
(3) Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i).
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This amendment does not impose stricter requirements.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

STATEMENT OF EMERGENCY
803 KAR 2:241E.

It is necessary to promulgate this emergency regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements.

ANDY BESHEAR, Governor
JAMIE LINK, Chair

EDUCATION AND LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(Emergency Repealer)

803 KAR 2:241E. Repeal of 803 KAR 2:240.

EFFECTIVE: July 1, 2025
RELATES TO: KRS 338.121(3)(b)
STATUTORY AUTHORITY: KRS 338.051, 338.061
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. This administrative regulation repeals 803 KAR 2:240.

Section 1. 803 KAR 2:240, Time for filing discrimination complaint, is hereby repealed.

JAMIE LINK, Board Chair
APPROVED BY AGENCY: July 1, 2025
FILED WITH LRC: July 1, 2025 at 3:42 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held August 21, 2025, at 3:00 pm EDST. The meeting will be conducted by live videoconference (ZOOM). Public access to the meeting will be available at: https://us06web.zoom.us/j/84374411820, or by telephone at (713) 353-0212 or (888) 822-7517 toll free, conference code 194378. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days 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 emergency 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 attend the public hearing, you may submit written comments on the proposed emergency administrative regulation. Written comments shall be accepted through August 31, 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: Robin Maples, Occupational Safety and Health ("OSH") Standards Specialist, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 779-8326, email Robin.Maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Robin Maples
(1) Provide a brief summary of:
(a) What this administrative regulation does: Section 1 of this administrative regulation repeals 803 KAR 2:240 related to the time allowed to file an occupational safety and health discrimination complaint.
(b) The necessity of this administrative regulation: This emergency regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute (KRS) 338.121, effective June 27, 2025.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation repeals 803 KAR 2:240.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Not applicable.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable; this is not an amendment.
(b) The necessity of the amendment to this administrative regulation: Not applicable; this is not an amendment.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable; this is not an amendment.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable; this is not an amendment.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This repeal affects all employers engaged in the Commonwealth covered by KRS Chapter 338.
(4) Provide an analysis of how the entities identified in question (3) will

be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are imposed and no immediate action is required.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to the OSH Program to implement this repeal.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There are no compliance requirements associated with this repeal.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no cost to the OSH Program to implement this repeal.
(b) On a continuing basis: There are no new costs associated with this repeal.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is neither an increase in fees nor an increase in funding necessary to implement this repeal.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This repeal neither establishes any fees nor directly or indirectly increases any fees.
(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This repeal affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This repeal affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This repeal imposes no new direct cost burden on employers and does not require them to take any action to comply.
(b) Methodology and resources used to reach this conclusion: Not applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This repeal will not a have a "major economic impact" as defined by KRS 13A.010(13).
(b) The methodology and resources used to reach this conclusion: Not applicable.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025.
(2) State compliance standards. This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025.
(3) Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.5(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This repeal of this regulation does not impose stricter requirements.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

STATEMENT OF EMERGENCY
803 KAR 2:250E.

This emergency administrative regulation amends 803 KAR 2:250, Discrimination. This amendment requires employers to comply with 29 C.F.R. Part 1977, Discrimination Against Employees Exercising Rights Under the Williams Steiger Occupational Safety and Health Act of 1970. It is necessary to promulgate this emergency regulation. pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute ("KRS") 338.121, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health ("OSH") Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), 29

C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3, which all require Kentucky OSH regulations to be as effective as the federal requirements. This emergency administrative regulation shall be replaced by an ordinary administrative regulation, which is being filed simultaneously with the Regulations Compiler. The ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
JAMIE LINK, Chair

EDUCATION AND LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(Emergency Amendment)

803 KAR 2:250E. Discrimination.

EFFECTIVE: July 1, 2025
RELATES TO: KRS 338.015, 338.071, 338.121, 338.141, 338.991
STATUTORY AUTHORITY: KRS 338.051, 338.061
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. This administrative regulation establishes the procedure for discrimination complaints pursuant to KRS 338.121.

Section 1. Definitions.
(1) "Commissioner" is defined by KRS 338.015(7).
(2) "Complainant" means any person who makes a "complaint" as defined by subsection (3) of this section.
(3) "Complaint" means any oral or written communication related to an occupational safety and health concern made by an employee to an employer, governmental agency, or made to the commissioner or the commissioner's designee.
(4) "Review commission" is defined by KRS 338.015(8).
(5) "Secretary" is defined by KRS 338.015(12).
(6) "Working days" means Monday through Friday and does not include Saturday, Sunday, federal, or state holidays, and the day of receipt of notice.

Section 2. Complaint.
(1) An employee or former employee may file an oral or written complaint with the commissioner or commissioner's designee alleging discrimination.
(2) A complaint shall be filed no more than thirty (30)[~~120~~] days from the occurrence of the alleged discriminatory activity.
(3) A complaint shall provide the name and address of the complainant, name and address of employer, date, and description of alleged discrimination.
(4) The commissioner or commissioner's designee shall provide the employer notification of the complaint upon initiation of an investigation.

Section 3. Settlement.
(1) Settlement shall be encouraged at any stage of the proceedings if the settlement is consistent with KRS Chapter 338.
(2) Primary consideration shall be the reinstatement of a complainant to his or her former position with back pay and assurance of the future protection of the rights of all employees pursuant to KRS Chapter 338.

Section 4. Withdrawal of Complaint to the Commissioner.
(1) A request by the complainant to withdraw a complaint filed with the commissioner shall be given careful consideration and substantial weight.
(2) The commissioner or commissioner's designee shall make the final determination if a complaint and subsequent investigation will be withdrawn and terminated.

Section 5. Arbitration or Other Agency Proceedings.
(1) A complainant may pursue grievance arbitration proceedings in collective bargaining agreements while requesting relief from other agencies such as the National Labor Relations Board.
(2) The commissioner's jurisdiction to receive KRS 338.121(3) complaints, to investigate, and to determine if discrimination occurred shall be independent of the jurisdiction of other agencies or bodies.
(3) The commissioner or commissioner's designee may investigate and issue citations against any party found in violation regardless of the pendency or determination of other proceedings.
(4) If a complainant is pursuing remedies other than those established by KRS 338.121, the commissioner's determination shall be postponed.

Section 6.
(1) Investigation.
(a) Upon receipt of a complaint, the commissioner or commissioner's designee may[~~shall~~] initiate an investigation.
(b) The investigation shall be completed and the commissioner's determination issued within ninety (90) days, absent extenuating circumstances.
(2) Citation.
(a) If the commissioner finds a violation of KRS 338.121, he or she shall issue a citation, with delivery or receipt confirmation, and recommend a penalty pursuant to KRS 338.991.
(b) The citation shall include a determination by the commissioner as to the merits of the alleged violation.
(c) The commissioner or commissioner's designee shall provide notice of the determination to all affected parties.
(d) The citation shall state that it shall be deemed the final order of the review commission and not subject to review by any court or agency, as established by KRS 338.141, unless, within fifteen (15) working days from the date of receipt of the notice, the employer notifies the commissioner in writing that the employer intends to contest the citation before the review commission.
(e) The commissioner shall immediately transmit a notice to contest to the review commission in accordance with the rules of procedure prescribed by the commission in accordance with KRS 338.071.
(3) Penalty.
(a) The commissioner shall determine the amount of a proposed penalty, based on the appropriateness of the penalty with respect to the:
1. Size of the business of the employer being charged,
2. Gravity of the violation,
3. Good faith of the employer, and
4. History of previous violations.
(b) Penalties shall be proposed with respect to an alleged discriminatory act even if the employer immediately abates, or initiates steps to abate, the alleged violation.
(4)
(a) If the commissioner determines there has not been discriminatory action, the complainant shall be notified of his or her rights of review.
(b)
1. The complainant may petition the secretary for a review of the determination.
2. The petition shall be in writing and state reasons why the review is requested.
(c) The secretary shall affirm the determination or remand it to the commissioner for further investigation.

JAMIE LINK, Chair
APPROVED BY AGENCY: July 1, 2025
FILED WITH LRC: July 1, 2025 at 3:42 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held August 21, 2025, at 3:00 pm EDST via Zoom. Public access to the meeting is at: https://us06web.zoom.us/j/84374411820, or by telephone at (713) 353-0212 or (888) 822-7517 toll free, conference code 194378. 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 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 emergency administrative regulation. Written comments shall be accepted through August 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed emergency administrative regulation to the contact person.

CONTACT PERSON: Robin Maples, OSH Standards Specialist, Education and Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email robin.maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Robin Maples
(1) Provide a brief summary of:
(a) What this administrative regulation does: Section 1 of this emergency administrative regulation defines terms. Section 2 amends complaint language. Section 6 updates language regarding the obligation to investigate a complaint. All other sections are unchanged.
(b) The necessity of this administrative regulation: This emergency regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute ("KRS") 338.121, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health ("OSH") Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3, which all require Kentucky OSH regulations to be as effective as the federal requirements. This emergency regulation is equivalent.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1) and 29 C.F.R. 1977.3, which all require the Kentucky OSH Program to be as effective as OSHA. This emergency regulation complies and conforms with the authorizing statutes.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025, ensures the state requirement is as effective as the federal requirement, and meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3, which all require Kentucky OSH regulations to be as effective as the federal requirements.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment complies with House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025.
(b) The necessity of the amendment to this administrative regulation: Kentucky operates a State Plan approved by OSHA that provides employee OSH protections. OSHA approves, monitors, and provides funding to Kentucky. It is necessary to promulgate this emergency regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3, which all require the Kentucky OSH Program to be as effective as OSHA. The Education and Labor Cabinet must promulgate this emergency administrative to ensure the state is at least as effective as the federal requirement. This emergency administrative regulation ensures Kentucky's compliance with the federal mandates, maintains Kentucky's primacy, and retains federal funding.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 338.061 authorizes the Kentucky OSH Standards Board to adopt, modify, or repeal OSH administrative regulations. This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3, which all require the Kentucky OSH Program to be as effective as OSHA. This emergency regulation complies and conforms with the authorizing statutes.
(d) How the amendment will assist in the effective administration of the statutes: This amendment complies with the amendment to KRS 338.121 and keeps the state program consistent with the federal program.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This emergency administrative regulation affects all employers in the Commonwealth covered by KRS Chapter 338.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are imposed and no immediate action is required.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to the OSH Program to implement this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment complies with the amendment to KRS 338.121 and ensures the state requirement is as effective as the federal program.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no cost to the OSH Program to implement this emergency administrative regulation.

(b) On a continuing basis: There are no new costs associated with this emergency regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal funding.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is neither an increase in fees nor an increase in funding necessary to implement this emergency administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This emergency administrative regulation neither establishes any fees nor directly or indirectly increases any fees.
(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This emergency administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation imposes no new direct cost burden on employers and does not require them to take any action to comply.
(b) Methodology and resources used to reach this conclusion: Not applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not a have a "major economic impact" as defined by KRS 13A.010(13).
(b) The methodology and resources used to reach this conclusion: Not applicable.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.5(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3.
(2) State compliance standards. The Kentucky OSH Program is mandated to be at least as effective as the federal requirement. This regulation is equivalent.
(3) Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.5(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This amendment does not impose stricter requirements.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

STATEMENT OF EMERGENCY
803 KAR 2:260E.

This emergency regulation is promulgated to prevent a loss of state funds that are at risk pursuant to KRS 338.091, and to meet the mandate for its promulgation established by the statute. More specifically, this administrative regulation is filed on an emergency basis to ensure: (1) that a fully functioning appeal procedure for actual legal expenses is established in accordance with the effective date of House Bill 398 (2025 Regular Session), pursuant to the mandate established in KRS 338.091: and (2) state funds are protected. The Department of Workplace Standards therefore seeks to implement an appeal procedure for actual legal expenses on an emergency basis, in order to comply with the above-referenced statutory requirement.
This emergency regulation will be replaced by an ordinary

administrative regulation at this time. The ordinary amendment to the existing administrative regulation is identical to this emergency amendment.

ANDY BESHEAR, Governor
JAMIE LINK, Chair

EDUCATION AND LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(New Emergency Administrative Regulation)

803 KAR 2:260E. Appeal procedure.

EFFECTIVE: July 1, 2025
RELATES TO: KRS 338.091
STATUTORY AUTHORITY: KRS 338.051, 338.091
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: On Appeal, the Franklin Circuit Court may award actual expenses incurred, including court costs and attorney's fees, against the department. An eligible party may receive an award when it prevails over the commissioner of the department of workplace standards, unless the commissioner's position in the proceeding was substantially justified or special circumstances make an award unjust. Alternatively, an eligible party, even if not a prevailing party, may receive an award under KRS 338.091 when it successfully defends against an excessive demand made by the commissioner.

Section 1. Definitions.
(1) "Commissioner" is defined by KRS 338.0125(7).
(2) "Fees and other expenses" means reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the court to be necessary for the preparation of the party's case, and reasonable attorney fees. The amount of fees awarded under this subsection shall be based upon prevailing market rates for the kind and quality of the services furnished, except that:
(a) No expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the Commissioner; and
(b) Attorney fees shall not be awarded in excess of $125 per hour unless the Franklin Circuit Court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.
(3) "Small business" is defined as
(a) An individual whose net worth did not exceed $2,000,000 at the time the adversary adjudication was initiated; or
(b) Any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed $7,000,000 at the time the adversary adjudication was initiated, and which had not more than 500 employees at the time the adversary adjudication was initiated; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act, may be a party regardless of the net worth of such organization or cooperative association. For purposes of 5 U.S.C. 504(a)(4), "party" also includes a small entity as defined in 5 U.S.C. 601.
(4) "Small organization" means any not-for-profit enterprise which is independently owned and operated and is not dominant in its field, unless an agency establishes, after opportunity for public comment, one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.
(5) "Small governmental jurisdiction" means governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand, unless an agency establishes, after opportunity for public comment, one or more definitions of such term which are appropriate to the activities of the agency and which are based on such factors as location in rural or sparsely populated areas or limited revenues due to the population of such jurisdiction, and publishes such definition(s) in the Federal Register.
(6) "Small entity" shall have the same meaning as the terms "small business", "small organization" and "small governmental jurisdiction" defined in paragraphs (2), (3), and (4) of this section.
(7) "Party" means a party, as defined in 5 U.S.C. 551(3), who is:
(a) An individual whose net worth did not exceed $2,000,000 at the time the adversary adjudication was initiated; or
(b) Any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed $7,000,000 at the time the adversary adjudication was initiated, and which had not more than 500 employees at the time the adversary adjudication was initiated; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act, may be a party regardless of the net worth of such organization or cooperative association. For purposes of 5 U.S.C. 504(a)(4), "party" also includes a small entity as defined in 5 U.S.C. 601.

Section 2. Complaint.
(1) A party seeking an award under KRS 338.091 shall file a complaint with the Franklin Circuit Court within thirty (30) days after the final disposition of the adversary adjudication.
(2) The complaint shall identify the party and the proceeding for which an award is sought. The complaint shall show that the complainant has prevailed and identify the position of the Commissioner that the party alleges was not substantially justified; or, if the party has not prevailed, shall show that the Commissioner's demand was substantially in excess of the decision of the judge or Commission and was unreasonable when compared with that decision under the facts and circumstances of that case. The complaint shall also identify the Commissioner's position(s) in the proceeding that the party alleges was or were not substantially justified or the Commissioner's demand that is alleged to be excessive and unreasonable. Unless the party is an individual, the complaint shall also state the number of employees of the complainant and briefly describe the type and purpose of its organization or business.
(3) The complaint shall also show that the party meets the definition of "party" in 29 C.F.R. 2204.201, including adequate documentation of its net worth, as set forth in 29 C.F.R. 2204.302.
(4) The complaint shall state the amount of fees and expenses for which an award is sought, subject to the requirements and limitations as set forth in 5 U.S.C. 504(b)(1)(A), with adequate documentation as set forth in 29 C.F.R. 2204.303.
(5) The complaint shall be signed by the complainant or an authorized officer, attorney, or agent of the complainant. It shall also contain or be accompanied by a written verification under penalty of perjury that the information provided in the complaint is true and correct.
(6) Each complainant except a qualified tax-exempt organization, cooperative association, or, in the case of a complaint for an award related to an allegedly excessive demand by the Commissioner, a small entity as that term is defined by 5 U.S.C. 601(6), shall provide with its complaint a detailed exhibit showing the net worth of the complainant as required by 29 C.F.R. 2204.301(c) when the proceeding was initiated. The exhibit may be in any form convenient to the complainant that provides full disclosure of the complainant's assets and liabilities and is sufficient to determine whether the complainant qualifies as a party as defined in 29 C.F.R. 2204.201. The Franklin Circuit Court may require a complainant to file additional information to determine its eligibility for an award.
(7) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, a complainant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may request that the documents be filed under seal or otherwise be

treated as confidential, pursuant to 29 C.F.R. 2200.8 and 29 C.F.R. 2200.52.

(8) The complaint shall be accompanied by adequate documentation of the fees and other expenses incurred after the initiation of the adversary adjudication, including, but not limited to, the reasonable cost of any study, analysis, engineering report, test, or project. A complaint seeking an increase in fees to account for inflation pursuant to 29 C.F.R. 2200.406 shall also include adequate documentation of the change in the consumer price index for the attorney or agent's locality. With respect to a claim for fees and expenses involving an excessive demand by the Commissioner, the complaint shall be accompanied by adequate documentation of such fees and expenses incurred after initiation of the adversary adjudication for which an award is sought attributable to the portion of the demand alleged to be excessive and unreasonable. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the complaint, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the complainant or by any other person or entity for the services provided. The Franklin Circuit Court may require the complainant to provide vouchers, receipts, or other substantiation for any fees or expenses claimed.

(9) Any complaint for an award, or any accompanying documentation related to a complaint shall be filed and served on all parties to the proceeding in accordance with 29 C.F.R. 2200.7 and 29 C.F.R. 2200.8 except as provided in 29 C.F.R. 2204.302(b) for confidential financial information.

(10) Within twenty (20) days after service of a complaint, the Commissioner shall file an answer to the complaint. Unless the Commissioner requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the twenty (20) day period may be treated as a consent to the award requested.

(11) If the Commissioner and the complainant believe that the issues in the fee complaint can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional thirty (30) days, and further extensions may be granted by the Franklin Circuit Court upon request.

(12) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the Commissioner's position. If the answer is based on any alleged facts not already in the record of the proceeding, the Secretary shall include with the answer either supporting affidavits or a request for further proceedings under 29 C.F.R. 2204.405.

(13) Within fifteen (15) days after service of an answer, the complainant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the complainant shall include with the reply either supporting affidavits or a request for further proceedings under 29 C.F.R. 2204.405.

JAMIE LINK, Secretary

APPROVED BY AGENCY: July 1, 2025

FILED WITH LRC: July 1, 2025 at 3:42 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held August 21, 2025, at 3:00 p.m. EDST via Zoom. Public access to the meeting is available at: https://us06web.zoom.us/j/84374411820, or by telephone at (713) 353-0212 or (888) 822-7517 toll free, conference code 194378. 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 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, 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: Jason H. Hernandez, OSH, General Counsel Education and Labor Cabinet Division of Legal Services, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 782-4466, fax (502) 564-4769, email jason.hernandez@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jason H. Hernandez

(1) Provide a brief summary of:

(a) What this administrative regulation does: Section 1 and Section 2 of this emergency administrative regulation imposes a new direct cost on OSH by allowing employers to appeal to Franklin Circuit Court for attorney's fees and other associated costs.

(b) The necessity of this administrative regulation: This emergency regulation is necessary to meet the requirements established KRS 338.091.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. This emergency administrative regulation is necessary to meet the requirements established in KRS 338.091. This emergency regulation complies and conforms with the authorizing statutes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation is necessary to meet the requirements established in KRS 338.091.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all employers in the Commonwealth engaged in activities covered by KRS Chapter 338.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are imposed, and no immediate action is required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is risk of unknown additional cost to the OSH Program to implement this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation authorizes an employer to appeal to Franklin Circuit Court for attorney's fees and court costs against the OSH Program within the procedural parameters of the Equal Access to Justice Act, 28 U.S.C. sec. 2412.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is an unknown cost to the OSH Program to implement this administrative regulation.

(b) On a continuing basis: There are unknown new costs to the OSH Program associated with this emergency regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is a possible increase in funding necessary to implement this emergency administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes potential unknown fees to the OSH Program.
(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 338.051, 338.091.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This emergency administrative regulation is expressly authorized by an act of the General Assembly.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This emergency administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: Unknown
For subsequent years: Unknown
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and:
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This emergency administrative regulation imposes an unknown cost burden on OSH.
(b) Methodology and resources used to reach this conclusion: Equal Access to Justice Act, 28 U.S.C. sec. 2412.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This emergency administrative regulation will have a "major eco-nomic impact" as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: This emergency administrative regulation imposes a new direct cost burden on OSH by allowing employers to appeal to Franklin Circuit Court for attorney's fees.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. N/A
(2) State compliance standards. N/A
(3) Minimum or uniform standards contained in the federal mandate. N/A
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This emergency regulation does not impose stricter requirements.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

STATEMENT OF EMERGENCY
803 KAR 2:310E.

This emergency amendment to an existing administrative regulation amends 803 KAR 2:310, First Aid. This amendment requires employers to comply with 29 C.F.R. Part 1910, Subpart K, Medical and First Aid.
It is necessary to promulgate this emergency amendment to an existing regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute ("KRS") 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health ("OSH") Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require Kentucky OSH regulations to be as effective as the federal requirements.
This emergency amendment to an existing administrative regulation shall be replaced by an ordinary administrative regulation, which is being filed simultaneously with the Regulations Compiler. The ordinary administrative regulation is identical to this emergency amendment.

ANDY BESHEAR, Governor
JAMIE LINK, Chair

EDUCATION AND LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(Emergency Amendment)

803 KAR 2:310E. Medical services and first aid.

EFFECTIVE: July 1, 2025
RELATES TO: KRS 338
STATUTORY AUTHORITY: KRS 338.051(3), 338.061
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. This administrative regulation establishes medical services and first aid standards that are enforced by the Department of Workplace Standards in general industry.

Section 1. Definitions.
(1) "Employee" is defined by KRS 338.015(2).
(2) "Employer" is defined by KRS 338.015(1).

Section 2. Except as modified by the definitions in Section 1 of this administrative regulation, general industry shall comply with the federal requirements published by the Office of the Federal Register, National Archives and Records Services, General Services Administration; 29 C.F.R. 1910 Subpart K, Medical and First Aid.

[(1)] [The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health.]

[(2)] [Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and adequate first aid supplies shall be readily available.]

[(3)] [Outside salesmen, truck drivers, seasonal labor, and others who, while performing their duties, are away from the premises more than fifty (50) percent of the time shall not be included in determining the number of employees.]

[(4)]

[(a)] [All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid.]

[(b)] [Adequate first aid supplies shall be readily available.]

[Section 3.]

[(1)] [If the eyes or body of any person may be exposed to injurious corrosive material, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.]

[(2)] [The facilities shall comply with the provisions of the ANSI/ISEA Z358.1-2014 "American National Standard for Emergency Eyewash and Shower Equipment", which is incorporated by reference, with the following exceptions:]

[(a)] [In a remote area if a person is visibly or audibly separated from coworkers, an audible or visible alarm shall activate to alert appropriate personnel when the unit is in use, or in the alternative, a two (2) way communication device shall be used.]

[(b)] [The alarm shall continue until the unit is no longer in use.]

[(c)] [A facility shall be tested according to the standard monthly.]

[Section 4.] [Incorporation by reference.]

[(1)] [ANSI/ISEA Z358.1-2014 "American National Standard for Emergency Eyewash and Shower Equipment" is incorporated by reference.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Education and Labor Cabinet, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday 8:00 a.m. to 4:30 p.m. EST. The Labor Cabinet Web site is www.labor.ky.gov.]

[(3)] [The ANSI Web site is www.ansi.org.]

JAMIE LINK, Chair

APPROVED BY AGENCY: July 1, 2025

FILED WITH LRC: July 1, 2025 at 3:42 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held August 21, 2025, at 3:00 pm EDST via Zoom. Public access to the meeting is available at: https://us06web.zoom.us/j/84374411820, or by telephone at (713) 353-0212 or (888) 822-7517 toll free, conference code 194378. 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 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 emergency administrative regulation. Written comments shall be accepted through August 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed emergency administrative regulation to the contact person.

CONTACT PERSON: Robin Maples, OSH Standards Specialist, Education and Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email robin.maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Robin Maples

(1) Provide a brief summary of:

(a) What this administrative regulation does: Section 1 of this emergency administrative regulation defines terms not found in the federal standard. Section 2 requires employers in general industry to comply with the requirements of 29 C.F.R 1910, Subpart K, Medical and First Aid.

(b) The necessity of this administrative regulation: This regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute ("KRS") 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health ("OSH") Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. This regulation complies and conforms with the authorizing statutes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment requires employers in general industry to comply with the requirements of 29 C.F.R 1910, Subpart K, Medical and First Aid.

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes: Kentucky operates a State Plan approved by OSHA that provides employee OSH protections. OSHA approves, monitors, and provides funding to Kentucky. It is necessary to promulgate this regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. This regulation complies and conforms with the authorizing statutes.

(d) How the amendment will assist in the effective administration

of the statutes: This amendment complies with the amendment to KRS 338.062, and ensures the state program is consistent and as effective as the federal program.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This emergency administrative regulation affects all employers in the Commonwealth covered by KRS Chapter 338.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are imposed and no immediate action is required.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to the OSH Program to implement this emergency administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment complies with the amendment to KRS 338.062 and ensures the state program is consistent and as effective as the federal program.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no cost to the OSH Program to implement this emergency administrative regulation.
(b) On a continuing basis: There are no new costs associated with this regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal funding.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is neither an increase in fees nor an increase in funding necessary to implement this emergency administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This emergency administrative regulation neither establishes any fees nor directly or indirectly increases any fees.
(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in KRS 338.051, KRS 338.061, Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This emergency administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This emergency administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This emergency administrative regulation imposes no new direct cost burden on employers and does not require them to take any action to comply.
(b) Methodology and resources used to reach this conclusion: Not applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This emergency administrative regulation will not a have a "major economic impact" as defined by KRS 13A.010(13).
(b) The methodology and resources used to reach this conclusion: Not applicable.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.5(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).
(2) State compliance standards. The Kentucky OSH Program is mandated to be at least as effective as the federal requirement. This regulation is equivalent.
(3) Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.5(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This amendment does not impose stricter requirements.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

STATEMENT OF EMERGENCY
806 KAR 20:030E.

This emergency administrative regulation is being promulgated, as prescribed in KRS 13A.190(1)(a)4., to meet an imminent deadline for the promulgation of an administrative regulation that is established by state law. This emergency administrative regulation will be followed by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.
Senate Bill 136 (SB 136) was enacted during the 2025 legislative session of the Kentucky General Assembly. SB 136 declared an emergency and was enacted without the Governor's signature on March 27, 2025.
SB 136 Section 12 created a new section of KRS Chapter 304 Subtitle 20. SB 136 Section 12(2) reads, "By July 1, 2025, the commissioner shall promulgate an emergency administrative regulation and an ordinary administrative regulation in accordance with KRS Chapter 13A that identifies the nationally accepted used car valuation guides or tools that are available to, and shall be used by, property, casualty, and property and casualty insurers when determining the retail value of a wrecked, destroyed, or damaged motor vehicle under KRS Chapter 186A." This emergency regulation is being promulgated pursuant to the directive of SB 136 Section 12(2).
There are two (2) nationally accepted used car valuation guides that are available to both insurers and the public in general that are used to determine the retail value of a motor vehicle. The two (2) guidelines are Kelley Blue Book and the J.D. Power Values/National Association of Auto Dealers guidelines. Therefore, this emergency administrative regulation mandates that these guidelines are the nationally accepted used car valuation guides that shall be used by property, casualty, and property and casualty insurers when determining the retail value of a wrecked, destroyed, or damaged motor vehicle under KRS Chapter 186A.

SHARON P. CLARK, Commissioner
ANDY BESHEAR, Governor

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Property and Casualty Insurance
(New Emergency Administrative Regulation)

806 KAR 20:030E. Car valuation guides.

EFFECTIVE: June 30, 2025
RELATES TO: KRS 304.20-110
STATUTORY AUTHORITY: KRS 304.20-110
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.20-110 authorizes the commissioner to promulgate an administrative regulation to identify the nationally accepted used car valuation guides or tools to be used when determining the retail value of a wrecked, destroyed, or damaged motor vehicle, under KRS Chapter 186A. This administrative regulation establishes the nationally accepted used car valuation guides or tools to be used when determining the retail value of a wrecked, destroyed, or damaged motor vehicle.

Section 1. Property insurers, casualty insurers, and property and casualty insurers shall use the following car valuation guides when determining the retail value of a wrecked, destroyed, or damaged motor vehicle, under KRS Chapter 186A:
(1) The current version of the Kelley Blue Book, or any successor entity; or
(2) The current version of the J.D. Power Values/National Association of Auto Dealers guidelines, or any successor entity.

SHARON P. CLARK, Commissioner
RAY PERRY, Secretary
APPROVED BY AGENCY: June 23, 2025
FILED WITH LRC: June 30, 2025 at 3 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 a.m. on August 25, 2025, at 500 Mero Street, 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 may be canceled. If held, this hearing will be 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 11:59 p.m. on August 31, 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 below.

CONTACT PERSON: Shaun T. Orme, Executive Advisor, 500 Mero Street, Frankfort, Kentucky 40601, phone +1 (502) 782-1698, fax +1 (502) 564-1453, email shaun.orme@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Shaun T. Orme
(1) Provide a brief summary of:
(a) What this administrative regulation does: 806 KAR 20:030E establishes the nationally accepted used car valuation guides or tools to be used when determining the retail value of a wrecked, destroyed, or damaged motor vehicle, pursuant to KRS Chapter 186A.
(b) The necessity of this administrative regulation: KRS 304.20-110 mandates the Department promulgate regulations that establish the nationally accepted used car valuation guides or tools to be used when determining the retail value of a wrecked, destroyed, or damaged motor vehicle, pursuant to KRS Chapter 186A.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the nationally accepted used car valuation guides or tools to be used when determining the retail value of a wrecked, destroyed, or damaged motor vehicle, pursuant to KRS Chapter 186A.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: 806 KAR 20:030E provides the nationally accepted used car valuation guides or tools to be used by property insurers, casualty insurers, and property and casualty insurers when determining the retail value of a wrecked, destroyed, or damaged motor vehicle, pursuant to KRS Chapter 186A.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: N/A
(b) The necessity of the amendment to this administrative regulation: N/A
(c) How the amendment conforms to the content of the authorizing statutes: N/A
(d) How the amendment will assist in the effective administration of the statutes: N/A
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 806 KAR 20:030E will affect an unknown number insureds whose motor vehicles are wrecked, destroyed, or damaged. The regulation will affect all insurers that issue property, casualty, or property and casualty insurance policies.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment,

including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Insureds will be able to review the enumerated guidelines when they have a wrecked, destroyed, or damaged motor vehicle. Property, casualty, or property and casualty insurers will be required to use the enumerated guidelines when determining the value of an insured's wrecked, destroyed or damaged motor vehicle pursuant to KRS Chapter 186A.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost to comply with the regulation is de minimis.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Insureds will be able to make a valuable determination of their motor vehicle when it is wrecked, destroyed, or damaged. Property, casualty, or property and casualty insurers will have guidelines when determining the value of an insured's wrecked, destroyed or damaged motor vehicle pursuant to KRS Chapter 186A.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This regulation will not cost any amount to implement.
(b) On a continuing basis: This regulation will not cost any amount to implement.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be an increase in fees related to this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees.
(9) TIERING: Is tiering applied? Tiering is not applied as the provisions of this administrative regulation apply to all entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 304.20-110
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 25 RS SB 136
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Insurance is the promulgating agency. The Transportation Cabinet will be affected when issuing salvage titles, pursuant to KRS Chapter 186A.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $0.00
For subsequent years: $0.00
2. Revenues:
For the first year: $0.00
For subsequent years: $0.00
3. Cost Savings:
For the first year: $0.00
For subsequent years: $0.00
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will have no impact on the expenditures and revenues of any state or local agencies.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: $0.00
For subsequent years: $0.00
2. Revenues:
For the first year: $0.00
For subsequent years: $0.00
3. Cost Savings:
For the first year: $0.00
For subsequent years: $0.00
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: $0.00
For subsequent years: $0.00
2. Revenues:
For the first year: $0.00
For subsequent years: $0.00
3. Cost Savings:
For the first year: $0.00
For subsequent years: $0.00
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation does not have a fiscal impact.
(b) Methodology and resources used to reach this conclusion: N/A.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a "major economic impact."
(b) The methodology and resources used to reach this conclusion: N/A.

AMENDED IN-PROCESS EMERGENCY ADMINISTRATIVE REGULATIONS

NOTE: Pursuant to KRS 13A.190, emergency regulations expire after 270 days (or 270 days plus the number of days an accompanying ordinary is extended) or upon replacement by an ordinary regulation, whichever occurs first. Other statutes or legislation may affect a regulation's actual end date.

NONE

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

AGRICULTURAL EXPERIMENT STATION
(As Amended at ARRS, July 14, 2025)

12 KAR 1:134. *Seed* tags available for purchase from the director.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111
STATUTORY AUTHORITY: KRS 250.081
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)8 requires the director to ***promulgate an administrative regulation to*** establish charges for ***labels (tags)***[~~***tags***~~] purchased from the director. This administrative regulation ***establishes the charges for seed tags purchased from the director***[~~***satisfies that statutory mandate by establishing those charges***~~].

Section 1. Tags may be obtained from the Division of Regulatory Services, Martin-Gatton College of Agriculture Food and Environment, University of Kentucky. Charges shall be as indicated below:

Bag Weight Charge (dollars)
1 pound to 25 pounds***,*** 0.08 ***dollars***
Greater than 25 pounds to 100 pounds***,*** 0.12 ***dollars***

Section 2. If tags are purchased for containers weighing over 100 pounds or for seed in bulk, the number of tags purchased shall be identical to the number ***that***[~~***which***~~] would have been purchased if the seed had been in 100-pound containers.

Section 3. The following information shall be provided to the Division of Regulatory Services in order to purchase tags:
(1) Lot;
(2) Seedsman;
(3) Address;
(4) Kind;
(5) Variety;
(6) Pure Seed;
(7) Inert Matter;
(8) Crop Seed;
(9) Weed Seed;
(10) Germination;
(11) Hard Seed;
(12) Date of Test;
(13) Weight; and
(14) Origin.

FILED WITH LRC: July 14, 2025 at 3 p.m.

CONTACT PERSON: Stephen McMurry, Executive Director, Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275, phone 859-257-2785, fax 859-323-9931.

AGRICULTURAL EXPERIMENT STATION
(As Amended at ARRS, July 14, 2025)

12 KAR 1:144. Registration of agricultural seed dealers, noncertified custom seed conditioners, certified seed growers, and certified seed conditioners.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111
STATUTORY AUTHORITY: KRS 250.051(2), (3), (4), 250.081(1)(c)9
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.051(2) and (3) and 250.081(1)(c)9 require the director to ***promulgate an administrative regulation to establish***[~~***prescribe***~~] the procedures whereby agricultural seed dealers, noncertified custom seed conditioners, certified seed growers, and certified seed conditioners ***to*** register with the director. This administrative regulation ***establishes***[~~***satisfies that statutory mandate by creating***~~] a framework for ***the*** registration ***of agricultural seed dealers, noncertified custom seed conditioners, certified seed growers, and certified seed conditioners***.

Section 1. Definition. "Agricultural seed dealer" means a person who distributes agricultural seed in containers of forty (40) pounds or more ***for***[~~***at***~~] retail.

Section 2.
(1) Agricultural seed dealers shall register using Form RS-68-03[~~***(6/13)***~~], Agricultural Seed Dealer Registration.
(2) In accordance with KRS 250.051(4), a twenty-five (25) dollar registration fee shall accompany the submitted application form.

Section 3.
(1) Noncertified custom seed conditioners shall register using Form RS-68-04[~~***(6/13)***~~], Noncertified Custom Seed Conditioner Registration.
(2) In accordance with KRS 250.051(4), a twenty-five (25) dollar registration fee shall accompany the submitted application form.

Section 4. Registration of certified seed growers and certified seed conditioners shall be accomplished by an exchange of records between the Kentucky Seed Improvement Association and the Division of Regulatory Services.

Section 5. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) [~~***Form RS-68-03, 6/13,***~~]"Agricultural Seed Dealer Registration"***, Form RS-68-03, 6/13***; and
(b) [~~***Form RS-68-04, 6/13,***~~]"Noncertified Custom Seed Conditioner Registration***, Form RS-68-04, 6/13***.[~~***"***~~]
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m., https://www.rs.uky.edu/regulatory/seed/forms.php.

FILED WITH LRC: July 14, 2025 at 3 p.m.

CONTACT PERSON: Stephen McMurry, Executive Director, Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275, phone 859-257-2785, fax 859-323-9931.

AGRICULTURAL EXPERIMENT STATION
(As Amended at ARRS, July 14, 2025)

12 KAR 1:149. Stop sale orders.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111
STATUTORY AUTHORITY: KRS 250.081
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(2)(d) authorizes the director to ***promulgate an administrative regulation to establish procedures related to stop sale orders***[~~***issue and enforce a stop sale order***~~] for seed in violation of KRS 250.021 to 250.111 or 12 KAR Chapter 1. This administrative regulation establishes procedures to obtain the release of a stop sale order.

Section 1. A stop sale order shall be released if:
(1) The deficiencies for which the stop sale order was issued have been corrected; and
(2) The person who was issued the stop sale order makes a request:
(a) In writing;[~~***or***~~]
(b) By email; or
(c) By phone and follows it with a written request.

FILED WITH LRC: July 14, 2025 at 3 p.m.

CONTACT PERSON: Stephen McMurry, Executive Director, Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275, phone 859-257-2785, fax 859-323-9931.

AGRICULTURAL EXPERIMENT STATION
(As Amended at ARRS, July 14, 2025)

12 KAR 1:164. Germination standards for vegetable seed.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111
STATUTORY AUTHORITY: KRS 250.081
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)9 requires the director to ***promulgate***[~~***prescribe***~~] administrative regulations governing topics that are necessary to secure the efficient enforcement of KRS 250.021 to 250.111. This administrative regulation establishes germination standards for vegetable seed.

Section 1. Germination standards for vegetable and herb seed listed in this section shall be as follows:

Kind	Percent
Anise	50
Artichoke	60
Asparagus	70
Asparagus Bean	75
Basil, Sweet	70
Bean, Garden	70
Bean, Lima	70
Bean, Runner	75
Beet	65
Broadbean	75
Broccoli	75
Brussels Sprouts	70
Burdock, Great	60
Cabbage	75
Cabbage, Tronchuda	70
Cantaloupe (see ***muskmelon***[~~***Musk- melon***~~])	
Caraway	55
Cardoon	60
Carrot	55
Cauliflower	75
Celeraic	55
Celery	55
Chard, Swiss	65
Chervil, Salad	65
Chicory	65
Chinese Cabbage	75
Chives	50
Citron	65
Collards	80
Coriander	70
Corn, Pop	75
Corn, Sweet	75
Cornsalad	70
Cowpea	75
Cress, Garden	75
Cress, Upland	60
Cress, Water	40
Cucumber	80
Dandelion	60
Dill	60
Eggplant	60
Endive	70
Fennel, Florence	60
Fennel, Sweet	50
Kale	75
Kale, Chinese	75
Kale, Siberian	75
Kohlrabi	75
Leek	60
Lettuce	80
Marjoram, Sweet	50
Muskmelon	75
Mustard	75
Mustard, Spinach	75
Okra	50
Onion	70
Onion, Welsh	70
Oregano	60
Pak-Choi	75
Parsley	60

Parsnip	60
Pea	80
Peanut	60
Pepper	55
Pumpkin	75
Radish	75
Rhubarb	60
Roquette	60
Rosemary	30
Rutabaga	75
Sage	60
Salsify	75
Savory, Summer	55
Sorrel	65
Soybean	75
Spinach	60
Spinach, New Zealand	40
Squash	75
Thyme	50
Tomato	75
Tomato, Husk	50
Turnip	80
Watermelon	70

Section 2. The germination standard for all other vegetable and herb seed for which standards have not been established in Section 1 of this administrative regulation shall be fifty (50) percent.

FILED WITH LRC: July 14, 2025 at 3 p.m.

CONTACT PERSON: Stephen McMurry, Executive Director, Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275, phone 859-257-2785, fax 859-323-9931.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

OFFICE OF THE GOVERNOR
Department of Veterans Affairs
Office of Kentucky Veterans Centers
(As Amended at ARRS, July 14, 2025)

17 KAR 3:042. Eligibility requirements *for*[~~*to*~~] state veterans' nursing homes.

RELATES TO: KRS 40.320, 40.325[~~*, 38 U.S.C. 1745(a)*~~]
STATUTORY AUTHORITY: KRS 40.325***(3)***[~~*(2)*~~]
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.320 authorizes ***the establishment of*** state veterans' nursing homes. KRS 40.325***(3)***[~~*(2)*~~] authorizes the Department of Veterans' Affairs to promulgate any administrative regulations necessary to operate the homes in compliance with applicable state and federal statutes and regulations. This administrative regulation establishes the eligibility requirements [***and monthly charges***]for admission into state veterans' nursing homes.

Section 1. Eligibility Requirements.
(1) Except as provided in subsection (2) of this section, to be admitted to a Kentucky Veterans' Center, ***a***[~~*the*~~] person shall:
(a) Be a veteran;
(b) Be disabled by reason of disease, wounds, ***or*** age, or otherwise be in need of nursing care;
(c) Be a Kentucky resident as of the date of admission to a Kentucky Veterans' Center; and
(d) Have a military discharge that is not of a dishonorable nature.
(2) A person shall not be eligible for admission if the person[~~:~~]
[~~**(a)**~~] [~~**Has been diagnosed by a qualified health care professional as acutely mentally ill, as an acute alcoholic, as addicted to drugs, as continuously disruptive, or as dangerous to self or others;**~~]
[~~**(b)**~~] [~~**Is ventilator dependent; or**~~]
[~~**(c)**~~] has needs that cannot be met by the Veterans' Center.

FILED WITH LRC: July 14, 2025 at 3 p.m.

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COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pensions Authority
(As Amended at ARRS, July 14, 2025)

105 KAR 1:200. Retirement procedures[~~ and forms~~].

RELATES TO: KRS 16.505-16.652, 61.505, 61.510-61.705, 78.510-78.852[~~16.576, 16.577, 16.645, 61.590, 61.595, 61.623, 61.637, 61.680, 61.705, 78.545, 26 U.S.C. 401(a), 26 C.F.R. 1.401-1, 1.401(a)-1~~]
STATUTORY AUTHORITY: KRS 61.505(1)(g), 61.590(1), 78.545[~~61.645(9)(e)~~]
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority[~~KRS 61.645(9)(e) requires the Board of Trustees of Kentucky Retirement Systems~~] to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505, 61.510 to 61.705,[~~16.505 to 16.652,~~] and 78.510 to 78.852. KRS 61.590(1) and 78.545 require[~~requires~~] that all forms and information[~~a member or beneficiary eligible to receive retirement benefits have on file at the retirement office each form~~] required by the board are on file to receive retirement benefits. This administrative regulation establishes the procedures and forms required to apply[~~for application~~] for and receive[~~receipt of~~] retirement benefits[~~by members of the Kentucky Retirement Systems~~].

Section 1. Definitions.
(1) "Applicant" means a participant who has:
(a) Applied or is applying for retirement in accordance with KRS 61.590 and 78.545; or
(b) Been approved for retirement but has not yet received a retirement allowance.
(2) "Disability retirement" means a retirement allowance a member is eligible to receive based on an incapacity as established in KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, and 78.5524.

(3) "Early Retirement date" means a retirement date prior to a member's normal retirement date that is not a disability retirement.

(4) "Effective retirement date" means the date upon which a member's service retirement allowance or disability retirement allowance began or will begin, which ***might***[***may***] be a different date than the date the payments are initiated.

(5) "Service retirement" means a retirement allowance a participant is eligible to receive as prescribed by KRS 16.576, 16.577, 16.583***(6)***, 61.559, 61.595(2), 61.597(6), 78.5510(2) through (3), 78.5512(6), 78.5514, and 78.5516***(6)***.

(6) "Termination Date" means the date ***on***[***in***] which the member has ceased or will cease his or her employment relationship with all participating employers.

(7) "Unsubstantiated service" means:

(a) For school board employees, ***that:***

1. The actual days worked ***averaged or is expected to***[***averages, or appears will***] average[,] less than eighty (80) hours per month in a fiscal year;[,] or

2. Service is incomplete; or

(b) For non-school board employees, ***that:***

1. The actual worked time ***averaged or is expected to***[***averages, or appears will***] average[,] less than 100 hours per month in a fiscal or calendar year;[,] or

2. Service is incomplete.

Section 2. [***Form 6000. The use of the Form 6000, Notification of Retirement, in this administrative regulation, is incorporated by reference in 105 KAR 1:202.***]

[***Section 3.***] Retirement Eligibility Requirements.

(1) Service retirement eligibility shall be determined in accordance with:

(a) ***For applicants with a participation date prior to September 1, 2008,*** KRS 16.576(1)(a), ***16.577,*** 61.559(1) and (2), 61.592(4), 78.5510(2), and 78.5514(2)[***- for applicants with a participation date prior to September 1, 2008***];

(b) ***For applicants with a participation date on or after September 1, 2008, but prior to January 1, 2014,*** KRS 16.576(1)(b), ***16.577,*** 61.559(3), 61.592(4), 78.5510(3), and 78.5514(3)[***- for applicants with a participation date on or after September 1, 2008, but prior to January 1, 2014***]; and

(c) ***For applicants with a participation date on or after January 1, 2014,*** KRS 16.583(6), 61.592(4), 61.597(6), 78.5512(6), and 78.5516(6)[***- for applicants with a participation date on or after January 1, 2014***].

(2) Disability retirement eligibility shall be determined in accordance with KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, 78.5524, and 105 KAR 1:210.

Section 3.[***Section 4.***] Application for Retirement.

(1)

[(a)] The applicant[member] shall file[submit] a valid Form 6000, Notification of Retirement, ***incorporated by reference in 105 KAR 1:202,***[to the retirement systems] no earlier than six (6) months prior to his or her[the member's] desired effective retirement date.

(2)

(a) The agency[retirement systems] shall not process an invalid Form 6000, Notification of Retirement. The Form 6000 shall be invalid if it:

1. Is incomplete;

2. Does not include all indicated required documentation;

3. Is not signed by the applicant and a spouse or other witness on the indicated place in the Certification of Bona Fide Separation from Service and Notification of Retirement Section ***unless submitted through the Self-service website with a PIN***; ***or***[***and***]

4. [***It***]Is not signed by the applicant and a witness on the indicated place in the Member's Statement of Disability section if the applicant is applying for disability retirement ***unless submitted through the Self-service website with a PIN***.

(b) If the agency finds the[member submits a] Form 6000 to be invalid, ***the agency***[***it***] shall provide notification to the applicant[, Notification of Retirement, that is incomplete or is incorrect, the retirement systems shall find the Form 6000, Notification of Retirement, to be invalid and shall notify the member] of the actions necessary for completion or correction.

[(b)] [The retirement systems shall not process a Form 6000, Notification of Retirement, until the member certifies on the Form 6000 that there is no prearranged agreement for reemployment with a participating employer after the member's initial retirement date as required by KRS 61.637, 26 U.S.C. 401(a), 26 C.F.R. 1.401-1, and 1.401(a)-1.]

[(2)] [The member shall designate the beneficiary of the member's retirement allowance on the Form 6000, Notification of Retirement.]

(3) [The Form 6000, Notification of Retirement, shall be dated and the member's signature shall be witnessed.]

[(4)(a)] If the applicant indicates[The member shall designate] on the Form 6000, Notification of Retirement, that he or she[all other state administered retirement systems from which the member] is simultaneously retiring with reciprocity[,][.]

[(b)] and he or she[If the member] fails to retire from all state administered retirement systems indicated on the Form 6000**,** either simultaneously or with an effective retirement date within one (1) month of the applicant's[member's] effective retirement date with the systems[in the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System], the applicant[member] shall not be eligible to retire with reciprocity[after the member's effective retirement date].

(4)[(5)]

(a) [The member may designate a federal tax withholding preference on the Form 6000, Notification of Retirement.]

[(b)] If the applicant[member] fails to designate a federal tax withholding preference, the agency[retirement systems] shall withhold federal tax based on the default withholding provided by the Internal Revenue Service[married status with three (3) exemptions].

(b)[(c)] Once the applicant begins receiving a[A recipient of a monthly] retirement allowance, he or she may establish or change his or her federal tax withholding preference through the Self Service Web site or by filing[submit] a valid Form 6017,[***Federal Income Tax***] Withholding ***Certificate***[***Preference***] for Periodic ***Pension or Annuity*** Payments[to establish or change the recipient's federal tax withholding preference].

[(d)] [A recipient of a monthly retirement allowance may establish or change the recipient's tax withholding preference via Retiree Self Service on the Web site maintained by Kentucky Retirement Systems.]

(5)[(6)]

(a) The applicant's estate shall be the[member may designate a] beneficiary of the $5,000 death benefit if the applicant fails to:

1. Designate a beneficiary of the $5,000 death benefit; or

2. Accurately fill out the $5,000 Death Benefit Section of the Form 6000, ***Notification of***[***Application for***] Retirement, designating a single beneficiary[Death Benefit on the Form 6000, Notification of Retirement].

(b) Once the applicant begins receiving a retirement allowance, he or she[A retired member] may[file a Form 6030, Death Benefit Designation, to] designate or change the beneficiary of the $5,000 death benefit through the Self Service Web site or by filing a valid Form 6030, Death Benefit Designation[at any time after the retired member begins receiving a monthly retirement allowance].

[(c)] [If the member does not designate a beneficiary of the $5,000 death benefit, the member's estate shall be the beneficiary.]

[(d)] [If the member files a Form 6030, Death Benefit Designation, to change the beneficiary of the $5,000 death benefit that is incomplete or incorrect, the member's beneficiary designation on file at the retirement office shall remain in effect.]

(6)[(7)]

[(a)] The applicant[member] shall authorize the direct deposit of his or her[the member's] retirement allowance on the Form 6000, Notification of Retirement.

[(b)] [The member shall attach to the Form 6000, Notification of Retirement:]

[1.] [A voided personalized check for the account to which the retirement allowance is being deposited; or]

[2.] [Verification from the financial institution receiving the electronic fund transfer.]

[(c)] [A recipient of a monthly retirement allowance may change the designated financial institution or account by filing a Form 6130, Authorization for Deposit of Retirement Payment, at the retirement office in Frankfort.]

[(d)] [A recipient of a monthly retirement allowance may establish or change the recipient's designated financial institution or account via Retiree Self Service on the Web site maintained by Kentucky Retirement Systems.]

(7)

(a)[(e)] If the applicant does not have an account with a financial institution or the applicant's financial institution does not participate in the electronic funds transfer program, the applicant[The member] shall file[submit] a valid Form 6135, Request for Payment by Check, simultaneously with the Form 6000, Notification of Retirement[if the member does not currently have an account with a financial institution or the member's financial institution does not participate in the electronic funds transfer program].

(b) Once a member begins receiving a retirement allowance, he or she may change the designated financial institution or account through the Self Service Web site or by filing a valid Form 6130, Authorization for Deposit of Retirement Payment.

(8)

(a) Only applicants applying for disability retirement shall complete the Member's Statement of Disability section of the Form 6000, Notification of Retirement. These applicants shall also comply with the requirements of 105 KAR 1:210.

(b) ***Applicants***[***Applicant who are***] not applying for disability retirement shall not complete the Member's Statement of Disability section of the Form 6000, Notification of Retirement.

(9)[(8)]

(a) The applicant's[member's]current employer shall complete the Employer Certification of Leave Balances and Final Salary section[Section H] of the Form 6000, Notification of Retirement, as provided in 105 KAR 1:140, Section 15. If the employer does not ***comply with the requirements of 105 KAR 1:140, Section 15(1), the agency shall utilize the information previously reported to the agency by the applicant's employer and former employers in accordance with KRS 61.675 and 78.625 and shall not include sick leave, compensatory time, projected salary, projected service, or unsubstantiated service in the agency's***[***submit a complete Employer Certification of Leave Balances and Final Salary section***][Section H][***of the Form 6000, no later than thirty (30) days prior to the applicant's effective retirement date as indicated on the Form 6000***][Notification of Retirement,][***the agency***][retirement systems][***shall***][only][***utilize the information reported to the agency by the applicant's***][member's][***employer and former employers***][to the retirement systems][***in accordance with KRS 61.675 and 78.625, and shall not include***][any additional][***sick leave, compensatory time,***][or][***projected salary, projected service, or unsubstantiated service***][increases][***in its***]initial calculations of the applicant's[member's] retirement allowance or eligibility to retire, except as provided in paragraph (b) of this subsection.

(b) If the application is for disability retirement, the employer shall comply with the requirements of 105 KAR 1:210.

(c) The Employer Certification of Leave Balances and Final Salary section[Section H] of the Form 6000, Notification of Retirement, shall be signed by a person designated by the employer on file at the retirement office.

Section 4.[***Section 5.***] [Section 2.]Verification of Date of Birth.

(1)

(a) The applicant[member] shall file verification of his or her[provide the retirement systems with a copy of the member's birth certificate or other verification of] date of birth[of the member] and[, if a survivorship payment option is selected, a copy of the birth certificate or other] verification of the date of birth of the beneficiary named on the applicant's[member's] Form 6000, Notification of Retirement;[.]

1. Prior to the agency processing the application; and

2. For disability retirement or retirement at an early retirement date, by the end of day six (6) months following the date the valid Form 6000 was filed, or the Form 6000 shall be invalid.

(b) [If the member's or beneficiary's name is no longer the same as the name listed on the birth certificate or other verification of date of birth, the systems shall require the member or beneficiary to submit a marriage license, court order, or legally-binding documentation of the name change.]

[(2)] The agency[retirement systems] shall accept one (1) or more of the following as verification[proof] of date of birth of the applicant[member] or beneficiary:

1.[(a)] Age record from[of] the Social Security Administration;

2.[(b)] Immigration and naturalization service records;

3.[(c)] Birth certificate;

4.[(d)] Military discharge;

5.[(e)] U.S. passport;

6.[(f)] Driver's license or ***state-issued***[***state issued***] identification that requires birth verification[issued by the Commonwealth of Kentucky]; or

7.[(g)] Other reliable proof of date of birth that may be used by the courts to verify the person's date of birth.

(2) If the applicant's or beneficiary's name is no longer the same as the name listed on the verification of date of birth, the applicant or beneficiary shall file a social security card, driver's license, marriage certificate, court order, passport, or legally binding documentation verifying the name change.

Section 5.[***Section 6.***] [Section 3.]Additional Requirements.

(1) Based on the salary reported to the agency and information provided by the applicant's employer, the agency[The retirement systems] shall provide an estimate of the applicant's[member's] retirement allowance on the Form 6010, Estimated Retirement Allowance, which shall include:[based on the salary reported to the systems and information provided by the member's employer.]

(a)[(2)] The payment options and amounts available to the applicant;

(b) A[member shall be printed on the Form 6010, Estimated Retirement Allowance, and provided to the member with a] place to designate the applicant's[member's] choice of payment option;[.]

(c)[(3)] [(a)]A place for the applicant to[The member shall designate a desired payment option and] sign and date; and[the Form 6010, Estimated Retirement Allowance.]

(d)[(b)] A place for the spouse or other witness' signature[The member's signature on the Form 6010, Estimated Retirement Allowance, shall be witnessed and the Form 6010, Estimated Retirement Allowance, returned to the retirement office as required by subsection (4)(b) or (5) of this section].

(2)

(a)

1. The applicant shall complete and file a valid Form 6010, Estimated Retirement Allowance:

a. For disability retirement, in accordance with 105 KAR 1:210; or

b. For retirement at an early retirement date, by the end of day six (6) months following his or her effective retirement date.

2. A Form 6010***, Estimated Retirement Allowance,*** shall not be valid if [***it is***]not completed in its entirety and signed by the applicant and a spouse or other witness.

(b)

1. If the applicant for retirement at an early retirement date fails to comply with paragraph (2)(a)2. of this subsection, the Form 6000, shall be void.

2. The applicant may file a new valid Form 6000 to re-apply for retirement benefits. If the applicant files a new valid Form 6000, he or she shall select a new effective retirement date that shall not be prior to the date the new Form 6000 is filed.

(3) If an applicant is approved for disability retirement, he or she shall comply with the requirements of 105 KAR 1:210 prior to receiving the approved disability retirement allowance.

(4) If the applicant selects a monthly retirement allowance or a partial lump-sum payment option and is eligible for hospital and medical insurance in accordance with KRS 16.645, 61.702, and 78.5536, he or she shall be provided with information on how to apply for hospital and medical insurance in accordance with 105 KAR 1:411.

(5)

(a) If the applicant selects an actuarial equivalent refund, lump-sum refund, or partial lump-sum payment option, he or she shall complete and file a valid Form 6025, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution, selecting the option for payment.

(b) If the applicant intends to have the funds rolled over directly into an IRA or other qualified plan, the applicant shall have the trustee or institution relevant to the IRA or other qualified plan complete the applicable section of the Form 6025 certifying that the rollover ***shall***[~~***will***~~] be accepted.

Section 6.[~~***Section 7.***~~] Voiding the Form 6000.

(1) The Form 6000, Notification of Retirement, shall be void if:

(a) The Form 6000 is invalid, and the applicant fails to comply with Section ***3(2)***[~~***4(2)***~~] and Section ***4***[~~***5***~~] of this administrative regulation;

(b) The Form 6000 is withdrawn;

(c) The applicant is applying for disability retirement[~~ ***and meets the requirements to void the Form 6000 in accordance with 105 KAR 1:210 Section 20***~~];

(d) The applicant is approved for retirement but fails to complete the requirements of Section ***5***[~~***6***~~] of this administrative regulation;

(e) The applicant died while the application is being processed and the beneficiary, representative of the deceased applicant's estate, or trustee fails to complete the requirements of Section ***9***[~~***10***~~] of this administrative regulation; or

(f) The applicant did not indicate on the Form 6000 that he or she was applying for disability retirement[~~,~~] and the applicant is not eligible for service retirement.

(2)

(a) If an applicant's Form 6000, Notification of Retirement, is void, the beneficiary or beneficiaries and contingent beneficiary or beneficiaries designated on the most recently filed valid Form 2035, Beneficiary Designation, shall remain in full force and effect, except as provided in paragraph (b) of this subsection.

(b) This subsection shall not apply to a retirement account from which the applicant was already receiving a retirement allowance.

Section 7.[~~***Section 8.***~~] Administration of the Retirement Allowance.

(1)

(a) The agency shall not process a monthly retirement allowance until the applicant has completed and filed all requirements of this administrative regulation.

(b) If an applicant is retiring from any other state-administered retirement system with reciprocity, the agency shall hold the retirement allowance payment until the other state-administered retirement system finalizes the applicant's retirement from its retirement system in accordance with KRS 61.680(8) and 78.5542.

(2) The agency shall not process an actuarial equivalent refund or lump sum refund until the applicant has ***complied with***[~~***filed***~~] all requirements of this administrative regulation, [~~***and***~~]the applicant's employer has submitted proof of the applicant's employment termination, and ***the applicant's employer has*** reported all creditable compensation and accumulated sick leave.

(3)[~~(4)~~]

(a) [~~The member shall terminate employment with all employers participating in the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System no later than the month before the member's effective retirement date if the member is retiring pursuant to KRS 61.590(5)(a) or (c).~~]

[~~(b)~~] The agency[~~retirement office~~] shall not process the first retirement allowance payment earlier than[~~in~~] the month of the applicant's[~~following the month in which the completed Form 6010, Estimated Retirement Allowance, and all other applicable forms and documents as provided in this administrative regulation, have been filed at the retirement office but not before the member's~~] effective retirement date as indicated on the Form 6010, Estimated Retirement Allowance.

[~~(5)~~] [~~If the member is retiring pursuant to KRS 61.590(5)(c), the member shall return the Form 6010, Estimated Retirement Allowance, within six (6) months of the member's effective retirement date as provided on the member's Form 6000, Notification of Retirement to retain the effective date of retirement shown on the form.~~]

[~~(6)~~] [~~If the member fails to return the Form 6010, Estimated Retirement Allowance, within six (6) months of the member's effective retirement date, the member's Form 6000, Notification of Retirement, shall be void and the member shall be required to submit a new Form 6000, Notification of Retirement and select a new effective retirement date. The member shall not select an effective retirement date prior to the date the Form 6000, Notification of Retirement is submitted.~~]

[~~(7)~~] [~~If a member who is approved for disability retirement benefits fails to return the member's Form 6010, Estimated Retirement Allowance within six (6) months of the date the member is notified that the member's disability application has been approved, then the member's Form 6000, Notification of Retirement, and the approval of the member's application for disability retirement benefits shall be considered void. The member may file a subsequent Form 6000, Notification of Retirement, to re-apply for disability retirement benefits.~~]

[~~(8)~~] [~~If a member's Form 6000, Notification of Retirement, is withdrawn, invalid, or voided, the beneficiary or beneficiaries and contingent beneficiary or beneficiaries designated on the last Form 2035, Beneficiary Designation, on file at the retirement office shall remain in full force and effect.~~]

[~~Section 4.~~]

(b)[~~(1)~~] The agency[~~retirement office~~] shall[~~not~~] process the first service[~~a monthly~~] retirement allowance payment the month following the month:

1. Of the applicant's last termination date; and

2. ***That*** all applicable forms and documents as established by this administrative regulation are on file.

(c) The agency shall process the disability retirement allowance payment in accordance with 105 KAR 1:210.[~~until the member has filed at the retirement office:~~]

[~~(a)~~] [~~A properly signed, witnessed, and dated Form 6010, Estimated Retirement Allowance;~~]

[~~(b)~~] [~~A copy of the member's birth verification;~~]

[~~(c)~~] [~~A copy of the birth verification for the beneficiary if selecting a survivorship option; and~~]

[~~(d)~~]

[~~1.~~] [~~A completed Form 6130, Authorization for Deposit of Retirement Payment; or~~]

[~~2.~~] [~~A completed Form 6135, Request for Payment by Check.~~]

[~~(2)~~] [~~The retirement office shall not process a lump sum retirement benefit until:~~]

[~~(a)~~] [~~The member has filed at the retirement office:~~]

[~~1.~~] [~~A properly signed, witnessed, and dated Form 6010, Estimated Retirement Allowance; and~~]

[~~2.~~] [~~A Form 6025, Direct Rollover/Direct Payment Election Form for a Member or a Spouse Beneficiary of an Eligible Rollover Distribution; and~~]

[~~(b)~~] [~~The member's employer has filed at the retirement office proof of the member's employment termination and reported all creditable compensation and accumulated sick leave.~~]

Section 8.[~~***Section 9.***~~] Subsequent Application for Retirement While a Prior Application is Pending. If a valid subsequent application for retirement that complies with Section ***3***[~~***4***~~] of this administrative regulation is filed while a prior application is pending:

(1) If the subsequent application is filed by 11:59 p.m. Eastern Time on the last day of the month prior to the month of the applicant's initial retirement allowance payment, the subsequent application shall supersede the prior application on file; or

(2) If the subsequent application is filed after 11:59 p.m. Eastern Time on the last day of the month prior to the month of the applicant's initial retirement allowance payment, the subsequent application shall not be valid.

Section 9.[~~***Section 10.***~~] Death During the Retirement Application Process.

(1) Except as provided in subsection (2) of this section, if the applicant dies prior to the first day of the month in which the applicant

would have received his or her first retirement payment, any benefits payable to a beneficiary or estate shall be determined pursuant to KRS 16.578, ***61.621,*** 61.640, 78.5532, and 105 KAR 1:180.

(2) If an applicant for disability retirement dies prior to receiving his or her first retirement payment, eligibility for a disability retirement allowance that ***might***[~~***may***~~] be payable to a beneficiary, surviving spouse, dependent child, or estate shall be determined pursuant to KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, 78.5524, and 105 KAR 1:210.

Section 10.[~~***Section 11.***~~] Exceptions to Changing the Beneficiary After Retirement.

(1) Except as provided in this section, the beneficiary indicated on the Form 6000 shall not be changed on or after the first day of the month in which a recipient receives his or her first retirement allowance payment.

(2)

(a) In accordance with KRS 61.542(5)(a) and 78.545, a beneficiary may be changed at any time by a recipient receiving a monthly retirement allowance under:

1. The basic payment option;

2. A period certain option as provided by KRS 61.635(5) ***through***[~~***to***~~] (7) and 78.545; or

3. The Social Security adjustment option without survivor rights as provided by KRS 61.635(8)(a) and 78.545.

(b) To change the beneficiary as provided in this subsection, the recipient shall file a valid Form 6036, Beneficiary Designation Change. The newly designated beneficiary shall be effective the date the valid Form 6036 is on file.

(c) The recipient shall not change the payment option selected at retirement.

(3)

(a) In accordance with KRS 61.542(5)(b) and 78.545, a beneficiary may be changed only once by the end of day 120 calendar days following the date of a recipient's marriage or remarriage.

(b) To change the beneficiary as provided in this subsection, the recipient shall file a valid Form 6035, Beneficiary and Payment Option Change, by the end of day 100 calendar days following the date of a recipient's marriage or remarriage that includes:

1. Verification of the date of birth of the new beneficiary as provided in Section ***4***[~~***5***~~] of this administrative regulation;

2. The recipient and new beneficiary's marriage certificate; and

3. If a prior spouse was the beneficiary, a divorce decree or death certificate.

(c) Once a valid Form 6035***, Beneficiary and Payment Option Change,*** is on file, the agency shall provide the recipient with a Form 6050 Payment Option Change Designation. The recipient shall complete and file a valid Form 6050 selecting his or her new payment option as established in KRS 61.542(5)(b)2. and 78.545 by the end of day 120 calendar days following the date of his or her marriage or remarriage.

(d) A change in payment option pursuant to this subsection shall not affect payments to an alternate payee under a Qualified Domestic Relations Order.

(e)

1. If the recipient fails to timely complete all requirements of this subsection, the beneficiary previously on file will remain the beneficiary.

2. If no beneficiary was previously on file, the beneficiary shall be the estate.

Section 11.[~~***Section 12.***~~] [~~Section 5.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form 2035, "Beneficiary Designation", December 2024[~~Form 6000, "Notification of Retirement", May 2019~~];

(b) Form 6010, "Estimated Retirement Allowance", April 2024[~~May 2015~~];

(c) Form 6017, "[~~***Federal Income***~~]Tax Withholding ***Certificate***[~~***Preference***~~] for Periodic ***Pension or Annuity*** Payments", January 2024[~~Form 6130, "Authorization for Deposit of Retirement Payment", July 2015~~];

(d) Form 6025, "Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution ", June 2023[~~Form 6017, "Federal Income Tax Withholding Preference for Periodic Payments", May 2018~~];

(e) Form 6030, "Death Benefit Designation", November 2024[~~May 2015~~];

(f) Form 6035, "Beneficiary and Payment Option Change", April 2024[~~Form 6135, "Request for Payment by Check", July 2015~~];

(g) Form 6036, "Beneficiary Designation Change", April 2024[~~Form 2035, "Beneficiary Designation", May 2015~~];[~~and~~]

(h) Form 6050 "***Payment Option Change Designation***[~~***Estimated Retirement Allowance***~~]", April 2022;

(i) Form 6130, "Authorization for Deposit of Retirement Payment", November 2024; and

(j) Form 6135, "Request for Payment by Check", April 2024.[~~Form 6025, "Direct Rollover/Direct Payment Election Form for a Member or a Spouse Beneficiary of an Eligible Rollover Distribution", May 2015.~~]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority[~~Retirement Systems~~], 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the agency's Web site at https://kyret.ky.gov.

FILED WITH LRC: July 14, 2025 at 3 p.m.

CONTACT PERSON: Nathan Goodrich, Staff Attorney Supervisor, Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, phone (502) 696-8800 ext. 8570, fax (502) 696-8615, email Legal.Non-Advocacy@kyret.ky.gov.

BOARDS AND COMMISSIONS
Board of Pharmacy
(As Amended at ARRS, July 14, 2025)

201 KAR 2:416. Pharmacy annual reporting of cost of dispensing data.

RELATES TO: KRS 18A.2254, 304.9-053, 304.9-054, 304.9-055, 304.14-120, [***304.14-120,***]304.17A-595, 304.17A-712, 304.17C-125, 304.38A-115, 367.828

STATUTORY AUTHORITY: KRS 315.038***(2), (3)***, 315.191(1)

CERTIFICATION STATEMENT: **This is to certify that the administrative regulation complies with the requirements of 2025 RS HB 6, Section 8. The Board of Pharmacy is not one of the agencies that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.**

NECESSITY, FUNCTION, AND CONFORMITY: **KRS** 315.191(1) authorizes the board to promulgate administrative regulations to regulate pharmacists, ***pharmacist interns, pharmacy technicians,*** pharmacies, ***wholesale distributors,***[~~***wholesalers***~~] and manufacturers. ***KRS 315.038(3)***[~~***Senate Bill 188 from the 2024 legislative session***~~] requires the Board of Pharmacy to promulgate regulations to require all ambulatory pharmacies permitted by the Board of Pharmacy to report***,*** annually beginning March 1, 2026***, the*** cost of dispensing data to the Board of Pharmacy. The Board of Pharmacy shall then submit that data to the Department of Insurance within thirty **(30)** days. ***This administrative regulation establishes procedures for ambulatory pharmacies to report data to the Department of Insurance via the board.***

Section 1. Mandatory Submission of Data.

(1) On an annual basis, ***no later than***[~~***beginning***~~] March 1, 2026, and by March 1 every ***other*** year thereafter, every ambulatory pharmacy permitted by the Board of Pharmacy shall submit to the board, the following data***, which shall remain confidential as required by and in accordance with KRS 315.038(6) and (7),*** relating to the dispensing costs for the previous year year[~~***, which shall remain confidential and only be shared with the Department of Insurance as required by KRS 315.038***~~]:

(a) NCPDP number;

(b) Labor costs, including:
1. Pharmacist salaries, including benefits and taxes;
2. Pharmacy technician salaries, including benefits and taxes;
3. Salaries of other support staff involved in the dispensing of prescriptions; and
4. Other employee benefits;[.]
(c) Cost to acquire the medications dispensed;
(d) Cost of materials, including:
1. Cost of prescription labels and paper;
2. Cost of bottles, vials, and packaging;
3. Prescription delivery costs;
4. Inventory services costs;
5. Lost inventory costs; and
6. Warehouse expenses;[.]
(e) Facility costs, including:
1. Rent or mortgage payments for the pharmacy space**. If the pharmacy shares a building with retail space, the proportion of the square footage that is permitted for pharmacy operations shall be applied to the total rent for the building**;
2. Mortgage interest;
3. Utilities, including electricity, water, heating, and communications costs;
4. Facility taxes, including personal property, real estate,[***and***]payroll, ***and***[~~***as well as***~~] insurance;
5. Maintenance, cleaning and repair costs; and
6. Security and alarm fees;[.]
(f) Operational costs, including:
1. Insurance, including liability and property;
2. Software and IT systems;
3. Switch or e-prescribing fees;
4. Office supplies and equipment;
5. Professional liability insurance for pharmacists;
6. Credit card processing fees;
7. Prescription department licenses, permits, accreditation, and fees;
8. Cost of continuing education and certification for pharmacists and technicians;
9. Dues and subscriptions for pharmacy department;
10. Delivery and mailing expenses for the prescription department;
11. Transaction fees;
12. Charitable contributions;
13. Employee training;
14. Bad debts for prescriptions, including uncollected copays; and
15. ***Third-party***[~~***Third party***~~] prescriptions audit adjustments;[.]
(g) Store costs, including:
1. Marketing and advertising;
2. Professional accounting and legal services;
3. Franchise fees, if applicable; and
4. Other costs not ***otherwise listed in this subsection;***[~~***included elsewhere.***~~]
(h) Depreciation and amortization costs, including:
1. Depreciation of building, equipment, and fixtures; and
2. Amortization of software and intangible assets;[.]
(i) Total number of prescriptions dispensed each month of the prior year;[~~***and***~~]
(j) Total number of prescriptions prepared via a central fill pharmacy each month of the prior year; and
(k) Percent of revenue coming directly from the pharmacy department.
(2) All data shall be reported to the board electronically through the board's licensing gateway on Reporting Form A, Pharmacy Cost of Dispensing Data[~~***, 12/2024***~~]. **Data may be submitted in the aggregate for pharmacies with multiple locations.**

Section 2. Optional Submission of Data.
(1) On an annual basis, beginning March 1, 2026 and by March 1 every year thereafter, any ambulatory pharmacy permitted by the Board of Pharmacy may submit to the board, the following data for each prescription dispensed:
(a) The date the claim was submitted to the pharmacy benefit manager;
(b) The date the prescription was written;
(c) The NCPDP transaction type;
(d) The prescription insurance member identification number;
(e) The prescription number assigned by the pharmacy;
(f) The number of the refill;
(g) The NDC number of the product dispensed;
(h) The name of the product dispensed;
(i) The strength of the medication dispensed;
(j) The quantity of the medication dispensed;
(k) The ***days***[~~***days***~~] supply of medication dispensed;
(l) Whether ***or not*** the medication dispensed was generic;
(m) Whether ***or not*** the medication dispensed was a specialty drug;
(n) The NABP identification number of the pharmacy where the medication was dispensed;
(o) The NPI identification number of the pharmacy where the medication was dispensed;
(p) The name of the pharmacy where the medication was dispensed;
(q) The amount, in dollars, paid to the pharmacy by the prescription benefit plan;
(r) The amount, in dollars, paid to the pharmacy by the health plan member;
(s) The total amount, in dollars, paid to the pharmacy for the prescription dispensed, including what the patient paid and what the health plan paid;
(t) The amount, in dollars, paid to the pharmacy for dispensing the medication; and
(u) The amount,[(]in dollars,[)] of retroactive fees that were assessed to the pharmacy by the pharmacy benefit manager for the medication dispensed at any time after the medication was dispensed, including[~~***, but not limited to***~~]:
1. Direct remuneration fees;
2. Indirect renumeration fees;
3. Generic effective ***rates***[~~***rats***~~];
4. In-network fees;
5. Performance fees;
6. Point-of-sale fees; and
7. Pre and post adjudication fees.
(2) If the pharmacy chooses to submit this data, the data shall be reported to the board electronically through the board's licensing gateway on Reporting Form B, Pharmacy Claims Data[~~***, 12/2024***~~].

Section 3. All information and data submitted to the board shall be deemed confidential and proprietary and shall not be subject to disclosure pursuant to KRS 61.870 to 61.884. **Only board staff will have access to the data submitted. Board of Pharmacy members *shall*[*will*] not have access to the data submitted.**

Section 4. **Enforcement discretion *shall*[*will*] be exercised if a pharmacy *that does not bill third parties* fails to submit mandatory data under Section 1 of this administrative regulation**[~~ **if they do not bill third parties**~~]**.**

Section 5. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "[~~***Reporting Form A,***~~]Pharmacy Cost of Dispensing Data", ***Reporting Form A***, 12/2024; and
(b) "[~~***Reporting Form B,***~~]Pharmacy Claims Data"***, Reporting Form B***, 12/2024.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law at the Kentucky Board of Pharmacy, State Office Building Annex, Suite 300, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or on the ***website***[~~***Web site***~~] at https://pharmacy.ky.gov/Businesses/Pages/Pharmacy.aspx.

FILED WITH LRC: July 14, 2025 at 3 p.m.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

BOARDS AND COMMISSIONS
Board of Social Work
(As Amended at ARRS, July 14, 2025)

201 KAR 23:025. Application for licensure.

RELATES TO: KRS 335.010-335.160, 335.990**, 26 U.S.C. 501(c)(3)**[,]

STATUTORY AUTHORITY: KRS 335.070(1)**,**[~~and~~] (3), 335.080(1), 335.090(1), [~~and~~]335.100(1)[,]

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.070(1) requires the Board to issue licenses to qualified applicants. KRS 335.070(3) authorizes the Board to promulgate administrative regulations to carry out the provisions of KRS 335.010 to 335.160 and [~~KRS~~]335.990, including evaluating applications and issuing licenses. KRS 335.080 sets forth licensing requirements for a certified social worker. KRS 335.090 sets forth licensing requirements for a licensed social worker**,**[,] KRS 335.100 sets forth the licensing requirements for a licensed clinical social worker. This administrative regulation establishes requirements and procedures for the licensing of a certified social worker, a licensed social worker**,** and a licensed clinical social worker.

Section 1. Definitions.

(1) "Additional supervisor" is defined by 201 KAR 23:070**, Section 1(1)**.

(2) "Board" is defined by KRS 335.020(1).

(3) "Social worker" is defined by KRS 335.158(4)(b).

(4) "Supervisor of record" is defined by 201 KAR 23:070**, Section 1(6)**.

Section 2. Application for licensure.

(1) An applicant for licensure as a social worker shall submit the [~~"~~]Licensure Application Form[~~"~~] or use the electronic portal established by the Board for application purposes. The application for licensure and electronic portal shall include:

(a) The full legal name of the applicant along with any other name used by the applicant;

(b) The social security number of the applicant;

(c) The mailing address of the applicant;

(d) A telephone number for the applicant;

(e) The email address of the applicant;

(f) A statement of whether the applicant is currently employed;

(g) If employed, the name of the applicant's current employer along with the street address, telephone number**,** and email address of the agency where the applicant is employed;

(h) If employed, the applicant's official job description signed by the head of the employing agency;

(i) If employed, a statement of whether the employer is a **26 U.S.C. Section** 501(c)(3) tax-exempt agency **under the Internal Revenue Code** and, if so, a copy of the Internal Revenue Service determination letter approving the tax-exempt status of the agency;

(j) A statement of whether the applicant is or has ever been licensed to practice social work in Kentucky;

(k) A statement of whether the applicant is or has ever been licensed to practice social work in any other jurisdiction and, if so, a listing of the jurisdiction license category and license number associated with the license;

(l) An official verification of each license the applicant holds or has ever held in a jurisdiction other than Kentucky. A licensed clinical social worker (LCSW) applicant licensed as a certified social worker (CSW) in Kentucky need not provide official license verification;

(m) A statement of whether the applicant has taken and passed a social work licensure exam through the Association of Social Work Boards (ASWB) and, if so, a statement of which exam was taken. An applicant for CSW licensure who is licensed in a jurisdiction other than Kentucky shall provide an ASWB Exam Official Score Transfer Report. An applicant for an LCSW license who is not licensed as a CSW in Kentucky shall provide an ASWB Exam Official Score Transfer Report;

(n) A statement of whether the applicant has ever applied for and failed to receive a license in social work or any other profession in Kentucky or another jurisdiction and, if so, an explanation of why the application for licensure was denied;

(o) A statement of whether the applicant has ever had a social work or other professional license suspended, revoked**,** or otherwise disciplined in Kentucky or another jurisdiction and, if so, an explanation and certified copies of the final order of the licensure entity from a jurisdiction other than Kentucky;

(p) A statement of whether the applicant has ever been convicted of, or entered a plea of no contest to, a felony and, if so, a statement of the offense along with certified copies of the police report or grand jury indictment, judgment of conviction, and the judgment or sentencing order. If the sentence was probated, diverted, or paroled the applicant shall include a signed release authorizing the probation or parole officer to provide a written statement or report to the Board that confirms the probation, diversion, or parole was successfully completed. An applicant convicted of a felony shall provide proof that any fines, fees, or court costs were paid in full;

(q) A statement of the undergraduate and graduate education the applicant has completed, including the name and location of the school, dates attended, month and year of graduation, number of credits or hours completed**,** and degrees obtained;

(r) Copies of official transcripts with the degree conferred or awarded. A CSW applicant shall not be required to submit undergraduate transcripts. An LCSW applicant who holds a CSW license in Kentucky shall not be required to submit a master's degree transcript;

(s) A list of three **(3)** individuals qualified to document the applicant's professional competency including the name, address, email address**,** and telephone number of **each**[~~the~~] individual;

(t) A statement that the applicant has read KRS 335.010 to 335.160 and 201 KAR **Chapter 23**[~~23:015 to .140~~], including 201 KAR 23:080, the Kentucky Code of Ethical Conduct;

(u) A statement that the applicant affirms the application is true and correct to the best of the applicant's knowledge and belief;

(v) A statement that the applicant voluntarily consents to a thorough investigation of the applicant's present and past employment and other activities for the purpose of verifying the applicant's qualifications for licensing;

(w) A statement that the applicant agrees to furnish to the Board any information that may subsequently be requested for the purpose of verifying the applicant's qualifications;

(x) Payment of the required **twenty-five (25) dollar** nonrefundable application fee **that is in addition to any fees as established in 201 KAR 23:020**;

(y) A statement of the license for which the applicant is applying; and

(z) The signature of the applicant.

(2) Denial. The Board may disapprove an application for licensure for the following reasons:

(a) The applicant's failure to comply with KRS **335.010-335.160**[~~Chapter 335~~] or **201 KAR**[~~the administrative regulations of this~~] Chapter **23**;

(b) Any information required by KRS **335.010-335.160**[~~Chapter 335~~] or this administrative regulation is missing, inaccurate, incomplete**,** or cannot be independently verified;

(c) A fraudulent, dishonest, or deceitful misstatement or omission of fact in the submitted application;

(d) A finding against, or admission of liability by, the applicant in any legal proceeding or disciplinary action involving a violation of KRS **335.010-335.160**[~~Chapter 335~~] or **201 KAR**[~~the administrative regulations of this~~] Chapter **23**; or

(e) The denial, discipline of, refusal to renew, revocation, or suspension of the applicant's professional licensure in any jurisdiction.

(3) Approval. If the applicant has complied with the provisions of KRS **335.010-335.160**[~~Chapter 335~~] and this **administrative** regulation the application may be approved.

Section 3. Additional requirements for LCSW licensure.

(1) An in-state applicant for licensure as an LCSW shall provide documentation of two ***(2)*** years of ***post-master's***[***post-masters'***] degree supervised clinical social work experience**,** including ***150***[***200***] hours documented on the Supervised Experience Documentation Form as confirmed by the applicant's supervisor of record and each LCSW additional supervisor.

(2) An LCSW applicant licensed in another jurisdiction shall, if licensed for less than ***two (2)***[***five***] years, document two ***(2)*** years of post-master's supervised clinical practice experience and ***150***[***200***] hours of clinical supervision provided by a licensed social worker who:

(a) Was licensed as an LCSW, or the equivalent, for a minimum of ***two (2)***[***three***] years at the time supervision was provided as documented by official verification of the supervisor's license and a copy of a resume for each LCSW supervisor;

(b) Documents the supervision on the Kentucky [***"***]Supervised Experience Documentation Form[***"***]; or

(c) Documents the supervision on an out-of-state form which provides necessary details about qualifications of hours of supervision, names and credentials of supervisors, clinical practice, and time period of supervision.

(3) An LCSW applicant licensed in another jurisdiction shall, if licensed for ***two (2)***[***five***] years or more, document the ***two (2)***[***five***] year period by providing:

(a) An official job description on agency letterhead signed and dated by the head of the employing agency; or

(b) Standard employment forms including ***documentation of Federal civilian employment on*** the Standard Form 50 for Federal civilian employees ***as available athttps://www.opm.gov/forms/pdfimage/sf50.pdf*** or documentation of active duty as a member of the U.S. Armed Services.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Licensure Application Form", ***7/2025***[***4/2025***]; ***and***

(b) "Supervised Experience Documentation Form", ***7/2025***[***4/2025***].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Social Work, 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.***, or online at bsw.ky.gov.***

FILED WITH LRC: July 14, 2025 at 3 p.m.

CONTACT PERSON: Marc Kelly, Executive Director, Kentucky Board of Social Work, 125 Holmes St., Suite 310, Frankfort Kentucky 40601, phone (502) 564-2350, email marc.kelly@ky.gov.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING OR RECEIPT OF WRITTEN COMMENTS

NONE

PROPOSED AMENDMENTS

Public comment periods for ordinary, non-emergency regulations are at least two months long. For other regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student Financial Aid
(Amendment)

11 KAR 12:010. Definitions for 11 KAR Chapter 12.

RELATES TO: KRS 164A.300-164A.380
STATUTORY AUTHORITY: KRS 164A.310(14), 164A.325(9)
CERTIFICATION STATEMENT: This is to certify that this administration regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 164A.325(9) authorizes the board to promulgate administrative regulations to implement the Kentucky Educational Savings Plan Trust. This administrative regulation establishes the definitions for 11 KAR Chapter 12.

Section 1. Definitions.
(1) "Academic period" means one (1) semester or one (1) quarter or an equivalent period for a vocational technical institution.
(2) "Account" means the account in the program fund established and maintained under the trust for a beneficiary.
(3) "Account balance" means the fair market value of an account as of the accounting date.
(4) "Accounting date" means the date, not later than the last business day of each quarter as determined by the program administrator.
(5) "Administrative fund" is defined in KRS 164A.305(2).
(6) "Beneficiary" is defined in KRS 164A.305(3).
(7) "Benefits" is defined in KRS 164A.305(4).
(8) "Board" is defined by KRS 164A.305(5).
(9) "Dependent person" means a person who is unable to meet the criteria for an independent person as defined in subsection (14) of this section.
(10) "Designated date" means the date on which each beneficiary is eligible to be designated in a participation agreement.
(11) "Domicile" or "legal residence" means a person's true, fixed, and permanent home and is the place where the person intends to remain, and to which the person expects to return if absent without intending to establish a new domicile elsewhere.
(12) "Effective date" means the date which a participant may enter into a participation agreement with the trust, which is on or after July 1, 1989.
[~~(13)~~] [~~"Higher education costs" is defined by KRS 164A.305(6).~~]
(13)[~~(14)~~] "Independent" means a person:
(a) Who has not been claimed by his parent as a dependent on a federal or state income tax return for the tax year preceding the date of application for reclassification of residency status;
(b) Who demonstrates no financial dependence upon a parent; and
(c) Whose parent's income is not taken into account by a private or governmental agency furnishing educational financial assistance to the person, including a scholarship, loan, or other assistance.
(14)[~~(15)~~] "Institution of higher education" is defined in KRS 164A.305(7).
(15)[~~(16)~~] "Notice to authorize payroll deduction" means the participant's written instruction to the participant's employer to deduct payments from the participant's earnings and forward that amount to the trust.
(16)[~~(17)~~] "Notice to increase or decrease payments under participation agreement" means the participant's written instruction to the program administrator of the trust to increase or decrease payments under a participation agreement.
(17)[~~(18)~~] "Notice to preauthorize debit" means the participant's mailed or electronic written instruction to the participant's financial institution to debit or charge the participant's checking or savings account for payments due under the participation agreement.
(18)[~~(19)~~] "Notice to substitute beneficiary" means the participant's mailed or electronic written instruction to the program administrator of the trust to substitute a beneficiary.
(19)[~~(20)~~] "Notice to terminate the participation agreement" means the participant's mailed or electronic written instruction to the program administrator of the trust to terminate a participation agreement under the trust.
(20)[~~(21)~~] "Notice to use trust benefits" means the participant's mailed or electronic written instruction to the program administrator of the trust to notify the trust of the date benefits are to begin and level of benefits paid.
(21)[~~(22)~~] "Parent" means one (1) of the following:
(a) A person's father or mother; or
(b) A court-appointed legal guardian if the guardianship was not established primarily to confer Kentucky residency on the person.
(22)[~~(23)~~] "Participant" is defined in KRS 164A.305(9).
(23)[~~(24)~~] "Participation agreement" is defined in KRS 164.305(10).
(24)[~~(25)~~] "Payments" means the money paid by the participant to the trust under the participation agreement.
(25)[~~(26)~~] "Program administrator" is defined in KRS 164A.305(11).
(26)[~~(27)~~] "Program fund" is defined in KRS 164A.305(12).
(27)[~~(28)~~] "Property settlement agreement" or "decree of dissolution by the court" means the agreement or judgment approved or entered by a court of competent jurisdiction which sets forth the participant's right, if any, to the participant's interest in the participation agreement.
(28) "Qualified Educational Expenses" is defined in KRS 164A.305(13).
(29) "Trust year" means the fiscal year beginning July 1 and ending the following June 30 of each year[~~ for purposes of the calculation of benefits~~].
(30) "Vested participation agreement" is defined in KRS 164A.305(14).

GREG ROUSH, Chair
APPROVED BY AGENCY: June 12, 2025
FILED WITH LRC: July 11, 2025 at 8:25 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, September 24, 2025, at 10:00 a.m. Eastern Time at 100 Airport Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 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 September 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: Hon. Miles F. Justice, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7309, fax (502) 696-7293, email mjustice@kheaa.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David Lawhorn
(1) Provide a brief summary of:
(a) What this administrative regulation does: The administrative regulation establishes the definitions for 11 KAR Chapter 12 for administration of the Kentucky Educational Savings Plan Trust.
(b) The necessity of this administrative regulation: The administrative regulation is necessary to provide uniform definitions for terms used in the administration of the Kentucky Educational Savings Plan Trust.
(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation conforms to the content of the authorizing statutes by providing uniform definitions for terms used in the administration of the Kentucky Educational Savings Plan Trust.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the Kentucky Educational Savings Plan Trust by providing uniform definitions for terms used in the administration of the program.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment will change the existing administrative regulation by eliminating the definition of Higher Education Costs and adding Qualified Educational Expenses as a defined term instead to be consistent with the Internal Revenue Code. Further, specify that certain forms for the program may be submitted by email.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update defined terms for the program and to allow for electronic submission of forms.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes by accurately setting forth the current definitions for the program as well as allowing for electronic submission of forms.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the Kentucky Educational Savings Plan Trust by deleting an unnecessary definition and adding as a defined term a current term from the authorizing statute as well as authorizing electronic submission of forms.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of January 31, 2025, there were 24,895 participants in the Kentucky Educational Savings Plan Trust.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Program participants must submit the specified forms in order to access plan benefits.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to program participants in order to comply with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, participants will be able to utilize the plan benefits as specified in the plan materials.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs associated with the amendment to this administrative regulation.
(b) On a continuing basis: See (5)(a) above.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funds held in the Trust are private funds contributed by the participant. In accordance with KRS 164A.335, funds may be transferred from the Program Fund to an Administrative Fund for the purpose of paying operating costs associated with administering the trust.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement the amendment to this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.
(9) TIERING: Is tiering applied? NO. Tiering was not applied to the amendment of this administrative regulation. The concept is not applicable to this amendment of this administrative regulation. The administrative regulation is intended to provide equal opportunity to participate within parameters, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities or address a particular problem to which certain regulated entities do not contribute. Disparate treatment of any person or entity affected by this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 164A.310, 164A.325, 26 U.S.C. 529.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 164A.310 and 164A.325.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No costs are associated with this administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year:
For subsequent years: Same as above.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year:
For subsequent years: Same as above.
2. Revenues:
For the first year:
For subsequent years:
3. Cost Savings:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The entities affected by the amendment to this administrative regulation are those who elect to participate in the KESPT program.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the

administrative regulation.
For subsequent years: Same as above.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Since this administrative regulation merely defines applicable terms for the KESPT program and the forms to be utilized in accessing benefits, there is no fiscal impact.
(b) Methodology and resources used to reach this conclusion: As noted, there is no fiscal impact on any of the affected entities as this regulation simply defines terms and prescribes the forms to be used for the KESPT program.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a "major economic impact".
(b) The methodology and resources used to reach this conclusion: As discussed above, there is no fiscal impact from this administrative regulation.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student Financial Aid
(Amendment)

11 KAR 12:020. General rules for investments and fund transfers.

RELATES TO: KRS 164A.310(4), 164A.325(7), 164A.335, 164A.375
STATUTORY AUTHORITY: KRS 164A.310(14), 164A.325(9)
CERTIFICATION STATEMENT: This is to certify that this administration regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 164A.325(7) authorizes the board to promulgate administrative regulations necessary for the administration of the savings plan trust. KRS 164A.310(4) requires the board to invest moneys within the program fund in investments determined by the board to be appropriate. This administrative regulation establishes the requirements for investments and fund transfers.

Section 1. Investments.
(1) The program administrator, an investment manager, a trustee or depository institution holding funds received pursuant to KRS 164A.335 shall adhere to the following standards:
(a) Safety of principal at the time of a projected cash need shall be paramount for all investment situations;
(b) Liquidity of investments shall be assured for funds which may be needed to satisfy short term cash flow needs; and
(c) Except as provided in paragraphs (a) and (b) of this subsection, maximizing investment yield shall be the prime objective of an investment.
(2) In accordance with the standards established in subsection (1) of this section, the board through the program administrator or an investment manager shall invest funds received pursuant to KRS 164A.335 in any of the following solely in the interest of the participants and beneficiaries and for the exclusive purposes of providing benefits to beneficiaries and defraying reasonable expenses of administering the plan:
(a) Deposits or banker's acceptances with commercial banks whose outstanding indebtedness is rated [~~A or better~~]by a nationally recognized rating service at an appropriate level, and deposits with a financial institution to the extent fully insured by the Federal Deposit Insurance Corporation or other U.S. government insurance entity;
(b) U.S. Treasury securities, obligations backed by the full faith and credit of the United States government, and U. S. government agency securities;
(c) Repurchase agreements, both overnight and term, which shall be:
1. Governed by a Public Securities Association or equivalent master repurchase agreement including the appropriate annexes; and
2. Collateralized at 100 percent with U.S. Treasury securities, U.S. government agency securities, and other obligations backed by the full faith and credit of the United States government. Collateral shall be held by a third-party custodian;
[~~(d)~~] [~~Bank certificates of deposit rated A/A-1 or better by a nationally recognized rating service;~~]
(d)[~~(e)~~] State or municipal obligations rated in one (1) of the two (2) top classifications by a nationally recognized rating service (at least AA or Aa, SP-2 or MIG-2/VMIG-2);
(e)[~~(f)~~] Obligations of a U.S. corporation, if the obligations are rated at least AA or As by a nationally recognized rating service;
(f)[~~(g)~~] Collateralized mortgage or credit card obligations, mortgage backed securities, or similar securities that are collateralized at 100 percent, if the obligations are either:
1. Fully insured by a U.S. government insurance entity; or
2. Issued by a corporation whose obligations would be an authorized investment;
(g)[~~(h)~~] Commercial paper rated in the highest classification as established by a nationally recognized rating service (A-1 or Prime-1);
(h)[~~(i)~~] Mutual funds, including money market funds, equity funds, international funds, growth funds, income funds, and funds combining one (1) or more of the foregoing investment options which, at the time of making the investment, are, by law, permitted for the investment of funds by fiduciaries in this state; and
(i)[~~(j)~~] Other investments approved by the board of directors with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent investor acting in a like capacity and familiar with the matters would use in the conduct of an enterprise of a like character and with like aims.

Section 2. Administrative Fund.
(1) The costs of administering the Kentucky educational savings plan trust shall be paid out of the administrative fund.
(2) Funds shall be transferred to the administrative fund from the program fund, as the program administrator determines is necessary to cover the administrative costs of the trust.
(3) The total amount transferred to the administrative fund during a trust year shall not exceed four (4) percent of the total investment earnings accruing and credited to the program fund during that trust year.
(4) Monies transferred to the administrative fund pursuant to KRS 164A.335 and this administrative regulation shall be deposited in accordance with KRS 41.070(2).

GREG ROUSH, Chair
APPROVED BY AGENCY: June 12, 2025
FILED WITH LRC: July 11, 2025 at 8:25 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, September 24, 2025, at 10:00 a.m. Eastern Time at 100 Airport Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 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 September 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: Hon. Miles F. Justice, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7309, fax (502) 696-7293, email mjustice@kheaa.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David Lawhorn
(1) Provide a brief summary of:
(a) What this administrative regulation does: The administrative regulation establishes the requirements for investments and fund transfers for the Kentucky Educational Savings Plan Trust.
(b) The necessity of this administrative regulation: The administrative regulation is necessary to set forth the provisions pertaining to investments and fund transfers for the Trust as required by statute.
(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation conforms to the content of the authorizing statutes by establishing the requirements for investments and fund transfers pertaining to the Trust as required by statute.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the Kentucky Educational Savings Plan Trust by providing requirements for investments and fund transfers from the Trust as required by the statute.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment will change the existing administrative regulation by updating the language utilized pertaining to deposits with commercial banks. Further, amendment will eliminate certificates of deposits as an authorized investment vehicle consistent with current Board-approved investment offerings.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update the provisions pertaining to investments and fund transfers from the KESPT Trust.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes by accurately setting forth the current provisions pertaining to investments and fund transfers from the KESPT Trust.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the Kentucky Educational Savings Plan Trust updating the provisions pertaining to investments and fund transfer under the Trust to more accurately reflect current Board-approved investment offerings.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of January 31, 2025, there were 24,895 participants in the Kentucky Educational Savings Plan Trust.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Program participants are not required to take any action in order to comply with this amendment.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to program participants in order to comply with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Program participants will receive full program benefits without taking any action to comply with this amendment. (5) Provide an estimate of how much it will cost to the administrative body to implement this administrative regulation:
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs associated with the amendment to this administrative regulation.
(b) On a continuing basis: See (5)(a) above.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funds held in the Trust are private funds contributed by the participant. In accordance with KRS 164A.335, funds may be transferred from the Program Fund to an Administrative Fund for the purpose of paying operating costs associated with administering the trust.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement the amendment to this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.
(9) TIERING: Is tiering applied? NO. Tiering was not applied to the amendment of this administrative regulation. The concept is not applicable to this amendment of this administrative regulation. The administrative regulation is intended to provide equal opportunity to participate within parameters, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities or address a particular problem to which certain regulated entities do not contribute. Disparate treatment of any person or entity affected by this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 164A.310, 164A.325, 26 U.S.C. 529.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 164A.310 and 164A.325.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional expenditures will be required as a result of this amendment to the administrative regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No additional revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this administrative regulation.
For subsequent years: Same as above.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The entities affected by the amendment to this administrative regulation are those who elect to participate in the KESPT program.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:

For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Since this administrative regulation merely defines applicable terms for the KESPT program and the forms to be utilized in accessing benefits, there is no fiscal impact.
(b) Methodology and resources used to reach this conclusion: As noted, there is no fiscal impact on any of the affected entities as this regulation simply defines terms and prescribes the forms to be used for the KESPT program.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a "major economic impact".
(b) The methodology and resources used to reach this conclusion: As discussed above, there is no fiscal impact from this administrative regulation.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student Financial Aid
(Amendment)

11 KAR 12:030. Eligibility of beneficiary and participant.

RELATES TO: KRS 164A.330
STATUTORY AUTHORITY: KRS 164A.310(14), 164A.325(9)
CERTIFICATION STATEMENT: This is to certify that this administration regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 164A.325(9) authorizes the board to promulgate administrative regulations necessary for the administration of the savings plan trust. KRS 164A.330 authorizes the Kentucky Educational Savings Plan Trust to enter into a participation agreement with a participant on behalf of a beneficiary. KRS 164A.380 provides that KRS 164A.300 to 164A.380 shall be construed liberally in order to effectuate its legislative intent and the powers granted shall be broadly interpreted to effectuate the intent and purposes. This administrative regulation establishes the eligibility criteria for a beneficiary and a participant to participate in the participation agreement.

Section 1. Beneficiary Eligibility. A beneficiary shall be a resident of any state.

Section 2. Participant Eligibility. A participant shall be a resident of any state.

Section 3.
(1) In order to participate in the Kentucky educational savings plan trust, a participant shall submit to the program administrator a mailed or electronically signed participation agreement, including the valid Social Security number or federal identification number of the beneficiary and the valid Social Security number or federal identification number of the participant.
(2) A state or local government agency or instrumentality or an organization described in 26 U.S.C. 501(c)(3) that establishes an account as part of a scholarship program shall submit to the program administrator the Social Security number of the recipient upon designation of the scholarship recipient.

Section 4. Incorporation by Reference.
(1) Kentucky Educational Savings Plan Trust Participation Agreement, July 2000, is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

GREG ROUSH, Chair
APPROVED BY AGENCY: June 12, 2025
FILED WITH LRC: July 11, 2025 at 8:25 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, September 24, 2025, at 10:00 a.m. Eastern Time at 100 Airport Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 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 September 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: Hon. Miles F. Justice, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7309, fax (502) 696-7293, email mjustice@kheaa.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David Lawhorn
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the eligibility criteria for a beneficiary and a participant to participate in the Kentucky Educational Savings Plan Trust.
(b) The necessity of this administrative regulation: The administrative regulation is necessary to establish participate in the Kentucky Educational Savings Plan Trust.
(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation conforms to the content of the authorizing statutes by providing participation criteria for use in the administration of the Kentucky Educational Savings Plan Trust.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the Kentucky Educational Savings Plan Trust by providing participation criteria for the program.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment will change the existing administrative regulation by providing for submission of the participation agreement by electronic means thus simplifying the application process for Trust participants.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to simplify the application process for Trust participants in order to increase program participation.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes by accurately setting forth the means by which an application for participation may be submitted.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the Kentucky Educational Savings Plan Trust by providing an alternative means to submit a participation agreement.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of January 31, 2025, there were 24,895 participants in the Kentucky Educational Savings Plan Trust.
(4) Provide an analysis of how the entities identified in question (3) will

be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Potential program participants must submit the participation agreement in order to establish a KESPT account.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to program participants in order to comply with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, participants will be able to establish an account under the program and participate therein.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs associated with the amendment to this administrative regulation.
(b) On a continuing basis: See (5)(a) above.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funds held in the Trust are private funds contributed by the participant. In accordance with KRS 164A.335, funds may be transferred from the Program Fund to an Administrative Fund for the purpose of paying operating costs associated with administering the trust.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement the amendment to this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.
(9) TIERING: Is tiering applied? NO. Tiering was not applied to the amendment of this administrative regulation. The concept is not applicable to this amendment of this administrative regulation. The administrative regulation is intended to provide equal opportunity to participate within parameters, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities or address a particular problem to which certain regulated entities do not contribute. Disparate treatment of any person or entity affected by this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 164A.310(14) and 164A.325, 26 U.S.C. 529.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 164A.310 and 164A.325.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional expenditures will be required as a result of this amendment to the administrative regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No additional revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this administrative regulation.
For subsequent years: Same as above.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The entities affected by the amendment to this administrative regulation are those who elect to participate in the KESPT program.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Since this administrative regulation merely defines applicable terms for the KESPT program and the forms to be utilized in accessing benefits, there is no fiscal impact.
(b) Methodology and resources used to reach this conclusion: As noted, there is no fiscal impact on any of the affected entities as this regulation simply defines terms and prescribes the forms to be used for the KESPT program.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a "major economic impact".
(b) The methodology and resources used to reach this conclusion: As discussed above, there is no fiscal impact from this administrative regulation.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student Financial Aid
(Amendment)

11 KAR 12:040. Residency classification for Kentucky Educational Savings Plan Trust vested participation agreements.

RELATES TO: KRS 164A.305(14), (15), 164A.330(6)
STATUTORY AUTHORITY: KRS 164A.310(14), 164A.325(9)
CERTIFICATION STATEMENT: This is to certify that this administration regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 164A.325(9) authorizes the board to promulgate administrative regulations to implement the Kentucky Educational Savings Plan Trust. KRS 164A.330(6) requires that each participation agreement provide that for a vested participation agreement, the beneficiary shall be considered a resident of the Commonwealth for tuition purposes if the beneficiary enrolls in an institution of higher

education in Kentucky. This administrative regulation establishes the standards for proof

Section 1. Residency Requirement.

(1) A person who has been a resident of the Commonwealth of Kentucky for at least eight (8) continuous years and was designated as a beneficiary under a participation agreement that is in full force and effect for that entire eight (8) year period, shall be deemed to have a vested participation agreement, even if the beneficiary leaves the state prior to enrollment in an institution of higher education.

(2) For purposes of subsection (1) of this section, a participation agreement shall be deemed to be in full force and effect if, at the end of the eight (8) year period:[,]

(a) The total contributions of principal to the account that remain in the account balance equal[~~equals~~]at least $2400; and

(b) The participation agreement has not been cancelled at the time that the beneficiary first enrolls in an institution of higher education.

Section 2. Proof of Residency.

(1) Following the expiration of the period of eight (8) years of continuous residency by the beneficiary, in order to establish a vested participation agreement, either the participant or the beneficiary shall submit to the program administrator evidence of the residency[~~ to establish a vested participation agreement~~].

(a) Evidence submitted on behalf of a dependent person shall pertain to the domicile of either parent during the claimed period of residency.

(b) An individual who enrolls in college immediately following graduation from high school and remains enrolled shall:

1.[~~(a)~~] Be treated as a dependent person unless the contrary is evident from the information submitted; and

2.[~~(b)~~] Have [~~his~~]domicile determined based on[~~inferred from~~] the student's permanent address, parent's mailing address, or location of high school of graduation.

(2) A person claiming independent status shall document independent status under subsection (4) of this section and shall demonstrate by clear and convincing evidence that domicile in Kentucky has been established[~~ by that person's acts~~].

(3) The determination of residency shall be based upon verifiable circumstances or actions. A single fact shall not be paramount, and each situation shall be evaluated to identify those facts that[~~which~~] are essential to the determination of domicile.

(4) The following facts, although not conclusive, shall have probative value in support of a claim for resident classification:

(a) Full-time employment in Kentucky or transfer to an employer in contiguous area while maintaining domicile in Kentucky;

(b) Filing of Kentucky resident income tax [~~return~~]for each applicable calendar year of claimed residency status;

(c) Attendance as a full-time, nonresident student at an out-of-state institution of higher education while determined to be a resident of Kentucky;

(d) Abandonment of a former domicile and establishing domicile in Kentucky with attendance at an institution of higher education following and incidental to the change in domicile;

(e) Payment of occupational taxes in Kentucky;

(f) Payment of real property taxes in Kentucky;

(g) Payment of intangible personal property taxes in Kentucky;

(h) Ownership of real property in Kentucky, if the property was used as a residence during the claimed period of residency status;

(i) Long-term lease of housing during the claimed period of residency status;

(j) Kentucky automobile registration during the claimed period of residency;

(k) Kentucky driver's license during the claimed period of residency status;

(l) Registration as a Kentucky voter during the claimed period of residency; [~~or~~]

(m) Corroborating affidavit of a nonrelative; or[.]

(n) A combination of facts established in paragraphs (a) through (m) of this subsection.

(5) The determination of residency shall be based upon verifiable circumstances or actions and [~~authenticated~~]copies of relevant documentation.

(6) The program administrator:

(a) May request additional documentation to clarify circumstances; and

(b) Shall base the determination considering[~~formulate a decision that considers~~] all relevant facts.

Section 3. Nontransferability of Vested Participation Agreement.

(1) Although the participant may freely substitute beneficiaries under a participation agreement, the residency status acquired by a beneficiary of a vested participation agreement shall not be used to confer residency status on a substituted beneficiary; and[~~, nor shall~~]

(2) The residency of one (1) beneficiary shall not be considered in determining[~~be taken into account in~~] the establishment of a vestment period for a substituted beneficiary.

GREG ROUSH, Chair

APPROVED BY AGENCY: June 12, 2025

FILED WITH LRC: July 11, 2025 at 8:25 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, September 24, 2025, at 10:00 a.m. Eastern Time at 100 Airport Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 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 September 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: Hon. Miles F. Justice, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7309, fax (502) 696-7293, email mjustice@kheaa.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David Lawhorn

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the standards of proof of residency of a beneficiary for a vested participation agreement.

(b) The necessity of this administrative regulation: The Authority is required to promulgate administrative regulations pertaining to the vested participation agreement under the Kentucky Education Savings Plan Trust.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by prescribing the residency requirements for the vested participation agreement for KESPT.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by establishing the standards of proof required for residency of a beneficiary in a vested participation agreement.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment changes the existing regulation by updating the provisions of the proof of residency requirements for the vested participation agreement.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary in order to succinctly and clearly describe the proof of residency requirements for vested participation agreements in the KESPT.

(c) How the amendment conforms to the content of the authorizing

statutes: This amendment conforms to the content of the authorizing statutes by stating with specificity how a beneficiary under the KESPT must prove residency in order to benefit from a vested participation agreement.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the KESPT by clarifying the types of documentation that satisfy the proof of residency requirements for the vested participation agreement under the Trust.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of January 31, 2025, there were 24,895 participants in the Kentucky Educational Savings Plan Trust.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Those participants who seek to take advantage of the vested participation option under the KESPT must establish residency via the proof required in the regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the applicants in complying with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, otherwise qualified applicants will be able to benefit from the vested participation agreement in the Trust.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no cost to implement this administrative regulation.
(b) On a continuing basis: See 5(a) above.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funds held in the Trust are private funds contributed by the participant. In accordance with KRS 164A.335, funds may be transferred from the Program Fund to an Administrative Fund for the purpose of paying operating costs associated with administering the trust.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement the amendment to this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.
(9) TIERING: Is tiering applied? Tiering was not applied. It is not applicable to this amendment. This administrative regulation is intended to provide equal opportunity to participate, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 164A.310 and 164A.325, 26 U.S.C. 529.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 164A.310(14) and 164A.325.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional expenditures will be required as a result of this amendment to the administrative regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No additional revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this administrative regulation.
For subsequent years: Same as above
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The entities affected by the amendment to this administrative regulation are those who elect to participate in the KESPT program.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: No additional expenditures will be required as a result of this amendment to the administrative regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No additional revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this administrative regulation.
For subsequent years: Same as above.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Since this administrative regulation merely defines applicable terms for the KESPT program and the forms to be utilized in accessing benefits, there is no fiscal impact.
(b) Methodology and resources used to reach this conclusion: As noted, there is no fiscal impact on any of the affected entities as this regulation simply defines terms and prescribes the forms to be used for the KESPT program.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a "major economic impact".
(b) The methodology and resources used to reach this conclusion: As discussed above, there is no fiscal impact from this administrative regulation.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student Financial Aid
(Amendment)

11 KAR 12:050. Substitution of a beneficiary.

RELATES TO: KRS 164A.325(5), 164A.330(4), (5)
STATUTORY AUTHORITY: KRS 164A.310(14), 164A.325(9)
CERTIFICATION STATEMENT: This is to certify that this administration regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164A.325(9) authorizes the board to promulgate administrative regulations for the administration of the Kentucky Educational Savings Plan Trust. KRS 164A.330(4) and (5) establishes the statutory framework for the substitution of a beneficiary. KRS 164A.325(5) authorizes the board to promulgate, impose, and collect administrative fees and charges for trust transactions. This administrative regulation establishes the requirements for the substitution of a beneficiary.

Section 1. Substitution.

(1) A participant may substitute a beneficiary at any time subject to KRS 164A.330(4). If a participant desires to substitute the beneficiary, the participant shall give written or electronic notice to the program administrator by submitting a request.["~~notice to substitute beneficiary.~~"]

(2) In order for a substitution of beneficiary to be effective, the substituted beneficiary shall be already designated as a beneficiary on another account or eligible, pursuant to 11 KAR 12:030 and 26 U.S.C. 529(e)(1), on the date that the request[~~notice~~] to substitute beneficiary is submitted.

GREG ROUSH, Chair

APPROVED BY AGENCY: June 12, 2025

FILED WITH LRC: July 14, 2025 at 8:25 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, September 24, 2025, at 10:00 a.m. Eastern Time at 100 Airport Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 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 September 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: Hon. Miles F. Justice, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7309, fax (502) 696-7293, email mjustice@kheaa.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David Lawhorn

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for the substitution of a beneficiary under the Kentucky Educational Savings Plan Trust program.

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order to advise plan participants of the process for substituting beneficiaries thereunder.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by prescribing the requirements for beneficiary substitution under the program as required by the statutes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by prescribing the requirements whereby a plan participant can substitute a beneficiary.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment changes the existing regulation by providing that the required notification form can be submitted by electronic means.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary in order to advise plan participants of the means by which they can achieve substitution of the beneficiary for their plan.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes by expanding the means to substitute a plan beneficiary through electronic means.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the KESPT program by expanding the method by which a plan participant can submit notice of change of beneficiary to include electronic means.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of January 31, 2025, there were 24,895 participants in the Kentucky Educational Savings Plan Trust.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Program participants must submit the specified change of beneficiary form in order to accomplish this. Under the amendment, this form can be submitted by electronic means.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the applicants in complying with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, a program participant will able to complete this change.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no cost to implement this administrative regulation.

(b) On a continuing basis: See 5(a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding source is required in order to implement this administrative regulation since it merely expands the means by which the beneficiary form may be submitted to include by electronic means.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied. It is not applicable to this amendment. This administrative regulation is intended to provide equal opportunity to participate, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 164A.310(14) and 164A.325, 26 U.S.C. 529.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 164A.310(14) and 164A.325.

(3)(a) Identify the promulgating agency and any other affected state

units, parts, or divisions: Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional expenditures will be required as a result of this amendment to the administrative regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No additional revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this administrative regulation.
For subsequent years: Same as above.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The entities affected by the amendment to this administrative regulation are those who elect to participate in the KESPT program.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Since this administrative regulation merely defines applicable terms for the KESPT program and the forms to be utilized in accessing benefits, there is no fiscal impact.
(b) Methodology and resources used to reach this conclusion: As noted, there is no fiscal impact on any of the affected entities as this regulation simply defines terms and prescribes the forms to be used for the KESPT program.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a "major economic impact".
(b) The methodology and resources used to reach this conclusion: As discussed above, there is no fiscal impact from this administrative regulation.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student Financial Aid
(Amendment)

11 KAR 12:060. Cancellation, partial withdrawal, and payment of refund.

RELATES TO: KRS 164A.325(5), 164A.350
STATUTORY AUTHORITY: KRS 164A.310(14), 164A.325(5), (9), 164A.350(8)
CERTIFICATION STATEMENT: This is to certify that this administration regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 164A.325(9) authorizes the board to promulgate administrative regulations to implement the Kentucky Educational Savings Plan Trust. KRS 164A.350(2) provides that a participant may cancel a participation agreement[~~and allows a penalty to be charged by the trust~~]. This administrative regulation establishes the procedures for cancellation of the participation agreement and refund of the account balance[~~and specifies the penalty~~].

Section 1. Cancellation. To cancel a participation agreement pursuant to KRS 164A.350(2), a participant shall submit to the program administrator a notice to terminate the participation agreement.

Section 2. Partial Withdrawal. A participant may request a partial withdrawal of an account balance without cancellation of the participating agreement. To request a partial withdrawal from a Kentucky Educational Savings Plan Trust account, a participant shall submit a written or online request to the program administrator.

Section 3. Refund. The amount to be refunded pursuant to KRS 164A.350, shall be mailed or otherwise sent to the participant within sixty (60) days after receipt by the program administrator of notice to terminate the participation agreement or written or online request for partial withdrawal.

GREG ROUSH, Chair
APPROVED BY AGENCY: June 12, 2025
FILED WITH LRC: July 11, 2025 at 8:25 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, September 24, 2025, at 10:00 a.m. Eastern Time at 100 Airport Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 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 September 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: Hon. Miles F. Justice, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7309, fax (502) 696-7293, email mjustice@kheaa.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David Lawhorn
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the procedures for cancellation of a participation agreement and refund of the account balance.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to advise plan participants of

the means by which they can manage their accounts with respect to cancellation and refund.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by prescribing the procedures for cancellation and refund of KESPT plans.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by prescribing the cancellation and refund procedures for KESPT plan participants.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment changes the existing regulation by deleting outdated references to penalties assessed by KHEAA and authorization cancellation notice and refund requests to be submitted electronically.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary in order to remove outdated penalty language and to add an electronic method for submission of forms regarding cancellation and refund.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes by specifying removing outdated verbiage and expanding submission methods to include electronic.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the KESPT program by advising participants that their cancellation and refund requests may be submitted electronically.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of January 31, 2025, there are 24,895 participants in the KESPT program.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Those individuals who seek to cancel or obtain a withdrawal from their KESPT plans will be able to submit those requests by email.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the applicants in complying with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, applicants will be able to cancel or receive a refund of their plan balance.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no cost to implement this administrative regulation.
(b) On a continuing basis: See 5(a) above.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding source is required in order to implement this administrative regulation since it merely specifies that forms may be submitted electronically.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement the amendment to this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.
(9) TIERING: Is tiering applied? Tiering was not applied. It is not applicable to this amendment. This administrative regulation is intended to provide equal opportunity to participate, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 164A.310(14), 164A.325, 26 U.S.C. 529.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 164A.310(14) and 164A.325.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional expenditures will be required as a result of this amendment to the administrative regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No additional revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this administrative regulation.
For subsequent years: Same as above.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The entities affected by the amendment to this administrative regulation are those who elect to participate in the KESPT program.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Since this administrative regulation merely defines applicable terms for the KESPT program and the forms to be utilized in accessing benefits, there is no fiscal impact.
(b) Methodology and resources used to reach this conclusion: As noted, there is no fiscal impact on any of the affected entities as this

regulation simply defines terms and prescribes the forms to be used for the KESPT program.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a "major economic impact".
(b) The methodology and resources used to reach this conclusion: As discussed above, there is no fiscal impact from this administrative regulation.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student Financial Aid
(Amendment)

11 KAR 12:070. Benefits payable from the Kentucky Educational Savings Plan Trust Program fund.

RELATES TO: KRS 164A.310(8), 164A.330(5), 164A.335, 26 U.S.C. 529
STATUTORY AUTHORITY: KRS 164A.310(14), 164A.325(9)
CERTIFICATION STATEMENT: This is to certify that this administration regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 164A.325(9) authorizes the board to promulgate administrative regulations to implement the Kentucky Educational Savings Plan Trust. This administrative regulation establishes the maximum benefits payable in an academic period, the duration of the payments, the payment of benefits for a beneficiary residing off campus and the notice provisions for a refund of the payments for nonuse or unused benefits from the program fund.

Section 1. Distribution of Benefits.
(1) Upon submission of a notice to use trust benefits, the participant shall specify the level of benefits to be paid. The participant shall elect distribution of an allotment of the account balance[~~, calculated by dividing the account balance by the number of academic periods in the beneficiary's program of study,~~] or a higher amount, which shall not exceed the beneficiary's higher education costs for each academic period. The [~~participant~~]may adjust the level of benefits paid in an academic period by notifying the program administrator in writing either by mail or electronically.
(2) Distribution of benefits shall begin on request[~~after receipt by the program administrator of a notice to use trust benefits~~] and [~~shall~~]continue throughout the beneficiary's period of enrollment at an institution of higher education, or until the account balance has been exhausted, whichever occurs first.
(3) If a participant transfers ownership rights pursuant to KRS Chapter 385, Uniform Transfers to Minors Act, notwithstanding KRS 385.202(1), which mandates the transfer of custodial property to the minor upon attainment of age eighteen (18), the property shall be distributed for postsecondary educational purposes in accordance with the terms of the participation agreement during each academic period of the beneficiary's educational program.

Section 2. Beneficiary Residing Off Campus. If a beneficiary resides off campus, upon written request of the participant, the program administrator shall pay to the beneficiary or participant, for room and board for an academic period, that portion of higher education costs not paid to the institution that shall not exceed the amount of the beneficiary's higher education costs permitted for room and board pursuant to 26 U.S.C. 529.

Section 3. Unused Benefits.
(1) During academic period. If a beneficiary's higher education costs are less than the benefits due[~~ for an academic period~~], that portion of the unused benefits shall accumulate to the beneficiary's account. The unused benefits plus the beneficiary's entitlement in the program fund [~~in an academic period~~]not exceeding the higher education costs may be paid for the beneficiary at a future date[~~in the next succeeding academic period~~].
(2) After education attainment[~~graduation~~]. If the beneficiary completes education attainment[~~graduates from an institution of higher education~~], and a balance remains in the beneficiary's account, the program administrator shall pay, upon the written request of the participant submitted by mail or electronically, the balance of the payments and the earnings from the investments in the program fund remaining in the account to the participant pursuant to KRS 164A.350.

GREG ROUSH, Chair
APPROVED BY AGENCY: June 12, 2025
FILED WITH LRC: July 11, 2025 at 8:25 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, September 24, 2025 at 10:00 a.m. Eastern Time at 100 Airport Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 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 September 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: Hon. Miles F. Justice, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7309, fax (502) 696-7293, email mjustice@kheaa.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David Lawhorn
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the maximum benefits payable in an academic period, the duration of the payments, the payment of benefits for a beneficiary residing off campus, and the notice provisions for a refund of payments for unused benefits under the KESPT program.
(b) The necessity of this administrative regulation: The Authority is required to promulgate administrative regulations pertaining to operation of the KESPT program including benefits and refunds.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by prescribing provisions for payments of benefits and refunds of unused funds.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by prescribing the requirements for payments of benefits and refunds of unused forms under the KESPT program.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment changes the existing regulation by authorizing the submission of requests for plan benefit use and refunds to be made by electronic means as well as simplifying the determination of the allotment of benefits eligible for use in an academic year.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary in order to expand the method of submission of forms as well as to advise plan participants of the method of determination for benefits eligible for use in an academic year.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes by clarifying usage of plan benefits.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the KESPT program by expanding the means of submission of

requests to utilize plan benefits.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of January 31, 2025, there are 24,895 participants in the KESPT program.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Those plan participants who seek to use plan benefits will be able to submit those requests electronically.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the applicants in complying with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, applicants will be able to utilize plan benefits.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no cost to implement this administrative regulation.
(b) On a continuing basis: See 5(a) above.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding source is required in order to implement this administrative regulation since it merely specifies the means by which requests to utilize plan benefits can be submitted.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement the amendment to this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.
(9) TIERING: Is tiering applied? Tiering was not applied. It is not applicable to this amendment. This administrative regulation is intended to provide equal opportunity to participate, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 164A.310(14), 164A.325, 26 U.S.C. 529.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 164A.310(14) and 164A.325.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional expenditures will be required as a result of this amendment to the administrative regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No additional revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this administrative regulation.
For subsequent years: Same as above.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The entities affected by the amendment to this administrative regulation are those who elect to participate in the KESPT program.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Since this administrative regulation merely defines applicable terms for the KESPT program and the forms to be utilized in accessing benefits, there is no fiscal impact.
(b) Methodology and resources used to reach this conclusion: As noted, there is no fiscal impact on any of the affected entities as this regulation simply defines terms and prescribes the forms to be used for the KESPT program.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a "major economic impact".
(b) The methodology and resources used to reach this conclusion: As discussed above, there is no fiscal impact from this administrative regulation.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
Division of Student Financial Aid
(Amendment)

11 KAR 12:090. Transfer of ownership of Kentucky Educational Savings Plan Trust Program fund.

RELATES TO: KRS 164A.350(6), Chapter 385
STATUTORY AUTHORITY: KRS 164A.310(14), 164A.325(9)
CERTIFICATION STATEMENT: This is to certify that this administration regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 164A.350 states that the participant retains ownership of the principal amount of payments to the program fund, and that the trust retains ownership of the investment income until distributions are made. KRS 164A.300 through 164A.380 provide to the participant reversionary rights in the investment income in the event of termination, and confer upon the participant various powers to terminate the participation agreement, substitute beneficiaries, and delay distribution of benefits. Nothing in the foregoing statutes prohibits a participant from transferring these rights and ownership and reversionary interests to another eligible participant or to a minor

beneficiary under the Uniform Transfers to Minors Act. Furthermore, nothing in the foregoing statutes precludes a beneficiary from also being a participant. This administrative regulation permits such a transfer and sets forth the procedures to facilitate a transfer under the Uniform Transfers to Minors Act.

Section 1. General Rule. A participant may assign ownership interest in payments to another eligible participant at any time. An assignment of ownership shall only be effective to transfer ownership interest in the trust if the assignment:

(1) Is to another individual who qualifies as eligible pursuant to 11 KAR 12:030;

(2) Is irrevocable;

(3) Transfers all ownership, reversionary rights, and powers of appointment (i.e., power to substitute beneficiaries) and to direct the distribution of benefits; and

(4) Is in writing and submitted to the program administrator either by mail or electronically.

Section 2. Subject to Section 1 of this administrative regulation and in accordance with KRS Chapter 385, a participant, eighteen (18) years old or older, may make a gift of the ownership interest in the program fund to a minor beneficiary by designating in the assignment that the transfer is to a qualified custodian for the beneficiary.

Section 3. Upon receipt of a valid assignment of ownership, the assignee shall be considered the participant for all purposes of KRS 164A.300 through 164A.380, regardless of the source of subsequent payments.

GREG ROUSH, Chair

APPROVED BY AGENCY: June 12, 2025

FILED WITH LRC: July 11, 2025 at 8:25 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, September 24, 2025, at 10:00 a.m. Eastern Time at 100 Airport Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 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 September 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: Hon. Miles F. Justice, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7309, fax (502) 696-7293, email mjustice@kheaa.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: David Lawhorn

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the procedures for a transfer of KESPT ownership interest from a plan participant to a minor beneficiary under the Uniform Transfers to Minors Act.

(b) The necessity of this administrative regulation: The Authority is required to promulgate administrative regulations pertaining to the administration of the KESPT program.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by prescribing the method of transfer of KESPT program account interest to a minor beneficiary when desired.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by prescribing the means by which interest in a KESPT program account can be transferred to a minor beneficiary.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment changes the existing regulation by providing that an UTMA transfer can be completed by electronic means.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary in order to enable KESPT program participants to transfer their plan interests to a minor beneficiary via electronic request thus making this process more efficient for plan participants.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes by updating the means by which plan interests can be transferred more simply and efficiently.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the KESPT program by enabling participants to transfer their interest in a plan to a minor beneficiary electronically.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of January 31, 2025, there are 24,895 participants in the KESPT program.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Those individuals who seek to participate transfer plan interests to a minor beneficiary, they can now do so either by mail or electronically.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the applicants in complying with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, program participants will be able to transfer their plan interests to a minor beneficiary more easily.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no cost to implement this administrative regulation.

(b) On a continuing basis: See 5(a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding source is required in order to implement this administrative regulation since it merely expands the means by which plan interests may be transferred.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied. It is not applicable to this amendment. This administrative regulation is intended to provide equal opportunity to participate, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 164A.310(14), 164A.325, 26 U.S.C. 529.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 164A.310(14) and 164A.325.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional expenditures will be required as a result of this amendment to the administrative regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No additional revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this administrative regulation.
For subsequent years: Same as above.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no affected local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The entities affected by the amendment to this administrative regulation are those who elect to participate in the KESPT program.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: No expenditures will be required as a result of this amendment to the regulation.
For subsequent years: Same as above.
2. Revenues:
For the first year: No revenues will be generated through this amendment to the administrative regulation.
For subsequent years: Same as above.
3. Cost Savings:
For the first year: No costs are associated with this amendment to the administrative regulation.
For subsequent years: Same as above.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Since this administrative regulation merely defines applicable terms for the KESPT program and the forms to be utilized in accessing benefits, there is no fiscal impact.
(b) Methodology and resources used to reach this conclusion: As noted, there is no fiscal impact on any of the affected entities as this regulation simply defines terms and prescribes the forms to be used for the KESPT program.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a "major economic impact".
(b) The methodology and resources used to reach this conclusion: As discussed above, there is no fiscal impact from this administrative regulation.

FINANCE AND ADMINISTRATION CABINET
Kentucky Teachers' Retirement System
(Amendment)

102 KAR 1:175. Investment policies.

RELATES TO: KRS 161.430
STATUTORY AUTHORITY: KRS 161.310, 161.430(1)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8. The Governor's signature is included after the body of the regulation to indicate his acknowledgement of this certification.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.310 requires the Teachers' Retirement System Board of Trustees to promulgate administrative regulations for the administration of the funds of the retirement system and for the transaction of business. KRS 161.430(1) requires the board of trustees to promulgate administrative regulations to establish investment policies and procedures to carry out its responsibilities and provides that the board of trustees shall have full power and responsibility for the purchase, sale, exchange, transfer, or other disposition of the investments and money of the Teachers' Retirement System. This administrative regulation establishes investment policies and procedures to carry out these responsibilities.

Section 1. Investment Committee.
(1)
(a) The board of trustees shall appoint an investment committee in accordance with the provisions of KRS 161.430(1). The trustees shall be named at the beginning of each fiscal year.
(b) The executive secretary shall act on behalf of the investment committee in administering the investment policies and procedures established in this administrative regulation.
(c) To ensure a timely market transaction, the executive secretary and the chief investment officer may make a purchase or sale of an investment instrument without prior board approval if the action conforms to the provisions established in this administrative regulation.
(2) The staff investment personnel employed by the board under KRS 161.430(1) may be delegated transaction responsibilities under the supervision of the chief investment officer and the executive secretary.
(3)
(a) Contracts with contracted investment counselors employed under KRS 161.430(1) shall be on a fiscal year basis for twelve (12) month periods, except that contracts entered into on or after the start of a fiscal year shall not extend beyond the end of the fiscal year in which the contract is entered.
(b) The system may invest in either separately-managed accounts or commingled funds.
(c) The investment committee shall make recommendations to the board regarding employment of investment counselors and the renewal or nonrenewal of contracts.
(d)
1. The system may utilize the services of a consultant to advise the investment committee, as well as to assist in evaluating the effectiveness of investment counselors.
2. A consultant may advise the investment committee with regard to asset class allocation and the combined effect of the various portfolios on the system's overall risk and expected long-term return.
(e) Investment counselors shall provide reports documenting their results at least quarterly and meet with the investment committee if requested.
(f) An annual report on the performance and service of each investment counselor shall be provided to the board with recommendations from the investment committee.

(4) The following procedures shall be followed with regard to all investment transactions, whether internally or externally managed:

(a) The board shall be provided a quarterly report reflecting a complete record of each investment transaction that occurred during that quarter;

(b) The investment committee shall be provided a complete record of each investment transaction or holding;

(c) The staff shall maintain a file of investment directives that indicates the committee's separate review of each specific long-term investment; and

(d) An "authorization for investment" shall be approved or denied by the executive secretary or the chief investment officer.

Section 2. Asset Allocation.

(1) In order to preserve the assets of the system and produce the required rate of return while minimizing risk, assets shall be prudently diversified among various classes of investments.

(2) In determining asset allocation policy, the investment committee and the board shall be mindful of the system's liquidity and its capability of meeting both short and long-term obligations. The limitations established in this subsection shall apply to the asset classes in which funds are invested.

(a) There shall not be a limit on the amount of investments owned by the system if the investments are guaranteed by the United States government.

(b) The amount invested in corporate debt obligations shall not equal more than thirty-five (35) percent of the assets of the system.

(c) The amount invested in common stocks or preferred stocks shall not equal more than sixty-five (65) percent of the assets of the system.

(d) The amount invested in a stock portfolio designed to replicate a general stock index shall not equal more than twenty-five (25) percent of the assets of the system.

(e) More than thirty (30) percent of the assets of the system shall not be invested in the stocks of companies domiciled outside of the United States. An amount of this type if invested shall be included in the sixty-five (65) percent limitation established under this subsection.

(f) The amount invested in real estate shall not equal more than ten (10) percent of the assets of the system. Real estate shall include real estate equity, real estate lease agreements, and shares in real estate investment trusts.

(g) The amount invested in alternative investments shall not equal more than ten (10) percent of the assets of the system. This category may include private equity, venture capital, timberland, and infrastructure investments.

(h)

1. The amount invested in an additional category or categories of investments shall not equal more than fifteen (15) percent of the assets of the system.

2. The board shall approve or deny by resolution any additional category or categories of investments.

Section 3. Fixed Income Investments. The specific guidelines associated with a fixed income investment shall be established in this section.

(1) Unless the issuer is the United States government or a government sponsored enterprise (GSE), the amount invested in the securities of a single issuer shall not equal more than five (5) percent of the assets of the system.

(2)

(a) A fixed income investment shall be rated at the time of purchase as investment grade by at least one (1) of the major rating services.

(b) A private placement debt investment shall be subject to the same credit qualifications as each fixed income investment.

(c) The fixed income investment portfolio as a whole shall maintain an average rating of investment grade by at least one (1) of the major rating services.

(3) Investments in mortgages or mortgage-backed securities shall consist of first mortgages on property located in the United States unless the mortgage is guaranteed by the United States government.

(4) A foreign debt purchase shall comply with all other fixed income restrictions in this section. Foreign debt shall not in aggregate equal more than ten (10) percent of the assets of the system.

Section 4. Equity and Real Estate Investments. The requirements established in this section shall apply to equity and real estate investments.

(1)

(a) The system's position in a single stock shall not exceed two and one-half (2.5) percent of the system's assets.

(b) The system's position in a single stock shall not exceed five (5) percent of the outstanding stock for that company unless the investment is part of a venture capital program.

(2) [~~A real estate purchase that is conducted on a triple net lease basis shall involve a company that at the initial agreement generates one (1) of the three (3) highest credit ratings by a national credit rating service.~~]

[~~(3)~~]

(a) A real estate investment shall be judged on its total return potential.

(b) The system shall not acquire undeveloped land unless development plans are imminent.

(c) This provision shall not preclude investment in timberland.

(3)[~~(4)~~] The system shall not buy bullion, stamps, rare coins, or other collectibles, unless approved by the board as an additional category of investment. The board shall approve these assets as an additional category of investment only in exceptional circumstances if there is a potential investment in these assets that provides a high value opportunity and lowers the risk of the portfolio overall.

This administrative regulation has been reviewed and approved by the Board of Trustees, Teachers' Retirement System of the State of Kentucky on June 16, 2025.
BRENDA MCGOWN, Chair

Certified pursuant to 2025 RS HB 6, Section 8:
{ANDY BESHEAR, Governor: No signature pursuant to current litigation 25-CI-00269 in Franklin Circuit Court}
BRENDA MCGOWN, Chair

APPROVED BY AGENCY: June 16, 2025

FILED WITH LRC: July 11, 2025 at 11:47 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 26, 2025, at 9:00 a.m. at the Kentucky Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) 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 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 September 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: Robert B. Barnes, Deputy Executive Secretary of Operations and General Counsel, Kentucky Teachers' Retirement System, 479 Versailles Road, Frankfort, Kentucky 40601, phone (502) 848-8508, fax (502) 573-0199, email Beau.Barnes@trs.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Robert B. Barnes
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the investment policies and procedures that the board of trustees shall use to purchase, sell, exchange, transfer, or otherwise dispose of the investments and money of the Teachers' Retirement System. This administrative regulation provides, in

regulatory format, the retirement system's investment policies and procedures.
(b) The necessity of this administrative regulation: KRS 161.430(1) requires the Board of Trustees to establish investment policies and procedures by administrative regulation to carry out its responsibilities.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides the investment policies and procedures required to be established by the board of trustees by KRS 161.430. This administrative regulation conforms to the content of the authorizing statute by establishing investment policies and procedures in regulatory format for investment of the retirement system's funds and assets.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the investment policies and procedures that govern the board of trustees investment transactions. This administrative regulation assists in the effective administration of the statutes by providing the statutorily required regulatory format for the retirement system's investment policies and procedures.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment to this administrative regulation will delete the language in Section 4 to allow the Board of Trustees to conduct a real estate purchase on a triple net lease basis with the assistance of agency staff instead of an outside contractor. This amendment also allows the Board of Trustees to remove the reference to credit ratings so that properties may be evaluated on the total return potential as otherwise required by the administrative regulation.
(b) The necessity of the amendment to this administrative regulation: The amendment of this administrative regulation is required to allow the Board of Trustees to conduct a real estate purchase on a triple net lease basis with the assistance of agency staff instead of an outside contractor. This amendment of this administrative regulation is necessary to remove the reference to credit ratings so that properties may be evaluated on the total return potential as otherwise required by the administrative regulation.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment of this administrative regulation conforms to the authorizing statute by providing an updated description of the policies and procedures the Board of Trustees will use to conduct investment transactions. The amendment conforms to the authorizing statute by continuing to provide in regulatory format investment policies and procedures as required by the statute.
(d) How the amendment will assist in the effective administration of the statutes: The amendment of this administrative regulation will carry out the requirements of KRS 161.430 by providing an updated description of the policies and procedures the board of trustees will use to conduct investment transactions. Investment policies and procedures are required by statute to be promulgated in an administrative regulation.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment applies to the Board of Trustees and the investment committee.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Kentucky Teachers' Retirement System will continue to follow the investment policies and procedures set forth in the administrative regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to Kentucky Teachers' Retirement System other than the normal costs of investing.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The retirement system will continue to be in compliance with the statute that requires investment policies and procedures to be established in administrative regulation.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The only cost to implement this administrative regulation will be the normal costs of investing.
(b) On a continuing basis: The only continuing costs would be the normal costs of investing.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Administrative and investment management expenses of the retirement system are paid by trust and agency funds.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding required.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.
(9) TIERING: Is tiering applied? Tiering is not applied, as all members are treated the same.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 161.310, 161.430.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 161.430, Amended 2025 Ky. Acts ch. 138, sec. 6, effective March 31, 2025. -- Amended 2023 Ky. Acts ch. 94, sec. 8, effective June 29, 2023. -- Amended 2019 Ky. Acts ch. 72, sec. 3, effective March 25, 2019. -- Amended 2017 Ky. Acts ch. 12, sec. 8, effective March 10, 2017. -- Amended 2012 Ky. Acts ch. 75, sec. 13, effective April 11, 2012. -- Amended 2008 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 32, effective June 27, 2008. -- Amended 2004 Ky. Acts ch. 121, sec. 5, effective July 1, 2004. -- Amended 2002 Ky. Acts ch. 275, sec. 9, effective July 1, 2002. -- Amended 1994 Ky. Acts ch. 369, sec. 5, effective July 1, 1994. – Amended 1992 Ky. Acts ch. 192, sec. 4, effective July 1, 1992. -- Amended 1990 Ky. Acts ch. 442, sec. 18, effective July 1, 1990; and ch. 476, Pt. V, sec. 499, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 363, sec. 4, effective July 1, 1988. -- Amended 1984 Ky. Acts ch. 253, sec. 7, effective July 1, 1984. -- Amended 1980 Ky. Acts ch. 246, sec. 10, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 152, sec. 4, effective March 28, 1978. -- Amended 1972 Ky. Acts ch. 82, sec. 8. -- Amended 1968 Ky. Acts ch. 136, sec. 3. -- Amended 1966 Ky. Acts ch. 16, sec. 2. -- Amended 1964 Ky. Acts ch. 43, sec. 5. -- Amended 1962 Ky. Acts ch. 64, sec. 4. -- Amended 1960 Ky. Acts ch. 44, sec. 7. -- Amended 1958 Ky. Acts ch. 8, sec. 2. -- Amended 1954 Ky. Acts ch. 215, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4506b-21..
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Teachers' Retirement System of the State of Kentucky
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The only cost is the normal cost of investing. For subsequent years: The only cost will be the normal cost of investing. For subsequent years: This administrative regulation contains investment policies and procedures and the purpose of the proposed amendment is to maintain flexibility under future market conditions.
2. Revenues:
For the first year: This administrative regulation contains investment policies and procedures and the purpose of the proposed amendment is to maintain flexibility under future market conditions. For subsequent years: This administrative regulation contains investment policies and procedures and the purpose of the proposed amendment is to maintain flexibility under future market conditions.
3. Cost Savings:
For the first year: This administrative regulation contains investment policies and procedures and the purpose of the proposed amendment is to maintain flexibility under future market conditions.

For subsequent years: N/A.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A.
For subsequent years: N/A.
2. Revenues:
For the first year: N/A.
For subsequent years: N/A.
3. Cost Savings:
For the first year: N/A.
For subsequent years: N/A.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A.
For subsequent years: N/A.
2. Revenues:
For the first year: N/A.
For subsequent years: N/A.
3. Cost Savings:
For the first year: N/A.
For subsequent years: N/A.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The fiscal impact of this administrative regulation should be negligible because this administrative regulation is already being administered as written.
(b) Methodology and resources used to reach this conclusion: This administrative regulation is already being administered as written.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as it is already being administered as written.
(b) The methodology and resources used to reach this conclusion: This administrative regulation is already being administered as written.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

FINANCE AND ADMINISTRATION CABINET
Department of Revenue
(Amendment)

103 KAR 2:005. Life Mortality Table.

RELATES TO: KRS 140.100
STATUTORY AUTHORITY: KRS 131.130, 140.100(2)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(1) authorizes the Department of Revenue to promulgate administrative regulations for the administration and enforcement of all tax laws of this state. KRS 140.100(2) requires the application of the appropriate United States life mortality tables when ascertaining the value of future, contingent, or limited estates, which includes life estates and annuities. This administrative regulation establishes the appropriate United States life mortality table as required by KRS 140.100(2).

Section 1. Table 1, Life Table for the Total Population: United States published by the United States Department of Health and Human Services, National Center for Health Statistics[~~The mortality table as prescribed in of the Internal Revenue Code, 26 U.S.C. 7520(a)(1)~~], shall be utilized when computing the value of a beneficiary's life estate, annuity, remainder interest, or any other interest in the estate which is based on the life expectancy of the beneficiary or some other person. The life mortality table prescribed by National Center for Health Statistics as of January 1 of the year of the decedent's death shall be used.[~~The mortality table prescribed by the Internal Revenue Service as of January 1 of the year of the decedent's death shall be used.~~]

THOMAS B. MILLER, Commissioner
APPROVED BY AGENCY: July 11, 2025
FILED WITH LRC: July 11, 2025 at 10:30 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public comment on this administrative regulation shall be held on September 23, 2025, at 10:00 a.m. in Room 11A, State Office Building, 501 High Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing at least 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. 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 September 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: Gary Morris, Executive Director, Office of Tax Policy and Regulation, Department of Revenue, 501 High Street, Station 1, Frankfort, Kentucky 40601, phone (502) 564-0424, fax (502) 564-3875, email DORTAXPOLICY@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Gary Morris
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation amends 103 KAR 2:005 to update the life expectancy table to a more current version and provides for automatic updates to published life expectancy tables.
(b) The necessity of this administrative regulation: Amending this administrative regulation allows a m ore current version of the life expectancy table to be used and allows for it to be updated automatically by reference to U.S. Department of Health and Human Services, National Center for Health Statistics' life expectancy tables.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 131.130(1) grants the Department of Revenue the authority to promulgate administrative regulations as it deems necessary for the administration of Kentucky's tax laws.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: See (1)(b).
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: See 1(a).
(b) The necessity of the amendment to this administrative regulation: See 1(b).
(c) How the amendment conforms to the content of the authorizing statutes: See 1(c)
(d) How the amendment will assist in the effective administration of the statutes: See 1(d) for how the regulation will assist the effective administration of the statutes.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Any taxpayer or taxpayer representative that needs to calculate inheritance tax based on future, contingent, and life estates will find appropriate guidance in this regulation.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in

question (3) will have to take to comply with this administrative regulation or amendment: There are no actions required.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no costs associated with these changes.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Taxpayers and taxpayer representatives will be able to locate current guidance regarding which life expectancy table to use for Kentucky inheritance tax purposes.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no additional costs associated with this amendment. Current staff and budgeted funding will absorb any cost associated with implementation.
(b) On a continuing basis: The Department of Revenue should not incur additional costs on an ongoing basis due to this amendment.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current budgeted funding for the Department of Revenue will be used to implement and enforce the amendment to this regulation.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees.
(9) TIERING: Is tiering applied? Tiering is not applied. The updating of this administrative regulation will impact all taxpayers subject to inheritance tax equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 131.130(1), KRS 140.100(2)
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: N/A
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Revenue
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The amendment to this administrative regulation will not affect expenditures.
For subsequent years: The amendment to this administrative regulation will not affect expenditures.
2. Revenues:
For the first year: The amendment to this administrative regulation will not affect revenues.
For subsequent years: The amendment to this administrative regulation will not affect revenues.
3. Cost Savings:
For the first year: The amendment to this administrative regulation will not result in any cost savings.
For subsequent years: The amendment to this administrative regulation will not result in any cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The amendment to this administrative regulation will not impact local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The amendment to this administrative regulation will not impact the expenditures of local entities.
For subsequent years: The amendment to this administrative regulation will not impact the expenditures of local entities.
2. Revenues:
For the first year: The amendment to this administrative regulation will not impact the revenues of local entities.
For subsequent years: The amendment to this administrative regulation will not impact the revenues of local entities.
3. Cost Savings:
For the first year: The amendment to this administrative regulation will not impact the cost savings of local entities.
For subsequent years: The amendment to this administrative regulation will not impact the cost savings of local entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The administrative regulation will have a negligible fiscal impact on the Department of Revenue.
(b) Methodology and resources used to reach this conclusion: The current Life Mortality Tables used and knowledge of how these tables fluctuate minimally.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): The amendment to this administrative regulation will not have a "major economic impact".
(b) The methodology and resources used to reach this conclusion: No methodology was necessary, since there is no "major economic impact".

FINANCE AND ADMINISTRATION CABINET
(Amendment)

200 KAR 5:021. Manual of policies and procedures.

RELATES TO: KRS 45A.045(2)[~~Chapter 45A~~]
STATUTORY AUTHORITY: KRS 45A.045(2)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, as this amended administrative regulation will not have a major economic impact, as defined by KRS 13A.010(13). The Governor's signature is included after the body of the regulation to indicate his acknowledgement of this certification.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.045(2) requires the Finance and Administration Cabinet to publish a manual of policies and procedures, which is to be incorporated by reference as an administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates the Finance and Administration Cabinet Manual of Policies and Procedures.

[~~Section 1.~~] [~~A state agency shall follow the procurement requirements in the Finance and Administration Cabinet Manual of Policies and Procedures.~~]

Section 1.[~~Section 2.~~] Incorporation by Reference.
(1) "Finance and Administration Cabinet Manual of Policies and Procedures", Revised July 2025[~~August 2024~~], is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Finance and Administration Cabinet, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:00 p.m. This material may also be obtained at the Finance and Administration Cabinet's website[~~Web site~~],

https://finance.ky.gov/office-of-the-secretary/office-of-policy-and-audit/Pages/Finance-Policies.aspx.

HOLLY M. JOHNSON, Secretary
APPROVED BY AGENCY: July 10, 2025
FILED WITH LRC: July 10, 2025 at 3:20 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2025, at 10:00 a.m. at the Kentucky Finance and Administration Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing 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 cancelled. 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 until 11:59 p.m. on September 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: Cary Bishop, Assistant General Counsel, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622; phone (502) 564-6660; fax (502) 564-9875; email cary.bishop@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Cary Bishop
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation publishes a manual of procedures that clarify and explain detailed processes necessary for daily administration of purchase-related activities.
(b) The necessity of this administrative regulation: This regulation fulfills the requirement of KRS 45A.045(2) for the Secretary to publish a manual of procedures which shall be incorporated by reference as an administrative regulation pursuant to KRS Chapter 13A.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation incorporates by reference the policies and procedures manual required by KRS 45A.045(2).
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It provides guidance to vendors, prospective bidders, Finance and Administration Cabinet ("FAC") staff and other state employees in the administration of Kentucky's Model Procurement Code (KRS Chapter 45A).
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment contains many updates and clarifications to the existing Finance and Administration Cabinet procedures manual, as detailed in the attached summary of changes. In addition to technical, grammatical, and formatting updates, the updated manual updates and consolidates defined terms, clarifies contract language that is legally prohibited, emphasizes the Commonwealth's transition to primarily electronic procurement methods, and clarifies ambiguities in existing processes.
(b) The necessity of the amendment to this administrative regulation: Aside from more recent changes required by statute, the manual last received a comprehensive review and update in 2016. Since that time, procurement standards have evolved considerably, with greater emphasis on electronic processes, legislative updates to defined terms, and demonstrated need to clarify content in the manual.
(c) How the amendment conforms to the content of the authorizing statutes: The manual is required by KRS 45A.045(2).
(d) How the amendment will assist in the effective administration of the statutes: Updates will simplify and clarify the Finance and Administration Cabinet's Manual of Policies and Procedures for all users and eliminate confusion as to procedures to be followed in KRS 45A procurement matters.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Affected state units, parts, or divisions consist of all state agencies subject to the KRS 45A.045 procurement authority of the Finance and Administration Cabinet. Excluded from this scope would be any postsecondary educational institution that has opted-out pursuant to KRS 164A.560, or any state government entity exempted by act of the legislature from the KRS 45A.045 central procurement authority of the Finance and Administration Cabinet. No local entity will be affected, except to the extent they independently elect to adopt regulations, pursuant to KRS 45A.360, modeled on the Manual of Policies and Procedures.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The primary action required of regulated entities is that their procurement staff will be required to review and be aware of the updates in the amended manual. The individual updates clarify state entities with authority to review and authorize strategic purchases, specify electronic methods as being preferred in future procurement activities, and adds a payment dispute and resolution process.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Agencies will have more detailed and clear guidance regarding the steps to be taken to procure goods and services for their agency in a manner that complies with Commonwealth law.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No additional cost.
(b) On a continuing basis: No additional cost.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is necessary for implementation of this regulation.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional funding is necessary for implementation of this regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased.
(9) TIERING: Is tiering applied? Yes, the Manual of Policies and Procedures contains tiering primarily regarding tiered levels of general and small purchase procurement authority for different executive branch entities. That said, the focus of changes in this amendment are generally updates to policies and procedures that affect all state agencies subject to Finance's KRS 45A.045 authority in a similar manner.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: No federal statute or regulation at issue. While the Commonwealth's Model Procurement Code is modeled on the federal model, the statute authorizing this regulation is a state statute, KRS 45A.045.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 45A.045(2) expressly requires the Finance and Administration to publish, and periodically revise, a manual of procedures incorporated by reference within an administrative regulation.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Affected state units, parts, or divisions

consist of all state agencies subject to the KRS 45A.045 procurement authority of the Finance and Administration Cabinet. Excluded from this scope would be any postsecondary educational institution that has opted-out pursuant to KRS 164A.560, or any state government entity exempted by act of the legislature from the KRS 45A.045 central procurement authority of the Finance and Administration Cabinet.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entity will be affected, except to the extent they independently elect to adopt regulations, pursuant to KRS 45A.360, modeled on the Manual of Policies and Procedures.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: $0
For subsequent years: $0
2. Revenues:
For the first year: $0
For subsequent years: $0
3. Cost Savings:
For the first year: $0
For subsequent years: $0
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: No fiscal impact is expected from this amendment. The nature of the changes in the amendment are primarily intended to clarify application of existing procurement statutes and regulations and eliminate potential confusion.
(b) Methodology and resources used to reach this conclusion: Review by the Office of Procurement Services and Office of General Counsel, within the Finance and Administration Cabinet, to confirm that anticipated changes are limited to procedural clarifications not expected to have a significant fiscal impact.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): No, the revisions to the incorporated manual of procedures are intended to primarily update and clarify existing procedures without imposing any new significant costs on affected entities.
(b) The methodology and resources used to reach this conclusion: Review by the Office of Procurement Services and Office of General Counsel, within the Finance and Administration Cabinet, to confirm that anticipated changes are limited to procedural clarifications not expected to have a major economic impact.

BOARDS AND COMMISSIONS
Board of Dentistry
(Amendment)

201 KAR 8:563. Licensure of dental hygienists.

RELATES TO: KRS 304.40 - 075, 313.030, 313.040, 313.060, 313.080, 313.130, 313.254
STATUTORY AUTHORITY: KRS 313.021(1)(a), (b), (c), 313.040(1), (2), (7), 313.254
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.040 requires the board to promulgate administrative regulations relating to requirements and procedures for the licensure of dental hygienists. This administrative regulation establishes requirements and procedures for the licensure of dental hygienists.

Section 1. General Licensure Requirements. An applicant desiring initial licensure in Kentucky as a dental hygienist shall:
(1) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, verified by testing as necessary;
(2) Submit a completed and signed[~~, signed, and notarized~~] Application for Dental Hygiene Licensure with an attached applicant photo taken within the past six (6) months;
(3) Pay the fee required by 201 KAR 8:520;
(4) Not be subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;
(5) Complete and pass the board's jurisprudence exam;
(6) Hold an active certification in cardiopulmonary resuscitation (CPR) or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC;
(7) Submit to a nationwide state and federal criminal background check by fingerprint through the Department of Kentucky State Police;
(8) Provide verification of any license to practice dental hygiene held previously or currently in any state or other licensing jurisdiction;
(9) Hold an Associate's degree or Bachelor's degree in dental hygiene from a school, college, or department of a university accredited by the Commission on Dental Accreditation (CODA);
(10) Successfully complete the National Board Dental Hygiene Examination (NBDHE), conducted by the Joint Commission on National Dental Examinations (JCNDE);
(11) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank; and
(12) Complete all additional requirements for one (1) of the following:
(a) Licensure by clinical examination; or
(b) Licensure by credentials.

Section 2. Requirements for Licensure by Clinical Examination.
(1) An individual desiring initial licensure in Kentucky as a dental hygienist by clinical examination shall:
(a) Complete all requirements in Section 1 of this administrative regulation; and
(b) Successfully complete all components of one (1) of the following clinical examinations within five (5) years preceding the filing of the application:
1. The examination of the Council of Interstate Testing Agencies (CITA);
2. The examination of the Central Regional Dental Testing Service (CRDTS);
3. The examination of the Commission on Dental Competency Assessments (CDCA);
4. The examination of the States Resources for Testing and Assessments (SRTA);
5. The examination of the Western Regional Examining Board (WREB); or
6. The Dental Hygiene Licensure Objective Structured Clinical Examination (DHLOSCE) of the Joint Commission on National Dental Examinations (JCNDE).

(2) An individual applying more than two (2) years after graduating with an Associate's degree or Bachelor's degree in dental hygiene, shall:

(a) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; or

(b) Complete a continuing education plan approved by the board.

(3) An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall complete a remediation plan approved by the board.

Section 3. Requirements for Licensure by Credentials. An individual desiring initial licensure in Kentucky as a dental hygienist by credentials shall:

(1) Complete all requirements in Section 1 of this administrative regulation;

(2) Provide proof of having passed a state, regional, or national clinical examination used to determine clinical competency in a state or territory of the United States or the District of Columbia; and

(3) Be licensed and actively practicing dental hygiene in a state or territory of the United States or the District of Columbia for a least five (5) of the six (6) years preceding the filing of the application.

Section 4. Requirements for Charitable Limited Dental Hygiene Licensure.

(1) An individual desiring limited licensure in Kentucky to provide charitable dental hygiene services shall:

(a) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, verified by testing as necessary;

(b) Submit a completed and signed[~~, signed, and notarized~~] Application for Charitable Limited Licensure with an attached applicant photo taken within the past six (6) months;

(c) Pay the fee required by 201 KAR 8:520;

(d) Not be subject to disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

(e) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; and

(f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) A charitable limited dental hygiene license holder shall:

(a) Work only with charitable entities registered with the Cabinet for Health and Family Services that have met requirements of KRS 313.254 and 201 KAR 8:581;

(b) Only perform procedures allowed by KRS 313.254, which shall be completed within the duration of the charitable event;

(c) Be eligible for the provisions of medical malpractice insurance procured pursuant to KRS 304.40-075; and

(d) Perform these duties without expectation of compensation or charge to the individual and without payment or reimbursement by any governmental agency or insurer.

Section 5. Continuing Education Requirements.

(1) A Kentucky licensed dental hygienist shall complete thirty (30) hours of continuing education during the two (2) year licensure period defined by KRS 313.030(2) except that:

(a) A licensee who was issued a new or reinstated license in the second year of the current biennial license period shall only complete one-half (1/2) the required hours for that period;

(b) A licensee who graduated in the first year of the current biennial license period shall only complete one-half (1/2) the required hours for that period;

(c) A licensee who graduated in the second year of the current biennial license period shall not be required to complete continuing education hours for that period;

(d) A charitable limited license holder shall not be required to complete continuing education hours; or

(e) A licensee may be granted a hardship waiver or deferment if such a request is submitted to and approved by the board.

(2) Acceptable continuing education content shall include:

(a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental hygiene treatment;

(b) Pharmaceutical products and proper use protocols of medications;

(c) Awareness of currently accepted methods of infection control;

(d) Basic medical and scientific subjects;

(e) Clinical and technological subjects;

(f) Patient management, safety, and oral healthcare;

(g) Mass casualty or mass immunization situations;

(h) Clinical dental hygiene performed on a charitable or volunteer basis;

(i) Business operations and best practices; and

(j) Dental or dental hygiene association or society business meetings.

(3) The thirty (30) hours of continuing education shall include:

(a) A minimum of ten (10) hours taken in a live interactive presentation format; and

(b) A maximum of ten (10) hours that meet the requirements of subsection (2)(h) - (j) of this section.

(4) Dental hygienists registered to practice under general supervision shall also meet the continuing education requirements of Section 12(8) of this administrative regulation.

(5) Dental hygienists registered to practice as public health hygienists shall also meet the continuing education requirements of Section 16(5) of this administrative regulation.

(6) All continuing education hours shall be documented by a certificate of completion or attendance bearing:

(a) A signature or other verification of the provider;

(b) The name of the licensee in attendance;

(c) The title of the course or meeting attended or completed;

(d) The date of attendance or completion;

(e) The number of hours earned; and

(f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.

(7) The licensee shall be responsible for obtaining the qualifying documentation of continuing education from the provider or organization and to retain those documents for a minimum of five (5) years.

(8) During the license renewal process, licensees shall attest to their compliance with the requirements of this section.

(9) Licensees shall be subject to audit of their compliance with the requirements of this section.

Section 6. Renewal of a Dental Hygiene License.

(1) All dental hygienist licenses issued by the board shall expire on December 31 of even-numbered years and must be renewed to remain active. A licensee desiring renewal of an active dental hygiene license shall:

(a) Submit a completed and signed Application for Renewal of Dental Hygiene Licensure;

(b) Pay the fee required by 201 KAR 8:520;

(c) Maintain an active certification in CPR or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC; and

(d) Meet the continuing education requirements as established in Section 5 of this administrative regulation.

(2) A licensee who has not actively practiced dental hygiene in the two (2) years preceding the filing of the renewal application shall complete a continuing education plan approved by the board prior to resuming the active practice of dental hygiene.

(3) A licensee desiring renewal of a charitable limited dental hygiene license shall repeat the initial licensure process required by Section 4 of this administrative regulation.

Section 7. Retirement of a Dental Hygiene License.

(1) A licensee desiring to no longer hold an active dental hygiene license shall submit a completed and signed Retirement of License Form.

(2) Upon receipt of this form, the board shall send written confirmation of retirement to the address provided.

(3) A licensee shall not retire a license that has pending disciplinary action against it.

(4) A license that is not properly retired or renewed shall be considered expired for reinstatement purposes.

Section 8. Reinstatement of a Dental Hygiene License.

(1) A former licensee desiring reinstatement of an expired or properly retired dental hygiene license in Kentucky shall:

(a) Submit a completed and signed[~~, signed, and notarized~~] Application to Reinstate Dental or Dental Hygiene Licensure with an attached applicant photo taken within the past six (6) months;

(b) Pay the fee required by 201 KAR 8:520;

(c) Hold an active certification in CPR or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC;

(d) Provide verification of any license to practice dental hygiene obtained in any state or other licensing jurisdiction since the applicant was first licensed in Kentucky;

(e) Submit to a nationwide state and federal criminal background check by fingerprint through the Department of Kentucky State Police; and

(f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) An applicant who has not actively practiced dental hygiene in the two (2) years preceding the filing of the reinstatement application shall complete a continuing education plan approved by the board prior to resuming the active practice of dental hygiene.

(3) A former licensee who applies to reinstate an expired license that was not properly retired shall be subject to:

(a) The expired license reinstatement fee established in 201 KAR 8:520 if applying less than two (2) years from when the license was last active; or

(b) The same reinstatement fees as a properly retired license if applying more than two (2) years from when the license was last active.

Section 9. Verification of Licensure. An individual desiring an official verification of a dental hygiene license held currently or previously in Kentucky shall:

(1) Submit a signed and completed Verification of Licensure or Registration Form; and

(2) Pay the fee required by 201 KAR 8:520.

Section 10. Requirements for Local Anesthesia Registration.

(1) A licensed dental hygienist who desires to administer infiltration or block anesthesia shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

(b) Pay the fee required by 201 KAR 8:520; and

(c) Complete an educational program from a dental or dental hygiene school accredited by the Commission on Dental Accreditation (CODA) that meets or exceeds the requirements established in KRS 313.060(10).

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to administer local anesthesia.

(3) A dental hygienist shall not administer local anesthesia in Kentucky unless the licensee:

(a) Holds a current board-issued registration in local anesthesia; and

(b) Performs these procedures under the direct supervision of a dentist.

(4) A licensed dental hygienist holding a local anesthesia registration from the board who has not administered block or infiltration anesthesia for one (1) year shall complete a board-approved continuing education[~~refresher~~] course prior to resuming the practice of that specific technique.

Section 11. Requirements for General Supervision Registration.

(1) A licensed dental hygienist who desires to practice under general supervision shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

(b) Obtain at least two (2) years and 3,000 hours of verifiable experience in the practice of dental hygiene; and

(c) Complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration under general supervision.

(3) A dentist who employs a dental hygienist who has met the standards of this administrative regulation and who allows the dental hygienist to provide dental hygiene services pursuant to KRS 313.040(7) shall complete a written order specifying the dental service or procedure to be performed on a specific patient by the dental hygienist and shall retain the original order in the patient's dental record.

(4) The minimum requirements for the written order shall include:

(a) Medical history update;

(b) Radiographic records requested;

(c) Dental hygiene procedures requested;

(d) Name of the patient;

(e) Date of last oral examination;

(f) Date of the written order; and

(g) Signature of the dentist.

(5) The oral examination of the patient by the supervising dentist shall have been completed within the seven (7) months preceding treatment by the dental hygienist practicing under general supervision.

(6) The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's skills necessary to perform dental hygiene services established in KRS 313.040(7) as part of the Application for Dental Hygiene Special Registrations.

(7) The supervising dentist shall provide a written protocol addressing the medically compromised patients who may or may not be treated by the dental hygienist. The dental hygienist shall only treat patients who are in the ASA Patient Physical Status Classification of ASA I or ASA II as established in Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, as incorporated by reference in 201 KAR 8:550.

(8) During each biennial license period, a dental hygienist registered in general supervision shall complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies to maintain registration upon license renewal. These hours may be included in the thirty (30) overall continuing education hours required for license renewal.

(9) A dental hygienist shall not practice under general supervision unless the licenseeholds a current board-issued general supervision registration.

Section 12. Requirements for Intravenous Access Line Registration.

(1) A licensed dental hygienist who desires to start intravenous (IV) access lines shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

(b) Pay the fee required by 201 KAR 8:520; and

(c) Complete a board-approved course in starting IV access lines.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to start IV access lines.

(3) A dental hygienist shall not start IV access linesin Kentucky unless the licensee:

(a) Holds a current board-issued registration to start IV access lines; and

(b) Works under the direct supervision of a dentist who holds either a Moderate Sedation Permit or Deep Sedation and General Anesthesia Permit issued pursuant to 201 KAR 8:550.

Section 13. Requirements for Laser Debridement Registration.

(1) A licensed dental hygienist who desires to perform laser debridement shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

(b) Pay the fee required by 201 KAR 8:520; and

(c) Complete a board-approved course in performing laser debridement.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to perform laser debridement.

(3) A dental hygienist shall not perform laser debridement in Kentucky unless the licensee:

(a) Holds a current board-issued registration to perform laser debridement; and

(b) Works under the direct supervision of a dentist.

Section 14. Requirements for Public Health Registration.

(1) A licensed dental hygienist who desires to practice as a public health registered dental hygienist shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

(b) Obtain at least two (2) years and 3,000 hours of verifiable experience in the practice of dental hygiene; and

(c) Complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to practice as a public health registered dental hygienist.

(3) A[~~Pursuant to KRS 313.040(8)(c), a~~] public health registered dental hygienist may only practice public health hygiene in accordance with KRS 313.040(8).[~~in a government-created public health program at the following sites:~~]

[~~(a)~~] [~~Local health departments;~~]

[~~(b)~~] [~~Public or private educational institutions that provide Head Start, preschool, elementary and secondary instruction to school-aged children under the jurisdiction of the State Board of Education, and that have an affiliation agreement with the health department of jurisdiction;~~]

[~~(c)~~] [~~Mobile and portable dental health programs under contract with a governing board of health; and~~]

[~~(d)~~] [~~Public or private institutions under the jurisdiction of a federal, state, or local agency.~~]

[~~(4)~~] [~~A public health registered dental hygienist shall perform dental hygiene services only under the authority of the governing board of health, as required by KRS 313.040(3)(b), as established in KRS 313.040(8), and as identified by the Department for Public Health Practice Reference.~~]

[~~(a)~~] [~~These services shall be limited to:~~]

[~~1.~~] [~~Preventativeservices; and~~]

[~~2.~~] [~~The application of silver diamine fluoride if the supervising dentist has authorized the treatment and provided written protocols for each patient.~~]

[~~(b)~~] [~~The~~]

(4) A public health registered dental hygienist shall only treat a patient who is in the ASA Patient Physical Status Classification of ASA I or ASA II as established in the current edition of Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, as incorporated by reference in 201 KAR 8:550.

[~~(c)~~] [~~The informed consent shall be required prior to providing the services referenced in paragraph (a) of this subsection and shall include:~~]

[~~1.~~] [~~The name of the public health entity, including the name of the dentist, that assumes responsibility and control;~~]

[~~2.~~] [~~An inquiry as to the current dentist; and~~]

[~~3.~~] [~~A statement that services are provided by a dental hygienist without the direct supervision of a dentist.~~]

(5) Pursuant to KRS 313.040(8)(c), a public health registered dental hygienist shall only perform the following services as defined by the most recent version of Current Dental Terminology as incorporated by reference:

(a) Oral Assessment;

(b) Oral Hygiene Instruction;

(c) Nutritional Counseling;

(d) Tobacco Counseling;

(e) High Risk Substance Counseling;

(f) Prophylaxis - Adult;

(g) Prophylaxis - Child;

(h) Pit and Fissure Sealants;

(i) Fluoride Treatment; and

(j) Urgent Need.

(6) A public health registered dental hygienist shall not:

(a) Restrict care based on a patient's insurance status or ability to pay; or

(b) Require out-of-pocket payments from patients.

(7) Informed consent shall be obtained by the patient or legal guardian of the patient prior to providing services and shall include:

(a) The name of the public health entity, including the name of the dentist, that assumes responsibility and control;

(b) An inquiry as to the current dentist; and

(c) A statement that services are provided by a dental hygienist without the direct supervision of a dentist.

(8) At the conclusion of each patient visit, the treating public health entity shall:

(a) Provide the patient or legal guardian of the patient with a standardized handout of all available community resources;

(b) Document that the referral to a dental home through the patient or legal guardian has begun within fourteen (14) days of the preventive visit for the patient with obvious dental needs.

(9)[~~(d)~~] This administrative regulation shall not preclude a Kentucky-licensed dentist from directly participating in a public health program as referenced in KRS 313.040(8)(c)[~~subsection (3) of this section~~].

(10)[~~(5)~~]

[~~(a)~~] During each biennial license period, a dental hygienist registered in public health dental hygiene shall complete nine (9) hours of continuing education[~~the following~~] to maintain public health registration upon license renewal.[~~:~~]

(a) These hours shall include:

1. Six (6)[~~Three (3)~~] hours of continuing education in public health or public dental health; and

2. Three (3) hours of continuing education in the identification and prevention of potential medical emergencies.

(b) The hours of continuing education required by paragraph (a) of this subsection may be included in the thirty (30) overall continuing education hours required for license renewal.

Section 15. Issuance of Initial Licensure. Upon an applicant's completion of all requirements for dental hygiene licensure, within six (6) months of the date the application was received, the board shall:

(1) Issue a license in sequential numerical order; or

(2) Deny licensure due to a violation of KRS Chapter 313 or 201 KAR Chapter 8.

Section 16. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Charitable Limited Licensure", January 2024;

(b) "Application for Dental Hygiene Licensure", September 2024;

(c) "Application for Dental Hygiene Special Registrations", September 2024

(d) "Application for Renewal of Dental Hygiene Licensure", September 2024;

(e) "Application to Reinstate Dental or Dental Hygiene Licensure", January 2024;

(f) "Retirement of License Form", January 2024;

(g) "Verification of Licensure or Registration Form", January 2024;[~~ and~~]

(h) "2020 American Heart Association Guidelines for CPR and ECC", [~~2020.~~]Copyright 2024 American Heart Association."; and

(i) "CDT 2025: Current Dental Terminology, Copyright© 2024 American Dental Association".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. through 4:30 p.m. This material is

also available on the board's website[~~Web site~~] at http://dentistry.ky.gov.

JEFFREY ALLEN, Executive Director
APPROVED BY AGENCY: July 11, 2025
FILED WITH LRC: July 15, 2025 at 11:45 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 24, 2025 at 4:00 p.m., Eastern Time at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222. 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 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 September 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 below.

CONTACT PERSON: Jeff Allen, Executive Director, Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email jeffrey.allen@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey Allen
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes requirements to practice dental hygiene in Kentucky.
(b) The necessity of this administrative regulation: KRS 313.021(1)(a) requires the board to exercise the administrative functions of the Commonwealth in the regulation of dental hygienists.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the rules for obtaining a license to practice as a dental hygienist in Kentucky.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes requirements for being licensed to practice dental hygiene in conformity with its authorizing statute.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment clarifies the practice of public health dental hygiene.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to clarify details about the practice of public health dental hygiene.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment maintains established requirements for being licensed to practice dental hygiene in conformity with its authorizing statute.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will clarify the practice of public health hygiene, making the licensure process more efficient and effective for both board staff and potential licensees
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will primarily affect the approximately 3,000 licensed dental hygienists in Kentucky as well as any new applicants for licensure and, indirectly, the patients of licensed dental hygienists.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Each individual impacted will be required to apply for or renew their licensure in accordance with applicable law and administrative regulations. The vast majority of those affected by the existing regulation will not be further affected by the proposed revision.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This administrative regulation does not specifically enumerate costs, which are already established in 201 KAR 8:520.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The administrative regulation will result in a healthier patient population and the avoidance of potentially costly violations of applicable law and administrative regulations by licensed dental hygienists.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No additional cost.
(b) On a continuing basis: No additional cost.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Licensure fees are used to fund the implementation of this administrative regulation.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Fee amounts are already established in a separate administrative regulation (201 KAR 8:520) and no increase is needed.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not impact existing fees which are already established in 201 KAR 8:520.
(9) TIERING: Is tiering applied? No; this administrative regulation impacts all similarly situated entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: This administrative regulation is authorized by KRS 313.021(1)(c) and KRS 313.040(1).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 313.040(1).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Board of Dentistry is the promulgating agency.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There will be no additional administrative costs generated by this amendment.
For subsequent years: There will be no additional administrative costs generated by this amendment.
2. Revenues:
For the first year: This amendment does not alter the existing revenue generated by dental hygiene licensure, which is approximately $400,000 every fiscal biennium.
For subsequent years: This amendment does not alter the existing revenue generated by dental hygiene licensure, which is approximately $400,000 every fiscal biennium.
3. Cost Savings:
For the first year: None
For subsequent years: None.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This amendment does not currently affect any local entities but may impact any entities that are authorized by the General Assembly in the future to provide public health hygiene services.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None

2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation does not establish specific fee amounts, which are contained in a separate administrative regulation; however, the revenue generated from dental hygiene licensure is approximately $400,000 every fiscal biennium and will not change as a result of this amendment. Expenditures specifically related to this administrative regulation are difficult to determine due to indirect personnel and overhead costs; however, total agency expenditures are approximately $900,000 every fiscal biennium.
(b) Methodology and resources used to reach this conclusion: Historical budget performance.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation does not directly have a major economic impact as it does not contain specific fee amounts. When administered in conjunction with the current fees established elsewhere, it impacts the dental health community by approximately $400,000 per year, primarily from licensure fees.
(b) The methodology and resources used to reach this conclusion: Historical budget performance.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amendment)

201 KAR 16:762. Application requirements for veterinary facility registration; veterinarian managers; registered responsible parties.

RELATES TO: KRS 258.043, 321.175, 321.181, 321.189, 321.203, 321.236

STATUTORY AUTHORITY: KRS 321.203, 321.235(1)(b), (2)(b)1.c., 3.b., (2)(e), 321.236(1)(a)

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, the registration and regulation of veterinary facilities and mobile facilities where and from which the practice of veterinary medicine occurs. KRS 321.236(1)(a) authorizes the Kentucky Board of Veterinary Examiners to promulgate administrative regulations defining the application requirements and fees for veterinary facilities. KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321. This administrative regulation establishes application requirements for veterinary facilities and minimum requirements for operation as a registered veterinary facility.

Section 1. Definitions.

(1) "Dedicated Veterinary Services Space" or "DVSS" is defined as a clearly distinct, purpose-built area that is physically and operationally separate from non-veterinary spaces and retail shopping areas, and that is designed to support the safe, private, and professional delivery of veterinary medical care while maintaining compliance with applicable regulations and ensuring client and patient comfort and preventing harm to the public.

(2) "Fixed facility" is defined by KRS 321.181(38).

(3)[~~(2)~~] "Mobile facility" or "mobile unit" is defined by KRS 321.181(46).

(4)[~~(3)~~] "Practice of veterinary medicine" is defined by KRS 321.181(50).

(5)[~~(4)~~] "Practice of veterinary technology" is defined by KRS 321.181(51).

(6)[~~(5)~~] "Premises" is defined by KRS 321.181(52).

(7)[~~(6)~~] "Registered responsible party" is defined by KRS 321.181(57).

(8)[~~(7)~~] "Veterinarian manager" is defined by KRS 321.181(68).

(9)[~~(8)~~] "Veterinary facility" is defined by KRS 321.181(71).

Section 2. General Requirements. Each veterinary facility that is located in Kentucky where the practice of veterinary medicine or practice of veterinary technology occurs shall possess a veterinary facility registration issued by the Kentucky Board of Veterinary Examiners. Pursuant to KRS 321.236(2), all existing veterinary facilities in Kentucky shall be registered by June 30, 2025.

(1) A veterinary facility registration shall not be issued without a physical facility, either a fixed facility or mobile unit.

(2) A veterinary facility shall be a dedicated space equipped for, staffed, and primarily devoted to the practice of veterinary medicine or the practice of veterinary technology.

(3) Premises primarily devoted to activities other than the practice of veterinary medicine or the practice of veterinary technology that still offer veterinary services to the public at a fixed facility shall be registered as a veterinary facility subject to the following requirements:

(a) The Dedicated Veterinary Services Space (DVSS) shall be physically and operationally distinct from areas of other use;

(b) The DVSS shall be confined and enclosed with walls floor to ceiling so that, at a minimum, patients are fully contained and separated from persons who are not veterinary personnel or an owner or owner's agent;

(c) The DVSS shall exclude individuals who are not veterinary personnel or an owner or owner's agent;

(d) To ensure public and patient safety, the provision of veterinary services in a DVSS shall be physically separate from other retail activity and public services offered;

(e) If the registered facility offers surgery services within the DVSS, the space shall conform to the requirements of KRS Chapter 321 and 201 KAR 16:702; and

(f) Veterinary facilities registered under this subsection shall be subject to inspection by the board to verify compliance with the provisions of this subsection to ensure both public and patient safety.

(4)[~~(3)~~] A mobile facility shall be registered as an affiliate unit on a fixed facility registration, or independently under a unique veterinary facility registration with a designated physical location for parking and storage.

(5)[~~(4)~~] A registered facility shall have no more than two (2) mobile units under its registration without incurring additional registration and renewal fees as established in 201 KAR 16:515.

(6)[~~(5)~~] Registration Documentation.

(a) A fixed registered veterinary facility shall prominently display the current registration certificate in a public area of the registered facility.

(b) A mobile unit registered veterinary facility shall retain within the mobile unit the current registration certificate which may be produced upon demand.

(c) The registration certificate shall:

1.[(a)] Be legible; and
2.[(b)] Show the current dates of registration.

Section 3. Exemptions from Requirements for Veterinary Facility Registration.
(1) The following premises shall be exempt from the requirements of this administrative regulation:
(a) Premises identified in KRS 321.181(71)(b);
(b) An expert who provides consulting services only to other veterinarians, who does not engage in the practice of veterinary medicine on a patient directly, and who does not have a physical facility, either fixed or mobile, where the consultant practices on animal patients;
(c) Public rabies vaccine-only clinics held in accordance with KRS 258.043; and
(d) Government sponsored vaccine clinics for animals solely to prevent infectious disease and that do not include diagnostics, surgery, or the dispensation of prescription medications.
(2) The exception to register a premises as a veterinary facility as identified in subsection (1)(c) and (d) of this section does not alleviate a veterinarian from creating and maintaining medical records in accordance with 201 KAR 16:701.

Section 4. Registered Responsible Party.
(1) Each application for a veterinary facility registration shall name the facility and identify each registered responsible party.
(2) Pursuant to KRS 321.236(5), each registered responsible party shall be accountable for ensuring the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met, including the timely designation of a veterinarian manager for the veterinary facility in accordance with the provisions of 201 KAR 16:767.
(3) If it is determined that a registered responsible party has violated any provisions of the Kentucky Veterinary Medicine Practice Act or 201 KAR Chapter 16, the board may take disciplinary action equal to that for a licensed veterinarian as provided by the Kentucky Veterinary Medicine Practice Act.

Section 5. Veterinarian Manager.
(1) Each application for a veterinary facility registration shall designate a veterinarian manager. The application shall include the veterinarian manager's original signature, or, if completed online, an equivalent digital signature.
(2) A veterinarian manager shall be responsible for meeting the requirements of KRS Chapter 321 and 201 KAR Chapter 16, including ensuring the requirements for minimum standards are met and maintained.

Section 6. New Application Requirements. A new application to the board for registration as a veterinary facility shall include the following components:
(1) A completed application on an Application for Veterinary Facility Registration form or online equivalent form, including all required attachments and fees pursuant to 201 KAR 16:515;
(2) A complete list of persons or entities who shall be the registered responsible party;
(3) Identification of the veterinarian manager;
(4) Identification of the legal business name and the doing-business-as (D.B.A) name of the facility;
(5) Identification of the [name,]phone, address, and email address of the registered facility;
(6)[(5)] A copy of the Secretary of State business registration;
(7)[(6)] Identification of the species served from one (1) or more in a list provided by the board;
(8)[(7)] Identification of the patient services offered at the veterinary facility from one (1) or more in a list provided by the board;
(9)[(8)] A complete list of veterinarians working at the facility, excluding veterinarians providing locum services less than fourteen (14) days in a calendar year to the facility;
(10)[(9)] A complete list of licensed veterinary technicians working at the facility;
(11)[(10)] A complete list of allied animal health professional (AAHP) permittees working at the facility;
(12)[(11)] A complete list of mobile units affiliated with the veterinary facility;
(13)[(12)] Disclosure of after-hours care arrangements;
(14)[(13)] For fixed facilities, county of facility location and counties served;
(15)[(14)] If the facility offers a haul-in installation for livestock;
(16)[(15)] For mobile units, a list of the counties served by the mobile unit;
(17)[(16)] Hours of operation;
(18)[(17)] A copy of any court documents, final orders, settlement agreements, or other documents requested by the board in support of the application; and
(19)[(18)] Any other information requested by the board in support of the application.

Section 7. Background Checks. Pursuant to KRS 321.189, the board may:
(1) Conduct a national or jurisdictional level background check on each veterinarian manager applicant for registration. The check shall be processed by a board approved background check provider and may include a copy of the applicant's fingerprints captured at a board-approved location;
(2) Reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old;
(3) Impose additional requirements as a condition of registration or deny registration following the board's review of findings from a background check; and
(4) Waive the background check requirement for a veterinarian manager who is already licensed in Kentucky and if a background check was previously conducted as a condition of licensure.

Section 8. Renewal and Reinstatement of Veterinary Facility Registrations. Pursuant to 201 KAR 16:765, a registered responsible party or veterinarian manager shall:
(1) Ensure the timely renewal of the veterinary facility registration; and
(2) If applicable, ensure an appropriate reinstatement application is made to the board.

Section 9. The veterinary facility registration certificate shall be posted in a publicly viewable area on the facility premises or on the mobile unit.

Section 10. Incorporation by Reference.
(1) "Application for Veterinary Facility Registration", 07/2025[2/2025], is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.

MICHELLE M. SHANE, Executive Director
JOHN C. PARK, DVM, Board Chair
APPROVED BY AGENCY: July 10, 2025
FILED WITH LRC: July 15, 2025 at 8:40 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, September 29, 2025, at 1:00 p.m. EDT, at Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511. 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 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 September 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: Michelle M. Shane, KBVE Executive Director, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-573-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes application requirements for registered veterinary facilities and minimum requirements for registered veterinary facilities.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establishes requirements approved by the board for veterinary facility registration applications and minimum requirements for registered veterinary facilities.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, the registration and regulation of veterinary facilities and mobile facilities where and from which the practice of veterinary medicine occurs. KRS 321.236(1)(a) allows the Kentucky Board of Veterinary Examiners to promulgate administrative regulations defining the application requirements and fees for veterinary facilities. KRS 321.235(1)(b) requires the agency to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration by clearly expressing the application requirements approved by the board for veterinary facility registration applicants.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment clarifies that fixed veterinary facilities are required to have a Dedicated Veterinary Services Space (DVSS) where veterinary services are provided and that the DVSS shall be confined and enclosed with walls floor to ceiling so that, at a minimum, patients are fully contained and separated from persons who are not veterinary personnel or an owner or owner's agent. The board has determined that providing veterinary services to patients in a space that does not meet these requirements is a danger to the public and animal patients due to 1) an inability to maintain control of a patient, 2) opportunity for fractious patients which may become aggressive to people during the provision of veterinary services, and 3) the need to appropriately contain sharps instruments so that no accidental injuries occur. The requirements stated in this amendment address those concerns. Further this amendment differentiates requirements for fixed and mobile facilities so that mobile facilities need not permanently display the registration in a public area. The Board has determined that such a display on a mobile unit may make the unit a target for theft or drug diversion, and because some units are mixed use personal / business vehicles
(b) The necessity of the amendment to this administrative regulation: The Kentucky Board of Veterinary Examiners has determined that the current regulation is unclear and does not adequately protect the public from inappropriate exposures or possible serious harm to sharps with animal vaccine residues or to animals that are not confined and that may be fearful or aggressive toward members of the public.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, the registration and regulation of veterinary facilities and mobile facilities where and from which the practice of veterinary medicine occurs. KRS 321.236(1)(a) allows the Kentucky Board of Veterinary Examiners to promulgate administrative regulations defining the application requirements and fees for veterinary facilities. KRS 321.235(1)(b) requires the agency to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in effective administration by clearly expressing the application requirements approved by the board for veterinary facility registration applicants.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 500 businesses in Kentucky offering veterinary services are estimated to be affected.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Applicants will be required to complete the appropriate application to request approval from the board for registration, renewal, or reinstatement of a veterinary facility registration.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as completing an application is a prerequisite for registration with the Board, as well as registration renewal and reinstatement.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the application requirements associated with registration.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Enforcement of this regulation will be accomplished using current funding.
(b) On a continuing basis: The KBVE expects that, on an ongoing basis, it will enforce the provisions of this regulation using the current funding available to the agency.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from application fees, service fees, and administrative disciplinary fines.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipation of an increase in fees to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an enforcement program to ensure compliance.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish or increase any fees, directly or indirectly.
(9) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation applies to all premises at which the practice of veterinary medicine occurs, except those entities excluded under KRS 321.200 and 201 KAR 16:762, Section 3.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 321.203, 321.235(2)(b)1.c., 3.b., and (2)(e), 321.236(1)(a).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: The General Assembly expressly authorized the regulation of veterinary facilities by the Kentucky Board of Veterinary Examiners in Acts Chapter 95.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The KBVE expects that it may enforce this provision of its regulations using existing fund available to the agency in the first yea.
For subsequent years: The KBVE expects that, in subsequent years, the agency will enforce the provisions of this regulation using the funding available to the agency.

2. Revenues:
For the first year: There is no revenue generated by this filing.
For subsequent years: There is no revenue generated by this filing.
3. Cost Savings:
For the first year: There will be no cost savings; this administrative regulation simply codifies application requirements, making them easily accessible for regulated entities.
For subsequent years: There will be no cost savings; this administrative regulation simply codifies the application requirements.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Kentucky counties may be impacted if the county animal control agency or animal shelter offers veterinary services to the public or conducts surgeries onsite for publicly owner animals.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: There will be minimal costs involved to register a veterinary facility; as established in KRS 321.236(2) and 201 KAR 16:515, initial registration for regulated veterinary facilities is $100.
For subsequent years: As established in 201 KAR 16:515, renewal for regulated veterinary facilities is a biennial fee of $200 to maintain the registration for operation.
2. Revenues:
For the first year: There is no revenue generated by this filing.
For subsequent years: There is no revenue generated by this filing.
3. Cost Savings:
For the first year: There will be no cost savings; this administrative regulation simply codifies application requirements, making them easily accessible for regulated entities.
For subsequent years: There will be no cost savings; this administrative regulation simply codifies application requirements.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Regulated entities not identified in questions (3)(a) or (4)(a) include all veterinary facilities in Kentucky.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: There will be minimal costs involved to register a veterinary facility; as established in KRS 321.236(2) and 201 KAR 16:515, initial registration for regulated veterinary facilities is $100.
For subsequent years: As established in 201 KAR 16:515, renewal for regulated veterinary facilities is a biennial fee of $200 to maintain the registration for operation.
2. Revenues:
For the first year: There is no revenue generated by this filing.
For subsequent years: There is no revenue generated by this filing.
3. Cost Savings:
For the first year: There will be no cost savings; this administrative regulation simply codifies application requirements, making them easily accessible for regulated entities.
For subsequent years: There will be no cost savings; this administrative regulation simply codifies application requirements.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. This filing only impacts applicants for a veterinary facility registration in Kentucky.
(b) Methodology and resources used to reach this conclusion: Budget reports and licensure reports were inputted into a large spreadsheet to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): The amendment to this administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.
(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amendment)

201 KAR 16:767. Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers.

RELATES TO: KRS 321.181, 321.203, 321.205, 321.235, 321.236
STATUTORY AUTHORITY: KRS 321.235(1)(b), 321.236(1)(b)
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all veterinary facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered veterinary facility to identify both a veterinarian manager and each registered responsible party who shall be responsible for the operation and management of the veterinary facility. This administrative regulation establishes the responsibilities for registered responsible parties and veterinarian managers.

Section 1. Definitions.
(1) "Fixed facility" is defined by KRS 321.181(38).
(2) "Mobile facility" or "mobile unit" is defined by KRS 321.181(46).
(3) "Practice of veterinary medicine" is defined by KRS 321.181(50).
(4) "Practice of veterinary technology" is defined by KRS 321.181(51).
(5) "Registered responsible party" is defined by KRS 321.181(57).
(6) "Veterinarian manager" is defined by KRS 321.181(68)
(7) "Veterinary facility" is defined by KRS 321.181(71).

Section 2. Duties of Registered Responsible Parties. A registered responsible party shall:
(1) Be responsible for maintaining minimum standards as promulgated by the board in 201 KAR Chapter 16;
(2) Designate a veterinarian manager for the registered veterinary facility;
(3) Comply with the requirements of and ensure employees and volunteers at the veterinary facility comply with the provisions of KRS Chapter 321 and 201 KAR Chapter 16, in addition to all local, state, and federal laws governing operations at the veterinary facility; and
(4) Comply with all duties to report, in accordance with Section 4 of this administrative regulation, including the timely designation of a veterinarian manager for the facility.

Section 3. Duties of Veterinarian Managers.
(1) A veterinarian manager shall:
(a) Be responsible for maintaining minimum standards as promulgated by the board in 201 KAR Chapter 16;
(b) Maintain a Kentucky Board of Veterinary Examiners veterinarian license;
(c) Comply with all provisions of the Kentucky Veterinary Medicine Practice Act and 201 KAR Chapter 16, in addition to all local, state, and federal laws governing operations at the veterinary facility; and
(d) Ensure the current board approved veterinary facility registration is posted in the registered facility and viewable by the public.
(2) The veterinarian manager shall be:
(a) The individual who oversees veterinary services at a veterinary facility;

(b) Knowledgeable about the veterinary facility and its:
1. Daily operations;
2. Standard protocols;
3. Drugs and supplies;
4. Patient areas;
5. Storage structures;
6. Other organizational spaces; and
7. Parts and spaces, both indoors and outdoors;

(c) Physically present[~~Present~~] at the veterinary facility with enough frequency during each calendar year to have sufficient knowledge of and control over the facility's methods for complying with minimum standards as established in KRS Chapter 321 and 201 KAR Chapter 16, and the degree to which the minimum standards are being met.[~~; and~~]

(d) A veterinarian manager shall be limited to the management of no more than five (5) registered veterinary facilities. Multiple mobile units registered under a single facility registration shall count as one (1) registered facility.

(e) Available and responsive to the board, its staff, inspectors, or other board designees, if a facility inspection or any inquiry or investigation by the board occurs.

Section 4. Duty to Report. Either the registered responsible parties or veterinarian managers shall report to the board:

(1) Within thirty (30) days, any change of name, address, phone, or email to the registered facility by completing and submitting to the board the Request for Facility Information Change form or online equivalent form provided by the board, including all required attachments;

(2) Within ten (10) days, a change in the veterinarian manager for the registered veterinary facility on the Request for a New Veterinarian Manager form or online equivalent form, including all required attachments; and

(3) A written response to a grievance or inquiry from the board in accordance with 201 KAR 16:610.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Request for Facility Information Change", 7/2025[~~2/2025~~]; and

(b) "Request for a New Veterinarian Manager", 7/2025[~~3/2025~~].

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.

MICHELLE M. SHANE, Executive Director
JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: July 10, 2025

FILED WITH LRC: July 15, 2025 at 8:40 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, September 29, 2025, at 1:00 p.m. EDT, at Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511. 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 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 September 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: Michelle M. Shane, KBVE Executive Director, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-573-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the responsibilities for registered responsible parties and veterinarian managers at registered facilities as approved by the board.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure clear requirements regarding expectations and duties of registered responsible parties and veterinarian managers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all veterinary facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered veterinary facility to identify both a veterinarian manager and each registered responsible party who shall be responsible for the operation and management of the veterinary facility.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration by clearly expressing the responsibilities for registered responsible parties and veterinarian managers as approved by the board.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment clarifies that fixed veterinary facilities are required to have a veterinarian manager physically present onsite for a minimum amount of time during operating hours to ensure the manager has knowledge of and control over the facility's methods for complying with minimum standards and the degree to which the minimum standards are being met. Further, the Board determined that a veterinarian manager cannot reasonably manage more than five (5) veterinary facilities and still be able to spend the required amount of time on location to have a working knowledge of operations

(b) The necessity of the amendment to this administrative regulation: The Kentucky Board of Veterinary Examiners has determined that the regulation is necessary to clarify the standards to protect the public from inappropriate and substandard practices, which has the potential to bring harm to the public or animal patients.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all veterinary facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered veterinary facility to identify both a veterinarian manager and each registered responsible party who shall be responsible for the operation and management of the veterinary facility. KRS 321.181(70) defines "Veterinarian manager" means at least one (1) Kentucky-licensed veterinarian who registers to assume responsibility for the registration, management, and operation of a registered veterinary facility;

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in effective administration by clearly expressing the application requirements approved by the board for veterinary facility registration applicants.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 500 businesses in Kentucky offering veterinary services are estimated to be affected.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Veterinary facility registered responsible parties and veterinarian managers will be required to provide timely

and current contact information to the board, provide oversight in specific areas at the registered facility identified by the board, and ensure compliance with KRS Chapter 321 and 201 KAR Chapter 16. Veterinary managers shall be required to spend a minimum amount of time onsite, in-person to ensure working knowledge of operations.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this administrative regulation simply establishes the duties of veterinary facility registered responsible parties and veterinarian managers, as approved by the board.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the fees associated with registration.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Enforcement of this regulation will be accomplished using current funding.
(b) On a continuing basis: The KBVE expects that, on an ongoing basis, the agency will enforce the provisions of this regulation using the current funding available to the agency.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from application fees, service fees, and administrative disciplinary fines.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipation of an increase in fees to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an enforcement program to ensure compliance.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish or increase any fees, directly or indirectly.
(9) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation applies to all premises at which the practice of veterinary medicine occurs, except those entities excluded under KRS 321.200 and 201 KAR 16:762, Section 3.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 321.235(1)(b), 321.236(1)(b)
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: The General Assembly expressly authorized the regulation of veterinary facilities by the Kentucky Board of Veterinary Examiners in Acts Chapter 95.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The KBVE expects that it may enforce this provision of its regulations using existing fund available to the agency in the first year.
For subsequent years: The KBVE expects that, in subsequent years, the agency will enforce the provisions of this regulation using the funding available to the agency.
2. Revenues:
For the first year: There is no revenue generated by this filing.
For subsequent years: There is no revenue generated by this filing.
3. Cost Savings:
For the first year: There will be no cost savings; this administrative regulation simply codifies requirements for registered responsible parties and veterinarian managers, making them easily accessible for regulated entities.
For subsequent years: There will be no cost savings; this administrative regulation simply codifies requirements for registered responsible parties and veterinarian managers.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Kentucky counties may be impacted if the county animal control agency or animal shelter offers veterinary services to the public or conducts surgeries onsite for publicly owner animals.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: There will be minimal costs involved to register a veterinary facility; as established in KRS 321.236(2) and 201 KAR 16:515, initial registration for regulated veterinary facilities is $100.
For subsequent years: As established in 201 KAR 16:515, renewal for regulated veterinary facilities is a biennial fee of $200 to maintain the registration for operation.
2. Revenues:
For the first year: There is no revenue generated by this filing.
For subsequent years: There is no revenue generated by this filing.
3. Cost Savings:
For the first year: There will be no cost savings; this administrative regulation simply codifies requirements for registered responsible parties and veterinarian managers, making them easily accessible for regulated entities.
For subsequent years: There will be no cost savings; this administrative regulation simply codifies requirements for registered responsible parties and veterinarian managers.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Regulated entities not identified in questions (3)(a) or (4)(a) include all veterinary facilities in Kentucky.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: There will be minimal costs involved to register a veterinary facility; as established in KRS 321.236(2) and 201 KAR 16:515, initial registration for regulated veterinary facilities is $100.
For subsequent years: As established in 201 KAR 16:515, renewal for regulated veterinary facilities is a biennial fee of $200 to maintain the registration for operation.
2. Revenues:
For the first year: There is no revenue generated by this filing.
For subsequent years: There is no revenue generated by this filing.
3. Cost Savings:
For the first year: There will be no cost savings; this administrative regulation simply codifies requirements for registered responsible parties and veterinarian managers, making them easily accessible for regulated entities.
For subsequent years: There will be no cost savings; this administrative regulation simply codifies requirements for registered responsible parties and veterinarian managers.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. This filing only impacts registered responsible parties and veterinarian managers for registered veterinary facilities in Kentucky.
(b) Methodology and resources used to reach this conclusion: Budget reports and licensure reports were inputted into a large spreadsheet to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.
(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Board of Nursing
(Amendment)

201 KAR 20:161. Investigation and depositions[~~disposition~~] of complaints.

RELATES TO: KRS Chapter 13B, 218A.205, 314.011, 314.031, 314.035, 314.071(4), 314.091, 314.107, 314.137, 314.402, 314.404, 314.475, 314.991(3)

STATUTORY AUTHORITY: KRS 218A.205, 314.035, 314.131(1), 314.137, 314.402, 314.404

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, because the amendments to this regulation will not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations to effect the provisions of KRS Chapter 314. This administrative regulation establishes the procedures for the investigation and disposition of complaints received by the board.

Section 1. Receipt of Complaints.

(1) The board shall receive and process each complaint made against a credential holder, licensee, holder of a multistate licensure privilege pursuant to KRS 314.475, [~~or~~]applicant or unlicensed individual if the complaint alleges acts that may be in violation of the provisions of KRS Chapter 314, 201 KAR 20:478, Section 2, or 201 KAR 20:630, Section 1.

(2)

(a) A complaint shall be in writing and shall be dated and fully identify the individual by name. The complaint may be submitted electronically, by fax, hand-delivery, or mail.

(b) The president of the board or the executive director or designee shall file a complaint based upon information received by oral, telephone, or written communications if the facts of the complaint are found to be accurate and indicate acts that may be in violation of the provisions of KRS Chapter 314, 201 KAR 20:478, Section 2 or 201 KAR 20:630, Section 1.

(3) A certified copy of a court record for a misdemeanor or felony conviction or a certified copy of disciplinary action in another jurisdiction shall be considered a valid complaint.

(4) A complaint shall be investigated.

(a) If the complaint establishes a potential violation or the conduct falls within the statutory or regulatory instances which shall be investigated, the board shall send a copy of the complaint to the credential holder, licensee, holder of a multistate privilege, or applicant to the address of record by United States Postal Service regular mail. If the board is aware of the person's email address, it may send a copy by email as well.

1. For credential holders and licensees, the address of record is the last known address in accordance with KRS 314.107, 201 KAR 20:478 Section 3(1), or 201 KAR 20:630 Section 4(1).

2. For applicants for nurse licensure, the address of record is the last known address in accordance with 201 KAR 20:370, Section 1(10).

3. For applicants for a dialysis technician credential or licensure as a licensed certified professional midwife, the address of record is the last known address reported to the board by the applicant.

4.[~~3.~~] For holders of a multistate privilege, the address of record is the last known mailing address of record reported by the primary state of residence board of nursing to the NURSYS database.

5.[~~4.~~] All further mailings to the respondent subsequent to the complaint shall be mailed by U.S. Postal Service regular mail to the address of record, except:

a. When a respondenthas submitted a written request for email delivery in lieu of regular mail; or

b. A notice of hearing pursuant to KRS 13B.050 [~~and~~]or a final order pursuant to KRS 13B.120, both of which shall be mailed by U.S. Postal Service certified mail to the address of record, notwithstanding whether a respondent has submitted a written request for email delivery under this subsection.

(b) A written, legible, verified response shall be filed with the board within thirty (30) days of receipt by the individual against whom the complaint has been made.

(c) The staff may request an informal conference with the individual against whom the complaint has been made.

(5)

(a) A complaint shall be evaluated to find if a violation of the provisions of KRS Chapter 314, 201 KAR 20:478, Section 2, or 201 KAR 20:630, Section 1 has been alleged.

(b) The credentials review panel or the executive director or designee shall make the determination as to the disposition of the complaint pursuant to Section 2 of this administrative regulation.

(6)

(a) All preliminary information shall be treated as confidential during the investigation and shall not be disclosed to board members or to the public, except as provided by KRS 314.475. The board shall make available to the public the fact that an investigation is pending.

(b) If a board member has participated in the investigation or has substantial knowledge of facts prior to a hearing on the complaint that may influence an impartial decision by the member, that member shall not participate in the adjudication of the complaint at hearing, pursuant to KRS Chapter 13B. A board member may participate in the consideration and ratification of an order or consent decree that has been submitted to the full board pursuant to this administrative regulation.

(7)

(a) When the board receives a report of improper, inappropriate, or illegal prescribing or dispensing of a controlled substance by an advanced practice registered nurse (APRN), it shall notify, within three (3) business days:

1. The Department of Kentucky State Police;

2. The Office of the Attorney General; and

3. The Cabinet for Health and Family Services, Office of the Inspector General.

(b) An investigation concerning a complaint filed against an APRN pertaining to the improper, inappropriate, or illegal prescribing or dispensing of controlled substances shall be commenced within seven (7) days of the filing of the complaint.

(c) The investigation shall be completed and a determination as to the disposition of the complaint shall be made within 120 days of the receipt of the complaint, unless:

1. The circumstances of the complaint make it impractical to produce the charging decision pursuant to this subsection;or

2. An extension of time is requested by a law enforcement agency due to an ongoing criminal investigation.

Section 2. Disposition of Complaints.

(1) Disposition of complaints shall be as follows:

(a) If there is a determination by the executive director or designee that there is insufficient evidence of a violation or that a violation has not occurred, there shall not be further action unless warranted by future evidence;

(b)

1. The complaint may be referred to the credentials review panel of the board by the executive director or designee for disposition pursuant to this section or for issuance of a letter of concern; or

2. It may be found that there is probable cause that a violation of KRS 314.091, 201 KAR 20:478, Section 2, or 201 KAR 20:630, Section 1, has occurred.

(c) In cases involving practice as a nurse on the privilege pursuant to KRS 314.475, the case may be referred to the home state.

(2) Upon determination that there is probable cause that a violation of KRS 314.091, 201 KAR 20:478, Section 2, or 201 KAR 20:630, Section 1, has occurred, the complaint shall be handled as follows:

(a) An administrative hearing may be scheduled pursuant to subsection (3) of this section;

(b) An agreed order may be offered pursuant to subsection (4) of this section; or

(c) A consent decree may be offered, pursuant to subsection (5) of this section.

(3) Administrative hearings.

(a) Hearings shall be held pursuant to KRS 314.091, Chapter 13B, and 201 KAR 20:162.

(b) Notice of the hearing and charges shall be signed by the executive director or designee.

(4) Agreed order.

(a) The board may enter into an agreement with an individual for denial, revocation, voluntary surrender, suspension, probation, reinstatement, limitation of credential or license, or reprimand, and to impose a civil penalty, if the individual agrees to waive the right to a hearing. The terms of the agreement may include other conditions or requirements to be met by the individual, including those listed in Section 4 of this administrative regulation.

(b) The agreed order may contain terms that ensure protection of public health and safety or that serve to educate or rehabilitate the individual.

(c) The agreed order, if approved by the board or the board designee, shall terminate the investigation of a specific complaint.

(d) If the agreed order is not approved by the board, or the board designee, charges may be brought pursuant to KRS 314.091, 201 KAR 20:478, Section 2, or 201 KAR 20:630, Section 1, and the matter shall be resolved as directed therein.

(5) Consent decree.

(a) If an individual agrees to waive the right to a hearing, the board may issue a consent decree in accordance with the provisions of KRS 314.991 to impose a civil penalty and other terms and conditions as listed in Section 4 of this administrative regulation against an individual who has:

1. Practiced as a nurse in the Commonwealth of Kentucky without a temporary work permit, multistate licensure privilege pursuant to KRS 314.475, or a current license or provisional license issued by the board;

2. Practiced as an advanced practice registered nurse in the Commonwealth of Kentucky without current licensure issued by the board prior to filing an application for licensure;

3. Practiced as an advanced practice registered nurse after expiration of the current certification granted by the appropriate national organization or agency;

4. Practiced as a licensed certified professional midwife after the license lapsed due to non-renewal;

5. Practiced as a dialysis technician after the dialysis technician credential lapsed due to non-renewal;

6.[~~4.~~] Rectified noncompliance with continuing education requirements, as established in 201 KAR 20:215, Section 3;

7.[~~5.~~] Tested positive on a drug screen for a nonprescribed drug,[~~or~~]illicit substance, or THC without proof of certification or registry identification card, and obtained a substance use disorder evaluation that does not indicate a diagnosis of substance use disorder;

8.[~~6.~~] Failed to report a criminal conviction or disciplinary action against any professional license or credential in Kentucky or in another jurisdiction on an application;

9.[~~7.~~] Committed a substandard nursing, dialysis technician, or licensed certified professional midwife act where:

a. The continuing practice by the respondent[~~nurse~~] does not pose a risk of harm to the client or another;

b. The potential risk of physical, emotional, or financial harm to the client due to the incident is minimal;

c. The respondent[~~nurse~~] subsequently exhibits a conscientious approach to and accountability for his or her practice; and

d. The respondent[~~nurse~~] subsequently has demonstrated the knowledge and skill to practice safely; or

10.[~~8.~~] As an advanced practice registered nurse (APRN) [~~with a Collaborative Agreement for Prescriptive Authority for Controlled Substances (CAPA-CS)~~]who has obtained a DEA registration number for the prescribing of controlled substances:

a. Failed to register with KASPER or the PDMP, as defined in 201 KAR 20:057, Section 1;

b. Failed to report a DEA registration number to the board; or

c. Failed to notify the board of [~~the~~]a CAPA-NS or CAPA-CS, or the recission of either.

(b) The issuance of a consent decree shall be restricted to [~~only~~]those individuals described in paragraph (a) of this subsection who have not [~~previously~~]been issued a consent decree for the same or substantially similar violation and that is ineligible for expungement under 201 KAR 20:410. When determining whether a same or substantially similar prior consent decree would disqualify an individual's eligibility for another consent decree, the board shall disregard 201 KAR 20:410 Section 5.[~~and who have not violated any other provision of KRS Chapter 314 or any other laws of the Commonwealth of Kentucky or of the United States.~~]

(c) [~~The license may be issued by board staff after the individual meets all requirements for licensure upon ratification of the consent decree by the board.~~]

[~~(d)~~] Upon ratification by the board of the consent decree, the investigation of the specific complaint shall be terminated.

(d)[~~(e)~~] If the consent decree is not ratified by the board, charges may be brought pursuant to KRS 314.091, and the matter shall be resolved as directed therein.

(e)[~~(f)~~] Consent decrees that have been ratified by the board shall not be reported to other state boards of nursing, the national council of state boards of nursing, or other organizations, unless required by law.

(6) Special standards for an Advanced Practice Registered Nurse (APRN) with a Collaborative Agreement for Prescriptive Authority for Controlled Substances (CAPA-CS).

(a) An APRN licensed in Kentucky or an applicant for APRN licensure in Kentucky who has been convicted of any felony offense after July 20, 2012, relating to controlled substances in any state shall be permanently banned from prescribing controlled substances.

(b) An APRN licensed in Kentucky or an applicant for licensure in Kentucky who has been convicted of any misdemeanor offense after July 20, 2012, relating to prescribing or dispensing controlled substances in any state shall have their authority to prescribe controlled substances suspended for at least three (3) months and further restricted as established by the board.

(c) The board shall mirror in time and scope any disciplinary limitation placed on an APRN licensed in Kentucky by a licensing board of another state if the disciplinary action resulted from improper, inappropriate, or illegal prescribing or dispensing of controlled substances.

(d) An applicant for APRN licensure in Kentucky [~~as an APRN~~]who has disciplinary action by a licensing board of another state which resulted from improper, inappropriate, or illegal prescribing or dispensing of controlled substances shall have his or her application denied.

(e) Cases that come under KRS 314.011(21)(c) shall not be considered convictions for the purpose of this subsection.

Section 3. The executive director or designee shall notify the complainant and the person against whom the complaint was made of the final disposition of the case.

Section 4. The restrictions or conditions imposed by the board on a temporary work permit, DT applicant, holder of a multistate licensure privilege, or license or provisional license may include the following:

(1) Prohibiting the performance of specific healthcare[~~nursing~~] acts including access to, responsibility for, or the administration of controlled substances; administration of medication; supervisory functions; or any act that the individual is unable to safely perform;

(2) Requiring the individual have continuous, direct, or on-site supervision by a licensed nurse, physician, or another specifically identified classification of professional licensure in Kentucky;

(3) Specifying the individual's practice setting;

(4) Specifying the types of patients to whom the individual may give professional[~~nursing~~] care;

(5) Requiring the individual to notify the board in writing of a change in name, address, or employment;

(6) Requiring the individual to have his or her employer submit to the board written reports of performance or compliance with the requirements established by the board;

(7) Requiring the individual to submit to the board evidence of physical, mental health, neuropsychological, psychosocial,

psychosexual, or substance use disorder evaluations, counseling, therapy, or drug screens;

(8) Meeting with representatives of the board;

(9) Issuing the license or temporary work permit for a specified period of time;

(10) Requiring the individual to notify the board in writing of criminal arrests, charges, or convictions;

(11) Requiring the individual to be employed as a nurse, dialysis technician, or licensed certified professional midwife for a specified period of time; or

(12) Requiring the individual to complete continuing education or other training in a specific subject.

Section 5. Anonymous Complaints. Section 1(2)(a) of this administrative regulation notwithstanding, the board shall accept an anonymous complaint if the complaint is accompanied by sufficient corroborating evidence as would allow the board to believe, based upon a totality of the circumstances, that a reasonable probability exists that the complaint is meritorious.

Section 6. In accordance with federal law, the board shall submit all disciplinary actions to the National Practitioner Data Bank of the United States Department of Health and Human Services either directly or through a reporting agent.

Section 7.

(1) The board may conduct a random audit of the prescribing practices of an advanced practice registered nurse (APRN) through a review of data in KASPER or PDMP[~~data~~], as defined in 201 KAR 20:057 Section 1, such as patient records, pharmacy records, or other relevant material.

(2) An APRN who is audited shall cooperate with the audit. Failure to cooperate may subject the APRN to disciplinary action pursuant to KRS 314.091.

[~~(3)~~] [~~The board may initiate disciplinary action pursuant to this administrative regulation for any potential violation of the law.~~]

Section 8. The board may initiate disciplinary proceedings pursuant to this administrative regulation for any potential violation of KRS Chapter 314 or 201 KAR Chapter 20.

AUDRA DENKER, President

APPROVED BY AGENCY: June 26, 2025

FILED WITH LRC: July 8, 2025 at 9:53 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2025, at 10:00 a.m. at Kentucky Board of Nursing, 312 Whittington Parkway, Ste 300, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by September 16, 2025, 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 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 September 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 or submit a comment at: https://secure.kentucky.gov/formservices/Nursing/PendReg.

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing 312 Whittington Parkway, Suite 300 Louisville, Kentucky 40222 (502) 338-285, email Jeffrey.Prather@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey Prather

(1) Provide a brief summary of:

(a) What this administrative regulation does: It sets out the process for investigation and disposition of complaints against nurses alleged to have violated nursing law.

(b) The necessity of this administrative regulation: It is required by statute.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By establishing regulatory processes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By establishing regulatory processes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendments incorporate regulatory references to credential holders such as Dialysis Technicians and Licensed Certified Professional Midwives; provides that Board members may be present for the ratification of a formal finding after the matter has been presented at hearing or resolved by agreement; adds the term "PDMP"; and updates guidance regarding violations that may be resolved with a consent decree.

(b) The necessity of the amendment to this administrative regulation: To incorporate additions of credential holders to the regulation and clarify how alleged violations may be resolved due to changes in the law, such as a positive THC by a medicinal cannabis cardholder or the missing collaborative agreement reporting requirements, and updates regulatory standards for resolving an action when the individual has committed a similar action that has been the subject of board action.

(c) How the amendment conforms to the content of the authorizing statutes: By providing regulatory guidance consistent with the statutory policy to protect the public under KRS 314.021 and its regulatory authority under KRS 314.131(1).

(d) How the amendment will assist in the effective administration of the statutes: By setting regulatory standards.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All licensees and credential holders subject to the Board's regulatory authority, approximately 150,000, as well as those nurses privileged to practice pursuant to the nursing compact under KRS 314.475.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No new action is required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There is no additional benefit.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no additional cost.

(b) On a continuing basis: There is no additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fee increase or funding is required.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No new fees are established.

(9) TIERING: Is tiering applied? Tiering is not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 218A.205, 314.035, 314.131(1), 314.137, 314.402, 314.404

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Nursing.

(a) Estimate the following for the first year:

Expenditures: No expenditures to estimate.

Revenues: No revenues to estimate.
Cost Savings: No cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? They will not differ.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):
(a) Estimate the following for the first year:
Expenditures: No expenditures to estimate.
Revenues: No revenues to estimate.
Cost Savings: No cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? They will not differ.
(4) Identify additional regulated entities not listed in questions (2) or (3):
(a) Estimate the following for the first year:
Expenditures: N/A.
Revenues: N/A.
Cost Savings: N/A.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no difference to expenditures, revenues, or cost savings. N/A.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to determine the fiscal impact: None.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This regulation will not have an overall adverse economic impact.
(b) The methodology and resources used to reach this conclusion: N/A. (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a): (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This regulation will not have a major economic impact. (b) The methodology and resources used to reach this conclusion: This regulation does not have a major impact on the entities identified in 3(a), 4(a), and 5(a).

BOARDS AND COMMISSIONS
Board of Nursing
(Amendment)

201 KAR 20:162. Disciplinary proceedings.

RELATES TO: KRS Chapter 13B, 314.011, 314.031, 314.071(4), 314.091, 314.161, 314.991
STATUTORY AUTHORITY: KRS 314.091(8), 314.131(1)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, because the amendments to this regulation will not have a major economic impact.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations to implement KRS Chapter 314. KRS 314.091(2) requires that an administrative hearing for the denial, limitation, probation, suspension, or revocation of the license of a registered or practical nurse be conducted in accordance with KRS Chapter 13B. KRS 314.091(8) authorizes the board, by administrative regulation, to provide for the recovery of costs of an administrative hearing. This administrative regulation establishes procedures for conducting an administrative hearing relating to disciplinary action.

Section 1. An administrative hearing shall be conducted in accordance with KRS Chapter 13B.

Section 2. Composition of the Hearing Panel.
(1)
(a) Except as established in paragraph (b) of this subsection, a disciplinary action shall be heard by a hearing panel consisting of two (2) members of the board, one (1) of whom shall be a registered nurse, and a hearing officer qualified in accordance with KRS 13B.040, who shall be:
1. An assistant attorney general; or
2. Other attorney appointed by the board.
(b) A hearing officer meeting the requirements described in this section shall conduct the hearing without a hearing panel:[~~A hearing officer and one (1) member of the board may conduct a hearing for consideration of:~~]
[~~1.~~] [~~Reinstatement of a revoked or suspended license; or~~]
[~~2.~~] [~~Removal of a license from probationary status.~~]
1. At an emergency hearing pursuant to KRS 13B.125(3); or
2. At a hearing pursuant to KRS 131.1817(5)(e).
(c) A hearing officer meeting the requirements described in this section may conduct the hearing without a hearing panel
1. For consideration of reinstatement of a license or credential;
2. For consideration of removal of a license or credential from limited or probationary status or alternative program monitoring upon a notice of hearing filed by the board pursuant to KRS 13B.050;
3. For consideration of suspension or revocation of a license or credential for violating the terms of a decision, agreed order, or monitoring agreement; or
4. If each party agrees.
(2) Pursuant to KRS 13B.040, a[~~A~~] board member shall not sit on a panel or participate in the adjudication of a matter at hearing in which the member has:
(a) Discussed the merits of the action with agency staff;
(b) Personal knowledge of the facts giving rise to the disciplinary action; or
(c) Participated in the investigation of a disciplinary action.
(3) Notwithstanding subsection (2) of this administrative regulation, a board member may participate in the consideration and ratification of a recommended order that has been submitted to the full board pursuant to KRS 13B.110 and this administrative regulation.
(4) The hearing shall be transcribed by a court stenographer or video recorded.

Section 3. Response to Charges. The licensee or applicant shall file with the board a written answer to the specific allegations contained in the notice of charges within twenty (20) days of receipt of the charges. An allegation not properly answered shall be deemed admitted. Failure to file an answer may result in the issuance of a recommended[~~default~~] order by the hearing officer pursuant to KRS 13B.080(6). After the entry of a recommended order, the board may[~~The hearing officer shall~~] for good cause permit the late filing of an answer.

Section 4. Rulings by a Hearing Officer.
(1) The hearing officer shall rule upon each objection or motion, including an objection to evidence.
(2) A decision of the hearing officer may be overridden by a unanimous vote of the board members of the hearing panel.

Section 5. Recommendation by the Hearing Panel.
(1) Upon the conclusion of the hearing, the panel shall retire into closed session for purpose of deliberations. Each board member of the panel shall be eligible to cast one (1) vote. In case of a tie vote, the tie shall be broken by the hearing officer.
(2) At the conclusion of the panel's deliberations, it shall propose an order based upon the evidence presented. The hearing officer shall draft a recommended order, as required by KRS 13B.110(1) that shall be:
(a) Consistent with the panel's deliberations; and
(b) Submitted to the full board.
(3) This section does not apply to an emergency hearing conducted pursuant to KRS 13B.125(3).

Section 6. Continuances; Proceedings in Absentia.
(1) The board shall not postpone a case that has been scheduled for a hearing absent good cause. A request by a licensee or applicant for a continuance shall be considered if communicated to the board reasonably in advance of the scheduled hearing date and based upon good cause.

(2) The decision of whether or not to grant a continuance shall be made by the hearing officer.

(3) The burden shall be upon the licensee or applicant to be present at a scheduled hearing.

(4) Failure to appear at a scheduled hearing for which a continuance has not been granted in advance shall be deemed a waiver of the right to appear and the hearing may[~~shall~~] be held as scheduled without the participation of the absent party, or the hearing officer may adjourn the proceedings and issue a recommended order granting or denying relief as appropriate.

Section 7. Hearing Costs.

(1) If the order of the board is adverse to a licensee or applicant or if the hearing is scheduled at the request of a licensee or applicant for relief from sanctions previously imposed by the board pursuant to the provisions of KRS Chapter 314, the board may impose the following costs:

(a) The cost of stenographic services;

(b) The cost of the hearing officer as determined by subsection (2) of this section; and

(c) Other costs listed in subsection (3) of this section as applicable.

(2) The cost of the hearing officer shall be determined as established in paragraphs (a) through (c) of this subsection. The cost of a:

(a) Disciplinary hearing shall be $400 per day;

(b) Reinstatement hearing shall be $350; and

(c) Default shall be $300.

(3) Other costs may include:

(a) Expert witness costs, including travel, lodging and per diem at the rate applicable to Kentucky Executive Branch employees pursuant to 201 KAR 2:006;

(b) Travel for other witnesses, including lodging and per diem at the rate applicable to Kentucky Executive Branch employees pursuant to 201 KAR 2:006;

(c) Document reproduction costs; and

(d) The cost of a certified copy of laboratory testing records.

Section 8. Reconsideration of Recommended[~~default~~] Orders Entered Pursuant to KRS 13B.080(6).

(1) A recommended order entered[~~default order issued~~] by the hearing officer pursuant to KRS 13B.080(6)[~~board~~] may be:[~~reconsidered.~~]

(a) Accepted and adopted by the board as the agency's final order;

(b) Modified by the board; or

(c) Remanded by the board to the hearing officer for reconsideration or other proceedings as appropriate.

(2) [~~The party in default~~]Either party may file exceptions to the hearing officer's recommended order pursuant to KRS 13B.080(6) with the agency head in accordance with KRS 13B.110(4)[~~shall submit a written motion to the hearing officer requesting reconsideration~~].

(3) [~~The hearing officer shall schedule a hearing on the motion for reconsideration. ~~]The board[~~hearing officer~~] may order that the recommended[~~default~~] order be set aside if the exceptions filed by the party demonstrate[~~in default presents~~] good cause.

(4) If a recommended[~~default~~] order entered pursuant to KRS 13B.080(6) is set aside, the provisions of 201 KAR 20:161 shall apply.

(5) The hearing officer may issue a recommended order pursuant to KRS 13B.080(6) without a motion from the parties after notice.

Section 9. Prescribing or Dispensing Controlled Substance Cases.

(1) An investigation pertaining to prescribing or dispensing of a controlled substance shall produce a charging decision by the board within 120 days of the receipt of the complaint unless the circumstances of a particular complaint make it impractical[~~impossible~~] to timely produce the charging decision.

(2) The board may hold an investigation pertaining to prescribing or dispensing of a controlled substance in abeyance for a reasonable period of time in order to permit a law enforcement agency to perform or complete essential investigative tasks, following a request by the requesting law enforcement agency.

(3) If an investigation pertaining to prescribing or dispensing of a controlled substance does not produce a charging decision within 120 days of the receipt of the complaint, and if the investigative report [~~shall~~]plainly states[~~state~~] the circumstances of that particular investigation or complaint that made timely production of a charging decision impractical, the inability to meet the 120-day deadline shall not constitute a defense to a finding of wrongdoing by a licensee, applicant, or person privileged to practice[~~impossible~~].

Section 10. Change in Licensure Status.

(1) Pursuant to the Nurse Licensure Compact, KRS 314.475, if a nurse whose primary state of residence is Kentucky and who holds a Kentucky license with multistate privileges incurs a disqualifying event, the license shall be converted to a single state license valid only in Kentucky.

(2) The disqualifying events that may cause this change in status shall be:

(a) Conviction or found guilty of or entered into an agreed disposition of a felony offense;

(b) Conviction or found guilty of or entered into an agreed disposition of a misdemeanor offense related to the practice of nursing;

(c) Current enrollment in an alternative program; or

(d) An encumbered nursing license or privilege to practice due to disciplinary action.

(3)

(a) The board shall inform the nurse in writing of its intent to change the status of the Kentucky license.

(b) The nurse may request an administrative hearing on this action. A request shall be made in writing to the board within twenty (20) days.

(c) Failure to request an administrative hearing within twenty (20) days shall constitute a waiver of the right to a hearing.

(4) The procedure established in this section shall not be in lieu of but may be in addition to any potential disciplinary action the board may seek based on the disqualifying event.

AUDRIA DENKER, President

APPROVED BY AGENCY: June 26, 2025

FILED WITH LRC: July 8, 2025 at 9:53 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2025, at 10:00 a.m. at Kentucky Board of Nursing, 312 Whittington Parkway, Ste 300, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by September 16, 2025, 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 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 September 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 or submit a comment at: https://secure.kentucky.gov/formservices/Nursing/PendReg.

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing. 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222 (502) 338-2851, Jeffrey.Prather@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey Prather

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets proceedings for hearings on disciplinary cases that are in addition to KRS Chapter 13B.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because of KRS 314.091.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by setting disciplinary proceedings
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by setting disciplinary proceedings.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendments provide: for circumstances and case types when a hearing may be held by the hearing officer without a panel; that a board member with prior knowledge may be present with the full board to ratify a case after it has been presented at hearing; the hearing officer may issue a recommended order due to the respondent's failure to participate in the proceedings; the Board, not the hearing officer, may reconsider a late filing once the recommended order has been submitted to it for adoption; that the failure of board staff to reach a charging decision within 120 days shall not constitute a defense to wrongdoing by the licensee.
(b) The necessity of the amendment to this administrative regulation: The administrative regulation is necessary to assure due process is afforded nurses who would be affected.
(c) How the amendment conforms to the content of the authorizing statutes: By providing hearing regulatory standards.
(d) How the amendment will assist in the effective administration of the statutes: By setting forth the process that the Board will follow in these cases.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All licensees and credential holders subject to the Board's regulatory authority, approximately 150,000, as well as those nurses privileged to practice pursuant to the nursing compact under KRS 314.475.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: If the subject of an alleged violation, they will have to request a hearing.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): If the hearing is adverse to the respondent there may be a hearing fee; however, the amount varies with each matter.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be following the administrative regulation.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no additional cost.
(b) On a continuing basis: There is no additional cost.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No new fees are necessary.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are created.
(9) TIERING: Is tiering applied? Tiering is not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.091(8), 314.131(1)
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Nursing.
(a) Estimate the following for the first year:
Expenditures: No expenditures to estimate.
Revenues: No revenues to estimate.
Cost Savings: No cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? They will not differ.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):
(a) Estimate the following for the first year:
Expenditures: No expenditures to estimate.
Revenues: No revenues to estimate.
Cost Savings: No cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? They will not differ.
(4) Identify additional regulated entities not listed in questions (2) or (3):
(a) Estimate the following for the first year:
Expenditures: N/A.
Revenues: N/A.
Cost Savings: N/A.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no difference to expenditures, revenues, or cost savings. N/A.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to determine the fiscal impact: None.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This regulation will not have an overall adverse economic impact.
(b) The methodology and resources used to reach this conclusion: N/A. (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a): (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This regulation will not have a major economic impact. (b) The methodology and resources used to reach this conclusion: This regulation does not have a major impact on the entities identified in 3(a), 4(a), and 5(a).

BOARDS AND COMMISSIONS
Board of Nursing
(Amendment)

201 KAR 20:410. Expungement of records.

RELATES TO: KRS 314.131
STATUTORY AUTHORITY: KRS 314.131(1), (10)[~~(9)~~]
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, because the amendments to this regulation will not have a major economic impact.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) and (10)[~~(9)~~] authorize the Board of Nursing to promulgate administrative regulations to establish which disciplinary records may be expunged. This administrative regulation establishes which records may be expunged and the procedure for expungement.

Section 1. Definitions[~~Definition~~].
(1) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice imposed by the board on any licensee or credential holder.
(2) "Expungement" means that all affected physical records shall be destroyed and affected electronic records removed from the board's computer systems so that the matter shall not appear on a license validation search via the board website or any other search of board records.[~~sealed and that the proceedings to which they refer shall be deemed never to have occurred.~~]
(3) "Complex reprimand" means disciplinary action that resulted in an encumbrance.
(4) "Plain reprimand" means a disciplinary action applicable to a licensee or credential holder that is not a complex reprimand.

(5) "Consent decree" means an agreement pursuant to 201 KAR 20:161, Section 2(5).

Section 2. The board shall not report cases that have been expunged to another state agency, board of nursing, or organization, and shall reply to any inquiry regarding the expunged records that no record exists on the matter and that the proceedings to which they refer shall be deemed never to have occurred. The individual whose records have been expunged may state that the proceedings to which they referred never occurred.[A nurse whose record has been expunged may state that disciplinary records do not exist upon inquiry.]

Section 3. Upon a written request from an individual[a nurse] against whom disciplinary action or a consent decree has been taken, the board shall expunge the disciplinary actions and consent decrees indicated below, subject to the exceptions set forth in Sections 4-6 of this administrative regulation[records relating to the following categories of disciplinary action]:

(1) Consent decrees that are at least three (3)[five (5)] years old if all the terms of the consent decree have been met;

(2) Agreed orders and decisions that are at least five (5)[ten (10)] years old and that resulted in a plain reprimand, if [there has not been subsequent disciplinary action and]all [of]the terms of the agreed order or decision have been met; and

(3) Agreed orders and decisions that are at least ten (10)[twenty (20)] years old that resulted in a complex reprimand, if [there has not been subsequent disciplinary action and]all [of]the terms of the agreed order or decision have been met.

Section 4. The calculation of the time under Section 3 of this administrative regulation shall be tolled until the individual who is subject to a consent decree or disciplinary action has satisfied all requirements specified in the consent decree or disciplinary action and the length of time of the existence of the consent decree or disciplinary action shall be measured from the date all requirements listed were met by the individual.[The board shall not report cases that have been expunged to another state agency, other board of nursing, or other organization.]

Section 5. Expungement of a consent decree or disciplinary action shall not occur if there is an open and active Board of Nursing investigation or disciplinary proceeding pending against the affected individual pursuant to 201 KAR 20:161 or 201 KAR 20:162.

Section 6. Expungement of a disciplinary action shall be unavailable if the affected individual has had subsequent disciplinary action that is also ineligible for expungement. Consideration regarding an individual's eligibility for expungement must always begin with assessment of the age and relevant tolling as to the most recent consent decree or disciplinary action.

Section 7. Without a request pursuant to Section 3 of this administrative regulation, the board may initiate expungement of records subject to the criteria set forth in Sections 3 through 7 of this administrative regulation.

AUDRIA DENKER, President

APPROVED BY AGENCY: June 26, 2025

FILED WITH LRC: July 8, 2025 at 9:53 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2025, at 10:00 a.m. at Kentucky Board of Nursing, 312 Whittington Parkway, Ste 300, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by September 16, 2025, 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 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 September 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 or submit a comment at: https://secure.kentucky.gov/formservices/Nursing/PendReg.

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing. 312 Whittington Parkway, Suite 300 Louisville, Kentucky 40222, (502) 338-2851, Jeffrey.Prather@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeffrey Prather
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation sets out which board orders are subject to expungement.
(b) The necessity of this administrative regulation: This administrative regulation is necessary because of KRS 314.131(10).
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by setting out which board orders may be expunged.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by providing for which board orders may be expunged.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment adds definitions to clarify what documents may be expunged. It provides that physical records that have been expunged may be destroyed; amends to track statutory expungement language; shortens the period before and expungement may be requested and that it does not start until the terms have been met, provides that an expungement may not be obtained if the individual has a pending investigation; and the most recent order must be eligible for expungement before older orders may be considered. The Board may expunge eligible orders that are otherwise a specific request from the licensee.
(b) The necessity of the amendment to this administrative regulation: The administrative regulation is necessary to clarify expungement terms and requirements, provide the Board may remove of disciplinary records that are not publicly accessible.
(c) How the amendment conforms to the content of the authorizing statutes: By clarifying the Board's expungement requirements.
(d) How the amendment will assist in the effective administration of the statutes: By clarifying the Board's expungement requirements.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Individuals who have been licensed or credentialed by Board with disciplinary actions, number unknown.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: An individual requesting expungement must make the request in writing.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to the person requesting expungement.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The individual will receive closure for prior discipline after fulfilling the terms of the discipline and their record will be cleared of the action.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no additional cost.
(b) On a continuing basis: There is no additional cost.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency funds.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fee increase is necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Fees will not be increased by this regulation.
(9) TIERING: Is tiering applied? Tiering is not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.131(1), (10).
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Nursing.
(a) Estimate the following for the first year:
Expenditures: The Board currently spends ~$4,300 a year archiving records at Kentucky Department for Library and Archives.
Revenues: No revenues to estimate.
Cost Savings: The Board will save money by not paying to archive and store records that are not publicly available. Initial estimate unknown.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? They will not differ.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):
(a) Estimate the following for the first year:
Expenditures: No expenditures to estimate.
Revenues: No revenues to estimate.
Cost Savings: No cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? They will not differ.
(4) Identify additional regulated entities not listed in questions (2) or (3):
(a) Estimate the following for the first year:
Expenditures: N/A.
Revenues: N/A.
Cost Savings: N/A.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no difference to expenditures, revenues, or cost savings. N/A.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: None.
(b) Methodology and resources used to determine the fiscal impact: None.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) This regulation will not have an overall adverse economic impact.
(b) The methodology and resources used to reach this conclusion: N/A. (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a): (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This regulation will not have a major economic impact. (b) The methodology and resources used to reach this conclusion: This regulation does not have a major impact on the entities identified in 3(a), 4(a), and 5(a).

BOARDS AND COMMISSIONS
Board of Physical Therapy
(Amendment)

201 KAR 22:020. Eligibility and credentialing procedure.

RELATES TO: KRS 164.772, 327.010, 327.050, 327.060, 327.075, 327.080, 327.310
STATUTORY AUTHORITY: KRS 327.040(1), (11), (13)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(11) authorizes the Board of Physical Therapy to promulgate and enforce reasonable administrative regulations for the effectuation of the purposes of KRS Chapter 327. KRS 327.040(1) requires the board to determine if physical therapist applicants meet the qualifications and standards required by KRS Chapter 327. KRS 327.040(13) authorizes the board to promulgate administrative regulations regarding the qualifications for physical therapist assistants. This administrative regulation establishes the criteria for eligibility, methods, and procedures of qualifying for a credential to practice physical therapy in Kentucky.

Section 1. An application shall be accepted for credentialing as a physical therapist or physical therapist assistant based on successful completion by the applicant of one (1) of the following processes:
(1) Examination;
(2) Endorsement; or
(3) Reinstatement.

Section 2. Examination Candidate.
(1) To be eligible for the examination, the applicant for licensure as a physical therapist shall:
(a) Have successfully completed the academic and clinical requirements of a physical therapy program accredited by CAPTE;
(b) Submit certification of completion by the educational administrator of that program;
(c) Have successfully completed the Jurisprudence Exam;
(d) Submit a complete Application for credentialing that includes a photo taken within one (1) year;
(e) Submit the correct, nonrefundable fee as required in 201 KAR 22:135;
(f) Submit to the board a completed nationwide criminal background check as required by KRS 327.310 with the background investigation completed no later than six (6) months prior to the date of the filing of the application;
(g) If applicable, submit on an Applicant Special Accommodations Request Form a request for a reasonable accommodation in testing due to a documented disability; and
(h) Register for the NPTE examination.
(2) To be eligible for the examination, the applicant for certification as a physical therapist assistant shall:
(a) Have successfully completed the academic and clinical requirements of a physical [~~therapy~~]therapist or physical therapist assistant program accredited by CAPTE; and
(b) Complete the requirements of subsection (1)(b) through (h) of this section.
(3) [~~Effective July 1, 2012, ~~]After[~~after~~] six (6) failed attempts at [~~either~~]the physical therapist or physical therapist assistant examination, per exam level[~~or combination thereof~~], in any jurisdiction, an applicant for licensure or certification shall not be eligible to register for any additional examinations.

Section 3. An applicant for credentialing who is registered for the examination in another jurisdiction shall:
(1) Meet the eligibility requirements of Section 2 of this administrative regulation; and
(2) Register with the FSBPT Score Transfer Service to have results submitted to Kentucky.

Section 4. To be eligible for a temporary permit, the candidate shall:
(1) Meet the qualifications of Section 2 or 3 of this administrative regulation, except for the retake provisions in Section 2(3) of this administrative regulation;
(2) Complete a Supervisory Agreement for Applicant with Temporary Permit with one (1) or more physical therapists; and
(3) Have not failed either the physical therapist or physical therapist assistant examination in any jurisdiction.

Section 5.
(1) Upon issuance of a temporary permit, the physical therapist or physical therapist assistant applicant shall practice only under the supervision of a physical therapist currently engaged in the practice of physical therapy in Kentucky who:
(a) Has practiced in Kentucky for more than one (1) year; and
(b) Has an unrestricted license.
(2) A supervising physical therapist:

(a) Shall be on-site at all times during the practice of the applicant with a temporary permit;

(b) Shall be responsible for the practice of physical therapy by the applicant with a temporary permit;

(c) Shall review, approve, date, and co-sign all physical therapy documentation by the applicant with a temporary permit;

(d) May designate an alternate supervising physical therapist who meets the qualifications of subsection (1)(a) and (b) of this section. The alternate supervising physical therapist shall sign and date written documentation of the acceptance of the responsibility as identified in paragraph (a) through (c) of this subsection; and

(e) Shall notify the board immediately if the supervisory relationship is terminated.

(3) The applicant with a temporary permit shall:

(a) Disclose the applicant's temporary credential status to all patients prior to initiating treatment;

(b) Sign documentation with temporary permit number and designation as required in 201 KAR 22:053, Section 5(5)(a) or (b); and

(c) Notify the board immediately if the supervisory relationship is terminated.

(4) The temporary permit shall expire the earlier of:

(a) Six (6) months from the date of issuance; or

(b) Notice of exam results by the board. A temporary permit holder who is registered for the examination in another jurisdiction shall register with the FSBPT Score Transfer Service to have results submitted to Kentucky within forty-eight (48) hours of the release of the exam results.

Section 6. A physical therapist applicant who meets the qualifications for physical therapy licensure by examination may become a special candidate for physical therapist assistant certification by examination.

Section 7. To be eligible for credentialing by endorsement, the applicant shall:

(1) Have successfully completed the academic and clinical requirements of a physical therapy or physical therapist assistant program accredited by CAPTE;

(2) Meet the requirements established in Section 2(1)(b) through (f) of this administrative regulation;

(3) Have successfully completed the NPTE or its equivalent, predecessor examination and register with the FSBPT Score Transfer Service to have results submitted to Kentucky:

(a) For any applicant[~~A passing score in Kentucky for the person~~] who took the NPTE prior to July 1, 1993, the board may issue a credential to a physical therapist or physical therapist assistant who has a current unrestricted credential from another jurisdiction of the United States if that person meets all qualifications under KRS 327.050 and 201 KAR 22.020 at the time of the applicant's initial credentialing[~~shall be at least equal to the national average raw score minus one and five-tenths (1.5) standard deviation set equal to a converted score of seventy-five (75)~~]; or

(b) After July 1, 1993, a passing score shall be the criterion referenced passing point recommended by the FSBPT set equal to a scaled score of 600;

(4) Have an active credential in this profession in another jurisdiction; and

(5) Have verification of credentials showing the credential has never been revoked, suspended, placed on probation, or is not under disciplinary review in another jurisdiction upon application.

Section 8. To be eligible for reinstatement, the applicant shall meet the requirements in 201 KAR 22:040.

Section 9. A credential issued by the board shall be in effect until March 31 of the next odd-numbered year.

Section 10. A foreign-educated physical therapist shall comply with the provisions of 201 KAR 22:070.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Credentialing", December 2011;

(b) "Supervisory Agreement for Applicant with Temporary Permit", January 2017; and

(c) "Applicant Special Accommodations Request Form", February 2022.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Physical Therapy, 312 Whittington Parkway Suite 102, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's website[~~Web site~~] at pt.ky.gov[~~/Forms/Pages/Exam-Applicant.aspx~~].

STEPHEN CURLEY, Executive Director

APPROVED BY AGENCY: November 21, 2024

FILED WITH LRC: July 10, 2025 at 11:20 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2025, at 3:00 p.m. (ET) at 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing five days 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 cancelled. 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 until September 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: Stephen Curley, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, phone (502) 429-7140, fax (502) 429-7142, email Stephen.Curley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen Curley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides procedures and requirements of the purpose of KRS Chapter 327. KRS 327.040(1) which requires the board to determine if physical therapist applicants meet the qualifications and standards required by KRS Chapter 327. KRS 327.040(13) authorizes.

(b) The necessity of this administrative regulation: This administrative regulation was necessary to implement provisions of KRS Chapter 327.040.

(c) How this administrative regulation conforms to the content of the authorizing statutes: It provides the procedures for licensing PTs and PTAs.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It provides the procedures for application of licensure requirements for credential holders.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: By creating additional opportunities for Applicants to become licensed.

(b) The necessity of the amendment to this administrative regulation: The necessity is to allow PTs and PTAs licensed prior to 1993 to be licensed more effectively.

(c) How the amendment conforms to the content of the authorizing statutes: The board is authorized to set standards for licensing and application procedures.

(d) How the amendment will assist in the effective administration of the statutes: By clarifying the requirements and adding additional opportunities for applicants.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 6500

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities identified in question (3) will be will have less requirements with this regulation change.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities identified in question (3) will have less requirements for licensure while maintain public protection.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No cost.
(b) On a continuing basis: No cost.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Agency Revenue Fund, and costs will not change from current spending.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
(9) TIERING: Is tiering applied? Tiering was not used in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 327.040.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 327.040 (11)
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Physical Therapy
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Physical Therapist and Physical Therapist Assistants
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: None
(b) Methodology and resources used to reach this conclusion: There is no fee changes or added costs this would allow individuals that previously couldn't apply for licensure in Kentucky to apply while maintaining public protection.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): No
(b) The methodology and resources used to reach this conclusion: There is no fee changes or added costs this would allow individuals that previously couldn't apply for licensure in Kentucky to apply while maintaining public protection.

BOARDS AND COMMISSIONS
Board of Medical Imaging and Radiation Therapy
(Amendment)

201 KAR 46:010. Definitions for 201 KAR Chapter 46.

RELATES TO: KRS 311B.020
STATUTORY AUTHORITY: KRS 311B.010, 311B.050
CERTIFICATION STATEMENT: This is to certify that this administrative regulation is in compliance with the requirements of 2025 RS HB 6, Section 8(2) because this administrative regulation is being promulgated to meet a deadline established by 2025 RS HB 72. The Board of Medical Imaging and Radiation Therapy is not one of the agencies that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.010 and 311B.050 require the Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to regulate medical imaging, radiation therapy, and related occupations. This administrative regulation establishes definitions for terms used in 201 KAR Chapter 46.

Section 1. Definitions.
(1) "Accredited educational program" means an educational program accredited by the Joint Review Committee on Education in Radiologic Technology (JRCERT), the Joint Review Committee on Educational Programs in Nuclear Medicine Technology (JRCNMT), or other accrediting agencies recognized by the American Registry of Radiologic Technologists (ARRT), which have been approved by the board.
(2) "Advanced imaging professional" means an individual who holds credentialing by the American Registry of Radiologic Technologists (ARRT) or by the Nuclear Medicine Technology Certification Board (NMTCB) as a registered radiologist assistant (R.R.A.) or nuclear medicine advanced associate (NMAA).
(3) "Alternate course of study" means an independent course of study that qualifies an individual to take an examination approved by the board.
(4) "Authorized user" is defined by KRS 311B.020(4).
(5) "Bedside radiography" means the use of portable x-ray equipment, mobile x-ray equipment, transportable x-ray equipment, or any other nonstationary piece of ionizing radiation emitting equipment used to perform medical imaging.
(6)[~~(5)~~] "Board" is defined by KRS 311B.020(5).
(7)[~~(6)~~] "Clinical education" means the component of the educational program that provides for supervised, competency-based, clinical education and experience.
(8)[~~(7)~~] "Computed tomography" or "CT" means the process of using specialized radiation producing equipment to create cross-sectional images of any part of the body.

(9)[(8)] "Computed tomography technologist" or "CT technologist" means an individual who has obtained a post-primary certification in computerized tomography from the American Registry of Radiologic Technologists (ARRT) or the Nuclear Medicine Technology Certification Board (NMTCB).

(10)[(9)] "Continuing education" is defined by KRS 311B.020(7).

(11)[(10)] "Continuing education unit" or "CEU" means fifty (50) contact minutes of participation in a continuing education experience completed by:

(a) Attendance at a professional meeting;

(b) Documenting completed, approved independent study; or

(c) Documenting completed academic courses applicable to health care, medical imaging, radiation therapy, or related courses.

(12)[(11)] "Contrast procedure" means a diagnostic or therapeutic procedure performed while administering contrast media into the human body to visualize anatomy not otherwise demonstrated on an image receptor.

(13)[(12)] "Course of study" means a curriculum in radiologic technology, nuclear medicine technology, the advanced imaging profession, limited x-ray machine operation, or radiation therapy approved by the board.

(14)[(13)] "Didactic education" means the component of the educational program that provides formal instruction with specific objectives and methods for assessing the student's progress for entry-level competency.

(15)[(14)] "Direct supervision" means supervised by, and in the physical presence of, a licensed practitioner of the healing arts.

(16)[(15)] "Educational program" means a board-approved, accredited educational program or limited x-ray machine operator program.

(17)[(16)] "Facility" means a hospital, outpatient department, clinic, radiology practice, mobile unit, or office of a physician or portion thereof, in which medical imaging or radiation therapy are performed.

(18)[(17)] "Indirect supervision" means supervised by a licensed practitioner of the healing arts who is immediately available in person or remotely via telecommunications device.

(19)[(18)] "License" means the document issued to a licensee to work as an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, a nuclear medicine technologist, or a limited x-ray machine operator in Kentucky.

(20)[(19)] "Licensed practitioner" or "licensed practitioner of the healing arts" is defined by KRS 311B.020(8).

(21)[(20)] "Licensee" means an individual licensed to perform the duties of an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, a nuclear medicine technologist, or a limited x-ray machine operator.

(22)[(21)] "Licensure" means the process by which a license is issued by the board pursuant to 201 KAR Chapter 46 and in accordance with KRS Chapter 311B.

(23)[(22)] "Limited radiographic procedures" means the following[procedures]:

(a) Static x-ray exams[Radiography] of the thorax, lungs, and ribs;

(b) Static x-ray exams[Radiography] of the abdomen;

(c) Static x-ray exams[Radiography] of the skull and facial structures;

(d) Static x-ray exams[Radiography] of the upper and lower extremities;

(e) Static x-ray exams[Radiography] of the pectoral girdle, hips, and pelvis;

(f) Static x-ray exams[Radiography] of the cervical, thoracic, and lumbar spines; and

(g) Bone densitometry [procedures]exams utilizing dedicated Dual Energy X-ray Absorptiometry (DEXA or DXA) equipment.

(24)[(23)] "Limited x-ray machine operator" is defined by KRS 311B.020(9).

(25)[(24)] "Medical Imaging" means producing visual images of the human body utilizing various types of energy and technologies to determine the presence of disease and injury. Medical imaging is used for diagnostic, screening, treatment and monitoring purposes.

(26)[(25)] "Medical imaging technologist" is defined by KRS 311B.020(10).

(27)[(26)] "National organization" is defined by KRS 311B.020 (11).

(28)[(27)] "Nuclear medicine advanced associate" means an individual certified by the Nuclear Medicine Technology Certification Board (NMTCB) as a nuclear medicine advanced associate (NMAA) who works under the supervision of a radiologist or nuclear medicine physician, in accordance with practice standards.

(29)[(28)] "Nuclear medicine technologist" is defined by KRS 311B.020(12).

(30)[(29)] "Nuclear medicine technology" means technology applied by a nuclear medicine technologist utilizing radioactive material and with the nuclear medicine technologist being under the supervision of an authorized user.

(31)[(30)] "PET" means the positron emission tomography.

(32)[(31)] "Positron emission tomography" means the utilization of positron-emitting radioactive material for medical imaging under the supervision of an authorized user.

(33)[(32)] "Practice standards" means the standards established by board-approved professional organizations that define the practice expectations of individuals within the professions.

(34)[(33)] "Primary discipline" means radiography, nuclear medicine, and radiation therapy.

(35)[(34)] "Professional educational guidelines" means curriculum and educational standards established by national organizations and approved by the board.

(36)[(35)] "Program director" means an individual designated by a sponsoring institution to assure that the educational programs for an advanced imaging professional, a medical imaging technologist, a radiographer, a radiation therapist, a nuclear medicine technologist, and a limited x-ray machine operator are properly conducted.

(37)[(36)] "Provisional nuclear medicine technology license" means a license issued by the board to an individual participating in the alternate nuclear medicine course of study approved by the board.

(38)[(37)] "Provisional training license" means a license issued to a nuclear medicine technologist or a radiation therapist pursuing post-primary certification in computed tomography or a license issued to a radiographer or radiation therapist pursuing post-primary certification in PET.

(39)[(38)] "Radiation safety officer" means an individual who has the training, knowledge, and responsibility to apply appropriate radiation safety practices.

(40)[(39)] "Radiation therapist" is defined by KRS 311B.020(15).

(41)[(40)] "Radiation therapy" means the therapeutic administration of ionizing radiation by a radiation therapist.

(42)[(41)] "Radioactive materials" means a solid, liquid, or gas that emits ionizing radiation spontaneously.

(43)[(42)] "Radiographer" is defined by KRS 311B.020(16).

(44)[(43)] "Radiography" means:

(a) The utilization and administration of ionizing radiation to produce medically relevant images for the diagnosis of injury or disease; and

(b) Includes a comprehensive scope of diagnostic-radiologic procedures.

(45)[(44)] "Radiologist assistant" means an individual certified by the American Registry of Radiologic Technologists (ARRT) as a registered radiologist assistant (R.R.A.) who works under the supervision of a radiologist, in accordance with supervision guidelines jointly established by the American College of Radiology (ACR), the American Society of Radiologic Technologists (ASRT), and the ARRT.

(46)[(45)] "Radionuclide" means a radioactive element or a radioactive isotope.

(47)[(46)] "Radiopharmaceuticals" means radioactive drugs used for the diagnosis and treatment of disease.

(48)[(47)] "Scope of practice" means the parameter of the specific practice.

(49)[(48)] "Source of radiation" means a radioactive material, device, or equipment emitting or capable of producing ionizing radiation.

(50)[~~(49)~~] "Sponsoring institution" means an institution recognized by the board to provide a post-secondary educational program in medical imaging, limited x-ray machine operation, radiation therapy, or advanced imaging professions.

(51)[~~(50)~~] "Student" means an individual enrolled in a board-recognized educational program.

(52)[~~(51)~~] "Supervision of students" means supervised by a licensed practitioner of the healing arts or a licensee in the appropriate field of practice who directs the activity of students.

(53)[~~(52)~~] "Temporary license" means a nonrenewable license issued by the board as established in 201 KAR Chapter 46 permitting an individual to practice for a specified period of time.

(54)[~~(53)~~] "Therapeutic procedures" means medical treatments that can help diagnose, cure, or treat a patient's condition.

KERI LEAMY, Board Chair

APPROVED BY AGENCY: June 10, 2025

FILED WITH LRC: June 30, 2025 at 4:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 25, 2025, at 10:00 a.m. Eastern time, in the office of the Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Rd, Suite A220, Lexington, Kentucky 40504, (502) 782-5687. 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 September 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: Elizabeth Morgan, Executive Director, Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Rd, Suite A220, Lexington, Kentucky 40504, phone (502) 782-5687; fax (502) 782-6495; email elizabeth.morgan@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Elizabeth Morgan

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation defines essential terms applicable to the Medical Imaging profession and regulatory process.

(b) The necessity of this administrative regulation: The Board of Medical Imaging and Radiation Therapy is authorized by KRS 311B.010 to 311B.190 to regulate licensees other than licensed practitioners of the healing arts, including but not limited to: the classification and licensure of medical imaging technologists, radiation therapists, radiologist assistants and limited x-ray machine operators; examinations; standards of education and experience; curricula standards for institutions teaching persons to perform medical imaging and radiation therapy procedures; issuance, renewal, and revocation of licenses; the establishment of a reasonable schedule of fees and charges to be paid by individuals for examinations, licenses and renewal licenses; and to set other standards as may be appropriate for the protection of health and safety. This administrative regulation defines terms used in 201 KAR Chapter 46.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the requirements for licensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes definitions used in the requirements for the practice of medical imaging, radiation therapy and related occupations.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment updates the definition of limited radiographic procedures for clarity and also creates definition for bedside radiography.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide clarification of these terms to assure compliance with the scope of practice.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the establishment of definition.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will ensure all "terms of art" used in the regulation have an appropriate definition.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 300 state health care organizations and approximately 8,000 licensees.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action is required. The amendment merely defines the terms for 201 KAR Chapter 46.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Applicants and licensees benefit by having the definitions of terms used within the regulations to clarify the regulations and put the licensee on clear notice.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No additional costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees and applicants.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will increase as a result of this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no related fees associated with this administrative regulation.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used): Tiering was not applied as the regulation is applicable to all licensees and applicants.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311B.010 to 311B.190.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Although amendment of this administrative regulation is not expressly authorized by an act by the general assembly, it is necessary to conform with 2025 Ky Acts Chapter 132, Section 1 (House Bill 72).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Medical Imaging and Radiation Therapy.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: n/a
For subsequent years: n/a
2. Revenues:
For the first year: n/a
For subsequent years: n/a
3. Cost Savings:
For the first year: n/a
For subsequent years: n/a
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: n/a
For subsequent years: n/a
2. Revenues:
For the first year: n/a
For subsequent years: n/a
3. Cost Savings:
For the first year: n/a
For subsequent years: n/a
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: There is no cost associated with administering this regulation.
(b) Methodology and resources used to reach this conclusion: This regulation merely defines terms used throughout the 201 KAR Chapter 46. There is no cost associated with administering this regulation.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no cost associated with administering this regulation.
(b) The methodology and resources used to reach this conclusion: This regulation merely defines terms used throughout the 201 KAR Chapter 46. There is no cost associated with administering this regulation.

BOARDS AND COMMISSIONS
Board of Medical Imaging and Radiation Therapy
(Amendment)

201 KAR 46:081. Limited X-Ray machine operator.

RELATES TO: KRS 311B.020, 311B.150, 311B.100(2), 311B.110, 311B.120, 311B.180, 311B.190

STATUTORY AUTHORITY: KRS 311B.050, 311B.100(2), 311B.110

CERTIFICATION STATEMENT: This is to certify that this administrative regulation is in compliance with the requirements of 2025 RS HB 6, Section 8(2) because this administrative regulation is being promulgated to meet a deadline established by 2025 RS HB 72. The Board of Medical Imaging and Radiation Therapy is not one of the agencies that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311B.050 requires the Board of Medical Imaging and Radiation Therapy to promulgate administrative regulations to establish the procedures for the issuance and renewal of a license. KRS 311B.100(2) and KRS 311B.110(6) require the board to promulgate administrative regulations to establish the qualifications for a limited x-ray machine operator. This administrative regulation establishes the requirements for the licensure of a limited x-ray machine operator.

Section 1. Applicability. This administrative regulation shall apply to individuals who perform limited diagnostic radiography while under the direct supervision or indirect supervision of a licensed practitioner of the healing arts.

Section 2. [~~Limited Licensee Employment Prohibition. An individual who holds a limited license shall not be employed as an operator of a source of radiation at a facility where contrast studies, fluoroscopy, mammography, computed tomography, magnetic resonance imaging, bedside radiography, nuclear medicine, positron emission tomography, or radiation therapy procedures are performed.~~]

[~~Section 3.~~] Pathway to the Limited X-ray Machine Operator License.

(1) An applicant shall complete a board-approved[~~an approved~~] postsecondary educational program that meets the curricular standards of Section 6 of this administrativeregulation and successfully pass the Kentucky Limited Scope Exam as referenced in Section 3 of this administrative regulation[~~American Society of Radiologic Technologists (ASRT) Limited X-Ray Machine Operator Curriculum requirements. An individual shall complete a formal education program for limited x-ray machine operators approved by the board~~].

(2) If an applicant qualifies for licensure under KRS 12.245, 12.354, or 12.357, the applicant shall submit and satisfy the requirements of Section 4[~~5~~](1) through (6) of this administrative regulation, and shall submit form DD-214 or other proof of active or prior military service for the applicant or spouse of the applicant.

Section 3.[~~Section 4.~~] Application for Temporary Limited X-ray Machine Operator License.

(1) An applicant who has completed an[~~a formal~~] educational program shall submit:

(a) A completed and signed application Form KBMIRT Form 5;

(b) A nonrefundable, non-transferrable temporary limited x-ray machine operator application and license fee as mandated in 201 KAR 46:020, Section 5, unless the fee is waived in accordance with KRS 311B.140;

(c) The satisfactory results of a criminal background check completed within the past six (6) months in state of residence and employment and any other state of residence and employment within the past five (5) years; and

(d) A copy of a government-issued photo ID.

(2) The temporary limited x-ray machine operator license shall be effective for up to one (1) year from date of program completion and shall not be renewable.

(3) Upon completion of the limited x-ray machine operator educational[~~training~~] program, individuals shall:

(a) Apply for the Kentucky Limited Scope Exam[~~limited scope radiography exam~~]; and

(b) Submit the nonrefundable, non-transferrable limited x-ray machine operator examination fee as mandated in 201 KAR 46:020, Section 9.

(4) An individual shall successfully pass the Kentucky Limited Scope Exam, administered by the American Registry of Radiologic Technologists (ARRT)[~~- administered limited scope radiography exam~~] within one (1) calendar year of program completion and prior to the expiration date of the temporary license, except in the case of instances such as, disability, major illness, accident, or if an active duty member of the Armed Forces of the United States and at the discretion of the board.

(5) If a temporary licensee has successfully passed the Kentucky Limited Scope Exam[~~ARRT administered limited scope radiography exam~~] prior to the expiration date of the temporary license, the licensee shall be issued a limited x-ray machine operator license, which shall expire on the last day of the licensee's birth month. If the limited x-ray machine operator license is first issued to an individual less than six (6) months before the individual's birth month, the license issued to the individual shall not expire on that date, but instead it shall expire at the last day of the individual's birth month in the following calendar year.

Section 4.[~~Section 5.~~] Application for Initial Limited X-ray Machine Operator License. An Applicant shall submit:

(1) A completed and signed application, KBMIRT Form 4;

(2) A nonrefundable initial application and license fee as established in 201 KAR 46:020, Section 1, unless the fee is waived in accordance with KRS 311B.140;

(3) The results of a criminal background check completed within the past six (6) months in the state of residence and employment, and any other state of residence and employment within the past five (5) years;

(4) A copy of government-issued photo ID;

(5) Documentation of passing results of the Kentucky Limited Scope Exam[~~ARRT administered limited scope radiography exam~~] within one (1) calendar year of program completion, except in the case of instances such as, disability, major illness, accident, or if an active duty member of the Armed Forces of the United States and at the discretion of the board; and

(6) Verification of graduation from an educational[~~a formal education~~] program for limited x-ray machine operators approved by the board.

Section 5.[~~Section 6.~~] The issued license shall identify the licensee as a limited x-ray machine operator. The license shall also identify the category as general, bone densitometry, or podiatry.

Section 6.[~~Section 7.~~] Curricular Standards for [~~Formal~~]Educational Program. This administrative regulation applies to institutions offering a postsecondary educational program for limited x-ray machine operators.

(1) Programs for general limited x-ray machine operators shall:

(a) Meet the curricular standards established by the American Society of Radiologic Technologists (ASRT);

(b) Include a minimum of 240 classroom hours of didactic instruction and 360 clinical hours of education which shall include supervised practice and demonstration of clinical competency until June 30, 2027;

(c) Beginning July 1, 2027, include a minimum of 480 classroom hours of didactic instruction and a minimum of 700 clinical clock hours of education that shall include supervised practice and demonstration of clinical competency;

(d)[~~(c)~~] Supply data requested for a complete evaluation of its administration, organization, faculty, physical facilities, student policies, and curriculum;

(e)[~~(d)~~] Provide a structured curriculum with clearly written course descriptions, lesson plans, and objectives;

(f)[~~(e)~~] Provide an adequate faculty, which shall be qualified through academic preparation or experience to teach the subjects assigned;

(g)[~~(f)~~] Employ[~~Have~~] a program director who is a licensed radiographer with a minimum of three (3) years of clinical or teaching experience or a combination of clinical and teaching experience;

(h)[~~(g)~~] Provide a one-to-one licensee-to-student ratio consistent with professional educational guidelines in the appropriate field of practice;

(i)[~~(h)~~] Provide appropriate facilities, diverse patient populations, sufficient volume, and a variety of diagnostic exams to properly conduct the educational program;

(j)[~~(i)~~] Prohibit students from applying radiation to human beings for diagnostic purposes until they have obtained practical experience and have had their performance evaluated as satisfactory by the program faculty;

(k)[~~(j)~~] Provide direct or indirect supervision by a licensed practitioner of the healing arts or a licensee as required by the student's level of competency;

(l)[~~(k)~~] Prohibit students from administering radiation to a human being unless under direct or indirect supervision as required by the student's level of competency;

(m)[~~(l)~~] Maintain records of each student's attendance, grades, clinical competency, and subjects completed;

(n)[~~(m)~~] Designate a radiation safety officer; and

(o)[~~(n)~~] Permit site inspections by the board's representative.

(2) Programs for limited podiatry x-ray machine operators shall:

(a) Consist of instruction that reflects current modules of the Examination Content Specifications - Limited Scope of Practice in Radiography published by the ARRT. The curriculum shall include items such as:

1. Safety, including radiation physics; radiation protection, including personnel protection; radiation exposure, monitoring, and radiation units; biological effects of radiation; low-dose technique and minimizing patient exposure; applicable federal and state radiation regulations;

2. Image Production, including principle of the radiographic equipment; image acquisition and technical evaluation; equipment operation and quality assurance; developing and using technique charts; and

3. Patient Care, including patient interactions and management; and

(b) Consist of at least six (6) months of clinical experience of static x-ray exams of the foot and ankle[~~limited x-ray procedures~~] while under the direct supervision of a licensed practitioner of the healing arts, a licensed radiologic technologist, or a licensed limited x-ray machine operator.

(3) Programs for limited bone densitometry x-ray machine operators shall:

(a) Consist of instruction that reflects current content categories of the Examination Content Specifications - Bone Densitometry Equipment Operator published by the ARRT. The curriculum shall include items such as:

1. Patient Care, including osteoporosis, bone physiology, bone health and patient education, and patient preparation;

2. Safety, including fundamental principles, biological effects of radiation, units of measurement, and radiation protection; and

3. Image Production, including fundamentals of x-ray production, quality control, measuring and determining quality in bone mineral density; and

(b) Consist of at least six (6) months of bone densitometry clinical experience under the direct supervision of a licensed practitioner of the healing arts, a licensed radiologic technologist, or a licensed limited x-ray machine operator.

Section 7.[~~Section 8.~~] Approved Limited Radiographic Procedures[~~for the Limited X-ray Machine Operator~~]. An individual who holds a limited x-ray machine operator license is limited to performing the procedures authorized for his or her license as described in subsections (1), (2), and (3) of this section.

(1) An individual holding a general limited x-ray machine operator license shall perform only the following:

(a) Static x-ray exams[~~Radiography~~] of the thorax, lungs, and ribs;

(b) Static x-ray exams[~~Radiography~~] of the abdomen;

(c) Static x-ray exams[~~Radiography~~] of the skull and facial structures;

(d) Static x-ray exams[~~Radiography~~] of the upper and lower extremities;

(e) Static x-ray exams[~~Radiography~~] of the pectoral girdle, hips, and pelvis; and

(f) Static x-ray exams[~~Radiography~~] of the cervical, thoracic, and lumbar spines.

(2) An individual holding a limited podiatry x-ray machine operator license shall perform static x-ray exams[~~radiographic procedures~~] on the foot and ankle only.

(3) An individual holding a limited bone densitometry x-ray machine operator license shall perform bone densitometry exams utilizing dedicated Dual Energy X-ray Absorptiometry (DEXA or DXA) equipment[~~radiographic procedures~~] only.

(4) A limited x-ray machine operator shall comply with the Limited X-ray Machine Operator Practice Standards as incorporated by reference in 201 KAR 46:035, Section 4.

(5) A limited x-ray machine operator shall not:

(a) Perform contrast, fluoroscopy, mammography, computed tomography, magnetic resonance imaging, bedside radiography, nuclear medicine, positron emission tomography, or radiation therapy procedures;

(b) Operate or manipulate equipment utilized in fluoroscopy, mammography, computed tomography, magnetic resonance

imaging, bedside radiography, nuclear medicine, positron emission tomography, or radiation therapy procedures.

Section 8.[~~Section 9.~~] Continuing Education Requirements. Licensees shall complete and document twelve (12) hours of continuing education biennially[~~biennually~~] as required by 201 KAR 46:060. A minimum of six (6) hours shall be related to radiation safety or medical imaging.

Section 9.[~~Section 10.~~] Continuing Education Audit Process.

(1) The board shall select a sample of twenty-five (25) percent of limited x-ray machine operator licensees to audit for continuing education compliance annually.

(2) The board shall send each licensee selected for audit a notification of audit.

(3) Each licensee shall maintain his or her personal files such as certificates or records of credit from approved continuing education programs from the current biennium and immediate prior biennium.

(4) A licensee selected for audit shall complete KBMIRT Form 8, as incorporated by reference in 201 KAR 46:060, and provide the board with a copy of his or her certificates or records of completion.

(5) Failure to comply with an audit may result in nonrenewal, suspension or revocation of license.

Section 10.[~~Section 11.~~] Renewal of License. A licensee shall renew annually prior to the expiration of his or her current license, which is the last day of the licensee's birth month, by:

(1) Completing KBMIRT Form 6; and

(2) Submitting the Renewal License Fee in accordance with 201 KAR 46:020, Section 2, unless the fee is waived in accordance with KRS 311B.140.

Section 11.[~~Section 12.~~] Reinstatement of Lapsed License. A licensee who has allowed the license to lapse for up to twelve (12) months is eligible to be reinstated upon submission of KBMIRT Form 6, documentation of twelve (12) hours of continuing education, and the payment of reinstatement and renewal fees pursuant to 201 KAR 46:020, Sections 2 and 7, unless the fees are waived in accordance with KRS 311B.140. A licensee whose license has lapsed for more than twelve (12) months shall:

(1) Successfully pass the Kentucky Limited Scope Exam[~~ARRT limited scope radiography examination~~];

(2) Submit a completed and signed application KBMIRT Form 4;

(3) Submit a nonrefundable initial application and license fee and reinstatement fee as mandated in 201 KAR 46:020, Sections 1 and 7, unless the fees are waived in accordance with KRS 311B.140;

(4) Submit satisfactory results of a criminal background check completed within the past six (6) months in state of residence and employment and any other state of residence and employment within the past five (5) years; and

(5) Submit a copy of a government-issued photo ID.

Section 12.[~~Section 13.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) KBMIRT Form 4, "Limited X-ray Machine Operator License Application", October 2023;

(b) KBMIRT Form 5, "Temporary Limited X-ray Machine Operator License Application", October 2023;

(c) KBMIRT Form 6, "Limited X-ray Machine Operator Renewal Application", October 2023;

(d) "Examination Content Specifications - Limited Scope of Practice in Radiography", January 2023[~~2018~~]; and

(e) "Examination Content Specifications - Bone Densitometry Equipment Operator", January 2023[~~2018~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Road, Suite A220, Lexington, Kentucky[~~,~~] 40504, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's website at https://kbmirt.ky.gov.

KERI LEAMY, Board Chair

APPROVED BY AGENCY: June 10, 2025

FILED WITH LRC: June 30, 2025 at 4:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 25, 2025, at 10:00 a.m. Eastern time, in the office of the Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Rd, Suite A220, Lexington, Kentucky 40504, (502) 782-5687. 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 September 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: Elizabeth Morgan, Executive Director, Board of Medical Imaging and Radiation Therapy, 2365 Harrodsburg Rd, Suite A220, Lexington, Kentucky 40504, phone (502) 782-5687; fax (502) 782-6495; email elizabeth.morgan@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Elizabeth Morgan

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the qualifications and process for licensure of a limited x-ray machine operator.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the standards and qualifications for licensure of a limited x-ray machine operator.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS Chapter 311B authorizes the board to determine and establish the standards and qualifications for licensure of a limited x-ray machine operator.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes standards and qualifications for licensure of a limited x-ray machine operator.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment revises 201 KAR 46:081 to remove the employment prohibition of the limited x-ray machine operator, provide updated curricular standards for the board-approved education programs, and clarify the scope of practice for the limited x-ray machine operator.

(b) The necessity of the amendment to this administrative regulation: The necessity of the amendment is to conform with 2025 Ky Acts Chapter 132, Section 1 (House Bill 72) as limited x-ray machine operators commence practice in settings previously not authorized.

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation establishes the procedures for the board to issue and renew the licenses of limited x-ray machine operators.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 300 state health care organizations, approximately 6 educational entities that provide board-approved education, and approximately 8,000 licensees, of which approximately 800 are limited x-ray machine operators.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The regulated entities will need to take the following actions to comply: Healthcare organizations: While

these organizations may employ the limited x-ray machine operator in facilities where advanced imaging equipment is also present, the organizations should note the licensee's limited scope of practice; Education providers for the limited x-ray machine operator: Current board-approved education providers will be required to adjust curriculum standards to comply with amendments and will have approximately two (2) years to implement these changes; and Licensees: All licensees should be aware of the limited scope of practice as the limited x-ray machine operator may be employed in facilities where advanced imaging equipment is also present.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no foreseen cost associated with the entities identified in question 3.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Limited x-ray machine operators will benefit by being able to seek employment in facilities where advanced imaging equipment is also present. (5) Provide an estimate of how much it will cost to implement this administrative regulation: No additional cost will be incurred as a result of amending this administrative regulation.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No new costs will be incurred by the changes.
(b) On a continuing basis: No ongoing costs will be incurred by the changes.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees and applicants.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees will be necessary to implement this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment will not increase any fees.
(9) TIERING: Is tiering applied? Tiering was not applied. This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311B.010 to 311B.190
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Although amendment of this administrative regulation is not expressly authorized by an act by the general assembly, it is necessary to conform with 2025 Ky Acts Chapter 132, Section 1 (House Bill 72).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Medical Imaging and Radiation Therapy.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: n/a
For subsequent years: n/a
2. Revenues:
For the first year: n/a
For subsequent years: n/a
3. Cost Savings:
For the first year: n/a
For subsequent years: n/a
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: n/a
For subsequent years: n/a
2. Revenues:
For the first year: n/a
For subsequent years: n/a
3. Cost Savings:
For the first year: n/a
For subsequent years: n/a
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: There is no cost associated with administering this regulation.
(b) Methodology and resources used to reach this conclusion: This regulation merely defines terms used throughout the 201 KAR Chapter 46. There is no cost associated with administering this regulation.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no cost associated with administering this regulation.
(b) The methodology and resources used to reach this conclusion: This regulation merely defines terms used throughout the 201 KAR Chapter 46. There is no cost associated with administering this regulation.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 1:016. Use of lands and waters on lakes owned or controlled by the department.

RELATES TO: KRS 150.090, 150.625, 150.640
STATUTORY AUTHORITY: KRS 150.025(1), 150.620
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.620 authorizes the department to promulgate administrative regulations governing the use of lands and waters it has acquired for wildlife management and public recreation. This administrative regulation governs all private structures on property owned or controlled by the department, the private use of public lake water, and permitted and prohibited activities on department-owned or controlled land surrounding department-owned waters.

Section 1. [~~Definitions.~~]
[~~(1)~~] [~~"Adjacent landowner" means the owner of real property that shares a common boundary with department property.~~]

[(2)] ["Boat dock" means a privately owned floating or fixed structure that is used by an adjacent landowner to moor a boat on department property.]

[(3)] ["Boat dock tag" means a metal tag provided by the department that has a unique combination of letters and numbers, and is permanently affixed to an approved boat dock so that it is visible from the lake.]

[(4)] ["Department property" means lands or waters controlled by the department through ownership, lease, license, easement, or cooperative agreement at the department-owned lakes listed in Section 2 of this administrative regulation.]

[(5)] ["Existing structure" means an exempted access or nonaccess structure built on department property prior to the effective date of this administrative regulation.]

[(6)] ["Normal pool" means a water level equal to the elevation of the lake's principal spillway.]

[(7)] ["Permanent dwelling" means a private residence on an adjacent landowner's land that is both fixed in location and of durable permanent construction, but does not include tents, motorized vehicles, trailers, camp trailers, or any type of interim construction or residence.]

[(8)] ["Rebuild" means to totally reconstruct.]

[(9)] ["Shoreline use permit" means a permit issued by the department that allows an adjacent landowner to construct a new access structure or to keep or rebuild an existing structure on department land.]

[Section 2.] Boat Docks, Boat Dock Applications, and Boat Dock Construction Approval.

(1) A boat dock may be constructed on department property by an adjacent landowner if the adjacent property:

(a) Shares at least a fifty (50) foot boundary with the department property if the adjacent boundary lines were extended to the water's edge; and

(b) Is located at one (1) of the following lakes:

1. Beaver Lake;
2. Boltz Lake;
3. Bullock Pen Lake;
4. Carpenter Lake;
5. Corinth Lake;
6. Elmer Davis Lake;
7. Guist Creek Lake;
8. Kincaid Lake;
9. Kingfisher Lakes; or
10. Lake Malone.

(2) Prior to constructing a boat dock, an adjacent landowner shall submit a completed Boat Dock and Shoreline Use Application to the department, along with the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301KAR 5:022[accompanied by the permit][fee for the dock as established in 301 KAR 3:022], except that the fee shall be prorated for every year remaining in the ten (10) year permit period.

(3) Boat dock construction shall not begin until:

(a) An on-site inspection by an authorized department employee has been completed; and

(b) The applicant has obtained written approval from the department to begin construction.

(4) Boat dock construction approval shall be valid for one (1) year from the date of issuance.

(5) A boat dock applicant shall:

(a) Report to the department when construction of a new boat dock is complete, an existing boat dock has been rebuilt, or an existing dock has been brought into compliance; and

(b) Allow inspection of the boat dock by an authorized department employee.

(6) An adjacent landowner with an existing boat dock on Bullock Pen Lake shall be required to obtain a Boat Dock Permit[,] but shall not be required to pay the permit fee until 2018.

Section 2.[Section 3.] Boat Dock Permits.

(1) The department shall issue a Boat Dock Permit and Boat Dock Tag to an adjacent landowner:

(a) Who has satisfied the boat dock application requirements in Section 1[2] of this administrative regulation;

(b) Who has a boat dock that has passed a final inspection by an authorized department employee;

(c) Whose permit has not been revoked pursuant to Section 7[8] of this administrative regulation; and

(d) Who remains compliant with all the provisions of this administrative regulation.

(2) The Boat Dock Tag issued with the boat dock permit shall be affixed to the front edge of the dock facing the lake.

(3) A Boat Dock Permit shall:

(a) Be valid for a ten (10) year period, with the current permit period expiring December 31, 2017, and the next permit period beginning January 1, 2018;

(b) Be renewed within ninety (90) days of the termination date by:

1. Paying the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[fee as established in 301 KAR 3:022]; and

2. Submitting an affidavit that no unauthorized addition or modification has been made to the boat dock;

(c) Be transferable at no additional cost, if ownership changes, for the remainder of the ten (10) year period;

(d) Not be renewed by the department if the boat dock is out of compliance, except as established in Section 3[4] or Section 6[7] of this administrative regulation; and

(e) Prohibit the permittee from renting, leasing, or licensing the dock to another person for any purpose.

(4) An adjacent landowner who owns multiple contiguous properties adjacent to department property shall:

(a) Not be issued more Boat Dock Permits than the number of completed permanent dwellings on those properties; or

(b) Qualify for one (1) Boat Dock Permit if there is no completed permanent dwelling on any of the contiguous properties.

(5) An adjacent landowner shall only be eligible for one (1) Boat Dock Permit per adjacent property.

Section 3.[Section 4.] Boat Dock Specifications and Requirements.

(1) A boat dock constructed or rebuilt after the effective date of this administrative regulation shall not exceed:

(a) Eight (8) by sixteen (16) feet in dimension; and

(b) A surface area of more than 128 square feet.

(2) The longest dimension of the boat dock shall be positioned perpendicular to the shore.

(3) A boat dock shall not have more than one (1) walkway connecting the boat dock to the shore that shall:

(a) Be positioned perpendicular to the shore;

(b) Be anchored to department property by:

1. A concrete pad no larger than ten (10) square feet; or
2. Two (2) metal posts on each side of the walkway.

(c) Not be wider than four (4) feet;

(d) Be the shorter of:

1. A length sufficient to reach a water depth of two (2) feet when the lake is at normal pool; or
2. Twenty (20) feet in length.

(e) Not be used for boat mooring.

(4) The flotation for a boat dock shall be made from materials manufactured for marine use.

(5) All wooden material on a boat dock shall be kiln-dried lumber that has been commercially pressure-treated with a wood preservative and shall not be painted.

(6) A boat dock shall moor no more than:

(a) Two (2) boats; or

(b) One (1) boat and up to two (2) personal watercraft on Lake Malone and Guist Creek Lake only.

(7) A personal watercraft mooring system that is attached to an approved boat dock at Lake Malone and Guist Creek Lake shall:

(a) Be a commercially manufactured floating system;

(b) Not exceed:

1. Six (6) feet in width and fifteen (15) feet in length if mooring a single personal watercraft; or

2. Twelve (12) feet in width and fifteen (15) feet in length if mooring two (2) personal watercraft; and

(c) Be attached to one (1) side of the boat dock, but not the front.

(8) An additional johnboat, canoe, or personal watercraft may be stored on top of a boat dock, except a personal watercraft shall only be stored on top if a commercially manufactured self-loading ramp is used.

(9) The following items shall be prohibited on boat docks:

(a) An enclosed structure;

(b) An unenclosed structure; and

(c) Any other items, structures, or deviations not identified in a previously obtained waiver, pursuant to Section 6[~~7~~] of this administrative regulation.

(10) A boat dock that was constructed prior to the effective date of this administrative regulation shall be exempt from the requirements established in subsections (1)[~~1~~] through (6)[~~6~~] of this section for the life of the boat dock.

(11) A boat dock owner who rebuilds an existing dock, including those exempted by subsection (10)[~~10~~] of this section, shall reapply and meet all the requirements established in this section, except as established in Section 6[~~7~~] of this administrative regulation.

(12) A boat dock permit holder who applies to rebuild an existing, legally permitted boat dock during the ten (10) year permit period shall be exempt from paying the permit fee until permit renewal.

(13) A private community boat dock or a private multi-slip boat facility shall not be allowed except as approved by the Finance and Administration Cabinet prior to January 1, 2010.

Section 4.[~~Section 5.~~] Access Structures and Shoreline Use Permits.

(1) A shoreline use permit shall only be issued for the following lakes:

(a) Beaver Lake;

(b) Carpenter Lake;

(c) Corinth Lake;

(d) Elmer Davis Lake;

(e) Guist Creek Lake;

(f) Kincaid Lake; and

(g) Lake Malone.

(2) Shoreline Use Permits shall be valid for a fifteen (15) year period beginning January 1, 2010.

(3) An adjacent landowner with an existing structure shall apply for a Shoreline Use Permit within ninety (90) days following the effective date of this administrative regulation.

(4) Prior to constructing a new access structure, rebuilding an existing access structure, or permitting an existing structure, an adjacent landowner shall submit to the department:

(a) A completed Boat Dock and Shoreline Use Permit Application[~~Shoreline Use Permit Application~~]; and

(b) The applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~appropriate permit fee if applicable, as established in 301 KAR 3:022~~], except that the fee shall be prorated to the nearest five (5) year interval that remains in the fifteen (15) year permit period.

(5) An adjacent landowner shall not begin construction of a new access structure or begin rebuilding an existing access structure until:

(a) An authorized department employee conducts an on-site visit and determines the type of access structure necessary for safe passage to the lake; and

(b) The adjacent landowner receives written approval from the department.

(6) Access structure construction approval shall be valid for one (1) year from the date of approval.

(7) A Shoreline Use Permit shall not be issued unless all shoreline structures have passed final inspection by an authorized department employee.

(8) A new access structure shall only include the following:

(a) A ground level pathway that shall:

1. Only have pretreated lumber or railroad ties as edging;

2. Not consist of asphalt, concrete, or any other permanent surface;

3. Only consist of crushed stone, wood chips, or other removable material as fill between the edging, except that local natural stones or rocks may be used as steps;

4. Not exceed five (5) feet in width including the edging; and

5. Follow the natural contour of the land if possible.

(b) A raised ground level pathway that shall:

1. Not exceed eight (8) inches in height;

2. Not exceed forty (40) steps, with each step not exceeding five (5) feet in width and eight (8) feet in length;

3. Only consist of pretreated, unpainted lumber; and

4. Follow the natural contour of the land if possible.

(c) A raised staircase that shall:

1. Not exceed four (4) feet in width;

2. Not have more than one (1) landing that does not exceed four (4) feet in width and four (4) feet in length;

3. Not have more than twenty (20) steps if a landing is not used;

4. Not have more than thirty (30) steps if a landing is used;

5. Only consist of pretreated, unpainted lumber; and

6. Conform to prevailing building code standards for stairs for the county of record or, if those standards do not exist, comply with Section 1009 of the Kentucky Building Code Standards for stairs, as established by 815 KAR 7:120; or

(d) A foot bridge that shall:

1. Not exceed four (4) feet in width and twelve (12) feet in length;

2. Not use a tree as an anchoring device; and

3. Only consist of pretreated, unpainted lumber.

(9) An adjacent landowner who has an existing access structure that was constructed prior to the effective date of this administrative regulation, shall be exempt from the requirements of subsection (8) of this section for the life of the structure, if the landowner applies for and maintains a valid Shoreline Use Permit.

(10) An adjacent landowner who rebuilds an existing access structure, including those grandfathered in subsection (9) of this section, shall be exempt from the requirements established in subsection (8)[~~8~~] of this section provided the landowner maintains a valid Shoreline Use Permit.

(11) An existing access structure:

(a) May be adequately maintained to extend the life of the structure;

(b) May be rebuilt with less than or equal to the same number of steps in the original structure;

(c) May be rebuilt with necessary landings not to exceed 4 ft. x 8 ft. in dimension; and

(d) Shall conform to prevailing building code standards for the county of record or, if those standards do not exist, comply with Section 1009 of the Kentucky Building Code Standards for stairs, as established in 815 KAR 7:120.

(12) A Shoreline Use Permit shall:

(a) Be renewed every fifteen (15) years within ninety (90) days of the termination date by:

1. Paying the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~fee established in 301 KAR 3:022~~]; and

2. Submitting an affidavit that an unauthorized addition or modification has not been made to a permitted structure.

(b) Be transferable at no additional cost, if ownership changes, for the remainder of the fifteen (15) year period; and

(c) Not be renewed if the access structure is out of compliance, except if the access structure was built prior to the effective date of this administrative regulation.

(d) Be extended, by written request to the department, for an additional twelve (12) months if the property is transferred or the landowner dies during year fifteen (15) of the permit period.

(13) An existing noncompliant access structure, pursuant to Section 7[~~8~~] of this administrative regulation, shall be removed at the owner's expense.

(14) Nonaccess structures, such as gazebos or storage buildings, excluding existing permanent dwellings, shall be:

(a) Itemized in the adjacent landowner's Shoreline Use Permit; and

(b) Allowed to be kept and maintained by an adjacent landowner for the life of the structure provided the landowner maintains a valid Shoreline Use Permit.

(15) The applicable Shoreline Use Permit fee, as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[established in 301 KAR 3:022], shall be based on the types of access structures established in subsection (8) of this section, and consist of the following three (3) tiers:

(a) A Tier I permitted structure shall include:

1. All compliant access structures pursuant to subsection (8) of this section;

2. An existing access structure with fifteen (15) or less steps that is not compliant, pursuant to subsection (8) of this section;

3. An existing footbridge; or

4. A new footbridge that is compliant, pursuant to subsection (8)[8] of this section.

(b) A Tier II permitted structure shall include:

1. An existing access structure having thirty (30) or less concrete steps; or

2. An existing access structure that does not comply with the requirements established in subsection (8) of this section, and having sixteen (16) to thirty (30) steps.

(c) A Tier III permitted structure shall include:

1. An existing access structure, including a concrete access structure, that does not comply with the requirements established in subsection (8)[8] of this section, and having more than thirty (30) steps;

2. A new access structure that does not comply with the requirements established in subsection (8) of this section, and requires a waiver pursuant to the requirements of Section 6[7] of this administrative regulation.

3. An existing staircase that has one (1) or more landings that exceed [a] four (4) feet in width or four (4) feet in length; or

4. An existing nonaccess structure, such as a storage shed or gazebo.

(16) If an adjacent landowner applies for a Shoreline Use Permit for multiple structures that cover more than one (1) tier, a single permit will be issued at the highest tier level for which the applicant qualifies.

(17) A concrete access structure shall not be rebuilt.

Section 5.[Section 6.] Other Activities on Department Property.

(1) A person shall not be permitted to take water from the lakes listed in Section 1[2] of this administrative regulation, except for:

(a) Residential use by adjacent landowners;

(b) Temporary use in a time of emergency drought; or

(c) An adjacent landowner who has been given the right to do so by deed.

(2) A person, without obtaining written permission from the department, shall not:

(a) Place or build any unpermitted object or structure;

(b) Plant any vegetation;

(c) Place or use any mechanical equipment;

(d) Take water from any lake listed in Section 1[2] of this administrative regulation;

(e) Cut, clear, burn, damage, or kill trees or shrubs greater than two (2) inches in diameter measured at ground level; or

(f) Moor a boat to the shoreline for more than forty-eight (48) hours.

Section 6.[Section 7.] Waivers.

(1) An adjacent landowner shall obtain a waiver from the department for any deviation to the specifications established in this administrative regulation by:

(a) Submitting a written request to the department; and

(b) Providing a detailed plan to the department of any planned deviation.

(2) A person shall not begin construction on a project that includes a planned deviation until the department has approved a waiver.

(3) The department, in deciding whether to grant a waiver for a new access structure, shall consider if:

(a) The deviation is in substantial compliance with the requirements established in this administrative regulation;

(b) The deviation poses a potential safety hazard;

(c) Topographical or other physical features of the land necessitate a deviation;

(d) The waiver request exceeds the staircase landing dimension or step limit by more than twenty (20) percent; and

(e) A new staircase will conform to prevailing building code standards for the county of record or, if those standards do not exist, complies with Section 1009 of the Kentucky Building Code Standards for stairs, as established in 815 KAR 7:120.

(4) The department, in deciding whether to grant a waiver for a boat dock, shall consider if:

(a) The deviation is in substantial compliance with the requirements established in this administrative regulation;

(b) The deviation poses a potential safety hazard; and

(c) Topographical or other physical features of the land necessitate a deviation.

(5) An adjacent landowner, either individually or as a director or high managerial agent of a business organization, who violates any provision of this administrative regulation shall be denied a waiver for a new or rebuilt structure for a period of two (2) years from the date of the citation, with the waiver denial applying to:

(a) The individual; and

(b) Any business for which the person is a director or high managerial agent.

Section 7.[Section 8.] Noncompliance, Permit Revocation, and Appeals.

(1) The department shall revoke each Boat Dock Permit and Shoreline Use Permit issued to a person if that permit holder:

(a) Without department approval rebuilds an existing:

1. Boat dock;

2. Access structure; or

3. Nonaccess structure.

(b) Constructs or places a new nonaccess structure on department property;

(c) Fails to:

1. Maintain the boat dock, boat dock walkway, access structure, or nonaccess structure in a structurally sound condition; or

2. Renew the Boat Dock or Shoreline Use Permit within ninety (90) days of expiration.

(2) An adjacent landowner who has a noncompliant boat dock, boat dock walkway, access structure, or nonaccess structure shall be notified in writing by the department that the landowner has sixty (60) days to come into compliance, to remove the boat dock, walkway, or structure, or to make an appeal as established in subsection (6)[6] of this section.

(3) If the requirements of subsection (2) of this section are not met within sixty (60) days, the department shall have the authority to remove the noncompliant structure at the owner's expense and the structure shall become the property of the department.

(4) If an adjacent landowner, either individually or as a director or high managerial agent of a business organization, violates any provision of this administrative regulation for a second time, the department shall revoke for a period of three (3) years from the date of the second citation all Boat Dock Permits and Shoreline Use Permits issued to:

(a) The adjacent landowner;

(b) Any business organization for whom the individual adjacent landowner is a director or high managerial agent; and

(c) Any director or high managerial agent of the adjacent landowner who is a business organization.

(5) The following shall apply for any adjacent landowner whose permit is revoked pursuant to subsection (4) of this section:

(a) All structures shall be removed at the owner's expense within thirty (30) days of revocation if an appeal is not filed.

(b) If the structures are not removed by the owner within thirty (30) days and no appeal is filed, the department shall have the authority to remove the structure at the owner's expense; and

(c) All structures removed pursuant to paragraph (b) of this subsection shall become the property of the department.

(6) An adjacent landowner whose waiver request is denied or whose permit is denied or revoked may appeal the decision in accordance with the provisions of KRS Chapter 13B.

(a) The department shall appoint a hearing officer and conduct the hearing in accordance with the provisions of KRS Chapter 13B;

(b) The hearing officer shall make a recommendation to the Department of Fish and Wildlife Resources' Commission;

(c) The commission shall make a decision by majority vote; and

(d) An appeal of the Commission's decision shall be in accordance with the provisions of KRS Chapter 13B; and

(e) At the conclusion of all appeals or at the expiration of any appeal period for which an appeal has not been made:

1. The owner shall remove any unauthorized structure within ten (10) days, at the owner's expense;

2. An unauthorized structure that has not been removed by the owner within ten (10) days shall be removed by the department at the owner's expense; and

3. Each structure removed pursuant to subparagraph (2) of this paragraph shall become the property of the department.

Section 8.[~~Section 9.~~] Incorporation by Reference.

(1) "Boat Dock and Shoreline Use Permit Application", 2025 Edition, is incorporated by reference.[~~The following material is incorporated by reference:~~]

[~~(a)~~] [~~"Boat Dock Permit Application, 2010"; and~~]

[~~(b)~~] [~~"Shoreline Use Permit Application, 3/2010".~~]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Fisheries Division, Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at https://fw.ky.gov/Licenses/Documents/Boat-Dock-Shoreline-Use-App.pdf.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 26, 2025

FILED WITH LRC: June 26, 2025 at 3:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 8:00 a.m., at KDFWR Administration Building, 1 Sportsman’s Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman’s Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation governs private boat docks on department-owned property, the use of lake water for domestic purposes and permitted and prohibited activities on department-owned and controlled land surrounding department-owned waters.

(b) The necessity of this administrative regulation: This administrative regulation is needed to control the use of water and development activities that can be conducted on land that surrounds department-owned waters.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.620 authorizes the department to promulgate administrative regulations governing the use of lands and waters it has acquired for wildlife management and public recreation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will carry out the purposes of KRS 150.620 by authorizing the department to promulgate administrative regulations governing the use of lands and waters it has acquired for wildlife management and public recreation.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. In addition, this amendment combines two separate applications into a single application and removes the Definitions section from the regulation.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation. In addition, combining the two existing permit applications into a single application will simplify the application process for the required permits. Finally, the Definitions section is being removed due to creation of a new definitions regulation (301 KAR 1:001) for Chapter 1.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain the associated permits.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permits.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated permits.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost to implement these regulatory amendments initially.

(b) On a continuing basis: There will be no continuing costs to implement these amendments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.

(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permits.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1) authorizes the department to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.620 authorizes the department to promulgate administrative regulations governing the use of lands and waters it has acquired for wildlife management and public recreation.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 1:115. Propagation of aquatic organisms.

RELATES TO: KRS 13B, 150.290, 150.485
STATUTORY AUTHORITY: KRS 150.025, 150.180(2), 150.280, 150.450, 50 C.F.R. 17.11
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife; the restriction of places where taking is permitted; and the application of[~~make~~]] administrative regulations to a limited area or to the entire state. KRS 150.180(2) authorizes the department to promulgate administrative regulations regarding the buying, selling, and transporting of mussels and fishes by licensed fish propagation permit holders. KRS 150.280 requires the department to promulgate administrative regulations governing the propagation or holding of protected wildlife. KRS 150.450 requires the department to promulgate reasonable administrative regulations governing the taking of minnows and crayfish from the waters of the Commonwealth. 50 C.F.R. 17.11 establishes federally threatened and endangered fish species. This administrative regulation establishes the requirements for obtaining a propagation permit for aquatic organisms and establishes the requirements for propagation permit holders.

Section 1. Permit Requirements and Application Procedures.
(1) Before acquiring or propagating aquatic organisms, an individual, corporation, or other business entity shall obtain a permit from the department by:
(a) Submitting a completed[~~Completing the~~] Fisheries Commercial Propagation Permit Application[~~application~~] provided by the department; and
(b) Paying the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and[~~permit fee as~~] established in 301 KAR 5:022.
(2) The department shall issue a free permit to elementary, middle, and secondary schools and similar educational institutions if the propagated organisms are to be used for educational purposes.

Section 2. Acquisition of Brood Stock from Public Waters.
(1) A permit holder may obtain from public waters a maximum of 1,500 live bait fishes or crayfish per surface acre of water used for propagation of a particular species.
(2) Each permit holder shall obtain brood stock from public waters no more than one (1) time for both live bait fishes and crayfish.
(3) A game warden[~~conservation officer~~] shall supervise the acquisition of brood stock from public waters.

(4) A permit holder shall use gear as established in 301 KAR 1:130 to acquire aquatic organisms from public waters.

(5) A permit holder may sell propagated aquatic organisms.

Section 3. An individual, corporation, or other business entity may request to stock and rear[~~a permit for~~] paddlefish [~~to be stocked and reared~~]in a water supply lake for aquaculture purposes as established in 301 KAR 1:110 by submitting a completed Fisheries Commercial Propagation Permit Application to the department, along with the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~completing a permit application and submitting it to the department~~].

(1) A municipality may allow a permitted second party to rear paddlefish in a water supply lake.

(2) If a municipality or other public water supply entity allows a second party to rear paddlefish, a contractual agreement between the two (2) granting permission to use the lake for rearing paddlefish shall be required for the extent of the rearing period. A copy of the contractual agreement shall be submitted to the department before a permit is issued.

(3) Water supply lakes that are currently open to sport fishing shall be required to remain open to sport fishing throughout the length of the rearing of paddlefish.

(4) Paddlefish shall be the only species permitted to be stocked by the permit holder in a water supply lake.

(5) The number of paddlefish stocking events for each rearing period shall be limited to one (1) for each approved water supply lake. Any additional stocking events shall require prior written approval from the Fisheries Division. A permit holder may request approval from the Fisheries Division[~~s~~] by submitting a written request. Approval shall be granted for any single mortality event where ten (10) percent or more of fish from the initial stocking, calculated as fish per acre, are observed dead.

(6) The permit applicant shall list the name of each water supply lake on the Fisheries Commercial Propagation Permit Application[~~permit application~~].

(7) A permit shall be obtained for every year of the paddlefish rearing period.

(8) The department shall not enforce[~~notenforce~~] the protection of the stocked paddlefish.

(9) Paddlefish that escape in the stream, either above or below the lake, shall not be considered property of the permit holder.

(10) The department shall not be responsible for any corrective actions associated with fish populations in the water supply lakes used for aquaculture purposes.

(11) If a municipality rears paddlefish without a contractual agreement with a second party, it shall provide the department with a name of a person responsible for the rearing of the paddlefish in the water supply lake.

(12) A permit holder may use gill nets to take paddlefish only from the water supply lakes listed on the permit. A permit holder or a designated representative in possession of a valid copy of the permit shall be on site each time gill nets are used in the water supply lakes.

(a) The department shall be notified at least three (3) days in advance of any paddlefish harvest from a water supply lake, including the random sampling of the stocked paddlefish that require the use of gill nets.

(b) Gill nets shall only be used in a water supply lake from November 1 through March 31.

(c) Gill nets shall not have a bar mesh size smaller than five (5) inches.

(d) A permit holder shall attach a metal tag provided by the department to each gill net used.

(e) Paddlefish shall be the only species of fish harvested, and any other species of fish captured shall be immediately released without undue injury.

Section 4. Inspection of Facilities and Revocation or Denial of Permits.

(1) A permit holder shall allow a game warden[~~conservation officer~~] to inspect his or her facilities.

(2) The department shall:

(a) Revoke the permit of an individual, corporation, or other business entity who violates KRS Chapter 150 or 301 KAR Chapter 1 pertaining to propagation of aquatic organisms;

(b) Deny a permit:

1. For an individual, corporation, or other business entity who has violated KRS Chapter 150 or 301 KAR Chapter 1 within the last year; or

2. For propagation of aquatic organisms that are determined to be potentially damaging to Kentucky's native ecosystems; and

(c) Not renew the permit for a period of up to two (2) years of an individual, corporation, or other business entity that has been found guilty of violating KRS Chapter 150 or 301 KAR Chapter 1 pertaining to propagation of aquatic organisms.

(3) Fees paid for revoked permits shall not be refunded.

(4) An individual, corporation, or other business entity whose permit has been denied, revoked, or to whom a non-renewal period has been applied may request an administrative hearing pursuant to KRS Chapter 13B.

(5) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or revocation.

(6) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(7) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order pursuant to KRS Chapter 13B.

Section 5. Incorporation by Reference.

(1) "Fisheries Commercial Propagation Permit Application", 2025 Edition[~~2006 edition~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Fisheries, Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online[~~may be obtained~~]at https://fw.ky.gov/Licenses/Documents/Fisheries-Comm-Propagation-Permit-App.pdf[~~https://fw.ky.gov/Fish/Pages/Commercial-Fishing.aspx~~].

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 26, 2025

FILED WITH LRC: June 26, 2025 at 3:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 8:30 a.m., at KDFWR Administration Building, 1 Sportsman’s Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman’s Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for obtaining a permit to propagate aquatic organisms and the associated requirements for all permit holders.
(b) The necessity of this administrative regulation: This

administrative regulation is necessary to establish minimum standards for fisheries propagation permit holders and to help conserve native aquatic resources.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025 authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife; the restriction of places where taking is permitted; and the application of administrative regulations to a limited area or to the entire state. KRS 150.180(2) authorizes the department to promulgate administrative regulations regarding the buying, selling, and transporting of mussels and fishes by licensed fish propagation permit holders. KRS 150.280 requires the department to promulgate administrative regulations governing the propagation or holding of protected wildlife. KRS 150.450 requires the department to promulgate reasonable administrative regulations governing the taking of minnows and crayfish from the waters of the Commonwealth. 50 C.F.R. 17.11 establishes federally threatened and endangered fish species.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will carry out the purposes of the statutes by providing individuals, corporations, or other business entities the ability to propagate and hold native aquatic species.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain the associated permit.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permit.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated permit.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permit.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025 authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife; the restriction of places where taking is permitted; and the application of administrative regulations to a limited area or to the entire state. KRS 150.180(2) authorizes the department to promulgate administrative regulations regarding the buying, selling, and transporting of mussels and fishes by licensed fish propagation permit holders. KRS 150.280 requires the department to promulgate administrative regulations governing the propagation or holding of protected wildlife. KRS 150.450 requires the department to promulgate reasonable administrative regulations governing the taking of minnows and crayfish from the waters of the Commonwealth. 50 C.F.R. 17.11 establishes federally threatened and endangered fish species.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA

For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 1:125. Transportation of fish.

RELATES TO: KRS 13B, 150.010, 150.170, 150.235, 150.485
STATUTORY AUTHORITY: KRS 150.025(1)(c), 150.180(6), 150.280(2)
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(c) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations to regulate the buying, selling, or transporting of game and fish, and the application of administrative regulations to a limited area or to the entire state. KRS 150.180(6) requires the commissioner to promulgate administrative regulations relating to issuance of a fish transportation permit. KRS 150.280(2) requires the department to promulgate administrative regulations identifying species of wildlife that are potentially damaging to native ecosystems and prohibiting the transporting or holding of that wildlife. This administrative regulation provides for control of the transportation of fish, fish eggs, live bait, and other aquatic organisms into, within, and through[~~, and within~~] the state to protect the resident fish population.

Section 1. A fish transportation permit[~~Fish Transportation Permit~~] shall not be required:
(1) By an individual to transport aquarium species;
(2) By permitted Kentucky fish propagators as established in 301 KAR 1:115, except if transporting fish into Kentucky from outside of Kentucky;
(3) By individuals with a sport or commercial fishing license to transport legally caught bait or fish;
(4) By individuals transporting fish purchased from a licensed live bait dealer or permitted commercial fish propagator for stocking in private waters;
(5) By agents of the department while performing their normal duties; or
(6) To transport live fish or other aquatic organisms that were purchased for consumption from a licensed retailer.

Section 2. Live Fish, Live Bait, or Other Aquatic Organisms.
(1)
(a) All individuals, corporations, or other business entities that transport any live fish, live bait as defined in 301 KAR 1:001, Section 1, or other live aquatic organism, except those individuals listed in Section 1 of this administrative regulation shall have in possession the documents required by paragraph (b) of this subsection, if transporting into, within, or through Kentucky.
(b)
1. A fish transportation permit[~~Transportation Permit~~], to be renewed annually by calendar year, issued in the name of the individual, corporation, or other business.
2. A bill of lading showing the origin and destination of the organisms being transported.
(2) An individual shall also possess a live bait and fish dealers license[~~Live Fish and Bait Dealers License~~], as established in 301 KAR 1:132, if the organisms will be:
(a) Sold to another individual, corporation, or other business entity in Kentucky; or
(b) Transported from Kentucky to be sold outside of Kentucky.
(3) All organisms in transport shall be disease free, and any prohibited species listed in 301 KAR 1:122 shall not be present.
(4) If any Viral Hemorrhagic Septicemia- or VHS-regulated fish species from a VHS positive state are transported and unloaded in Kentucky, in addition to the requirements established in subsections (1), (2), and (3) of this section, the following requirements shall apply:
(a) If the origin of the VHS-regulated fish species is from a certified VHS free facility, the individual shall possess a copy of the documentation showing that the facility is VHS free.
(b) If the origin of the VHS-regulated fish species is from a non-certified VHS free facility:
1. The VHS-regulated fish species shall only be unloaded at a:
a. State inspected fish-processing plant; or
b. Research and diagnostic laboratory;
2. The individual shall possess a copy of the U.S. Department of Agriculture Animal and Plant Health Inspection Service, or APHIS, VS 1-27 permit for Movement of Restricted Animals issued by an APHIS Veterinary Services office or by a state, tribal, or federal accredited veterinarian; and
3. Water from the fish transportation tank shall only be discharged into a municipal sewage system that includes wastewater disinfection or into a non-discharging settling pond devoid of fish.
(5) If the origin of the VHS-regulated fish species is from a VHS positive state and are only being transported through Kentucky, then only the requirements established in subsections (1) and (3) of this section and Section 3 of this administrative regulation shall apply.
(6) VHS-regulated fish species being transported from a known VHS positive state into, within, or through Kentucky that do not meet all requirements established in Sections 2 and 3 of this administrative regulation shall be confiscated for disposal purposes.

Section 3. Fish Transportation Permit Application.
(1) If an individual, corporation, or other business entity wants to transport fish, live bait, or other aquatic organisms into, within, or through Kentucky they shall submit a completed [~~Application for~~]Fish Transportation Permit Application to the department, along with the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and[~~permit fees as~~] established in 301 KAR 5:022.
(2) In addition to the requirements established in subsection (1) of this section, an individual, corporation, or other business entity

that wants to transport VHS-regulated fish species into or through Kentucky from a VHS positive state shall also submit a:

(a) Copy of the documentation showing that the facility that the VHS-regulated fish species are coming from is certified as being VHS free; or

(b) Copy of the APHIS VS 1-27 permit if the facility is not certified as being VHS free.

(3) An individual, corporation, or other business entity shall not transport fish, live bait, or other aquatic organisms into, within, or through Kentucky without an approved fish transportation permit[~~Fish Transportation Permit~~] in possession.

(4) If an individual, corporation, or other business entity desires to transport VHS-regulated fish species from a facility in a VHS positive state that is currently not listed on their fish transportation permit[~~Fish Transportation Permit~~], the permittee shall:

(a) Notify the department; and

(b) If approved by the commissioner, based on risk of contagion to fish of the Commonwealth, be sent an updated fish transportation permit[~~Fish Transportation Permit~~] listing the approved facility.

Section 4. Transportation of Roe-Bearing Fish and Roe.

(1) All individuals, with the exception of permitted roe-bearing fish harvesters as established in 301 KAR 1:155, who transport roe-bearing fish or unprocessed roe as established in 301 KAR 1:155 into, within, or through Kentucky, shall have in possession a fish transportation permit[~~Fish Transportation Permit~~] issued in the name of the individual with the associated roe-bearing fish harvester's name and commercial fishing license and roe-bearing harvester's permit numbers listed.

(2) All individuals who transport unprocessed roe from a fish processing facility to a permitted roe-bearing fish dealer shall also have in possession a bill of lading as established in 301 KAR 1:155, Section 8(4)(c).

Section 5. The transporter shall not transport the prohibited species listed in 301 KAR 1:122, and all game wardens[~~officers~~] and agents of the department shall have the authority to demand that the transporter submit proof of all appropriate permits and documentation.

Section 6. Fish Transportation Permit Denial, Revocation, and Nonrenewal.

(1) The department shall deny a fish transportation permit[~~Fish Transportation Permit~~] for transportation of aquatic organisms determined potentially damaging to Kentucky's native ecosystems.

(2) The department shall revoke and shall not renew the fish transportation permit[~~Fish Transportation Permit~~] of an individual, corporation, or other business entity for a period of two (2) years if they:

(a) Falsify the documentation needed to transport fish, eggs, live bait, or any other aquatic organism into, within, or through Kentucky;

(b) Falsify information on the [~~Application for~~]Fish Transportation Permit Application; or

(c) Are convicted of any federal or state violation involving the transportation of fish, eggs, live bait, or any other aquatic organism.

(3) An individual, corporation, or other business entity whose fish transportation permit[~~Fish Transportation Permit~~] has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(4) A request for a hearing shall be in writing and postmarked, or delivered in person to the department, no later than thirty (30) days after notification of the denial or revocation.

(5) Upon receipt of the request for a hearing, the department shall comply with the provisions of KRS Chapter 13B.

(6) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order pursuant to KRS Chapter 13B.

Section 7. Incorporated by Reference.

(1) "[~~Application for~~]Fish Transportation Permit Application", 2025 Edition[~~, 2023~~] is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online[~~obtained~~] at https://fw.ky.gov/Licenses/Documents/Fish-Transportation-Permit-App.pdf.[~~https://fw.ky.gov/Fish/Pages/Commercial-Fishing.aspx.cu~~]

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 26, 2025

FILED WITH LRC: June 26, 2025 at 3:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 9:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation controls the transportation of fish, fish eggs, live bait and other aquatic organisms into, within, and through the state.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to protect the resident fish populations of Kentucky by preventing the unwanted spread of invasive aquatic organisms or diseases.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1)(c) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations to regulate the buying, selling, or transporting of game and fish, and the application of administrative regulations to a limited area or to the entire state. KRS 150.180(6) requires the commissioner to promulgate administrative regulations relating to issuance of a fish transportation permit. KRS 150.280(2) requires the department to promulgate administrative regulations identifying species of wildlife that are potentially damaging to native ecosystems and prohibiting the transporting or holding of that wildlife.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation fulfills the purpose of KRS 150.025(1)(c) by regulating the transportation of fish and other aquatic organisms that are transported into, within, and through Kentucky. It fulfills the purpose of KRS 150.180(6) by prohibiting fish that either may become a menace to the state or are carrying a disease. It also fulfills the purpose of KRS 150.280(2), by allowing the department to deny a transportation permit for transportation of aquatic organisms that are determined to be potentially damaging to Kentucky's native ecosystems.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS

Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain the associated permit.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permit.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated permit.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1)(c) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations to regulate the buying, selling, or transporting of game and fish, and the application of administrative regulations to a limited area or to the entire state. KRS 150.180(6) requires the commissioner to promulgate administrative regulations relating to issuance of a fish transportation permit. KRS 150.280(2) requires the department to promulgate administrative regulations identifying species of wildlife that are potentially damaging to native ecosystems and prohibiting the transporting or holding of that wildlife.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 1:132. Sale of live bait.

RELATES TO: KRS 150.175, 150.180, 150.280, 150.450, 150.485
STATUTORY AUTHORITY: KRS 150.025(1), 50 C.F.R. 17.11
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative

regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources[~~department~~] to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state[~~to establish seasons for the taking of fish and wildlife, to regulate creel limits and methods of take, and to make these requirements apply to a limited area~~]. 50 C.F.R. 17.11 establishes federally threatened or endangered fish species. This administrative regulation establishes the requirements under which live bait may be taken, transported, and sold.

Section 1. [~~Definitions.~~]

[~~(1)~~] [~~"Asian carp" means:~~]

[~~(a)~~] [~~Bighead carp;~~]

[~~(b)~~] [~~Black carp;~~]

[~~(c)~~] [~~Grass carp; or~~]

[~~(d)~~] [~~Silver carp.~~]

[~~(2)~~] [~~"Live bait" means the live organisms established in paragraphs (a) through (h) of this subsection.~~]

[~~(a)~~] [~~Live bait fishes;~~]

[~~(b)~~] [~~Crayfish;~~]

[~~(c)~~] [~~Salamanders;~~]

[~~(d)~~] [~~Frogs, except bullfrogs;~~]

[~~(e)~~] [~~Tadpoles;~~]

[~~(f)~~] [~~Native lampreys;~~]

[~~(g)~~] [~~Asiatic clams (Genus Corbicula); or~~]

[~~(h)~~] [~~Other aquatic invertebrate organisms, except for mussels.~~]

[~~(3)~~] [~~"Live bait fishes" means:~~]

[~~(a)~~] [~~Rough fishes, except Asian carp and federally threatened or endangered species as established in 50 C.F.R. 17.11; or~~]

[~~(b)~~] [~~Redear sunfish less than six (6) inches in length.~~]

[~~Section 2.~~] Legal Sources of Live Bait.

(1) Live bait may be sold by a person possessing a valid:

(a) Live bait and fish[~~fish and bait~~] dealer's license if the person purchases the live bait from a legal source as established in this section; or

(b) Commercial fishing license, if the live bait is taken pursuant to the requirements of this section.

(2) Live commercially harvested shad, herring, mooneye, goldeye, or invasive[~~Asian~~] carp shall not be transported or sold.

(3) Legal sources of live bait shall include:

(a) Live bait hatched and reared in Kentucky by a person possessing a valid commercial fish propagation permit;

(b) Legal commercial live bait sources in states outside of Kentucky;

(c) A person selling Asiatic clams obtained by means of a tagged commercial bait rake pursuant to Section 2[~~3~~] of this administrative regulation, if the person possesses a valid commercial fishing license; or

(d) A person with a valid commercial fishing license who is selling live bait, except live shad, live herring, live goldeye, and live mooneye, if taken pursuant to Section 2[~~3~~] of this administrative regulation.

(4) A licensed live bait and fish[~~fish and bait~~] dealer who purchases live bait from legal sources outside of Kentucky shall possess a bill of sale that lists the:

(a) Date of purchase; and

(b) Number of each type of live bait purchased.

Section 2.[~~Section 3.~~] Legal Methods of Take.

(1) A person shall not take live bait from any public waterway or water body for commercial purposes, except as established in this section.

(2) A person who holds a valid commercial fishing license may sell:

(a) Live bait, except live shad, live herring, live goldeye, and live mooneye, that was taken with legally set commercial fishing gear;

(b) Dead shad and dead herring, if taken with a dip net with a maximum diameter of three (3) feet or a cast net with a maximum diameter of twenty (20) feet and possessing a maximum bar mesh of one (1) inch in the following bodies of water:

1. Cumberland River below Barkley Dam;
2. Kentucky River downstream of Lock Number Fourteen (14);
3. Mississippi River;
4. Ohio River; or
5. Tennessee River; or

(c) Asiatic clams taken in legal commercial fishing waters pursuant to 301 KAR 1:150 with a tagged commercial live bait rake having the following specifications:

1. A maximum width of twenty (20) inches;
2. A maximum tine length of five (5) inches;
3. A maximum distance in between tines of one (1) inch;
4. A basket with a maximum:
a. Width of twenty (20) inches;
b. Length of ten (10) inches; and
c. Height of eight (8) inches;
5. A rigid handle with a maximum length of twenty (20) feet; and
6. The rake does not contain a bridle that would allow dragging.

(3) Any mussel other than an Asiatic clam shall be returned to the water unharmed.

Section 3.[~~Section 4.~~] Other Requirements.

(1) A person, corporation, or other business entity transporting, selling, or possessing live bait for sale in Kentucky shall hold a valid live bait and fish[~~fish and bait~~] dealer's license and have in possession the license or exact copy thereof when transporting, selling, or holding live bait organisms in Kentucky.

(2) A live bait and fish[~~fish and bait~~] dealer's license shall not be used in lieu of a fish propagation or transportation permit if these permits are also legally required.

(3) A person, corporation, or other business entity who transports live bait from one (1) state, through Kentucky, to another state without conducting any business in Kentucky shall not be required to have a live bait and fish[~~fish and bait~~] dealer's license, but shall have a valid Kentucky transportation permit.

(4) A person, corporation, or other business entity is not required to possess a live bait and fish[~~fish and bait~~] dealer's license if selling live bait as food in establishments licensed by another state agency to sell resale or wholesale food products.

Section 4. License Application Procedures. If an individual, corporation, or other business entity is required to hold a valid live bait and fish dealer's license as established in Section 3 of this administrative regulation, they shall submit a completed Live Bait and Fish Dealer's License Application to the department, along with the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022.

Section 5. Incorporation by Reference.

(1) "Live Bait and Fish Dealer's License Application", 2025 Edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Fisheries, Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at https://fw.ky.gov/Licenses/Documents/Live-Bait-Fish-Dealer-License-App.pdf.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 26, 2025

FILED WITH LRC: June 26, 2025 at 3:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 9:30 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the conditions and provisions under which live bait may be taken, transported, and sold.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to protect the state's aquatic resources.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. 50 C.F.R. 17.11 establishes federally threatened or endangered fish species.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in protecting the state's aquatic resources by establishing the conditions and provisions under which live bait may be taken, transported, and sold.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. In addition, this amendment adds a Live Bait and Fish Dealers Application to the Incorporation by Reference section and removes the Definitions section from the regulation. Finally, this amendment corrects an error in the current regulation where the "live bait and fish dealers license" is called a "live fish and bait dealers license" and replaces the term "Asian carp" with "invasive carp" to match all other Chapter 1 regulations.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation. This amendment also adds a license application that was initially left out of the Incorporation by Reference section. Finally, the Definitions section is being removed due to creation of a new definitions regulation (301 KAR 1:001) for Chapter 1 and two different errors involving wording are corrected throughout the regulation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain the associated license.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated license.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. 50 C.F.R. 17.11 establishes federally threatened or endangered fish species.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.

For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 1:140. Special commercial fishing permit for Kentucky Lake and Lake Barkley[lakes].

RELATES TO: KRS 150.010(32), 150.450(2)
STATUTORY AUTHORITY: KRS 150.025(1), 150.175(3), (4)
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Kentucky Departmentof Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the creel limits and methods of take, restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state[regulate the size or type of devices and methods used to take fish and wildlife, including places where taking is allowed]. KRS 150.175(3) and (4) authorize the department to promulgate administrative regulations regarding the issuance of commercial fishing licenses, commercial fishing gear, and commercial fishing gear tags. This administrative regulation establishes restrictions on the use of gill and trammel nets at Kentucky Lake and Lake Barkley[lakes].

Section 1. Permit Requirements.
(1) A person shall possess a valid Kentucky commercial fishing license to obtain or retain a permit throughout the special commercial fishing season.
(2) The department shall not issue more than twenty-five (25) permits.
(3) A permit holder shall submit a completed Commercial Fishing Licenses and Permits Application[Application for a Special Commercial Fishing Permit] to the department, along with the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and[appropriate permit fee] established in 301 KAR 5:022, postmarked on or before November 1 to retain the permit privilege.
(4) The ability to purchase a permit shall only be transferred to immediate family members.
(5) New permits shall not be issued until the total number of permits is less than twenty-five (25).
(6) A drawing shall be used to select new permittees if the total number of permits is less than twenty-five (25).
(a) A person applying for a vacant permit shall submit to the department a completed Commercial Fishing Licenses and Permits Application[Application for a Special Commercial Fishing Permit] postmarked on or before November 1, along with the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and[appropriate fee] established in 301 KAR 5:022.
(b) The maximum number of permits issued to nonresidents shall be seven (7).

Section 2. Permit Requirements.
(1) A person shall possess and carry a valid permit and a valid commercial fishing license:
(a) If using a gill net or trammel net to take rough fish:
1. From November 1 through March 31 at both Kentucky Lake and Lake Barkley[lakes]; and
2. In the portions of Kentucky Lake and Lake Barkley [lakes]open to commercial fishing as established in 301 KAR 1:150;
(b) If transporting a gill net or trammel net; and
(c) If selling fish taken with a gill net or trammel net.
(2) A person shall:
(a) Tag a gill net or trammel net as established in KRS 150.175(4);
(b) Not use a gill net or trammel net with a bar mesh size smaller than three and five-tenths (3.5) inches or larger than four and five-tenths (4.5) inches, except:
1. A whip set may have a minimum bar mesh size of three (3) inches; and
2. Beginning on November 15 and running through March 31 at both Kentucky Lake and Lake Barkley[lakes], gill and trammel nets with a bar mesh size larger than four and five-tenths (4.5) may be used in stationary sets only;
(c) Not fish a stationary set net with the top of the net or float line shallower than three (3) feet below the surface;
(d) Tend each net, except whip sets, at least once every twenty-four (24) hours;
(e) Not leave whip sets unattended;
(f) Affix a decal supplied by the department to each side of the boat or motor used for fishing under this permit so that the decal is clearly visible while fishing with a gill net or a trammel net;
(g) Not dispose of any commercially caught rough fish at public boat launch areas; and
(h) Not harvest paddlefish at both Kentucky Lake and Lake Barkley [lakes]during the special commercial fishing season if the paddlefish are less than thirty-eight (38) inches, as measured from the beginning of the eye to the fork of the tail fin.

(3) A permit holder may be accompanied by two (2) unlicensed helpers, who shall be:

(a) In the same boat with the permit holder if fishing with a gill net or a trammel net; or

(b) Accompanied by the permit holder if transporting or selling fish taken under the permit.

(4) A permit holder shall:

(a) Maintain an accurate record of daily fishing activity; and

(b) Submit a completed Monthly Report of Commercial Fish Harvest in Kentucky to the department by the tenth day of the following month.

Section 3. Paddlefish Harvest Requirements.

(1) A person who possesses a valid permit shall be allowed to harvest paddlefish flesh or roe during the special commercial fishing season without the need to purchase a commercial roe-bearing fish harvester's permit[~~Commercial Roe-bearing Fish Harvester's Permit~~].

(2) A person who harvests paddlefish roe during the special commercial fishing season shall follow all commercial roe-bearing fish harvester's permit[~~Commercial Roe-bearing Fish Harvester Permit~~] reporting requirements established in 301 KAR 1:155, Section 14[~~13~~](2).

Section 4. Permit Suspension, Revocation, and Renewal.

(1) The department shall suspend the permit of a person who fails to complete and submit to the department a Monthly Report of Commercial Fish Harvest in Kentucky or a Daily [~~Commercial~~]Roe-Bearing Fish Harvester's Transaction[~~ Harvest~~] Report for each transaction involving a buyer permittee as established in paragraphs (a) through (c) of this subsection.

(a) The first time during the season a report is not received or, if mailed, not postmarked by the tenth of the following month, the licensee or permittee shall receive by mail a courtesy reminder letter.

(b) The second time during the season a report is not received or, if mailed, not postmarked by the tenth of the following month, the licensee or permittee shall receive a warning letter.

(c) If a third or subsequent time during the season a report is not received or, if mailed, not postmarked by the tenth of the following month, the license or permit shall be suspended until all reports have been received.

(2) The department shall not renew the commercial fishing license or harvester's permit of a person who fails to complete and submit to the department all reports required by this administrative regulation.

(3) The department shall revoke or not renew a person's permit for a period of two (2) years, for the following state violations involving commercial fishing:

(a) Use of illegal commercial fishing gear;

(b) Knowingly placing commercial fishing gear in a restricted area;

(c) Harvesting prohibited species of fish;

(d) Commercially fishing, as established by 301 KAR 1:150, in waters not open to commercial fishing; or

(e) Knowingly falsifying commercial harvest data.

(4) A person whose permit has been revoked or denied shall be eligible to enter the drawing following the revocation period only if a permit is available based on the twenty-five (25) permit restriction established in Section 1 of this administrative regulation.

(5) A person whose permit has been revoked or denied may request an administrative hearing pursuant to KRS Chapter 13B.

(6) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or revocation.

(7) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(8) The hearing officer's recommended order shall be considered by the commissioner and the commissioner shall issue a final order pursuant to KRS Chapter 13B.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Commercial Fishing Licenses and Permits Application", 2025 Edition[~~"Application for a Special Commercial Fishing Permit", 2007 Edition~~];

(b) "Monthly Report of Commercial Fish Harvest in Kentucky", 2023 Edition; and

(c) "Daily [~~Commercial~~]Roe-Bearing Fish Harvester's Transaction Report", 2008 Edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) https://fw.ky.gov/Licenses/Documents/Comm-Fishing-Licenses-Permits-App.pdf for the "Commercial Fishing Licenses and Permits Application";

(b) https://fw.ky.gov/Fish/Documents/CommercialFishData.pdf for the "Monthly Report of Commercial Fish Harvest in Kentucky"; and

(c) https://fw.ky.gov/Fish/Documents/roefishharvestreport[1].pdf for the "Daily Roe-Bearing Fish Harvester's Transaction Report".

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 26, 2025

FILED WITH LRC: June 26, 2025 at 3:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 10:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the conditions and provisions for a special commercial fishery using gill and trammel nets at Kentucky Lake and Lake Barkley.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to specify the waters open to, and other restrictions on the use of, gill and trammel nets at Kentucky Lake and Lake Barkley.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the creel limits and methods of take, restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. KRS 150.175(3) and (4) authorize the department to promulgate administrative regulations regarding the issuance of commercial fishing licenses, commercial fishing gear, and commercial fishing gear tags.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will carry out the purposes of KRS 150.025 by defining the type and size of gill and trammel nets that can be used, the time period nets can be used, how and where the nets can be set, and what fish can be harvested.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. In addition, this amendment replaces the improper name "Barkley Lake" with the correct name "Lake Barkley" throughout the regulation, including the title.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation and to amend the incorrect naming of Lake Barkley throughout the regulation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain the associated permit.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permit.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated permit.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permit.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the creel limits and methods of take, restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. KRS 150.175(3) and (4) authorize the department to promulgate administrative regulations regarding the issuance of commercial fishing licenses, commercial fishing gear, and commercial fishing gear tags.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 1:152. Harvest and sale of invasive carp.

RELATES TO: KRS Chapter 13B, 150.010, 150.170, 150.175, 150.445, 150.450(2), (3), 150.990

STATUTORY AUTHORITY: KRS 150.025(1)

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the creel limits and methods of take, restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state[~~to establish seasons for the taking of fish and wildlife, to regulate creel limits and methods of take, to regulate the buying, selling, or transporting of fish and wildlife, and to make these requirements apply to a limited area~~]. This administrative regulation establishes the requirements for the harvest and sale of invasive carp beyond the requirements of 301 KAR 1:155.

Section 1. Invasive Carp and Scaled Rough Fish Harvest Program.

(1) To participate in the program, a commercial fisher shall:

(a) Contact the department and request to be included in the program;

(b) Obtain the appropriate[~~Possess a valid~~] Kentucky commercial fishing license by:[~~;~~]

1. Submitting a completed Commercial Fishing Licenses and Permits Application to the department; and

2. Paying the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022;

(c) Contact the department at 270-226-4192 and provide the information established in subparagraphs 1. through 5. of this paragraph prior to fishing:

1. The participant's name;
2. The fish buyer's name;
3. Date fishing is to occur;
4. Restricted water body to be fished; and
5. Ramp, marina, or dock where a boat will be launched;

(d) Harvest a weight ratio of at least sixty-five (65) percent invasive carp to thirty-five (35) percent scaled rough fish over a one (1) month period, except that a commercial fisher whose license fee has been waived as established in subsection (2)(c) of this section shall only harvest invasive carp and not retain any scaled rough fish or by-catch;

(e) Only fish on dates and at locations provided to the department;

(f) Notify the department prior to changing any information as established in subsection (1)(c)2. through 5. of this section;

(g) Only use gill or trammel nets:

1. With a minimum bar mesh of three (3) inches;

2. That are always tended by a program participant if set less than three (3) feet below the surface of the water;

3. That are not left unattended by a program participant for more than six (6) hours if set at least three (3) feet below the surface of the water from April 1 through September 20; and

4. That are not left unattended by a program participant for more than eight (8) hours if set at least three (3) feet below the surface of the water from October 1 through March 31;

(h) Visibly mark each end of net sets or gangs of nets with floating buoys;

(i) Harvest, possess, and transport fish claimed under this program separately than fish harvested by any other method;

(j) Complete a Daily Harvest and Release Summary Card after each day's fishing and submit all cards to the department at the end of each month;

(k) Be allowed to sell all harvested invasive carp and scaled rough fish as established in subsection (1) of this section;

(l) Immediately release all by-catch; and

(m) Report all harvest on a Monthly Report of Commercial Fish Harvest in Kentucky, as established in 301 KAR 1:155.

(2) The department shall:

(a) Maintain a list of program participants and their contact information, which shall be:

1. Provided to known fish buyers; and

2. Updated at least weekly;

(b) Maintain a list of all restricted water fishing requests as established in subsection (1) of this section; and

(c) Waive the commercial fishing license fees, as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022, for a program participant who only harvests invasive carp in restricted or unrestricted waters.

(3) The department shall not approve a fishing request if:

(a) Higher than normal by-catch is likely to occur at that location and time; or

(b) Excessive user conflicts would occur.

Section 2. Experimental Commercial Fishing Methods Program.

(1) The following waterbodies, including restricted waters, shall be open to experimentation to target invasive carp under this program upon department approval:

(a) Cumberland River downstream of Lake Barkley;

(b) Tennessee River downstream of Kentucky Lake;

(c) Green River from 200 yards downstream of Green River Lock and Dam 4 to the confluence with the Ohio River;

(d) Kentucky Lake;

(e) Lake Barkley;

(f) Mississippi River from the mouth of the Ohio River downstream to the Kentucky-Tennessee state line; and

(g) Ohio River downstream of Newburg Lock and Dam.

(2) The commercial fishing gear tag requirements as established in 301 KAR 1:146 shall be waived if department personnel are present during experimentation.

(3) The commercial fishing gear tag requirements as established in 301 KAR 1:146 shall be followed if department personnel are not present during experimentation.

(4) Any commercial gear not conforming to those established in 301 KAR 1:146 shall be reviewed by the department for commercial gear tagging feasibility and need.

(5) Any live fish holding net left overnight on the water shall have a commercial fishing gear tag attached and be marked with equipment issued by the department.

(6) Tier I requirements.

(a) A commercial fisher shall apply for Tier I of the program by submitting a completed [~~Application for~~]Experimental Commercial Fishing Methods Program Permit Application provided by the department.

(b) Participation in Tier I of the program shall be limited to three (3) program participants at any one (1) time.

(c) In addition to meeting the qualification requirements established in paragraph (e) of this subsection, selection of the top three (3) applicants shall be based on the scoring criteria established in subparagraphs 1. through 4. of this paragraph:

1. The fisher's experience as a commercial fisher, as well as the fisher's experience fishing for invasive carp;

2. The years of experience the fisher has with the gear and methods proposed and the past results of using the proposed gear and methods;

3. The status of the fisher's gear, including if:

a. They currently possess all the gear required for their proposed method;

b. They do not currently possess all the gear, but they attest they will possess all the gear prior to their admission in the program; or

c. They have access to the gear; and

4. How their proposal shall help the department to achieve its mission of reducing the number of invasive carp in Kentucky waters.

(d) If at any time the number of program participants falls below three (3), all applications submitted prior to the vacancy will be reviewed as established in paragraph (c) of this subsection for selection of a new program participant.

(e) To qualify for Tier I of the program, a commercial fisher shall:

1. Have a minimum of three (3) years commercial fishing experience with at least two (2) years holding a valid commercial fishing license;

2. Have a boat and motor that meet the following requirements:

a. Minimum boat length of twenty-two (22) feet, and space for essential crew and one (1) department-appointed observer, along with storage capacity for harvested fish;

b. Outboard motor with a minimum of seventy-five (75) horsepower;

c. Required safety equipment and personal flotation devices (PFD);

d. Fishing electronics, including traditional and side-imaging sonar, and water temperature; and

e. Valid boat registration;

3. Have a towing vehicle capable of boat transportation to and from designated removal sites and hauling of harvests for sale or disposal;

4. Have the necessary Kentucky Department of Transportation identification permits, insurance cards, and federal transportation tags for commercial transport of fish; and

5. Allow a department staff member to be present for all commercial fishing methods experimentation.

(f) A Tier I participant shall:

1. Fish under a paid commercial license that allows the harvest and sale of rough fish other than invasive carp;

2. Possess a valid Experimental Commercial Fishing Methods Program permit[~~Permit~~];

3. Be present for all commercial fishing methods experimentation;

4. Coordinate with the department to request a fishing date and location at least five (5) days in advance of fishing;

5. Allow department staff onboard vessels to observe and record fish harvesting efforts;

6. Cease any experimentation considered by the department to:

a. Be unsafe;

b. Interfere with other recreational users;

c. Be detrimental to non-target species; or

d. Be unsuccessful for significant invasive carp harvest;

7. Be responsible for the removal and lawful disposal of all invasive carp species caught from waters during fishing efforts;

8. Indicate on sales receipts that fish were harvested by an experimental gear and method authorized under this program and identify the permit holder;

9. Be eligible for the department's Kentucky and Barkley Lake Invasive Carp Subsidy Program;

10. Submit itemized invoices, by date, to the department each month, including pounds harvested of each species;

11. Complete a Daily Harvest and Release Summary Card after each day's fishing and submit all cards to the department at the end of each month;

12. Report all harvest on a Monthly Report of Commercial Fish Harvest in Kentucky, as established in 301 KAR 1:155; and

13. Meet with department personnel quarterly to review the actions taken under this program.

(7) Tier II requirements.

(a) A commercial fisher shall apply for Tier II of the program by submitting a completed [~~Application for~~]Experimental Commercial Fishing Methods Program Permit Application provided by the department.

(b) Along with meeting the requirements established in subsection (6)(e)1. through 5. of this section, Tier II applicants shall also meet the requirements established in subparagraphs 1. through 6. of this paragraph:

1. Shown proficiency in use of the experimental gear and method by either:

a. Participating for at least six (6) months in Tier I of the program, with the gear and method fished a minimum of twenty (20) times; or

b. Previously utilizing the experimental gear and method through a department Memorandum of Agreement and have been released from department observation of experimental fishing activities;

2. Have previously been responsive to all department communications and requirements during Tier I activities including:

a. Fishing date scheduling and scheduling changes;

b. Reporting requirements; and

c. Department staff onboard observations;

3. Harvested at least 200,000 pounds of invasive carps through Tier I of the program within the previous year;

4. Harvested a weight ratio of at least eighty (80) percent invasive carp to twenty (20) percent scaled rough fish over the most recent ten (10) fishing days under Tier I of the program;

5. By-catch, in the form of sportfish, shall have represented five (5) percent or less by number of the fish caught, based upon the department observer's visual estimate, over the most recent ten (10) fishing days under Tier I of the program; and

6. By-catch shall have been in a condition where survival could be expected upon release.

(c) A Tier II participant shall:

1. Follow the requirements established in subsection (6)(f) of this section[~~dection~~], except requests for a fishing date and location shall be made at least twenty-four (24) hours in advance of fishing;

2. Harvest a weight ratio of at least eighty (80) percent invasive carp to twenty (20) percent scaled rough fish over each one (1) month period;

3. By-catch, in the form of sportfish, shall be maintained at five (5) percent or less by number of the fish caught, based upon the fisher's or a department observer's visual estimate; and

4. Keep daily records and report the following to department staff on a monthly basis:

a. Pounds of fish harvested by species;

b. Number of personnel assisting with the effort;

c. Names of licensed commercial fishers that fish were transferred to for the purpose of transport and sale, if any;

d. Name of processor or fish market receiving fish;

e. Number of hours experimental gear was fished;

f. Number of times gear was deployed; and

g. Other pertinent information associated with the gear, for example, mesh size, gear depth, gear length, and approximate depth of water gear was used in.

Section 3. Unlicensed Helpers.

(1) A participant in the Invasive Carp and Scaled Rough Fish Harvest Program shall not utilize more than two (2) unlicensed helpers while actively fishing.

(2) A participant in Tier I or Tier II of the Experimental Commercial Fishing Methods Program may use more than two (2) unlicensed helpers while actively fishing but shall follow the reporting requirements as established in Section 2(7)(c)[~~(b)~~]4.b. of this administrative regulation.

(3) A participant in either program shall ensure that an unlicensed helper complies with all boating safety requirements established in KRS Chapter 235.

(4) An unlicensed helper in either program shall:

(a) Be accompanied by a licensed program participant while using commercial fishing gear; and

(b) Be permitted to transport invasive carp in the absence of a program participant with a fish transportation permit[~~Fish Transportation Permit~~] as established in 301 KAR 1:125.

(5) A program participant whose commercial fishing license has been suspended or revoked in Kentucky or in another state shall not:

(a) Be listed as a helper by a licensed Kentucky commercial fisher or another participant in either program; or

(b) Assist a licensed Kentucky commercial fisher or another participant in either program in harvesting or transporting fish.

Section 4. Program Suspension, Revocation, and Disqualification.

(1) A participant in either program whose commercial fishing license becomes revoked or suspended as established in 301 KAR 1:155 shall be disqualified from participating in those programs while that license is revoked or suspended.

(2) A participant in the Invasive Carp and Scaled Rough Fish Harvest Program shall be suspended from the program:

(a) For a three (3) month period beginning on the first day of the next month if the minimum requirements established in Section 1(1)(d) are not met; and

(b) For a period of one (1) year beginning on the first day of the next month if the requirements are not met a second time.

(3) A participant in Tier I of the Experimental Commercial Fishing Methods Program shall be suspended from the program:

(a) For a three (3) month period beginning on the first day of the next month if the minimum requirements established in Section 2(6)(f) are not met; and

(b) For a period of one (1) year beginning on the first day of the next month if the requirements are not met a second time.

(4) A participant in Tier II of the Experimental Commercial Fishing Methods Program shall be suspended from the program:

(a) For a three (3) month period beginning on the first day of the next month if the minimum requirements established in Section 2(7)(c) are not met; and

(b) For a period of one (1) year beginning on the first day of the next month if the requirements are not met a second time.

(5) Falsification of any information listed in an application shall result in disqualification from consideration for selection and revocation of any experimental methods permit that may have been issued to the applicant.

(6) Any participant who is disqualified, revoked, or suspended from participation in either program may appeal the decision in accordance with KRS Chapter 13B.

(7) To appeal the disqualification, revocation, or suspension, the participant shall provide a written request for a KRS Chapter 13B hearing, postmarked or delivered in person to the department no later than thirty (30) days after notification of the disqualification or suspension.

Section 5. Non-commercial Invasive Carp Harvest and Sale. Any person possessing a valid Kentucky sport fishing license:

(1) May harvest invasive carp using legal fishing methods as established in 301 KAR 1:201; and

(2) May sell harvested invasive carp.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Daily Harvest and Release Summary Card", 2011 Edition; [~~and~~]

(b) "[~~Application for~~]Experimental Commercial Fishing Methods Program Permit Application", 2025[~~2024~~] Edition;[~~.~~]

(c) "Commercial Fishing Licenses and Permits Application", 2025 Edition; and

(d) "Monthly Report of Commercial Fish Harvest in Kentucky", 2023 Edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m. or online at:

(a) https://fw.ky.gov/Fish/Documents/DailyHarvestandReleaseSummaryCardAsianCarp.pdf for the "Daily Harvest and Release Summary Card";

(b) https://fw.ky.gov/Licenses/Documents/Exp-Comm-Fish-Methods-Program-Permit-App.pdf for the "Experimental Commercial Fishing Methods Program Permit Application";

(c) https://fw.ky.gov/Licenses/Documents/Comm-Fishing-Licenses-Permits-App.pdf for the "Commercial Fishing Licenses and Permits Application"; and

(d) https://fw.ky.gov/Fish/Documents/CommercialFishData.pdf for the "Monthly Report of Commercial Fish Harvest in Kentucky".[~~may be obtained at https://fw.ky.gov/Fish/Pages/Commercial-Fishing.aspx.~~]

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 26, 2025

FILED WITH LRC: June 26, 2025 at 3:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 10:30 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for the Invasive Carp and Scaled Rough Fish Harvest Program and Experimental Commercial Fishing Methods Program.

(b) The necessity of this administrative regulation: The regulation is necessary to provide two important mechanisms for the removal of invasive carp from waters critical to sport fishing and recreational boating.

(c) How this administrative regulation conforms to the content of the authorizing statutes: 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the creel limits and methods of take, restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist the purpose of the statute by establishing processes for nuisance fish removal from waters of the Commonwealth.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. In addition, two new documents were added to the Incorporation by Reference section.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation. The two documents added to the amended Incorporation by Reference section were referenced in the main body of the current version of the regulation but were not listed in the Incorporation by Reference section.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

(d) How the amendment will assist in the effective administration of the

statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain the associated licenses and permits.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated licenses and permits.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated licenses and permits.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated licenses and permits.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the creel limits and methods of take, restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 1:155. Commercial fishing requirements.

RELATES TO: KRS 150.010, 150.120, 150.170, 150.445, 150.450(2), (3), 150.990, 217.015(20)

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(3), 50 C.F.R. 17

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the creel limits and methods of take,[~~the~~] restriction of places where taking is permitted, and the application of administrative regulations to a

limited area or to the entire state. KRS 150.175(3) authorizes the department to establish a commercial fishing license that allows the taking and selling of rough fish. 50 C.F.R. 17 protects the shovelnose sturgeon from harvest because of similarity of appearance with the endangered pallid sturgeon. This administrative regulation establishes commercial fishing requirements, protects certain species from overharvest, and regulates the buying and selling of roe-bearing species of rough fish.

Section 1. Commercial Fishing License Application Procedures. Before taking rough fishes from the waters of the state by the use of commercial fishing gear, an individual shall obtain the appropriate Kentucky commercial fishing license by:

(1) Submitting a completed Commercial Fishing Licenses and Permits Application to the department; and

(2) Paying the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022.

Section 2. Nonresident Commercial Fishing Licenses. A nonresident commercial fishing license shall only be issued to residents of states that offer nonresident fishing licenses to Kentucky residents, except that a nonresident with a valid 2013 Kentucky nonresident commercial fishing license shall be eligible to purchase a nonresident fishing license in subsequent license years, unless the nonresident fails to purchase the license[~~permit~~] during any license year.

Section 3.[~~Section 2.~~] Unlicensed Helpers.

(1) A commercial fisher shall not utilize more than two (2) unlicensed helpers while actively fishing.

(2) A commercial fisher shall ensure that an unlicensed helper complies with all boating safety requirements established in KRS Chapter 235.

(3) An unlicensed helper shall:

(a) Be accompanied by a licensed commercial fisher while using commercial fishing gear; and

(b) Be permitted to transport roe or roe-bearing fish in the absence of a commercial fisher with a fish transportation permit[~~Fish Transportation Permit~~] as established in 301 KAR 1:125.

(4) A commercial fisher whose commercial fishing license has been suspended or revoked in Kentucky or in another state shall not:

(a) Be listed as a helper by a licensed Kentucky commercial fisher; or

(b) Assist a licensed Kentucky commercial fisher in harvesting or transporting fish.

Section 4.[~~Section 3.~~] Tagging and Using Commercial Gear. A commercial fisher shall:

(1) Tag commercial fishing gear as established in 301 KAR 1:146;

(2) Not use commercial fishing gear within:

(a) Fifty (50) yards of the outlet or inlet of an overflow lake;

(b) Fifty (50) yards of the mouth of a stream, except the mouth of the Ohio River; or

(c) 200 yards of a dam, as established in KRS 150.445;

(3) Not use commercial nets from April 1 through October 31:

(a) In bays and inlets of Kentucky Lake or Lake Barkley[~~Lakes~~]; or

(b) Within 200 yards from the mouth of bays or inlets in Kentucky Lake or Lake Barkley[~~Lakes~~]; and

(4) Call the department at 800-858-1549 within twenty-four (24) hours if any commercial gear is:

(a) Lost;

(b) Stolen; or

(c) Irretrievable due to unforeseen circumstances.

Section 5.[~~Section 4.~~] Special Catfish Harvest Restrictions.

(1) In all waters open to commercial fishing, except as established in subsection (2) of this Section, there shall be:

(a) An unlimited harvest of catfish less than trophy catfish size; and

(b) A daily limit of one (1) trophy catfish of each species.

(2) A person with a valid commercial license shall obtain from the department a free Lower Ohio River Trophy Catfish harvest permit[~~Harvest Permit~~] in order to harvest Lower Ohio River Trophy Catfish in the mainstem Ohio River downstream of Cannelton Lock and Dam.

(a) The department shall issue a maximum of fifteen (15) permits annually.

(b) The department shall issue a permit to a commercial fisher who:

1. Has reported a minimum harvest of 10,000 pounds of catfish from the Ohio River and its tributaries open to commercial fishing in at least two (2) of the last three (3) years; and

2. Submits a completed Lower Ohio River Trophy Catfish Harvest Permit Application[~~Sends a written request~~] to the department postmarked on or before March 10.

(c) A commercial fisher may retain the rights to the permit each year, provided the requirements established in paragraph (2)(b) of this subsection are met.

(d) Each permit shall be issued in the order established in subparagraph 1. through 3. of this paragraph.

1. Retained permit requests;

2. A random electronic drawing for the remaining permit requests that are postmarked by March 10 of each year; and

3. First-come, first-served for any remaining permits.

(e) There shall be an unlimited daily harvest of catfish less than Lower Ohio River Trophy Catfish size for each permit holder in the mainstem Ohio River downstream of Cannelton Lock and Dam.

(f) There shall be a daily limit of four (4) Lower Ohio River Trophy Catfish in aggregate for each permit holder in the mainstem Ohio River downstream of Cannelton Lock and Dam.

(3) A Lower Ohio River Trophy Catfish harvest permit[~~Harvest Permit~~] holder shall not possess more than one (1) daily limit of Lower Ohio River Trophy Catfish while on the water or trailering on a boat ramp.

(4) There shall be a maximum of two (2) daily limits of Lower Ohio River Trophy Catfish possessed per boat while on the water or when trailering on a boat ramp if there is more than one (1) Lower Ohio River Trophy Catfish harvest permit[~~Harvest Permit~~] holder in the boat.

(5) While on the water or trailering on a boat ramp, a commercial fisher who does not possess a Lower Ohio River Trophy Catfish harvest permit[~~Harvest Permit~~] shall not possess more than one (1) daily limit of trophy catfish.

(6) While on the water or trailering on a boat ramp, multiple commercial fishers per boat who do not possess a Lower Ohio River Trophy Catfish harvest permit[~~Harvest Permit~~] shall not possess more than two (2) daily limits of trophy catfish.

Section 6.[~~Section 5.~~] Commercial Roe-Bearing Fish Harvester's Permit.

(1) In order to retain his or her permit privilege, a harvester's permit holder shall submit to the department postmarked by September 15:

(a) A completed Commercial Fishing Licenses and Permits Application[~~Application for Commercial Roe-bearing Fish Harvester's Permit~~]; and

(b) The applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and[~~permit fee as~~] established in 301 KAR 5:022.

(2) Prior to being issued a harvester's permit, a person shall possess a valid commercial fishing license.

(3) A harvester's permit shall not be sold to a resident of a state that will not sell a nonresident harvester's permit, or its equivalent, to Kentucky residents.

(4) The maximum number of resident harvester's permits available each year shall be 101.

(5) The maximum number of nonresident harvester's permits available each year shall be eighteen (18).

(6) A harvester's permit holder shall be eligible to transfer permit privileges to an:

(a) Immediate family member; or

(b) Unlicensed helper who:

1. Has been employed by the permit holder for a period of at least one (1) year in that capacity; and

2. Complies with the requirements of this administrative regulation.

(7) To transfer a permit, the permit holder shall send to the department:

(a) A notarized letter documenting the name and relationship of the permit recipient; and

(b) If an unlicensed helper, proof of employment of the unlicensed helper for a period of one (1) year.

(8) Transferability shall be voided if a commercial fishing license or harvester's permit is revoked or suspended as established in Section 14[13] of this administrative regulation.

Section 7.[Section 6.] Commercial Roe-Bearing Fish Harvester's Permit Drawing.

(1) There shall be a drawing for the unfilled harvester's permits below the quota.

(2) A person shall apply for the drawing by submitting the following to the department by September 15:

(a) A completed Commercial Fishing Licenses and Permits Application[Application for Commercial Roe-bearing Fish Harvester's Permit]; and

(b) The applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and[appropriate permit fee as] established in 301 KAR 5:022.

(3) A mailed Commercial Fishing Licenses and Permits Application[Application for Commercial Roe-bearing Fish Harvester's Permit] shall be postmarked by September 15 to be eligible.

(4) A person chosen in the drawing shall first obtain a commercial fishing license prior to obtaining a harvester's permit.

(5) The department shall return all permit fees to those not chosen in the drawing.

(6) If the department receives fewer resident or nonresident Commercial Fishing Licenses and Permits Applications[Applications for Commercial Roe-bearing Fish Harvester's Permits] than the number of available harvester's permits, then completed Commercial Fishing Licenses and Permits Applications[Applications for Commercial Roe-bearing Fish Harvester's Permits] received after September 15 shall be issued in the order they were received until the quota has been reached.

(7) If the number of Commercial Fishing Licenses and Permits Applications[Applications for Commercial Roe-bearing Fish Harvester's Permits] received after September 15 exceeds the number of harvester's permits available, then a second drawing shall be held to determine the recipients of the available permits.

Section 8.[Section 7.] Commercial Roe-Bearing Fish Harvester's Permit Requirements.

(1) A harvester's permit shall be required for a licensed commercial fisher to harvest, transport, or sell roe fish or unprocessed roe.

(2) A permit shall not be required for a special commercial fishing permit holder to harvest and sell roe-bearing fish flesh or unprocessed roe from Kentucky Lake and Lake Barkley [lakes]during the special commercial fishing season, as established in 301 KAR 1:140.

(3) A harvester's permit shall not be issued unless all applicable reports have been completed and submitted to the department, pursuant to Section 14[13] of this administrative regulation.

(4) A harvester's permit holder shall:

(a) Have the permit in possession while:

1. Fishing for roe-bearing fish; and

2. Transporting or selling roe-bearing fish or unprocessed roe;

(b) Only sell, ship, barter, or provide harvested roe from roe-bearing fish to a Kentucky permitted buyer as established in Section 9[8] of this administrative regulation; and

(c) Possess a valid bill of lading if transporting unprocessed roe to a Kentucky permitted buyer.

Section 9.[Section 8.] Commercial Roe-Bearing Fish Buyer's Permit Requirements.

(1) A buyer's permit shall be required to buy, sell, barter, receive, or ship unprocessed roe from roe-bearing fish harvested in Kentucky.

(2) A person shall apply for a buyer's permit by submitting a completed Commercial Fishing Licenses and Permits Application to the department[Application for Commercial Roe-bearing Fish Buyer's Permit] along with the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[appropriate permit fee to the department, as established in 301 KAR 3:022].

(3) A buyer's permit holder shall:

(a) Not knowingly purchase illegally taken fish or unprocessed roe from any state;

(b) Have in possession a valid buyer's permit while purchasing, receiving, or transporting unprocessed roe;

(c) Maintain for a period of three (3) years an accurate record of all unprocessed roe purchased from roe-bearing fish harvesters in Kentucky;

(d) Maintain for a period of three (3) years an accurate record of all unprocessed roe purchased from roe-bearing fish harvesters in another state including:

1. Name, address, and telephone number of the seller;

2. License number of the seller; and

3. Number of pounds of unprocessed roe purchased;

(e) Sign the harvester's permit holder's Daily Roe-Bearing[bearing] Fish Harvester's Transaction Report for each transaction prior to purchasing or receiving unprocessed roe from the harvester;

(f) Retain a copy of the Daily Roe-Bearing[bearing] Fish Harvester's Transaction Report for each transaction with a harvester's permit holder for a period of three (3) years; and

(g) Allow a game warden[conservation officer] access to all records and reports, as established in this section, upon request, during normal business hours.

Section 10.[Section 9.] Commercial Fishing Season and Size Limits.

(1) The commercial fishing season shall be open year-round in the waters listed in 301 KAR 1:150, except for:

(a) Kentucky Lake and Lake Barkley [lakes]as established in 301 KAR 1:140;

(b) The shovelnose sturgeon season, which shall extend from October 15 through May 15 in the Ohio River Basin only; and

(c) The paddlefish season, which shall extend from:

1. November 1 through April 30 in all waters open to commercial fishing, except Kentucky Lake and Lake Barkley[lakes], as established in 301 KAR 1:140; and

2. November 1 through May 31 for commercial trotlines in all waters open to commercial fishing, except the Ohio and Mississippi rivers.

(2) There shall not be a size limit on any commercially-harvested rough fish, except that a commercial fisher shall only harvest:

(a) Shovelnose sturgeon between twenty-four (24) and thirty-two (32) inches, as measured from the tip of the snout to the fork of the tail fin;

(b) Paddlefish that are thirty-two (32) inches or greater, as measured from the beginning of the eye to the fork of the tail fin, except in Kentucky Lake and Lake Barkley [lakes]as established in 301 KAR 1:140; and

(c) Blue catfish, flathead catfish, and channel catfish as established in Section 5[4] of this administrative regulation, and measured by laying the fish flat on a ruler with the mouth closed and tail lobes squeezed together.

(3) A harvester's or buyer's permit holder shall not possess:

(a) Unprocessed paddlefish roe after June 5; or

(b) Unprocessed shovelnose sturgeon roe after May 20.

Section 11.[Section 10.] Species Ineligible for Commercial Harvest.

(1) A commercial fisher shall not harvest, and shall immediately release the following species:

(a) Sport fish listed in 301 KAR 1:060;

(b) Pallid sturgeon, a federally endangered species;

(c) Lake sturgeon;
(d) Shovelnose sturgeon caught in the Mississippi River;
(e) All turtle species;
(f) All mussel species except Asiatic clams (Genus Corbicula); and
(g) Alligator gar.
(2) A licensed commercial fisher shall only sell roe-bearing fish or unprocessed roe from roe-bearing fish harvested by commercial fishing methods as established in 301 KAR 1:146.

Section 12.[~~Section 11.~~] Tending Gear and Removing Fish. A commercial fisher shall:
(1) Tend and remove the fish from:
(a) Hoop nets or slat traps at least once every seventy-two (72) hours; and
(b) Other commercial fishing gear at least once every twenty-four (24) hours;
(2) Not possess eggs of any species of fish outside of the fish's body cavity while on the water or adjacent bank; and
(3) Remove commercial fishing gear from the water when finished fishing.

Section 13.[~~Section 12.~~] Roe Fish Egg Checking Methodology. A commercial fisher shall use a ten (10) gauge or smaller needle to examine roe fish for the presence of eggs.

Section 14.[~~Section 13.~~] Reporting, License and Permit Suspension, Renewal, and Revocation.
(1) Every licensed commercial fisher shall submit a completed Monthly Report of Commercial Fish Harvest in Kentucky by the tenth day of every month for the previous month's harvest, even if no harvest occurred.
(2) A harvester's permit holder shall:
(a) Complete a Daily Roe-Bearing[~~bearing~~] Fish Harvester's Transaction Report for each day of the month that roe-bearing fish are harvested or sold to a Kentucky permitted buyer; and
(b) Submit to the department all completed daily reports within a calendar month by the tenth day of the following month, in addition to the reporting requirements established in subsection (1) of this section.
(3) If a buyer's permit holder completes any transactions in a given month, the permit holder shall submit to the department a completed Monthly Commercial Roe-Bearing[~~bearing~~] Fish Buyer's Report by the tenth day of the following month.
(4) A report that is being mailed to the department shall be postmarked on or before the tenth of the month pursuant to subsections (1) through (3) of this section.
(5) The department shall issue a courtesy reminder letter to a holder of a commercial fishing license, harvester's permit, or buyer's permit who has failed to submit to the department a monthly report by the deadlines established in subsections (1) through (4) of this section.
(6) The department shall issue a warning letter to a license or permit holder who has twice failed to meet the reporting deadlines established in subsections (1) through (4) of this section during any given commercial fishing license year.
(7) The department shall suspend the commercial fishing license of a license or permit holder who has failed to meet reporting deadlines for three (3) or more months in a given license year until the license or permit holder submits to the department all required reports.
(8) The department shall suspend for a period of three (3) months the commercial fishing license of a license or permit holder who has not met the reporting deadlines established in this section for four (4) or more times in a license year.
(9) If a three (3) month suspension extends into a new license year, subsequent delinquent reports shall result in additional three (3) month suspensions.
(10) The department shall not renew a commercial fishing license, harvester's permit, or buyer's permit for a person who has not satisfied the reporting requirements of this administrative regulation.
(11) The department shall revoke the commercial fishing license, for a period of two (2) years, of a person who has been convicted of a federal commercial fishing violation or the following state violations involving commercial fishing:
(a) Use of illegal commercial fishing gear, pursuant to 301 KAR 1:146;
(b) Knowingly placing commercial fishing gear in a restricted area, pursuant to Section 4[~~3~~](2) and (3) of this administrative regulation;
(c) Harvesting prohibited species of fish;
(d) Commercially fishing in waters not open to commercial fishing, pursuant to 301 KAR 1:150; or
(e) Knowingly falsifying commercial harvest data.
(12) The department shall revoke a buyer's permit, for a period of two (2) years, of a person:
(a) Convicted of a federal commercial fishing violation; or
(b) Who falsified data on a Monthly Commercial Roe-Bearing[~~bearing~~] Fish Buyer's Report.

Section 15.[~~Section 14.~~] Administrative Hearings.
(1) A person may request an administrative hearing pursuant to KRS Chapter 13B if a permit has been:
(a) Denied;
(b) Suspended;
(c) Not renewed; or
(d) Revoked.
(2) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial, suspension, non-renewal, or revocation.
(3) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.
(4) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

Section 16.[~~Section 15.~~] Boundaries. The department shall make available on its Web site at fw.ky.gov the Global Positioning System coordinates detailing the Kentucky and Ohio border on the Ohio River, for download to personal devices.

Section 17.[~~Section 16.~~] Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "Commercial Fishing Licenses and Permits Application"["~~Application for Commercial Roe-bearing Fish Harvester's Permit~~"], 2025 Edition[~~2008 edition~~];
(b) "Lower Ohio River Trophy Catfish Harvest Permit Application"["~~Application for Commercial Roe-bearing Fish Buyer's Permit~~"], 2025 Edition[~~2008 edition~~];
(c) "Daily Roe-Bearing[~~bearing~~] Fish Harvester's Transaction Report", 2008 Edition[~~edition~~];
(d) "Monthly Commercial Roe-Bearing Fish Buyer's Report", 2008 Edition[~~edition~~];
(e) "Monthly Report of Commercial Fish Harvest in Kentucky", 2023 Edition[~~edition~~]; and
(f) "List of GPS coordinates for Ohio River Boundary with Ohio", 2008 Edition[~~edition~~].
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. or online at:
(a) https://fw.ky.gov/Licenses/Documents/Comm-Fishing-Licenses-Permits-App.pdf for the "Commercial Fishing Licenses and Permits Application";
(b) https://fw.ky.gov/Licenses/Documents/Lower-Ohio-River-Trophy-Catfish-Harvest-Permit-App.pdf for the "Lower Ohio River Trophy Catfish Harvest Permit Application";
(c) https://fw.ky.gov/Fish/Documents/roefishharvestreport[1].pdf for the "Daily Roe-Bearing Fish Harvester's Transaction Report";
(d) https://fw.ky.gov/Fish/Documents/roefishbuyreport[1].pdf for the "Monthly Commercial Roe-Bearing Fish Buyer's Report";

(e) https://fw.ky.gov/Fish/Documents/CommercialFishData.pdf for the "Monthly Report of Commercial Fish Harvest in Kentucky"; and

(f) https://fw.ky.gov/Fish/Pages/Navigation-Information-for.aspx for the "List of GPS coordinates for Ohio River Boundary with Ohio".[may be obtained at https://fw.ky.gov/Fish/Pages/Commercial-Fishing.aspx.]

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner
APPROVED BY AGENCY: June 26, 2025
FILED WITH LRC: June 26, 2025 at 3:50 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 11:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes commercial fishing requirements, protects certain species from overharvest, and regulates the buying and selling of roe-bearing species of rough fish.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to effectively manage rough fish populations in Kentucky.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the creel limits and methods of take, restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. KRS 150.175(3) authorizes the department to establish a commercial fishing license that allows the taking and selling of rough fish. 50 C.F.R. 17 protects the shovelnose sturgeon from harvest because of similarity of appearance with the endangered pallid sturgeon.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will carry out the purposes of the statutes and federal regulation by describing the requirements for commercial fishing in Kentucky.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. In addition, two new documents were added to the Incorporation by Reference section. Finally, this amendment replaces the improper name "Barkley Lake" with the correct name "Lake Barkley" throughout the regulation.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation. The two documents added to the amended Incorporation by Reference section were referenced in the main body of the current version of the regulation but were not listed in the Incorporation by Reference section. The final amendment is to correct the improper naming of Lake Barkley throughout the regulation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain the associated licenses and permits.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated licenses and permits.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated licenses and permits.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated licenses and permits.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the buying, selling, and transporting of fish and wildlife, the creel limits and methods of take, restriction of places where taking is permitted, and the application of administrative regulations to a limited area or to the entire state. KRS 150.175(3) authorizes the department to establish a commercial fishing license that allows the taking and selling of rough fish. 50 C.F.R. 17 protects the shovelnose sturgeon from harvest because of similarity of appearance with the endangered pallid sturgeon.
(2) State whether this administrative regulation is expressly

authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 1:185. Pay lakes.

RELATES TO: KRS 150.470, 150.990
STATUTORY AUTHORITY: KRS 150.025(1)(h), 150.175(24), 150.660
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB 6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(h) authorizes the Kentucky Department of Fish and Wildlife Resources[~~department~~] to promulgate administrative regulations reasonably necessary to carry out the purposes of KRS Chapter 150. KRS 150.175(24) establishes a pay lake license that authorizes the holder to operate privately-owned impounded waters for fishing purposes for which a fee is charged. KRS 150.660 authorizes a person to establish a pay lake subject to the approval of the Commissioner of the department. This administrative regulation establishes the requirements for pay lake operators.

Section 1. Pay Lake License Application Procedures.
(1) Before operating a pay lake in Kentucky, an individual shall obtain the appropriate pay lake license by:
(a) Submitting a completed Pay Lake License Application to the department; and
(b) Paying the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022.[~~Definitions.~~]
[~~(1)~~] [~~"Pay lake" means a privately-owned, impounded body of water where a daily fee is charged to fish, and is open to the public.~~]
[~~(2)~~] [~~"Pay lake operator" means a person who holds a valid pay lake license, as established in 301 KAR 3:022.~~]
[~~(3)~~] [~~"Trophy catfish" means a:~~]
[~~(a)~~] [~~Blue or flathead catfish that is a minimum of thirty-five (35) inches in length; or~~]
[~~(b)~~] [~~Channel catfish that is a minimum of twenty-eight (28) inches in length.~~]

[~~Section 2.~~] [~~Pay Lake License and Signage.~~]
[~~(1)~~] [~~A person shall not operate a pay lake without a valid pay lake license.~~]
(2) A pay lake license shall be transferable, but only for the same pay lake, except that no license may be transferred while an enforcement action is pending.

Section 2.[~~(3)~~] Pay Lake Signage. A pay lake operator shall post clearly visible signage stating:
(1)[~~(a)~~] The water body of origin of stocked catfish and any associated consumption advisories, if applicable; and
(2)[~~(b)~~] Fish handling policies if catch and release fishing is offered.

Section 3. Documentation and Fish Stocking Requirements.
(1) A pay lake shall not accept catfish that have been gifted to them.
(2) A pay lake shall save all receipts for three (3) years from the date of purchase, for each fish order received, and the receipts shall include:
(a) The name, address, and telephone number of:
1. The hatchery, if obtained from a hatchery; or
2. The commercial fisher[~~fisherman~~] and driver who provided the fish, if obtained from public waters;
(b) Purchase dates; and

(c) The following details of fish by species, except catfish shall be recorded with separate entries for trophy and non-trophy catfish of each species, which includes the:

1. Estimated number of fish;
2. Poundage; and
3. Waterbody of origin.

(3) A pay lake may stock trophy catfish from public waters up to 750 pounds per surface acre of water per stocking, with a maximum annual limit of up to 2,250 pounds per surface acre of water per calendar year.

Section 4. Non-conforming Pay Lakes. Any lake not meeting the definition of a pay lake, as defined[~~established~~] in 301 KAR 1:001[~~Section 1 of this administrative regulation~~], shall not qualify for a pay lake license, except that any non-conforming pay lake that was previously licensed as a pay lake for all license years 2008 through 2018 inclusive, shall be permitted to renew a pay lake license until the pay lake operator does not purchase a pay lake license for one (1) annual license period or the pay lake license is revoked as established in Section 6 of this administrative regulation. Notwithstanding any other provision, non-conforming pay lake licenses are non-transferable, and shall not be renewed after the 2054-2055 license year.

Section 5. Pay Lakes with Trophy Catfish from Public Waters.

(1) There shall be a maximum of thirty-five (35) pay lakes with trophy catfish originating from public waters in any pay lake license year.

(2) If there are more than thirty-five (35) licensed pay lakes, as established in subsection (1) of this section, at the effective date of this administrative regulation, each licensed pay lake shall be permitted to renew a pay lake license until the pay lake operator does not purchase a pay lake license for one (1) annual license period.

(3) If at the end of a pay lake license year, less than thirty-five (35) pay lake licenses were issued, as established in subsection (1) of this section, then the department shall issue pay lake licenses on a first-come, first-served basis beginning on the first work day of the next license year.

Section 6. Pay Lake License Revocation.

(1) A pay lake operator who violates this administrative regulation or is convicted or enters a guilty plea to any state or federal fish or game violation shall have his or her pay lake license revoked for a period of three (3) months for a first offense, one (1) year for a second offense, and two (2) years for a third or subsequent offense, except any revocation of non-conforming pay lake licenses shall be permanent.

(2) A pay lake operator whose pay lake license is denied, revoked, or suspended may request an administrative hearing as established in KRS Chapter 13B.

(3) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or revocation.

(4) Upon receipt of the request for a hearing, the department shall proceed as established in KRS Chapter 13B.

(5) The hearing officer's recommended order shall be considered by the Commissioner and the Commissioner shall issue a final order as established in KRS Chapter 13B.[~~Approved by the Fish and Wildlife Commission.~~]

Section 7. Incorporation by Reference.

(1) "Pay Lake License Application", 2025 Edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m. or online at https://fw.ky.gov/Licenses/Documents/Pay-Lake-Lic-App.pdf.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner
APPROVED BY AGENCY: June 26, 2025
FILED WITH LRC: June 26, 2025 at 3:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 11:30 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for pay lake operators, including signage, documentation, and stocking restrictions.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide oversight on the pay lake industry and ensure that overharvest of trophy catfish originating from public waters is prevented.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1)(h) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to carry out the purposes of KRS Chapter 150. KRS 150.175(24) establishes a pay lake license that authorizes the holder to operate privately-owned impounded waters for fishing purposes for which a fee is charged. KRS 150.660 authorizes a person to establish a pay lake subject to the approval of the Commissioner of the department.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing requirements and limits for pay lake operators.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. In addition, this amendment adds a Pay Lake License Application to the Incorporation by Reference section and removes the Definitions section.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation. This amendment also adds a license application that was initially left out of the Incorporation by Reference section. Finally, the Definitions section is being removed due to creation of a new definitions regulation (301 KAR 1:001) for Chapter 1.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain the associated license.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated license.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1)(h) authorizes the Kentucky Department of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to carry out the purposes of KRS Chapter 150. KRS 150.175(24) establishes a pay lake license that authorizes the holder to operate privately-owned impounded waters for fishing purposes for which a fee is charged. KRS 150.660 authorizes a person to establish a pay lake subject to the approval of the Commissioner of the department.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:041. Shooting areas, dog training areas, commercial and noncommercial foxhound training enclosures, and bobwhite shoot-to-train season.

RELATES TO: KRS 150.010, 150.170, 150.180, 150.280, 150.630, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(28), 150.240(2)

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance

of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas. This administrative regulation establishes a bobwhite shoot-to-train season and other requirements to ensure uniform operation of shooting areas, dog training areas, and commercial and noncommercial foxhound training enclosures.

Section 1. Definitions.

(1) "Commercial foxhound training enclosure" means a fenced area where red fox (Vulpes vulpes), coyote (Canis latrans), or both species are to be held for the purposes of dog training and for which business transactions occur to accumulate compensations, payments, or profits.

(2) "Dog training area permit" means a permit that designates an area to allow dog training and shooting of captive-reared bobwhite quail.

(3) "Hoofed animal" means ungulate wildlife except wild hogs and javelinas.

(4) "Noncommercial foxhound training enclosure" means a fenced area where red fox (Vulpes vulpes), coyote (Canis latrans), or both species are to be held for the purposes of dog training but for which no compensations or payments are received or profits earned in any way.

(5) "Shooting area" means a place where animals are held or propagated in captivity and released to be taken by hunters.

Section 2. Seasons.

(1) The dog training area season and the dog training area hunting season shall be year-round for:

(a) Captive-reared bobwhite quail;

(b) Pheasant and chukar, pursuant to 301 KAR 3:030; and

(c) Commercial and noncommercial foxhound training enclosures for chase but not to kill red fox or coyote.

(2) The shooting area hunting seasons shall be as follows:

(a) Bobwhite quail: August 15 through April 15;

(b) Mallard ducks: year-round;

(c) Hoofed animals: September 1 through May 15; and

(d) All other species: the statewide season in effect where the shooting area is located.

(3) The bobwhite shoot-to-train season shall be from August 15 through May 15.

Section 3. Bobwhite Shoot-to-Train Requirements.

(1) A person shall only shoot on private land.

(2) Prior to shooting, a person shall:

(a) Apply on the Bobwhite Quail Shoot-to-Train Application provided by the department;

(b) Submit the completed application to the department;

(c) Possess a valid Kentucky hunting license or be license-exempt pursuant to KRS 150.170;

(d) Possess:

1. Proof of purchase of captive-reared bobwhite quail; or

2. A captive wildlife permit;

(e) Band all captive-reared bobwhite quail with:

1. Aluminum, #7 leg bands; or

2. Department-issued, aluminum leg bands;

(f) Walk and examine the entire area to be hunted to ensure that no wild bobwhite quail are present; and

(g) Release banded birds immediately prior to dog training or shooting.

(3) A person shall contact the department to update an application that is no longer accurate.

(4) The number of leg bands on the dog training or shooting site shall not exceed the number of captive-reared bobwhite present on the site.

(5) A person shall comply with the holding and permit requirements established in 301 KAR 2:081 if:

(a) Captive-reared bobwhite quail are possessed for more than ten (10) days; or

(b) More than 100 captive-reared bobwhite quail are possessed.

Section 4. Permits, Applications, and Transfers.

(1) A person shall obtain a permit from the department before operating the following:

(a) A shooting area for birds;

(b) A dog training area; or

(c) A commercial or noncommercial foxhound training enclosure, except that:

1. A commercial or noncommercial foxhound training enclosure permit shall not be issued after January 1, 2026 for a new enclosure occurring within the Enhanced Rabies Surveillance Zone defined in 301 KAR 2:081;

2. An enclosure within the Enhanced Rabies Surveillance Zone that is permitted prior to January 1, 2026 may remain permitted so long as the permit coverage is continuously maintained; and

3. A permitted enclosure within the Enhanced Rabies Surveillance Zone may expand acreage upon existing enclosures but may not create a new, separate enclosure within the Enhanced Rabies Surveillance Zone.

(2) A new shooting area permit shall not be issued for hoofed animals.

(3) The following permits shall be valid from July 1 through June 30:

(a) Dog training area permit;

(b) Shooting area permit for birds; and

(c) For hoofed animals, a shooting area permit in existence prior to March 8, 2002.

(4) A commercial or noncommercial foxhound training enclosure permit shall be valid for one (1) year from the date of issuance.

(5) A person shall apply using the appropriate form provided by the department:

(a) Shooting Area Permit Application;

(b) Foxhound Training Enclosure Permit Application and Checklist; or

(c) Dog Training Area Permit Application.

(6) Applications for dog training areas and commercial and noncommercial foxhound training enclosures shall not be approved until a department game warden[~~law enforcement personnel~~] inspects the area to determine if it meets the requirements established in Sections 6 and 8 of this administrative regulation.

(7) An applicant for a shooting area, dog training area, or commercial or noncommercial foxhound training enclosure shall provide documentation proving:

(a) The applicant is the owner of the land where the facility is to be located;

(b) The applicant is the lessee of the land where the facility is to be located; and

(c) The acreage meets the requirements of a commercial or noncommercial foxhound training enclosure by providing:

1. A plat that lists the acreage of the commercial or noncommercial foxhound training enclosure boundaries completed by a licensed surveyor; or

2. Arial imagery to scale with marked boundaries and acreage of the commercial or noncommercial foxhound training enclosure subject to verification by the department.

(8) A commercial or noncommercial foxhound training enclosure within the Enhanced Rabies Surveillance Zone that is permitted prior to January 1, 2026 may be transferred if:

(a) A currently permitted facility is sold to another entity;

(b) The facility is inspected by law enforcement personnel prior to transfer;

(c) The seller of the facility is compliant with the provisions of this administrative regulation; and

(d) The purchaser of the facility:

1. Obtains a commercial or noncommercial foxhound training enclosure permit; and

2. Establishes the acreage meets the minimum requirements of a commercial or noncommercial foxhound training enclosure by providing:

a. A plat that lists the acreage of the commercial or noncommercial foxhound training enclosure boundaries completed by a licensed surveyor; or

b. Arial imagery to scale with marked boundaries and acreage of the commercial or noncommercial foxhound training enclosure subject to verification by the department.

(9) If ownership or lessee of a commercial or noncommercial foxhound training enclosure changes, the new owner or lessee shall be responsible for applying for a new permit.

(10) A shooting area permit shall be transferable if:

(a) A currently permitted facility is sold to another entity;

(b) The facility is inspected by department law enforcement personnel prior to transfer;

(c) The seller of the facility is compliant with the provisions of this administrative regulation; and

(d) The purchaser of the facility:

1. Completes a Shooting Area Permit Transfer Application; and

2. Provides a plat of the shooting area boundaries completed by a licensed surveyor.

(11) A transferred shooting area permit shall only be valid for the land that was permitted prior to the time of transfer.

(12) A person hunting on a shooting area shall:

(a) Possess a valid Kentucky hunting license;

(b) Possess a valid shooting area hunting license;

(c) Possess a shoot-to-retrieve field trial permit; or

(d) Be hunting license exempt pursuant to KRS 150.170.

(13) A shooting area hunting license shall be valid for only one (1) specific shooting area.

Section 5. Shooting Area Requirements.

(1) The boundary of a shooting area shall be marked with signs:

(a) At least eight (8) inches by twelve (12) inches;

(b) Having a white background with contrasting letters at least one (1) inch high;

(c) That read "Shooting Area"; and

(d) Placed no more than 500 feet apart.

(2) A person shall check in at a designated check station or with the operator of a shooting area before hunting.

(3) A permit holder shall maintain a daily record of people using the area which includes each person's:

(a) Name;

(b) Address; and

(c) Hunting license number.

(4) A permit holder shall:

(a) Obtain a bill of sale or receipt for each purchase that contains the number of:

1. Game birds purchased; or

2. Game bird eggs purchased; and

(b) Retain previous year's records and receipts for at least one (1) full year.

(5) A permit holder shall possess a commercial captive wildlife permit, if applicable, pursuant to 301 KAR 2:081.

(6) A field trial may be held on a shooting area year-round.

Section 6. Dog Training Area Requirements.

(1) A dog training area shall be between ten (10) and seventy-five (75) acres in size.

(2) The dog training area shall:

(a) Be contiguous;

(b) Consist of at least ninety (90) percent mowed or cut grass no greater than ten (10) inches in height; and

(c) Have a marked boundary with signs:

1. At least eight (8) inches by twelve (12) inches high;

2. Having a white background with contrasting letters at least one (1) inch high;

3. That read "Dog Training Area"; and

4. Placed no more than 150 feet apart.

(3) A permit holder shall maintain a daily record of people using the area which includes each person's:

(a) Name;

(b) Address; and

(c) Hunting license number.

(4) A permit holder shall retain previous year's records and receipts for at least one (1) full year.

(5) A person using a dog training area shall possess:

(a) A bill of sale or receipt for any bobwhite quail released on the area; and

(b) A captive wildlife permit, if applicable, pursuant to 301 KAR 2:081.

(6) A field trial may be held on a dog training area year-round.

Section 7. Hoofed Animals.

(1) A shooting area permit holder shall not import or release a hoofed animal.

(2) A shooting area permit holder who legally holds hoofed animals shall:

(a) Keep a record of the:

1. Total number of each hoofed species taken;

2. Name of each hunter;

3. Address of each hunter;

4. Hunting license number of each hunter; and

5. Species taken by each hunter; and

(b) Submit to the department all records each month from September through May.

(3) A permit holder shall not import, possess, release, or hunt any member of the family Suidae.

Section 8. Commercial and Noncommercial Foxhound Training Enclosures.

(1) A commercial foxhound training enclosure shall:

(a) Be at least 200 acres; and

(b) Not be divided by an interior fence that restricts the range of red fox and coyote to less than 200 acres.

(2) A noncommercial foxhound training enclosure shall:

(a) Be at least forty (40) acres; and

(b) Not be divided by an interior fence that restricts the range of red fox and coyote to less than forty (40) acres.

(3) Multiple enclosures of the same type and under the same ownership or management may be listed under the same permit if:

(a) Each enclosure is at least the minimum acreage required for the permit; and

(b) The enclosures share a common fence.

(4) Commercial and noncommercial training enclosures shall:

(a) Have an exterior fence that completely encloses the commercial or noncommercial foxhound training enclosure and is at least five (5) feet above ground level for its entire length;

(b) Have a fence consisting of woven wire, chain link, or equivalent strength material capable of preventing escape by red fox and coyote;

(c) Have at least one (1) strand of electric wire inside at the bottom of the fence capable of preventing red fox and coyote from digging out of or climbing over the fence;

(d) Have a minimum of twelve (12) inches of additional fence bent inward at a ninety (90) degree angle or at least one (1) strand of electric wire at the top of the fence capable of preventing red fox and coyote from climbing out;

(e) Have modifications in place at gates, creeks, and similar weaknesses to prevent escape of red fox or coyote; and

(f) Maintain fences and electric wire to be in working order at all times and free of debris or vegetation that enable red fox or coyote to escape.

(5) A commercial or noncommercial foxhound training permit holder shall:

(a) Limit the number of dogs to no more than one (1) dog per two (2) acres for enclosures 100 acres or greater and no more than one (1) dog per three (3) acres for enclosures less than 100 acres.

(b) Limit the number of red fox and coyote combined to no more than one (1) animal per five (5) acres maximum at any time.

(c) Only obtain red fox or coyote:

1. From a licensed trapper who has a noncommercial captive wildlife permit as established in 301 KAR 2:081;

2. During the furbearer trapping season; and

3. Within the county of the permitted commercial or noncommercial foxhound training enclosure.

(d) Quarantine red fox and coyote:

1. In a separate quarantine enclosure from the training enclosure where animals in quarantine cannot come in contact with free ranging wildlife or red fox and coyote within the training enclosure;

2. Within a separate quarantine enclosure that meets or exceeds the minimum size requirements for red fox and coyote as specified in 301 KAR 2:081; and

3. For a minimum of seven (7) days.

(e) Acclimate newly introduced red fox and coyote within the commercial or noncommercial foxhound training enclosure for a minimum of an additional seven (7) days following quarantine prior to dog training.

(f) Only release healthy and unaltered red fox and coyote that have not been physically altered in any way into commercial and noncommercial foxhound training enclosures.

(g) Only maintain red fox and coyote in captivity in a sanitary and safe condition and in a manner that does not result in the maltreatment or neglect of wildlife.

(h) Only allow dog training within an enclosure for a maximum of sixteen (16) hours within a twenty-four (24) hour period.

(i) Provide red fox and coyote with the following:

1. A diet that meets the nutritional needs of the animals;

2. Clean water;

3. Shelter from inclement weather; and

4. At least one (1) escape den per forty (40) acres and at least one (1) escape den per red fox or coyote , which are sufficient to prevent capture of red fox and coyote by dogs as follows:

a. Natural den;

b. Constructed den;

c. Box; or

d. Hollow log.

(6) A person shall not engage in an activity which would cause foxhounds to injure or kill a red fox or coyote in an enclosure at any time.

(7) Chasing red fox or coyote in permitted commercial and noncommercial foxhound training enclosures shall be considered an authorized field trial and no hunting license shall be required.

(8) The take of any species other than chase of red foxes or coyotes is prohibited within a commercial or noncommercial foxhound training enclosure.

(9) A person shall not possess or release any native or exotic wildlife in a commercial or noncommercial foxhound training enclosure with the exception of red fox and coyote.

(10) A commercial and noncommercial foxhound training enclosure operator shall abide by the following disease prevention and control measures:

(a) Without damaging the head, dispatch diseased or sick acting red fox and coyote, retain carcass, and report to the department veterinarian within twenty-four (24) hours for proper disposition of the carcass;

(b) Report escaped red fox or coyotes to department veterinarian within twenty-four (24) hours; and

(c) Allow the department to inspect a commercial or noncommercial foxhound training enclosure when reportable diseases are suspected or confirmed and take the following actions when necessary:

1. Quarantine and prohibit introduction or removal of red fox and coyote to or from an enclosure until the department determines there is no longer a threat of disease exposure to humans, wildlife, or domestic animals;

2. Dispatch animals for diagnostic testing;

3. Require disinfection of the enclosure by the training enclosure operator; and

4. Examination of records for disease exposure notification.

(11) Permits shall not confer ownership, wildlife remains under the stewardship of the Department and may be confiscated, relocated, or euthanized.

(12) Hunting or take of any species other than chase of red fox or coyote is prohibited within a commercial or noncommercial foxhound training enclosure.

(13) A commercial or noncommercial foxhound training enclosure owner or operator shall:

(a) Allow a department game warden[~~law enforcement personnel~~] to inspect the facility at any reasonable time;

(b) Maintain a registry of names, addresses, phone numbers, and dates hunted for one (1) year of all participants engaging in foxhound training activities or field trials to be provided to department staff upon request for purposes of disease response; and

(c) Maintain the following records and report to the department annually by submitting a Foxhound Training Enclosure Annual Report form:

1. The number of all red foxes and coyotes trapped for release into the enclosure;

2. The name, address, phone number, trapping license number, and noncommercial captive wildlife permit number of the trapper associated with each red fox and coyote;

3. The county of origin for each red fox and coyote;

4. The capture and release dates for each red fox and coyote; and

5. All missing, escaped, or killed red fox and coyote.

(d) Report shall be provided to the department within thirty (30) days of the expiration date of the permit.

Section 9. Revocation for Dog Training Area, Shooting Area, and Bobwhite Quail Shoot to Train Permits.

(1) Revocation. A person who is convicted of a fish and wildlife violation, including KRS Chapter 150, KAR Title 301, or any federal fish and wildlife laws, shall have his or her permit revoked for a period of one (1) year.

(2) Appeal Procedures. An individual whose request for a permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

Section 10. Permit Denial and Revocation for Commercial and Noncommercial Foxhound Training Enclosures.

(1) Denial. The department shall deny the issuance of a new permit, deny a renewal of an existing or lapsed permit, and may confiscate wildlife of a person who:

(a) Is convicted of a violation of any provisions of:

1. KRS Chapter 150;

2. KAR Title 301; or

3. Any federal statute or regulation related to hunting, fishing, or wildlife;

(b) Provides false information on a commercial or noncommercial foxhound training enclosure permit application, captive wildlife permit application, reports, facility inspection, or records;

(c) Acquires red fox or coyote prior to receiving an approved commercial or noncommercial foxhound training enclosure permit;

(d) Acquires red fox or coyote from an illegal source, location, or outside the legal season;

(e) Fails a facility inspection;

(f) Fails to comply with any provision of this administrative regulation, 301 KAR 2:081, 301 KAR 2:230, or 301 KAR 2:251; or

(g) Is located within the rabies surveillance zone and has previously had their permit revoked.

(2) Facility Inspections.

(a) A permit holder shall allow a game warden to inspect the foxhound training enclosure facilities and property prior to approval of any application and if permitted, at any reasonable time and frequency.

(b) The game warden shall immediately notify the applicant or permit holder and the Wildlife Division director if a facility inspection reveals that the facility is not in compliance with this administrative regulation and shall provide a completed Training Enclosure Inspection form to the appropriate Wildlife Division personnel within three (3) business days.

(c) If an inspection determines that a facility is not in compliance with KRS Chapter 150 or KAR Title 301, the game warden shall make a second inspection after ten (10) calendar days, and the permit application shall be denied or the permit shall be revoked and all wildlife may be confiscated if the non-compliant conditions have not been corrected.

(3) Revocations.

(a) The department shall revoke the permit and may confiscate wildlife, of a person who:

1. Is convicted of a violation of any provisions of:

a. KRS Chapter 150;

b. KAR Title 301; or

c. Any federal statute or regulation related to hunting, fishing, or wildlife;

2. Provides false information on a commercial or noncommercial foxhound training enclosure permit application, captive wildlife permit application, reports, facility inspection, or records;

3. Acquires red fox or coyote prior to receiving an approved commercial or noncommercial foxhound training enclosure or captive wildlife permit;

4. Acquires red fox or coyote from an illegal source, location, or outside the legal season;

5. Fails a second facility inspection; or

6. Fails to comply with any provision of this administrative regulation, 301 KAR 2:081, 301 KAR 2:230, or 301 KAR 2:251.

(b) If a person's commercial or noncommercial foxhound training enclosure is revoked for one (1) enclosure, permits for all other enclosures in their name shall be revoked and the enclosures may not be permitted for the applicable denial period.

(c) A fee shall not be refunded for a permit that is revoked.

(4) Denial period. An applicant for a commercial or noncommercial foxhound training enclosure permit or captive wildlife permit that has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications denied:

(a) Permanently for commercial and noncommercial foxhound training enclosures within the rabies surveillance zone; and

(b) For commercial and noncommercial foxhound training enclosures outside the rabies surveillance zone:

1. The initial denial period, for one (1) year;

2. A second denial period, for three (3) years; and

3. A third or subsequent denial period, for five (5) years.

(5) Confiscated wildlife.

(a) All red fox and coyote may be confiscated if a commercial and noncommercial foxhound training enclosure permit is revoked or denied or if a person possesses red fox or coyote without a valid commercial or noncommercial foxhound training enclosure permit.

(b) Confiscated wildlife shall be released, transferred, or dispatched as ordered by the department.

(c) Wildlife shall not be returned to the person, entity, or facility from which they were confiscated.

(d) Wildlife shall be surrendered to the department, for processing and disposition pursuant to this administrative regulation, upon being presented with a written order by the commissioner.

(6) Administrative hearings.

(a) An individual whose permit has been denied or revoked may request an administrative hearing, which shall be conducted pursuant to KRS Chapter 13B.

(b) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.

(c) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(d) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Bobwhite Quail Shoot-to-Train Application", July 2012 edition;

(b) "Dog Training Area Permit Application", May 2025[~~July 2012~~] edition;

(c) "Foxhound Training Enclosure Permit Application and Checklist", May 2025[~~2024~~] edition;

(d) "Foxhound Training Enclosure Permit Annual Report", 2024 edition;

(e) "Shooting Area Permit Application", May 2025[~~July 2012~~] edition; and

(f) "Shooting Area Permit Transfer Application", May 2025[~~July 2012~~] edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) https://fw.ky.gov/Wildlife/Documents/bobwhitequailapp.pdf for the "Bobwhite Quail Shoot-to-Train Application"; or

(b) https://fw.ky.gov/Licenses/Documents/Dog-Train-Area-Permit-App.pdf for the "Dog Training Area Permit Application"; or

(c)[~~(a)~~] https://fw.ky.gov/Licenses/Documents/Com-Foxhound-Train-Enclosure-App.pdf[~~https://fw.ky.gov/Licenses/Documents/CommercialFoxhoundTrainingApp2024.pdf~~] for the "Foxhound Training Enclosure Permit Application and Checklist"; or

(d)[~~(b)~~] https://fw.ky.gov/Wildlife/Documents/FoxhoundTrainingEnclosureAnnualReport.pdf[~~https://fw.ky.gov/Licenses/Documents/CommercialFoxhoundTrainingAnnual Report2024.pdf~~] for the "Foxhound Training Enclosure Permit Annual Report"; or[~~.~~]

(e) https://fw.ky.gov/Licenses/Documents/Shoot-Area-Permit-App.pdf for the "Shooting Area Permit Application"; or

(f) https://fw.ky.gov/Wildlife/Documents/Shooting-Area-Transfer-App.pdf for the "Shooting Area Permit Transfer Application".

RICH STORM, Commissioner

APPROVED BY AGENCY: June 27, 2025

FILED WITH LRC: June 27, 2025 at 2:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 12:30 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a bobwhite shoot-to-train season and requirements to regulate the operation of shooting areas, dog training areas, and commercial and noncommercial foxhound training enclosures. This administrative regulation establishes requirements for the possession, holding, commercial activity, and transportation of red fox and coyote for foxhound training enclosures.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide a defined process for the permitting, holding, and transportation of wildlife used during shoot-to-train season, shooting areas, dog training areas, and commercial and noncommercial foxhound training enclosures.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets forth the requirements for applying for and receiving permits to possess native wildlife and establishes requirements for shoot-to-

train season, shooting areas, dog training areas, and commercial and noncommercial foxhound training enclosures.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who which to obtain the associated license or permit.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated license or permit.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? No. Tiering is not applied because all permit holders within each permit type are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:075. Wildlife rehabilitation permit.

RELATES TO: KRS 150.010, 150.015, 150.021, 150.170, 150.183, 150.195, 150.330,150.990, 321.185, 50 C.F.R 17, 21, 22, 16 U.S.C. 668, 703 – 712

STATUTORY AUTHORITY: KRS 150.025(1)(h), 150.280

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(h) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.280 requires the department to promulgate administrative regulations regarding the holding of protected wildlife. This administrative regulation establishes the permitting and operating requirements for wildlife rehabilitators.

Section 1. Definitions.

(1) "Cervid" means deer, elk, moose, caribou, reindeer, and related species and hybrids thereof, including all members of the Cervidae family and hybrids thereof.

(2) "Chronic Wasting Disease" or "CWD" means a transmissible spongiform encephalopathy found in cervids.

(3) "CWD Surveillance Zone" means an area, designated and listed on the department's Web site at fw.ky.gov, as being under special cervid requirements, as established in 301 KAR 2:172, due to a CWD positive cervid detection.

(4) "Enhanced Rabies Surveillance Zone" means the counties designated by the United States Department of Agriculture as current rabies surveillance counties listed at https://fw.ky.gov/Wildlife/Pages/Rabies.aspx.[Bell, Boyd, Bracken, Carter, Clay, Elliot, Fleming, Floyd, Greenup, Harlan, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Letcher, Lewis, Martin, Mason, McCreary, Pike, Perry, Robertson, and Whitley counties.]

(5) "Federally protected wildlife" means any wildlife species listed by the U.S. Fish and Wildlife Service as threatened or endangered, and any birds protected under the Migratory Bird Treaty Act, 16 U.S.C. 703 – 712, or the Bald and Golden Eagle Protection Act, 16 U.S.C. 668.

(6) "Habituation" means the process where wildlife becomes accustomed to the presence of humans or other anthropogenic stimuli, resulting in a reduced or altered behavioral response hindering their ability to survive post release. Habituation does not include imprinting of avian species.

(7)[(6)] "Permit holder" means a wildlife rehabilitation permit holder.

(8)[(7)] "Rabies vector species" means a:

(a) Bat (Order Chiroptera);

(b)[(a)] Coyote (Canis latrans);

(c)[(b)] Gray fox (Urocyon cinereoargenteus);

(d)[(c)] Raccoon (Procyon lotor);

(e)[(d)] Red fox (Vulpes vulpes);

(f)[(e)] Spotted skunk (Spilogale putorius);

(g)[(f)] Striped skunk (Mephitis mephitis); or

(h)[(g)] Any hybrid of paragraphs (a) through (g)[(f)]of this subsection.

(9) "Sub-permit holder" means a volunteer at wildlife rehabilitator facility who works under supervision of a valid permit holder.

(10)[(8)] "Wildlife rehabilitation" means the process of obtaining, rescuing, raising, providing supportive care, regularly transporting, and arranging for veterinary medical care of orphaned, sick, displaced, or injured wildlife with the goal of releasing the wildlife back into its natural habitat.

Section 2. Permitting Requirements.

(1) A permit shall authorize a person to rehabilitate wildlife as defined as "wildlife rehabilitation" by Section 1(8) of this administrative regulation.

(2) An applicant for a wildlife rehabilitation permit shall:

(a) Be at least eighteen (18) years of age;

(b) Submit a completed Wildlife Rehabilitation Permit Application;

(c) Provide the department with a valid email address;

(d) Submit:

1. Certificate of completion of the course entitled "Basic Wildlife Rehabilitation" offered by the International Wildlife Rehabilitation Council; or

2. Proof of a doctorate of veterinary medicine degree from an American Veterinary Medical Association (AVMA) accredited school; and

(e) Submit the annual permit fee as referenced athttps://fw.ky.gov/Licenses/Pages/Fees.aspxand established in 301 KAR 5:022[established in 301 KAR 3:022].

Section 3. Reporting Requirements.

(1) A permit holder shall:

(a) Keep records of all wildlife received or rehabilitated on the Wildlife Rehabilitation Annual Report;

(b) Submit a Wildlife Rehabilitation Annual Report to the department within thirty (30) days after expiration of a permit and before a permit is renewed; and

(c) Submit a Wildlife Rehabilitation Non-Releasable Wildlife Report, if applicable, to the department within thirty (30) days after expiration of a permit and before a permit is renewed.

(2) The annual activity report shall contain the information regarding the activity for the period from December 1 of the previous year to November 30 of the current year.

(3) The department shall not renew the permit of a wildlife rehabilitator who does not submit:

(a) A completed Wildlife Rehabilitation Annual Report;

(b) The Wildlife Rehabilitation Non-releasable Wildlife Report, if applicable; and

(c) Report documents and all records of wildlife rehabilitation activity, including veterinary medical records, from the current and previous years' activity upon request to department staff.

Section 4. Receiving and Rehabilitating Wildlife.

(1) A permit holder shall not rehabilitate or attempt to rehabilitate:

(a) Cougar (Felis concolor);

(b) Wolf (Canis lupus or Canis rufus);

(c) Elk (Cervus elaphus);

(d) Bear (Ursus americanus);

(e) Any species of terrestrial wildlife not native to Kentucky; or

(f) Prohibited species listed in 301 KAR 2:082 Section 4.

(2) A permit holder shall not:

(a) Propagate non-releasable wildlife or wildlife undergoing rehabilitation;

(b) Except as established in Section 12(1)[10(1)] of this administrative regulation, allow a non-permitted person to rehabilitate, assist in wildlife rehabilitation, access, or have direct contact with wildlife undergoing rehabilitation;

(c) Allow a non-permitted person to rehabilitate, assist in wildlife rehabilitation, access, or have direct contact with rabies vector species;

(d) Remove wildlife undergoing rehabilitation from the permitted facility except for release, veterinary care, or transfer to another permitted wildlife rehabilitation facility;

(e) Habituate wildlife to humans;

(f) Exhibit or display wildlife undergoing rehabilitation;

(g) Transport wildlife across state lines for rehabilitation, release, or for any purpose, unless authorized by the commissioner because rehabilitation services are not feasibly available within

Kentucky and the activities pose minimal disease risk. Authorization shall not be granted for rabies vector species;

(h) Simultaneously hold captive wildlife under a captive wildlife permit, as established in 301 KAR 2:081, while holding wildlife under a wildlife rehabilitation permit; or

(i) Simultaneously hold captive cervids under a captive cervid permit as established in 301 KAR 2:083, while holding wildlife under a wildlife rehabilitation permit.

(3) A permit holder shall only provide necessary supportive care to wildlife undergoing rehabilitation, which shall not permanently diminish their ability to survive and reproduce naturally in the wild.

(4) Cervids.

(a) Except as established in paragraphs (c) and (d) of this subsection, a permit holder shall not rehabilitate or attempt to rehabilitate any cervid:

1. Within a CWD Surveillance Zone;

2. Originating from a CWD Surveillance Zone; or

3. From a distance greater than 100 miles from the rehabilitation facility.

(b) A permit holder shall not transport a cervid into or out of a CWD Surveillance Zone.

(c) A permit holder shall not keep a cervid as non-releasable wildlife within a CWD Surveillance Zone, except that a non-releasable cervid legally obtained before the establishment of a CWD Surveillance Zone may be kept for the life of the animal.

(d) A permit holder in possession of a cervid prior to the establishment of a CWD Surveillance Zone shall only keep the cervid up to 180 days or upon recovery from injury or illness and of suitable age to survive in the wild, whichever comes first, and shall release the cervid within the county of rehabilitation, unless the animal is euthanized or meets the criteria to be kept as non-releasable wildlife.

(e) A wild-born cervid held in captivity for rehabilitation purposes shall not be housed in:

1. The same pen as another captive cervid or housed in direct physical contact with a cervid that originated in captivity; or

2. A pen that has previously housed cervids that originated in captivity.

(5) Rabies vector species.

(a) A permit holder shall not possess, rehabilitate, or attempt to rehabilitate a rabies vector species:

1. Originating from the Enhanced Rabies Surveillance Zone;

2. Inside the Enhanced Rabies Surveillance Zone that originated from outside the Enhanced Rabies Surveillance Zone; or

3. If collected at a distance greater than 100 miles from the rehabilitation facility.

(b) A permit holder shall not transport a rabies vector species into or out of the Enhanced Rabies Surveillance Zone.

(c) A permit holder shall not possess a rabies vector species as non-releasable wildlife, except for those animals legally held outside the Enhanced Rabies Surveillance Zone prior to April 4, 2023. Except bats (Order Chiroptera) that were legally held outside the Enhanced Rabies Surveillance Zone prior to April 4, 2026.

(d) Except as established in Section 5(5) of this administrative regulation, rabies vector species shall be maintained within an enclosure sufficient to prevent:

1. Escape; and

2. Direct contact with a non-permitted person.

Section 5. Wildlife Release. A permit holder shall:

(1) Release wildlife immediately upon recovery from injury or illness and when of a suitable age to reasonably survive in the wild;

(2) Only keep wildlife in a rehabilitation facility for a maximum of 180 days, unless written documentation from the U.S. Fish and Wildlife Service is provided or a release deadline extension is granted (Section 6);

(3) Only release wildlife into appropriate habitat for that species;

(4) Obtain landowner permission before releasing wildlife;

(5) Release rabies vector species back into the original county of capture or any adjacent county to the county of capture when outside of the Enhanced Rabies Surveillance Zone and within Kentucky;

(6) Release reptiles and amphibians at the original point of capture or within the vicinity if point of capture is not suitable habitat; and

(7) Release cervids in the county in which they were rehabilitated.

Section 6. Release Deadline Extension.

(1) Upon written request, the Wildlife Division Director shall consider granting an extension to hold wildlife, other than federally protected species, undergoing rehabilitation for longer than 180 days. Any such request must meet the following criteria to be considered:

(a) The written request and supporting documentation must be received thirty (30) days prior to the required release date;

(b) The request shall include documentation establishing that the current stage of physiological development renders the individual animal incapable of surviving in the wild if released at 180 days; and

(c) Documentation is included justifying the need for and specific benefits of a prolonged rehabilitation period for the individual animal.

(2) The Wildlife Division Director shall only grant extensions that:

(a) Promote and further the purposes of KRS Chapter 150;

(b) Would, as determined by the Wildlife Division Director, provide a substantial increase in the individual animal's likelihood of surviving in the wild upon release;

(c) Are no longer than necessary to substantially increase the individual animal's likelihood of surviving in the wild upon release; and

(d) Are no more than 180 days past the original 180 day release date for the individual animal.

Section 7.[~~Section 6.~~] Non-releasable Wildlife.

(1) Except as prohibited by Section 4 of this administrative regulation, wildlife may be considered non-releasable and may be retained by a permit holder if a licensed Kentucky veterinarian certifies in writing that it:

(a) Is a mammal with an amputated leg;

(b) Lacks adequate vision to function in the wild;

(c) Lacks locomotive skills necessary for survival in the wild; or

(d) Has another permanent injury that is reasonably expected to inhibit survival in the wild, not including habituation to humans.

(2) Rabies vector species, excluding bats, that meet the criteria for non-releasable wildlife and legally held prior to April 4, 2023, may be allowed to remain in possession of a valid permit holder through the life of the animal by submitting a Wildlife Rehabilitation Non-Releasable Wildlife Report form by April 4, 2023.

(3) Bats (Order Chiroptera) that meet the criteria for non-releasable wildlife and legally held prior to April 4, 2026, may be allowed to remain in possession of a valid permit holder through the life of the animal by submitting a Wildlife Rehabilitation Non-Releasable Wildlife Report form by July 4, 2026.

(4)[~~(3)~~] Rabies vector species legally held as non-releasable, shall not leave the wildlife rehabilitation facility except for veterinary care or transfer to another permitted rehabilitation facility and shall be included on the Wildlife Rehabilitation Annual Report.

(5)[~~(4)~~] A person who legally possesses non-releasable rabies vector species shall not replace that wildlife after its death.

(6)[~~(5)~~] Except as established in Section 5(5) of this administrative regulation, non-releasable rabies vector species shall be maintained within an enclosure sufficient to prevent:

(a) Escape; and

(b) Direct contact with non-permitted persons.

(7)[~~(6)~~] Only non-releasable wildlife may be displayed, except that non-releasable rabies vector species shall not be displayed. Displays shall only be for conservation education purposes.

(8)[~~(7)~~] Non-releasable migratory birds may be transferred with prior approval from the issuing federal Migratory Bird Permit Office.

(9)[~~(8)~~] All non-releasable wildlife shall be housed and maintained at a permitted wildlife rehabilitation facility.

Section 8.[~~Section 7.~~] Facilities and Operating Standards.

(1) All wildlife rehabilitation facilities shall pass a facility inspection.

(2) An applicant's or permit holder's facility and property on which the facility is located that is under the department's jurisdiction and used for the purpose of wildlife rehabilitation, shall be inspected by a game warden[~~conservation officer~~] using a Wildlife Rehabilitation Facility Inspection Checklist to document compliance with this administrative regulation before a permit is obtained or renewed.

(3) A permit holder shall allow any game warden[~~conservation officer~~], and all department staff accompanying a game warden[~~conservation officer~~], to access the wildlife rehabilitation facility and the property on which the wildlife rehabilitation facility is located that is under the department's jurisdiction and used for the purpose of wildlife rehabilitation, at any reasonable time and frequency to carry out the purposes of this administrative regulation.

(4) A facility, and all methods of confinement, shall comply with the Minimum Standards for Wildlife Rehabilitation.

(5) A permit holder shall:

(a) Only rehabilitate wildlife at a facility that has passed an annual facility inspection; and

(b) List the addresses of all facilities on the Wildlife Rehabilitation Permit Application.

(6) A permit holder shall allow a game warden[~~conservation officer~~] to inspect the holding facilities and property on which the facilities are located that is under the department's jurisdiction and used for the purpose of wildlife rehabilitation, at any reasonable time and frequency.

(7) The game warden[~~conservation officer~~] shall immediately notify the applicant or permit holder and the Wildlife Division director if the inspection reveals that the facility is not in compliance with this administrative regulation and shall provide a completed Wildlife Rehabilitation Facility Inspection Checklist to the appropriate Wildlife Division personnel within three (3) business days.

(8) If an inspection determines that a facility is not in compliance with a KRS Chapter 150 and KAR Title 301, the game warden[~~conservation officer~~] shall make a second inspection after ten (10) calendar days, and the permit application shall be denied or the permit shall be revoked [~~and all wildlife confiscated immediately~~]if the unsatisfactory conditions have not been corrected.

(9) If an applicant or permit holder refuses to allow a game warden[~~conservation officer~~] to fully conduct an inspection, the permit application shall be denied or the permit shall be revoked[~~and all wildlife confiscated immediately~~].

Section 9.[~~Section 8.~~] Rabies Exposure.

(1) If a mammal bites a person, or a mammal shows symptoms of a rabies infection, the animal shall be dispatched in a manner so as to preserve the brain intact and the animal's head shall be submitted for testing immediately to a laboratory approved by the Secretary for Health and Family Services to be tested for rabies, as established in 902 KAR 2:070, Section 5 and KRS 258.085(1)(c).

(2) Department staff shall confiscate and dispatch any wild mammal that bites a person or shows symptoms of a rabies infection.

Section 10. Sub-permittees.

(1) A sub-permittee is responsible for reading and complying with all provisions in 301 KAR 2:075 and must sign a completed Wildlife Rehabilitation Sub-Permittee Assignment form, to be submitted by the permit holder, prior to assisting with any rehabilitation activities.

(2) A sub-permittee must work under the supervision of a valid permit holder.

(3) A sub-permittee's authorization to assist with rehabilitation activities shall only be assigned to a single permit holder.

(4) The permit holder is responsible for training and supervision of all sub-permittees listed under their supervision. Any violations that occur from a sub-permittee's rehabilitation activities shall be attributed to the permit holder for the purposes of permit denials, suspensions, or revocations.

(5) The permit holder must submit to the department via email at fwpermits@ky.gov, a Wildlife Rehabilitation Sub-Permittee Assignment form immediately upon removing a sub-permittee from under their supervision or prior to a new sub-permittee beginning to perform any rehabilitation activities.

(6) A permit holder shall not allow an individual to assist them as a sub-permittee until the department provides written approval of the sub-permittee.

(7) A sub-permittee shall not be approved if the individual:

(a) Has been convicted of a state or federal fish and wildlife violation within one (1) year; or

(b) Is currently under a suspension, revocation, or denial period from holding a wildlife rehabilitation permit.

Section 11.[~~Section 9.~~] Veterinarians.

(1) A veterinarian is not required to obtain a wildlife rehabilitation permit to temporarily possess, stabilize, or euthanize sick and injured wildlife, only for the purpose of providing immediate critical care.

(2) A veterinarian who does not possess a valid wildlife rehabilitation permit shall transfer wildlife to a permitted wildlife rehabilitator according to the requirements of this regulation, within twenty-four (24) hours after the animal's condition is stabilized and no longer requires critical care, unless wildlife is euthanized.

(3) A veterinarian who rehabilitates wildlife shall possess a valid wildlife rehabilitation permit.

(4) A permit holder shall follow veterinarian's medical instructions per KRS 321.185.

(5) A veterinarian shall keep medical records of all wildlife treated, in accordance with KRS Chapter 321 and 201 KAR Chapter 16 and provide records to department staff upon request.

(6) Only a licensed veterinarian or licensed veterinarian technician shall perform euthanasia using AVMA approved non-inhaled chemical methods under KRS Chapter 321.

Section 12.[~~Section 10.~~] Wildlife Possession.

(1) Any person who finds sick, injured, displaced, or orphaned wildlife may, without a permit, take possession of the animal in order to immediately transport it to a permitted wildlife rehabilitator, except a person who:

(a) Regularly transports wildlife for rehabilitation purposes shall possess a valid wildlife rehabilitation permit or shall be a sub-permittee for an individual who possesses a valid wildlife rehabilitation permit; and

(b) Finds sick, injured, displaced, or orphaned federally protected migratory birds within a nest shall not, without a state and federal permit, take possession of the animal as established in 50 C.F.R. 21.12(d)(10).

(2) A wildlife rehabilitation permit shall not confer ownership of any wildlife species held under a wildlife rehabilitation permit, including non-releasable wildlife.

(3) All wildlife held under a permit shall remain under the stewardship of the Department of Fish and Wildlife Resources, except that federally-protected wildlife remain under the stewardship of both the Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.

(4) Wildlife shall be surrendered to the department, for processing and disposition pursuant to KAR Title 301[], upon being presented with a written order by the commissioner for failure to comply with KRS Chapter 150 or KAR Title 301.

Section 13.[~~Section 11.~~] Federally-Protected Species. A person rehabilitating federally protected species shall possess valid Kentucky and federal wildlife rehabilitation permits, except that a person may be authorized as a USFWS sub-permittee on a federal migratory bird rehabilitation permit, under a federal permit holder, per 50 C.F.R. 21.31.

(1) USFWS sub-permitted [~~Sub-permitted~~]persons on a federal migratory bird rehabilitation permit conducting wildlife rehabilitation activities shall possess a valid state wildlife rehabilitation permit.

(2) A permit holder shall immediately notify the department in writing or by email to fwpermits@ky.gov, of any federally threatened or endangered wildlife species, delivered, received, recovered, or retained for rehabilitation.

(3) A general or master class falconry permit holder may condition raptors for subsequent release into the wild for a permitted

wildlife rehabilitator, as established in 301 KAR 2:195, only for the species the falconry permit holder is allowed to possess.

(4) Falconers that rehabilitate wildlife, except for conditioning raptors per this section, shall possess a valid wildlife rehabilitation permit.

Section 14.[~~Section 12.~~] Revocation and Denial of Permits and Appeal Procedure.

(1) Denial and revocation.

(a) The department shall revoke the permit, deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit[~~, and confiscate wildlife~~] of a person who is convicted of a violation of any provisions of:

1. KRS Chapter 150;

2. 301 KAR Chapters 1 through 5; or

3. Any federal statute or regulation related to hunting, fishing, or wildlife.

(b) The department shall revoke the permit, deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit[~~, and confiscate wildlife~~] from a person who:

1. Provides false information on a Wildlife Rehabilitation Permit Application, federal permit, Wildlife Rehabilitation Annual Report, Wildlife Rehabilitation Non-Releasable Wildlife Report, Wildlife Rehabilitation Facility Inspection Checklist, or records;

2. Acquires wildlife prior to receiving an approved wildlife rehabilitation permit;

3. Fails a facility inspection, as established in Section 8[~~7~~] of this administrative regulation;

4. Fails to comply with any provision of this administrative regulation, 301 KAR 3:120, 301 KAR 2:081, 301 KAR 2:082, 301 KAR 2:083, 301 KAR 2:195, or 301 KAR 2:251;

5. Allows a non-permitted person to rehabilitate, assist in wildlife rehabilitation, access, or have direct contact with wildlife undergoing rehabilitation or non-releasable rabies vector species;

6. Fails to contain wildlife in enclosures that meet Minimum Standards for Wildlife Rehabilitation except during treatment, release, or transfer as established in Section 7[~~6~~] of this administrative regulation;

7. Keeps wildlife beyond the maximum rehabilitation period, subject to any extensions granted pursuant to Section 6 of this administrative regulation;

8. Accepts rabies vector species within the enhanced Rabies Surveillance Zone;

9. Accepts rabies vector species that originated from the Enhanced Rabies Surveillance Zone;

10. Transports rabies vector species into or out of the Enhanced Rabies Surveillance Zone;

11. Fails to possess a valid federal permit or be listed as a USFWS sub-permittee on a federal permit to rehabilitate federally protected wildlife;

12. Accepts cervids within a CWD Surveillance Zone;

13. Accepts cervids that originated within a CWD Surveillance Zone;[~~ or~~]

14. Transports cervids into or out of a CWD Surveillance Zone; or

15. Has a sub-permittee working under their permit who violates the provisions of this administrative regulation.

(c) A fee shall not be refunded for a permit that is revoked.

(2) Confiscated wildlife.

(a) All wildlife shall be confiscated if a wildlife rehabilitation permit is revoked or denied, a person possesses native wildlife for the purpose of wildlife rehabilitation without a valid wildlife rehabilitation permit, or a facility fails a facility inspection per Section 8[7] of this administrative regulation.

(b) Confiscated wildlife shall be released; transferred with the approval of the Wildlife Division Director based on the animal's health, survivability, probability of placement, rabies vector species designation, and federal protection status; or dispatched[, except that rabies vector species shall be dispatched immediately].

(c) Wildlife shall not be returned to the permit holder or facility from which they were confiscated.

(3) Denial period.

(a) An applicant whose permit has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications shall be denied for the period established in subparagraphs 1. through 3. of this paragraph.

1. The initial denial period shall be one (1) year.

2. A second denial period shall be three (3) years.

3. A third or subsequent denial period shall be five (5) years.

(b) During the denial period, a person whose wildlife rehabilitation permit has been denied or revoked shall not rehabilitate wildlife or assist in the rehabilitation of wildlife.

(4) Administrative hearings.

(a) An individual whose permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(b) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.

(c) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(d) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

Section 15.[Section 13.] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Minimum Standards for Wildlife Rehabilitation, Fourth Edition" 2012 edition;

(b) "United States Department of Agriculture Enhanced Rabies Surveillance Zone", 2025 Edition.

(c)[(b)] "Wildlife Rehabilitation Annual Report", 2022 edition;

(d)[(c)] "Wildlife Rehabilitation Permit Application", 2025[2022] edition;

(e)[(d)] "Wildlife Rehabilitation Non-Releasable Wildlife Report", 2022 edition;[and]

(f)[(e)] "Wildlife Rehabilitation Facility Inspection Checklist", 2022 edition; and

(g) "Wildlife Rehabilitation Sub-Permittee Assignment", July 2025 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. until 4:30 p.m. or online at:

(a) Minimum Standards for Wildlife Rehabilitation, Fourth Edition: https://theiwrc.org/resources/guidelines-for-wildlife-rehabilitation;

(b) United States Department of Agriculture Enhanced Rabies Surveillance Zone: https://fw.ky.gov/Wildlife/Pages/Rabies.aspx;

(c) Wildlife Rehabilitation Annual Report: https://fw.ky.gov/Wildlife/Documents/Wildlife-Rehab-Annual-Rpt.pdf;

(d) Wildlife Rehabilitation Permit Application: https://fw.ky.gov/Licenses/Documents/Wildlife-Rehab-Permit-App.pdf;

(e) Wildlife Rehabilitation Non-Releasable Wildlife Report: https://fw.ky.gov/Wildlife/Documents/Non-Release-Wildlife-Rpt.pdf;

(f) Wildlife Rehabilitation Facility Inspection Checklist: https://fw.ky.gov/Wildlife/Documents/Wildlife-Rehab-FAC-Inspection-Checklist.pdf; and

(g) Wildlife Rehabilitation Sub-Permittee Assignment: https://fw.ky.gov/Licenses/Documents/Wildlife-Rehab-Sub-Permittee-Assign.pdf.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: July 7, 2025

FILED WITH LRC: July 9, 2025 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 29, 2025, at 2:00 p.m., at KDFWR Administration Building, 1 Sportsman’s Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the permitting and operating requirements for wildlife rehabilitators.
(b) The necessity of this administrative regulation: This admirative regulation is needed to provide safe guidelines for wildlife rehabilitators to operate in a manner that will protect their operation and the wildlife in the Commonwealth of KY.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will carry out the purposes of KRS 150.195 by authorizing the department to promulgate administrative regulations for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. This amendment establishes a sub-permit to allow volunteers to assist permitted wildlife rehabilitators, redefines the Enhanced Rabies Surveillance Zone, expands options for release of rabies vector species, allows for an exemption to hold wildlife undergoing rehabilitation for longer than 180 days, and designates bats as rabies vector species.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation. These amendments will also allow wildlife rehabilitators to operate more efficiently by allowing volunteers and protect public health by restricting display of bats.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022. This amendment will allow more opportunity for wildlife rehabilitation and better define rabies vector species.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain the associated license or permit.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Permitted wildlife rehabilitators would need to apply to have volunteers listed as sub-permitees and request an exemption from the commissioner if a longer period of time is need to rehabilitate an animal beyond 180 days. Individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated license or permit.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permits and abide by the same regulation.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1)(h) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.280 requires the department to promulgate administrative regulations regarding the holding of protected wildlife. This administrative regulation establishes the permitting and operating requirements for wildlife rehabilitators.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by

these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:081. Transportation and holding of live native wildlife.

RELATES TO: KRS 150.010, 150.015, 150.183, 150.190, 150.195, 150.235, 150.320, 150.330, 150.360, 150.370, 150.990, 258.065, 258.085

STATUTORY AUTHORITY: KRS 65.877, 150.025(1), 150.105, 150.180, 150.280, 50 C.F.R. 17.3, 21.29

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.877 authorizes local governments to regulate or prohibit inherently dangerous wildlife as identified by the Kentucky Department of Fish and Wildlife Resources and requires the department to establish procedures for denying or issuing a transportation permit. KRS 150.025(1) authorizes the department to promulgate administrative regulations for the buying, selling, or transporting of wildlife. KRS 150.105 authorizes the department to dispatch or bring under control any wildlife causing damage to persons, property, or other animals spreading disease and that should be eliminated to prevent further damage. KRS 150.180 authorizes the department to regulate the buying, selling, or transporting of protected wildlife. KRS 150.280 requires the department to promulgate administrative regulations to establish the procedures for the propagation and holding of protected wildlife. 50 C.F.R. 21.29 establishes the federal standards for holding raptors for falconry purposes. This administrative regulation establishes requirements for the buying, selling, holding, and transportation of live native wildlife.

Section 1. Definitions.
(1) "Bred in captivity" or "captive bred" means wildlife, including eggs, born or otherwise produced in captivity from parents that mated or otherwise transferred gametes in captivity, if reproduction is sexual, or from parents that were in captivity when development of the progeny began, if development is asexual.
(2) "Enhanced Rabies Surveillance Zone" means Bell, Boyd, Bracken, Carter, Clay, Elliot, Fleming, Floyd, Greenup, Harlan, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Letcher, Lewis, Martin, Mason, McCreary, Pike, Perry, Robertson, and Whitley counties.
(3) "Native wildlife" means wildlife species that have historically existed, currently exist, or have naturally expanded their range:
(a) In the wild into Kentucky;
(b) Without introduction by humans; and
(c) Regardless of:
1. Origin or location of an individual animal; and
2. Being captive-bred or taken from the wild.
(4) "Rabies vector species" means a:
(a) Coyote (Canis latrans);
(b) Gray fox (Urocyon cinereoargenteus);
(c) Raccoon (Procyon lotor);
(d) Red fox (Vulpes vulpes);
(e) Spotted skunk (Spilogale putorius);
(f) Striped skunk (Mephitis mephitis); or
(g) Any hybrid of paragraphs (a) through (f) of this subsection.

Section 2. Taking and Possessing Native Wildlife.
(1) A person shall not possess native wildlife that was not legally acquired.
(2) For native wildlife obtained from the wild, a person shall not:
(a) Buy;
(b) Sell;
(c) Offer to buy;
(d) Offer to sell; or
(e) Trade or barter.
(3) Except as established in Sections 5(9) and 7(1) of this administrative regulation and subsections (4), (5), (6), and (9) of this section, a person holding native wildlife in captivity shall apply for and obtain the appropriate permit prior to acquiring wildlife.
(4) Northern bobwhite.
(a) A person may possess 100 or fewer northern bobwhite without a captive wildlife permit, if the:
1. Birds are not propagated or sold; and
2. Person retains and possesses a receipt or proof of purchase.
(b) A person possessing northern bobwhite for dog training areas, shooting areas, or a shoot-to-train season shall comply with all applicable requirements of 301 KAR 2:041.
(c) Any confining facility shall comply with Sections 8 through 11 of this administrative regulation.
(5) Amphibians and reptiles.
(a) Five (5) or fewer individuals of each species of native reptile or amphibian may be taken year-round or possessed for personal use without a permit, except there shall be:
1. No limit on common snapping or softshell turtles, as established in 301 KAR 1:058;
2. A limit of fifteen (15) bullfrogs per night, during the bullfrog season, as established in 301 KAR 1:082; and
3. A limit of twenty-five (25) dusky salamanders of the genus Desmognathus, as established in 301 KAR 1:130.
(b) There shall not be a limit on the number of individuals of each species possessed by a commercial or noncommercial captive wildlife permit holder, if the permit holder does not possess more

than five (5) wild-caught individuals of each species of amphibian or reptile.

(c) A captive wildlife permit shall not be required to hold reptiles with a color morphology that is distinctly different from the wild type of the same species of reptile.

(6) A person with a valid falconry permit, as established in 301 KAR 2:195, shall not be required to possess a noncommercial captive wildlife permit or transportation permit for raptors held under the falconry permit.

(7) A rabies vector species that is trapped in accordance with 301 KAR 2:251 shall be dispatched before being moved, unless immediately released at capture site, except that red foxes and coyotes trapped during the trapping season, as established in 301 KAR 2:251, may be:

(a) Held for up to forty-eight (48) hours with a valid noncommercial captive wildlife permit only for the purpose of being transferred to a permitted foxhound training enclosure as established in 301 KAR 2:041; and

(b) Transferred from the wild to a permitted foxhound training enclosure if the enclosure is located within the county of capture but shall not be transferred from one foxhound training enclosure to another.

(8) A person shall not transport a living rabies vector species into or out of the Enhanced Rabies Surveillance Zone.

(9) A captive wildlife permit shall not be required for captive-bred native wildlife legally imported or held in a temporary facility for ten (10) days or less.

(10) A permit holder shall report all bites and exposure events, as established in KRS 258.065, to the local county health department within twelve (12) hours.

(11) If a native mammal in a permit holder's possession bites a person or a mammal shows symptoms of a rabies infection, the animal shall be dispatched immediately, as established in KRS 258.085(1)(c), and the permit holder shall submit its head for testing immediately to a laboratory approved by the Secretary for Health and Family Services to be tested for rabies, as established in 902 KAR 2:070, Section 5.

(12) Department staff shall confiscate and dispatch any wild mammal that bites a person or shows symptoms of a rabies infection if the animal is not otherwise immediately dispatched pursuant to subsection (11) of this section.

Section 3. Captive Wildlife Permits and Record Keeping.

(1) Commercial captive wildlife permit.

(a) A commercial captive wildlife permit shall be required for a person to:

1. Sell;
2. Offer to sell;
3. Trade;
4. Barter; or
5. Profit in any way from captive native wildlife, except as authorized by Section 2(9) of this administrative regulation.

(b) A commercial captive wildlife permit shall be renewable annually from the date of issue.

(c) A commercial captive wildlife permit shall be valid for one (1) specific captive wildlife facility.

(2) Noncommercial captive wildlife permit.

(a) A noncommercial captive wildlife permit shall be required for a person possessing native wildlife, but not selling, offering to sell, trading, bartering, or profiting in any way from captive native wildlife.

(b) A noncommercial captive wildlife permit shall be renewable three (3) years from the date of issue.

(c) A noncommercial captive wildlife permit shall be valid for one (1) specific captive wildlife facility.

(3) A captive wildlife permit holder shall maintain accurate records for all captive-bred and wild-captured wildlife and include the information established in paragraphs (a) and (b) of this subsection.

(a) For each captive-bred animal, a person shall:

1. Record the common and scientific name;
2. Keep evidence of legal acquisition, which shall be a:
a. Bill of sale;
b. Receipted invoice; or
c. Certificate of origin;
3. Record and maintain each animal's date of birth;
4. Record and maintain each transaction date related to:
a. Sale;
b. Purchase;
c. Trade;
d. Barter; or
e. Gifting; and
5. Record and maintain information of the person either receiving or transferring captive wildlife, which shall include the person's:
a. Name;
b. Address;
c. Phone number; and
d. Captive wildlife permit number.

(b) For each wild-captured animal, a person shall record and maintain the:

1. Common and scientific name;
2. Date of capture or date when received;
3. Location of capture;
4. Trapping license or hunting license number, if applicable, of the individual obtaining the wildlife; and
5. Information of the person to whom the animal was given or received, which shall include the person's:
a. Name;
b. Address;
c. Phone number; and
d. Captive wildlife permit number.

(4) A captive wildlife permit holder shall:

(a) Maintain all records for at least five (5) years; and

(b) Allow records to be inspected by a department representative upon request.

Section 4. Transportation Permits and Certificates of Veterinary Inspection.

(1) Unless otherwise exempted by this or another administrative regulation, a person shall apply for and obtain a valid transportation permit or permit authorization number from the department for all shipments of native wildlife prior to:

(a) Receiving a shipment of native wildlife from outside of Kentucky;

(b) Importing native wildlife into Kentucky; or

(c) Transporting native wildlife into and through the state to a destination outside Kentucky.

(2) A copy of a valid transportation permit or permit authorization number shall accompany all shipments of native wildlife into and through Kentucky.

(3) An individual transportation permit shall be valid for one (1) shipment of native wildlife.

(4) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year from the date of issue.

(5) All shipments of wildlife, except for amphibians and reptiles, shall be accompanied by a:

(a) Certificate of veterinary inspection stating that the wildlife is free from symptoms of disease; or

(b) Federal quarantine certificate.

Section 5. Applying for Permits.

(1) A permit shall authorize a person to hold native wildlife according to this administrative regulation.

(2) An applicant for a captive wildlife or transportation permit shall:

(a) Submit a completed Captive Wildlife Permit Application and Checklist;

(b) Provide the department with a valid email address;

(c) Submit the permit fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~established in 301 KAR 3:022~~], except for applicants meeting the requirements in subsections (11) and (13) of this section; and

(d) Be at least eighteen (18) years of age.

(3) For a commercial or noncommercial captive wildlife permit, an applicant shall submit a completed Captive Wildlife Permit Application and Checklist.

(4) For an individual transportation permit, an applicant shall submit a completed Individual Transportation Permit Application.

(5) For an annual transportation permit, an applicant shall submit a completed Annual Transportation Permit Application.

(6) An applicant for a captive wildlife permit shall only obtain wildlife from:

(a) A legal purchase or transfer of captive-bred animals from a commercial captive wildlife permit holder;

(b) A gift from a commercial or noncommercial captive wildlife permit holder;

(c) Wildlife trapped by the applicant during a legal season for the species with a valid trapping license, if applicable; or

(d) A legal out-of-state source if the applicant provides a valid transportation permit.

(7) Following permit issuance, the permit holder shall retain records as established in Section 3(3) and (4) of this administrative regulation.

(8) An applicant shall construct holding facilities that meet or exceed the enclosure specifications established in Sections 8 and 9 of this administrative regulation for each listed species to be acquired before submitting the Captive Wildlife Permit Application and Checklist.

(9) A person in legal possession of native wildlife who moves to Kentucky shall have thirty (30) days to pass a facility inspection and apply for a captive wildlife permit, if the person possessed a valid transportation permit to import the wildlife.

(10) A captive wildlife permit holder shall not simultaneously hold a wildlife rehabilitation permit.

(11) An applicant shall submit a completed Captive Wildlife Permit Application and Checklist and the correct fee, as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~as established in 301 KAR 3:022~~] or 301 KAR 3:061, except if the permit holder is a government agency engaged in conservation activities, the fee shall be waived.

(12) An applicant importing into Kentucky, transporting through Kentucky, or possessing within Kentucky, any federally protected migratory bird species shall possess, and provide to the department, a valid United States Fish and Wildlife Service permit, except for persons or entities that possess a valid falconry permit or meet the conditions listed in 50 C.F.R. 21.12 (a) and (b), 50 C.F.R. 21.13, and 50 C.F.R. 21.14.

(13) Federally endangered native species shall not be imported into Kentucky, transported through Kentucky, or possessed in Kentucky, except by:

(a) A facility accredited by the Association of Zoos and Aquariums, as established in Section 7 of this administrative regulation;

(b) An individual who possesses a United States Fish and Wildlife Service permit pursuant to KRS 150.183 and 301 KAR 3:061; or

(c) A facility listed as a cooperator in an Association of Zoos and Aquariums species survival plan.

(14) An annual transportation permit holder shall submit a revised Annual Transportation Permit Application to the department by mail to the address listed on the annual transportation permit application or by email at FWpermits@ky.gov for any amendments to the original application and shall not ship wildlife until a revised permit is issued by the department.

(15) A person importing or possessing native wildlife shall be responsible for following all applicable federal laws, state laws, and local ordinances regarding wildlife.

Section 6. Prohibited Species.

(1) Except as established in Sections 2(7) and 7 of this administrative regulation, 301 KAR 2:075, and 301 KAR 3:120, a person shall not import, transport into Kentucky, or possess:

(a) Alligator snapping turtle (Macrochelys temminckii);

(b) Bats of any species that are native to Kentucky, including:

1. Big Brown Bat (Eptesicus fuscus);
2. Eastern Red Bat (Lasiurus borealis);
3. Eastern Small-footed Myotis (Myotis leibii);
4. Evening Bat (Nycticeius humeralis);
5. Gray Bat (Myotis grisescens);
6. Hoary Bat (Lasiurus cinereus);
7. Indiana Bat (Myotis sodalis);
8. Little Brown Bat (Myotis lucifugus);
9. Northern Long-eared Bat (Myotis septentrionalis);
10. Rafinesque's Big-eared Bat (Corynorhinus rafinesquii);
11. Seminole Bat (Lasiurus seminolus);
12. Silver-haired Bat (Lasionycteris noctivagans);
13. Southeastern Myotis (Myotis austroriparius);
14. Tricolored Bat (Perimyotis subflavus); and
15. Virginia Big-eared Bat (Corynorhinus townsendii virginianus);

(c) Black bear (Ursus americanus);

(d) Bobcat (Lynx rufus);

(e) Copperbelly water snake (Nerodia erythrogaster neglecta);

(f) Cougar or mountain lion (Felis concolor);

(g) Hellbender (Cryptobranchus alleganiensis);

(h) Kirtland's Snake (Clonophis kirtlandii);

(i) Otter (Lontra canadensis);

(j) Rabies Vector Species:

1. Coyote (Canis latrans);
2. Gray fox (Urocyon cinereoargenteus);
3. Raccoon (Procyon lotor);
4. Red fox (Vulpes vulpes);
5. Spotted skunk (Spilogale putorius);
6. Striped skunk (Mephitis mephitis); or
7. Any hybrid of rabies vector species.

(k) Wild turkey (Meleagris gallopavo); or

(l) Wolf (Canis lupus).

(2) Except as established in Section 7 of this administrative regulation, a person may possess native wild rabbits of the Sylvilagus genus but shall not import or transport native wild rabbits of the Sylvilagus genus into Kentucky.

Section 7. Exemptions.

(1) Accredited facilities. A facility that is accredited by the Association of Zoos and Aquariums shall:

(a) Not be required to obtain a transportation or captive wildlife permit for native wildlife;

(b) Be allowed to import, transport, and possess federally endangered species and the prohibited species established in Section 6 of this administrative regulation for official zoo activities; and

(c) Maintain prohibited species in an enclosure sufficient to prevent escape and direct contact with the public.

(2) Commissioner's exemption.

(a) Upon written request, the commissioner shall consider an exemption for the importation or possession of the prohibited species listed in Section 6 of this administrative regulation for scientific or educational purposes.

(b) The commissioner shall only grant exemptions that promote and further the purposes of KRS Chapter 150.

(c) The following entities shall be eligible for consideration for an exemption by the commissioner:

1. A facility that is designated as the official zoo of a municipality;
2. A government agency conducting research or education at a permanent wildlife center; or
3. A college or university conducting research or education that fulfills a classroom requirement.

(3) Legally possessed prohibited species.

(a) A permit holder with a prohibited species legally possessed in Kentucky prior to April 4, 2023, may remain in possession of the animal through the life of the animal by microchipping any rabies vector species, bobcats, or otters and reporting the microchip number to the department by submitting a Native Prohibited Wildlife Report form by June 4, 2023.

(b) Prohibited species shall not be transferred to other persons, except if the permit holder predeceases the animal, in which case the animal may be transferred to another valid permit holder.

(c) Prohibited species shall not be allowed to reproduce.

(d) A person who legally possesses prohibited wildlife shall not replace that wildlife after its death.

(e) Prohibited species possessed or imported into Kentucky shall be maintained within an enclosure sufficient to prevent:

1. Escape; and
2. Direct contact with the public.

Section 8. Confining Facilities.

(1) Except as established in 301 KAR 2:041, a cage, pen, or other enclosure for confining native wildlife shall be of sufficient structural strength to:

(a) Prevent the escape of the captive animal;

(b) Protect the caged animal from injury and predators; and

(c) Prevent the entrance of free individuals of the same species.

(2) A wing-clipped and pinioned bird may be kept in a suitable unroofed enclosure, even if wild birds of the same species may enter the enclosure.

(3) A person shall not maintain any native wildlife in captivity in an unsanitary or unsafe condition or in a manner that results in the maltreatment or neglect of that wildlife.

(4) Native wildlife shall not be confined in any cage or enclosure that does not meet the minimum cage specifications in Section 9 of this administrative regulation.

(5) A cage or enclosure shall be maintained as established in paragraphs (a) through (n) of this subsection.

(a) Clean drinking water shall be provided daily in clean containers.

(b) Swimming or wading pools shall be cleaned as needed to ensure good water quality.

(c) Any cage or enclosure shall provide adequate drainage of surface water.

(d) A captive mammal or bird shall be fed daily.

(e) Food shall be:

1. Of a type and quantity that meets the nutritional requirements for the particular species; and

2. Provided in an unspoiled and uncontaminated condition.

(f) Any feeding container shall be kept clean, and uneaten food shall be removed within a reasonable time.

(g) A shelter shall be provided for security and protection from inclement weather.

(h) Shade or an overhead structure shall be provided in warm seasons.

(i) Fecal and food waste shall be:

1. Removed from cage daily; and

2. Stored or disposed of in a manner that prevents noxious odors and insect pests.

(j) Any cage or enclosure shall be ventilated to prevent noxious odors.

(k) A hard floor within a cage or enclosure shall be cleaned a minimum of once per week.

(l) A cage or enclosure with a dirt floor shall be raked a minimum of once every three (3) days with the waste removed.

(m) Animals that are compatible may be held in the same enclosure. Each enclosure with compatible animals held in the same enclosure shall comply with the required floor space established in Section 9 of this administrative regulation.

(n) A common wall shall be constructed between animals that are not compatible so that the animals cannot interact.

Section 9. Minimum Enclosure Sizes and Associated Requirements for Stationary Facilities.

(1) Birds.

(a) A northern bobwhite older than fourteen (14) weeks shall be held in an enclosure that meets the requirements established in subparagraphs 1. through 3. of this paragraph.

1. An enclosure for a single northern bobwhite shall be a minimum of 100 square feet.

2. There shall be an increase of at least one (1) square foot per additional northern bobwhite.

3. A northern bobwhite may be held in a smaller breeding pen during the breeding season.

(b) A duck shall be held in an enclosure that meets the requirements established in subparagraphs 1. and 2. of this paragraph.

1. No more than two (2) pairs or one (1) pair and their offspring prior to first molt shall be confined to an area smaller than 100 square feet.

2. There shall be at least two (2) square feet of additional land space for each additional adult duck.

(c) A goose shall be held in an enclosure that meets the requirements established in subparagraphs 1. through 3. of this paragraph.

1. No more than two (2) pair or one (1) pair and their offspring prior to first molt shall be confined to an area smaller than 500 square feet.

2. There shall be a minimum of fifty (50) square feet of water that is two (2) feet or greater in depth.

3. There shall be at least 100 square feet of land and twenty-five (25) square feet of water surface for each additional adult goose.

(d) A ruffed grouse shall be held in an enclosure that meets the requirements established in subparagraphs 1. and 2. of this paragraph.

1. There shall be 200 square feet of floor space and an enclosure height of at least six (6) feet for five (5) or fewer birds.

2. There shall be an additional twenty (20) square feet of floor space for each additional bird.

(e) A raptor shall be held in an enclosure meeting the federal falconry standards described in 50 C.F.R. Part 21.29.

(2) Mammals.

(a) A bat shall be held in an enclosure that meets the requirements established in subparagraphs 1. through 3. of this paragraph.

1. A little brown bat, long-eared bat, and pipistrelle shall be held in an enclosure that is at least 6 ft. x 6 ft. x 6 ft.

2. An evening or red bat shall be held in an enclosure that is at least 8 ft. x 12 ft. x 8 ft.

3. A big brown or hoary bat shall be held in an enclosure that is at least 10 ft. x 20 ft. x 8 ft.

(b) Except as established in 301 KAR 2:041, a fox, bobcat, or raccoon shall be held in an enclosure that meets the requirements established in subparagraphs 1. and 2. of this paragraph.

1. A single animal enclosure shall be at least 8 ft. x 8 ft. x 6 ft.

2. There shall be at least thirty (30) square feet floor space for each additional animal.

(c) A coyote shall be held in an enclosure that meets the requirements established in subparagraphs 1. and 2. of this paragraph.

1. A single animal enclosure shall be at least 8 ft. x 8 ft. x 6 ft.

2. There shall be at least twenty-five (25) square feet floor space for each additional animal.

(d) A beaver or otter shall be held in an enclosure that meets the requirements established in subparagraphs 1. through 4. of this paragraph.

1. A single animal enclosure shall be at least 8 ft. x 12 ft. x 6 ft. with a 4 ft. x 6 ft. pool that is at least three (3) feet deep at one (1) end.

2. There shall be an increase in horizontal cage size and pool size by at least eight (8) square feet for each additional animal.

3. An otter shall have a slide and a dry place for sleeping and retreat.

4. A beaver shall be supplied with gnawing logs and a dry place for sleeping and retreat.

(e) A muskrat or mink shall be held in an enclosure that meets the requirements established in subparagraphs 1. through 3. of this paragraph.

1. A single animal enclosure shall be at least 6 ft. x 4 ft. x 3 ft. with a 2 ft. x 4 ft. pool that is at least two (2) feet deep at one (1) end.

2. There shall be an increase in horizontal cage size by at least eight (8) square feet and a pool size of at least two (2) square feet.

3. A muskrat shall have gnawing material.

(f) A gray squirrel, fox squirrel, or flying squirrel shall be held in an enclosure that meets the requirements established in subparagraphs 1. and 2. of this paragraph.

1. A single animal enclosure shall be 4 ft. x 4 ft. x 8 ft.

2. There shall be an increase in floor space by two (2) square feet for each additional animal.

(g) A skunk, opossum, rabbit, or woodchuck shall be held in an enclosure that meets the requirements established in subparagraphs 1. through 3. of this paragraph.

1. A single animal enclosure shall be at least 6 ft. x 8 ft. x 8 ft.

2. There shall be an increase in floor space by at least four (4) square feet for each additional animal.

3. A woodchuck shall have several gnawing logs approximately six (6) inches in diameter.

(h) A weasel shall be held in an enclosure that meets the requirements established in subparagraphs 1. and 2. of this paragraph.

1. A single animal enclosure shall be at least 3 ft. x 3 ft. x 3 ft.

2. There shall be an increase in floor space by three (3) square feet for each additional animal.

Section 10. Mobile Facility. A mobile facility used in transporting native wildlife shall meet the requirements established in subsections (1) through (5) of this section.

(1) The mobile facility shall be equipped to provide fresh air and adequate protection from the elements, without injurious drafts.

(2) The animal housing area shall be free of engine exhaust fumes.

(3) A cage shall be large enough to ensure that each animal has sufficient room to stand erect and lie naturally.

(4) The structural strength of the enclosure shall be sufficient to contain the live animals and to withstand the normal rigors of transportation.

(5) Native wildlife housed in a mobile facility for more than ten (10) days shall be housed in a cage that meets the minimum cage specifications established in Section 8 of this administrative regulation.

Section 11. Temporary Facility. Native wildlife housed in a temporary facility or exhibit shall be housed in a cage that meets the minimum cage specifications established in Section 8 of this administrative regulation if present in any geographical location for more than ten (10) days.

Section 12. Inspections and Access.

(1) A permit holder shall allow a game warden to inspect the holding facilities and the property on which the holding facilities are located at any reasonable time.

(2) A game warden shall immediately notify the permit holder if the inspection reveals a violation of any provision of this administrative regulation.

(3) A facility shall fail inspection if any deficiencies are found during the inspection or if the permit holder denies entry to the game warden at a reasonable time.

(4) An applicant who fails a facility inspection shall correct any deficiencies within ten (10) days of the failed inspection.

(5) A permit holder shall allow any department employee, accompanied by a game warden, to access the wildlife holding facilities and the property on which the holding facilities are located at any reasonable time to carry out the purposes of this administrative regulation.

Section 13. Permit Denial and Revocation.

(1) Denial. The department shall deny the issuance of a new permit, deny a renewal of an existing or lapsed permit, and confiscate wildlife of a person who:

(a) Is convicted of a violation of any provisions of:

1. KRS Chapter 150;

2. Any department regulation; or

3. Any federal statute or regulation related to hunting, fishing, or wildlife;

(b) Provides false information on a captive wildlife permit application, transportation permit application, certificate of veterinary inspection, federal quarantine certificate, request for commissioner's exemption, federal permits, reports, facility inspection, or records;

(c) Acquires wildlife prior to receiving an approved captive wildlife permit, transportation permit, or commissioner's exemption, except as established in Section 2(4) through (6) of this administrative regulation;

(d) Fails a facility inspection, as established in Section 12 of this administrative regulation; or

(e) Fails to comply with any provision of this administrative regulation, 301 KAR 2:041, 301 KAR 2:082, 301 KAR 2:084, 301 KAR 2:195, 301 KAR 2:230, or 301 KAR 2:251.

(2) Revocations.

(a) The department shall revoke the permit and confiscate wildlife, of a person who:

1. Is convicted of a violation of any provisions of:

a. KRS Chapter 150;

b. KAR Title 301; or

c. Any federal statute or regulation related to hunting, fishing, or wildlife;

2. Provides false information on a Captive Wildlife Permit Application, Transportation Permit Application, Certificate of Veterinary Inspection, federal Quarantine Certificate, request for commissioner's exemption, federal permits, reports, facility inspection, or records;

3. Acquires wildlife prior to receiving an approved captive wildlife permit, transportation permit, or commissioner's exemption, except as established in Section 2(4) through (6) of this administrative regulation;

4. Fails a facility inspection, as established in Section 12 of this administrative regulation; or

5. Fails to comply with any provision of this administrative regulation, 301 KAR 2:041, 301 KAR 2:082, 301 KAR 2:084, 301 KAR 2:195, 301 KAR 2:230, or 301 KAR 2:251.

(b) If a person's captive wildlife permit is revoked for one (1) facility, permits for all other facilities in their name shall be revoked.

(c) A fee shall not be refunded for a permit that is revoked.

(3) Denial period.

(a) An applicant for a captive wildlife permit, transportation permit, or commissioner's exemption whose permit or commissioner's exemption has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications denied for:

1. The initial denial period, for one (1) year;

2. A second denial period, for three (3) years; and

3. A third or subsequent denial period, for five (5) years;

(b) The department shall deny all Captive Wildlife Permit Applications for any facility in which a permit was denied or revoked, for the same period of time as the denial period, as established in paragraph (a) of this subsection.

(4) Commissioner's exemption.

(a) A commissioner's exemption shall be revoked for:

1. Failure to maintain wildlife in an enclosure sufficient to prevent escape and direct contact with the public;

2. Failure to comply with the requirements established in this administrative regulation; or

3. Any other reason necessary to protect public health, public safety, native ecosystems, or native wildlife.

(b) If an exemption is terminated, all prohibited species shall be immediately placed in an enclosure sufficient to prevent escape and direct contact with the public and removed from the state within forty-eight (48) hours.

(5) Confiscated wildlife.

(a) All captive wildlife shall be confiscated if a captive wildlife permit, transportation permit, or commissioner's exemption is revoked or denied or if a person possesses native wildlife without a valid captive wildlife permit, transportation permit, or commissioner's exemption, except as established in Section 2(4), (5), or (6) of this administrative regulation or in subsection (4)(b) of this section.

(b) Confiscated wildlife shall be released, transferred, or dispatched, except that rabies vector species shall be dispatched immediately.

(c) Wildlife shall not be returned to the person, entity, or facility from which they were confiscated.

(d) Upon being presented with a written order by the commissioner, a person, entity, or facility shall surrender wildlife to the department for processing and disposition pursuant to this administrative regulation.

(6) Administrative hearings.

(a) An individual whose permit has been denied or revoked may request an administrative hearing, which shall be conducted pursuant to KRS Chapter 13B.

(b) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.

(c) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(d) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

Section 14. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Captive Wildlife Permit Application and Checklist", 2025[~~2024~~] edition;

(b) "Annual Transportation Permit Application", 2025[~~2022~~] edition;

(c) "Individual Transportation Permit Application", 2025[~~2022~~] edition;

(d) "Native Prohibited Wildlife Report", 2022 edition; and

(e) "Facility Inspection Checklist", 2022 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) https://fw.ky.gov/Licenses/Documents/Captive-Cervid-Permit-App.pdf[~~https://fw.ky.gov/Wildlife/Documents/captivewildapp.pdf~~] for the "Captive Wildlife Permit Application";

(b) https://fw.ky.gov/Licenses/Documents/Annual-Trans-Permit-App.pdf[~~https://fw.ky.gov/Wildlife/Documents/annualtransportapp.pdf~~] for the "[~~{~~]Annual Transportation Permit Application";

(c) https://fw.ky.gov/Licenses/Documents/Individual-Trans-Permit-App.pdf[~~https://fw.ky.gov/Wildlife/Documents/indtransportapp.pdf~~] for the "Individual Transportation Permit Application";

(d) https://fw.ky.gov/Wildlife/Documents/nativeprohibitedreport.pdf for the "Native Prohibited Wildlife Report"; and

(e) https://fw.ky.gov/Wildlife/Documents/RehabLEInspectionChecklist.pdf for the "Facility Inspection Checklist".

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 27, 2025

FILED WITH LRC: June 27, 2025 at 2:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 2:30 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for the buying, selling, holding, and transportation of live native wildlife.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide a defined process for the holding and transportation of live native wildlife. These processes are necessary to provide for the health and welfare of native wildlife and the safety of Kentucky citizens.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1)(c) authorizes the department to promulgate administrative regulations for the buying, selling, or transporting of wildlife. KRS 150.105 authorizes the department to dispatch or bring under control any wildlife causing damage to persons, property or other animals spreading disease and which should be eliminated to prevent further damage. KRS 150.180 authorizes the department to regulate the buying, selling, or transporting of protected wildlife. KRS 150.280 requires the department to promulgate administrative regulations to establish the procedures for the propagation and holding of protected wildlife. 50 C.F.R. 21.29 establishes the federal standards for holding raptors. This administrative regulation establishes requirements for the buying, selling, holding, and transportation of live native wildlife.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets forth the requirements for applying for and receiving permits to buy, sell, hold and transport live native wildlife.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain the associated permits.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permits.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with this amendment will allow individuals to obtain the associated permits.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost to implement this regulatory amendment initially.

(b) On a continuing basis: There will be no continuing costs to implement this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permit.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.280 authorizes the department to promulgate administrative regulations to establish the procedures for the propagation and holding of protected wildlife. 50 C.F.R 17, 21, and 22 establishes the federal standards for holding migratory birds, including raptors, and federally threatened and endangered wildlife.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 50 C.F.R. 21.29 or 50 C.F.R. 17, 21, and 22.
(2) State compliance standards. KRS 150.330 and KRS 150.183
(3) Minimum or uniform standards contained in the federal mandate. 50 C.F.R. 21.29 establishes the federal standards for holding raptors for falconry purposes. 50 C.F.R. 17 establishes the federal standards for threatened and endangered wildlife. 50 C.F.R 21 establishes the federal standards for migratory birds. 50 C.F.R 22 establishes the federal standards for bald and golden eagles as the Bald and Golden Eagle Act.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Changes to this administrative regulation were made to align with the federal statutes and regulations.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:082. Transportation and holding of live exotic wildlife.

RELATES TO: KRS 13B, 150.010, 150.015, 150.183, 150.186, 150.195, 150.235,150.320, 150.330, 150.990, 258.065, 258.085

STATUTORY AUTHORITY: KRS 65.877, 150.025(1), 150.090, 150.105, 150.180, 150.280, 50 C.F.R. 17, 21, 16 U.S.C. 3371 – 3378, 18 U.S.C. 42 – 43

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.877 authorizes local governments to regulate or prohibit inherently dangerous wildlife as identified by the Kentucky Department of Fish and Wildlife Resources and requires the department to establish procedures for denying or issuing a transportation permit. KRS 150.025(1) authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.090 requires the department to appoint game wardens charged with the enforcement of this chapter. KRS 150.105 authorizes the department to destroy or bring under control any wildlife causing damage to persons, property, or other animals spreading disease and that should be eliminated to prevent

further damage. KRS 150.180 authorizes the department to regulate the transportation and importation of wildlife into Kentucky. KRS 150.280 requires the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife. 50 C.F.R. 21 establishes federal standards for holding migratory birds, including raptors. 50 C.F.R. 17 establishes federal standards for endangered and threatened wildlife. This administrative regulation establishes the procedures for obtaining a transportation permit for exotic wildlife, prohibits the importation and possession of exotic species with the potential to damage native ecosystems, and places restrictions on importing, transporting, and holding species that are potentially dangerous to human health and safety.

Section 1. Definition. "Exotic wildlife" means wildlife species that have never naturally existed in the wild in Kentucky, including species introduced by man that have become naturalized.

Section 2. Transportation Permits and Certificates of Veterinary Inspection.

(1) Unless otherwise exempted or prohibited by this or another administrative regulation, a person shall apply for and obtain a valid transportation permit or permit authorization number from the department for all shipments of exotic wildlife prior to:

(a) Receiving a shipment of wildlife from outside of Kentucky;

(b) Importing exotic wildlife into Kentucky; or

(c) Transporting exotic wildlife into Kentucky.

(2) A copy of a valid transportation permit or permit authorization number shall accompany all shipments of wildlife into Kentucky.

(3) An individual transportation permit shall be valid for one (1) shipment of wildlife.

(4) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year from the date of issue.

(5) All shipments of wildlife, except for amphibians and reptiles, shall be accompanied by a:

(a) Certificate of veterinary inspection stating that the wildlife is free from symptoms of disease; or

(b) Federal quarantine certificate.

Section 3. Applying for Permits.

(1) A person shall apply for a transportation permit by completing the online application process at fw.ky.gov, or by submitting the necessary forms:

(a) For an individual transportation permit, an applicant shall submit a completed Individual Transportation Permit Application form; or

(b) For an annual transportation permit, an applicant shall submit a completed Annual Transportation Permit Application form.

(2) A permit holder shall be at least eighteen (18) years of age.

(3) An applicant shall submit a completed application established in subsection (1)(a) or (b) of this section along with the applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~and remit the correct fee, as established in 301 KAR 3:022~~] or 301 KAR 3:061.

(4) An annual transportation permit holder shall submit a revised Annual Transportation Permit Application to the department by mail to the address listed on the Annual Transportation Permit Application or by email at FWpermits@ky.gov for any amendments to the original application and shall not ship wildlife until a revised permit is issued by the department.

(5) A person importing, transporting, or possessing exotic wildlife shall be responsible for following all applicable federal and state laws and local ordinances regarding wildlife.

(6) A person with a valid falconry permit, as established in 301 KAR 2:195, shall not be required to possess a transportation permit for raptors held under the falconry permit.

(7) An applicant possessing, importing, or transporting into Kentucky from outside the state any federally protected migratory bird species, shall possess, and provide to the department, a valid United States Fish and Wildlife Service permit, except for persons or entities that meet the conditions listed in 50 C.F.R. 21.12 (a) and (b), 50 C.F.R. 21.13, and 50 C.F.R. 21.14.

(8) Federally endangered exotic species shall not be imported, transported into Kentucky, or possessed, except the Department of Fish and Wildlife Resources may allow importation, transportation, or possession of any exotic endangered species of wildlife pursuant to KRS 150.183 and 301 KAR 3:061.

Section 4. Prohibited Species.

(1) Except as established in Section 5 of this administrative regulation, a person shall not import, transport into Kentucky, or possess the following exotic wildlife that are considered potentially injurious to native ecosystems:

(a) Baya weaver (Ploceus philippinus);

(b) Blackbirds (Genus Agelaius), except native species;

(c) Cape sparrow (Passer melanurus);

(d) Cowbirds (Genus Molothrus), except native species;

(e) Cuckoo (Family Cuculidae), except native species;

(f) Dioch or red-billed quelea (Quelea quelea);

(g) European blackbird (Turdus merula);

(h) Fieldfare (Turdus pilaris);

(i) Flying fox or fruit bat (Genus Pteropus);

(j) Fox (Genus Cerdocyon, Genus Lycalopex, Genus Otocyon, Genus Urocyon, and Genus Vulpes);

(k) Gambian giant pouched rat (Cricetomys gambianus);

(l) Giant, marine, or cane toad (Rhinella marina);

(m) Hawaiian rice bird or spotted munia (Lonchura punctulata);[

(n) Java sparrow (Padda oryzivora);

(o) Madagascar weaver (Foudia madagascariensis);

(p) Mistle thrush (Turdus viscivorus);

(q) Monk or Quaker parakeet (Myiopsitta monachus);

(r) Multimammate rat (Genus Mastomys);

(s) Mute swan (Cygnus olor);

(t) Nutria (Myocastor coypus);

(u) Prairie dog (Cynomys spp.);

(v) Raccoon dog (Nyctereutes procyonoides);[

(w) Sky lark (Alauda arvensis);

(x) Song thrush (Turdus philomelus);

(y) Starling (Family Sturnidae), including pink starlings or rosy pastors (Sturnus roseus), except for Indian Hill mynahs (Gracula religiosa);

(z) Suricate or slender-tailed meerkat (Genus Suricata);

(aa) Tongueless or African clawed frog (Xenopus laevis);

(bb) Weaver finch (Genus Passer), except Passer domesticus;

(cc) White eyes (Genus Zosterops);

(dd) European rabbit (Oryctolagus cuniculus) that morphologically resembles wild European rabbits;

(ee) Yellowhammer (Emberiza citrinella); or

(ff) A member of the following families:

1. Suidae (pigs or hogs), except for domestic swine;

2. Viverridae (civets, genets, lingsangs, mongooses and fossas); or

3. Tayassuidae (peccaries and javelinas).

(2) Except as established in Sections 5 and 6 of this administrative regulation, a person shall not import, transport, or possess the following inherently dangerous exotic wildlife:

(a) Alligators or caimans (Family Alligatoridae);

(b) African buffalo (Syncerus caffer);

(c) Bears (Family Ursidae);

(d) Cheetah (Acinonyx jubatus);

(e) Clouded leopard (Neofelis nebulosa);

(f) Crocodiles (Family Crocodylidae);

(g) Elephants (Family Elephantidae);

(h) Gavials (Family Gavialidae);

(i) Gila monsters or beaded lizards (Family Helodermatidae);

(j) Hippopotamus (Hippopotamus amphibius);

(k) Honey badger or ratel (Mellivora capensis);

(l) Hyenas (Family Hyaenidae), including all species except aardwolves (Proteles cristatus);

(m) Komodo dragon (Varanus komodoensis);

(n) Lions, jaguars, leopards, or tigers (Genus Panthera);

(o) Lynx (Genus Lynx);

(p) Old world badger (Meles meles);

(q) Primates, nonhuman (Order Primates);

(r) Rhinoceroses (Family Rhinocerotidae);

(s) Snow leopard (Uncia uncia);

(t) Venomous exotic snakes of the families Viperidae, Atractaspididae, Elapidae, Hydrophidae, and Colubridae, except for hognose snakes (Genus Heterodon);

(u) Wolverine (Gulo gulo); or

(v) Hybrids of a species listed in this subsection.

(3) Except as established in subsection (1) of this section and Section 5 of this administrative regulation, a person may possess, but shall not import into or transport through Kentucky wild rabbits, hares, or pikas (Order Lagomorpha).

Section 5. Exemptions.

(1) A facility that is accredited by the Association of Zoos and Aquariums shall:

(a) Not be required to obtain a transportation permit for exotic wildlife;

(b) Be allowed to import, possess, and transport into Kentucky federally endangered species and the prohibited exotic species listed in Section 4 of this administrative regulation for official zoo activities; and

(c) Maintain prohibited exotic species in an enclosure sufficient to prevent escape and direct contact with the public.

(2) Commissioner's exemption.

(a) Upon written request, the commissioner shall consider an exemption for importation, transportation into Kentucky, or possession of the prohibited species listed in Section 4 of this administrative regulation.

(b) The commissioner shall only grant exemptions that promote and further the purposes of KRS Chapter 150.

(c) Only the following entities shall be eligible for an exemption by the commissioner:

1. A facility that is designated as the official zoo of a municipality;

2. A college or university conducting research or education that fulfills a classroom requirement;

3. A lawfully operated circus only importing or possessing inherently dangerous exotic wildlife species that are not federally endangered, as listed in the Endangered and Threatened Species Act list, 50 C.F.R. 17.11;

4. A facility previously granted an exemption by the commissioner for the purpose of housing confiscated wildlife and serving as an animal holding facility as a service to the department; and

5. A facility previously granted a commissioner's exemption, as a licensed or accredited institute of education or research, that houses prohibited species at a permanent wildlife facility for educational or research purposes.

Section 6. Prohibited Species Requirements.

(1) Prohibited exotic species imported, transported into Kentucky, or possessed shall be maintained within an enclosure sufficient to prevent:

(a) Escape; and

(b) Direct contact with the public.

(2) A person shall obtain a valid transportation permit to temporarily transport into Kentucky a prohibited animal listed in Section 4(2) of this administrative regulation and shall not:

(a) Remain in Kentucky in excess of forty-eight (48) hours;

(b) Stop in Kentucky for exhibition purposes; or

(c) Sell, trade, gift, barter, offer for sale, trade, gift, barter, or profit in any way from a prohibited animal while in Kentucky.

(3) Except for Lynx, a person who legally possessed wildlife listed in Section 4(2) of this administrative regulation prior to July 13, 2005, may continue to possess the animal through the life of the animal and shall maintain:

(a) Veterinary records;

(b) Acquisition papers for the animal; or

(c) Any other evidence that establishes that the person possessed the animal in Kentucky prior to July 13, 2005.

(4) Lynx legally held in Kentucky prior to December 1, 2021, may be allowed to remain in possession of the owner through the life of the animal. The owner shall maintain:

(a) Veterinary records;

(b) Acquisition papers for the animal; or

(c) Any other evidence that establishes that the person legally possessed the animal in Kentucky prior to December 1, 2021.

(5) Without an exemption pursuant to Section 5 of this administrative regulation, a person who legally possesses wildlife pursuant to subsection (3) or (4) of this section shall not:

(a) Replace the wildlife after its death;

(b) Allow the wildlife to reproduce; or

(c) Transfer wildlife to other persons, except if the owner predeceases the animal, the animal may be transferred to another person with the approval of the department's Wildlife Division Director.

(6) If exotic wildlife listed in Section 4 of this administrative regulation escapes, the owner shall immediately contact local emergency services and the department at 800-252-5378 to report the escape.

(7) All bites, as established in KRS 258.065, or contact with applicable exotic animals that results in possible exposure to disease or zoonotic infection, shall be reported to the local county health department within twelve (12) hours.

(8) If an exotic mammal bites a person or a mammal shows symptoms of a rabies infection, the owner of the animal shall arrange for the animal to be killed in a manner as to preserve the brain intact, and the animal's head shall be submitted for testing immediately to a laboratory approved by the Secretary of the Cabinet for Health and Family Services to be tested for rabies, as established in 902 KAR 2:070, Section 5 and KRS 258.085(1)(c).

Section 7. Permit-exempt Animals. The following exotic animals shall not require permits from the department for importation, transportation into Kentucky, or possession:

(1) Alpaca (Vicugna pacos);

(2) American bison (Bison bison);

(3) Breeds and varieties of goats derived from the wild goat or bezoar (Capra hircus);

(4) Camel (Camelus bactrianus and Camelus dromedarius);

(5) Canary (Serinius canaria);

(6) Chinchilla (Chinchilla laniger);

(7) Cockatoo and cockatiel (family Cacatuidae);

(8) Domesticated races of ducks and geese (family Anatidae) morphologically distinguishable from wild ducks or geese;

(9) Domesticated races of the European rabbit (Oryctolagus cuniculus) morphologically distinguishable from wild European rabbits;

(10) Domesticated races of mink (Mustela vison), if:

(a) Adults are heavier than 1.15 kilograms; or

(b) The fur color can be distinguished from wild mink;

(11) Domesticated races of rats (Rattus norvegicus or Rattus rattus) or mice (Mus musculus);

(12) Domesticated races of turkeys (Meleagris gallopavo) recognized by the American Poultry Association and the U.S. Department of Agriculture, but shall not include captive held or bred wild turkeys;

(13) Domestic yak (Bos grunniens);

(14) Gerbil (Meriones unguiculatus);

(15) Guinea fowl (Numida meleagris);

(16) Guinea pig (Cavia porcellus);

(17) Hamster (Mesocricetus spp.);

(18) Indian Hill mynah (Gracula religiosa);

(19) Llama (Lama glama);

(20) Parrot, lovebird, budgerigar, macaw, parakeet (except monk parakeet, M. monachus) (families Psittacidae, Psittaculidae, and Psittrichasiidae);

(21) Peafowl (Pavo cristatus);

(22) Pigeon (Columba domestica or Columba livia) or domesticated races of pigeons;

(23) Ratite, as defined by KRS 247.870; and

(24) Toucan (family Rhamphastidae).

Section 8. Release. With the exception of pheasants and chukars, a person shall not release exotic wildlife into the wild.

Section 9. Inspections and Access.

(1) A person in possession of exotic wildlife, pursuant to a transportation permit or commissioner's exemption, shall allow a game warden to inspect the holding facilities at any reasonable time to carry out the purposes of this administrative regulation.

(2) A transportation permit or commissioner's exemption holder shall allow any department employee, accompanied by a game warden, to access the holding facilities at any reasonable time to carry out the purposes of this administrative regulation.

Section 10. Permit Denial and Revocation.

(1) Denial. The department shall deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit, and may confiscate wildlife from a person who:

(a) Is convicted of a violation of any provisions of:

1. KRS Chapter 150;

2. 301 KAR Chapters 1 through 5; or

3. Any federal statute or regulation related to hunting, fishing, or wildlife;

(b) Provides false information on a transportation permit application, certificate of veterinary inspection, federal quarantine certificate, request for commissioner's exemption, federal permits, reports, or records;

(c) Acquires wildlife prior to receiving a transportation permit, commissioner's exemption, or certificate of veterinary inspection, except as established in Sections 2(5), 3(7), 5(1), and 7 of this administrative regulation; or

(d) Fails to comply with any provision of this administrative regulation, 301 KAR 2:041, 301 KAR 2:081, 301 KAR 2:084, 301 KAR 2:195, 301 KAR 2:230, 301 KAR 2:251, 301 KAR 3:061, 302 KAR 20:020, 302 KAR 20:040, 50 C.F.R. 17, 50 C.F.R. 21, 18 U.S.C. 42 - 43, or 16 U.S.C. 3371 - 3378.

(2) Revocations.

(a) The department shall revoke a transportation permit or commissioner's exemption, and may confiscate wildlife, of a person who:

1. Is convicted of a violation of any provisions of:

a. KRS Chapter 150;

b. 301 KAR Chapters 1 through 5; or

c. Any federal statute or regulation related to hunting, fishing, or wildlife;

2. Provides false information on a transportation permit application, certificate of veterinary inspection, federal quarantine certificate, request for commissioner's exemption, federal permits, reports, or records;

3. Acquires wildlife prior to receiving a transportation permit or commissioner's exemption, except as established in Sections 3(7) and 5(1) of this administrative regulation; or

4. Fails to comply with any provision of this administrative regulation, 301 KAR 2:041, 301 KAR 2:081, 301 KAR 2:084, 301 KAR 2:195, 301 KAR 2:230, 301 KAR 2:251, 301 KAR 3:061, 302 KAR 20:020, 302 KAR 20:040, 50 C.F.R. 17, 50 C.F.R. 21, 18 U.S.C. 42-43, or 16 U.S.C. 3371-3378.

(b) A fee shall not be refunded for a permit that is revoked.

(3) Denial period. An applicant for a transportation permit or commissioner's exemption whose permit or commissioner's exemption has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications and commissioner's exemption requests shall be denied for:

(a) The initial denial period, for one (1) year;

(b) A second denial period, for three (3) years; and

(c) A third or subsequent denial period, for five (5) years.

(4) Commissioner's exemption.

(a) A commissioner's exemption shall be revoked for:

1. Failure to maintain wildlife in an enclosure sufficient to prevent escape and direct contact with the public;

2. Failure to abide by the provisions established in an exemption letter or this administrative regulation; or

3. Any other reason necessary to protect public health, public safety, native ecosystems, or native wildlife.

(b) If an exemption is terminated, all prohibited species shall be immediately placed in an enclosure sufficient to prevent escape and direct contact with the public and removed from the state within forty-eight (48) hours.

(5) Confiscated wildlife.

(a) All captive wildlife may be confiscated if a transportation permit or commissioner's exemption is revoked or denied, or if a person imports, transports into Kentucky, or possesses exotic wildlife without a valid transportation permit, commissioner's exemption, or certificate of veterinary inspection, except as established in Sections 2(5), 3(7), 5(1), and 7 of this administrative regulation.

(b) Wildlife that is confiscated, as established in this section, shall not be returned to the person, entity, or facility from which the wildlife was confiscated.

(c) Confiscated wildlife shall be euthanized if:

1. It is necessary to protect public safety, property, or wild or domesticated animals;

2. It is necessary to protect native ecosystems;

3. The wildlife is suffering from injury or illness; or

4. A facility legally capable and properly equipped to hold the wildlife is not readily available or economically feasible.

Section 11. Administrative Hearings.

(1) An individual whose permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(2) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.

(3) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(4) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Annual Transportation Permit Application", 2025[~~2022~~] edition; and

(b) "Individual Transportation Permit Application", 2025[~~2022~~] edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) https://fw.ky.gov/Licenses/Documents/Annual-Trans-Permit-App.pdf[~~https://fw.ky.gov/Wildlife/Documents/annualtransportapp.pdf~~] for the "Annual Transportation Permit Application"; and

(b) https://fw.ky.gov/Licenses/Documents/Individual-Trans-Permit-App.pdf[~~https://fw.ky.gov/Wildlife/Documents/indtransportapp.pdf~~] for the "Individual Transportation Permit Application".

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 27, 2025

FILED WITH LRC: June 27, 2025 at 2:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 3:30 pm, at KDFWR Administration Building, 1 Sportsman’s Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman’s Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes requirements for importation, transportation, and possession of exotic wildlife.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide a defined process for the holding and transportation of live exotic wildlife. These processes are necessary to provide for the protection of our native ecosystem, health and welfare of native wildlife from disease, and the safety of Kentucky citizens.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 65.877 authorizes local governments to regulate or prohibit inherently dangerous wildlife as identified by the department and requires the department to establish procedures for denying or issuing a transportation permit. KRS 150.025(1) authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.090 authorizes the department to appoint game wardens charged with the enforcement of this chapter. KRS 150.105 authorizes the department to destroy or bring under control any wildlife causing damage to persons, property or other animals spreading disease and which should be eliminated to prevent further damage. KRS 150.180(6) authorizes the department to regulate the importation of wildlife into Kentucky. KRS 150.280 requires the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets forth the requirements for applying for and receiving transportation permits and commissioner's exemptions to possess, import, and transport through Kentucky from outside the state live exotic wildlife.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who which to obtain the associated license or permit.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated license or permit.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? No. Tiering is not applied because all permit holders are treated the equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 65.877 authorizes local governments to regulate or prohibit inherently dangerous wildlife as identified by the department and requires the department to establish procedures for denying or issuing a transportation permit. KRS 150.025(1) authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.090 authorizes the department to appoint game wardens charged with the enforcement of this chapter. KRS 150.105 authorizes the department to destroy or bring under control any wildlife causing damage to persons, property or other animals spreading disease and which should be eliminated to prevent further damage. KRS 150.180(6) authorizes the department to regulate the importation of wildlife into Kentucky. KRS 150.280 requires the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:

For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 50 C.F.R. 17, 21.
(2) State compliance standards. KRS 150.330 and KRS 150.183
(3) Minimum or uniform standards contained in the federal mandate. 50 C.F.R. 17 establishes the federal standards for threatened and endangered wildlife. 50 C.F.R 21 establishes the federal standards for migratory birds.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, changes to this administrative regulation were made to align with the federal statutes and regulations.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This regulation was amended to adhere to both federal and state statutes.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:083. Holding and intrastate transportation of captive cervids.

RELATES TO: KRS 150.010(42), 150.290, 150.725, 150.740
STATUTORY AUTHORITY: KRS 150.025(1), 150.280, 150.720, 150.730, 150.735
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to regulate the buying, selling, or transportation of wildlife. KRS 150.280 requires the department to promulgate administrative regulations relating to propagating and holding of wildlife. KRS 150.720 requires the department to promulgate administrative regulations pertaining to the importation and holding of cervids, including privately-owned and farm-raised cervids. KRS 150.730 authorizes the department to issue or deny permits to hold captive cervids. KRS 150.735 authorizes the department to promulgate administrative regulations relating to the expansion of captive cervid facilities and the transfer of permits. This administrative regulation establishes the requirements for holding and intrastate transporting of cervids in Kentucky.

Section 1. Definitions.
(1) "Approved laboratory" means:
(a) The National Veterinary Service Laboratory in Ames, Iowa; or
(b) Any other laboratory approved by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture.
(2) "Captive cervid" means a cervid that is privately owned, born, and raised in captivity, and not considered wildlife as established in KRS 150.010.
(3) "Captive cervid permit" means a permit issued by the Kentucky Department of Fish and Wildlife Resources that is required to hold cervids in captivity and does not include shooting preserves as permitted under 301 KAR 2:041.
(4) "Cervid" means a member of the family Cervidae.
(5) "Chronic Wasting Disease" or "CWD" means a transmissible spongiform encephalopathy found in cervids.
(6) "Flop tag" means a commercial plastic ear tag used to identify livestock.
(7) "Line post" means a post in a fence that is not a corner or end post.
(8) "Noncommercial captive cervid permit" means a permit issued prior to March 1, 2016 that allows a person to possess captive cervids that are not intended for sale, offered for sale, traded, or bartered.

Section 2. Fencing and Holding Requirements.
(1)
(a) An exterior fence shall be at least eight (8) feet above ground level for its entire length, and consist of twelve and one-half (12 1/2) gauge woven wire, fourteen and one-half (14 1/2) gauge high-tensile woven wire, wood planks, or chain link.
(b) A single or double strand of barbed wire strung across the top to bring the total fence height to eight (8) feet shall be acceptable.
(c) Strands of barbed wire shall not be more than six (6) inches apart and shall not be more than five (5) inches from the top of the fencing as established in this subsection and subsection (2) of this section.
(d) Spacing between vertical wires shall not exceed six and one-half (6 1/2) inches for captive deer or species whose adult size is less than 400 pounds and twelve (12) inches for captive elk or species whose adult size is 400 pounds or more.
(e) If two (2) woven wire fences are combined, one (1) above the other, the woven wire fences shall be overlapped at least six (6) inches and firmly attached to each other at intervals no greater than three (3) feet.
(f) The fence bottoms shall be installed to provide not more than three (3) inches of ground clearance.
(2) Right-of-way.
(a) The fence right-of-way shall be cleared for a distance of six (6) feet on each side.
(b) If the fence is a property boundary fence, the fence right-of-way shall be cleared for a distance of six (6) feet on the inside only.

(c) If dead timber with a height greater than the distance of the fence exists on the permittee's property, it shall be felled.

(3)

(a) Fence posts shall extend a minimum of eight (8) feet above the ground and shall be of sufficient strength to maintain the fence integrity.

(b) Pine wood posts shall be treated.

(c) Posts shall be set to a minimum depth of three (3) feet.

(d) T-posts shall be installed according to manufacturers' specifications.

(4) Line posts.

(a) Wooden line posts shall be a minimum of four (4) inches in diameter and shall not be spaced more than twenty-four (24) feet apart.

(b) Steel pipeline posts shall:

1. Be a minimum of two and three-eighths (2 3/8) inches in outside diameter;

2. Weigh a minimum of three (3) pounds per foot; and

3. Not be spaced more than twenty-four (24) feet apart.

(c) Metal "T" posts shall be a minimum of one and one-quarter (1.25) pounds per foot and shall be spaced no more than twenty (20) feet apart.

(d) If the woven wire is not high tensile, there shall be a wooden or steel pipe post every sixty (60) feet.

(5) Corner and end posts.

(a) Wooden corner and end posts shall be a minimum of five (5) inches in diameter.

(b) Steel pipe corner and end posts shall be a minimum of two and seven-eighths (2 7/8) inches in outside diameter.

(c) Corner and end posts of other materials shall be of sufficient strength to maintain the fence integrity.

(6) Gates shall be:

(a) Substantially constructed to meet the specifications of the fence; and

(b) Equipped with at least one (1) latching and one (1) locking device.

(7)

(a) Swinging water gaps and stream crossings shall be constructed to equal or exceed the standards of the fence.

(b) Crossings shall be adequate to prevent ingress and egress during high water.

(c) Permissible water gaps are established in subparagraphs 1. through 4. of this paragraph:

1. Swinging gates constructed to match the contour of the stream supported by cable or hinge (larger water gaps);

2. Pipe with swinging barrier (larger water gaps);

3. Pipe with fixed mesh barrier (smaller water gaps); and

4. Heavy gauge woven barrier contoured to fit the gap (smaller water gaps).

(8) If topographic, natural, or other conditions exist that enable cervids to pass through, under, or over the fence, the permittee shall be required to supplement the fence with additional, stronger or higher fence posts, special grading, additional wire to increase fence height, or other measures to prevent escape.

(9) Maintenance. The fence shall continuously be maintained in a game-proof condition.

(10) A noncommercial captive cervid permit holder shall:

(a) Separate all adult males and females with fencing as established in this section;

(b) Not allow breeding, either by natural or artificial insemination;

(c) Not introduce any additional captive cervids to the facility;

(d) Complete and submit to the department a Captive Cervid Annual Reporting Form by February 28 of each year;

(e) Report any cervid deaths to the department by telephone at 800-858-1549 within forty-eight (48) hours; and

(f) Submit tissue specimens of all captive cervids that die in the permit holder's facility to an approved laboratory for CWD testing.

Section 3. Capture and Handling Facilities.

(1) Except as established in subsection (2) of this section, each captive facility shall have a squeeze chute or crush that facilitates inspection, handling, or capture of an individual animal.

(2) If a permittee's facility does not have the handling or capture facilities established in subsection (1) of this section, the alternative shall be a dart gun or tranquilizer that immobilizes the animal.

Section 4. Tagging.

(1) Captive cervids shall be identified in accordance with the Kentucky Department of Agriculture's Chronic Wasting Disease program requirements established in 302 KAR 22:150.

(2) Except as established in subsection (3) of this section, captive cervids over six (6) months old shall be uniquely identified with a plastic flop tag in at least one (1) ear that is clearly visible and identifiable.

(3) Upon written request, the department shall approve one (1) of the alternatives for plastic flop tags established in paragraphs (a) through (c) of this subsection for bona fide zoos, nature centers, or similar educational institutions:

(a) Lip or ear tattoo;

(b) Microchip; or

(c) Branding.

Section 5. Ingress and Egress.

(1) The permit holder shall be responsible for immediately capturing or destroying escaped animals upon discovering their escape.

(2) If the permit holder is unable to capture an escaped animal within forty-eight (48) hours from discovering its escape, the permit holder shall report each escape to the department by telephone at 1-800-858-1549.

(3) The permit holder shall send a written report to the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, ATTN: Captive Cervid Permits, within ten (10) days, describing what escaped and the reason for the escape.

(4) The permit holder shall report known ingress of wild cervids into the enclosure by sending a written report to the department at the same address established in subsection (3) of this section.

(5) The department or any peace officer may seize, capture, or destroy escaped animals or those that have ingressed if necessary.

Section 6. Space Requirements.

(1) For species whose adult weight is less than 400 pounds, each individual animal shall be allowed at least 1,000 square feet of space.

(2) One (1) individual animal of a species whose adult weight is 400 pounds or more, shall require at least 1,500 square feet of space, with each additional animal requiring an additional 1,000 square feet of space.

Section 7. Prohibited Species. Except for cervids legally held prior to November 12, 2002, a captive cervid permit shall not be issued for the species established in subsections (1) through (4) of this section:

(1) Genus Cervus spp., except Cervus elaphus nelsoni;

(2) Genus Axis spp.;

(3) Roe deer (Capreolus capreolus and Capreolus pygarus); or

(4) Hybrids thereof.

Section 8. Captive Cervid Permits.

(1) Permit application and issuance. An application for a new or renewed captive cervid permit shall be processed in accordance with the provisions of KRS 150.730.

(2) A captive cervid permit shall be valid only for the property and facility identified in the application and that is inspected as established in subsection (11) of this section. A cervid shall not be moved into a new or expanded facility until the facility has been issued a captive cervid permit by the department.

(3) Zoos and other facilities fully accredited by and in good standing with the American Zoo and Aquarium Association shall not be required to obtain or renew a captive cervid permit, but facilities not accredited by the American Zoo and Aquarium Association shall be required to obtain and renew a captive cervid permit.

(4) A captive cervid permit shall be required for a facility owned or leased by a person wishing to hold captive cervids.

(5) A new noncommercial captive cervid permit shall not be issued to a facility after February 28, 2016.

(6) All wild cervids shall be removed from the facility prior to initial inspection.

(7) A permit shall identify the species [~~and numbers~~]of cervids being held.

(8) Duration.

(a) A captive cervid permit shall be valid for one (1) year beginning March 1 through the last day of February and may be renewed annually upon payment of the annual fee and proof of compliance with all applicable statutes and administrative regulations.

(b) A noncommercial captive cervid permit shall be valid for three (3) years beginning March 1 through the last day of February and may be renewed every third year upon payment of the fee and proof of compliance with all applicable statutes and administrative regulations.

(9) A holder of a noncommercial captive cervid permit prior to March 1, 2016, shall be allowed to hold captive cervids for the life of the animals, after which the permit shall not be valid.

(10) Transfers. A captive cervid permit may be transferred if an existing and currently permitted facility is sold or leased to a person or entity who shall maintain and operate the facility pursuant to KRS 150.735(3).

(a) The original captive cervid permit holder who is transferring the permit shall be compliant with all provisions of this administrative regulation prior to transfer.

(b) Prior to transfer of the permit to a new owner or lessee, the facility shall be inspected for compliance as provided by subsection (11) of this section.

(c) The purchaser or lessee of the facility shall:

1. Apply for transfer of the existing captive cervid permit on a department Captive Cervid Permit Transfer Application form;

2. Attach a copy of the deed indicating change of ownership or the lease agreement between the parties conducting the transfer; and

3. Send all application materials to the department at #1 Sportsman's Lane, Frankfort, Kentucky 40601, ATTN: Captive Cervid Permits, within thirty (30) days after the inspection.

(d) A transferred captive cervid permit may be renewed by the new owner or lessee completing a Captive Cervid Permit Application.

(e) A noncommercial captive cervid permit shall not be transferred.

(11) Inspections.

(a) Before a captive cervid permit or noncommercial captive cervid permit is issued, renewed, or transferred, each facility or facility expansion shall pass an inspection that certifies it is in compliance with all applicable statutes and administrative regulations.

(b) Upon completion of a facility or facility expansion, or if a facility is to be sold or otherwise transferred, the permit applicant or holder shall notify the department to request an inspection that shall be conducted within thirty (30) days of receipt of the request.

(c) Each facility shall be inspected annually after issuance of a captive cervid permit or noncommercial captive cervid permit to certify and document that the facility is in compliance with this administrative regulation.

(d) A Captive Cervid Facility Inspection Form shall be completed by a department law enforcement captain, who shall then forward the original copy to department headquarters for processing.

(12) Revocation or suspension.

(a) The department shall issue a notice of violation in the form of a certified letter to a person who is not in compliance with this administrative regulation, 302 KAR 22:150, or a Kentucky statute pertaining to the holding of captive cervids.

(b) The department shall suspend the permit of a person who has received a notice of violation until the person complies with this administrative regulation and applicable statutes.

(c) The department shall issue a citation to a person who has failed to comply with this administrative regulation or applicable statutes within sixty (60) days from the date of the notice of violation.

(d) If convicted of a violation of this administrative regulation, the department shall:

1. Revoke the permit; and

2. Seize the captive cervids.

(e) A person who has a captive cervid permit revoked or suspended shall not, without the written approval of the department:

1. Transfer or expand the facility; or

2. Sell, offer to sell, trade, transport, hunt, or slaughter captive cervids that are housed in that facility.

(13) Appeal procedures. An individual whose request for a permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(14) Expansions.

(a) A facility may be expanded and shall conform to the fencing specifications established in this administrative regulation.

(b) Facility expansions shall be adjacent and connected to the currently permitted facility.

(c) Cervids shall not be introduced into the expanded portion of a facility until that expansion has been inspected and approved by the department as established in subsection (11) of this section.

Section 9. Origin and Disposition of Captive Cervids.

(1) Cervids obtained from the wild shall only be held by a permitted wildlife rehabilitator pursuant to 301 KAR 2:075.

(2) Captive cervids shall not be released into the wild except for wild-born cervids released by a permitted wildlife rehabilitator pursuant to 301 KAR 2:075.

(3) Wild-born cervids held in captivity for rehabilitation purposes shall not:

(a) Be housed in the same pen or otherwise housed in direct physical contact with cervids that were born in captivity; and

(b) Be housed in a pen that has ever housed cervids that were born in captivity.

Section 10. Intrastate Movement of Cervids.

(1) Before a person may move a captive cervid within the state, an authorization number shall be obtained from the Kentucky Department of Agriculture pursuant to 302 KAR 22:150.

(2) A person transporting cervids shall have the authorization number issued by the Kentucky Department of Agriculture, and if applicable, the required health papers, in possession while transporting cervids.

Section 11. Selling Cervids. A permit holder who holds a captive cervid permit may sell live cervids, parts thereof, or products produced by captive cervids, if those animals were not obtained from the wild in Kentucky.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Captive Cervid Permit Application", 2025[~~2016~~] edition;

(b) "Captive Cervid Permit Transfer Application", 2025[~~2016~~] edition;

(c) "Captive Cervid Facility Inspection Form", 2016 edition; and

(d) "Captive Cervid Annual Reporting Form", 2017 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Department of Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) https://fw.ky.gov/Wildlife/Documents/Captive_Cervid_Permit_Application_Form.pdf for the "Captive Cervid Permit Application";

(b) https://fw.ky.gov/Wildlife/Documents/CaptiveCervidPermitTransferForm.pdf for the "Captive Cervid Permit Transfer Application";

(c) https://fw.ky.gov/Wildlife/Documents/CaptiveCervidInspectionForm.pdf for the "Captive Cervid Facility Inspection Form";

(d) https://fw.ky.gov/Wildlife/Documents/Captive-Cervid-Ann-Rpt-Form.pdf for the "Captive Cervid Annual Reporting Form".

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner
APPROVED BY AGENCY: June 27, 2025

FILED WITH LRC: June 27, 2025 at 2:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 29, 2025, at 11:30 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes legal methods of holding and intrastate transportation of captive cervids.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish guidelines for the holding of captive cervids.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS 150.010(41), 150.290, 150.725, 150.740, 164.772 since they establish the legal authority to breed and sale captive cervids, and establish permits for the holding of captive cervids.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the manner in which captive cervids may be held in captivity or moved within the state.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. Also, this amendment removes the need to report the number of captive cervids being held in captivity.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who which to obtain the associated license or permit.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit. Also, applicants will no longer need to report on the number of cervids held since that is only required for the Department of Agriculture records.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated license or permit.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permits.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.010(41), 150.290, 150.725, 150.740, 164.772
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A

For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:178. Deer hunting on public properties.~~[Wildlife Management Areas, state parks, other public lands, and federally controlled areas.]~~

RELATES TO: KRS 150.010, 150.170, 150.340, 150.370(1), 150.990
STATUTORY AUTHORITY: 148.029(5), 150.025(1), 150.390(1), 150.620
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 148.029(5) authorizes the Department of Parks, in cooperation with the Department of Fish and Wildlife Resources, to implement wildlife management plans on state parks. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, and to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any provisions of KRS Chapter 150 or KAR Title 301. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation. This administrative regulation establishes deer hunting seasons, application procedures, and other matters pertaining to deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas that differ from statewide requirements.

Section 1. Definitions.
(1) "Adult" means a person who is at least eighteen (18) years of age.
(2) "Bait" means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, that may lure, entice, or attract wildlife.
(3) "Centerfire" means a type of gun that detonates a cartridge by the firing pin striking a primer in the middle of the end of the cartridge casing.
(4) "Ground blind" means a structure consisting of a frame and a top that is placed on the ground to completely enclose a hunter while hunting deer.
(5) "In-line muzzleloader" means a gun:
(a) Capable of being loaded only from the discharging end of the barrel or cylinder; and
(b) That is equipped with an enclosed ignition system located directly behind the powder charge.
(6) "Mentor hunt" means a quota youth hunt in which the adult who accompanies a youth may legally take a deer.
(7) "Mobility-impaired" means an individual who meets the requirements of 301 KAR 3:026, Section 2(1).
(8) "Modern gun" means an air gun, rifle, handgun, or shotgun that is loaded from the rear of the barrel.
(9) "Modern gun season" means the sixteen (16) consecutive day period beginning the second Saturday in November during which a modern gun may be used to take deer pursuant to 301 KAR 2:172.
(10) "Muzzleloader" means a rifle, shotgun, or handgun that is loaded from the discharging end of the barrel or discharging end of the cylinder.
(11) "Quota hunt" means a hunt in which a participant is selected by a random drawing.
(12) "Quota youth hunt" means a quota hunt in which a youth is the only person who can legally take a deer.
(13) "Statewide requirements" mean the season dates, zone descriptions, and other requirements for deer hunting as established in 301 KAR 2:172.
(14) "Wildlife management area" or "WMA" means a tract of land:
(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and
(b) That has "Wildlife Management Area" or "WMA" as part of its official name.
(15) "Youth" means a person under the age of sixteen (16) by the date of the hunt.
(16) "Youth gun seasons" means the October youth gun season and the December free youth weekend, as established in 301 KAR 2:172.

Section 2. General WMA Requirements.
(1) Unless established in this administrative regulation, statewide requirements shall apply.
(2) Except as established in Section 6 of this administrative regulation, if a WMA is in two (2) or more deer hunting zones, as established in 301 KAR 2:172, then the WMA shall be regulated by the most liberal zone requirements of the zones in which it lies.
(3) Deer hunting on WMAs listed in Section 6 of this administrative regulation shall be permitted only as established in this administrative regulation, except archery and crossbow hunting shall be allowed pursuant to the statewide requirements established in 301 KAR 2:172, unless otherwise noted.
(4) If a WMA is:
(a) Listed in Section 6 of this administrative regulation, then gun hunting shall be prohibited, unless otherwise noted; and
(b) Not listed in Section 6 of this administrative regulation, then statewide deer hunting requirements shall apply.
(5) An antlerless deer shall not count against a person's statewide or zone bag limit if harvested during:
(a) The Grayson Lake WMA open youth hunt; or

(b) Any WMA or state park either-sex quota hunt.

(6) An open gun deer hunt, beginning on the Wednesday following the third Monday in January for ten (10) consecutive days, shall:

(a) Be limited to members of the United States Armed Forces and the National Guard and reserve component who:

1. Are residents of Kentucky or nonresidents stationed in Kentucky; and

2. Were deployed out-of-country during any portion of the most recent regular statewide deer season;

(b) Only be on a WMA designated as open for this special hunt; and

(c) Be pursuant to statewide requirements established in 301 KAR 2:172.

(7) On all WMAs [~~and Otter Creek Outdoor Recreation Area, ~~]a person:

(a) Attaching a tree stand or climbing a tree shall not use a:

1. Nail;

2. Spike;

3. Screw-in device;

4. Wire; or

5. Tree climber;

(b) May use a portable stand or climbing device;

(c) Shall:

1. Not place a portable stand in a tree more than two (2) weeks before opening day; and

2. Remove a portable stand within one (1) week following the last day of each hunting period;

(d) Shall plainly mark the portable stand with the hunter's customer identification number;

(e) Shall not use an existing permanent tree stand;

(f) Shall not place, distribute, or hunt over bait; and

(g) Shall not hunt in a ground blind, if gun deer hunting is allowed, without first attaching a hat or vest made of solid, unbroken hunter orange material to the blind so that it is visible from all sides.

(h) Shall not deer hunt on a WMA or a portion of the same, that is closed by signage.

(8) A person without a valid quota hunt confirmation number shall not enter a WMA during a quota hunt on that area except:

(a) To travel through a WMA on an established road or to use an area designated open by a sign;

(b) To accompany a youth who is hunting in a youth or mentor quota hunt;

(c) That one (1) assistant, who shall not be required to have applied for the quota hunt, may accompany a hunter who was drawn to hunt, but shall check in and out as established in Section 5 of this administrative regulation; or

(d) To participate in small game hunting or the October shotgun segment of the fall turkey season during the archery and crossbow quota hunt on Big Rivers, Cane Creek, or Higginson-Henry WMAs[~~WMA~~].

(9) Except for waterfowl or dove hunting, or legal hunting at night, a person who is hunting any species, or a person who is accompanying a hunter, shall wear hunter orange clothing pursuant to 301 KAR 2:172 while:

(a) On a WMA or state park if gun deer hunting is allowed;

(b) Hunting within the sixteen (16) county elk zone when a firearms elk season is open, pursuant to 301 KAR 2:132; or

(c) Hunting within the bear zone during a bear firearms season, pursuant to 301 KAR 2:300.

Section 3. General Quota Hunt Procedures.

(1) A quota hunt applicant who is not selected and applies to hunt the following year shall be given one (1) preference point for each year the applicant was not selected.

(2) If selected for a quota hunt, a person shall lose all accumulated preference points.

(3) A random selection of hunters with preference points shall be made for each year's quota hunts before those without preference points are chosen.

(4) A person shall forfeit all accumulated preference points if, in a given year, the person does not apply for or is ineligible to apply for:

(a) A deer quota hunt; and

(b) The no-hunt option.

(5) A person who applies for the no-hunt option shall:

(a) Not be drawn for a quota hunt; and

(b) Be given one (1) preference point for each year the no-hunt option is selected.

(6) If applying as a party:

(a) Each applicant's preference points shall be used to calculate an average point total for the party; and

(b) A party with a higher preference point average will be randomly selected before a party with a lower preference point average.

(7) There shall be a maximum of ten (10) percent of nonresidents drawn in each quota hunt pool.

(8) The commissioner shall extend the application deadline if technical difficulties with the automated application system prevent applications from being accepted for one (1) or more days during the application period.

(9) A hunter may take up to two (2) deer on a quota hunt in Zones 2, 3, and 4, only one (1) of which may be an antlered deer, except as established in Section 6 of this administrative regulation.

(10) If a hunter has purchased the appropriate permits, a hunter may take unlimited antlerless deer in:

[~~(a)~~] [~~The West Kentucky WMA gun hunt;~~]

(a)[~~(b)~~] WMA quota hunts in Zone 1; and

(b)[~~(c)~~] State Park quota hunts in Zone 1, except as established in Section (7)[~~8~~] of this administrative regulation.

Section 4. Quota Hunt Application Process. A person applying for a quota hunt shall:

(1) Complete the quota hunt application process on the department's Web site at https://fw.ky.gov/Hunt/Pages/Quota-Hunts.aspx[~~fw.ky.gov~~]between September 1 and September 30; and

(2) Select:

(a) A first and second choice of hunts; or

(b) The no-hunt option; and

(3) Pay a nonrefundable application fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022; and[~~three (3) dollar application fee for each applicant;~~]

(4) Not apply more than one (1) time; and

(5) Not apply as a group of more than five (5) persons.

Section 5. Quota Hunt Participant Requirements. Except as otherwise established in this administrative regulation, a person selected to participate in a quota hunt shall:

(1) Possess, unless exempted pursuant to KRS 150.170:

(a) A valid annual Kentucky hunting license; and

(b) A deer permit that authorizes the taking of deer with the equipment being used and in accordance with the zone restrictions where the hunt will occur;

(2) Hunt on the assigned dates and in assigned areas selected by a random drawing of applicants if applicable;

(3) Comply with hunting equipment restrictions specified by the type of hunt;

(4) Check in at the designated check station prior to hunting:

(a) Either:

1. On the day before the hunt, between noon and 8 p.m. local time; or

2. On the day of the hunt, between 5:30 a.m. and 8 p.m. Eastern time; and

(b) With documentation of the participant's:

1. Proof of identification or draw confirmation number; and

2. Purchase of a current license or permit which allows or includes statewide deer hunting privileges;

(5) Check out at the designated check station:

(a) If finished hunting;

(b) If the hunter's bag limit is reached; or

(c) By 8 p.m. Eastern time on the final day of the hunt;

(6) Take a harvested deer to the designated check station by 8 p.m. Eastern time the day the deer was harvested;

(7) Be declared ineligible to apply for the next year's drawing if the hunter or the hunter's assistant fails to check out properly;

(8) Telecheck a harvested deer or check a harvested deer on the department's Web site at fw.ky.gov if there is not a designated check station at the quota hunt; and

(9) Comply with all species quota hunt requirements or be ineligible to apply for any quota hunt or no-hunt option for these species the following year.

Section 6. Wildlife Management Area Requirements.

(1) Dr. Norman and Martha Adair WMA.

(2) Ballard WMA.

(a) On the main tract, the quota hunt shall be for two (2) consecutive days beginning on the first Saturday in November.

(b) On the main tract, the archery, crossbow, and October youth gun seasons shall be open pursuant to statewide requirements through October 14, except that the two (2) mile driving loop marked by signs shall be closed to all hunting.

(c) The archery, crossbow, modern gun, youth gun, and muzzleloader seasons shall be open pursuant to statewide requirements only on the 400-acre tract south of Sallie Crice Road.

(d) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked in, up to a maximum of four (4) points.

[~~(3)~~] [~~Barren River WMA. The area shall be open pursuant to statewide requirements except that on the Peninsula Unit, including Narrows, Goose, and Grass Islands, a person shall not hunt deer with a modern gun.~~]

(3)[~~(4)~~] Beaver Creek WMA.

(a) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(b) The limit shall be one (1) antlered deer during the quota hunt.

(c) The youth gun seasons shall be open pursuant to statewide requirements.

(4)[~~(5)~~] Big Rivers WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) There shall be a firearms quota hunt for two (2) consecutive days beginning the first Saturday in November.

(c) The archery and crossbow quota hunt shall begin on[~~the Monday following the third Saturday in~~] October 25 and continue through November 30, except that it shall be closed beginning[~~during~~] the Friday before the two (2) day quota hunt as established in paragraph (b) of this subsection.

(d) A person shall:

1. Obtain a vehicle tag from the department prior to participating in the archery and crossbow quota hunt as established in paragraph (c) of this subsection; and

2. Display the vehicle tag in the windshield of the vehicle while hunting.

(5)[~~(6)~~] Boatwright WMA. The area shall be open pursuant to statewide requirements, except that on the Swan Lake Unit the:

(a) Archery, October youth gun, and crossbow seasons shall only be open through October 14; and

(b) December free youth weekend shall be closed.

(6) Cane Creek WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) There shall be an unstaffed firearms quota hunt for two (2) consecutive days beginning the first Saturday in November.

(c) The archery and crossbow unstaffed quota hunt shall begin on October 25 and continue through November 30, except that it shall be closed beginning the Friday before the two (2) day quota hunt as established in paragraph (b) of this subsection.

(d) A person shall:

1. Obtain a vehicle tag from the department prior to participating in the quota hunts as established in paragraphs (b) and (c) of this subsection; and

2. Display the vehicle tag in the windshield of the vehicle while hunting.

(7) Cedar Creek Lake WMA.

(8) Clay WMA.

(a) On the main tract, muzzleloader and youth gun seasons shall be open pursuant to statewide requirements, except archery hunting shall be prohibited during the quota fox hunting field trials as established in 301 KAR 2:049.

(b) The remainder of the WMA shall be open pursuant to statewide requirements for the archery, crossbow, muzzleloader, and youth gun seasons, except during the quota deer hunt.

(c) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(d) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked-in, up to a maximum of four (4) points.

(e) Hunters drawn for the quota hunt may harvest up to four (4) deer, only one (1) of which may be antlered.

(9) Decker WMA.

(10)[~~(9)~~] Dewey Lake WMA.

(a) The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.

(b) Guns shall be prohibited for deer hunting on the:

1. Western side of the lake, north of the Terry Boat Ramp; and

2. Eastern side of the lake, north of the ridge that begins across the lake from the Terry Boat Ramp, and extends eastward to the WMA boundary.

(c) There shall be a quota hunt for two (2) consecutive days beginning the first Saturday in November.

(d) There shall be a limit of one (1) antlered and one (1) antlerless deer [~~limit~~] during the quota hunt.

(11)[~~(10)~~] Dix River WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(12)[~~(11)~~] Fishtrap Lake WMA.

(a) The quota hunt shall be for two (2) consecutive days beginning on the Saturday before Thanksgiving.

(b) The limit for the quota hunt shall be one (1) deer.

(c) The youth gun and [~~December~~] muzzleloader seasons shall be open pursuant to statewide requirements.

(13)[~~(12)~~] Grayson Lake WMA.

(a) An open youth hunt shall:

1. Be the first Saturday in November for two (2) consecutive days; and

2. Have a two (2) deer bag limit, only one (1) of which may be an antlered deer.

(b) A person who has not checked in shall not enter the Grayson Lake WMA during the open youth hunt, except to:

1. Travel through the WMA on an established public road; or

2. Use an area designated as open by signs.

[~~(c)~~] [~~The property of Camp Webb shall be open for a mobility-impaired deer hunting event during the first weekend of October.~~]

(c)[~~(d)~~] The crossbow season shall be from the first Saturday in September through the third Monday in January, except that the archery and crossbow seasons shall be closed during the November open youth hunt.

(d)[~~(e)~~] The youth gun seasons shall be open pursuant to statewide requirements.

(e)[~~(f)~~] The [~~December~~] muzzleloader seasons shall be open pursuant to statewide requirements.

(14)[~~(13)~~] Green River Lake WMA and Dennis-Gray WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(c) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked in, up to a maximum of four (4) points.

(d)[~~(c)~~] Fifteen (15) openings shall be reserved in the quota hunt for mobility-impaired persons.

(e)[~~(d)~~] The Green River Lake and Dennis-Gray WMAs shall be considered to be located in the Eastern Time Zone.

(f) The December muzzleloader season shall be open pursuant to statewide requirements.

(15)[~~(14)~~] Griffith Woods WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.[~~The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.~~]

(16)[~~(15)~~] Higginson-Henry WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) There shall be a firearms quota hunt for two (2) consecutive days beginning the first Saturday in November.

(c) The archery[~~There shall be an archery~~]and crossbow quota hunt shall begin on[~~beginning the Monday following the third Saturday in~~] October 25 and continue[~~continuing~~] through November 30, except that it shall be closed beginning[~~during~~] the Friday before the two (2) day quota hunt as established in paragraph (b) of this subsection.

(d) A person shall:

1. Obtain a vehicle tag from the department prior to participating in the archery and crossbow quota hunt as established in paragraph (c) of this subsection; and

2. Display the vehicle tag in the windshield of the vehicle while hunting.

(17)[~~(16)~~] J.C. Williams WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.[~~The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.~~]

(18)[~~(17)~~] Kentucky River WMA.

(a) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.[~~The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.~~]

(b) There shall be a quota hunt for two (2) consecutive days beginning on the first Saturday in November.

(19)[~~(18)~~] Kleber WMA.

(a) The quota hunts shall be for:

1. Two (2) consecutive days beginning the first Saturday in November; and

2. Two (2) consecutive days beginning the first Saturday in December.

(b) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.[~~The youth gun and December muzzleloader seasons shall be open pursuant to statewide requirements.~~]

(20)[~~(19)~~] Knobs State Forest WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.[~~The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.~~]

(21)[~~(20)~~] Lake Barkley WMA shall be open pursuant to statewide requirements except:

(a) The North Refuge shall be closed from November 1 to February 15; and

(b) Duck Island shall be closed from October 15 to March 15, except that it shall be open for the October muzzleloader season, pursuant to statewide requirements.

(22)[~~(21)~~] Livingston County WMA. The youth gun, muzzleloader, and modern gun seasons shall be open pursuant to statewide requirements, except a person shall not hunt deer with a modern gun during the modern gun deer season.

(23)[~~(22)~~] Curtis Gates Lloyd WMA.

(a) The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.

(b) There shall be an unstaffed firearms quota hunt beginning the second Saturday in November for eight (8) consecutive days.

(c) A person shall:

1. Obtain a vehicle tag from the department prior to participating in the archery and crossbow quota hunt as established in paragraph (b) of this subsection; and

2. Display the vehicle tag in the windshield of the vehicle while hunting.

(24)[~~(23)~~] Mill Creek WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) The modern gun season shall be open pursuant to statewide requirements for two (2) consecutive days beginning the second Saturday in November.

(25)[~~(24)~~] Miller-Welch Central Kentucky WMA. [~~The archery and crossbow seasons shall be open pursuant to statewide requirements:~~]

[~~(a)~~] [~~On Monday through Thursday, from the first Saturday in September through December 17, except during scheduled field trials as posted on the area bulletin board; and~~]

[~~(b)~~] [~~December 18 through the third Monday in January.~~]

[~~(25)~~] [~~Mud Camp Creek WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.~~]

(26) Mullins WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.[~~The youth gun and December muzzleloader seasons shall be open pursuant to statewide requirements.~~]

(27) Ohio River Islands WMA, Stewart Island Unit.

(a) The muzzleloader season shall be for two (2) consecutive days beginning the third Saturday in October.

(b) The archery season shall be from the first Saturday in September through October 14.

(c) The crossbow season shall be from October 1 through October 14.

(d) The October youth gun season shall be open pursuant to statewide requirements.

(e) The remainder of the WMA shall be open pursuant to statewide requirements.

(28) Paintsville Lake WMA.

(a) The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.

(b) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.[~~The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.~~]

(c) A person shall not use a gun for deer hunting on:

1. The area extending eastward from the drainage of Glade Branch, along the north edge of the lake, to the No Hunting Area surrounding Rocky Knob Recreation Area and enclosing all property from the WMA boundary downslope to the lake edge; and

2. The islands to the south and that portion of the area extending eastward along the south edge of the lake from the drainage of Shoal Branch to the No Hunting Area surrounding the dam and ranger station, and extending downslope to the edge of the lake.

(29) Peabody WMA.

(a) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.

(b) The modern gun season shall be open pursuant to statewide requirements for ten (10) consecutive days beginning the second Saturday in November.

(30) Pennyrile State Forest-Tradewater WMA.

(a) There shall be a quota hunt for two (2) consecutive days beginning on the first Saturday in November.

(b) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked in, up to a maximum of four (4) points.[~~The quota hunt shall be for two (2) consecutive days beginning the first Saturday in November.~~]

(31) Ping-Sinking Valley WMA. The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.

(32) Pioneer Weapons WMA. Statewide requirements shall apply except that a person:

(a) Shall not use a modern gun;

(b) Shall not use an in-line muzzleloader;

(c) Shall not use a scope;

(d) May use a crossbow during the entire archery season; and

(e) Shall use only open or iron sights on any weapon.

(33) Redbird WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) The modern gun season shall be open pursuant to statewide requirements for two (2) consecutive days beginning the second Saturday in November.

(34) Dr. James R. Rich WMA.

(a) There shall be a quota hunt for two (2) consecutive days beginning on the first Saturday in:

1. November; and

2. December; and

(b) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.[~~The youth gun and December~~

~~muzzleloader seasons shall be open pursuant to statewide requirements.~~]

(35) Robinson Forest WMA.

(a) A person shall not hunt deer on the main block of Robinson Forest.

(b) The remainder of the WMA shall be open pursuant to statewide requirements.

(36) Rockcastle River WMA.

(a) The youth gun seasons shall be open pursuant to statewide requirements.

(b) The modern gun season shall be open pursuant to statewide requirements for two (2) consecutive days beginning the second Saturday in November.

(37) Sloughs WMA.

(a) On the Sauerheber Unit, the archery, crossbow, muzzleloader, and youth gun seasons shall be open pursuant to statewide requirements through October 31.

(b) The remainder of the WMA shall be open pursuant to statewide requirements.

(38) South Shore WMA.

(a) The youth gun, October muzzleloader, and modern gun seasons shall be open pursuant to statewide requirements through November 14, except that the use of centerfire rifles and handguns shall be prohibited.

(b) The archery and crossbow seasons shall be open pursuant to statewide requirements, except that the area shall be closed November 15 through January 15.

(c) The December free youth weekend and December muzzleloader season shall be closed.

(39) T.N. Sullivan WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.[~~The youth gun and December muzzleloader seasons shall be open pursuant to statewide requirements.~~]

[~~(40)~~] [~~R.F. Tarter WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.~~]

(40)[~~(41)~~] Taylorsville Lake WMA.

(a) There shall be a quota hunt for two (2) consecutive days beginning the first Saturday in:

1. November; and

2. December.

(b) Seven (7) openings shall be reserved in each quota hunt for mobility-impaired persons.

(c) A quota hunt participant shall be given one (1) preference point for each antlerless deer checked in, up to a maximum of four (4) points.

(d) The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.[~~The youth gun and December muzzleloader seasons shall be open pursuant to statewide requirements.~~]

(41)[~~(42)~~] Twin Eagle WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.[~~The youth gun and December muzzleloader seasons shall be open pursuant to statewide requirements.~~]

(42)[~~(43)~~] Paul Van Booven WMA.

(43)[~~(44)~~] Veteran's Memorial WMA.

(a) The December muzzleloader and youth gun seasons shall be open pursuant to statewide requirements.

(b) There shall be a quota hunt for two (2) consecutive days beginning the first Saturday in November.

(44)[~~(45)~~] West Kentucky WMA.

(a) Tracts 2 - 7[~~All tracts~~] shall be open pursuant to statewide requirements for the archery and crossbow seasons, except that the statewide archery and crossbow seasons shall be closed during department administered quota or mentor deer hunts.

(b) Tracts 2[~~1~~]-6 shall be open to shotgun and muzzleloader hunters participating in the quota hunt.

(c) Tract 7 and "A" tracts shall not be open for department administered quota or mentor deer hunts, except as established in paragraph (d) of this subsection.

(d) The "A" tracts shall be open to shotgun hunters participating in the mentor hunt.

(e) The quota hunt shall be for four (4) consecutive days beginning the Saturday prior to Thanksgiving.

(f) There shall be a mentor hunt for four (4) consecutive days beginning the Saturday prior to Thanksgiving in which:

1. There shall be no more than two (2) youths per adult;

2. There shall be no more than one (1) adult per youth; and

3. The adult may take a deer.

(g) Gun hunters shall not use centerfire rifles or handguns.

(h) All persons shall check in daily at the designated check-in locations before entering the "A" tracts.

(i) A participant in the quota or mentor[~~hunt, mentor hunt, or open gun~~] hunt shall:

1. Sign in for the hunting tract of his or her choice at check-in prior to each day's hunt; and

2. Not hunt outside of that tract, except after noon.

[~~(46)~~] [~~Yatesville WMA.~~]

[~~(a)~~] [~~The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.~~]

[~~(b)~~] [~~The modern gun season shall be open pursuant to statewide requirements for ten (10) consecutive days beginning the second Saturday in November.~~]

(45)[~~(47)~~] Yellowbank WMA. The youth gun and muzzleloader seasons shall be open pursuant to statewide requirements.[~~The December muzzleloader and youth gun deer seasons shall be open pursuant to statewide requirements.~~]

Section 7. State Park Deer Seasons and Requirements.

(1) A state park may allow archery and crossbow hunting from the first Saturday in September through the third Monday in January for antlered or antlerless deer.

(2) A state park may allow up to sixteen (16) days of modern gun hunting and up to eleven (11) days of muzzleloader hunting from the first Saturday in September through the third Monday in January for antlered or antlerless deer.

[~~(3)~~] [~~A state park shall be open to deer hunting as established in this subsection and Section 8 of this administrative regulation.~~]

[~~(a)~~] [~~Greenbo Lake State Resort Park. Archery and crossbow deer hunting shall be allowed beginning on the:~~]

[~~1.~~] [~~First Friday of November for three (3) consecutive days;~~]

[~~2.~~] [~~Second Friday of November for three (3) consecutive days; and~~]

[~~3.~~] [~~Deer hunting shall be allowed beginning on the first Tuesday of January for two (2) consecutive days.~~]

[~~(b)~~] [~~Green River Lake State Park.~~]

[~~1.~~] [~~Archery and crossbow deer hunting shall be allowed beginning on the second Thursday of December for four (4) consecutive days.~~]

[~~2.~~] [~~Archery and crossbow deer hunting shall be allowed beginning on the third Thursday of December for four (4) consecutive days.~~]

[~~(c)~~] [~~Dale Hollow Lake State Resort Park.~~]

[~~1.~~] [~~Archery and crossbow deer hunting shall be allowed beginning on the first Monday of November for five (5) consecutive days.~~]

[~~2.~~] [~~Youth deer hunting shall be allowed beginning on the second Saturday of December for two (2) consecutive days.~~]

[~~3.~~] [~~Deer hunting shall be allowed beginning on the first Saturday of January for two (2) consecutive days.~~]

[~~(d)~~] [~~Kenlake State Resort Park.~~]

[~~1.~~] [~~Archery and crossbow deer hunting shall be allowed beginning on the second Thursday of November for four (4) consecutive days.~~]

[~~2.~~] [~~Archery and crossbow deer hunting shall be allowed beginning on the first Saturday in January for two (2) consecutive days.~~]

[~~(e)~~] [~~Kincaid Lake State Park.~~]

[~~1.~~] [~~Deer hunting shall be allowed beginning on the first Thursday of December for four (4) consecutive days.~~]

[~~2.~~] [~~Deer hunting shall be allowed beginning on the second Thursday of December for four (4) consecutive days.~~]

[~~(f)~~] [~~Yatesville Lake State Park. Muzzleloader, archery, and crossbow deer hunting shall be allowed pursuant to statewide requirements on the Monday following the second Saturday of December for three (3) consecutive days.~~]

[~~(g)~~] [~~Jenny Wiley State Resort Park.~~]

[1.] [Deer hunting shall be allowed beginning on the first Saturday of January for two (2) consecutive days.]

[2.] [The bag limit shall be two (2) deer, only one (1) of which may be antlered.]

[3.] [The hunt shall be open to the first fifteen (15) mobility-impaired persons who check in at the park on the day before the hunt.]

[4.] [A person who participates in the hunt shall comply with the requirements established in 301 KAR 3:026.]

[Section 8.] [State Park Deer Hunt Requirements.]

(3)[(1)] A person shall not hunt on a state park unless:

(a) Selected by a random drawing as established in Section 3 of this administrative regulation; or

(b) The person is a member of a successful applicant's quota hunt party; or

(c) The person is participating in a first come, first served or an open hunt.

[(c)] [The person is participating in a deer hunt established in Section 7 of this administrative regulation; or]

[(d)] [The person successfully registers on a first-come, first-served basis as part of a process administered by the Department of Parks, at an area established in subparagraphs 1. through 6. of this paragraph:]

[1.] [Blue Licks Battlefield State Resort Park;]

[2.] [Carter Caves State Resort Park;]

[3.] [John James Audubon State Park;]

[4.] [Lake Barkley State Resort Park;]

[5.] [My Old Kentucky Home State Park; and]

[6.] [Taylorsville Lake State Park.]

(4)[(2)] A person participating in a state park quota hunt[, except for the quota hunts at Green River Lake State Park and the Yatesville Lake State Park open deer hunt,] shall:

(a) Check in and check out as required in Section 5 of this administrative regulation;

(b) Furnish at check-in a driver's license or other form of government-issued identification or if the individual is a juvenile, be accompanied by an adult who furnished such an identification; and

[(c)] [Check in:]

[1.] [Between noon and 8 p.m. Eastern time the day before the hunt at the state park campground if hunting in the Yatesville Lake State Park open deer hunt; or]

[2.] [At the park the day before the hunt if hunting in the Jenny Wiley State Resort Park deer hunt; and]

(c)[(d)] Not be eligible to apply for a quota hunt the following year if the person does not check out as required in Section 5 of this administrative regulation.

[(3)] [A person participating in a state park deer hunt shall:]

(d)[(a)] Comply with the hunter orange and weapon requirements established in 301 KAR 2:172;[and]

(e)[(b)] Check a harvested deer by completing the telecheck or online check-in process as established in 301 KAR 2:172; and[.]

(5)[(4)] A person participating in a state park deer hunt shall not:

(a) Take more than one (1) antlered deer;

(b) Hunt over bait;

(c) Use:

1. A tree stand except a portable stand;

2. Climbing devices that nail or screw to the tree; or

3. Climbing spikes;

(d) Leave a deer stand unattended for more than twenty-four (24) hours;

(e) Discharge a gun within 100 yards of a maintained road or building; or

(f) Hunt:

1. In an area posted as closed by signs or maps;

2. Outside park boundaries; or

3. From a ground blind, if gun deer hunting is allowed, unless first attaching a hat or vest made of solid, unbroken hunter orange material to the blind so that it is visible from all sides.

[(5)] [A person participating in a state park deer hunt, other than the open hunts at Jenny Wiley State Resort Park and Yatesville Lake State Park and any department-administered state park quota hunt, may take up to two (2) bonus deer per hunt that shall not count toward the statewide limit if the person:]

[(a)] [Takes no more than one (1) bonus antlered deer per license year; and]

[(b)] [Obtains the valid bonus deer tag from the state park hunt administrators.]

(6) A person participating in a state park deer hunt or in possession of harvested wildlife on state park property shall comply with all posted state park rules and regulations concerning the possession, storage, or disposal of harvested wildlife.

(7) If a state park is in two (2) or more deer hunting zones, as established in 301 KAR 2:172, then the state park shall be regulated by the most liberal zone requirements of the zone in which it lies.

Section 8.[Section 9.] Other Public Lands.

(1) On Daniel Boone National Forest, Jefferson National Forest, and Land Between the Lakes, a person shall not use bait.

(2) The areas established in paragraphs (a) through (h)[(g)] of this subsection may schedule a gun, crossbow, or archery deer hunting season between September 1 and January 31:

(a) Big South Fork National River and Recreation Area;

(b) Clark's River National Wildlife Refuge;

(c) Daniel Boone National Forest;

(d) Green River National Wildlife Refuge

(e) Jefferson National Forest;

(f)[(e)] Land Between the Lakes National Recreation Area;

(g)[(f)] Ohio River Islands National Wildlife Refuge; and

(h)[(g)] Reelfoot National Wildlife Refuge.

(3) An area listed in subsection (2) of this section may issue a bonus permit for antlered or antlerless deer, which shall:

(a) Not count against a hunter's statewide bag limit; and

(b) Only be issued for a hunt that is open to the general public.

(4) At Land Between the Lakes, a person:

(a) Shall not take more than:

1. Two (2) deer during archery hunts; and

2. One (1) deer during quota hunts;

(b) Who is a quota deer hunter shall:

1. Apply in advance at Land Between the Lakes; and

2. Only hunt from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset; and

(c) Who harvests a deer shall:

1. Check in the carcass pursuant to U.S. Forest Service requirements; and

2. Affix a game check card pursuant to U.S. Forest Service requirements.

(5) At Reelfoot National Wildlife Refuge:

(a) On the Long Point Unit, a valid hunting license and deer permit from either Kentucky or Tennessee shall be required for deer hunting.

(b) Zone 1 bag limits shall apply during the open archery season and quota youth hunt;

(c) A person shall not take more than two (2) deer by gun during the quota hunt, only one (1) of which shall be antlered;

(d) A quota gun hunt participant shall:

1. Tag deer as instructed by the Refuge; and

2. Comply with the Refuge check-in requirements; and

(e) A person who is archery hunting or in a quota youth hunt shall:

1. Only take deer using the appropriate statewide or additional deer permit; and

2. Check harvested deer through the department's telephone or online check-in systems.

[(6)] [At Otter Creek Outdoor Recreation Area:]

[(a)] [The archery and crossbow seasons shall be open pursuant to statewide requirements; and]

[(b)] [There shall be a quota hunt for two (2) consecutive days beginning the second Saturday in December.]

(6)[(7)] At Twin Knobs Campground, the area shall be closed to all statewide seasons, except that there shall be a quota hunt on the second Saturday in December during odd-numbered years for mobility-impaired persons.

(7)[~~(8)~~] At Zilpo Campground, the area shall be closed to all statewide seasons, except that there shall be a quota hunt on the second Saturday in December during even-numbered years for mobility-impaired persons.

Section 9.[~~Section 10.~~] Special Areas under Federal Control.

(1) The areas established in paragraphs (a) through (e) of this subsection may schedule a gun, archery, or crossbow deer hunting season between September 1 and January 31:

(a) Bluegrass Army Depot;

(b) Fort Campbell;

(c) Fort Knox;

(d) Hidden Valley Training Center; and

(e) Wendell Ford Regional Training Center.

(2) An area listed in subsection (1) of this section may issue a bonus permit for antlered or antlerless deer, which shall:

(a) Not count against a hunter's statewide bag limit; and

(b) Only be issued for a hunt that is open to the general public.

(3) Except on the Hidden Valley Training area, on the areas listed in subsection (1) of this section, a deer hunter shall:

(a) Obtain a permit from the area before hunting;

(b) Only hunt on assigned dates;

(c) Remain in assigned areas;

(d) Tag deer with tags issued on the area, unless otherwise established in this section;

(e) Keep the area tag attached to the deer until the carcass is processed; and

(f) Check deer at a designated check station before leaving the area.

(4) At Bluegrass Army Depot, a person shall not take an antlered deer whose outside antler spread is less than fifteen (15) inches.

(5) At Fort Knox, a person shall:

(a) Not take an antlered deer whose outside antler spread is less than twelve (12) inches;

(b) Not use bait; and

(c) Record harvested deer on a Fort Knox harvest log and check harvested deer pursuant to area requirements and as established in 301 KAR 2:172.

(6) At Hidden Valley Training Area, a person shall not use a gun to hunt deer.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: July 8, 2025

FILED WITH LRC: July 9, 2025 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 29, 2025, at 2:30 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the framework for deer hunting on publicly owned properties in Kentucky.

(b) The necessity of this administrative regulation: This regulation is necessary to manage white-tailed deer populations on public lands and provides the legal framework for the same.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 148.029(5) authorizes the Department of Parks, in cooperation with the Department of Fish and Wildlife Resources, to implement wildlife management plans on state parks. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, and to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any provisions of KRS Chapter 150 or KAR Title 301. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes deer hunting seasons, application procedures, and other matters pertaining to deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas that differ from statewide requirements.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. This amendment also streamlines the regulation to make public lands deer management and hunting regulations as consistent as possible across the state.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation. The amendment is necessary to standardize deer hunting regulations and allows for increased recreational opportunities. This amendment provides state parks with more flexibility for managing wildlife on the park properties.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department. KRS 148.029(5) authorizes the Department of Parks, in cooperation with the Department of Fish and Wildlife Resources, to implement wildlife management plans on state parks. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, and to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any provisions of KRS Chapter 150 or KAR Title 301. KRS 150.620 authorizes the department to promulgate administrative regulations for the maintenance and operation of the lands it has acquired for public recreation.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022. The amendment also removes unnecessary portions of the previously existing regulation. The amendment provides a simpler method for state parks to administer quota hunts on state park property which will allow for better management of the parks. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, and to make these requirements apply to a limited area. KRS 150.390(1) prohibits the taking of deer in any manner contrary to any provisions of KRS Chapter 150 or KAR Title 301.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who which to obtain the associated license or permit, state parks, and individuals hunting on wildlife management areas.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit. Individuals hunting on WMA's would need to follow the amended restrictions. State Parks will need to follow the updates for conducting hunts on state park property.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated license or permit and allow for the public to utilize WMA's in a fair manner while preserving the properties for the future. State Parks will have a simpler process with less restrictions for deciding when and where to hold hunts to manage their properties.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied; any individual who wishes to participate in a department administered quota hunt must pay for the applicable fee.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 148.029(5), 150.025(1), 150.390(1), 150.620
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. Deer hunting regulations for Kentucky State Parks are also found herein.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:195. Falconry, raptor take, and raptor propagation.

RELATES TO: KRS 150.010, 150.180, 150.183, 150.290, 150.305, 150.320, 150.330, 150.360

STATUTORY AUTHORITY: KRS 150.025(1), 150.280(1), 50 C.F.R. Parts 13, 17, 21, 22

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing open seasons for the taking of wildlife, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area. KRS 150.280(1) requires the department to promulgate administrative regulations establishing procedures for propagating and holding of protected wildlife. 50 C.F.R. Parts 13, 17, 21, and 22 establish requirements for permitting, taking, possessing, and selling of raptors and endangered and threatened species. This administrative regulation establishes permitting, taking, possessing, and reporting requirements for people engaged in falconry and raptor propagation.

Section 1. Definitions.

(1) "Adult" means a raptor that is at least one (1) year old.

(2) "Captive-bred raptor" means a raptor, or the eggs thereof, hatched in captivity from parents in captivity.

(3) "Eyas" means a young raptor that is still in the nest and not capable of flight.

(4) "Falconry" means caring for and training wild or captive-bred raptors for the pursuit of wild game.

(5) "Hack" means the temporary release of a raptor held for falconry to the wild so that it can survive on its own.

(6) "Hybrid raptor" means an offspring produced by two (2) distinct raptor species.

(7) "Imprinted" means a raptor that has been hand-raised by a human in isolation from the sight of other raptors from two (2) weeks of age through fledging.

(8) "Native raptor" means a raptor species which has historically existed or currently exists in the wild in Kentucky without introduction by humans.

(9) "Passage bird" means a raptor less than one (1) year of age that is capable of sustained flight and is no longer dependent on parental care.

(10) "Wild raptor" means a raptor that was originally taken from the wild.

Section 2. Federal requirements. Except as established in Sections 3 through 11 of this administrative regulation, a person shall be in compliance with the federal requirements established in 50 C.F.R. Parts:

(1) 13;

(2) 17;

(3) 21; and

(4) 22.

Section 3. Permits and Licenses.

(1) A person shall be required to obtain and possess a valid falconry permit to take or possess a raptor for use in falconry.

(2) A raptor obtained with a valid falconry permit shall not be used or kept for purposes other than falconry.

(3) A person with a valid state or federal falconry permit:

(a) May take wildlife pursuant to applicable statewide requirements if the falconer:

1. Has a valid Kentucky hunting license; or

2. Is hunting license exempt pursuant to KRS 150.170; and

(b) Shall not be required to obtain a wildlife transportation permit pursuant to 301 KAR 2:081 and 2:082 if the person:

1. Is importing or transporting a legally held falconry raptor into Kentucky; or

2. Is transporting a legally held falconry raptor into and through Kentucky to a destination outside of Kentucky.

Section 4. Falconry Permit Requirements, Classes of Permits, and Apprentice Sponsors.

(1) To obtain a falconry permit of any class, a person shall:

(a) Complete a Kentucky Falconry Permit Application form provided by the Department; and

(b) Submit to the department:

1. The completed application;

2. The appropriate fee, as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~established in 301 KAR 3:022~~]; and

3. A completed Raptor Facilities and Equipment Inspection Report form signed by a department conservation officer, department biologist, or department approved representative.

(2) An apprentice falconry permit applicant shall:

(a) Be at least twelve (12) years old;

(b) Obtain a sponsor who holds a valid Kentucky general or master falconry permit pursuant to subsection (12) of this section;

(c) If under eighteen (18) years old, have a parent or legal guardian co-sign the application;

(d) Contact the department to schedule a time to take a written exam administered by the department;

(e) Provide photo identification prior to taking the exam;

(f) Complete the written exam within ninety (90) minutes;

(g) Only take the written exam one (1) time in a given day; and

(h) Pass the written examination by scoring a minimum of eighty (80) percent.

(3) An applicant shall not take more than three (3) exams in any twelve (12) month period.

(4) A person shall submit an application within twelve (12) months of passing the falconry exam, or the application shall be invalid.

(5) An apprentice class falconry permit holder shall:

(a) Only possess one (1) of the following wild or captive-bred raptors at any given time:

1. American kestrel (Falco sparverius);

2. Red-tailed hawk (Buteo jamaicensis);

3. Red-shouldered hawk (Buteo lineatus); or

4. Harris's hawk (Parabuteo unicinctus);

(b) Not possess a raptor:

1. Taken from the wild as a nestling; or

2. That is imprinted on humans; and

(c) Only take a wild raptor under the direct supervision of the permit holder's sponsor.

(6) A general class falconry permit applicant shall:

(a) Be at least sixteen (16) years old;

(b) If under eighteen (18) years old, have a parent or legal guardian co-sign the application;

(c) Have practiced falconry at the apprentice level for at least two (2) years; and

(d) Have complied with all previous year reporting requirements, if applicable, pursuant to Section 7 of this administrative regulation.

(7) A first time general class permit applicant shall:

(a) Submit to the department a completed Kentucky Apprentice Falconer Activity Report;

(b) Practice falconry with a wild raptor at the apprentice level for at least two (2) years; and

(c) Maintain, train, and hunt with a raptor for an average of six (6) months per year with at least four (4) months in each year.

(8) A general class falconry permit holder shall:

(a) Be allowed to possess the following:

1. A raptor obtained from the wild;

2. A hybrid raptor; or

3. A captive-bred raptor; and

(b) Not possess more than three (3) of the following raptors at any given time:

1. Great horned owl (Bubo virginianus); or

2. Any member of the Order Falconiformes, except for the following species which shall not be possessed:

a. Golden eagle (Aquila chrysaetos);

b. Bald eagle (Haliaeetus leucocephalus);

c. White-tailed eagle (Haliaeetus albicilla); or

d. Stellar's sea eagle (Haliaeetus pelagicus).

(9) A master class falconry permit applicant shall:

(a) Have held a valid general class falconry permit for at least five (5) years; and

(b) Have complied with all previous year reporting requirements, pursuant to Section 7 of this administrative regulation.

(10) A first time master class permit applicant shall submit to the department a completed Kentucky General Falconer Upgrade Report, signed by the applicant and one (1) reference who is a permitted master or general class falconer, attesting that the applicant has practiced falconry:

(a) At the general class permit level for at least five (5) years; and

(b) For an average of four (4) months a year, in at least four (4) out of the last five (5) years.

(11) A master class falconry permit holder:

(a) Shall not possess more than five (5) of the following wild raptors at any given time:

1. Great horned owl; and

2. Any member of the Order Falconiformes except a bald eagle;

(b) Shall obtain prior approval from the department pursuant to the requirements of 50 C.F.R. 21 and 22 to possess any of the following raptors:

1. Golden eagle;

2. White-tailed eagle; or

3. Stellar's sea eagle; and

(c) May possess any number of captive-bred raptors of the species allowed in paragraph (a) and (b) of this subsection.

(12) An apprentice sponsor shall:

(a) Not have more than three (3) apprentices at any given time;

(b) Be at least eighteen (18) years old;

(c) Possess a valid Kentucky general or master class falconry permit;

(d) Have held a general class falconry permit for a minimum of two (2) years; and

(e) Submit a signed letter to the department:

1. Attesting that the sponsor will assist the apprentice in:

a. Learning about the husbandry and training of raptors held for falconry;

b. Learning relevant wildlife laws and regulations;

c. Deciding which species of raptor is most appropriate for the apprentice to possess;

d. Providing direct supervision to the apprentice while trapping wild raptors; and

e. Evaluating the apprentice's facility and bird a minimum of one (1) time every twelve (12) months; and

2. Containing the sponsor's:

a. Name;

b. Falconry permit number;

c. Address; and

d. Telephone number.

(13) A sponsor who is withdrawing sponsorship of an apprentice shall:

(a) Notify the department in writing within five (5) days of withdrawing the sponsorship; and

(b) Provide the apprentice with a signed and dated document stating the length of time that the apprentice practiced falconry under the sponsor's guidance.

(14) An apprentice who loses sponsorship shall obtain a new sponsor within thirty (30) days from the sponsor's notification of withdrawal.

(15) A new sponsor shall be in compliance with the requirements established in subsection (7) of this section.

(16) If an apprentice fails to obtain a new sponsor within thirty (30) days, the department shall:

(a) Revoke the apprentice's falconry permit; and

(b) Confiscate any raptor in the apprentice's possession if the apprentice does not transfer ownership of the raptor to another licensed falconer.

(17) A non-resident falconer who moves to Kentucky to establish residency shall apply for the appropriate Kentucky falconry permit within thirty (30) days after moving.

(18) A resident falconry applicant who is a new resident of the United States shall obtain the appropriate Kentucky falconry permit by:

(a) Meeting the application requirements established in subsection (1) of this section;

(b) Contacting the department to schedule a time to take a written examination administered by the department;

(c) Passing the written examination by scoring a minimum of eighty (80) percent; and

(d) Providing to the department written documentation of previous falconry experience including:

1. The number of years the applicant has practiced falconry;

2. The raptor species used in falconry; and

3. The game species taken with falconry.

(19) A person who held a valid Kentucky falconry permit within the last five (5) years, but has allowed the permit to lapse, may apply for reinstatement at the class level previously held by:

(a) Complying with the application requirements established in subsection (1) of this section; and

(b) Providing the department with proof of previous certification at that class level.

(20) An apprentice or general falconer whose Kentucky falconry permit has lapsed for a period greater than five (5) years may apply for reinstatement at the class level previously held by:

(a) Complying with the application requirements established in subsection (1) of this section;

(b) Complying with the examination requirements established in subsection (2) of this section; and

(c) Providing the department with proof of previous certification at that class level.

(21) A master class permittee whose Kentucky falconry permit has lapsed for a period greater than five (5) years will be reinstated at the general class level, provided he satisfies the application requirements in subsection (1) of this section.

(a) A person formerly permitted at the master class level and reinstated at the general class level shall actively practice falconry for an average of four (4) months a year in at least two (2) out of the last three (3) years prior to upgrading to a master class permit.

(b) A person applying for master class reinstatement shall:

1. Submit to the department a Kentucky General Falconer Upgrade Report;

2. Have complied with all previous years' reporting requirements, as established in Section 7; and

3. Provide the department with proof of previous certification at the master class level.

(22) A falconry permit holder shall not be required to pay the permit fee referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~established in 301 KAR 3:022~~] if the permit holder's current permit has not yet expired and the permit holder is applying for:

(a) An upgrade to the next falconry class; or

(b) A facility relocation.

Section 5. Facility, Equipment, and Care Requirements.

(1) A falconry permit holder shall comply with all federal requirements established in 50 C.F.R. Part 21 for the permit holder's:

(a) Facility;

(b) Equipment; and

(c) Treatment and care for possessed raptors.

(2) A permittee shall keep all:

(a) Raptors in humane and healthy condition; and

(b) Facilities and equipment in serviceable, safe, and sanitary condition, as established in 50 C.F.R. Part 21.

(3) A falconry permit holder who is relocating a raptor facility shall:

(a) Notify the department within five (5) business days of relocation; and

(b) Have a relocated raptor facility inspected and approved by a department conservation officer, department biologist, or department approved representative within thirty (30) days of relocation.

(4) A department conservation officer, department biologist, or department approved representative shall only inspect a raptor facility:

(a) In the presence of the permit holder;

(b) On a weekday; and

(c) Between 8 a.m. and 8 p.m. local time.

Section 6. Banding, Tagging, and Telemetry Requirements.

(1) A falconry permit holder shall comply with federal banding, tagging, and telemetry requirements established in 50 C.F.R. Part 21.

(2) A falconry permit holder who is required by federal regulations to band a raptor shall:

(a) Contact the department to request leg bands at least fifteen (15) days prior to obtaining a raptor; and

(b) Only use U.S. Fish and Wildlife Service leg bands that are issued by the department.

(3) A falconry permit holder shall attach at least two (2) radio transmitters to a hybrid raptor if the permit holder is flying it untethered in the wild.

Section 7. Raptor Take and Release, Recordkeeping, and Reporting Requirements.

(1) Unless exempted by KRS 150.170, a Kentucky falconry permit holder shall have in possession a valid Kentucky hunting license when taking a raptor from the wild.

(2) When taking a raptor from the wild, a nonresident shall have in possession:

(a) A valid Kentucky nonresident hunting license;

(b) A valid falconry permit or equivalent from the nonresident's home state; and

(c) An approved Kentucky Nonresident Raptor Take Form.

(3) To obtain a Kentucky Nonresident Raptor Take Form, a person shall:

(a) Print a copy of the form from the department's Web site at fw.ky.gov; or

(b) Contact the department at 800-858-1549 and request a mailed copy.

(4) A person shall submit to the department a completed and signed Kentucky Nonresident Raptor Take Form at least fifteen (15) working days prior to the requested take date.

(5) A falconry permit holder shall be responsible for complying with all applicable federal requirements if taking raptors on federal land.

(6) A falconry permit holder who is a nonresident shall only take one (1) legal raptor in Kentucky per calendar year.

(7) An approved Kentucky Nonresident Raptor Take Form shall only be issued to a person whose state of residence allows a Kentucky resident to legally take a raptor from that state.

(8) A nonresident falconer who takes a raptor in Kentucky shall submit to the department a completed and signed Falconry Take Location Report within five (5) days of taking a bird.

(9) A licensed falconer shall comply with all raptor take requirements established in 50 C.F.R. 21 in addition to the requirements established in this section.

(10) A resident falconry permit holder shall not take more than two (2) raptors from the wild in any calendar year.

(11) An eyas shall only be taken:

(a) By a general or master class falconry permit holder; and

(b) From January 1 through July 31.

(12) A person shall not take more than one (1) sharp-shinned hawk (Accipter striatus) eyas per calendar year.

(13) There shall be an annual maximum quota for sharp-shinned hawk eyases of:

(a) Ten (10) for Kentucky residents; and

(b) Five (5) for nonresidents.

(14) Prior to taking a sharp-shinned hawk eyas, a person shall be responsible for calling the department at 800-858-1549 to check if the sharp-shinned hawk eyas annual quota has been reached.

(15) A person shall not take a sharp-shinned hawk eyas from a nest unless there are at least three (3) eyases in the nest.

(16) Each person who takes a sharp-shinned hawk eyas shall submit to the department the Falconry Take Location Report within five (5) days of possession.

(17) Any permit class falconer may take a passage bird if it is a species the falconer is allowed to possess as established in Section 4 of this administrative regulation.

(18) The allowable period of take for:

(a) A passage bird, other than a great horned owl, shall be September 1 through January 31;

(b) An adult or passage bird great horned owl shall be September 1 through October 31; and

(c) An adult American kestrel shall only be taken from September 1 through January 31.

(19) An adult American kestrel or adult great horned owl shall only be taken by a:

(a) General class permit holder; or

(b) Master class permit holder.

(20) A person shall not release the following raptors into the wild:

(a) A non-native raptor;

(b) A hybrid raptor; or

(c) A captive-bred, native raptor.

(21) Prior to releasing a raptor into the wild, a person shall remove all leg bands from the bird, except that a falconer who intends to release a wild caught peregrine falcon previously used in falconry shall contact the department's Falconry Coordinator to:

(a) Have the department band the bird with a permanent band; and

(b) Release the bird only in a county approved in writing by the department's Falconry Coordinator.

(22) A falconry permit holder shall complete and submit to the department a federal form 3-186A or enter the required information in the federal database at https://epermits.fws.gov/falcP/ within five (5) days if a raptor is:

(a) Acquired;

(b) Transferred;

(c) Released;

(d) Lost;

(e) Rebanded;

(f) Microchipped;

(g) Stolen; or

(h) Dead.

(23) A falconer shall retain copies of each submitted 3-186A form or the electronically submitted data for a minimum of five (5) years following a raptor's:

(a) Transfer;

(b) Release;

(c) Loss; or

(d) Death.

Section 8. Transfer of Ownership and Propagation.

(1) A falconry permit holder may transfer ownership of a wild-caught raptor pursuant to 50 C.F.R. Part 21, but shall not engage in the following activities with wild-caught raptors:

(a) Selling;

(b) Purchasing;

(c) Trading; or

(d) Bartering.

(2) A falconry permit holder may transfer a wild-caught raptor to a person who possesses a valid federal raptor propagation permit if:

(a)

1. The raptor has been used in falconry for at least one (1) year for the following species:

a. Sharp-shinned hawk;

b. Cooper's hawk (Accipter cooperii);

c. Merlin (Falco columbarius); or

d. American kestrel; or

2. The raptor has been used in falconry for at least two (2) years for all other legal species of raptor; and

(b) The person receiving the transferred bird possesses a valid state captive wildlife permit.

(3) A person who legally possesses a captive-bred raptor may engage in the activities listed in subsection (1)(a) through (d) of this section if:

(a)

1. The transferred bird is marked with a metal leg band; or

2. The transferred bird is implanted with a microchip pursuant to 50 C.F.R. Part 21; and

(b) The person in receipt of the bird possesses:

1. The appropriate class falconry permit; or

2. A valid federal raptor propagation permit.

(4) A person shall not breed or propagate a native raptor without first obtaining:

(a) A federal raptor propagation permit, pursuant to 50 C.F.R. Part 21; and

(b) The appropriate Kentucky captive wildlife permit, pursuant to 301 KAR 2:081.

(5) A person who is propagating a native raptor shall submit to the department copies of all the following materials required by 50 C.F.R. Part 21:

(a) The raptor propagation application;

(b) Propagation records; and

(c) Propagation reports.

(6) The materials required in subsection (5) of this section shall be submitted to the department by the same dates required in 50 C.F.R. Part 21.

Section 9. Other Activities.

(1) A falconry permit holder may use a raptor for conservation education programs, pursuant to 50 C.F.R. Part 21.

(2) A falconry permit holder who is in compliance with the permit requirements for Special Purpose Abatement, pursuant to 50 C.F.R. Part 21, may receive payment for nuisance wildlife control work if the permit holder also possesses a valid Kentucky Commercial Nuisance Wildlife Control permit, pursuant to 301 KAR 3:120.

(3) A person may assist a permitted wildlife rehabilitator, as established in 301 KAR 2:075, in conditioning raptors for subsequent release into the wild if the person is:

(a) A general or master class falconry permit holder; and

(b) Working with a species the falconry permit holder is allowed to possess.

(4) A general or master class permit holder may hack a raptor, previously used for falconry, if the permit holder is in compliance with 50 C.F.R. 21 and contacts the department to provide the information established in paragraph (a) through (d) of this subsection.

(a) The hack site location;

(b) The species of raptor;

(c) The origin of the raptor; and

(d) The planned hacking dates.

Section 10. Passage Tundrius Peregrine Falcon Take Opportunity Drawing.

(1) Dependent upon the number of passage tundrius peregrine falcon take opportunities allocated to the department by the U.S. Fish and Wildlife Service, the department shall administer a random drawing annually for the passage tundrius peregrine falcon take opportunities allocated.

(2) One passage tundrius peregrine falcon take opportunity, authorizing the take of one (1) passage tundrius peregrine falcon, will be awarded per drawn falconer.

(3) To be eligible for the passage tundrius peregrine falcon take opportunity drawing, falconers shall:

(a) Be a resident of Kentucky;

(b) Have a valid Kentucky resident hunting license or be license exempt, as established in KRS 150.170;

(c) Have a valid Kentucky master class falconry permit, pursuant to Section 4 of this administrative regulation;

(d) Submit to the department a complete and accurate online application at fw.ky.gov by July 31; and

(e) Not have been convicted of violating any Kentucky falconry regulation in the past five (5) years.

(4) The department will notify the drawn falconer, by their preferred method of contact as indicated on the application, no later than August 15.

(5) Upon notification, drawn falconers must contact the department's Falconry Coordinator by phone or email within ten (10) calendar days to accept the passage tundrius peregrine falcon take opportunity. Failure to accept a passage tundrius peregrine falcon take opportunity within ten (10) calendar days will result in a forfeiture of the passage tundrius peregrine falcon take opportunity.

(6) If the passage tundrius peregrine falcon take opportunity is forfeited, the department shall conduct additional random drawings until the passage tundrius peregrine falcon take opportunity is accepted or until the take period has passed, as established in this section.

(7) If a passage tundrius peregrine falcon take opportunity is awarded and accepted, the drawn falconer shall:

(a) Carry on his or her person an authorization letter provided by the department to take one (1) passage tundrius peregrine falcon;

(b) Only take a passage tundrius peregrine falcon between September 20 and October 20 of the year the passage tundrius peregrine falcon take opportunity is awarded;

(c) Not take or attempt to take a passage tundrius peregrine falcon from a county in which the trapping of a passage tundrius peregrine falcon is prohibited, as established by the department;

(d) Immediately release any captured peregrines of non-tundrius subspecies or birds with a band or research marker, except that bands and research marker information must be photographed or otherwise recorded and reported to the department within forty-eight (48) hours of release;

(e) Report to the department's Falconry Coordinator the take of a passage tundrius peregrine falcon within twenty-four (24) hours by phone or email at FWFalconry@ky.gov;

(f) Within ten (10) calendar days of taking of a passage tundrius peregrine falcon, make arrangements for the department to:

1. Inspect the passage tundrius peregrine falcon. If the captured falcon is determined not to be a passage tundrius peregrine falcon, the bird shall be surrendered to the department on site; and

2. Band the captured passage tundrius peregrine falcon with a U.S. Fish and Wildlife Service falconry band; and

(g) Not be eligible to participate in the random drawing for the subsequent two (2) years.

(8) The passage tundrius peregrine falcon take opportunity is nontransferable.

Section 11. Revocation of Permits and Appeal Procedure.

(1) The department shall revoke the permit, deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit for a period of one (1) year of a person who:

(a) Violates any provision of KRS Chapter 150;

(b) Violates any department regulation;

(c) Violates any federal statute or regulation related to hunting, fishing, or wildlife; or

(d) Falsifies a falconry permit application.

(2) A person whose permit is denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(3) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or revocation.

(4) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(5) The hearing officer's recommended order shall be considered by the commissioner and the commissioner shall issue a final order pursuant to KRS Chapter 13B.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Kentucky Falconry Permit Application", 2025[~~2018~~] edition;

(b) "Raptor Facilities and Equipment Inspection Report", 2013 edition;

(c) "Falconry Take Location Report", 2013 edition;

(d) "Kentucky Nonresident Raptor Take Form", 2013 edition;

(e) "Kentucky Apprentice Falconer Activity Report", 2018 edition;

(f) "Kentucky General Falconer Upgrade Report", 2018 edition;

(g) "Kentucky Passage Tundrius Peregrine Falcon Falconry Take Opportunity Application", 2019 edition; and

(h) "Kentucky Counties Where Trapping Of Passage Tundrius Peregrine Falcons Is Prohibited", 2019 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time or online at:

(a) Kentucky Falconry Permit Application: https://fw.ky.gov/Licenses/Documents/Falconry-App.pdf;

(b) Raptor Facilities and Equipment Inspection Report: https://fw.ky.gov/Wildlife/Documents/falconryinspectionform.pdf;

(c) Falconry Take Location Report: https://fw.ky.gov/Wildlife/documents/newfalconrytakereport.pdf;

(d) Kentucky Nonresident Raptor Take Form: https://fw.ky.gov/Wildlife/Documents/Nonresraptortakeform.pdf;

(e) Kentucky Apprentice Falconer Activity Report: https://fw.ky.gov/Wildlife/Documents/Kentucky_Apprentice_Falconer_Activity_Report.pdf;

(f) Kentucky General Falconer Upgrade Report: https://fw.ky.gov/Wildlife/Documents/Kentucky_General_Falconer_Upgrade_Report.pdf;

(g) "Kentucky Passage Tundrius Peregrine Falcon Falconry Take Opportunity Application: https://app.fw.ky.gov/specialDrawing/Wildlife/falcon.aspx;

(h) "Kentucky Counties Where Trapping Of Passage Tundrius Peregrine Falcons Is Prohibited: https://fw.ky.gov/Wildlife/Documents/Falconry-Prohibited-Trapping-Counties.pdf.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner
APPROVED BY AGENCY: June 27, 2025
FILED WITH LRC: June 27, 2025 at 2:45 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 29, 2025, at 1:00 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes permitting, taking, possessing, and reporting requirements for people engaged in falconry and raptor propagation.
(b) The necessity of this administrative regulation: This admirative regulation is needed to provide safe guidelines for falconers to operate in a manner that will protect their operation and the wildlife in the Commonwealth of KY.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing open seasons for the taking of wildlife, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area. KRS 150.280(1) requires the department to promulgate administrative regulations establishing procedures for propagating and holding of protected wildlife.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes permitting, taking, possessing, and reporting requirements for people engaged in falconry and raptor propagation.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who which to obtain the associated license or permit.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated license or permit.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permits.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing open seasons for the taking of wildlife, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area. KRS 150.280(1) requires the department to promulgate administrative regulations establishing procedures for propagating and holding of protected wildlife. 50 C.F.R. Parts 13, 17, 21, and 22 establish requirements for permitting, taking, possessing, and selling of raptors and endangered and threatened species.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:

For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Wildlife and Fisheries, Federal Code of Regulations 50 C.F.R. Parts 13, 17, 21, and 22 establish requirements for permitting, taking, possessing, and selling of raptors and endangered and threatened species.
(2) State compliance standards. The Department of Fish and Wildlife Resources sets the requirements for permitting, taking, possessing, and selling of raptors within the frameworks established by the U.S. Fish and Wildlife Service and published in 50 C.F.R. Parts 13, 17, 21, and 22.
(3) Minimum or uniform standards contained in the federal mandate. 50 C.F.R. Parts 13, 17, and 22 establish requirements for permitting, taking, possessing, and selling of raptors and endangered and threatened species. 50 C.F.R. Part 21 defines permits and the necessary requirements to hold and possess migratory game birds before, during and after periods open for hunting.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:230. Shoot-to-retrieve field trial permits and procedures.

RELATES TO: KRS 150.025(1), 150.170, 150.175(1)(p), 150.330
STATUTORY AUTHORITY: KRS 150.025(1), 150.175(16)
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.175(16) authorizes the department to require permits for shoot-to-retrieve field trials. KRS 150.025(1) authorizes the department to set seasons and limits, and to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 150. This administrative regulation establishes seasons, permit application procedures, game bird marking, and other requirements for conducting a shoot-to-retrieve field trial.

Section 1. Definitions.
(1) "Field trial" means an organized event at which hunting dogs are worked and judged.
(2) "Game birds" means quail, chukar, mallard duck, or pheasant species.
(3) "Shoot to retrieve field trial" means a field trail where game birds are taken.
(4) "Take" is defined by KRS 150.010(42).

Section 2.
(1) A person may conduct a shoot-to-retrieve field trial:
(a) From August 15 through May 15 for quail; and
(b) Year-round for other game birds.
(2) Daily bag or possession limits shall not apply to birds taken during a shoot-to retrieve field trial.

Section 3. A person conducting a shoot-to retrieve field trial shall:
(1) Apply for a permit at least thirty (30) days before the event to the:
(a) Department [~~law enforcement officer~~]game warden in the county where the event will be conducted; or
(b) Department's law enforcement captain in the wildlife district where the event will be conducted.
(2) A permit application shall:
(a) Be made on the Shoot-to-Retrieve Field Trial Application; and
(b) Include:
1. The annual permit fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~fee specified in 301 KAR 3:022~~]; and
2. Permission from the landowner or manager of public land where the event will be conducted.
(3) Provide pen-raised game birds for the trial.
(4) If the date or location of the trial changes:
(a) Notify the person from whom the permit application was obtained; and
(b) If the location changes, submit written permission to hold the trial at the new location.

Section 4. A person participating in a shoot-to-retrieve field trial shall not:
(1) Knowingly take a game bird that was not:
(a) Raised in captivity; and
(b) Provided by the organizer of the event.

(2) Hunt on land not specified in the permit.

Section 5. Incorporation by Reference.

(1) "Shoot-to-Retrieve Field Trial Application", 2025 Edition[~~5/19 edition, is incorporated by reference~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, from 8 a.m. through 4:30 p.m. eastern time on normal business days or at https://fw.ky.gov/Licenses/Documents/Shoot-to-Retrieve-App.pdf[~~https://fw.ky.gov/Licenses/Documents/shootToRetrieveFieldTrialApplicationIncludesFees.pdf~~].

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 27, 2025

FILED WITH LRC: June 27, 2025 at 2:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 1:00 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes seasons, permit application procedures, game bird marking, and other requirements for conducting a shoot-to-retrieve field trial.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to specify the requirements for conducting shoot-to-retrieve field trials on department owned or controlled lands.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.175(16) authorizes the department to require permits for shoot-to-retrieve field trials. KRS 150.025(1) authorizes the department to set seasons and limits, and to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 150.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation specifies the requirements necessary for conducting shoot-to-retrieve field trials on department owned or controlled lands. Also, this administrative regulation establishes seasons, permit application procedures, game bird marking, and other requirements for conducting a shoot-to-retrieve field trial.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. The regulation is also updated to reflect any reference to "game wardens" to be consistent with KRS 150 and KRS 235 statutory language.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain the associated license or permit.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated license or permit.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost to implement these regulatory amendments initially.

(b) On a continuing basis: There will be no continuing costs to implement these amendments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.

(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permit.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.175(16) authorizes the department to require permits for shoot-to-retrieve field trials. KRS 150.025(1) authorizes the department to set seasons and limits, and to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 150.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by this amendment.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by this amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 3:120. Commercial [~~nuisance~~]wildlife control.

RELATES TO: KRS 150.183, 150.275, 150.330, 150.410, 50 C.F.R. 21.41

STATUTORY AUTHORITY: KRS 150.025(1)(h), 150.105, 150.170, 150.235, 150.275, 150.365

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(h) authorizes the department to promulgate any other administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.105 authorizes the commissioner, with the approval of the commission, to authorize any person to destroy or bring under control any wild animal, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, other animals, or spreading diseases. KRS 150.275 authorizes the department to issue permits to qualified persons to take and transport wildlife at any time for commercial [~~nuisance~~]wildlife control. This administrative regulation establishes the requirements for commercial [~~nuisance~~]wildlife control permits, and [~~nuisance~~]wildlife control operators. KRS 150.235 prohibits persons from performing acts authorized to be performed by a permit without first procuring the permit and the permit or license shall be kept on their person while conducting acts. KRS 150.170 prevents persons from doing any act or assisting a person with an act authorized by any kind of license or permit unless they hold the kind of permit that authorizes the act. 50 C.F.R. 21.41 provides federal permitting requirements for depredating migratory birds and allows a WCO[~~NWCO~~] to herd or scare depredating migratory birds without a federal permit, except that federally endangered or threatened species and bald or golden eagles shall not be scared or herded.

Section 1. [~~Definitions.~~]

[~~(1)~~] [~~"Commercial purposes" means taking nuisance wildlife in exchange for payment, trade, or associated with job duties as part of employment.~~]

[~~(2)~~] [~~"Enhanced Rabies Surveillance Zone" means Bell, Boyd, Bracken, Carter, Clay, Elliot, Fleming, Floyd, Greenup, Harlan, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Letcher, Lewis, Martin, Mason, McCreary, Pike, Perry, Robertson, and Whitley counties.~~]

[~~(3)~~] [~~"Federally-protected wildlife" means any wildlife species listed by the U.S. Fish and Wildlife Service as threatened or endangered, and any birds protected under the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act.~~]

[~~(4)~~] [~~"Nuisance wildlife" means vertebrate wildlife that causes or may cause damage or threat to agriculture, human health, safety, or property.~~]

[~~(5)~~] [~~"Nuisance wildlife control operator" means the holder of a valid permit, issued by the department, which authorizes the taking of nuisance wildlife for commercial purposes.~~]

[~~(6)~~] [~~"NWCO" means a nuisance wildlife control operator as defined in this administrative regulation.~~]

[~~(7)~~] [~~"Permit" means the nuisance wildlife control operator's permit issued pursuant to this administrative regulation.~~]

[~~(8)~~] [~~"Rabies vector species" means a:~~]

[~~(a)~~] [~~Coyote (Canis latrans);~~]

[~~(b)~~] [~~Gray fox (Urocyon cinereoargenteus);~~]

[~~(c)~~] [~~Raccoon (Procyon lotor);~~]

[~~(d)~~] [~~Red fox (Vulpes vulpes);~~]

[~~(e)~~] [~~Spotted skunk (Spilogale putorius); or~~]

[~~(f)~~] [~~Striped skunk (Mephitis mephitis).~~]

[~~(9)~~] [~~"Rural habitat" means an area of the state not included within the boundaries of an incorporated or unincorporated city, village or borough, and having a population in excess of 1,500 inhabitants.~~]

[~~Section 2.~~] Permitting Requirements.

(1) A WCO permit authorizes a WCO[~~NWCO~~] to take [~~nuisance~~]wildlife year-round using lethal or non-lethal capture methods,

provided the WCO[~~NWCO~~] has written or oral authorization from the person requesting control.

(2) A person shall apply for and obtain a valid WCO[~~NWCO~~] permit, prior to conducting WCO[~~NWCO~~] activities, by submitting:

(a) A correct and complete Commercial WCO[~~NWCO~~] Permit Application; and

(b) A Commercial WCO[~~NWCO~~] Annual Activity Report for renewal applications.

(3) The department shall only grant a permit to a person who:

(a) Is eighteen (18) years old or over;

(b) Has not been convicted of a violation of KRS Chapter 150 or the administrative regulations promulgated under its authority within the denial period established in this administrative regulation;

(c) Provides proof of a passing score on the National Wildlife Control Training Program course, except a person who passed the department issued examination prior to the effective date of this administrative regulation shall not be required to complete the National Wildlife Control Training Program course;

(d) Remits the correct annual permit fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301KAR 5:022[~~established in 301 KAR 3:022~~];

(e) Provides a complete and correct Commercial WCO[~~NWCO~~] Permit Application; and

(f) Provides a valid email address.

(4) A WCO[~~NWCO~~] shall always have their permit in their possession when performing the acts authorized by a WCO[~~NWCO~~] permit.

(5) The WCO[~~NWCO~~] permit shall be valid from March 1 through the last day of February.

(6) A permitted WCO[~~NWCO~~] wishing to sell the pelts of a furbearer taken during the statewide furbearer hunting and trapping season shall also possess a valid trapping license or hunting license, if applicable.

Section 2.[~~Section 3.~~] Reporting Requirements.

(1) A WCO[~~NWCO~~] shall keep records of all wildlife taken in the course of WCO[~~NWCO~~] duties on the WCO[~~NWCO~~] Annual Activity Report.

(2) A WCO[~~NWCO~~] shall submit a Commercial WCO[~~NWCO~~] Annual Activity Report to the Department:

(a) No later than March 30; and

(b) Prior to a permit being renewed.

(3) The Commercial WCO[~~NWCO~~] Annual Activity Report shall contain the information regarding the activity for the period from February 1 of the previous year through January 31 of the current year. If white-tailed deer are taken, a WCO shall also include copies of all valid Wildlife Damage Designee Forms for landowners they worked with to take white-tailed deer (Odocoileus virginianus) during this period.

(4) A WCO shall submit tissue or other biological samples from dispatched animals as determined by the department.

(a) White-tailed deer taken in CWD Surveillance Zone Counties shall be submitted for testing as determined by a department representative;

1. Request sample submission instructions from the Wildlife Health Program by email at wildlifehealth@ky.gov.

2. Submit deer heads to the department within forty-eight (48) hours of take or freeze and retain the head for submission as directed by a department representative.

(b) A list of other tissues and biological samples from dispatched animals to be removed by WCO's will be maintained on the department's website at: https://fw.ky.gov/Wildlife/Pages/Commercial-Wildlife-Control-Operator.aspx[~~https://fw.ky.gov/Wildlife/Pages/Commercial-Nuisance-Wildlife-Control-Operator.aspx~~].

(5)[~~(4)~~] The department shall not renew the WCO permit of an operator who does not:

(a) Submit the Commercial WCO[~~NWCO~~] Annual Activity Report as required by this section;[~~or~~]

(b) Provide the information required by the Commercial WCO[~~NWCO~~] Annual Activity Report; or[~~.~~]

(c) Submit tissue or other biological samples to the department as established in this section.

(6)[~~(5)~~] Report documents and all records of WCO[~~NWCO~~] activity, including the current or previous year's activity and written permission for releases, shall be made available to department staff upon request.

Section 3.[~~Section 4.~~] Restrictions on Taking Wildlife.

(1) A WCO[~~NWCO~~] shall only dispatch or release captured wildlife according to the requirements in this administrative regulation, except for federally protected species that meet the criteria in Sections 3, 5, and 6[~~4, 6, and 7~~] of this administrative regulation.

(2) A WCO shall only take white-tailed deer in an area that has been deemed to be experiencing wildlife damage by a department representative as established in 301 KAR 2:176;

(a) Only the WCO designated on a valid Wildlife Damage Designee Form per 301 KAR 2.176 is permitted to take white-tailed deer under this section;

(b) Must be in possession of a valid Wildlife Damage Designee Form while performing WCO duties to take white-tailed deer and maintain copies for submission with the Commercial WCO Annual Activity Report; and

(c) Adhere to all CWD Surveillance Zone Regulations as established in 301 KAR 2.172.

(3)[~~(2)~~] A WCO[~~NWCO~~] shall not:

(a) Transport [~~nuisance~~]wildlife to a wildlife rehabilitator or any person or facility that holds wildlife captive, except that a WCO[~~NWCO~~] shall immediately transport injured, ill, orphaned, or exhausted federally protected species to a permitted wildlife rehabilitator within Kentucky;

(b) Release wildlife in any area that restricts their free movement or holds them captive;

(c) Hold wildlife for more than forty-eight (48) hours;

(d) Take federally protected wildlife unless a valid permit for the activity is issued by the U. S. Fish and Wildlife Service for the species of [~~nuisance~~]wildlife, except that a federal permit is not required to herd or scare migratory birds, excluding bald and golden eagles and endangered or threatened species;

(e) Take the species established in subparagraphs 1. through 8. of this paragraph unless authorized by the commissioner:

1. Copperbelly water snake (Nerodia erythrogaster neglecta);

[~~2.~~] [~~White-tailed deer (Odocoileus virginianus);~~]

2.[~~3.~~] Elk (Cervus canadensis);

3.[~~4.~~] Black bear (Ursus americanus);

4.[~~5.~~] Wild turkey (Meleagris gallopavo);

5.[~~6.~~] Kirtland's snake (Clonophis kirtlandii);

6.[~~7.~~] Alligator Snapping turtle (Macrochelys temminckii);

7.[~~8.~~] Hellbender (Cryptobranchus alleganiensis); or

(f) Dispatch or cause death to bats.

Section 4.[~~Section 5.~~] Legal Means of Take.

(1) A WCO[~~NWCO~~] using traps shall comply with:

(a) KRS 150.410; and

(b) The trapping requirements in 301 KAR 2:251.

(2) A WCO shall comply with weapon restrictions as established in 301 KAR 2:172 when taking white-tailed deer;

(a) Must comply with all local ordinances regarding the discharge of firearms in city limits.

(b) WCO shall not use traps to take white-tailed deer; or

(c) Use chemical immobilization drugs in free-ranging wildlife as established in 301 KAR 4:110.

(3)[~~(2)~~] A WCO[~~NWCO~~] using a firearm, air gun[~~gun~~], archery or crossbow equipment shall provide proof of completion of the Kentucky Hunter Education Program or a course offered by another jurisdiction that meets the course standards set by the International Hunter Education Association.

Section 5.[~~Section 6.~~] Dispatch of Captured Wildlife.

(1) The department may, upon issuing a WCO permit, specify that certain species shall be dispatched.

(a) The requirement that a species be dispatched may apply statewide or to certain geographical regions.

(b) If the requirement that a species be dispatched is made to apply:

1. Statewide, all WCO permits issued in that permit year shall contain the same requirement; or

2. To a limited geographical area, all WCO permits issued in that area shall contain the same requirement.

(2) A WCO[~~NWCO~~] shall dispatch:

(a) House sparrow (Passer domesticus);

(b) European starling (Sturnus vulgaris);

(c) Pigeon (Columba domestica or Columba livia);

(d) Nutria (Myocaster coypus);

(e) House mouse (Mus musculus);

(f) [~~.~~] Rat (Rattus norvegicus or Rattus rattus);

(g) Wildlife that shows obvious symptoms of disease or injury, except for federally protected species and bats; or

(h) Any rabies vector species captured within the Enhanced Rabies Surveillance Zone at the capture site before being moved.

(3) Legal methods of dispatching wildlife shall include:

(a) Captive bolt;

(b) Gunshot;

(c) Submersion, for wildlife trapped in water sets, pursuant to 301 KAR 2:251;

(d) Cervical dislocation or thoracic compression for small mammals and birds, except for federally protected species and bats;

(e) Mechanical stunning, if followed immediately by an acceptable dispatch method;

(f) Inhalants, including halothane, isoflurane, carbon monoxide, or carbon dioxide;

(g) Commercially available agents for striped skunks, in accordance with manufacturer's specifications, except that prohibited methods of dispatch listed in this section shall not be used;[~~ or~~]

(h) Commercially available rodenticides used on small rodents in accordance with manufacturer specifications, except that prohibited methods of dispatch listed in this section shall not be used; or[~~.~~]

(i) Archery or crossbow equipment as established in 301 KAR 2:172 when taking white-tailed deer only.

(4) Prohibited methods of dispatch:

(a) Extra-label use of chemicals, toxicants, or poisons is prohibited.

(b) Per KRS 150.365, the following methods of take are prohibited:

1. Fire;

2. Explosives;

3. Mechanical, electrical, or hand operated sonic recording devices; or

4. Gas or smoke in a den, hole, or nest of wildlife.

Section 6.[~~Section 7.~~] Release of Captured Wildlife.

(1) A WCO[~~NWCO~~] shall:

(a) Transport wildlife for release in a safe manner that minimizes stress to the animal;

(b) Only release non-rabies vector species of wildlife:

1. On-site; or

2. In a rural habitat suitable for the particular species in which wildlife movement is unrestricted; and

3. With the written permission of:

a. The private landowner of at least 100 contiguous acres;

b. The private landowners of contiguous properties totaling at least 100 acres; or

c. The agency responsible for management of public land totaling at least 300 acres.

(c) Only release rabies vector species of wildlife captured outside the Enhanced Rabies Surveillance Zone;

1. On-site;

2. In a rural habitat suitable for the particular species within the county of capture in which wildlife movement is unrestricted; and

3. With the written permission of:

a. The private landowner of at least 100 contiguous acres;

b. The private landowners of contiguous properties totaling at least 100 acres; or

c. The agency responsible for management of public land totaling at least 300 acres.

(2) A WCO[~~NWCO~~] shall not:

(a) Transport a rabies vector species into, out of, or within the enhanced rabies surveillance zone;

(b) Release [~~nuisance~~] wildlife in unsuitable habitat including any enclosed area that restricts free movement of wildlife or holds wildlife captive.

Section 7.[~~Section 8.~~] Disposal of Carcasses. A WCO[~~NWCO~~] shall dispose of all wildlife carcasses[~~carcass by:~~], except white tail deer and elk, by:

(1) Complete incineration of the entire carcass and all of its parts and products;

(2) Placing the carcass in a contained landfill as established in KRS Chapter 224;

(3) Burying the carcass and all its parts and products in the earth:

(a) In a location that is never covered with the overflow of ponds or streams;

(b) Not less than 100 feet from any watercourse, sinkhole, well, spring, public highway, residence, or stable; and

(c) At least one (1) foot deep and covered with one (1) foot of earth; or

(4) Removing the carcass by a duly licensed rendering establishment.

(5) A WCO shall comply with carcass disposal requirements for white-tailed deer and elk as established in 301 KAR 2:245; and

(a) Relinquish to the department, destroy, or leave afield all inedible parts.

(b) Adhere to carcass movement restrictions when taking deer inside of a CWD Surveillance Zone as established in 301 KAR 2:172.

Section 8.[~~Section 9.~~] Revocation and Denial of Permits and Appeal Procedure.

(1) The department shall revoke the WCO permit without refund, deny the issuance of a new WCO permit, or deny a renewal of an existing or lapsed WCO permit and confiscate wildlife of a person who:

(a) Is convicted of a violation of any provisions of:

1. KRS Chapter 150;

2. 301 KAR Chapters 1 through 5;

3. Any federal statute or regulation related to hunting, fishing, or wildlife; or

4. Another state's fish and wildlife law.

(b) Fails to comply with the provisions of this administrative regulation or 301 KAR 2:041, 301 KAR 2:075, 301 KAR 2:081, or 301 KAR 2:251;

(c) Provides false information on a Commercial WCO[~~NWCO~~] Permit Application, Commercial WCO[~~NWCO~~] Annual Activity Report, federal permit, written permission for wildlife release, or records;

(d) Takes [~~nuisance~~]wildlife with methods not approved in this regulation or 301 KAR 2:251;

(e) Takes [~~nuisance~~]wildlife for commercial purposes without a valid commercial [~~nuisance~~]wildlife control permit;

(f) Takes federally protected species without a federal permit;

(g) Possesses wildlife over forty-eight (48) hours;

(h) Fails to dispatch rabies vector species at capture site in the Enhanced Rabies Surveillance Zone;

(i) Transports rabies vector species into, out of, or within the Enhanced Rabies Surveillance Zone;

(j) Transports rabies vector species captured outside the Enhanced Rabies Surveillance Zone to a location outside the county of capture;

(k) Fails to comply with any provision of KRS Chapter 150, any administrative regulation of the department, or hunting, fishing, or wildlife laws of the federal government;[~~ or~~]

(l) Allows non-permitted persons to assist or conduct WCO[~~NWCO~~] activities or have direct contact with wildlife; or[~~.~~]

(m) Fails to submit tissue or other biological samples from dispatched animals to the department.

(2) A person whose WCO permit is denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(a) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or revocation.

(b) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(c) The hearing officer's recommended order shall be considered by the commissioner and the commissioner shall issue a final order pursuant to KRS Chapter 13B.

(3) Denial period.

(a) An applicant for a WCO[~~NWCO~~] permit whose permit has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications shall be denied for the period established below:

1. The initial denial period shall be one (1) year;
2. A second denial period shall be three (3) years; and
3. A third or subsequent denial period shall be five (5) years.

(b) During the denial period, a person whose [~~nuisance~~] wildlife control operator permit has been denied or revoked shall not operate as a WCO[~~NWCO~~] or assist in [~~nuisance~~]wildlife control activities.

Section 9.[~~Section 10.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Commercial [~~Nuisance~~]Wildlife Control (WCO[~~NWCO~~]) Permit Application," 2025[~~2022~~] edition; and

(b) "Commercial [~~Nuisance~~]Wildlife Control Operator (WCO[~~NWCO~~]) Annual Activity Report," 2022 edition.

(2) The material may be inspected, copied, or obtained subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday from 8 a.m. to 4:30 p.m. or online at:

(a) https://fw.ky.gov/Licenses/Documents/WCO-Permit-App.pdf for the "Commercial [~~Nuisance~~]Wildlife Control (WCO [~~NWCO~~]) Permit Application," and

(b) https://fw.ky.gov/Wildlife/Documents/nwcoreportform.pdf for the "Commercial [~~Nuisance~~]Wildlife Control Operator (WCO [~~NWCO~~]) Annual Activity Report".

(3) This material may also be found on the department's website[~~Web site~~] at: https://fw.ky.gov/Wildlife/Pages/Commercial-Wildlife-Control-Operator.aspx[~~https://fw.ky.gov/Wildlife/Pages/Commercial-Nuisance-Wildlife-Control-Operator.aspx~~] for general WCO[~~NWCO~~] information.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: July 7, 2025

FILED WITH LRC: July 9, 2025 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 29, 2025, at 1:30 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for commercial wildlife control permits and wildlife control operators.

(b) The necessity of this administrative regulation: This regulation authorizes the department to issue permits to qualified persons to take and transport wildlife causing damage under commercial wildlife control permits.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1)(h) authorizes the department to promulgate any other administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.105 authorizes the commissioner, with the approval of the commission, to authorize any person to destroy or bring under control any wild animal, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, other animals, or spreading diseases. KRS 150.275 authorizes the department to issue permits to qualified persons to take and transport wildlife at any time for commercial wildlife control. This administrative regulation establishes the requirements for commercial wildlife control permits, and wildlife control operators. KRS 150.235 prohibits persons from performing acts authorized to be performed by a permit without first procuring the permit and the permit or license shall be kept on their person while conducting acts. KRS 150.170 prevents persons from doing any act or assisting a person with an act authorized by any kind of license or permit unless they hold the kind of permit that authorizes the act.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will fulfill the purposes of KRS 150.170 and KRS 150.105 by providing a permitting mechanism for commercial wildlife control operators to take wildlife causing damage or threat to agriculture, human health, or property.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. This amendment also removes all reference to "nuisance" wildlife and establishes the legal means and methods for WCOs who wish to take deer causing damage.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation. This amendment also provides an avenue for WCOs to take deer causing damage which will help local farmers who experience yield loss to crops from deer damage.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022. This amendment provides a new mechanism for the effective administration of KRS 150.105 which allows the Dept. to bring under control animals causing damage.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain the associated license or permit.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit. WCOs will have to follow the restrictions on taking deer that are established by this amendment and comply with all annual reporting and sample submission requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated license or permit.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permits. New WCO requirements for taking deer apply equally to all WCOs.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1)(h) authorizes the department to promulgate any other administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.105 authorizes the commissioner, with the approval of the commission, to authorize any person to destroy or bring under control any wild animal, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, other animals, or spreading diseases. KRS 150.275 authorizes the department to issue permits to qualified persons to take and transport wildlife at any time for commercial nuisance wildlife control. This administrative regulation establishes the requirements for commercial nuisance wildlife control permits, and nuisance wildlife control operators. KRS 150.235 prohibits persons from performing acts authorized to be performed by a permit without first procuring the permit and the permit or license shall be kept on their person while conducting acts. KRS 150.170 prevents persons from doing any act or assisting a person with an act authorized by any kind of license or permit unless they hold the kind of permit that authorizes the act.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 4:070. Scientific and educational collecting permits.

RELATES TO: KRS 150.010, 150.170, 150.180, 150.195, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.183, 150.275, 50 C.F.R. 17

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish seasons for the taking of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make these requirements apply to a limited area. KRS 150.183(3) authorizes the department to establish the terms and conditions for

allowing the importation, transportation, possession, or sale of endangered species. KRS 150.275 authorizes the department to issue permits to persons for commercial nuisance wildlife control, and scientific or educational purposes. 50 C.F.R. Part 17 establishes the requirements for federally protected species. This administrative regulation establishes the requirements for the issuance and use of scientific and educational collecting permits.

Section 1. Definitions.

(1) "Agent of the state" means a status that is granted by the department to an individual working on a project on behalf of the department.

(2) "Collected", "Collecting", or "Collection" means any sampling activity that removes, even temporarily, any protected wildlife from the wild in Kentucky.

(3) "Educational collection permit" means a permit issued by the department to an individual for use in:

(a) The instruction of students; or

(b) A university-related research project.

(4) "Federally protected species" means any species:

(a) Listed by the United States Fish and Wildlife Service as:

1. Threatened; or

2. Endangered; or

(b) Any bird protected under the:

1. Migratory Bird Treaty Act; or

2. Bald and Golden Eagle Protection Act.

(5) "Permit holder" means a person who possesses one (1) of the following two (2) valid permits issued by the department:

(a) An educational collection permit; or

(b) A scientific collection permit.

(6) "Scientific collection permit" means a permit issued by the department to an individual for the purpose of conducting a scientific study for which remuneration is received.

(7) "Watershed" means an 8-digit Hydrologic Unit Code assigned by the United States Geological Survey.

Section 2. Permit Issuance and Requirements.

(1) A person shall obtain the applicable collection permit prior to collecting any protected wildlife species in Kentucky, except that a representative of the department who is engaged in collecting wildlife in an official capacity shall not be required to possess a collection permit.

(2) A person shall:

(a) Apply for an educational or scientific collection permit on a Scientific and Educational Wildlife Collection Permit Application form provided by the department; and

(b) Submit to the department the appropriate permit fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022.[~~established in 301 KAR 3:022~~] along with the completed application.

(3) The department shall only issue a scientific or educational permit to a person who:

(a) Has completed a college course in species taxonomy or species identification for the species group to be collected;

(b) Has one (1) year of experience in collecting the species group to be collected; or

(c) Submits a signed letter from a person qualified to be a scientific or educational permit holder attesting to the applicant's ability in species identification.

(4) A permit holder shall possess a valid federal permit or a department-issued agent of the state letter if collecting a:

(a) Federally protected species;

(b) Bat species;

(c) Mussel species; or

(d) Fish species in a watershed known to contain a federally protected fish species.

(5) A permit holder shall complete a Project Proposal Form for every project involving the sampling or collecting of:

(a) A federally protected species;

(b) A bat;

(c) A mussel; or

(d) Fish in a watershed known to contain a federally protected fish species.

(6) A permit holder shall submit to the department each Project Proposal Form at least fifteen (15) days in advance of the project.

(7) A permit holder shall comply with all requirements pertaining to a federally protected species pursuant to 50 C.F.R. Part 17.

(8) A permit holder shall:

(a) Not intentionally kill a federally protected species; and

(b) Report any inadvertent killing of a federally protected species by:

1. Calling the department's Wildlife Diversity Program at 1-800-858-1549 within twenty-four (24) hours of the kill; and

2. Submitting all dead specimens to the department within seven (7) days of taking.

(9) A permit holder shall not use a scientific or educational collection permit in lieu of a:

(a) Hunting license;

(b) Fishing license; or

(c) Trapping license.

(10) While collecting specimens, a permit holder shall carry a:

(a) Valid scientific or educational collection permit; or

(b) Photocopy of a valid collection permit.

(11) A permit holder who is collecting wildlife that will not be killed shall release the wildlife at the capture location.

Section 3. Reporting Requirements, Permit Renewal, and Revocation.

(1) A permit holder shall submit to the department all wildlife collection data for the previous calendar year:

(a) By January 15;

(b) Electronically on the department's Web site at fw.ky.gov; and

(c) Prior to renewal of a collection permit.

(2) A permit holder who is submitting annual collection data on the department's Web site shall complete the data submittal process in its entirety.

(3) The department shall not renew a scientific or educational collection permit until the permit holder has submitted the previous year's collection data via the electronic data submittal process on the department's Web site.

(4) A scientific or educational permit shall be revoked or denied by the department if the permit holder:

(a) In the last year has been convicted of a violation of:

1. This administrative regulation;

2. A federal regulation involving the collection of federally protected species pursuant to 50 C.F.R. Part 17; or

3. Another state's regulation or law pertaining to the collection of protected wildlife; or

(b) Falsifies the permit application.

(5) A person who has had a scientific or educational collection permit revoked shall be ineligible to apply for a period of one (1) year.

(6) A person who has had a permit denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(7) A request for a 13B hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or revocation.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Project Proposal Form", 2012 edition; and

(b) "Scientific and Educational Wildlife Collection Permit Application", 2025[~~2012~~] edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. or found online at:

(a) https://fw.ky.gov/Wildlife/Documents/scieduproposalform.pdf for the "Project Proposal Form";

(b) https://fw.ky.gov/Licenses/Documents/Scientific-Edu-Collection-Permit.pdf for the "Scientific and Educational Wildlife Collection Permit Application".

Approved by the Fish and Wildlife Commission

RICH STORM, Commissioner

APPROVED BY AGENCY: July 1, 2025

FILED WITH LRC: July 1, 2025 at 2:05 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 2:00 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for the issuance and use of scientific and educational collecting permits.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establishes the requirements for the issuance and use of scientific and educational collecting permits to protect the wildlife of Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish seasons for the taking of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make these requirements apply to a limited area. KRS 150.183(3) authorizes the department to establish the terms and conditions for allowing the importation, transportation, possession, or sale of endangered species. KRS 150.275 authorizes the department to issue permits to persons for commercial nuisance wildlife control, and scientific or educational purposes. 50 C.F.R. Part 17 establishes the requirements for federally protected species.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets forth the requirements for applying for and receiving permits to conduct research for scientific and educational purposes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who which to obtain the associated license or permit.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated license or permit.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost to implement these regulatory amendments initially.

(b) On a continuing basis: There will be no continuing costs to implement these amendments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.

(9) TIERING: Is tiering applied? No. Tiering is not applied because all fees and permit holders within each license and permit type are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish seasons for the taking of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make these requirements apply to a limited area. KRS 150.183(3) authorizes the department to establish the terms and conditions for allowing the importation, transportation, possession, or sale of endangered species. KRS 150.275 authorizes the department to issue permits to persons for commercial nuisance wildlife control, and scientific or educational purposes. 50 C.F.R. Part 17 establishes the requirements for federally protected species.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: These amendments will not result in any additional expenditures for the department.

For subsequent years: These amendments will not result in any additional expenditures for the department.

2. Revenues:

For the first year: These amendments will not result in any change in revenues for the department.

For subsequent years: These amendments will not result in any change in revenues for the department.

3. Cost Savings:

For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. These amendments are not federally mandated.
(2) State compliance standards. N/A
(3) Minimum or uniform standards contained in the federal mandate. N/A
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The provisions in this amendment are not imposing stricter requirements on the affected entities, but rather referencing 50 C.F.R. as it applies to federally protected species.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 4:090. Taxidermy and the buying and selling of inedible wildlife parts.

RELATES TO: KRS 150.010, 150.175, 150.180, 150.183, 150.305, 150.330, 150.370, 150.411, 150.722, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.4111

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations regarding the buying, selling, or transporting of wildlife. KRS 150.4111 authorizes a person to sell the inedible parts of any legally taken wildlife to a licensed taxidermist for the purpose of mounting, authorizes a licensed taxidermist to buy or sell the inedible parts of any legally taken wildlife for the purpose of mounting, and authorizes any person to purchase from or sell to a licensed taxidermist any legally mounted specimen. This administrative regulation establishes the requirements for the buying and selling of inedible wildlife parts, and the proper disposal of cervid carcasses and parts.

Section 1. Definitions.

(1) "Cervid" means a member of the family Cervidae.

(2) "Federally protected wildlife" means any federally threatened or endangered species or any native migratory bird.

(3) "Furbearer" means mink, muskrat, beaver, raccoon, opossum, gray fox, red fox, least weasel, long-tailed weasel, river otter, bobcat, coyote, or striped skunk.

(4) "Licensed taxidermist" means any person, partnership, firm, or corporation that accepts remuneration for the mounting of skins or other inedible wildlife parts and who holds a valid Kentucky taxidermist license, as established in KRS 150.175.

(5) "Mounting" means to arrange processed wildlife for the purpose of display.

(6) "Permanently preserved pelt" means any processed furbearer pelt, but does not include raw fur or pelts treated with salt, borax, or sunlight.

Section 2. Licenses Required.

(1) Any person, partnership, firm, or corporation engaged in the business and accepting remuneration for mounting skins or other inedible parts of wildlife shall possess a valid Kentucky taxidermist license.

(2) A licensed taxidermist shall:

(a) Openly display a valid taxidermist license at the place of business; and

(b) Have all records pertaining to the business and all wildlife specimens or wildlife parts available for inspection during normal business hours by a department game warden[~~conservation officer~~].

(3) A person or business who transforms a legally acquired, processed, inedible wildlife part into a hand-crafted or manufactured finished product shall not be required to possess a license from the department.

(4) A person or business is not required to possess a license to buy or sell legally acquired furbearer inedible parts, secretions, or permanently preserved pelts, excluding raw fur.

(5) In addition to the appropriate state license, all licensed taxidermists who mount federally protected species shall possess a valid federal taxidermist license issued by the U.S. Fish and Wildlife Service.

(6) Submit to the department the appropriate license fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022. along with the completed Taxidermy License Application.

Section 3. Labeling Requirements.

(1) Each licensed taxidermist shall keep records of the name, address, and phone number of the owner and the date killed of all wildlife or wildlife parts in their possession and shall tag each specimen or part to identify its owner.

(2) Wildlife heads harvested in Kentucky or other parts separated from the carcass for mounting by a licensed taxidermist shall have the hunter's confirmation number, if applicable, attached to the separated part.

Section 4. Cervid Carcass Disposal. A licensed taxidermist shall dispose of any unused cervid carcass material by:

(1) Burying the carcass or parts in an opening in the earth at least four (4) feet deep with the carcass or parts covered with two (2) inches of quicklime and at least three (3) feet of earth;

(a) With the cervid abdominal cavity, if applicable, opened wide the entire length;

(b) At a point which is never covered with the overflow of ponds or streams; and

(c) Not less than 100 feet from any watercourse, sinkhole, well, spring, public highway, residence, or stable; or

(2) Depositing the carcass or parts in a contained landfill, as established in KRS Chapter 224.

Section 5. Incorporation by Reference.

(1) "Taxidermist License Application", 2025; is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at: https://fw.ky.gov/Licenses/Documents/Taxidermist-License-App.pdf.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 27, 2025

FILED WITH LRC: June 27, 2025 at 2:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 1:30 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for taxidermy licensure, the buying and selling of inedible wildlife parts, and the proper disposal of cervid carcasses and parts.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the requirements for taxidermy licensure, the buying and selling of inedible wildlife parts, and the proper disposal of cervid carcasses and parts.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations regarding the buying, selling, or transporting of wildlife. KRS 150.4111 authorizes a person to sell the inedible parts of any legally taken wildlife to a licensed taxidermist for the purpose of mounting, authorizes a licensed taxidermist to buy or sell the inedible parts of any legally taken wildlife for the purpose of mounting, and authorizes any person to purchase from or sell to a licensed taxidermist any legally mounted specimen.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the requirements to acquire a taxidermy license and corresponding storage of records, establishes the parameters for the buying and selling of inedible wildlife parts, and the proper disposal of cervid carcasses and parts in order to protect wildlife in the Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. It also makes a technical update to change the name of Conservation Officer to Game Warden.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who which to obtain the associated license or permit.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated license or permit.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated license or permit.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost to implement these regulatory amendments initially.

(b) On a continuing basis: There will be no continuing costs to implement these amendments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.

(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permits.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.025(1) authorizes the department to promulgate administrative regulations regarding the buying, selling, or transporting of wildlife. KRS 150.4111 authorizes a person to sell the inedible parts of any legally taken wildlife to a licensed taxidermist for the purpose of mounting, authorizes a licensed taxidermist to buy or sell the inedible parts of any legally taken wildlife for the purpose of mounting, and authorizes any person to purchase from or sell to a licensed taxidermist any legally mounted specimen.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 4:100. Peabody Wildlife Management Area use requirements and restrictions.

RELATES TO: KRS 150.250, 150.620, 150.990
STATUTORY AUTHORITY: KRS 150.025(1), 150.195(4)(f), (g), 150.620
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.620 authorizes the department to acquire lands for public use, to promulgate administrative regulations for their management, and to charge fees for their use. KRS 150.195(4)(f) and (g) authorize the department to establish the term and manner of license and permit sales. KRS 150.025(1) authorizes the department to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150. This administrative regulation establishes a permit for public use of the Peabody Wildlife Management Area and places necessary restrictions on its use by the public.

Section 1. Definitions.
(1) "The area" means the Peabody Wildlife Management Area.
(2) "Group" means a family, organization, or gathering using the area for a specific event.
(3) "The Peabody Wildlife Management Area" means the lands in Hopkins, Ohio, and Muhlenberg Counties owned or managed by the Department of Fish and Wildlife Resources.
(4) "Permanent structure" means a blind, pit, stand, or other structure left in place for more than twenty-four (24) hours.

Section 2. Permits Required. Except as established in Sections 3 and 4 of this administrative regulation, a person sixteen (16) years or older while on the area shall:
(1) Have in his or her possession a Peabody Wildlife Management Area user permit; or
(2) Be a member of a group with an event permit, either an individual event permit or annual event permit.

Section 3. Individual and Annual Event Permits.
(1) In lieu of individual user permits, a person representing a group using the area shall have in possession an event permit and the area use permit as established in 301 KAR 3:010, Section 6.
(2) An event permit shall:
(a) Apply to each member of the group;
(b) Specify:
1. If it is an individual event permit, its period of validity, not to exceed four (4) days or, if it is an annual event permit, the dates the permit is not valid;
2. The activities in which the group will engage;
3. The name of the group; and
4. The name and address of an individual representing the group.
(3) The department may:

(a) Limit the number of event permits issued; or
(b) Assign a specific location for an event.
(4) The department shall:
(a) Deny the application for an event which would interfere with:
1. A management objective for the area; or
2. Other uses or users; or
(b) Revoke individual or event permits for violations of the terms of the application or this administrative regulation; and
(c) Not issue an event permit for an event at which wildlife is taken.

Section 4. Permit Exceptions. An individual or event permit shall not be required of a person:
(1) On official business and employed by or an agent of:
(a) Peabody Coal Company;
(b) Beaver Dam Coal Company;
(c) Peabody Holding Company; or
(d) The Kentucky Department of Fish and Wildlife Resources:
(2) En route through the area on a state or county road; or
(3) On the area:
(a) As a necessary part of his or her job; or
(b) For the protection of public safety or well-being.

Section 5. Permit Applications.
(1) An applicant for an individual permit shall:
(a) Apply at an authorized license agent; and
(b) Pay the fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~established in 301 KAR 3:022~~].
(2) An applicant for an event permit shall:
(a) Apply on the Peabody Wildlife Management Area [~~and Starfire and Robinson Forest Wildlife Management Area~~]Permit Application; and
(b) Pay the fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022[~~established in 301 KAR 3:022~~].
(3) The department shall keep applications and copies of event permits issued in a retrievable form for a minimum of one (1) year after the permits expire.

Section 6. Prohibited Activities. While on the area, a person shall not:
(1) Swim for recreational purposes;
(2) Camp, except in a primitive fashion along an existing road;
(3) Leave a campfire unattended;
(4) Operate a motorized vehicle:
(a) Off an existing road; or
(b) Where prohibited by signs;
(5) Block a road or gate;
(6) Park, except in a designated parking area unless none are available;
(7) Park or camp within 100 feet of well heads;
(8) Target shoot, except at a designated area;
(9) Construct a permanent structure;
(10) Leave a temporary blind or stand in place overnight;
(11) Operate a boat:
(a) With a centerline exceeding eighteen (18) feet six (6) inches in length, except:
1. A canoe shall not have a length restriction; and
2. A pontoon boat shall not exceed twenty-two (22) feet in length
(b) At greater than idle speed; or
(c) With an internal combustion engine on:
1. Goose Lake;
2. Island Lake; or
3. South Lake.

Section 7. Incorporation by Reference.
(1) "Peabody Wildlife Management Area[~~ and Starfire and Robinson Forest Wildlife Management Area~~] Permit Application", May 2025[~~July 04~~]; is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at: https://fw.ky.gov/Licenses/Documents/Peabody-Event-Permit-App.pdf.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner
APPROVED BY AGENCY: July 1, 2025
FILED WITH LRC: July 1, 2025 at 2:05 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025. at 3:00 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 {Month ##, 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes a permit for public use of the Peabody Wildlife Management Area and places necessary restrictions on its use by the public.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish a permit for public use of the Peabody Wildlife Management Area and places necessary restrictions on its use by the public.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.620 authorizes the department to acquire lands for public use, to promulgate administrative regulations for their management, and to charge fees for their use. KRS 150.195(4)(f) and (g) authorize the department to establish the term and manner of license and permit sales. KRS 150.025(1) authorizes the department to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the manner in which the public can safely use of the Peabody Wildlife Management Area and places necessary restrictions on its use by the public.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment removes any reference to fees and replaces them with a reference to the fee regulation, 301 KAR 5:022, and similarly updates any applicable material incorporated by reference. This amendment also removes Starfire and Robinson Forest from the name of the permit because KDFWR does not own those properties and no longer has public access to these areas.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow future fee changes to be promulgated in 301 KAR 5:022 without the need for promulgating matching amendments to this regulation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.025(1) grants authority for the department to promulgate regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.175 sets out licenses and tags to be sold by the department. KRS 150.195 requires the department to establish administrative regulations to provide for the control, design, issuance, distribution, and other matters related to licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the

statutes: This amendment will consolidate any associated fees into a single fee regulation, 301 KAR 5:022.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who which to obtain the associated permit.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be required to comply with the amendments, however, the individuals would need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permit.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to comply with the amendments to this regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with these amendments will allow individuals to obtain the associated permit.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no cost to implement these regulatory amendments initially.
(b) On a continuing basis: There will be no continuing costs to implement these amendments.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees. Any associated fees are addressed in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is not applied as all individuals will need to look to 301 KAR 5:022 for the regulation which establishes the cost of the associated permit.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.620 authorizes the department to acquire lands for public use, to promulgate administrative regulations for their management, and to charge fees for their use. KRS 150.195(4)(f) and (g) authorize the department to establish the term and manner of license and permit sales. KRS 150.025(1) authorizes the department to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to KRS 150.025 and 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 5:001. Definitions for 301 KAR Chapter 5.

RELATES TO: KRS 150.195
STATUTORY AUTHORITY: KRS 150.195
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.195 requires the department to promulgate administrative regulations. This administrative regulation establishes definitions for terms used in 301 KAR Chapter 5.

Section 1. Definitions.

(1) "Agent commission" means the fee an agent is permitted to charge in addition to the product price that represents the agent's profit for the transaction.

(2) "Agent fees" means all fees established in administrative regulation that a license agent may charge in a transaction in addition to the product price for the licenses, permits, items, or services purchased.

(3) "Class A" means vessels less than sixteen (16) feet in length or a personal watercraft as defined by KRS 235.010(4).

(4) "Class 1" means vessels sixteen (16) feet or over and less than twenty-six (26) feet in length.

(5) "Class 2" means vessels twenty-six (26) feet or over and less than forty (40) feet in length.

(6) "Class 3" means vessels forty (40) feet or more in length.

(7) "Commission" is defined by KRS 150.010(6).

(8)[(4)] "Commissioner" is defined by KRS 150.010(7).

(9)[(5)] "Department" is defined by KRS 150.010(11).

(10)[(6)] "License agent" means a person, government entity including the department, business, or organization authorized to sell and issue licenses and conduct other transactions for the department.

(11)[(7)] "License stock" means the blank paper upon which licenses are printed.

(12)[(8)] "Operational Cost" means the fees charged for the operation, storage, security, maintenance, and support of the applicable sales solutions.

(13)[(9)] "Payment processing fee" means a fee charged for the processing of payments.

(14)[(10)] "Product price" means the price of a license, permit, item, or service without any agent fees.

(15)[(11)] "Transaction" means the application for a hunt or the purchase or sale of a license, permit, item, product, or service.

(16)[(12)] "Vendor" means a person, organization, or business under contract with the department to provide the operation, storage, security, maintenance, and support of the solutions required to deliver department-defined goods and services.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: June 27, 2025

FILED WITH LRC: June 27, 2025 at 2:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 30, 2025, at 12:00 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation establishes definitions for terms used within 301 KAR, Chapter 5.
(b) The necessity of this administrative regulation: This regulation is necessary to define terms used throughout 301 KAR, Chapter 5.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.195 authorizes the department to promulgate regulations to provide for the issuance of licenses and permits issued by the department.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By defining specific terms used in the other regulations within 301 KAR, Chapter 5, it will assist the effective administration of the statutes by clarifying the specific meanings of the terms in one consolidated location.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Additional terms that are to be utilized are included.
(b) The necessity of the amendment to this administrative regulation: Changes are being made to other regulations in 301 KAR, Chapter 5 to include terms that need to be defined.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.195 authorizes the department to promulgate regulations to provide for the issuance of licenses and permits issued by the department.
(d) How the amendment will assist in the effective administration of the statutes: By defining the new terms to be used in the other regulations within 301 KAR, Chapter 5, it will assist the effective administration of the statutes by clarifying the specific meanings of the terms in one consolidated location.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department currently has 512 license agents who contract to sell licenses and permits; these include 80 county clerks, 8 other government entities such as state parks, and 424 retail businesses.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This regulation only addresses definitions of terms and therefore does not require any specific action for compliance.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This regulation only addresses definitions of terms and therefore does not require any cost for compliance.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities do not require any sort of action for compliance. The benefit to the entities will be a clear understanding of the defined terms.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: None.
(b) On a continuing basis: No continuing additional costs.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The implementation of the amendments to this regulation will not increase fees or funding.
(9) TIERING: Is tiering applied? All impacted entities are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.195
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly but is promulgated pursuant to 150.195.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies

are affected.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any change in revenues for the department.
3. Cost Savings:
For the first year: These amendments will not result in any cost savings for the department.
For subsequent years: These amendments will not result in any cost savings for the department.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities should be affected by these amendments.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: NA
For subsequent years: NA
2. Revenues:
For the first year: NA
For subsequent years: NA
3. Cost Savings:
For the first year: NA
For subsequent years: NA
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This amendment will not have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This amendment will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 5:022. License, tag, registration and permit fees.

RELATES TO: KRS 150.025, 150.180, 150.183, 150.240, 150.275, 150.280, 150.290, 150.450, 150.485, 150.520, 150.525, 150.600, 150.603, 150.660, 150.720, 235.220, 235.040, 235.050, 235.080

STATUTORY AUTHORITY: KRS 150.175, 150.195(4)(f), 150.225, 150.620, 235.080, 235.220(1)

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6. The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of all waters of this state and otherwise carry out the provisions of KRS Chapter 235 as established in KRS 235.280 and KRS 235.290 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1) and KRS 235.030, promulgated by the Commissioner with approval of the Commission in accordance with KRS 235.280 and KRS 150.025(1)(g), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.175 authorizes the types of licenses, permits, and tags. KRS 150.195(4)(f) requires the Department of Fish and Wildlife Resources to promulgate an administrative regulation establishing the license and permit terms and the expiration date of licenses and permits. KRS 150.225 requires the department to promulgate administrative regulations establishing reasonable license fees relating to hunting, fishing, and trapping. KRS 150.620 authorizes the department to charge reasonable fees for the use of lands and waters it has acquired for wildlife management and public recreation. KRS 235.080 requires the department to establish boat registration fees. KRS 235.220 authorizes the department to establish an annual registration fee for a manufacturers or dealers of motorboats in the state of Kentucky. This administrative regulation establishes fees and terms for licenses, permits, registrations and tags.

Section 1. License, tags, permits, and registration fee adjustments.

(1) Excluding Section 9 of this regulation, all fees listed in this administrative regulation shall be adjusted on every year ending in an even number by summing the 12-month percentage change of the Consumer Price Index for All Urban Consumers (CPI-U), as reported by the U.S. Bureau of Labor and Statistics, from the two previous years and rounding the two (2) year sum to the nearest tenth of a percentage point.

(2) The starting base amount for all licenses, tags, permits and registration fees are listed in this administrative regulation and will be increased additively every year ending on an even number effective January 1, 2026.

(3) Current license, tag, permit and registration fees shall be found at https://fw.ky.gov/Licenses/Pages/Fees.aspx.

Section 2. Licenses, tags, and permits listed in this section shall be valid from March 1 through the last day of February the following year, except the senior lifetime sportsman's license shall be valid for the life of the license holder while the license holder maintains Kentucky residency.

(1) Sport fishing licenses:

(a) Statewide annual fishing license (resident): twenty-three (23) dollars;

(b) Statewide annual fishing license (nonresident): fifty-five (55) dollars;

(c) Joint married couple statewide fishing license (resident): forty-two (42) dollars;

(d) Statewide three (3) year fishing license (resident): fifty-five (55) dollars; and

(e) Trout permit: ten (10) dollars.

(2) Commercial fishing licenses:

(a) Commercial fishing license (resident), plus ten (10) resident commercial gear tags: $150;

(b) Commercial fishing license (nonresident), plus ten (10) nonresident commercial gear tags: $600; and

(c) Commercial fishing license for invasive carp and scaled rough fish (nonresident), plus ten (10) nonresident gear tags: $150.

(3) Commercial fishing gear tags (shall not be sold singly):

(a) Commercial fishing gear tags (resident) block of ten (10) tags: fifteen (15) dollars;

(b) Commercial fishing gear tags (nonresident) block of ten (10) tags: $100; and

(c) Commercial fishing gear tags for invasive carp and scaled rough fish (nonresident), block of ten (10) tags: fifteen (15) dollars.

(4) Hunting licenses:

(a) Statewide hunting license (resident): twenty-seven (27) dollars;

(b) Statewide hunting license (nonresident): $160;

(c) Statewide youth hunting license (resident): six (6) dollars;

(d) Statewide youth hunting license (nonresident): ten (10) dollars;

(e) Shooting preserve hunting license: five (5) dollars; and

(f) Migratory bird and waterfowl permit: fifteen (15) dollars.

(5) Combination hunting and fishing license (resident): forty-two (42) dollars.

(6) Sportsman's licenses:

(a) Sportsman's license (resident), which includes a resident hunting and fishing license, spring turkey permit, fall turkey permit, trout permit, state migratory bird and waterfowl permit, and statewide deer permit: ninety-five (95) dollars;

(b) Youth sportsman's license (resident), which may be issued to a person before he or she has reached his or her sixteenth birthday and for which the privileges remain valid through the end of the applicable license year, and which includes a statewide hunting license, a statewide deer permit, a spring turkey permit, fall turkey permit, migratory game bird and waterfowl permit, statewide annual fishing license, and a Ballard WMA waterfowl hunt permit valid for all days the license holder lawfully waterfowl hunts at Ballard WMA: thirty (30) dollars;

(c) Senior sportsman's licenses, which include a resident hunting and fishing license, spring turkey permit, fall turkey permit, trout permit, state migratory bird and waterfowl permit, and statewide deer permit. Senior licenses shall not be valid unless the holder carries proof of their Kentucky residency and proof of age on the holder's person while performing an act authorized by the license:

1. Annual senior sportsman's license (resident): twelve (12) dollars; and

2. Senior lifetime sportsman's license (resident): $180;

(d) Disabled sportsman's license (resident), which includes a resident hunting and fishing license, spring turkey permit, fall turkey permit, trout permit, state migratory bird, waterfowl permit, and statewide deer permit: twelve (12) dollars; and[.]

(e) First time license buyer's sportsman's license (resident), which includes a resident hunting and fishing license, spring turkey permit, fall turkey permit, trout permit, state migratory bird and waterfowl permit, and statewide deer permit: thirty-five (35) dollars.

(7) Trapping licenses:

(a) Trapping license (resident): twenty (20) dollars;

(b) Trapping license (resident landowner – tenant): ten (10) dollars;

(c) Trapping license (nonresident): $130; and

(d) Youth trapping license (resident): five (5) dollars.

(8) Game permits:

(a) Bear permit (resident): thirty (30) dollars;

(b) Youth bear permit (resident): ten (10) dollars;

(c) Bear chase permit (resident): thirty (30) dollars;

(d) Youth bear chase permit (resident): ten (10) dollars;

(e) Combination bear permit (resident), which includes a bear permit and a bear chase permit: fifty (50) dollars;

(f) Bear permit (nonresident): $250;

(g) Youth bear permit (nonresident): $100;

(h) Bear chase permit (nonresident): fifty (50) dollars;

(i) Youth bear chase permit (nonresident): fifteen (15) dollars;

(j) Quota cow elk permit (resident): sixty (60) dollars;

(k) Quota cow elk permit (nonresident): $400;

(l) Quota bull elk permit (resident): $100;

(m) Quota bull elk permit (nonresident): $550;

(n) Quota either sex archery and crossbow elk permit (resident): $100;

(o) Quota either sex archery and crossbow elk permit (nonresident): $550;

(p) Out-of-zone elk permit (resident): thirty (30) dollars;

(q) Out-of-zone elk permit (nonresident): $400;

(r) Statewide deer permit (resident): thirty-five (35) dollars;

(s) Statewide deer permit (nonresident): $235;

(t) Statewide youth deer permit (resident), valid for taking four (4) deer: ten (10) dollars;

(u) Statewide youth deer permit (nonresident), valid for taking four (4) deer: fifteen (15) dollars;

(v) Additional deer permit: fifteen (15) dollars;

(w) Spring turkey permit (resident): thirty (30) dollars;

(x) Spring turkey permit (nonresident): $110;

(y) Fall turkey permit (resident): thirty (30) dollars;

(z) Fall turkey permit (nonresident): $110;

(aa) Youth turkey permit (resident), valid for taking one (1) wild turkey during spring or fall seasons: ten (10) dollars;

(bb) Youth turkey permit (nonresident), valid for taking one (1) wild turkey during spring or fall seasons: fifteen (15) dollars;

(cc) Quota youth elk permit (resident): thirty (30) dollars; and

(dd) Quota youth elk permit (nonresident): $200.

(9) Peabody WMA user permit: fifteen (15) dollars.

(10) Land Between the Lakes hunting permit: as stated at landbetweenthelakes.us.

(11) Conservation permit: five (5) dollars.

(12) Bobcat hunting permit: ten (10) dollars[Free].

(13) Guide[Commercial guide] licenses:

(a) Fishing guide license (resident): $100;[Commercial guide license (resident): $150; and]

[(b)] [Commercial guide license (nonresident): $400.]

(b) Fishing guide license (nonresident): $400;

(c) Hunting guide license (resident): $100; and

(d) Hunting guide license (nonresident): $400.

(14) Outfitter licenses:

(a) Fishing Outfitter Tier 1 (resident): $250;

(b) Fishing Outfitter Tier 1 (nonresident): $1,000;

(c) Fishing Outfitter Tier 2 (resident): $750;

(d) Fishing Outfitter Tier 2 (nonresident): $1,500;

(e) Hunting Outfitter Tier 1 (resident): $500;

(f) Hunting Outfitter Tier 1 (nonresident): $1,000;

(g) Hunting Outfitter Tier 2 (resident): $1,000;

(h) Hunting Outfitter Tier 2 (nonresident): $2,000;

(i) Hunting Outfitter Tier 3 (resident): $1,500;

(j) Hunting Outfitter Tier 3 (nonresident): $3,000;

(k) Hunting Outfitter Tier 4 (resident): $2,000; and

(l) Hunting Outfitter Tier 4 (nonresident): $4,000.

(15) Experimental commercial fishing methods program permits:

(a) Tier I experimental commercial fishing methods program permit (resident): $800;

(b) Tier I experimental commercial fishing methods program permit (nonresident): $1,600;

(c) Tier II experimental commercial fishing methods program permit (resident): $1,200; and

(d) Tier II experimental commercial fishing methods program permit (nonresident): $2,400.

(16) Annual shooting range permit:

(a) Purchaser does not hold an annual hunting or fishing license: twenty-five (25) dollars; or

(b) Purchaser holds a valid annual hunting or fishing license: Free.

Section 3.[Section 2.] Licenses, tags, and permits listed in this section shall be valid for the calendar year issued.

(1) Live fish and bait dealer's licenses:

(a) Live fish and bait dealer's license (resident): fifty (50) dollars; and

(b) Live fish and bait dealer's license (nonresident): $150.

(2) Commercial taxidermist license: $150.

(3) Shooting area permit: $150.

(4) Dog training area permit: fifty (50) dollars.

(5) Collecting permits:

(a) Educational wildlife collecting permit: twenty-five (25) dollars; and

(b) Scientific wildlife collecting permit: $100.

(6) Wildlife[~~Nuisance wildlife~~] control operator's permit: $100.

(7) Pay lake license:

(a) Pay lakes obtaining all fish from private hatcheries only:

1. Lakes with two (2) acres or less: $250; and

2. Each additional acre or part of an acre: fifty[~~Fifty~~] (50) dollars; and

(b) Pay lakes obtaining all or a portion of catfish from public waters:

1. Lakes with two (2) acres or less: $600; and

2. Each additional acre or part of an acre: fifty (50) dollars.

(8) Commercial captive wildlife permit: $150.

(9) Commercial fish propagation permit: fifty (50) dollars.

(10) Wildlife rehabilitator's permit: twenty-five (25) dollars.

(11) Annual wildlife transportation permit: $250.

(12) Peabody Wildlife Management Area annual event permit: $250.

Section 4.[~~Section 3.~~] Licenses, tags, and permits listed in this section shall be valid for three (3) years from the date of issue.

(1) Falconry permit: seventy-five (75) dollars.

(2) Noncommercial captive wildlife permit: seventy-five (75) dollars.

Section 5.[~~Section 4.~~] Licenses, tags, and permits listed in this section shall be valid for the date or dates specified on each.

(1) Short-term licenses:

(a) One (1) day fishing license (resident): seven (7) dollars;

(b) One (1) day fishing license (nonresident): fifteen (15) dollars;

(c) Seven (7) day fishing license (nonresident): thirty-five (35) dollars;

(d) One (1) day hunting license (resident) (not valid for deer, elk, bear, or turkey hunting): seven (7) dollars;

(e) One (1) day hunting license (nonresident) (not valid for deer, elk, bear, or turkey hunting): twenty-five (25) dollars;[~~ and~~]

(f) Seven (7) day hunting license (nonresident) (not valid for deer, elk, bear, or turkey hunting): sixty-five (65) dollars; and[.]

(g) Three (3) day fur buyers license (nonresident): fifty (50) dollars.

(h) One (1) day shooting range permit: five (5) dollars.

(2) Individual wildlife transportation permit: twenty-five (25) dollars.

(3) Special resident commercial fishing permit: $600.

(4) Special nonresident commercial fishing permit: $900.

(5) [~~Commercial waterfowl shooting area permit: $150.~~]

[~~(6)~~] Shoot-to-retrieve field trial permits:

(a) Per trial (maximum four (4) days): seventy-five (75) dollars; and

(b) Single day: twenty-five (25) dollars.

(6)[~~(7)~~] Boat dock permit: $100 per ten (10) year permit period beginning January 1, 2008, except that the fee shall be pro-rated for the number of years remaining in the ten (10) year period.

(7)[~~(8)~~] Shoreline use permit: Valid for a fifteen (15) year permit period beginning January 1, 2010, pro-rated to the nearest five (5) year interval remaining in the fifteen (15) year period, and containing three (3) tiers, including:

(a) Tier I: $100;

(b) Tier II: $200; and

(c) Tier III: $300.

(8)[~~(9)~~] Peabody individual event permit: twenty-five (25) dollars.

(9)[~~(10)~~] Commercial roe-bearing fish buyer's permit:

(a) Commercial roe-bearing fish buyer's permit (resident): $500; and

(b) Commercial roe-bearing fish buyer's permit (nonresident): $1,000.

(10)[~~(11)~~] Commercial roe-bearing fish harvester's permit:

(a) Commercial roe-bearing fish harvester's permit (resident): $500; and

(b) Commercial roe-bearing fish harvester's permit (nonresident): $1,500.

(11)[~~(12)~~] Otter Creek Outdoor Recreation Area:

(a) Daily Entry Permit: three (3) dollars, with children under twelve (12) free; and

(b) Daily Special Activities Permit: seven (7) dollars.

(12)[~~(13)~~] Commercial foxhound training enclosure permit: $150.

(13)[~~(14)~~] Noncommercial foxhound training enclosure permit: twenty-five (25) dollars.

(14)[~~(15)~~] Fish transportation permit: twenty-five (25) dollars.

Section 6.[~~Section 5.~~] Licenses, tags, and permits listed in this section shall be valid on a per-unit basis as specified.

(1) Ballard WMA waterfowl hunt permit (per person, per day; youths under age sixteen (16) exempted): fifteen (15) dollars.

(2) Pheasant hunt permit (per person, per day): twenty-five (25) dollars.

[~~(3)~~] [~~Horse stall rental (per space, per day): two (2) dollars.~~]

[~~(4)~~] [~~Dog kennel rental (per dog, per day): fifty (50) cents.~~]

(3)[~~(5)~~] Captive cervid permit (per facility, per year): $150.

(4)[~~(6)~~] Noncommercial captive cervid permit (per facility, per three (3) years): seventy-five (75) dollars.

Section 7.[~~Section 6.~~] The following licenses listed in this section shall be valid from April 1 through March 31 of the following year:

(1) Fur processor's license (resident): $150;

(2) Fur buyer's license (resident): fifty (50) dollars; and

(3) Fur buyer's license (nonresident): $300.

Section 8.[~~Section 7.~~] The following Otter Creek Outdoor Recreation Area permits shall be valid from July 1 through June 30 of the following year:

(1) Annual Entry Permit: thirty (30) dollars, with children under twelve (12) free; and

(2) Annual Special Activities Permit: seventy (70) dollars.

Section 9.[~~Section 8.~~] The following non-refundable application fees listed in this section shall be valid for the application to hunt in a department administered quota hunt or for a chance to be drawn for permits as specified.

(1) Pheasant quota hunt application fee: three (3) dollars.

(2) Antlered elk firearms quota hunt application fee: ten (10) dollars.

(3) Antlerless elk firearms quota hunt application fee: ten (10) dollars.

(4) Either-sex elk archery and crossbow quota hunt application fee: ten (10 dollars).

(5) Youth quota elk hunt application fee: ten (10) dollars.

(6) Deer quota hunt application fee: three (3) dollars.

(7) Waterfowl quota hunt application fee: three (3) dollars.

(8) Sandhill crane quota hunt application fee: three (3) dollars.

(9) Elk hunt sweepstakes and premium combination big game permit application fee:

(a) Five (5) dollars for residents and ten (10) dollars for one (1) application;

(b) Ten (10) dollars for residents and twenty (20) dollars for nonresidents per bundle of three (3) applications; and

(c) Twenty-five (25) dollars for residents and fifty (50) dollars for nonresidents per bundle of ten (10) applications.

(10) Standard combination big game permit application fee:

(a) Three (3) dollars for residents and six (6) dollars for nonresidents for one (1) application;

(b) Eight (8) dollars for residents and sixteen (16) dollars for nonresidents per bundle of three (3) applications; and

(c) Twenty (20) dollars for residents and forty (40) dollars for nonresidents per bundle of ten (10) applications.

Section 10. Motorboat, Boat Manufacturer, and Boat Dealer Registration Fees.

(1) The annual registration fee for motorboats shall be:

(a) Class A: twenty-one (21) dollars;

(b) Class 1: forty (40) dollars;

(c) Class 2: fifty (50) dollars; and

(d) Class 3: sixty-five (65) dollars.

(2) Boat Manufacturer or Boat Dealer Registration: $100.

(3) Boat Manufacturer or Boat Dealer Additional Plate: two (2) dollars.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner
APPROVED BY AGENCY: July 3, 2025
FILED WITH LRC: July 9, 2025 at 3:30 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 29, 2025, at 12:30 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes fees and terms for licenses, permits, and tags sold by the Department of Fish and Wildlife Resources.
(b) The necessity of this administrative regulation: This administrative regulation is necessary for the department to establish reasonable license fees, permit terms, and the expiration dates of licenses and permits.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.175 authorizes the types of licenses, permits, and tags that the department can issue. KRS 150.195(4)(f) requires the department to promulgate an administrative regulation establishing the license and permit terms and the expiration date of licenses and permits. KRS 150.225 requires the Department to prescribe reasonable fees for licenses, permits, and registrations authorized by Chapter 150. KRS 150.620 authorizes the department to charge reasonable fees for the use of lands and waters it has acquired for wildlife management and public recreation. KRS 235.040 requires that motorboats be registered and numbered. KRS 235.050 and KRS 235.070 require motorboats to be titled and annually registered in Kentucky. KRS 235.080 requires the department to establish boat registration fees.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation fulfills the requirements and purposes of the statutes identified in (1)(c) by establishing reasonable fees and terms for licenses, permits, registrations, and tags issued by the Department.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment will move fees that were previously listed in other regulations to a central fee regulation for all Department licenses, registrations, and permits. The amendment modifies pre-exiting boat registration fee categories reducing the categories from 6 to 4. The amendment also adds newly created fees for hunting and fishing guides and outfitters, a new reduced-price fee for first time resident sportsman's licenses, a three-day non-resident fur buyer license, updates the bobcat permit fee, and establishes shooting range permit fees. The amendment removes defunct rental fees that are no longer necessary. Additionally, the amendment adjusts the fees associated with all licenses, registrations, and permits based upon the Consumer Price Index for All Urban Consumers (CPI-U) for the two prior years. The adjustments will be established as the baseline fees for future biennial price adjustments based upon CPI-U.
(b) The necessity of the amendment to this administrative regulation: These amendments are necessary to consolidate departmental fees in one central location and to set up a formula for a self-sustaining fee structure that adjusts for inflation to allow the department to fund its stated mission.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 150.175 authorizes the types of licenses, permits, and tags that the department can issue. KRS 150.195(4)(f) requires the department to promulgate an administrative regulation establishing the license and permit terms and the expiration date of licenses and permits. KRS 150.225 requires the Department to prescribe reasonable fees for licenses, permits, and registrations authorized by Chapter 150. KRS 150.620 authorizes the department to charge reasonable fees for the use of lands and waters it has acquired for wildlife management and public recreation. KRS 235.040 requires that motorboats be registered and numbered. KRS 235.050 and KRS 235.070 require motorboats to be titled and annually registered in Kentucky. 235.070 235.080 requires the department to establish boat registration fees.
(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation fulfills the requirements and purposes of the statutes identified in (1)(c) by establishing reasonable fees and terms for licenses, permits, registrations, and tags.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Fish and Wildlife Resources. All individuals who purchase licenses, permits, registrations, and tags. Private entities and County Clerks who have partnered with the Department as license agents to sell licenses, permits, and tags. All County Clerks for boat registration fees.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional actions will be necessary to comply with this regulation as the requirements for compliance are established in other regulations. The regulated individuals will simply pay the applicable fee for whatever license, tag, registration, or permit they wish to purchase. The license agents and County Clerks will not have any additional requirements to comply with the amended regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): For individuals, the cost would be reflected in the adjusted fee assessment (CPI-U) for whatever licenses, permits, or registrations they choose to purchase. There will be no added costs for license agents and County Clerks to comply with the amended regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The Department of Fish and Wildlife is funded through license sales and federal match funds based upon those license sales. The individuals will benefit from the management provided by the Department to conserve and protect the wildlife resources of the Commonwealth for present and future generations. License agents will benefit through their agent commissions.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no added costs to implement this amendment initially.
(b) On a continuing basis: There will be no added costs to implement this amendment on a continuing basis.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Fish and Game Fund.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in funding will be necessary to implement this amendment. The amendment itself is an adjustment to fees which is necessary to partially offset inflation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation directly increases fees for existing licenses and permits and establishes new fees for newly created licenses and permits.

(9) TIERING: Is tiering applied? This amendment does not alter pre-existing fee tiering except for amendments arising from changes to the regulatory scheme for fish and wildlife outfitting or guiding. Fees for the newly created/modified licenses for outfitters and guides are tiered and vary based upon residency status of the individual applying, whether the individual wishes to obtain a guide license or outfitter license, and if obtaining an outfitter license, tiering applies based upon the number of licensed guides which will be operating under the outfitter license and whether the outfitter will be providing guiding services for hunting or fishing.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 150.175, 150.195(4)(f), 150.225, 150.620, 235.040, 235.050, 235.070, and 235.080.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 2024 HB 586 RS established resident and non-resident outfitter licenses and changed "commercial guides license" to "guide's license" and made changes to guide's license to conform with outfitter licenses. Additionally, 2024 HB 586 RS established shooting range permits. The associated license and permit fees are established herein in accordance with 2024 HB 586 RS.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Fish and Wildlife Resources.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There will be no added expenditures for the first year.
For subsequent years: There will be no added expenditures for subsequent years.
2. Revenues:
For the first year: $2,500,000.00.
For subsequent years: $2,500,00.00 for the 2nd year with later years subject to future biennial CPI-U assessments.
3. Cost Savings:
For the first year: There will be no cost savings for the first year.
For subsequent years: There will be no cost savings for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): County Clerks that sell Department issued licenses or permits as license agents.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: There will be no additional expenditures the first year.
For subsequent years: There will be no additional expenditures in subsequent years.
2. Revenues:
For the first year: The additional revenues generated will occur due to the three (3) percent agent commission (as established in 301 KAR 5:020, Section 2(1)(a)) each individual County Clerk license agent will receive. This amount will vary based upon the increase of total value of licenses and permits sold by each individual county clerk subject to the CPI-U price adjustment and the addition of the new permit types. It is estimated the total additional revenue for all county clerks who are license agents would be approximately $475.00 the first year.
For subsequent years: The additional revenues generated will occur due to the three (3) percent agent commission (as established in 301 KAR 5:020, Section 2(1)(a)) each individual County Clerk license agent will receive. This amount will vary based upon the increase of total value of licenses and permits sold by each individual county clerk subject to the CPI-U price adjustment and the addition of the new permit types. It is estimated the total additional revenue for all county clerks who are license agents would be approximately $475.00 for the 2nd year with later years subject to future biennial CPI-U assessments.
3. Cost Savings:
For the first year: There will be no cost savings the first year.
For subsequent years: There will be no cost savings subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Private businesses that have partnered with the Department to become license agents.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: There will be no additional expenditures the first year.
For subsequent years: There will be no additional expenditures in subsequent years.
2. Revenues:
For the first year: The additional revenues generated will occur due to the three (3) percent agent commission (as established in 301 KAR 5:020, Section 2(1)(a)) each individual private business license agent will receive. This amount will vary based upon the increase of total value of licenses and permits sold by each individual license agent subject to the CPI-U price adjustment and the addition of the new permit types. It is estimated the total additional revenue for all private business license agents would be approximately $17,000.00 the first year.
For subsequent years: The additional revenues generated will occur due to the three (3) percent agent commission (as established in 301 KAR 5:020, Section 2(1)(a)) each individual private business license agent will receive. This amount will vary based upon the increase of total value of licenses and permits sold by each individual county clerk subject to the CPI-U price adjustment and the addition of the new permit types. It is estimated the total additional revenue for all private business license agents would be approximately $17,000.00 for the 2nd year with later years subject to future biennial CPI-U assessments.
3. Cost Savings:
For the first year: There will be no cost savings the first year.
For subsequent years: There will be no cost savings subsequent years.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Please see the responses to (3)(a), (4)(a) and (5)(a) above.
(b) Methodology and resources used to reach this conclusion: The CPI adjustment to be applied when the amendment goes into effect will be set based upon the 2024 CPI-U (3%) and the 2025 CPI-U when it is finalized. An estimated 2025 CPI-U of 2.6% was utilized for the calculations, with the total estimated CPI-U adjustment set at 5.6%. For license agents (County Clerks and private businesses): To calculate the total impact for license agents, we utilized agency records to determine the total agent commissions paid to each group of license agents (County Clerks and private businesses) for 2024 sales of department licenses and permits. Utilizing those values, we applied the CPI percentage adjustment to determine the estimated total agent commissions if the same sales occurred after the amendment. The estimated impacts are the difference in the future estimated commissions and the prior year commissions. License Agent Impact = [Prior Year's Commissions x (100% + Estimated CPI-U adjustment)] – Prior Year Commissions. For the Department of Fish and Wildlife Resources: To calculate the impact for the Department, we utilized the total license sales for 2022 and applied the CPI-U percentage adjustment to determine the estimated total license sales if the same sales occurred after the amendment. The estimated impact is the difference in the projected future estimated sales total and the previous sales total. Department Impact = [2022 Total Sales x (100% + CPI%)] – 2022 Total Sales
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): See the response to 6 above. The entities identified shall not accrue any costs associated with the implementation and compliance with the amended regulation. As such, there would not be a major economic impact.
(b) The methodology and resources used to reach this conclusion: See the response to 6 above. Each entity will receive a net economic benefit by implementing or complying with the amendment.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 16:310. Pre-execution medical actions.

RELATES TO: KRS 196.030, 196.070, 196.180, 431.213-431.270, 532.135, 532.140

STATUTORY AUTHORITY: KRS 196.035, 197.020, 314.011, 431.218, 431.220, 431.224, 431.240, 431.250, 431.260, 431.270

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 and 197.020 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the cabinet or any of its divisions. KRS 431.220 establishes requirements for the execution of the death penalty. This administrative regulation establishes medical actions to be performed after receipt of the execution order and prior to the execution.

Section 1. Pre-execution Medical Actions after Receipt of Execution Order.

(1) Beginning fourteen (14) days prior to an execution, or for the remaining days if an execution order is received fewer than fourteen (14) days prior to an execution, the condemned person shall receive the following:

(a) A physical examination completed by a doctor or advanced practice registered nurse;

(b) A visit from a nurse at least once per shift;

(c) An evaluation from a licensed psychologist five (5) days per week on Monday through Friday; and

(d) A psychiatric interview and evaluation to assess for signs of insanity conducted by a licensed psychiatrist or a licensed advanced practice registered nurse (APRN) certified in a psychiatric mental health population focus. The evaluation report shall be placed in the condemned person's medical record and sent to the warden.

(2) All medical professionals referenced in subsection (1) shall:

(a) Personally observe and evaluate the condemned person's medical condition; and

(b) Document his or her observations and evaluations in the condemned person's medical record immediately after personal contact with the condemned person.

(3) The designated medical professional shall review and sign the nursing documentation daily.

(4) A psychiatrist shall review the nursing documentation and any other mental health or medical documentation weekly.

(5) All Kentucky State Penitentiary medical and mental health staff shall be instructed to immediately notify the warden and the designated medical professionals of any change in the condemned person's medical or psychiatric condition.

[~~(1)~~] [~~For the fourteen (14) days prior to an execution, or for the remaining days if an execution order is received less than fourteen (14) days prior to an execution:~~]

[~~(a)~~] [~~All medical documentation shall be made in special notes in the condemned person's medical record.~~]

[~~(b)~~] [~~The department shall arrange for nurse visits for the condemned person during each shift daily. The contacts and observations from these nurse visits shall be recorded in the special notes of the medical record referenced in paragraph (a) of this subsection. The nurse notes shall state the presence or absence of signs of physical or emotional distress observed.~~]

[~~(c)~~] [~~A licensed psychologist shall:~~]

[~~1.~~] [~~Personally observe and evaluate the condemned person five (5) days per week on Monday through Friday;~~]

[~~2.~~] [~~Document his or her observations and evaluations in the condemned person's medical record immediately after personal contact with the condemned person;~~]

[~~3.~~] [~~Review the department medical records for the condemned person for:~~]

[~~a.~~] [~~A diagnosis of an intellectual disability as:~~]

[~~(i)~~] [~~Indicated by the criteria in the Diagnostic and Statistical Manual (DSM);~~]

[~~(ii)~~] [~~Defined by the American Association on Intellectual and Developmental Disabilities (AAIDD); or~~]

[~~(iii)~~] [~~Indicated by other similar prevailing medical standards and clinical guidelines; or~~]

[~~b.~~] [~~An IQ test score of seventy-five (75) or lower after adjustment for the applicable standard error of measurement; and~~]

[~~4.~~] [~~Notify the warden if any record is located that meets the criteria in subparagraph 3 of this paragraph.~~]

[~~(d)~~] [~~The designated medical professional shall review and sign the nursing documentation referenced in paragraph (b) of this subsection daily.~~]

[~~(e)~~] [~~A psychiatrist shall review the nursing documentation referenced in paragraph (b) of this subsection and any other mental health or medical documentation weekly.~~]

[~~(2)~~] [~~For the seven (7) days prior to an execution, or for the remaining days if an execution order is received less than seven (7) days prior to an execution:~~]

[~~(a)~~] [~~A doctor or advanced practice registered nurse shall:~~]

[~~1.~~] [~~Complete a physical examination; and~~]

[~~2.~~] [~~Place the documentation of the physical in the condemned person's medical record upon completion of the documentation.~~]

[~~(b)~~] [~~A psychiatric interview and evaluation to assess for signs of insanity shall be:~~]

[~~1.~~] [~~Completed by a licensed psychiatrist or a licensed advanced practice registered nurse (APRN) certified in a psychiatric mental health population focus;~~]

[~~2.~~] [~~Placed in the condemned person's medical record; and~~]

[~~3.~~] [~~Sent to the warden.~~]

[~~(3)~~] [~~The designated medical professional shall:~~]

[~~(a)~~] [~~Personally observe and evaluate the condemned person's medical condition at least twice on nonconsecutive days; and~~]

[~~(b)~~] [~~Document his or her observations and evaluations in the special notes of the condemned person's medical record immediately after personal contact with the condemned person.~~]

[~~(4)~~] [~~All Kentucky State Penitentiary medical and mental health staff shall be instructed to immediately notify the warden and the designated professionals of any change in the condemned person's medical or psychiatric condition.~~]

Section 2. Pregnancy Testing for Female Condemned Persons.

(1) If the condemned person is female, a pregnancy test shall be administered.

(2) A pregnancy test shall be administered at least seven (7) days prior to the scheduled date of execution, unless the execution order is received less than seven (7) days prior to the scheduled date of execution.

(3) If the execution order is received less than seven (7) days prior to the scheduled date of execution, a pregnancy test shall be administered as soon as practicable.

(4) If a pregnancy test is positive, then the department shall:

(a) Give written notice to the Attorney General or his designee, the condemned person's counsel, the condemned person, and the Governor's Office or court issuing the mandate that the condemned person is pregnant; and

(b) Suspend the execution pursuant to KRS 431.240(2).

Section 3. Insanity Issues.

(1) Subsequent to the examination required by Section 1(1)(d) of this regulation, if the warden receives information from medical or mental health staff that the condemned person exhibits signs or symptoms indicating that he or she may be insane as demonstrated by an inability to rationally understand why the state wants to execute him or her, the warden shall inform the designated medical professional.

(2) If the designated medical professional receives information from the warden or department medical or mental health staff, he shall determine:

(a) The source of the information; and

(b) If the information is not from the department psychiatrist, whether it is sufficient to indicate that an additional psychiatric evaluation needs to be performed on the condemned person.

(3) The designated medical professional shall order another[a] psychiatric evaluation if he determines one is needed.

(4) If a department psychiatric evaluation determines that the condemned person may be insane as demonstrated by an inability to rationally understand why the state wants to execute him or her, the department shall:

(a) Give written notice to the Attorney General or his designee, the condemned person's counsel, the condemned person, and the Governor's Office or court issuing the mandate that the condemned person appears to be insane; and

(b) Suspend the execution pursuant to KRS 431.240(2) to allow procedures consistent with KRS 431.2135.

Section 4. [Serious]Intellectual Disability.

(1) A licensed psychologist shall review the following records for the condemned person already in the possession of the department:

(a) Inmate record as set forth 501 KAR 6:540;

(b) Education records;

(c) Records related to Americans with Disability Act accommodations;

(d) Medical records; and

(e) Mental health records.

(2) The psychologist shall also review any records submitted by the condemned person and interested third parties, including the condemned person's attorney, pursuant to Section 5 of this regulation.

(3) The records shall be reviewed for:

(a) Documentation indicating an intellectual disability as indicated by:

1. The criteria in the Diagnostic and Statistical Manual (DSM);

2. The American Association on Intellectual and Developmental Disabilities (AAIDD); or

3. Other similar prevailing medical standards and clinical guidelines; or

(b) An IQ test score of seventy-five (75) or lower after adjustment for the applicable standard error of measurement.

(4) If the psychologist finds documentation that meets the criteria in subsection (3) of this section, he or she shall immediately notify the warden.

(5) If the warden is notified by the psychologist described in subsection (4) of this section[Section 1(1)(c) of this administrative regulation] concerning a record indicating[a diagnosis of] an intellectual disability or an IQ test score of seventy-five (75) or less for the condemned person after adjustment for the applicable standard error of measurement:[, the:]

(a)[(1)] The warden shall notify the Commissioner;

(b)[(2)] The Commissioner shall notify in writing the Attorney General or his designee, the condemned person's counsel, and the condemned person of the record located; and

(c)[(3)] The Commissioner shall suspend the execution pursuant to KRS 532.140 to allow procedures consistent with KRS 532.135.

(6) If there has been a final adjudication by a court of law regarding whether the condemned person suffers from an intellectual disability and there has been no intervening change in relevant law or clinical guidelines regarding intellectual disability, the review required by this section shall not occur.

(7) The Justice and Public Safety Cabinet Office of Legal Services shall determine:

(a) Whether there has been a final adjudication by a court of law regarding whether the condemned person suffers from an intellectual disability; and

(b) Whether there has been an intervening change in relevant law or clinical guidelines regarding intellectual disability.

Section 5. Submission of Records by the Condemned Person and an Interested Third Party.

(1) No later than seven (7) days before a scheduled execution, the condemned person and an interested third party may submit records indicating the possibility of an intellectual disability or an IQ test score of seventy-five (75) or lower after adjustment for the applicable standard error of measurement for the condemned person.

(2) The condemned person may submit records to the warden through institutional mail who shall then ensure the submitted records are included for review as set forth in Section 4 of this administrative regulation.

(3) An interested third party may submit records to the department by mailing the records to doc.deathrowdisability@ky.gov or Warden, Kentucky State Penitentiary, 266 Water Street, Eddyville, Kentucky 42038.

(4) By submitting the records, the interested third party is certifying that the records are true and accurate to the best of their knowledge or belief.

Section 6. Execution Substances.

(1) The warden shall:

(a) Notify medical staff and the ambulance service of the substances that may be used for the execution so that planning can be done in case of suspension of the execution after the drugs have been administered; and

(b) Direct medical staff to review the medications of the condemned person for a potential adverse reaction to the substances and notify the warden if a known potential adverse reaction is identified.

(2) If the warden is notified that a known potential adverse reaction has been identified, the warden shall notify the commissioner and the ambulance service.

(3) If the commissioner is notified that a known potential adverse reaction has been identified, the commissioner shall notify the Attorney General or designee, the condemned person's counsel, the condemned person, and the Governor's Office in writing of the potential adverse reaction.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: July 14, 2025

FILED WITH LRC: July 14, 2025 at 1:39 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2025, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, 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 may be cancelled. 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 until September 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: Nathan Goens, Attorney, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegsContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes medical actions to be performed after receipt of the execution order and prior to the execution of a condemned inmate.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure the Department of Corrections execution protocol compliance with constitutional and statutory requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 196.035 and 197.020 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the cabinet or any of its divisions.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative

regulation assists the Department of Corrections execution protocol to be compliant with statutory and constitutional requirements.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation will expand the types of records that are reviewed prior to an execution, allow the condemned person and interested third parties to submit records indicating an intellectual disability, and require a suspension of an execution in the event the Department of Corrections discovers a diagnosis or specific signs of an intellectual disability during the pre-execution medical actions.
(b) The necessity of the amendment to this administrative regulation: The amendment to the administrative regulation is necessary because of constitutional requirements related to the execution of condemned inmates developed by recent Supreme Court of the United States and Supreme Court of Kentucky case law as well as to comply with an order entered by the Franklin Circuit Court.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment to the regulation conforms with the authorizing statutes because KRS 196.035 and 197.020 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the cabinet or any of its divisions, and the Department of Corrections is a division of the Justice and Public Safety Cabinet.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist the Justice and Public Safety Cabinet, Department of Corrections effectively administer the death penalty as established by KRS 431.220 and ensures that it is administered in a way that complies with constitutional requirements.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect condemned inmates, their attorneys, interested third parties, judges with sentences of death in their circuits, and employees of the Governor's Office, the Attorney General's Office, the Department of Public Advocacy, and the Department of Corrections involved with criminal sentences of death.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Department of Corrections will be responsible for ensuring pre-execution medical actions are completed and the Warden of the Kentucky State Penitentiary is notified in the event a record of a diagnosis or specific signs of a serious intellectual disability is discovered during the pre-execution medical actions. The Commissioner of the Department of Corrections will be responsible for suspending the execution upon notification of the discovery of a diagnosis or specific signs of an intellectual disability. Interested third parties as well as the condemned will have the opportunity to submit records for review prior to an execution. The condemned person or the condemned person's counsel as well as the Governor's Office, the Attorney General's Office, and judges will be responsible for taking the appropriate steps to litigate whether such an intellectual disability exists.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The regulation does not include any requirements of the entities affected that would exact a cost beyond the time required to be compliant.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Each of the parties named in question (3) will benefit by ensuring that no intellectually disabled individual will be executed.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The Department's medical services are under contract at a rate of $17.36 per inmate per day but there will be no extra costs created by this amendment.
(b) On a continuing basis: Medical costs typically rise between 5% and 7% annually, but this is not a result of the amendment to this administrative regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Appropriations of General Funds to the Department of Corrections will fund the implementation and enforcement of this administrative regulation.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation amendment will not require an increase in fees or funding for implementation. An increase in funding may be necessary for annual increases in medical costs and staffing costs, but no new costs are expected to result from the implementation of the administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are directly or indirectly established by this administrative regulation.
(9) TIERING: Is tiering applied? Tiering is not appropriate in this instance because the regulation and its impact will not disproportionally impact any particular class regulated entity.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 196.035 and 197.020 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the cabinet or any of its divisions. The death penalty is established by KRS 431.220.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035 and 197.020 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the cabinet or any of its divisions. The death penalty is established by KRS 431.220.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation is being promulgated by the Department of Corrections. This administrative regulation will affect judges with sentences of death in their circuits and employees of the Governor's Office, the Attorney General's Office, the Department of Public Advocacy, and the Department of Corrections involved with criminal sentences of death.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The Department of Correction's medical cost per inmate per day is currently $17.36. This administrative regulation should not cause any additional expenditures by the Department or any other entities identified in (3)(a) in the first year.
For subsequent years: The Department of Correction's medical cost per inmate per day is currently $17.36. This administrative regulation should not cause any additional expenditures by the Department or any other entities identified in (3)(a) in subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue.
For subsequent years: This administrative regulation will not generate revenue.
3. Cost Savings:
For the first year: This administrative regulation will not generate cost savings.
For subsequent years: This administrative regulation will not generate cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect judges with sentences of death in their circuits and employees of the Commonwealth Attorney's offices involved with criminal sentences of death.
(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:
For the first year: This administrative regulation should not cause any additional expenditures in the first year.
For subsequent years: This administrative regulation should not cause any additional expenditures in subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue in the first year.
For subsequent years: This administrative regulation will not generate revenue in subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate cost savings in the first year.
For subsequent years: This administrative regulation will not generate cost savings in subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect the condemned persons and interested third parties.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation should not cause any additional expenditures in the first year.
For subsequent years: This administrative regulation should not cause any additional expenditures in subsequent years.
2. Revenues:
For the first year: This administrative regulation will not generate revenue in the first year.
For subsequent years: This administrative regulation will not generate revenue in subsequent years.
3. Cost Savings:
For the first year: This administrative regulation will not generate cost savings in the first year.
For subsequent years: This administrative regulation will not generate cost savings in subsequent years.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: There will not be a fiscal impact as a result of this amendment to the administrative regulation.
(b) Methodology and resources used to reach this conclusion: Because there are no expected increases in expenditures resulting from the administrative regulation, it follows that there will be no fiscal impact.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There will not be a "major economic impact" as a result of this amendment to the administrative regulation.
(b) The methodology and resources used to reach this conclusion: Because there are no expected increases in expenditures resulting from the administrative regulation, it follows that there will be no "major economic impact".

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

EDUCATION AND LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(Amendment)

803 KAR 2:181. Recordkeeping and reporting occupational injuries and illnesses.

RELATES TO: KRS 338.015(1), (2), 338.121(3), 338.161, 29 C.F.R. Part 1904
STATUTORY AUTHORITY: KRS 338.061, 338.161
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.161(1) requires the Department of Workplace Standards to promulgate administrative regulations for the collection, compilation, and analysis of occupational safety and health statistics. 29 C.F.R. Part 1904 authorizes requirements for the recording and reporting of occupational illnesses and injuries. This administrative regulation establishes recordkeeping and reporting requirements for employers pursuant to KRS Chapter 338.

Section 1. Definitions.
(1) [~~"Amputation" means an injury in which a portion of the body including bone tissue is removed.~~]
[~~(2)~~] "C.F.R." means Code of Federal Regulations.
(2)[~~(3)~~] "Employee" is defined by KRS 338.015(2).
(3)[~~(4)~~] "Employer" is defined by KRS 338.015(1).
[~~(5)~~] [~~"Hospitalization" means formal admission to a hospital or clinic for care or treatment.~~]
[~~(6)~~] [~~"Loss of eye" means the physical removal of an eye from the socket.~~]
[~~(7)~~] [~~"Occupational Safety and Health Act" or "OSHA" means KRS Chapter 338.~~]
(4)[~~(8)~~] "Secretary of Labor" means the Secretary of the United States Department of Labor or the Secretary of the Education and Labor Cabinet.
(5)[~~(9)~~] "Section 11(c) of the Act" means KRS 338.121(3).
[~~(10)~~] [~~"Work-related" means "work-related" or "work-relatedness" as established in 29 C.F.R. 1904.~~]

Section 2. Except as modified by the definitions in Section 1[~~and the requirements in Sections 3 and 4 of this administrative regulation,~~] an employer shall comply with 29 C.F.R. Part 1904, Recording and Reporting Occupational Injuries and Illnesses, published by the Office of the Federal Register, National Archives and Records Administration.

[~~Section 3.~~] [~~Reporting Fatalities, Amputations, Hospitalizations, or Loss of Eye.~~]
[~~(1)~~] [~~The reporting requirements established in this section shall apply in lieu of 29 C.F.R. 1904.39.~~]
[~~(2)~~] [~~An employer shall orally report to the Kentucky Education and Labor Cabinet, Department of Workplace Standards, Division of Occupational Safety and Health Compliance, at (502) 564-3070, the death of an employee as a result of a work-related incident, including death resulting from a heart attack.~~]
[~~(3)~~] [~~The report required pursuant to subsection (2) of this section shall be made within eight (8) hours from when the death is reported to the employer, the employer's agent, or another employee.~~]
[~~(4)~~] [~~An employer shall orally report to the Kentucky Education and Labor Cabinet, Department of Workplace Standards, Division of Occupational Safety and Health Compliance, at (502) 564-3070, any of the following that occurs as a result of a work-related incident:~~]
[~~(a)~~] [~~Amputation suffered by an employee;~~]
[~~(b)~~] [~~Employee's loss of an eye; or~~]
[~~(c)~~] [~~Hospitalization of an employee, including hospitalization resulting from a heart attack.~~]
[~~(5)~~] [~~The report required pursuant to subsection (4) of this section shall be made within seventy-two (72) hours from when the amputation, loss of an eye, or hospitalization is reported to the employer, the employer's agent, or another employee.~~]

[~~Section 4.~~] [~~If the employer cannot speak with someone in the Frankfort office, the employer shall make the report required pursuant to Section 3 of this administrative regulation to the OSHA toll-free, central telephone number, 1-800-321-OSHA (1-800-321-6742).~~]

JAMIE LINK, Secretary
KIMBERLEE C. PERRY, Commissioner
APPROVED BY AGENCY: July 1, 2025
FILED WITH LRC: July 1, 2025 at 3:42 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held September 22, 2025, at 10:00 a.m. EDST via Zoom. Public access to the meeting is available at: https://us06web.zoom.us/j/86360536416, or telephone at (713) 353-0212, (888) 822-7517 toll free, conference code 194378. 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 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 September 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: Robin Maples, OSH Standards Specialist, Education and Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email robin.maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Robin Maples
(1) Provide a brief summary of:
(a) What this administrative regulation does: Section 1 of this administrative regulation defines terms not found in the federal standard. Section 2 requires employers to comply with the requirements of 29 C.F.R. Part 1904, Recording and Reporting Occupational Injuries and Illnesses.
(b) The necessity of this administrative regulation: This regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute (KRS) 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health ("OSH") Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation complies and conforms with the authorizing statutes.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment requires employers comply with 29 C.F.R. Part 1904, Recording and Reporting Occupational Injuries and Illnesses.
(b) The necessity of the amendment to this administrative regulation: It is necessary to promulgate this regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements. The Education and Labor Cabinet must promulgate this administrative to ensure the state is at least as effective as the federal requirement. This administrative regulation ensures Kentucky's compliance with the federal mandates, maintains Kentucky's primacy, and retains federal funding.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation complies and conforms with the authorizing statutes.
(d) How the amendment will assist in the effective administration of the statutes: This amendment complies with the amendment to KRS 338.062 and keeps the state program consistent with the federal program.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all employers in the Commonwealth covered by KRS Chapter 338.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are imposed and no immediate action is required.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to the OSH Program to implement this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment complies with the amendment to KRS 338.062 and ensures the state requirement is as effective as the federal program.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no cost to the OSH Program to implement this administrative regulation.
(b) On a continuing basis: There are no new costs associated with this regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal funding.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is neither an increase in fees nor an increase in funding necessary to implement this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This

administrative regulation neither establishes any fees nor directly or indirectly increases any fees.
(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i) which all require Kentucky OSH regulations to be as effective as the federal requirements.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation imposes no new direct cost burden on employers and does not require them to take any action to comply.
(b) Methodology and resources used to reach this conclusion: Not applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not a have a "major economic impact" as defined by KRS 13A.010(13).
(b) The methodology and resources used to reach this conclusion: Not applicable.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i).
(2) State compliance standards. The Kentucky OSH Program is mandated to be at least as effective as the federal requirement. This regulation is equivalent.
(3) Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.7(a), 29 C.F.R. 1904.37(a), 29 C.F.R. 1904.37(b)(1), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1956.10(i).
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This amendment does not impose stricter requirements.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

EDUCATION AND LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(Amendment)

803 KAR 2:250. Discrimination.

RELATES TO: KRS 338.015, 338.071, 338.121, 338.141, 338.991
STATUTORY AUTHORITY: KRS 338.051, 338.061
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. This administrative regulation establishes the procedure for discrimination complaints pursuant to KRS 338.121.

Section 1. Definitions.
(1) "Commissioner" is defined by KRS 338.015(7).
(2) "Complainant" means any person who makes a "complaint" as defined by subsection (3) of this section.

(3) "Complaint" means any oral or written communication related to an occupational safety and health concern made by an employee to an employer, governmental agency, or made to the commissioner or the commissioner's designee.

(4) "Review commission" is defined by KRS 338.015(8).

(5) "Secretary" is defined by KRS 338.015(12).

(6) "Working days" means Monday through Friday and does not include Saturday, Sunday, federal, or state holidays, and the day of receipt of notice.

Section 2. Complaint.

(1) An employee or former employee may file an oral or written complaint with the commissioner or commissioner's designee alleging discrimination.

(2) A complaint shall be filed no more than thirty (30)[~~120~~] days from the occurrence of the alleged discriminatory activity.

(3) A complaint shall provide the name and address of the complainant, name and address of employer, date and description of alleged discrimination.

(4) The commissioner or commissioner's designee shall provide the employer notification of the complaint upon initiation of an investigation.

Section 3. Settlement.

(1) Settlement shall be encouraged at any stage of the proceedings if the settlement is consistent with KRS Chapter 338.

(2) Primary consideration shall be the reinstatement of a complainant to his or her former position with back pay and assurance of the future protection of the rights of all employees pursuant to KRS Chapter 338.

Section 4. Withdrawal of Complaint to the Commissioner.

(1) A request by the complainant to withdraw a complaint filed with the commissioner shall be given careful consideration and substantial weight.

(2) The commissioner or commissioner's designee shall make the final determination if a complaint and subsequent investigation will be withdrawn and terminated.

Section 5. Arbitration or Other Agency Proceedings.

(1) A complainant may pursue grievance arbitration proceedings in collective bargaining agreements while requesting relief from other agencies such as the National Labor Relations Board.

(2) The commissioner's jurisdiction to receive KRS 338.121(3) complaints, to investigate, and to determine if discrimination occurred shall be independent of the jurisdiction of other agencies or bodies.

(3) The commissioner or commissioner's designee may investigate and issue citations against any party found in violation regardless of the pendency or determination of other proceedings.

(4) If a complainant is pursuing remedies other than those established by KRS 338.121, the commissioner's determination shall be postponed.

Section 6.

(1) Investigation.

(a) Upon receipt of a complaint, the commissioner or commissioner's designee may[~~shall~~] initiate an investigation.

(b) The investigation shall be completed and the commissioner's determination issued within ninety (90) days, absent extenuating circumstances.

(2) Citation.

(a) If the commissioner finds a violation of KRS 338.121, he or she shall issue a citation, with delivery or receipt confirmation, and recommend a penalty pursuant to KRS 338.991.

(b) The citation shall include a determination by the commissioner as to the merits of the alleged violation.

(c) The commissioner or commissioner's designee shall provide notice of the determination to all affected parties.

(d) The citation shall state that it shall be deemed the final order of the review commission and not subject to review by any court or agency, as established by KRS 338.141, unless, within fifteen (15) working days from the date of receipt of the notice, the employer notifies the commissioner in writing that the employer intends to contest the citation before the review commission.

(e) The commissioner shall immediately transmit a notice to contest to the review commission in accordance with the rules of procedure prescribed by the commission in accordance with KRS 338.071.

(3) Penalty.

(a) The commissioner shall determine the amount of a proposed penalty, based on the appropriateness of the penalty with respect to the:

1. Size of the business of the employer being charged,
2. Gravity of the violation,
3. Good faith of the employer, and
4. History of previous violations.

(b) Penalties shall be proposed with respect to an alleged discriminatory act even if the employer immediately abates, or initiates steps to abate, the alleged violation.

(4)

(a) If the commissioner determines there has not been discriminatory action, the complainant shall be notified of his or her rights of review.

(b)

1. The complainant may petition the secretary for a review of the determination.

2. The petition shall be in writing and state reasons why the review is requested.

(c) The secretary shall affirm the determination or remand it to the commissioner for further investigation.

JAMIE LINK, Chair

APPROVED BY AGENCY: July 1, 2025

FILED WITH LRC: July 1, 2025 at 3:42 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held September 22, 2025, at 10:00 am EDST via Zoom. Public access to the meeting is available at: https://us06web.zoom.us/j/86360536416, or telephone at (713) 353-0212, (888) 822-7517 toll free, conference code 194378. 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 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 September 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: Robin Maples, OSH Standards Specialist, Education and Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email robin.maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Robin Maples

(1) Provide a brief summary of:

(a) What this administrative regulation does: Section 1 of this administrative regulation defines terms not found in the federal standard. Section 2 amends complaint language and all other sections are unchanged. Section 6 updates language regarding obligation to investigate.

(b) The necessity of this administrative regulation: This regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute ("KRS") 338.121, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health ("OSH") Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require Kentucky OSH regulations to be as effective as the federal requirements. This

regulation is equivalent.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3, which all require the Kentucky OSH Program to be as effective as OSHA. This regulation complies and conforms with the authorizing statutes.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025, ensures the state requirement is as effective as the federal requirement, and meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3, which all require Kentucky OSH regulations to be as effective as the federal requirements.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment complies with House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025.
(b) The necessity of the amendment to this administrative regulation: Kentucky operates a State Plan approved by OSHA that provides employee OSH protections. OSHA approves, monitors, and provides funding to Kentucky. It is necessary to promulgate this regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3 which all require the Kentucky OSH Program to be as effective as OSHA. The Education and Labor Cabinet must promulgate this administrative to ensure the state is at least as effective as the federal requirement. This administrative regulation ensures Kentucky's compliance with the federal mandates, maintains Kentucky's primacy, and retains federal funding.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 338.061 authorizes the Kentucky OSH Standards Board to adopt, modify, or repeal OSH administrative regulations. This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3 which all require the Kentucky OSH Program to be as effective as OSHA. This regulation complies and conforms with the authorizing statutes.
(d) How the amendment will assist in the effective administration of the statutes: This amendment complies with the amendment to KRS 338.121 and keeps the state program consistent with the federal program.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all employers in the Commonwealth covered by KRS Chapter 338.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are imposed and no immediate action is required.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to the OSH Program to implement this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment complies with the amendment to KRS 338.121 and ensures the state requirement is as effective as the federal program.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no cost to the OSH Program to implement this administrative regulation.
(b) On a continuing basis: There are no new costs associated with this regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal funding.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is neither an increase in fees nor an increase in funding necessary to implement this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.
(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.121, effective June 27, 2025.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None

For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation imposes no new direct cost burden on employers and does not require them to take any action to comply.
(b) Methodology and resources used to reach this conclusion: Not applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not a have a "major economic impact" as defined by KRS 13A.010(13).
(b) The methodology and resources used to reach this conclusion: Not applicable.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.5(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and 29 C.F.R. 1977.3.
(2) State compliance standards. The Kentucky OSH Program is mandated to be at least as effective as the federal requirement. This regulation is equivalent.
(3) Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.5(a)(2), 29 C.F.R. 1956.2(a), 29 C.F.R. 1956.10(d)(1), and C.F.R. 1977.3.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This amendment does not impose stricter requirements.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

EDUCATION AND LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(Amendment)

803 KAR 2:310. Medical services and first aid.

RELATES TO: KRS 338
STATUTORY AUTHORITY: KRS 338.051(3), 338.061
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. This administrative regulation establishes medical services and first aid standards that are enforced by the Department of Workplace Standards in general industry.

Section 1. Definitions.
(1) "Employee" is defined by KRS 338.015(2).
(2) "Employer" is defined by KRS 338.015(1).

Section 2. Except as modified by the definitions in Section 1 of this administrative regulation, general industry shall comply with the federal requirements published by the Office of the Federal Register, National Archives and Records Services, General Services Administration; 29 C.F.R. 1910 Subpart K, Adoption and Extension of Establishes Federal Standards.

[~~(1)~~] [~~The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health.~~]

[~~(2)~~] [~~Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and adequate first aid supplies shall be readily available.~~]

[~~(3)~~] [~~Outside salesmen, truck drivers, seasonal labor, and others who, while performing their duties, are away from the premises more than fifty (50) percent of the time shall not be included in determining the number of employees.~~]

[~~(4)~~]

[~~(a)~~] [~~All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid.~~]

[~~(b)~~] [~~Adequate first aid supplies shall be readily available.~~]

[~~Section 3.~~]

[~~(1)~~] [~~If the eyes or body of any person may be exposed to injurious corrosive material, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.~~]

[~~(2)~~] [~~The facilities shall comply with the provisions of the ANSI/ISEA Z358.1-2014 "American National Standard for Emergency Eyewash and Shower Equipment", which is incorporated by reference, with the following exceptions:~~]

[~~(a)~~] [~~In a remote area if a person is visibly or audibly separated from coworkers, an audible or visible alarm shall activate to alert appropriate personnel when the unit is in use, or in the alternative, a two (2) way communication device shall be used.~~]

[~~(b)~~] [~~The alarm shall continue until the unit is no longer in use.~~]

[~~(c)~~] [~~A facility shall be tested according to the standard monthly.~~]

[~~Section 4.~~] [~~Incorporation by reference.~~]

[~~(1)~~] [~~ANSI/ISEA Z358.1-2014 "American National Standard for Emergency Eyewash and Shower Equipment" is incorporated by reference.~~]

[~~(2)~~] [~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Education and Labor Cabinet, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday 8:00 a.m. to 4:30 p.m. EST. The Labor Cabinet Web site is www.labor.ky.gov.~~]

[~~(3)~~] [~~The ANSI Web site is www.ansi.org.~~]

JAMIE LINK, Chair

APPROVED BY AGENCY: July 1, 2025

FILED WITH LRC: July 1, 2025 at 3:42 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held September 22, 2025, at 10:00 am EDST via Zoom. Public access to the meeting is available at: https://us06web.zoom.us/j/86360536416, or telephone at (713) 353-0212, (888) 822-7517 toll free, conference code 194378. 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 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 September 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: Robin Maples, OSH Standards Specialist, Education and Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email robin.maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Robin Maples

(1) Provide a brief summary of:

(a) What this administrative regulation does: Section 1 of this administrative regulation defines terms not found in the federal standard. Section 2 requires employers to comply with the requirements of 29 C.F.R 1910. Part K, Medical and First Aid.

(b) The necessity of this administrative regulation: This regulation is necessary to comport with House Bill 398 of the 2025 General Session and meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 (Occupational Safety and Health ("OSH") Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. This administrative regulation is necessary to comport with House Bill 398 of the 2025 General Session and to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. This regulation complies and conforms with the authorizing statutes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation promotes worker safety and health throughout Kentucky and ensures the state requirement is as effective as the federal requirement. This regulation is necessary to comport with House Bill 398 of the 2025 General Session and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment requires employers in general industry to comply with the requirements of 29 C.F.R 1910, Subpart K, Medical and First Aid.

(b) The necessity of the amendment to this administrative regulation: Kentucky operates a State Plan approved by OSHA that provides employee OSH protections. OSHA approves, monitors, and provides funding to Kentucky. It is necessary to promulgate this regulation to comport with House Bill 398 of the 2025 Regular Session.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 338.051(3) requires the Kentucky OSH Standards Board to promulgate OSH administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. This administrative regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590 (OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. This regulation complies and conforms with the authorizing statutes.

(d) How the amendment will assist in the effective administration of the statutes: This amendment promotes employee health and safety throughout Kentucky and keeps the state program consistent with the federal program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all employers in the Commonwealth engaged in construction activities covered by KRS Chapter 338.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are imposed and no immediate action is required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to the OSH Program to implement this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment complies with the amendment to KRS 338.062 and ensures the state program is consistent and as effective as the federal program.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no cost to the OSH Program to implement this administrative regulation.

(b) On a continuing basis: There are no new costs associated with this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is neither an increase in fees nor an increase in funding necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or

indirectly increases any fees.
(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 338.051, KRS 338.061, Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1)
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is not expressly authorized by an act of the General Assembly.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation imposes no new direct cost burden on employers and does not require them to take any action to comply.
(b) Methodology and resources used to reach this conclusion: Not applicable.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not a have a "major economic impact" as defined by KRS 13A.010(13).
(b) The methodology and resources used to reach this conclusion: Not applicable.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.5(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).
(2) State compliance standards. The Kentucky OSH Program is mandated to be at least as effective as the federal requirement. This regulation is equivalent.
(3) Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.5(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This amendment does not impose stricter requirements.

KENTUCKY HORSE RACING AND GAMING CORPORATION (Amendment)

810 KAR 7:060. Kentucky [~~Quarter Horse, ~~]Paint Horse, Appaloosa, and Arabian Development Fund.

RELATES TO: KRS 138.510, 230.215, 230.225, 230.443, 230.445
STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8), 230.445
CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215 and 230.260 authorize the corporation to promulgate administrative regulations establishing the conditions under which horse racing shall be conducted in Kentucky and to fix and regulate the minimum amount of purses, stakes, or awards to be offered for the conduct of any horse race meeting. KRS 230.445 establishes the Kentucky [~~Quarter Horse, ~~]Paint Horse, Appaloosa, and Arabian development fund and requires the corporation to promulgate administrative regulations to carry out the purpose of the statute and to administer the development fund in a manner to promote and aid in the development of the horse industry in Kentucky, upgrade the quality of racing in Kentucky, and to improve the quality of horses bred in Kentucky. This administrative regulation establishes eligibility standards, administrative practices to enforce the standards, and the administration of purses and payments in these races.

Section 1. Definitions.
(1) "Broodmare" means a mare that conceives and carries her genetic foal to term.
(2) "Donor mare" means the mare from which an embryo is harvested for the purpose of performing an embryo transfer.
(3) "Fund" means the Kentucky [~~Quarter Horse, ~~]Paint Horse, Appaloosa, and Arabian Development Fund established by KRS 230.445.
(4) "Kentucky bred" means that a horse that meets the requirements of this administrative regulation and is:
[~~(a)~~] [~~A Quarter Horse registered with the American Quarter Horse Association or its successor;~~]
(a)[~~(b)~~] An Appaloosa registered with the Appaloosa Horse Club or its successor;
(b)[~~(c)~~] An Arabian registered with the Arabian Horse Association Registry or its successor; or

(c)[~~(d)~~] A Paint Horse registered with the American Paint Horse Association or its successor.

(5) "Mare" means a broodmare, donor mare, or recipient mare.

(6) "Recipient mare" means a mare of any breed who:

(a) Is implanted with an embryo from a donor mare;

(b) Carries the non-genetic foal to term; and

(c) Is implanted with an electronic horse identification microchip that accurately identifies the horse and is compliant with international standards ISO 11784.

Section 2. Advisory Committee. The fund advisory committee shall consist of five (5) members, all of whom shall be Kentucky residents, to be appointed by the chairman of the corporation by July 1 of each year. The committee shall consist of one (1):

(1) Member of the corporation;

(2) Officer or director of a licensed racing association in Kentucky conducting [~~Quarter Horse, ~~]Paint Horse, Appaloosa, or Arabian racing;

(3) Owner of a horse nominated to the fund;

(4) Owner of a mare registered with the fund; and

(5) Member of the Kentucky Paint, Appaloosa or Arabian[~~Quarter Horse Racing~~] Association recommended by that organization's board of directors.

Section 3. Mare Eligibility.

(1) In order for a foal to be eligible to earn money from the fund, the broodmare or both the donor and recipient mares shall be registered with the fund on or before December 31[~~February 15~~] of the year of conception. Late registration may be accepted on or before July 1[~~June 15~~] of the foaling year [~~of conception~~]as established by subsection (3) of this section.

[~~(a)~~] [~~Registration fees for mares conceiving foals during the 2023 and 2024 breeding seasons shall be waived, and the registration deadlines for each year of conception shall be extended to December 31 of the year of conception, in order to promote field growth.~~]

[~~(b)~~] [~~Weanling and all other applicable fees regarding the foals shall remain in effect for all foals, including foals conceived during 2023 and 2024.~~]

(2) In order to be eligible to be registered with the fund, a mare, whether a broodmare, donor mare, or recipient mare, shall reside in Kentucky for a period of no less than 180[~~120~~] days from conception or embryo transfer implantation until foaling.

(3) A mare shall be registered with the fund by:

(a) Completing and filing with the corporation a Kentucky [~~Quarter Horse, ~~]Paint Horse, Appaloosa, and Arabian Development Fund Mare Registration Form, KHRGC 7-060-1 and;

(b) Providing the corporation with a photocopy of:

1. The mare's official breed registration papers from the [~~American~~][~~Quarter Horse Association, ~~]American Paint Horse Association, Appaloosa Horse Club, the Arabian Horse Association Registry, or The Jockey Club or their respective successors; or

2. Documentation regarding a recipient mare's electronic horse identification microchip.

Section 4. Nomination.

(1) Except as established in subsection (4) of this section, in order for a horse to be eligible to earn money from the fund, it shall be "Kentucky bred" as defined by Section 1 of this administrative regulation and shall be nominated to the fund by:

(a) Completing and filing with the corporation a Kentucky [~~Quarter Horse, ~~]Paint Horse, Appaloosa, and Arabian Development Fund Nomination Form, KHRGC 7-060-2 and;

(b) Providing the corporation with a photocopy of the horse's official breed registration papers from the [~~American Quarter Horse Association, ~~]American Paint Horse Association, Appaloosa Horse Club, or the Arabian Horse Association Registry, or their respective successors

(2) In order for a foal that is the product of an embryo transfer to be eligible to earn monies from the fund, the donor mare and the recipient mare shall be registered as established in Section 3 of this administrative regulation and shall meet the other requirements of this administrative regulation.

(3) If a registered donor mare produces more than one (1) foal in one (1) breeding season, two (2) genetic foals may be nominated to the fund as determined by the owner of the donor mare.

(4) [~~A horse born before 2024 shall be eligible for nomination to the fund and participate in races offering monies from the fund. ~~]A horse shall be nominated by:

(a) Completing and filing with the corporation a Kentucky [~~Quarter Horse, ~~]Paint Horse, Appaloosa, and Arabian Development Fund Nomination Form, KHRGC 7-060-2; and

(b) Including the following with the nomination form:

1. A photocopy of the official breed registration papers from the [~~American Quarter Horse Association, ~~]American Paint Horse Association, Appaloosa Horse Club, or the Arabian Horse Association Registry, or their respective successors;

2. Registration papers showing ownership and demonstrating that the horse was foaled in Kentucky;

3. An official breed registry shipped semen report or a stallion breeders certificate demonstrating that the horse was conceived in Kentucky; and

4. A signed affidavit from the owner of the mare at the time of her pregnancy stating that the mare resided in Kentucky for a period of no less than 180[~~120~~] days from conception or embryo transfer implantation until foaling.

(5) Nothing in this section shall prevent a registered mare from being eligible to race for monies from the fund.

Section 5. Monies Allocated.

(1) Money deposited to the Fund shall be allocated on an equitable basis as determined by the corporation, pursuant to KRS 230.445.

(2) In allocating, the corporation shall consider at least the following factors:

(a) The amount contributed to the fund by each association;

(b) The amount of handle collected by each association;

(c) The breed or breeds approved for racing in Kentucky; and

(d) The population of horses by breed registered in Kentucky that are registered with the fund.

Section 6. Distribution of Funds.

(1) Each association shall submit a request to the advisory committee, including the proposed races eligible to receive monies from the fund and the proposed purse structure for those races, at least forty-five (45) days prior to the opening day of the live racing meet.

(2) Unless there is a corporation-approved proposal to the contrary, the proposed purse structure shall not exceed the total dollars generated by that breed to the association's fund account. Corporation approval shall be based on the standards established in Section 5(2) of this administrative regulation.

(3) The advisory committee shall review the proposed eligible races and purse structure and make a recommendation whether or not to approve the proposed races and purse structure to the corporation based upon the best interests of Kentucky racing.

(4) Two (2) or more associations conducting [~~Quarter Horse, ~~]Paint Horse, Appaloosa, or Arabian racing may request permission from the advisory committee to combine their respective fund monies to supplement purses at one (1) of the associations. The advisory committee shall recommend to the corporation whether or not to approve the request, based on Section 5(2) of this administrative regulation.

Section 7. Reconciliation.

(1) Each association shall file weekly with the corporation a copy of the pari-mutuel tax form filed with the Department of Revenue, along with a copy of the check submitted for each report.

(2) Each association shall report to the corporation the actual purse distribution within fifteen (15) calendar days after the last day of a live race meeting.

(3) The corporation shall, on a monthly basis, reconcile the weekly reports submitted by the association with the Department of Revenue's reports and deposits.

(4) If, at the close of a live race meet, an association has a balance of monies earned for that meet that has not been distributed

in actual fund purse distribution, then the association may choose one (1) of the following options to distribute the remaining balance, contingent on the recommendation of the advisory committee and the approval of the corporation:

(a) Use fund monies previously earned to supplement purses at future live racing meets held by that association; or

(b) Use fund monies previously earned to supplement purses already distributed at the last live racing meet held by the association to the recipients of the original purse allocations.

(5) If, at the close of a live race meet, an association offering wagering on historical horse races has a balance of fund monies earned from historical horse race wagers that has not been distributed in actual fund purse distribution, then the association may choose one (1) of the following options to distribute a portion of the balance, contingent on the recommendation of the advisory committee and the approval of the corporation:

(a) Use the historical horse race fund monies previously earned to supplement purses at future live racing meets held by that association;

(b) Use historical horse race fund monies previously earned to supplement purses already distributed at the last live racing meet held by the association to the recipients of the original purse allocations; or

(c) Use historical horse race fund monies previously earned to supplement purses at another licensed Kentucky racetrack.

(6) Reasonable and customary corporation charges for time spent reconciling the account may be charged to each association by the corporation based on the percentage of funds generated by each association for the previous calendar year.

(7) Each association shall sign an agreement stating that it accepts and agrees with the reconciliation prior to reimbursement of any funds.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Kentucky [~~Quarter Horse, ~~]Paint Horse, Appaloosa, and Arabian Development Fund Mare Registration Form", KHRGC 7-060-1, 04/2023;

(b) "Kentucky [~~Quarter Horse, ~~]Paint Horse, Appaloosa, and Arabian Development Fund Nomination Form", KHRGC 7-060-2, 04/2023; and

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing and Gaming Corporation, 4047 Iron Works Parkway, Lexington, Kentucky 40511, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the corporation's Web site at http://khrc.ky.gov.

JONATHAN RABINOWITZ, Chair

APPROVED BY AGENCY: July 14, 2025

FILED WITH LRC: July 14, 2025 at 1:44 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 24, 2025, at 9:00 a.m. at Kentucky Horse Racing & Gaming Corporation, 4047 Iron Works Parkway, Lexington, Kentucky 40511. 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 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 September 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: Ashleigh Bailey, General Counsel, Kentucky Horse Racing & Gaming Corporation, 4047 Iron Works Parkway, Lexington, Kentucky 40511, phone (859) 246-2040, fax (859) 246-2039, email Ashleigh.Bailey@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ashleigh Bailey

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation governs and regulates a development fund for Kentucky-bred paint horses, Appaloosas, and Arabians.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to promote and aid in the development of the horse industry in Kentucky, upgrade the quality of racing in Kentucky, and improve the quality of horses bred in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215 and 230.260 authorize the Kentucky Horse Racing and Gaming Corporation (the "KHRGC") to promulgate administrative regulations establishing the conditions under which horse racing shall be conducted in Kentucky and to fix and regulate the minimum amount of purses, stakes, or awards to be offered for the conduct of any horse race meeting. KRS 230.445 establishes the Kentucky Paint Horse, Appaloosa, and Arabian Development Fund and requires the KHRGC to promulgate administrative regulations to carry out the purpose of the statute and to administer the development fund in a manner to promote and aid in the development of the horse industry in Kentucky, upgrade the quality of racing in Kentucky, and improve the quality of horses bred in Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes eligibility standards for the Kentucky Paint Horse, Appaloosa, and Arabian Development Fund, administrative practices to enforce the standards for the fund, and the administration of purses and payments in applicable races.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes references to quarter horses from the development fund governed by this regulation because a new regulation will govern a separate quarter horse development fund.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary due to a statutory change to the development fund governed by this regulation. The development fund governed by this regulation no longer includes quarter horses.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 230.215 and 230.260 authorize the KHRGC to promulgate administrative regulations establishing the conditions under which horse racing shall be conducted in Kentucky and to fix and regulate the minimum amount of purses, stakes, or awards to be offered for the conduct of any horse race meeting. KRS 230.445 establishes the Kentucky Paint Horse, Appaloosa, and Arabian Development Fund and requires the KHRGC to promulgate administrative regulations to carry out the purpose of the statute and to administer the development fund in a manner to promote and aid in the development of the horse industry in Kentucky, upgrade the quality of racing in Kentucky, and improve the quality of horses bred in Kentucky.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will bring the regulations in line with changes to the statutes, in particular KRS 230.445, which establishes the Kentucky Paint Horse, Appaloosa, and Arabian Development Fund and requires the KHRGC to promulgate administrative regulations to carry out the purpose of the statute and to administer the development fund in a manner to promote and aid in the development of the horse industry in Kentucky, upgrade the quality of racing in Kentucky, and improve the quality of horses bred in Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The KHRGC is affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The KHRGC will administer a Kentucky quarter horse development fund separately from the Kentucky Paint Horse, Appaloosa, and Arabian Development Fund. Aside from no longer including quarter horse development, the administration of this development fund will remain the same as prior to the amendment.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost is anticipated.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance with this administrative regulation, KHRGC will benefit by being able to administer the Kentucky Paint Horse, Appaloosa, and Arabian Development Fund to promote and aid in the development of the horse industry in Kentucky, upgrade the quality of racing in Kentucky, and improve the quality of horses bred in Kentucky.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no anticipated additional cost to administer the amendments to this administrative regulation.
(b) On a continuing basis: There is no anticipated additional cost to administer the amendments to this administrative regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no additional funding needed to implement and enforce the amendments to this administrative regulation.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement the amendment to this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendments to this administrative regulation do not establish or increase any fees.
(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation will apply to all similarly situated entities and individuals in the same manner.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: The statutory authority for this administrative regulation is KRS 230.215(2), KRS 230.260(1) and (8), and KRS 230.445(5).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Not applicable, this regulation is authorized by statutory guidelines by KRS 230.260 and KRS 230.445.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Horse Racing and Gaming Corporation ("KHRGC").
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional expenditures are anticipated.
For subsequent years: No additional expenditures are anticipated.
2. Revenues:
For the first year: No additional revenue is anticipated.
For subsequent years: No additional revenue is anticipated.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings are anticipated.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: No additional expenditures are anticipated.
For subsequent years: No additional expenditures are anticipated.
2. Revenues:
For the first year: No additional revenue is anticipated.
For subsequent years: No additional revenue is anticipated.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings are anticipated.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: There is no fiscal impact as a result of the amendments to this administrative regulation. One development fund has been divided into two, but the overall amount of funds and the uses of those funds will remain unchanged.
(b) Methodology and resources used to reach this conclusion: No new fees are created, and it will not directly increase costs for individuals, businesses, organizations, or governments nor generate additional revenue for the KHRGC.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): These amendments are not expected to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: No new fees are created, and it will not directly increase costs for individuals, businesses, organizations, or governments nor generate additional revenue for the KHRGC.

NEW ADMINISTRATIVE REGULATIONS

Public comment periods for ordinary, non-emergency regulations are at least two months long. For other regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(New Administrative Regulation)

301 KAR 3:150. Hunting and Fishing Outfitter and Guide Licenses.

RELATES TO: KRS 150.170, 150.412, 164.772
STATUTORY AUTHORITY: KRS 150.025, 150.175, 150.190
CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply statewide or to a limited area. KRS 150.175 authorizes the department to issue an outfitter and guide license. KRS 150.190 authorizes the department to ensure that an applicant for an outfitter or guide license is qualified to act as an outfitter or guide. This administrative regulation establishes the requirements for an outfitter and guide license.

Section 1. Outfitter License Requirements and Application.
(1) A person who possesses a valid Hunting Outfitter license may guide clients in the take or attempt to take wildlife.
(2) A person who possesses a valid Fishing Outfitter License may guide clients in the take or the attempt to take fish.
(3) A person who possesses an outfitter license who guides clients in the take, or in the attempt to take, fish or wildlife must comply with the guide reporting requirements established in Section 7 of this administrative regulation.
(4) Outfitter License Types.
(a) A Fishing Outfitter License Tier 1 is required for a fishing outfitter that operates without any fishing guides working for, or contracted with, the license holder.
(b) A Fishing Outfitter License Tier 2 is required for a fishing outfitter that operates with one (1) or more fishing guides working for, or contracted with, the license holder.
(c) A Hunting Outfitter License Tier 1 is required for a hunting outfitter that operates without any hunting guides working for, or contracted with, the license holder.
(d) A Hunting Outfitter License Tier 2 is required for a hunting outfitter that operates with one (1) hunting guide working for, or contracted with, the license holder.
(e) A Hunting Outfitter License Tier 3 is required for a hunting outfitter that operates with two (2) to four (4) hunting guides working for, or contracted with, the license holder.
(f) A Hunting Outfitter License Tier 4 is required for a hunting outfitter that operates with five (5) or more hunting guides working for, or contracted with, the license holder.
(5) A fishing or hunting outfitter license shall be valid from March 1 through the last day of February.
(6) An applicant for an outfitter license shall:
(a) Be eighteen (18) years of age or older;
(b) Have not been convicted of any state or federal fish, boat or wildlife violation during the previous three (3) years;
(c) Have not been convicted of a felony;
(d) Possess a valid annual fishing license and trout permit if applicable; and
(e) Possess a valid annual hunting license and all applicable game permits, except elk.
(7) In order to obtain an outfitter license, a person shall submit to the department by mail or online at fw.ky.gov/dclapp:
(a) A completed Fishing or Hunting Outfitter License Application form to the Division of Law Enforcement, #1 Sportsman's Lane, Frankfort, Kentucky 40601;
(b) A Law Information Network of Kentucky National Crime Information Center (LINK/NCIC) background check obtained through the Kentucky State Police;
(c) Proof of a valid and current certification in:
1. Cardiopulmonary resuscitation (CPR); and
2. First aid.
(d) Proof of completion of a boater education course upon applying for:
1. A fishing outfitter license for fishing in a boat; or
2. A hunting outfitter license for hunting in or with a boat;
(e) Proof of completion of a hunter education course upon applying for a hunting outfitter license;
(f) A copy of the applicant's valid driver's license, or state issued identification card;
(g) The applicable fee for the appropriate outfitter license as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022 or the price difference between the license tier levels if license holder is modifying the application during the license year; and
(h) If applying for a Fishing Outfitter License and the license holder plans to utilize a fishing helper, provide the fishing helper(s) name, address and Kentucky Fish and Wildlife Customer Identification Number.
(8) An outfitter license applicant who possesses a valid United States Coast Guard Captain's License, or Six-pack, may submit a copy of this license in lieu of the boater education course requirements and the CPR and first aid requirements for obtaining a license.
(9) An outfitter shall not facilitate, promote, or assist a client in the violation of, or attempt of, any state or federal fish or wildlife law or regulation.
(10) An outfitter shall not participate in the taking of fish or game beyond the daily limit of the person or persons being guided, except that an outfitter may take a daily limit of fish or game, as applicable, while guiding.
(11) An outfitter shall obtain the applicable permits, provide the applicable boater education documentation, and update their application during the license year:
(a) To add or remove a guide under their outfitter license;
(b) To add or remove a fishing helper under their fishing outfitter license; or
(c) Prior to guiding for a species not selected on their most recent application; or
(d) Prior to guiding from a boat, if they did not select that they intended to guide from a boat on their most recent application.
(12) If an outfitter employees or contracts with a guide under the outfitter license in which results in an increase in license tier level, the outfitter shall pay the remaining fee balance between the previous license tier and the new license tier level. The new guide shall not be approved until all the pertinent documents are submitted and approved as established in Section 3 of this administrative regulation.
(13) A Fishing Outfitter License holder shall be allowed to use a fishing helper as established in Section 6 of this administrative regulation.
(14) The department shall not refund the payment for an outfitter license if the license holder's outfitter license is suspended, revoked or if the outfitter license tier level decreases within the license year.

Section 2. Outfitter License Prohibitions and Revocation.

(1) The department shall revoke and not renew the outfitter license for a period of three (3) years of a person who:

(a) Is convicted of any state or federal fish, boat, or game violation;

(b) Knowingly aides a client in the illegal take of fish or wildlife;

(c) Intentionally falsifies the license application; or

(d) Intentionally falsifies the Guiding Activity Report.

(2) The department shall deny or permanently revoke the outfitter license of a person convicted of a felony.

(3) The department may suspend or revoke an outfitter license if one (1) or more licensed guide working under the outfitter license holder is convicted of any state or federal fish, boat, or game violation.

(4) The guide license for any guides working under an outfitter whose outfitter license has been suspended, denied, or revoked, shall also be suspended or denied until such time the supervising outfitter's license is reinstated or until their guide license is transferred under an outfitter with a valid license.

(5) The department shall deny an outfitter license to a person who:

(a) Fails to meet the eligibility requirements;

(b) Fails to properly complete the application process;

(c) Has not yet submitted all required reporting information from a prior license year; or

(d) Otherwise meets the grounds for revocation or suspension of an outfitter license.

Section 3. Guide License Requirements and Application.

(1) A person shall possess a valid fishing guide license issued under a fishing outfitter license holder in order to guide others in the taking of fish.

(2) A person shall possess a valid hunting guide license issued under a hunting outfitter license holder in order to guide others in the taking of wildlife.

(3) A guide license shall be valid from March 1 through the last day of February.

(4) An applicant for a guide license shall:

(a) Be eighteen (18) years of age or older;

(b) Have not been convicted of any state or federal fish, boat or wildlife violation during the previous three (3) years;

(c) Have not been convicted of a felony;

(d) Possess a valid annual fishing license if applying for a fishing guide license; and

(e) Possess a valid annual hunting license and all applicable game permits, except elk, if applying for a hunting guide license.

(5) In order to obtain a guide license, a person shall submit to the department by mail or online at fw.ky.gov/dclapp:

(a) A completed Fishing or Hunting Guide License Application form to the Division of Law Enforcement, #1 Sportsman's Lane, Frankfort, Kentucky 40601;

(b) A Law Information Network of Kentucky National Crime Information Center (LINK/NCIC) background check obtained through the Kentucky State Police;

(c) Proof of a valid and current certification in:

1. Cardiopulmonary resuscitation (CPR); and

2. First aid;

(d) Proof of completion of a boater education course upon applying for:

1. A fishing guide license for fishing in a boat; or

2. A hunting guide license for hunting in or with a boat;

(e) Proof of completion of a hunter education course upon applying for a hunting guide license; and

(f) A copy of the applicant's valid driver's license, or state issued identification card;

(g) The applicable fee as referenced at https://fw.ky.gov/Licenses/Pages/Fees.aspx and established in 301 KAR 5:022; and

(h) If applying for a Fishing Guide License and the license holder plans to utilize a fishing helper, provide the fishing helper(s) name, address and the Kentucky Fish and Wildlife Customer Identification Number.

(6) A completed guide application must be accompanied with the appropriate corresponding outfitter license application as established in Section 1 of this administrative regulation.

(7) A guide applicant who possesses a valid United States Coast Guard Captain's License, or Six-pack, may submit a copy of this license in lieu of the boater education course requirements and the CPR and first aid requirements for obtaining a license.

(8) A guide shall not facilitate, promote, or assist a client in the violation of, or attempt of, any state or federal fish, boat or wildlife law or regulation.

(9) A Fishing or Hunting Guide License shall only be issued to a person who is approved to work for, or contracted with, a licensed Hunting or Fishing Outfitter.

(10) A fishing guide shall only work under a fishing outfitter who has listed the fishing guide on their fishing outfitter license application.

(11) A hunting guide shall only work under a hunting outfitter who has listed the hunting guide on their hunting outfitter license application.

(12) A Fishing Guide License holder may be allowed to use a fishing helper as established in Section 6 of this administrative regulation.

(13) If the license of the outfitter under which a guide operates is suspended or revoked, the guide shall not be allowed to perform guiding activities until such time the outfitter's license is reinstated or the guide's affiliation is moved under a different outfitter with a valid license.

(14) A guide shall obtain the applicable permits, provide the applicable boater education documentation, and update their application during the license year:

(a) To add or remove a fishing helper from under their fishing guide license;

(b) Prior to guiding for a species not selected on their most recent application; or

(c) Prior to guiding from a boat, if they did not select that they intended to guide from a boat on their most recent application.

(15) The department shall not refund the payment for a guide license if the license holder's guide license is suspended or revoked.

Section 4. Guide License Prohibitions, Denials, Suspension, and Revocation.

(1) A guide shall not participate in the taking of fish or game beyond the daily limit of the person or persons being guided, except that a guide may take a daily limit of fish or game, as applicable, while guiding.

(2) The department shall revoke and not renew the guide license for a period of three (3) years, of a person who:

(a) Is convicted of any state or federal fish, boat, or game violation;

(b) Knowingly aides a client in the illegal take of fish or wildlife;

(c) Intentionally falsifies the license application; or

(d) Intentionally falsifies the Guiding Activity Report.

(3) The department shall deny or permanently revoke the guide license of a person convicted of a felony.

(4) The department shall deny a guide license to a person who:

(a) Fails to meet the eligibility requirements;

(b) Fails to properly complete the application process;

(c) Has not yet submitted all required reporting information from a prior license year; or

(d) Otherwise meets the grounds for revocation or suspension of a guide license.

(5) The department shall suspend a guide license upon notification of the removal of a guide by the corresponding outfitter.

(6) The department may suspend a fishing outfitter or fishing guide license for failure to submit required reports as established in Section 7 of this regulation.

Section 5. Requirements for Specific Guiding Activities.

(1) While guiding for a species that requires a permit for take, outfitters and guides shall possess all required licenses and permits to take the fish or wildlife being pursued, except an outfitter or guide need not possess an elk permit while guiding for elk.

(2) Outfitters and guides performing guiding activities while on a boat shall possess and present to a game warden upon request, either:

(a) Proof of completion of boater education course; or

(b) A valid United States Coast Guard Captain's License or Six-pack.

(3) While guiding on private land, an outfitter or guide shall provide at the request of a game warden a name and phone number of the person granting the outfitter or guide permission to be on the private property.

Section 6. Fishing Helper.

(1) A fishing outfitter or fishing guide may utilize a fishing helper(s).

(2) A fishing helper shall have in possession while assisting a fishing outfitter or fishing guide a valid Kentucky fishing license and applicable permits for the fish their clients are taking, or attempting to take.

(3) A fishing outfitter or the fishing guide shall be responsible for any violation of this administrative regulation by a fishing helper who is registered by the fishing outfitter or fishing guide.

(4) A fishing helper shall be registered on the Outfitter License or Guide License Application as established in Section 1 and Section 3 of this administrative regulation.

(5) A fishing helper shall not participate in the taking of fish beyond the daily limit of the person or persons being guided, except that a fishing helper may take a daily limit of fish, as applicable, while guiding.

Section 7. Reporting Requirements.

(1) Outfitter license holders and guide license holders shall report their guiding activities using the online Guiding Activity Reporting portal at https://app.fw.ky.gov/commReport:

(a) By the 15th day of every month for the previous month's guiding, for all Fishing Guide or Fishing Outfitter license holders, even if no guiding occurred for fishing;

(b) Within thirty (30) days after closure of the hunting season for a species in which the Hunting Outfitter or Hunting Guide was approved to take or attempt to take, even if no guiding occurred for hunting; or

(c) Within thirty (30) days after the end of the license year for a species that can be hunted year-round in which the Hunting Outfitter or Hunting Guide was approved to take or attempt to take, even if no guiding occurred for hunting.

(2) The outfitter or guide conducting the guiding shall submit all the following information, using the online Guide Activity Reporting portal, by each of the applicable deadlines established in subsection (1) of this section:

(a) For guiding for fishing:

1. Outfitter or guide name;

2. Outfitter or guide license number;

3. Whether guiding for fishing occurred during the month, and if so:

a. Dates fished or bowfished;

b. Waterbody fished per day fished or bowfished;

c. Fish species targeted each day;

d. Number of anglers or bowfishers guided per trip;

e. Hours fished or bowfished per trip; and

f. Fish species caught or shot and the number of each species that were:

(i) Released with number of fish below legal harvest size and at or above legal harvest size; and

(ii) Harvested.

(b) For guiding for hunting:

1. Outfitter or guide name;

2. Outfitter or guide license number;

3. Species targeted;

4. Total number of guided resident and nonresident clients per species targeted;

5. Number of animals harvested per species by sex of the animal;

6. Number of animals shot, but not recovered by sex of the animal for black bear, bobcat, deer, elk, and turkey;

7. Name of each county where guiding occurred per species;

8. Name of each public land area where guiding occurred per species; and

9. Indicate whether any guiding was performed for any pen-raised animals or at facilities that are permitted as a shooting facility.

(3) Failure to submit the required reporting information by the deadline established in subsection (1) of this section for guiding conducted by a fishing outfitter or fishing guide will result in:

(a) Issuance of a courtesy reminder letter to a fishing guide or fishing outfitter who has once failed to properly submit the reporting information during the license year.

(b) Issuance of a warning letter to a fishing guide or fishing outfitter who has twice failed to properly submit the reporting information during the license year.

(c) Suspension of the fishing guide or fishing outfitter license of a fishing guide or fishing outfitter who has failed to properly submit the reporting information for three (3) or more months in a given license year until the fishing guide or fishing outfitter submits to the department all required reporting information.

(d) Suspension of the fishing guide or fishing outfitter license for a period of three (3) months for failure to properly submit the reporting information four (4) or more times in a license year.

(e) Additional three (3) month suspension of the fishing guide or fishing outfitter license if a prior year's three (3) month suspension extends into a new license year and subsequent failures to properly submit the reporting information occur.

(4) Failure to submit the required reporting information by the deadline established in subsection (1) of this section for guiding conducted by a hunting outfitter or hunting guide will result in denial of future license applications or renewals until all required reporting has been completed.

Section 8. Administrative Hearings.

(1) An individual whose outfitter or guide license has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(2) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.

(3) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(4) The hearing officer's recommended order shall be considered by the department's commissioner, and the department's commissioner shall issue a final order, pursuant to KRS Chapter 13B.

Section 9. Incorporation by Reference.

(1) "Fishing Outfitter License Application", 2025 edition, is incorporated by reference.

(2) "Fishing Guide License Application", 2025 edition, is incorporated by reference.

(3) "Hunting Outfitter License Application", 2025 edition, is incorporated by reference.

(4) "Hunting Guide License Application", 2025 edition, is incorporated by reference.

(5) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) https://fw.ky.gov/Licenses/Documents/Fishing-Outfitter-License-App.pdf for the "Fishing Outfitter License Application";

(b) https://fw.ky.gov/Licenses/Documents/Fishing-Guide-License-App.pdf for the "Fishing Guide Application";

(c) https://fw.ky.gov/Licenses/Documents/Hunting-Outfitter-License-App.pdf for the "Hunting Outfitter Application";

(d) https://fw.ky.gov/Licenses/Documents/Hunting-Guide-License-App.pdf for the "Hunting Guide Application".

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner
APPROVED BY AGENCY: July 3, 2025
FILED WITH LRC: July 9, 2025 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 29, 2025, at 11:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, 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 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 September 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for hunting and fishing outfitters and hunting and fishing guides.
(b) The necessity of this administrative regulation: This regulation is necessary to establish minimum regulatory standards and qualifications for hunting or fishing outfitters and hunting or fishing guides.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025 authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply statewide or to a limited area. KRS 150.175(11) authorizes the department to issue an outfitter and guide's license, which authorizes the holder to guide hunting and fishing parties. KRS 150.190 authorizes the department to ensure that an applicant for an outfitter or guide license is qualified to act as an outfitter or guide.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing the minimum standards and qualifications for outfitters and guides and ensures that an applicant is qualified to act as an outfitter or a guide.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: N/A
(b) The necessity of the amendment to this administrative regulation: N/A
(c) How the amendment conforms to the content of the authorizing statutes: N/A
(d) How the amendment will assist in the effective administration of the statutes: N/A
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who solicit for guiding services or provide guiding services for the take of fish or wildlife will be affected by this administrative regulation. For the 2023-24 license year, a total of 402 guide licenses were sold.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: HB586 in 2024 authorized the department to differentiate a fishing and/or hunting guide and a fishing and/or hunting outfitter and to establish parameters for the permitting process. As such, all entities listed in question (3) will now have to choose to either be a guide or an outfitter. Additionally, the department has established 8 new license types that the individuals will have to choose from to guide or to solicit for guiding services for the take of fish or wildlife.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The parameters for the license types are established in this regulation, however the fees associated with the license can be found at https://fw.ky.gov/Licenses/Pages/Fees.aspx and are established in 301 KAR 5:022. For the 2026 license year, cost could range from $100 for a resident hunting or fishing guide to $4,000 for a non-resident Tier 4 Hunting Outfitter.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Licensing of individuals will now better align with the services the individuals provide to the public that are consistent with the industry standards of fishing and hunting outfitters and guides.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost to the department to implement this administrative regulation will remain unchanged, at a cost of approximately one staff person with a total salary, including benefits of $87,500.
(b) On a continuing basis: The same as listed above in 5(a).
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees to implement this administrative regulation is not necessary, although fees are established for these new license types.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The parameters for the license types are established in this regulation, however this administrative regulation indirectly set the fees associated with the license types and those fees can be found at https://fw.ky.gov/Licenses/Pages/Fees.aspx and are established in 301 KAR 5:022.
(9) TIERING: Is tiering applied? Tiering is applied in this regulation. Tiering is established in both the Fishing and Hunting Outfitter Licensure. Tiering is based upon the number of guides working underneath a specific outfitter.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: The department's Divisions of Fisheries, Wildlife, Engineering/Information/Technology and Law Enforcement will be impacted by this administrative regulation.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 2024 HB 586 RS established resident and nonresident outfitter licenses and changed "commercial guide's license" to guide's license and made changes to guide's license to conform with outfitter licenses. Additionally, 2024 HB 586 RS defined outfitter license and guide's license.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Fish and Wildlife Resources
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $87,500
For subsequent years: $87,500
2. Revenues:
For the first year: Exact revenue is unknown at this time. Of the 402 licensed issued in 2023-24, the regulated entities now must choose 1 of 8 license options and those license types can range from $100 for a resident hunting or fishing guide to $4,000 for a

non-resident Tier 4 Hunting.
For subsequent years: Revenues should remain relativity unchanged after implementation of the first year.
3. Cost Savings:
For the first year: There should not be any cost savings for the first year.
For subsequent years: There should not be any cost savings for subsequent years.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Individuals who guide or solicit for guiding services for the take of fish or wildlife.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: Individuals must choose 1 of 8 license options and those license types can range from $100 for a resident hunting or fishing guide to $4,000 for a non-resident Tier 4 Hunting.
For subsequent years: There should not be any expenditures for subsequent years except for the annual fee.
2. Revenues:
For the first year: Licensed outfitters and guides will not experience any revenues from the implementation of this regulation. The fee associated with the applicable license type correlates with the licensed individuals for their cost providing services to their clients.
For subsequent years: There should not be any additional revenue for subsequent years.
3. Cost Savings:
For the first year: None anticipated.
For subsequent years: None anticipated.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): N/A
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: There will be no added cost to KDFWR to administer the administrative regulation. Of the 402 licenses issued in 2023-24, the regulated entities now must choose 1 of 8 license options and those license types can range from $100 for a resident hunting or fishing guide to $4,000 for a non-resident Tier 4 Hunting. Thus, some individuals will have a less expensive license cost while others will experience a higher cost for the appropriate licensure.
(b) Methodology and resources used to reach this conclusion: There will be no additional costs to administer this regulation. The individuals who intend to guide or solicit for guiding services to take fish or wildlife will be impacted in some level. Of the 402 licensed individuals in 2023-24, some could experience a savings and some could experience an increase in licensure cost. However, licensure cost have not increased in 16 years.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will have no major economic impact as defined by KRS 13A.010(13).
(b) The methodology and resources used to reach this conclusion: The calculations and estimates of staff based on many years of experience in this field determined there would not be a major economic impact as defined above.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

CABINET FOR ECONOMIC DEVELOPMENT
(New Administrative Regulation)

307 KAR 1:080. Kentucky Entertainment Incentive Program.

RELATES TO: KRS 154.61-010, 154.61-020, 154.61-030
STATUTORY AUTHORITY: KRS 154.61-030(5), 2025 Ky. Acts ch. 91, sec. 1 (2025 SB 1)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 154.61-010, 154.61-020, 154-61-030, and 2025 Ky. Acts ch. 91, sec. 1 (2025 SB 1), authorize the Kentucky Film Office and Kentucky Film Leadership Council, through the Cabinet for Economic Development and its Secretary, to establish procedures and standards for the Kentucky Entertainment Incentive Program. This administrative regulation establishes the application, criteria, fee structure, and economic analysis to evaluate applications for the KRS Chapter 154.61 incentives.

Section 1. Definitions.
(1) "Above-the-line production crew" is defined by KRS 154.61-010(1).
(2) "Approved company" is defined by KRS 154.61-010(3).
(3) "Applicant" means an eligible company submitting an application for incentives under KRS 154.61-030.
(4) "Application" means an application for tax incentives filed with the Cabinet pursuant to KRS 154.61-030.
(5) "Below-the-line production crew" is defined by KRS 154.61-010(4).
(6) "Cabinet" is defined by KRS 154.61-010(5).
(7) "Commonwealth" is defined by KRS 154.61-010(6).
(8) "Common ownership" means two or more legal entities, such as corporations, limited liability companies, partnerships, and the like, where:
(a) The entities are owned by the same person(s);
(b) The same person(s) serves as officer(s) or director(s) of those entities; or
(c) The majority of one entity is owned by one or more of the other entities.
(9) "Compensation" is defined by KRS 154.61-010(7).
(10) "Continuous film production" is defined by KRS 154.61-010(8).
(11) "Council" is defined by KRS 154.61-010(9).
(12) "Eligible company" is defined by KRS 154.61-010(11).
(13) "Employee" is defined by KRS 154.61-010(12).
(14) "Enhanced incentive county" is defined by KRS 154.61-010(13).
(15) "Financial interest" means a pecuniary interest that a reasonable person would expect to influence the impartiality of the transaction.
(16) "Kentucky-based company" is defined by KRS 154.61-010(16).
(17) "Kentucky Film Office" is defined by 2025 Ky. Acts ch. 91, sec. 1.
(18) "Kentucky vendor" means an individual or entity that:
(a) Sells or rents a type of property of which more than a de minimis amount is regularly held in its inventory in the ordinary course of business in Kentucky, or provides a service not performed at the filming site but in Kentucky, which is the subject of the production expenditure, in its ordinary course of business;
(b) Has a physical location in Kentucky with at least one Kentucky resident employee working at such location on a regular basis. Registering with the Kentucky Secretary of State or appointing a registered agent in Kentucky does not establish a physical location in Kentucky for purposes of this definition;
(c) Is registered with the Kentucky Department of Revenue for collection of sales and use tax where required by law;

(d) Has a local Kentucky business license where required by law. The approved company is required to obtain a copy of the license from any Kentucky vendor where the total amount of purchases exceed $50,000 for such vendor during the period considered in the application and approval by the council; and

(e) For services rendered on set, such persons or vendors providing such services, are identified on the daily production reports or other reasonable evidence that such services were rendered on set is provided;

(19) "Negotiated" means an arm's-length transaction between two or more parties who are unrelated and unaffiliated, and entered into voluntarily in an open market where the parties acted in their own self-interest.

(20) "Non-resident" is any individual not meeting the definition of a "resident" under KRS 154.61-010(22).

(21) "Pass-through entity" is defined by KRS 141.010(28).

(22) "Person" is defined by KRS 154.61-010(20).

(23) "Program" means the Kentucky Entertainment Incentive Program established by KRS 141.383, 154.61-020, and 154.61-030.

(24) "Qualifying expenditure" is defined by KRS 154.61-010(21).

(25) "Qualifying payroll expenditure" is defined by KRS 154.61-010(22).

(26) "Resident" is defined by KRS 154.61-010(23).

Section 2. Qualifying Payroll Expenditures under the Kentucky Entertainment Incentive Program.

(1) Qualifying payroll expenditures submitted to the Cabinet by an approved company shall only include those expenditures made in Kentucky for services performed in the Commonwealth by above-the-line production crew or below-the-line production crew.

(2) When submitting qualifying payroll expenditures for above-the-line production crew, an approved company shall demonstrate to the Cabinet that the employee's salary was negotiated prior to commencement of the production. Salaries paid to producers with a financial interest in the approved company shall not be considered negotiated and shall not meet the requirements of a qualifying payroll expenditure.

(3) When submitting qualifying payroll expenditures made in the Commonwealth for services performed in the Commonwealth, an approved company shall demonstrate to the Cabinet that the employee rendered the service on-set or otherwise within the Commonwealth. Compensation for services conducted or rendered both in the Commonwealth and outside of the Commonwealth shall only qualify as a qualified payroll expenditure to the extent the service is physically rendered in the Commonwealth. If an approved company is unable to track the cost of the services physically rendered in Commonwealth, then some other reasonable method which approximates the cost of the services rendered in the Commonwealth may be used to determine the amount attributable to the Commonwealth subject to adjustment by the Cabinet.

Section 3. Qualifying Expenditures under the Kentucky Entertainment Incentive Program.

(1) An approved company submitting qualifying expenditures to the Cabinet shall only include expenditures made in the Commonwealth for one or more of the categories listed in KRS 154.61-010(21)(a)(1) through (9).

(2) Expenditures shall be considered made in the Commonwealth where they are made to a Kentucky vendor.

(3) Expenditures shall not be considered to be made in the Commonwealth when those expenditures are paid to a Kentucky vendor acting as a conduit, waypoint, or pass-through entity solely to enable the purchases or rentals to qualify as qualifying expenditures.

(4) Expenditures made to persons with common ownership or a financial interest with an approved company must be accompanied by supporting documentation, to the Cabinet's satisfaction, demonstrating the expenditure was reasonable within market rates. Common ownership extends to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the approved company.

(5) Failing to provide documentation when requested by the Cabinet shall result in expenditures being disqualified and the claimed qualifying expenditure being excluded.

Section 4. Application Requirements.

(1) Applicants seeking incentives under the program shall submit an application to the Cabinet that includes:

(a) The name and address of the applicant;

(b) Verification that the applicant is a Kentucky-based company;

(c) The preliminary production script or a detailed synopsis of the script;

(d) The locations where the filming or production will occur;

(e) The anticipated date on which filming or production shall begin in Kentucky;

(f) The anticipated date on which the applicant will complete incurring expenditures in Kentucky;

(g) The total anticipated qualifying expenditures;

(h) The total anticipated qualifying payroll expenditures for resident and nonresident above-the-line crew by county;

(i) The total anticipated qualifying payroll expenditures for resident and nonresident below-the-line crew by county;

(j) The address of a Kentucky location at which records of the production will be kept;

(k) An affirmation that if not for the incentive offered under this subchapter, the eligible company would not film or produce the production in the Commonwealth;

(l) Proof of funding for the project. Acceptable proof shall include:

1. IATSE Bond, SAG Bond, Completion Bond;
2. Payroll statements;
3. Bank statements;
4. Financing or funding agreements; or
5. Commitment letters.

(m) Whether the applicant has a distribution contract for the project; and

(n) Whether the applicant has previously received approval for incentives under the program, and, if so, shall specify the year(s) of such approval and amount(s) of incentives received in each year. This information shall include incentives received by any other entity with common ownership or any individual with a financial interest in the applicant. Common ownership extends to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the applicant.

(2) Applicants shall submit a completed application no later than thirty (30) calendar days prior to the date upon which applicant seeks to have the application reviewed by the council.

(3) Within twenty (20) calendar days of receiving an application, the Cabinet shall notify the applicant:

(a) That the Cabinet received the application;

(b) Whether, upon initial review, the applicant appears to meet the criteria of an eligible company or whether the Cabinet requires additional verification or documentation; and

(c) That, provided the applicant has not exceeded the individual incentive limitation set forth in Section 5 of this regulation, either:

1. Based upon the annual allocated funds for the program, enough uncommitted incentives remain in the program's calendar year to move forward with an economic analysis and ranking of the application and notification to the council thereof; or

2. Based upon the remaining annual allocated funds for the program, the Cabinet will not move forward with the application.

Section 5. Incentive Awards. To effectuate the purposes of the program set forth in KRS 154.61-020(1):

(1) the amount of incentive awards received by any single approved company, not otherwise meeting the definition of continuous film production, shall be limited to no more than ten percent (10%) of the total annual tax credit cap under KRS 154.61-020(4). In determining whether this limit has been met, the Cabinet shall consider the applicant in conjunction with any approved company sharing common ownership or a financial interest with the applicant; and

(2) the amount of incentive awards approved for all applicants in any single calendar month, not otherwise meeting the definition of continuous film production, shall be limited to no more than ten percent (10%) of the total annual tax credit cap under KRS 154.61-020(4). In the event the amount of incentive awards approved does not meet the ten percent (10%) limitation set forth in this subsection, the remainder shall carry forward to the subsequent calendar month.

Section 6. Economic Analysis.

(1) The Cabinet shall conduct an economic analysis of each application.

(2) The analysis shall evaluate each application on:

(a) The percentage of spend in the Commonwealth in relation to the total amount anticipated to be spent on a project;

(b) The percentage of total production costs in Kentucky compared to above-the-line and below-the-line production crew costs;

(c) The anticipated percentage of project filming in enhanced incentive counties;

(d) The percentage of anticipated employed Kentucky residents and total above-the-line and below-the-line production crew;

(e) The amount of time filming will occur in Kentucky; and

(f) The presence of a distribution contract.

(3) The Cabinet shall then rank each application submitted under the program based upon the program's purposes set forth in KRS 154.61-020(1)(a) through (d). Ranking shall prioritize applications with more Kentucky-based jobs, employed Kentucky residents, and percentage of spend going to Kentucky-based vendors in relation to the total amount of proposed spend on a project or incentives sought by an eligible company.

(4) Upon completion of the project, submission of qualifying expenditures and qualifying payroll expenditures, and certification of eligible expenditures by an independent certified public accountant, the Cabinet may reduce the approved incentive amount to an approved company based upon the variation between the approved company's application for incentives and actual expenditures submitted to the Cabinet.

Section 7. Fees. Applicants seeking incentives under the program shall include with their application:

(1) A nonrefundable application fee in the amount of:

(a) Two hundred fifty dollars ($250) where the total amount of qualifying expenditures and qualifying payroll expenditures is less than fifty thousand dollars ($50,000);

(b) Five hundred dollars ($500) where the total amount of qualifying expenditures and qualifying payroll expenditures is between fifty thousand dollars ($50,000) and one hundred thousand dollars ($100,000); or

(c) One thousand dollars ($1,000) where the total amount of qualifying expenditures and qualifying payroll expenditures is more than one hundred thousand dollars ($100,000); and

(2) An administrative fee of one-half of one percent (0.5%) of the estimated amount of tax incentive sought or five hundred dollars ($500), whichever is greater.

JEFF NOEL, Secretary

APPROVED BY AGENCY: June 30, 2025

FILED WITH LRC: July 1, 2025 at 12:05 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2025 at 10:00 a.m. Eastern Time at the Cabinet for Economic Development, Mayo Underwood Building, 500 Mero Street, 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 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 September 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: Matthew Wingate, General Counsel, Cabinet for Economic Development, Mayo Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, phone (502) 782-1948, fax (502) 564-3256, email matthew.wingate@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Matthew Wingate or Dawn Powers

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the application, criteria, fee structure, and economic analysis to evaluate applications for the Kentucky Entertainment Incentive Program.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to administer the Kentucky Entertainment Incentive Program and Kentucky Film Office as required by statute.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the application process and review criteria and requirements for the Kentucky Entertainment Incentive Program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by establishing a framework for prioritizing applications based upon the purpose of the Kentucky Entertainment Incentive Program statutes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: N/A.

(b) The necessity of the amendment to this administrative regulation: N/A.

(c) How the amendment conforms to the content of the authorizing statutes: N/A.

(d) How the amendment will assist in the effective administration of the statutes: N/A.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: this administrative regulation impacts the applicants to the Kentucky Entertainment Incentive Program.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will be able to participate in the Kentucky Entertainment Incentive Program through the established process.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Regulated entities will experience no new costs in complying with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Recipients will be able to participate in the Kentucky Entertainment Incentive Program.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No expenses or an unknown amount will be incurred.

(b) On a continuing basis: No expenses or an unknown amount will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Pursuant to KRS 154.61-020, the total tax incentive amount of the Kentucky Entertainment Incentive Program is $75,000,000. Sources of funding for staffing are provided from General Funds provided to the Cabinet and restricted funds from application fees as set by KRS 154.61-030(5) and two and one-half percent (2.5%) of the transient room tax collected pursuant to KRS 142.400, up to the maximum

amount of five hundred thousand dollars ($500,000) for the period beginning July 1, 2025, and ending June 30, 2027, as set by 2025 Ky. Acts ch. 91, sec. 1(4).
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Neither an increase in fees nor funding will be necessary to implement this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: KRS 154.61-030(5) establishes the fees used in this administrative regulation. This regulation does not increase any fees.
(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all applicants.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 154.61-010, 154.61-020, 154.61-030, 2025 Ky. Acts ch. 91, sec. 1.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Cabinet for Economic Development, other agencies have not been identified.
(a) Estimate the following for the first year:
Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.
Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.
Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The Cabinet does not expect a change to revenues or cost savings in subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A
(a) Estimate the following for the first year:
Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.
Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.
Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The Cabinet does not expect a change to revenues or cost savings in subsequent years.
(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include applicants to the Kentucky Entertainment Incentive Program.
(a) Estimate the following for the first year:
Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.
Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.
Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation. Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation. Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: The administrative regulation implements the application process and review criteria and requirements for the Kentucky Entertainment Incentive Program. The administrative regulation does not create a fiscal impact.
(b) Methodology and resources used to determine the fiscal impact: N/A.
(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate) The administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.
(b) The methodology and resources used to reach this conclusion: This administrative regulation does not create a fiscal impact.

COMPILER'S NOTES:

- ***This emergency administrative regulation was withdrawn by the agency on July 16, 2025.***
- ***2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:***

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Vehicle Licensing
(New Administrative Regulation)

601 KAR 9:076. Vehicle valuation guides.

RELATES TO: KRS 304.20-110
STATUTORY AUTHORITY: KRS 304.20-110, Chapter 186A
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.20-110 requires the Transportation Cabinet to identify the nationally accepted used car valuation guides or tools that are available to, and shall be used by, property, casualty, and property and casualty insurers when determining the retail value of a wrecked, destroyed, or damaged motor vehicle under KRS Chapter 186A.

Section 1. All valuations conducted pursuant to KRS Chapter 186A shall be made based upon J. D. Power Valuation Services. Values shall be delivered through used car data files and the J.D. Power online value tool located at www.jdpowervalues.com. This valuation service shall provide value guidebooks for:
(1) Official Used Car Guide;
(2) Official Older Used Car Guide;
(3) Motorcycle, snowmobile, ATV, personal watercraft appraisal guide;
(4) Classic, collectible, exotic, and muscle car appraisal guide; and
(5) Recreational vehicles appraisal guide.

JIM GRAY, Secretary
MATTHEW COLE, Commissioner
APPROVED BY AGENCY: July 9, 2025
FILED WITH LRC: July 10, 2025 at 2:15 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2025, at 10:00 a.m. EST, at the Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) working days 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 cancelled. 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 11:59 p.m. on September 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 below.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email jon.johnson@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes and identifies the nationally accepted car valuation guides or tools to be used to value vehicles.
(b) The necessity of this administrative regulation: This administrative regulation is required to comply with the requirements of 2025 SB 136, Section 12, a new subsection of subtitle 20 of KRS Chapter 304. This administrative regulation is also being promulgated to meet a deadline established by 2025 legislation. This deadline is July 1, 2025.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes and identifies the nationally accepted car valuation guides or tools that are available to, and shall be used by, property, casualty, and property and casualty insurers when determining the value of a wrecked, destroyed, or damaged motor vehicle under KRS Chapter 186A.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes and identifies the nationally accepted car valuation guides or tools that are available to, and shall be used by, property, casualty, and property and casualty insurers when determining the value of a wrecked, destroyed, or damaged motor vehicle under KRS Chapter 186A.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This is a new regulation.
(b) The necessity of the amendment to this administrative regulation: This is a new regulation.
(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.
(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect state and local governments, as well as individuals and businesses that deal with the valuation of motor vehicles.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This administrative regulation establishes and identifies the nationally accepted car valuation guides or tools that are available to, and shall be used by, property, casualty, and property and casualty insurers when determining the value of a wrecked, destroyed, or damaged motor vehicle under KRS Chapter 186A. All entities will have to use established and identified nationally accepted car valuation guides authorized by this regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost to all listed entities will be negligible.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): These entities will be able to value vehicles with a nationally recognized accurate and reliable source.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Costs for term from May 1, 2024, through April 30, 2025 totaled $358,340.00 dollars.
(b) On a continuing basis: Costs are projected to increase an average of 5 % annually.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Kentucky Department of Revenue.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No.
(9) TIERING: Is tiering applied? Tiering does not apply.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 186A.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is required to comply with the requirements of 2025 RS SB 136, Section 12. This administrative regulation is also being promulgated to meet a deadline established by 2025 legislation.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Transportation Cabinet, Kentucky Department of Revenue, local governments, local and state law enforcement.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $358,340.00.
For subsequent years: $435,340.00.
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Property, casualty, and property and casualty insurers.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: Unknown.
For subsequent years: Unknown.
2. Revenues:
For the first year: Unknown.
For subsequent years: Unknown.
3. Cost Savings:
For the first year: Unknown.
For subsequent years: Unknown.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: Negligible.
(b) Methodology and resources used to reach this conclusion: Past performance.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): No.
(b) The methodology and resources used to reach this conclusion: Past performance.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Vehicle Licensing
(New Administrative Regulation)

601 KAR 23:070. Street-legal special purpose vehicles.

RELATES TO: KRS 186.010,186.020,186.050, 186A.115
STATUTORY AUTHORITY: KRS 186.1(10), 186.020,186.050, 186A.115
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 186 requires the Transportation Cabinet to establish procedures for inspection, registration, operation, and compliance of street-legal special purpose vehicles (SLSPVs) on designated public roadways in Kentucky.

Section 1. Definitions.
(1) "Cabinet" means the Transportation Cabinet.
(2) "Local government" means a city, county, charter county government, urban-county government, consolidated local government, or unified local government.
(3) "Low-speed vehicle" means a motor vehicle that is not considered a street-legal special purpose vehicle under this regulation, as defined in KRS 186.010.
(4) "Kentucky certified inspector" means an inspector certified by the Department of Vehicle Regulation.
(5) "Proof of ownership" means that the owner has provided either a current title to the vehicle, MCO, manufacturer's certificate of origin, bill of sale, or affidavit of ownership.
(6) "Special purpose vehicle (SPV)" means an all-terrain vehicle, utility terrain vehicle, minitruck, pneumatic-tired military vehicle, or full-size special purpose-built vehicle, including a vehicle that is self-constructed or built by the original equipment manufacturer and a vehicle that has been modified. This does not include a low-speed vehicle as defined in KRS 186.010.
(7) "Street-legal special purpose vehicle (SLSPV)" means a special purpose vehicle that meets the safety and registration requirements to operate on public highways, is not a low-speed vehicle as defined in KRS 186.010, and is equipped with:
(a) One (1) or more headlamps;
(b) One (1) or more tail lamps;
(c) One (1) or more brake lamps;
(d) A trail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
(e) One (1) or more red reflectors on the rear of the vehicle;
(f) An amber electronic turn system, one (1) on each side of the front of the vehicle;
(g) An amber or red electric turn signals on the rear of the vehicle;
(h) A braking system, other than a parking brake;
(i) A horn or other warning device;
(j) A working muffler;
(k) Rearview mirrors on the right and left side of the driver;
(l) A windshield, unless the operator of the vehicle wears eye protection while operating the vehicle;
(m) A speedometer, illuminated for nighttime operation;
(n) A roll bar or roll cage;
(o) For multi-passenger vehicles, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. sec. 571.209 for each designated seating position; and
(p) Tires that have at least two thirty-seconds (2/32) of an inch or greater tire tread.

Section 2. Registration Requirements.
(1) All SLSPVs shall be registered with the Department of Vehicle Regulation.
(2) The SLSPVs shall be registered with the county clerk in the county where the owner resides or if not owned by a local resident, the county clerk in the county where the street-legal SPV is principally operated.
(3) The registration fee shall be ten (10) dollars per year pursuant to KRS 186.050.
(4) SLSPVs shall be plated with a motorcycle registration plate.
(5) Proof of insurance, as required under KRS 304.39-110, shall be submitted at the time of registration and shall be insured as a motorcycle.
(6) Registration applications shall include:
(a) Vehicle Identification Number (VIN);
(b) Make, model, and year of the SLSPV;
(c) Owner's full name and address; and
(d) Proof of vehicle safety compliance with proof of inspection, pursuant to 601 KAR 9:090, by a Kentucky certified inspector with detailed checklist verifying the SLSPV meets the safety equipment requirements of Section 4 of this administrative regulation.

Section 3. Operating Restrictions.
(1) SLSPVs may operate on public highways, subject to the following conditions:
(a) Operation is prohibited on highways located within the jurisdictional boundaries of a local government where operation of SLSPVs is not allowed by local ordinance.
(b) Operation is prohibited on controlled-access systems, including interstates or parkways.
(c) Operation is prohibited where the United States Department of Agriculture prohibits SLSPVs.
(d) SLSPVs are prohibited from traveling a distance greater than twenty (20) miles on a highway displaying centerline pavement markings.
(2) Operators shall obey all traffic laws and carry proof of registration and insurance.

Section 4. Vehicle Safety Requirements.
(1) A SLSPV shall be equipped with:
(a) One (1) or more headlamps;
(b) One (1) or more tail lamps;
(c) One (1) or more brake lamps;
(d) A trail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
(e) One (1) or more red reflectors on the rear of the vehicle;
(f) An amber electronic turn system, one (1) on each side of the front of the vehicle;
(g) An amber or red electric turn signals on the rear of the vehicle;
(h) A braking system, other than a parking brake;
(i) A horn or other warning device;
(j) A working muffler;
(k) Rearview mirrors on the right and left side of the driver;
(l) A windshield, unless the operator of the vehicle wears eye protection while operating the vehicle;
(m) A speedometer, illuminated for nighttime operation;
(n) A roll bar or roll cage;
(o) For multi-passenger vehicles, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. sec. 571.209 for each designated seating position; and
(p) Tires that have at least two thirty-seconds (2/32) of an inch or greater tire tread.
(2) The vehicle shall pass an annual safety inspection conducted by a Kentucky certified inspector.

Section 5. Compliance and Enforcement.
(1) Law enforcement officers shall verify the compliance of SLSPVs pursuant to this administrative regulation.
(2) The license plate shall be the same size as the Kentucky motorcycle license plate.
(3) SLSPV may be equipped with a motorcycle temporary tag.
(4) Failure to comply with the registration, operation, and equipment requirements shall result in a citation and potential fines as established in KRS Chapter 186.

(5) Repeat offenders may face suspension or revocation of SLSPV registration.

Section 6. Appeals and Hearings.
(1) An owner cited for non-compliance may request a hearing within thirty (30) days of the citation issuance.
(2) The hearing shall be conducted in accordance with KRS Chapter 13B.

Section 7. Severability. If any provision of this administrative regulation is found invalid, the remaining sections shall remain in effect.

Section 8. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "Application for Kentucky Certificate of Title or Registration", TC 96-182, (01/2024 Edition); and
(b) "Street-Legal Special Purpose Vehicle Inspection", TC 96-365, (06/2025 Edition).
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet Office Building, Department of Vehicle Regulation, 2nd Floor, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8:00 a.m. to 4:30 p.m.
(3) This material is also available on Transportation Cabinet's website at drive.ky.gov.

JIM GRAY, Secretary
MATTHEW COLE, Commissioner
APPROVED BY AGENCY: July 9, 2025
FILED WITH LRC: July 10, 2025 at 2:15 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 22, 2024, at 11:00 a.m. EST, at the Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) working days 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 cancelled. 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 11:59 p.m. on September 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email jon.johnson@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes procedures for inspection, registration, operation, and compliance of street-legal special purpose vehicles (SLSPVs) on designated public roadways in Kentucky.
(b) The necessity of this administrative regulation: This administrative regulation is being promulgated to meet a deadline established by 2025 legislation.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes procedures for inspection, registration, operation, and compliance of street-legal special purpose vehicles (SLSPVs) on designated public roadways in Kentucky.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will allow procedures for inspection, registration, operation and compliance of street-legal special purpose vehicles (SLSPVs).
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This is a new regulation.
(b) The necessity of the amendment to this administrative regulation: This is a new regulation.
(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.
(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect state and local governments, as well as individuals and businesses selling, maintaining, and selling insurance (SLSPV's).
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Local governments will have to define and authorize ordinances to allow SLSPV's. Other state and local government agencies will inspect and implement laws for compliance and safety of operations. Other businesses like insurance agencies will provide necessary support for operation and will issue proper insurance. Consumers will act to sale purchase and license and operate SLSPV's. The local governments will have to approve and authorize operation and location of SPV usage. They will also have inspection services in place to insure proper SLSPV vehicle features, condition and insurance. Owner operators will comply with this regulation in order operate SLSPV vehicles pursuant to this regulation pursuant to statutory authority.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs will vary depending on inspection fees and insurance costs. The local inspection fees are established in this regulation. Insurance premiums will be determined by market factors.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): These entities will be a part of a growing market that will expand local economies proportionate to usage. The benefits will also inure to the public by expansion of local use and needs for SLSPV vehicles.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Other than normal cost to create a new license plate, $2,500, there should be no additional cost.
(b) On a continuing basis: There is no cost associated with implementing this administrative regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No source of funding is required.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There are no fees involved to implement this regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.
(9) TIERING: Is tiering applied? Tiering does not apply. No tiering is required.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 186
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is being promulgated to meet a deadline established by 2025 legislation.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Transportation Cabinet, local governments, local and state law enforcement.
(b) Estimate the following for each affected state unit, part, or division

identified in (3)(a):
1. Expenditures:
For the first year: $2,500
For subsequent years: N/A
2. Revenues:
For the first year: Normal $9 motorcycle registration fee plus $1.
For subsequent years: Normal $9 motorcycle registration fee plus $1.
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): County Clerks and County Sheriffs.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: $25 per vehicle inspection to the Sheriff
For subsequent years: $25 per vehicle inspection to the Sheriff
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This regulation shall not have any fiscal impact.
(b) Methodology and resources used to reach this conclusion: The review of the statutory authority shows a $1 registration fee increase per vehicle using a motorcycle size registration license plate.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This regulation will not have a fiscal impact.
(b) The methodology and resources used to reach this conclusion: Registration and renewals will be used in the future. No data is available currently to reach a conclusion

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Board of Regents
(New Administrative Regulation)

739 KAR 1:080. Issuance of bonds.

RELATES TO: KRS 164A.605
STATUTORY AUTHORITY: KRS 164A.560
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: The governing boards of the public institutions of higher education may elect to perform the financial management functions of KRS 164A.555 to 164A.630 by issuing administrative regulations to do so. This administrative regulation implements the provisions of KRS 164A.605 at the Kentucky Community and Technical College System.

Section 1. The Kentucky Community and Technical College System Board of Regents, under the provision of KRS 164A.560, elects the authority to issue bonds subject to the conditions as set forth in KRS 164A.605.

DR. RYAN QUARLES, President
APPROVED BY AGENCY: July 9, 2025
FILED WITH LRC: July 11, 2025 at 8:25 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 23, 2025, at 1:00 p.m. EST at 300 North Main Street, Versailles, Kentucky 40383. 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 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 September 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: Chelsea Young, Staff Attorney, 300 North Main Street, Versailles, Kentucky 40383, phone (859) 256-3562, fax (859) 256-3117, email chelsea.young@kctcs.edu.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Chelsea Young
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation implements the provisions of KRS 164A.605 at the Kentucky Community and Technical College System.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to effectuate the provisions of KRS 164A.555-164A.630.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statutes by electing the management and administrative procedures set forth therein.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in administration by adopting the necessary procedures, set forth in the statute.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation; existing regulatory language is not being amended.
(b) The necessity of the amendment to this administrative regulation: Not Applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not Applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not Applicable.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Community and Technical College System, including the sixteen colleges within that system.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The system will adopt the management and administration procedures as set forth in the applicable law.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Less than $250,000.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The effected entities will benefit from the regulatory guidance pertaining to the necessary procedures that shall be followed.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Less than $250,000.
(b) On a continuing basis: Less than $250,000.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: These funds would likely come as part of the staffing and audit budgets housed within the Treasury, Accounting and Capital Projects teams.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: With current debt service, it is not anticipated that an increase in fees or funding will be necessary.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this regulation does not immediately establish any new fees; nor does it directly increase any existing fees.
(9) TIERING: Is tiering applied? No. Tiering is not appropriate as the administrative regulation applies equally to all individuals or entities that it regulates.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 164A.605
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 164A.560
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Community and Technical College System.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: Less than $250,000.
For subsequent years: Less than $250,000.
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: Not Applicable
For subsequent years: Not Applicable
2. Revenues:
For the first year: Not Applicable
For subsequent years: Not Applicable
3. Cost Savings:
For the first year: Not Applicable
For subsequent years: Not Applicable
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: Not Applicable
For subsequent years: Not Applicable
2. Revenues:
For the first year: Not Applicable
For subsequent years: Not Applicable
3. Cost Savings:
For the first year: Not Applicable
For subsequent years: Not Applicable
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The primary fiscal impact involves staffing additions to the Kentucky Community and Technical College System for effective bond process management. Some responsibilities will be distributed among current staff, requiring additional training costs. Annual internal and external audit expenses may also rise due to increased reporting demands. Establishing a Bond Advisory Team, including Bond Counsel, Borrower's Counsel, Underwriter, Financial Advisor, and Conduit Issuer will involve additional costs. However, these are typically included in the bond issuance itself and should not significantly impact KCTCS finances. KCTCS currently funds debt service through the mandatory student fee. If a third bond series is considered, the fee's adequacy and any potential increase would be evaluated at that time.
(b) Methodology and resources used to reach this conclusion: Research and review of the standard practices of institutional bond issuance, review of industry salary ranges, as well as consultation with the initial Kentucky Community and Technical College System bond issuance teams and the Commonwealth Office of Financial Management.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): As a majority of the cost of bond issuance will be rolled into the value of the bonds themselves, there is no "major economic impact" as defined.
(b) The methodology and resources used to reach this conclusion: Research and review of the standard practices of institutional bond issuance, review of industry salary ranges, as well as consultation with the initial Kentucky Community and Technical College System bond issuance teams and the Commonwealth Office of Financial Management.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

EDUCATION AND LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(New Administrative Regulation)

803 KAR 2:260. Appeal procedure.

RELATES TO: KRS 338.091
STATUTORY AUTHORITY: KRS 338.051, 338.091
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: On Appeal, the Franklin Circuit Court may award actual expenses incurred, including court costs and attorney's fees, against the department. An eligible party may receive an award when it prevails over the commissioner of the department of workplace standards, unless the commissioner's position in the proceeding was substantially justified or special circumstances make an award unjust. Alternatively, an eligible party, even if not a prevailing party, may receive an award under KRS 338.091 when it successfully defends against an excessive demand made by the commissioner.

Section 1. Definitions.
(1) "Commissioner" is defined by KRS 338.0125(7).
(2) "Fees and other expenses" means reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the court to be necessary for the preparation of the party's case, and reasonable attorney fees. The amount of fees awarded under this subsection shall be based upon prevailing market rates for the kind and quality of the services furnished, except that
(a) no expert witness shall be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the Commissioner; and

(b) attorney fees shall not be awarded in excess of $125 per hour unless the Franklin Circuit Court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(3) "Small business" is defined as

(a) An individual whose net worth did not exceed $2,000,000 at the time the adversary adjudication was initiated; or

(b) Any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed $7,000,000 at the time the adversary adjudication was initiated, and which had not more than 500 employees at the time the adversary adjudication was initiated; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act, may be a party regardless of the net worth of such organization or cooperative association. For purposes of 5 U.S.C. 504(a)(4), "party" also includes a small entity as defined in 5 U.S.C. 601.

(4) "Small organization" means any not-for-profit enterprise which is independently owned and operated and is not dominant in its field, unless an agency establishes, after opportunity for public comment, one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register;

(5) "Small governmental jurisdiction" means governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand, unless an agency establishes, after opportunity for public comment, one or more definitions of such term which are appropriate to the activities of the agency and which are based on such factors as location in rural or sparsely populated areas or limited revenues due to the population of such jurisdiction, and publishes such definition(s) in the Federal Register.

(6) "Small entity" shall have the same meaning as the terms "small business", "small organization" and "small governmental jurisdiction" defined in paragraphs (2), (3) and (4) of this section.

(7) "Party" means a party, as defined in 5 U.S.C. 551(3), who is (a) An individual whose net worth did not exceed $2,000,000 at the time the adversary adjudication was initiated; or (b) Any owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization, the net worth of which did not exceed $7,000,000 at the time the adversary adjudication was initiated, and which had not more than 500 employees at the time the adversary adjudication was initiated; except that an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 exempt from taxation under section 501(a) of such Code, or a cooperative association as defined in section 15(a) of the Agricultural Marketing Act, may be a party regardless of the net worth of such organization or cooperative association. For purposes of 5 U.S.C. 504(a)(4), "party" also includes a small entity as defined in 5 U.S.C. 601.

Section 2. Complaint.

(1) A party seeking an award under KRS 338.091 shall file a complaint with the Franklin Circuit Court within thirty (30) days after the final disposition of the adversary adjudication.

(2) The complaint shall identify the party and the proceeding for which an award is sought. The complaint shall show that the complainant has prevailed and identify the position of the Commissioner that the party alleges was not substantially justified; or, if the party has not prevailed, shall show that the Commissioner's demand was substantially in excess of the decision of the judge or Commission and was unreasonable when compared with that decision under the facts and circumstances of that case. The complaint shall also identify the Commissioner's position(s) in the proceeding that the party alleges was or were not substantially justified or the Commissioner's demand that is alleged to be excessive and unreasonable. Unless the party is an individual, the complaint shall also state the number of employees of the complainant and briefly describe the type and purpose of its organization or business.

(3) The complaint shall also show that the party meets the definition of "party" in 29 C.F.R. 2204.201, including adequate documentation of its net worth, as set forth in 29 C.F.R. 2204.302.

(4) The complaint shall state the amount of fees and expenses for which an award is sought, subject to the requirements and limitations as set forth in 5 U.S.C. 504(b)(1)(A), with adequate documentation as set forth in 29 C.F.R. 2204.303.

(5) The complaint shall be signed by the complainant or an authorized officer, attorney, or agent of the complainant. It shall also contain or be accompanied by a written verification under penalty of perjury that the information provided in the complaint is true and correct.

(6) Each complainant except a qualified tax-exempt organization, cooperative association, or, in the case of a complaint for an award related to an allegedly excessive demand by the Commissioner, a small entity as that term is defined by 5 U.S.C. 601(6), shall provide with its complaint a detailed exhibit showing the net worth of the complainant as required by 29 C.F.R. 2204.301(c) when the proceeding was initiated. The exhibit may be in any form convenient to the complainant that provides full disclosure of the complainant's assets and liabilities and is sufficient to determine whether the complainant qualifies as a party as defined in 29 C.F.R. 2204.201. The Franklin Circuit Court may require a complainant to file additional information to determine its eligibility for an award.

(7) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, a complainant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may request that the documents be filed under seal or otherwise be treated as confidential, pursuant to 29 C.F.R. 2200.8 and 29 C.F.R. 2200.52.

(8) The complaint shall be accompanied by adequate documentation of the fees and other expenses incurred after the initiation of the adversary adjudication, including, but not limited to, the reasonable cost of any study, analysis, engineering report, test, or project. A complaint seeking an increase in fees to account for inflation pursuant to 29 C.F.R. 2200.406 shall also include adequate documentation of the change in the consumer price index for the attorney or agent's locality. With respect to a claim for fees and expenses involving an excessive demand by the Commissioner, the complaint shall be accompanied by adequate documentation of such fees and expenses incurred after initiation of the adversary adjudication for which an award is sought attributable to the portion of the demand alleged to be excessive and unreasonable. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the complaint, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the complainant or by any other person or entity for the services provided. The Franklin Circuit Court may require the complainant to provide vouchers, receipts, or other substantiation for any fees or expenses claimed.

(9) Any complaint for an award, or any accompanying documentation related to a complaint shall be filed and served on all parties to the proceeding in accordance with 29 C.F.R. 2200.7 and 29 C.F.R. 2200.8 except as provided in 29 C.F.R. 2204.302(b) for confidential financial information.

(10) Within twenty (20) days after service of a complaint, the Commissioner shall file an answer to the complaint. Unless the Commissioner requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the twenty (20) day period may be treated as a consent to the award requested

(11) If the Commissioner and the complainant believe that the issues in the fee complaint can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional thirty (30) days, and further extensions may be granted by the Franklin Circuit Court upon request.

(12) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the

Commissioner's position. If the answer is based on any alleged facts not already in the record of the proceeding, the Secretary shall include with the answer either supporting affidavits or a request for further proceedings under 29 C.F.R. 2204.405.

(13) Within fifteen (15) days after service of an answer, the complainant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the complainant shall include with the reply either supporting affidavits or a request for further proceedings under 29 C.F.R. 2204.405.

JAMIE LINK, Secretary

APPROVED BY AGENCY: July 1, 2025

FILED WITH LRC: July 1, 2025 at 3:42 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held September 22, 2025, at 10:00 a.m. EDST via Zoom. Public access to the meeting is available at: https://us06web.zoom.us/j/86360536416, or telephone at (713) 353-0212, (888) 822-7517 toll free, conference code 194378. 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 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, 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: Jason H. Hernandez, General Counsel, Education and Labor Cabinet Division of Workplace Standards, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 782-4466, fax (502) 564-4769, email jason.hernandez@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jason H. Hernandez
(1) Provide a brief summary of:
(a) What this administrative regulation does: Section 1 and Section 2 of this administrative regulation imposes a new direct cost on OSH by allowing employers to appeal to Franklin Circuit Court for attorney's fees and other associated costs.
(b) The necessity of this administrative regulation: This regulation is necessary to meet the requirements established KRS 338.091.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. This administrative regulation is necessary to meet the requirements established in KRS 338.091. This regulation complies and conforms with the authorizing statutes.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation is necessary to meet the requirements established in KRS 338.091.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: N/A
(b) The necessity of the amendment to this administrative regulation: N/A
(c) How the amendment conforms to the content of the authorizing statutes: N/A
(d) How the amendment will assist in the effective administration of the statutes: N/A
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all employers in the Commonwealth engaged in activities covered by KRS Chapter 338.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are imposed, and no immediate action is required.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is risk of unknown additional cost to the OSH Program to implement this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation authorizes an employer to appeal to Franklin Circuit Court for attorney's fees and court costs against the OSH Program within the procedural parameters of the Equal Access to Justice Act, 28 U.S.C. sec. 2412.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is an unknown cost to the OSH Program to implement this administrative regulation.
(b) On a continuing basis: There are unknown new costs to the OSH Program associated with this regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal funding.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is a possible increase in funding necessary to implement this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes potential unknown fees to the OSH Program.
(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 338.051, 338.091
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by an act of the General Assembly.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: Unknown
For subsequent years: Unknown
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(5)(a) Identify any affected regulated entities not listed in (3)(a) or

(4)(a): None
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation imposes an unknown cost burden on OSH.
(b) Methodology and resources used to reach this conclusion: Equal Access to Justice Act, 28 U.S.C. sec. 2412.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will have a "major economic impact" as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: This administrative regulation imposes a new direct cost burden on OSH by allowing employers to appeal to Franklin Circuit Court for attorney's fees.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. N/A
(2) State compliance standards. N/A
(3) Minimum or uniform standards contained in the federal mandate. N/A
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This regulation does not impose stricter requirements.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Property and Casualty Insurance
(New Administrative Regulation)

806 KAR 2:200. Operations, eligibility, and grant procedures for the Strengthen Kentucky Homes Program.

RELATES TO: KRS 340.2-450
STATUTORY AUTHORITY: KRS 304.2-450
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-450 authorizes the commissioner to promulgate administrative regulations to establish any additional rules and eligibility requirements that are necessary for the proper implementation and administration of the Strengthen Kentucky Homes program. This administrative regulation establishes the operations of the program, the eligibility rules and requirements, and the application and grant award process which are necessary to carry out the provisions of KRS 304.2-450, relating to the Strengthen Kentucky Homes Program.

Section 1. Definitions.

(1) "Applicant" means a real property owner seeking, or who has been approved for, a financial grant pursuant to KRS 304.2-450.
(2) "Commissioner" is defined by KRS 304.1-050(1).
(3) "Contractor" means a person certified to act as a contractor by IBHS and who is approved to work with the SKH program pursuant to 806 KAR 2:210.
(4) "Department" means the Kentucky Department of Insurance as defined in KRS 304.1-050(2).
(5) "Evaluator" means a person certified to act as an evaluator by IBHS and who is approved to work with the SKH program pursuant to 806 KAR 2:210.
(6) "IBHS" means the Insurance Institute for Business and Home Safety.
(7) "IBHS FORTIFIED Designation Certificate" means a certificate issued by IBHS upon successful completion of a FORTIFIED project.
(8) "Region" means a distinct geographic area designated for the purpose of fund allocation and grant award priority, and divided by area development districts established pursuant to KRS 147A.050.
(9) "Resident" means a person who resides in Kentucky for at least 181 days per calendar year.
(10) "SKH" means the Strengthen Kentucky Homes Program as established by KRS 304.2-450.

Section 2. Operations.
(1) SKH shall operate within the Property and Casualty Division of the Department.
(2) In accordance with KRS 304.2-450, the commissioner shall allocate monies held by the Strengthen Kentucky Homes Program Fund to the fifteen (15) different regions of the state in equal amounts.
(3) If a region fails to exhaust all funds allocated to that region due to an insufficient number of applicants, the commissioner may proportionally reallocate that region's funds to regions which have exhausted all previously allocated funds.
(4) The commissioner may establish special mitigation zones for the allocation of additional funds in any geographic area within the Commonwealth of Kentucky if:
(a) The Governor declares a state of emergency; or
(b) Additional funding is needed to mitigate areas which exhibit higher vulnerability to extreme weather events.

Section 3. Eligibility.
(1) To be eligible for an SKH grant:
(a) The applicant shall be:
1. The homeowner of the property to be mitigated; and
2. A resident of Kentucky;
(b) The property to be mitigated shall be:
1. Deemed eligible for mitigation as determined by an evaluator based on the requirements included in the PSI-1 form; and
2. An insurable, owner-occupied primary residence located in Kentucky and either:
a. A single-family home; or
b. A multifamily home.
(2) If the property to be mitigated is a multifamily residence, it shall:
(a) Be one singular structure; and
(b) Contain or be comprised of four (4) housing units or less.
(3) Applications submitted for properties with multiple owners must complete the AOC-1 form with signatures from all owners of the property.
(4) A single-family or multifamily structure is only eligible to receive one (1) SKH grant.
(5) The property to be mitigated may be a modular home but shall not be a condominium or mobile home.

Section 4. Application Process.
(1) The applicant shall submit a completed application via the SKH online portal at https://skh.doi.ky.gov.
(2) The applicant shall select an evaluator from the Department's SKH list of evaluators as prompted by the SKH

website upon successful completion of an application and shall be responsible for paying the evaluator's charge for services.

(3) The evaluator shall:

(a) Examine the home to determine whether it is eligible for mitigation;

(b) Identify all improvements required to achieve IBHS Roof eligibility; and

(c) Report findings to the Department by submitting PSI-1 form to the SKH website.

Section 5. Approval of Grants and Process.

(1) The Department shall:

(a) Review all applications for completeness and determine if the applicant is eligible to receive grant funds;

(b) Verify the accuracy of the information on the application; and

(c) Approve applicants in the order received within a region who:

1. Meet all eligibility requirements set out in Section 3 of this administrative regulation;

2. Successfully submit a complete and verified application; and

3. Have a PSI-1 Form on file with the Department which finds the residence eligible for mitigation.

(2) Grants shall be awarded in the order that applications are approved within a region subject to availability of funds.

(3) The Department shall send notice to the applicant informing him or her of an approval or disapproval of the application.

(4) If approved, an applicant shall select at least one contractor from the Department's SKH list of contractors on the SKH website to request a bid for the mitigation work.

(5) Selected contractors shall utilize the BDS-1 form to electronically submit bid proposals via the SKH online portal at: https://skh.doi.ky.gov.

(6) Applicants who elect to proceed shall select a contractor of his or her choice from bids received and enter into an agreement with the contractor to perform the mitigation work. Contractors who begin mitigation work prior to Department approval to begin mitigation work shall not receive grant fund compensation.

(7) Grant projects shall be completed within ninety (90) days of the date of the grant approval notification. Upon written request, the Department may provide an extension based upon the following:

(a) Unknown additional required mitigation work;

(b) Acts of God; or

(c) Extenuating circumstances beyond the applicant or contractor's control.

(8) Failure of a contractor to complete a grant project within ninety (90) days without an extension may result in forfeiture of the grant.

Section 6. Grant Award Process.

(1) Once the grant application is approved, the contractor selected by the applicant may begin the mitigation work.

(2) Once the mitigation work is completed, the contractor shall submit completed CCF-1 and INV-1 forms via the SKH online portal at: https://skh.doi.ky.gov.

(3) The evaluator previously selected by the applicant shall conduct all required evaluations confirming that the work was completed according to the most current IBHS FORTIFIED Standard and shall submit an HR-1 form to the online portal at: https://skh.doi.ky.gov.

(4) After all required forms are completed and submitted, the Department shall pay the contractor's bid up to the limit of the grant.

(5) The applicant shall be responsible for any remaining cost to the contractor.

Section 7. Release of Funds.

(1) Once the grant application is approved, the contractor selected by the applicant may begin the mitigation work.

(2) Once the mitigation work is completed, the contractor shall submit completed CCF-1 and INV-1 forms via the SKH online portal at: https://skh.doi.ky.gov.

(3) The evaluator previously selected by the applicant shall conduct all required evaluations confirming that the work was completed according to the most current IBHS FORTIFIED Standard and shall submit an HR-1 form to the online portal at: https://skh.doi.ky.gov.

(4) After all required forms are completed and submitted, the Department shall pay the contractor's bid up to the limit of the grant.

(5) The applicant shall be responsible for any remaining cost to the contractor.

(6) Grant funds shall be paid on behalf of an approved applicant after:

(a) A FORTIFIED Designation Certificate is issued for the property by IBHS and received by the Department; and

(b) The contractor completes and submits the INV-1 Form via the SKH online portal at: https://skh.doi.ky.gov.

(7) Checks shall be mailed to the address of the contractor's choice.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Contractor Bid Sheet", BDS-1 (7/2025);

(b) "Pre-Site Inspection Questions", PSI-1 (7/2025);

(c) "Completion Confirmation Form", CCF-1 (7/2025);

(d) "Additional Owners Consent Form", AOC-1 (7/2025);

(e) "Home Review Form", HR-1 (7/2025);

(f) "Standard Invoice", INV-1 (7/2025);

(g) "Foundation Requirements for FORTIFIED Home Eligibility", FH 2022-06 (4/2023);

(h) "Eligibility and Compliance of Accessory Roof Structures", FH 2023-03 (4/2023);

(i) "FORTIFIED Requirements for Cement and Clay Hip and Ridge Tile Installed Over Asphalt Shingle Roof Cover", FH 2023-05 (4/2023);

(j) "FORTIFIED Home Requirements for Homes with Excessive Gaps Between Wood Decking Boards" FH 2023-07 (4/2023);

(k) "FORTIFIED Guidance on Leaf Guards and Gutters", FH 2023-09 (5/2023);

(l) "2025 Fortified Home Standard" FH Std.-2025 (11/2024); and

(m) "Online SKH Application", https://skh.doi.ky.gov (7/2025).

(2) This material may be inspected, copied or obtained, subject to applicable copyright law, at the Department of Insurance, Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the department's website at: https://insurance.ky.gov/ppc/CHAPTER.aspx.

SHARON P. CLARK, Commissioner
RAY A. PERRY, Secretary

APPROVED BY AGENCY: July 9, 2025

FILED WITH LRC: July 9, 2025 at 2:35 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 a.m.on September 22, 2025, at 500 Mero Street, 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 may be canceled. If held, this hearing will be 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 11:59 p.m. on September 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 below.

CONTACT PERSON: Shaun T. Orme, Executive Advisor, 500 Mero Street, Frankfort, Kentucky 40601, phone +1 (502) 782-1698, fax +1 (502) 564-1453, email shaun.orme@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Shaun T. Orme

(1) Provide a brief summary of:

(a) What this administrative regulation does: 806 KAR 2:200

provides the eligibility requirements, application process, and grant award procedures for the Strengthen Kentucky Home Program.
(b) The necessity of this administrative regulation: KRS 304.2-450 mandates the Department promulgate regulations for administering the Strengthen Kentucky Homes Program.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.2-450 provides that the Department shall establish the eligibility criteria, requirements, and procedures for obtaining a financial grant.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: 806 KAR 2:200 provides Strengthen Kentucky Homes Operating procedures, eligibility requirements, application process, and grant award procedures. This will create a consistent and efficient process for determining grant fund allocation and eligibility for a grant award.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: N/A
(b) The necessity of the amendment to this administrative regulation: N/A
(c) How the amendment conforms to the content of the authorizing statutes: N/A
(d) How the amendment will assist in the effective administration of the statutes: N/A
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 806 KAR 2:200 will affect an unknown number of homeowners and persons eligible to become contractors and evaluators. The number of affected individuals may depend on current and future funding levels for the Strengthen Kentucky Homes Program.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Homeowners seeking a financial grant to mitigate their home will be required to submit an application, select an evaluator and contractor, and make their property available for inspection and mitigation. Evaluators will be required to inspect the home to determine if eligible for a mitigation grant and to certify that repairs are complete. Contractors will be required to provide a bid on a mitigation project, and if selected, perform the mitigation work on the property. Once complete, contractors will submit an invoice to the Department for payment.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost to comply with the regulation is de minimis.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Homeowners may receive grant funds to mitigate their homes to better withstand extreme wind and hail events. Evaluators and contractors will be paid to perform their respective tasks as part of this program.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This regulation alone does not cost any amount, but rather sets requirements for the eligibility and process for applicants to apply for grants from the five million already appropriated to the Strengthen Kentucky Home Program.
(b) On a continuing basis: This regulation alone will not cost any amount, but rather sets requirements for the eligibility and process for applicants to apply for grants from the five million already appropriated to the Strengthen Kentucky Home Program.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: HB 256 appropriated an initial five million ($5,000,000.00) dollars from the Insurance Regulatory Trust Fund to the Strengthen Kentucky Home Program. Funding in the future will come from interest earned on investments, additional appropriations, and/or grants.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be an increase in fees related to this administrative regulation. If the program is successful, additional funding in the future may be appropriate.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees.
(9) TIERING: Is tiering applied? Tiering is not applied as the provisions of this administrative regulation apply to all entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 304.2-450
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 304.2-450
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Insurance
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: < $5,000,000.00
For subsequent years: Unknown
2. Revenues:
For the first year: $0.00
For subsequent years: Unknown
3. Cost Savings:
For the first year: $0.00
For subsequent years: Unknown
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This regulation will not affect any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This regulation will not affect any regulated entities.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The Department of Insurance is tasked with promulgating regulations related to the administration and operation of the Strengthen Kentucky Homes Program pursuant to KRS 304.2-450. Accordingly, the General Assembly has appropriated five million ($5,000,000.00) dollars for this program.
(b) Methodology and resources used to reach this conclusion: N/A
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This regulation will not have a major economic impact as defined by KRS 13A.010(13).
(b) The methodology and resources used to reach this conclusion: N/A

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Property and Casualty Insurance
(New Administrative Regulation)

806 KAR 2:210. Eligibility requirements for contractors and evaluators in the Strengthen Kentucky Homes Program.

RELATES TO: KRS 304.2-450
STATUTORY AUTHORITY: 304.2-450
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-450 authorizes the commissioner to promulgate administrative regulations to establish any rules and eligibility requirements that are necessary for the proper implementation and administration of the Strengthen Kentucky Homes program. This administrative regulation establishes the eligibility requirements for contractors and evaluators to participate in the Strengthen Kentucky Homes Program which are necessary to carry out the provisions of KRS 304.2-450, relating to the Strengthen Kentucky Homes Program.

Section 1. Definitions.
(1) "Applicant" means a real property owner seeking, or who has been approved for, a financial grant pursuant to KRS 304.2-450.
(2) "Commissioner" is defined by KRS 304.1-050(1).
(3) "Contractor" means a person certified to act as a contractor by IBHS and who is approved to work with the SKH program pursuant to 806 KAR 2:210.
(4) "Department" means the Kentucky Department of Insurance as defined in KRS 304.1-050(2).
(5) "Evaluator" means a person certified to act as an evaluator by IBHS and who is approved to work with the SKH program pursuant to 806 KAR 2:210.
(6) "IBHS" means the Insurance Institute for Business and Home Safety.
(7) "IBHS FORTIFIED Designation Certificate" means a certificate issued by IBHS upon successful completion of a FORTIFIED project.
(8) "SKH" means the Strengthen Kentucky Homes Program as established by KRS 304.2-450.

Section 2. Contractor Eligibility. To be eligible to work as an SKH approved contractor, a contractor shall:
(1) Be in good standing with IBHS;
(2) Maintain all required state or jurisdictional business license(s) or work permits required by Kentucky law;
(3) Maintain an in-force General Liability policy with $1,000,000 in liability coverage;
(4) Comply with all state and federal Worker's Compensation laws;
(5) Obtain a Letter of Good Standing from the Kentucky Department of Revenue;
(6) Complete SKH mitigation projects within the time frame set forth in 806 KAR 2:200 Section 5(7); and
(7) Create an account and submit to the Department the following through the SKH online portal at https://skh.doi.ky.gov:
(a) An active IBHS-Certified FORTIFIED Roofing Contractor Certificate;
(b) Evidence of an in-force General Liability policy with $1,000,000 in liability coverage; and
(c) A Letter of Good Standing from the Kentucky Department of Revenue.

Section 3. Evaluator Eligibility. To be eligible to work as an SKH approved evaluator, an evaluator shall:
(1) Be in good standing with IBHS;
(2) Maintain all required state or jurisdictional business license(s) or work permits required by Kentucky law;
(3) Maintain an in-force surety bond in the amount of $50,000;
(4) Obtain a Letter of Good Standing from the Kentucky Department of Revenue; and
(5) Create an account and submit to the Department the following through the SKH online portal at https://skh.doi.ky.gov:
(a) An active IBHS-Certified FORTIFIED Home Evaluator Certificate;
(b) Evidence of an in-force surety bond in the amount of $50,000; and
(c) A Letter of Good Standing from the Kentucky Department of Revenue.

Section 4. Conflict Prohibition.
(1) Contractors and evaluators shall not have a financial interest in any project for which they perform work toward a FORTIFIED designation other than for payment for actual work performed on behalf of the Applicant.
(2) Contractors and evaluators shall not act as both the contractor and evaluator for a FORTIFIED designation on any project funded through SKH.
(3) Both contractors and evaluators shall report, in writing to the Department, any potential conflicts of interest which may violate this Section before work commences on any job funded through SKH.

Section 5. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "Roofing Contractor Handbook", (2021 Edition);
(b) "Certified FORTIFIED Roofing Contractor Agreement", (2021 Edition);
(c) "Certified FORTIFIED Evaluator Handbook", (2023 Edition); and
(d) "Certified FORTIFIED Home Evaluator Agreement", (2023 Edition).
(2) This material may be inspected, copied or obtained, subject to applicable copyright law, at the Department of Insurance, Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the department's website at: https://insurance.ky.gov/ppc/CHAPTER.aspx.

SHARON P. CLARK, Commissioner
RAY A. PERRY, Secretary
APPROVED BY AGENCY: July 9, 2025
FILED WITH LRC: July 9, 2025 at 2:35 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 a.m. on September 22, 2025, at 500 Mero Street, 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 may be canceled. If held, this hearing will be 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 11:59 p.m. on September 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 below.

CONTACT PERSON: Shaun T. Orme, Executive Advisor, 500 Mero Street, Frankfort, Kentucky 40601, phone +1 (502) 782-1698, fax +1 (502) 564-1453, email shaun.orme@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Shaun T. Orme
(1) Provide a brief summary of:
(a) What this administrative regulation does: 806 KAR 2:210 provides the eligibility requirements for contractors and evaluators

for the Strengthen Kentucky Home Program.
(b) The necessity of this administrative regulation: KRS 304.2-450 mandates the Department promulgate regulations for administering the Strengthen Kentucky Homes Program.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.2-450 provides that the Department shall establish the eligibility criteria, requirements, and procedures for participating in the Strengthen Kentucky Homes Program.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: 806 KAR 2:210 provides the eligibility requirements for contractors and evaluators for the Strengthen Kentucky Home Program.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: N/A
(b) The necessity of the amendment to this administrative regulation: N/A
(c) How the amendment conforms to the content of the authorizing statutes: N/A
(d) How the amendment will assist in the effective administration of the statutes: N/A
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation affects those persons eligible to become certified FORTIFIED contractors and evaluators. The number of individuals eligible is unknown.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Contractors and evaluators interested in participating in the Strengthen Kentucky Homes Program will be required to comply with the certification requirements set forth in the Evaluator and Contractor Handbooks which are incorporated into the regulation. Furthermore, each participant will be required to submit to the Department proof of certification, an in-force insurance policy or bond, and a letter of good standing from the Kentucky Department of Revenue.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost to comply with the regulation is de minimis.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance, eligible contractors and evaluators will be able to participate in the Strengthen Kentucky Homes Program which will provide these entities significant additional business and funding opportunities.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This regulation alone does not have any associated cost.
(b) On a continuing basis: This regulation will not cost any amount on a continuing basis.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: HB 256 appropriated an initial five million ($5,000,000.00) dollars from the Insurance Regulatory Trust Fund to the Strengthen Kentucky Home Program. Funding in the future will come from interest earned on investments, additional appropriations, and/or grants.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be an increase in fees related to this administrative regulation. If the program is successful, additional funding in the future may be appropriate.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees.
(9) TIERING: Is tiering applied? Tiering is not applied as the provisions of this administrative regulation apply to all entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 304.2-450
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 304.2-450
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Insurance
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: < $5,000,000.00
For subsequent years: Unknown
2. Revenues:
For the first year: $0.00
For subsequent years: Unknown
3. Cost Savings:
For the first year: $0.00
For subsequent years: Unknown
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This regulation will not affect any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This regulation will not affect any regulated entities.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The Department of Insurance is tasked with promulgating regulations related to the administration and operation of the Strengthen Kentucky Homes Program pursuant to KRS 304.2-450. Accordingly, the General Assembly has appropriated five million ($5,000,000.00) dollars for this program.
(b) Methodology and resources used to reach this conclusion: N/A
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This regulation will not have a major economic impact as defined by KRS 13A.010(13).
(b) The methodology and resources used to reach this conclusion: N/A

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Property and Casualty Insurance
(New Administrative Regulation)

806 KAR 2:220. Subsequent reinspection procedures for the Strengthen Kentucky Homes Program.

RELATES TO: KRS 304.2-450
STATUTORY AUTHORITY: 304.2-450
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-450 authorizes the commissioner to promulgate administrative regulations to establish any rules and eligibility requirements that are necessary for the proper implementation and administration of the Strengthen Kentucky Homes program. This administrative regulation establishes subsequent reinspection rules, procedures, and requirements which are necessary to carry out the provisions of KRS 304.2-450, relating to the Strengthen Kentucky Homes Program.

Section 1. Definitions.
(1) "Applicant" means a real property owner seeking, or who has been approved for, a financial grant pursuant to KRS 304.2-450.
(2) "Commissioner" is defined by KRS 304.1-050(1).
(3) "Department" means the Kentucky Department of Insurance as defined in KRS 304.1-050(2).
(4) "Evaluator" means a person certified to act as an evaluator by IBHS and who is approved to work with the SKH program pursuant to 806 KAR 2:210.
(5) "Grant recipient" means an Applicant who has received a financial grant pursuant to KRS 304.2-450.
(6) "IBHS" means the Insurance Institute for Business and Home Safety.
(7) "SKH" means the Strengthen Kentucky Homes Program as established by KRS 304.2-450.

Section 2. Subsequent Reinspections.
(1) All completed SKH mitigation projects are subject to subsequent reinspection by the Department.
(2) If selected for reinspection, a grant recipient shall be contacted by an evaluator to schedule the reinspection.
(3) Grant recipients shall have sixty (60) days in which to schedule a reinspection from the date he or she is contacted by an evaluator.
(4) Upon written request, the Department shall provide up to two sixty (60) day extensions.
(5) Extension requests may be sent by email to skh.doi@ky.gov.
(6) Evaluator services shall be procured by the Department in accordance with KRS Chapter 45A.
(7) The evaluator for the reinspection shall be paid through SKH at no cost to the grant recipient.
(8) Failure to comply with a required reinspection may result in penalties pursuant to KRS 304.99-010.
(9) Suspected criminal activities shall be reported to the Kentucky Department of Insurance Division of Insurance Fraud Investigation in accordance with KRS 304.47-050.

SHARON P. CLARK, Commissioner
RAY A. PERRY, Secretary
APPROVED BY AGENCY: July 9, 2025
FILED WITH LRC: July 9, 2025 at 2:35 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 a.m. on September 22, 2025, at 500 Mero Street, Frankfort, KY 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 may be canceled. If held, this hearing will be 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 11:59 p.m. on September 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 below.

CONTACT PERSON: Shaun T. Orme, Executive Advisor, 500 Mero Street, Frankfort, Kentucky 40601, phone +1 (502) 782-1698, fax +1 (502) 564-1453, email shaun.orme@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Shaun T. Orme
(1) Provide a brief summary of:
(a) What this administrative regulation does: 806 KAR 2:220 provides the process for subsequent reinspection of mitigated properties, and grant award procedures for the Strengthen Kentucky Home Program.
(b) The necessity of this administrative regulation: KRS 304.2-450 mandates the Department promulgate regulations for administering the Strengthen Kentucky Homes Program.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.2-450 provides that the Department shall establish by regulation the Strengthen Kentucky Homes Program. This regulation is intended to combat potential attempts to defraud the program.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: 806 KAR 2:220 provides the process for subsequent reinspection of mitigated properties in an effort to combat fraud for the Strengthen Kentucky Home Program.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: N/A
(b) The necessity of the amendment to this administrative regulation: N/A
(c) How the amendment conforms to the content of the authorizing statutes: N/A
(d) How the amendment will assist in the effective administration of the statutes: N/A
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation impacts an unknown number of homeowners receiving financial assistance from the Strengthen Kentucky Homes Program whose homes are subject to reinspection and the evaluators performing the reinspection. Furthermore, contractors engaged in fraudulent activity may be affected if their criminal activity is discovered during a reinspection.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Homeowners receiving a grant under the SKH program would need to schedule a reinspection of their homes within the specified timeframes, if contacted for reinspection. Failure to do so may result in penalties. Evaluators hired to perform the reinspection will receive compensation from the SKH fund after receiving a contract pursuant to KRS Chapter 45A. Contractors may be subject to criminal penalties if discovered engaging in fraudulent activity.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost to comply with the regulation is de minimis.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Evaluators hired to perform re-inspections will benefit from receiving additional income. Otherwise, all parties benefit to the extent this regulation protects the program from

fraudulent activity.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The initial cost of implementing this regulation is not significant as there are currently no homes subject to reinspection.
(b) On a continuing basis: As more homes are mitigated, the cost of this regulation will increase over time. The cost will depend on the 1. evaluator(s) rate for services; and 2. frequency of reinspection.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: HB 256 appropriated an initial five million ($5,000,000.00) dollars from the Insurance Regulatory Trust Fund to the Strengthen Kentucky Home Program. Funding in the future will come from interest earned on investments, additional appropriations, and/or grants.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be an increase in fees related to this administrative regulation. If the program is successful, additional funding in the future may be appropriate.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees.
(9) TIERING: Is tiering applied? Tiering is not applied as the provisions of this administrative regulation apply to all entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 304.2-450
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 304.2-450
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Department of Insurance
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: < $5,000,000.00
For subsequent years: Unknown
2. Revenues:
For the first year: $0.00
For subsequent years: Unknown
3. Cost Savings:
For the first year: $0.00
For subsequent years: Unknown
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This regulation will not affect any local entities.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This regulation will not affect any regulated entities.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: The Department of Insurance is tasked with promulgating regulations related to the administration and operation of the Strengthen Kentucky Homes Program pursuant to KRS 304.2-450. Accordingly, the General Assembly has appropriated five million ($5,000,000.00) dollars for this program.
(b) Methodology and resources used to reach this conclusion: N/A
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This regulation will not have a major economic impact as defined by KRS 13A.010(13).
(b) The methodology and resources used to reach this conclusion: N/A

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency:

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Property and Casualty Insurance
(New Administrative Regulation)

806 KAR 20:030. Car valuation guides.

RELATES TO: KRS 304.20-110
STATUTORY AUTHORITY: KRS 304.20-110
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.20-110 authorizes the commissioner to promulgate an administrative regulation to identify the nationally accepted used car valuation guides or tools to be used when determining the retail value of a wrecked, destroyed, or damaged motor vehicle, under KRS Chapter 186A. This administrative regulation establishes the nationally accepted used car valuation guides or tools to be used when determining the retail value of a wrecked, destroyed, or damaged motor vehicle.

Section 1. A property insurer, casualty insurer, and property and casualty insurer shall use the following car valuation guides when determining the retail value of a wrecked, destroyed, or damaged motor vehicle, under KRS Chapter 186A:
(1) The current version of the Kelley Blue Book, or any successor entity; or
(2) The current version of the J.D. Power Values/National Association of Auto Dealers guidelines, or any successor entity.

SHARON P. CLARK, Commissioner
RAY A. PERRY, Secretary
APPROVED BY AGENCY: June 23, 2025
FILED WITH LRC: June 30, 2025 at 3 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 a.m. on September 23, 2025, at 500 Mero Street, 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 may be canceled. If held, this hearing will be 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 11:59 p.m. on September 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 below.

CONTACT PERSON: Shaun T. Orme, Executive Advisor, 500 Mero Street, Frankfort, Kentucky 40601, phone +1 (502) 782-1698, fax +1 (502) 564-1453, email shaun.orme@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Shaun T. Orme
(1) Provide a brief summary of:
(a) What this administrative regulation does: 806 KAR 20:030 establishes the nationally accepted used car valuation guides or tools to be used when determining the retail value of a wrecked, destroyed, or damaged motor vehicle, under KRS Chapter 186A.
(b) The necessity of this administrative regulation: KRS 304.20-110 mandates the Department promulgate regulations that establish the nationally accepted used car valuation guides or tools to be used when determining the retail value of a wrecked, destroyed, or damaged motor vehicle, pursuant to KRS Chapter 186A.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the nationally accepted used car valuation guides or tools to be used when determining the retail value of a wrecked, destroyed, or damaged motor vehicle, pursuant to KRS Chapter 186A.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: 806 KAR 20:030 provides the nationally accepted used car valuation guides or tools to be used by property insurers, casualty insurers, and property and casualty insurers when determining the retail value of a wrecked, destroyed, or damaged motor vehicle, pursuant to KRS Chapter 186A.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: N/A
(b) The necessity of the amendment to this administrative regulation: N/A
(c) How the amendment conforms to the content of the authorizing statutes: N/A
(d) How the amendment will assist in the effective administration of the statutes: N/A
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 806 KAR 20:030 will affect an unknown number insureds whose motor vehicles are wrecked, destroyed, or damaged. The regulation will affect all insurers that issue property, casualty, or property and casualty insurance policies.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Insureds will be able to review the enumerated guidelines when they have a wrecked, destroyed, or damaged motor vehicle. Property, casualty, or property and casualty insurers will be required to use the enumerated guidelines when determining the value of an insured's wrecked, destroyed or damaged motor vehicle pursuant to KRS Chapter 186A.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost to comply with the regulation is de minimis.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Insureds will be able to make a valuable determination of their motor vehicle when it is wrecked, destroyed, or damaged. Property, casualty, or property and casualty insurers will have guidelines when determining the value of an insured's wrecked, destroyed or damaged motor vehicle pursuant to KRS Chapter 186A.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This regulation will not cost any amount to implement.
(b) On a continuing basis: This regulation will not cost any amount to implement.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be an increase in fees related to this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees.
(9) TIERING: Is tiering applied? Tiering is not applied as the provisions of this administrative regulation apply to all entities equally.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 304.20-110
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 25 RS SB 136
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Insurance is the promulgating agency. The Transportation Cabinet will be affected when issuing salvage titles, pursuant to KRS Chapter 186A.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: $0.00
For subsequent years: $0.00
2. Revenues:
For the first year: $0.00
For subsequent years: $0.00
3. Cost Savings:
For the first year: $0.00
For subsequent years: $0.00
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will have no impact on the expenditures and revenues of any state or local agencies.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: $0.00
For subsequent years: $0.00
2. Revenues:
For the first year: $0.00
For subsequent years: $0.00
3. Cost Savings:
For the first year: $0.00
For subsequent years: $0.00
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: $0.00
For subsequent years: $0.00
2. Revenues:
For the first year: $0.00
For subsequent years: $0.00
3. Cost Savings:
For the first year: $0.00
For subsequent years: $0.00
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: This administrative regulation does not have a fiscal impact.
(b) Methodology and resources used to reach this conclusion: N/A.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a "major economic impact."
(b) The methodology and resources used to reach this conclusion: N/A.

KENTUCKY HORSE RACING AND GAMING CORPORATION
(New Administrative Regulation)

810 KAR 7:080. Kentucky Quarter Horse Development Fund.

RELATES TO: KRS 138.510, 230.215, 230.225, 230.443, 230.405

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8), 230.405

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215 and 230.260 authorize the corporation to promulgate administrative regulations establishing the conditions under which horse racing shall be conducted in Kentucky and to fix and regulate the minimum amount of purses, stakes, or awards to be offered for the conduct of any horse race meeting. KRS 230.405 establishes the Kentucky Quarter Horse development fund and requires the corporation to promulgate administrative regulations to carry out the purpose of the statute and to administer the development fund in a manner to promote and aid in the development of the horse industry in Kentucky, upgrade the quality of racing in Kentucky, and to improve the quality of horses bred in Kentucky. This administrative regulation establishes eligibility standards, administrative practices to enforce the standards, and the administration of purses and payments in these races.

Section 1. Definitions.

(1) "AI" means artificial insemination

(2) "AQHA" means the American Quarter Horse Association.

(3) "Broodmare" means a mare that conceives and carries her genetic foal to term.

(4) "Donor mare" means the mare from which an embryo is harvested for the purpose of performing an embryo transfer.

(5) "ET" means an embryo transfer where an embryo is harvested from a donor mare and implanted into a recipient mare who carries the non-genetic foal to term.

(6) "Fund" means the Kentucky Quarter Horse Development Fund established by KRS 230.405.

(7) "Kentucky bred" means a horse that meets the requirements of this administrative regulation and is:

(a) A Quarter Horse registered with the AQHA or its successor;

(b) A Quarter Horse registered with the KYQHRA or its successor.

(8) "KQHDF" means the Kentucky Quarter Horse Development Fund, established by KRS.230.405.

(9) "KYQHRA" means the Kentucky Quarter Horse Racing Association, as the official registrar for the KQHDF pursuant to KRS 230.405

(10) "Mare" means a broodmare, donor mare, or recipient mare.

(11) "Qualified breeder" means the breeder of record according to the AQHA.

(12) "Qualified winner" means a quarter horse registered with the AQHA, registered with the KQHDF, declared the official winner of an eligible race by the stewards and is not eligible to be claimed in that race.

(13) "Recipient mare" means a mare of any breed who:

(a) Is implanted with an embryo from a donor mare;

(b) Carries the non-genetic foal to term; and

(c) Is implanted with an electronic horse identification microchip that accurately identifies the horse and is compliant with international standards ISO 11784.

(14) "Stallion" means a stallion registered with the KYQHRA

Section 2. Advisory Committee. The KQHDF advisory committee shall consist of five (5) members, all of whom shall be Kentucky residents, to be appointed by the chairman of the corporation by July 1 of each year. The committee shall consist of one (1):

(1) Member of the corporation; and

(2) Officer or director of a licensed racing association in Kentucky conducting Quarter Horse racing; and

(3) Owner of a horse nominated to the fund; and

(4) Owner of a mare registered with the fund; and

(5) Member of the Kentucky Quarter Horse Racing Association recommended by that organization's board of directors.

Section 3. Mare Eligibility.

(1) In order for a foal to be eligible to earn money from the fund, the broodmare or both the donor and recipient mare shall be registered with the fund on or before December 31 of the year of conception. Late mare registration may be accepted on or before July 1 of the foaling year as established by subsection (7) of this section.

(a) Beginning in 2025, and ending in 2028, a mare bred in another state and brought back to Kentucky to foal may be eligible for moneys from the fund. The pregnant mare shall register with the fund, be in Kentucky 30 days prior to foaling, foal in Kentucky and have the resulting foal registered as a Kentucky-bred quarter horse.

(b) To maintain eligibility of the first foal, the mare must reregister and be bred back that same foaling year to a Kentucky registered stallion, remain in the state of Kentucky a minimum of 180 days during that year of conception, foal in Kentucky and register the second resulting foal as a Kentucky-bred. Both foals shall then remain eligible as Kentucky-breds by fulfilling the remaining requirements of this regulation.

(c) Pregnant mares from another state who fail to have a viable foal, fail to breed back or lose one of the two foals to natural causes may maintain their eligibility along with the remaining foal's eligibility by providing to the KYQHRA proper medical documentation, verified by a licensed veterinarian, as to why a foal passed, the mare did not take or documentation as to why the mare aborted. The mare shall remain in Kentucky for a period no less than 180 days only if there is a remaining foal on the ground or in utero sought to be eligible.

(d) Foals born in 2025 from a mare bred in another state may late register by filling out a Late Mare Registration Form 7-080-2, Late Stallion Registration Form 7-080-4, paying half of those late nomination fees by July 1, 2026, and shall register the resulting foal as a Kentucky-bred. The mare and foal shall then fulfill the additional requirements in Section (1)(a), (b) and (c).

(e) Registration Deadlines for mares bred in 2025, with resulting foals of 2026, shall be extended to July 1, 2026, without penalty, by submitting both a Mare Registration Form 7-080-1 and Stallion Registration Form 7-080-3 with corresponding payments.

(2) A mare shall be bred naturally, by AI or by ET in the state of Kentucky and foal in the state of Kentucky.

(3) In order to be eligible to be registered with the fund, a pregnant mare, shall reside in Kentucky for a period no less than 180 days during the year of conception.

(4) Registrations shall be received by the KYQHRA by close of business or postmarked on the date of the deadline. If that deadline falls on a non-business day or federal holiday the deadline shall extend to the next business day.

(5) Breeding involving an ET:

(a) A donor mare and recipient mare shall both be registered; and

(b) A recipient mare shall be microchipped; and

(c) A maximum of two (2) ET's, bred to a single stallion, may be done in a single breeding season as determined by the owner of the donor mare.

(d) A donor mare may also carry her own genetic foal to term and if she has natural twins, they both shall be eligible to the fund.

(6) A mare shall be registered with the fund by:

(a) Completing and filing with the KYQHRA a Kentucky Quarter Horse Development Fund Mare Registration Form, KHRGC 7-080-1; and

(b) Providing a photocopy of:

1. The mare's official breed registration papers from the AQHA; and

2. Documentation regarding a recipient mare's electronic horse identification; and

3. A stallion breeding report from AQHA

(7) A late mare shall be registered with the fund by:

(a) Completing and filing with the KYQHRA a Kentucky Quarter Horse Development Fund Late Mare Registration Form, KHRGC 7-080-2; and

(b) Providing a photocopy of:

1. The mare's official breed registration papers from the AQHA; and

2. Documentation regarding a recipient mare's electronic horse identification; and

3. A stallion breeding report from AQHA

Section 4. Stallion Eligibility.

(1) In order for a foal to be eligible to earn money from the fund, the stallion shall be registered with the fund on or before December 31 of the year of conception. Late stallion registration may be accepted on or before July 1 of the foaling year as established by subsection (4) of this section.

(2) Stallions do not have to reside in the state of Kentucky to maintain eligibility and may breed by artificial insemination.

(3) A stallion shall be registered with the fund by:

(a) Completing and filing with the KYQHRA a Kentucky Quarter Horse Development Fund Stallion Registration Form, KHRGC 7-080-3; and

(b) Providing a photocopy of:

1. The stallion's official breed registration papers from the AQHA; and

2. A stallion breeding report from AQHA

(4) A late stallion shall be registered with the fund by:

(a) Completing and filing with the KYQHRA a Kentucky Quarter Horse Development Fund Late Mare Registration Form, KHRGC 7-080-4; and

(b) Providing a photocopy of:

1. The stallion's official breed registration papers from the AQHA; and

2. A stallion breeding report from AQHA

Section 5. Nomination. In order for a horse to be eligible to earn money from the fund it shall be registered at the time of entry for an eligible race, "Kentucky bred" as defined by Section 1 of this administrative regulation and shall be nominated to the fund by:

(1) Completing and filing with the KYQHRA a Kentucky Quarter Horse Development Fund Nomination Form, KHRGC 7-080-5 and;

(2) Providing the KYQHRA with a photocopy of the horse's official AQHA registration.

Section 6. Purse Structure.

(1) Each licensed association shall submit its KQHDF purse structure proposal to the KQHDF advisory committee for approval at least forty-five (45) days prior to the opening day of the live race meet.

(2) The KQHDF advisory committee shall review the proposed purse structure and make a recommendation to the corporation whether to approve the proposal based upon the best interests of Kentucky racing.

Section 7. Reconciliation.

(1) Each licensed association shall file with the corporation a copy of the pari-mutuel tax form filed with the Department of Revenue, along with a copy of the check submitted for each report. These reports shall be filed weekly.

(2) The corporation shall reconcile the weekly reports submitted by the licensed association with the Department of Revenue's reports and deposit monthly.

(3) If at the close of a live race meet, a licensed association has a surplus balance of KQHDF monies earned pursuant to KRS 230.405, then the licensed association may request to distribute a portion of that balance, contingent on the recommendation of the KQHDF Advisory Committee and the approval of the corporation to:

(a) Supplement purses at future live race meets held by that licensed association; or

(b) Fund supplemental purse structures approved by the corporation for a previous live race meet held by the licensed association to the recipients of the original purse allocation; or

(c) Supplement quarter horse purses at another licensed Kentucky racetrack conducting quarter horse racing.

(4) Reasonable and customary administrative charges for time spent reconciling the KQHDF account may be charged by the corporation.

(5) A licensed association, at its option, may pay reasonable advertising charges billed to the association by the KYQHRA from the association's KQHDF available balance, if the advertising charges are consistent with the intent of the KQHDF. Approval of any advertising payment shall be contingent on the recommendation of the KQHDF Advisory Committee and the approval of the corporation.

(6) Each licensed association shall submit its purses paid reports, advertising invoices, or any other documentation requested by the corporation, pertinent to reimbursement, within fifteen (15) calendar days after the last day of a live race meet. Each licensed association shall sign an acknowledgment from the corporation stating that it accepts and agrees with the reconciliation prior to the reimbursement of any KQHDF funds.

Section 8. Breeder Awards.

(1) An incentive of $5,000 shall be awarded to the qualified breeder of the qualified winner of the following quarter horse race types with a minimum purse of $15,000:

(a) Grade I, II or III stakes race, as defined by the AQHA Graded Stakes Committee anywhere in the USA;

(b) Non-Grades stakes race, as defined by the AQHA, anywhere in the USA;

(c) Allowance race, as defined by the AQHA, anywhere in the USA;

(d) Maiden race, as defined by the AQHA, anywhere in the USA.

(2) Any race with a claiming component shall not be eligible.

(3) The qualified breeder of a qualified winner shall be notified by the corporation of an eligible award by July 1st the year after the eligible race was won.

(4) The qualified breeder shall have until December 31st of the year after the eligible race was won to claim the award by submitting to the corporation a completed Kentucky Quarter Horse Development Fund Breeder Award Claim Form, KHRGC 7-080-6. Any award not claimed shall roll back into the KQHDF.

Section 9. Shortfall and Bonus Calculation.

(1) Purses approved in Section 6 of this administrative regulation, shall be paid first.

(2) If, at the close of any calendar year, inadequate funding is available in the KQHDF to fund the awards provided for in Section 8 of this administrative regulation, the funding shall be decreased proportionally among all awards.

(3) If, at the close of any calendar year, extra funding is available in the KQHDF a bonus to breeders winning awards in Section 8 of this administrative regulation may be provided; contingent on the recommendation of the KQHDF Advisory Committee and the approval of the corporation.

JONATHAN RABINOWITZ, Chair

APPROVED BY AGENCY: July 14, 2025

FILED WITH LRC: July 14, 2025 at 1:44 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 24, 2025, at 9:00 a.m. at Kentucky Horse Racing & Gaming Corporation, 4047 Iron Works Parkway, Lexington, Kentucky 40511. 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 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 September 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: Ashleigh Bailey, General Counsel, Kentucky Horse Racing & Gaming Corporation, 4047 Iron Works Parkway, Lexington, Kentucky 40511, phone (859) 246-2040, fax (859) 246-2039, email Ashleigh.Bailey@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ashleigh Bailey
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation governs and regulates a development fund for Kentucky-bred quarter horses.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to promote and aid in the development of the quarter horse industry in Kentucky, upgrade the quality of quarter horse racing in Kentucky, and improve the quality of quarter horses bred in Kentucky.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215 and 230.260 authorize the Kentucky Horse Racing and Gaming Corporation (the "KHRGC") to promulgate administrative regulations establishing the conditions under which horse racing shall be conducted in Kentucky and to fix and regulate the minimum amount of purses, stakes, or awards to be offered for the conduct of any horse race meeting. KRS 230.405 establishes the Kentucky Quarter Horse Development Fund and requires the KHRGC to promulgate administrative regulations to carry out the purpose of the statute and to administer the development fund in a manner to promote and aid in the development of the horse industry in Kentucky, upgrade the quality of racing in Kentucky, and improve the quality of horses bred in Kentucky.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes eligibility standards for the Kentucky Quarter Horse Development Fund, administrative practices to enforce the standards for the fund, and the administration of purses and payments in applicable races.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: N/A. This is a new administrative regulation.
(b) The necessity of the amendment to this administrative regulation: N/A.
(c) How the amendment conforms to the content of the authorizing statutes: N/A.
(d) How the amendment will assist in the effective administration of the statutes: N/A.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The KHRGC and KYQHRA are affected by this administrative regulation. Quarter horse owners may be affected by changes in registration opportunities and fees pertaining to Kentucky-bred quarter horses.
(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The KYQHRA and KHRGC will jointly administer the Kentucky Quarter Horse Development Fund. The KYQHRA will oversee the nominations of the development fund. The KHRGC will oversee the race dates and distributions of monies from the development fund. Quarter horse owners will continue to have the option to register quarter horse mares and weanlings and will now also have the option to register quarter horse stallions.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost is anticipated for the KYQHRA and KHRGC. No additional cost is required for owners as registration of Kentucky-bred quarter horses is optional.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance with this administrative regulation, the KYQHRA and KHRGC will benefit by being able to administer the Kentucky Quarter Horse Development Fund to promote and aid in the development of the quarter horse industry in Kentucky, upgrade the quality of quarter horse racing in Kentucky, and improve the quality of quarter horses bred in Kentucky. Quarter horse owners will have the opportunity to register their Kentucky-bred quarter horses and thereby render them eligible for incentives through the development fund.
(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no anticipated additional cost to administer this administrative regulation.
(b) On a continuing basis: There is no anticipated additional cost to administer this administrative regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no additional funding needed to implement and enforce this administrative regulation.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this administrative regulation.
(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation establishes optional fees for quarter horse owners who wish to participate in the development fund.
(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation will apply to all similarly situated entities and individuals in the same manner.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: The statutory authority for this administrative regulation is KRS 230.215(2), KRS 230.260(1) and (8), and KRS 230.405(5).
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Not applicable, this regulation is authorized by statutory guidelines by KRS 230.260 and KRS 230.405.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Horse Racing and Gaming Corporation ("KHRGC").
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: No additional expenditures are anticipated.
For subsequent years: No additional expenditures are anticipated.
2. Revenues:
For the first year: A minimal amount of additional revenue may be generated.
For subsequent years: A minimal amount of additional revenue may be generated.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings are anticipated.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: N/A
For subsequent years: N/A
2. Revenues:
For the first year: N/A
For subsequent years: N/A
3. Cost Savings:
For the first year: N/A
For subsequent years: N/A
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The KYQHRA will serve as the registrar and will, with KHRGC, co-administer the development fund described by this regulation.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: No additional expenditures are anticipated.

For subsequent years: No additional expenditures are anticipated.
2. Revenues:
For the first year: No additional revenue is anticipated.
For subsequent years: No additional revenue is anticipated.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings are anticipated.
(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
(a) Fiscal impact of this administrative regulation: There is minimal fiscal impact as a result of this administrative regulation. There was already a development fund in place for quarter horses, paint horses, Appaloosas, and Arabians. That one fund has been divided into two funds. Optional fees for owners to register quarter horse mares and weanlings were already in place and will continue, with slight increases for inflation. The option for owners to register quarter horse stallions has been added.
(b) Methodology and resources used to reach this conclusion: Quarter horse mare and weanling registration fees have increased slightly due to inflation and stallion registration fees have been added, but all registrations are optional. Quarter horse owners are under no obligation to register their horses; for those who do, costs may increase slightly. This regulation will not directly increase costs for businesses, organizations, or governments nor generate significant additional revenue for the KHRGC or any other entity.
(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation is not expected to have a major economic impact as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: Quarter horse mare and weanling registration fees have increased slightly due to inflation and stallion registration fees have been added, but all registrations are optional. Quarter horse owners are under no obligation to register their horses; for those who do, costs may increase slightly. This regulation will not directly increase costs for businesses, organizations, or governments nor generate significant additional revenue for the KHRGC or any other entity.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of July 14, 2025

Call to Order and Roll Call
The July meeting of the Administrative Regulation Review Subcommittee was held on Monday, July 14, 2025, at 3:00 p.m. in Room 154 of the Capitol Annex. Senator Stephen West, Co-Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Julie Raque Adams, Mike Wilson, and David Yates; and Representatives Randy Bridges, Deanna Gordon, and Mary Lou Marzian.

LRC Staff: Stacy Auterson, Laura Begin, Emily Caudill, Emily Harkenrider, Karen Howard, Anna Latek, and Carrie Nichols.

Guests: Jon Johnson, Jason Siwula, Transportation Cabinet; Stephen McMurry, Agricultural Experiment Station; Mark Bowman, Department of Veterans' Affairs; Carole Catalfo, Nathan Goodrich, Kentucky Public Pensions Authority (KPPA); Jessica Brown, Dr. Christopher Harlow, Pharm. D., Board of Pharmacy; Mark Brengelman, Hank Cecil, Board of Social Work; and Representative Jennifer Decker, Kentucky House District 58.

The subcommittee considered the following effective administrative regulation for informational review pursuant to KRS 13A.030(3) and (4):

TRANSPORTATION CABINET: Traffic

603 KAR 005:120. Access to highways. Jon Johnson, assistant general counsel, and Jason Siwula, executive director of project management, represented the cabinet. Representative Jennifer Decker, Kentucky House District 58, appeared in opposition to this administrative regulation.

In response to questions by Co-Chair West, Mr. Johnson stated that there were three types of highway-access scenarios, including: access-by-permit, access for partially controlled or heavier-use roadways, and controlled access roadways, such as major highways that required access points to be included as part of a formal engineering design plan. Sometimes a corridor access road would be used to create access for multiple properties, and it was possible for areas to become "landlocked." Typically, an application for a new access-by-permit would be considered by a local planning and zoning group, then might move on to the district and state levels. If an access permit improved the value of a property, the property owner paid to the Commonwealth the additional value. Mr. Siwula stated that the majority of property that the cabinet purchased for roadway projects was attained through standard, right-of-way acquisition and not through condemnation. Each completed right-of-way project included the type of access that would be potentially available. Change in access potential was part of the calculation used to determine compensation by the cabinet to property owners involved in roadway projects during the initial acquisition period. As part of the permit application process, the property owner needed a fair-market-value appraisal of the proposed change in access. A deed conveyance was usually necessary. Mr. Johnson stated that fair market value was established as part of the due process clause of the Constitution of the United States of America and was applicable to the Commonwealth and to property owners alike based on changing circumstances related to property values.

In response to a question by Co-Chair West, Representative Decker stated that roadways applicable for the access-by-permit process were developed based on the assumption that there would be new access points needed to respond to continued community growth. In situations in which condemnation was not a component and there was an expectation of new access points, fair-market-value assessments should not apply. The duration for some access permits was onerous and might preclude development. Section 4(6) of this administrative regulation did not seem to be specifically authorized by statute. Property owners should not be required to compensate the cabinet for fair-market-value changes if there had been assurances that access would be authorized and if safety and other conditions were met, especially if the access would provide benefits to the general public. Federal requirements were being applied to all roads built in Kentucky, regardless of the initial funding source. The application of federal requirements to roads with only initial state funding should be a policy decision made by the General Assembly. The landowner was already responsible for the cost of construction for any road connected to the access point, appraisal, and other costs involved in the permitting process; therefore, the addition of charging the property owner for fair-market-value changes seemed onerous. Section 4(6) of this administrative regulation should be found deficient by this subcommittee.

In response to questions by Co-Chair West, Mr. Johnson stated that the cabinet was a steward of taxpayer money, and KRS 177.081 required the cabinet to maintain, build, and design roads for public need and use. If the cabinet provided access for private use, the taxpayer needed to be reimbursed for the current value, taking into consideration the initial property rights transfer. Mr. Siwula stated that the federal regulation Representative Decker referenced, pertained to the general basis for determination of fair market value. If the cabinet purchased the right to restrict access to a property and if someone requested a change, a deed would need to change hands in order to maintain the proper chain of title for a property. Mr. Johnson stated that it was possible for the General Assembly to create a project pertaining to a roadway in order to address some of these issues.

In response to a question by Representative Bridges, Mr. Siwula stated that he would follow up with this subcommittee and provide information on any access-by-permit process waivers or waiver special conditions. Representative Bridges stated that there should be some balance to fair-market-value determinations. As indicated by some failed projects across the Commonwealth, there should be consideration for the risk faced by developers because there was no concrete guarantee of success after highway access was granted. All parties needed to consider what would ensure growth and prosperity to move the Commonwealth in a positive direction. This seemed to be a matter for consideration by the General Assembly. Mr. Siwula stated that the cabinet's core mission was to enhance quality of life and economic opportunities for Kentuckians.

In response to a question by Co-Chair West, Representative Decker stated that the access-by-permit process anticipated the need for access permits; therefore, the costs to the applicant should include that consideration. Fair market value may be legally waived for the public good. Co-Chair West stated that the purpose of the discussion regarding this administrative regulation was to collect information for further policy consideration.

Administrative Regulations Reviewed by this Subcommittee:

AGRICULTURAL EXPERIMENT STATION: Seed

012 KAR 001:134. Tags available for purchase from the director. Stephen McMurry, executive director, represented the Agricultural Experiment Station.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

012 KAR 001:144. Registration of agricultural seed dealers, noncertified custom seed conditioners, certified seed growers, and certified seed conditioners.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3 and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

012 KAR 001:149. Stop sale orders.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

012 KAR 001:164. Germination standards for vegetable seed.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

OFFICE OF THE GOVERNOR: Department of Veterans' Affairs: State Veteran's Nursing Home

017 KAR 003:042. Eligibility requirements to state veterans' nursing homes. Mark Bowman, executive director, represented the department.

In response to a question by Co-Chair West, Mr. Bowman stated that this administrative regulation reduced some restrictions pertaining to veteran admissions.

In response to a question by Senator Yates, Mr. Bowman stated that eligibility requirements would be more flexible regarding admission assessments for veterans with certain, specified conditions.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs; and Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

KENTUCKY PUBLIC PENSIONS AUTHORITY (KPPA): General Rules

105 KAR 001:200. Retirement procedures. Carole Catalfo, policy specialist, and Nathan Goodrich, staff attorney supervisor, represented the authority.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 through 11 and incorporated material to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 3 to align with current agency procedures. Without objection, and with agreement of the agency, the amendments were approved.

105 KAR 001:202. Notification of retirement.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:416. Pharmacy annual reporting of cost of dispensing data. Jessica Brown, general counsel, and Dr. Christopher Harlow, Pharm. D., represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 5 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 1 to include that, as statutorily established, data submission shall be every other year after 2026. Without objection, and with agreement of the agency, the amendments were approved.

Board of Social Work

201 KAR 023:012. Social Work Licensure Compact. Mark Brengelman, counsel, and Hank Cecil, chair, represented the board.

201 KAR 023:025. Application for licensure.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 3 for consistency with the material incorporated by reference, which includes: (a) documentation of 150 hours of clinical supervision; and (b) requirements for LCSW applicants in another jurisdiction if licensed for less than two years and if licensed for two years or more. Without objection, and with agreement of the agency, the amendments were approved.

The following administrative regulations were deferred or removed from the July 14, 2025, subcommittee agenda:

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:045. Technicians.

201 KAR 002:165. Transfer of prescription information.

201 KAR 002:480. Telework and electronic supervision for remote prescription processing.

Board of Medical Licensure

201 KAR 009:270. Professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.

Board of Cosmetology

201 KAR 012:010. Executive director's duties.

201 KAR 012:030. Licensing and examinations.

201 KAR 012:060. Inspections.

201 KAR 012:082. Education requirements and school administration.

201 KAR 012:100. Infection control, health, and safety.

201 KAR 012:190. Complaint and disciplinary process.

201 KAR 012:260. Fees.

201 KAR 012:280. Esthetic practices restrictions.

201 KAR 012:290. Permits.

Board of Social Work

201 KAR 023:075. Continuing education for renewal.

CABINET FOR ECONOMIC DEVELOPMENT: Economic Development Finance Authority

307 KAR 001:070E. Kentucky Entertainment Incentive Program.

PUBLIC PROTECTION CABINET: Department of Insurance: Agents, Consultants, Solicitors, and Adjusters

806 KAR 009:360. Pharmacy Benefit Manager License.

ENERGY AND ENVIRONMENT CABINET: Public Service Commission: Utilities

807 KAR 005:015. Access and attachments to utility poles and facilities.

The subcommittee adjourned at 4:15 p.m. The next meeting of this subcommittee was tentatively scheduled for August 12, 2025, at 1 p.m. in Room 149 of the Annex.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(11), the following reports were forwarded by the appropriate jurisdictional committees to the Regulations Compiler and the Legislative Research Commission and are hereby printed in the *Administrative Register of Kentucky*.

CUMULATIVE SUPPLEMENT

Unless otherwise noted, information contained in these indexes relates only to administrative regulations printed in this, the 52nd year of the *Administrative Register of Kentucky*, from July 2025 through June 2026.

Locator Index - Effective Dates **B – 2**

Lists all administrative regulations published or continuing through the KRS Chapter 13A review process during this Register year. It also lists the page number on which each regulation is published, the effective date of the regulation after it has completed the review process, and other actions that may affect the regulation.

NOTE: Regulations originally promulgated and published in previous years' issues of the *Administrative Register of Kentucky* but had not yet gone into effect when the last *Register* year ended will have an earlier *Register* year or "Ky.R." citation. To view versions of regulations published in prior *Registers*, please visit our online *Administrative Registers of Kentucky*.

KRS Index **B – 6**

A cross-reference listing of the statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each regulation submitted for publication during this *Register* year.

Certifications Index **B – 10**

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

Technical Amendment Index **B – 15**

A list of administrative regulations that have had technical, non-substantive amendments made during this *Register* year. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10), 13A.2255(2), 13A.312(2), or 13A.320(1)(e). Because these changes were not substantive in nature, administrative regulations appearing in this index are not published in the *Administrative Register of Kentucky*; however, they are usually available on the Legislative Research Commission's website.

Subject Index **B – 16**

A general index of administrative regulations published during this *Register* year, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	Ky.R. Page No.	Effective Date	Regulation Number	Ky.R. Page No.	Effective Date

Administrative regulations published in previous Register years may appear in this index if a regulation had not completed the KRS Chapter 13A review process by the beginning of this *Register* year. The "*Register* number" or "Ky.R. number" is listed the first time a regulation is published during that Register year. Once the regulation has been published in another *Register* year, the new Ky.R. number will appear next to the page number entry. To view versions of regulations published in prior *Registers*, please visit the online *Administrative Registers of Kentucky*.

SYMBOL KEY:

* Statement of Consideration not filed by deadline
** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))
*** Withdrawn before being printed in Register
IJC Interim Joint Committee
(r) Repealer regulation: KRS 13A.310(3)-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

EMERGENCY ADMINISTRATIVE REGULATIONS

NOTE: Pursuant to KRS 13A.190, emergency regulations expire after 270 days (or 270 days plus the number of days an accompanying ordinary is extended) or upon replacement by an ordinary regulation, whichever occurs first. This index reflects the KRS Chapter 13A-established expiration dates. Other statutes or legislation may affect a regulation's actual end date.

201 KAR 002:416E	51 Ky.R. 1359		12-17-2024
201 KAR 028:240E	52 Ky.R. 5		6-13-2025
201 KAR 017:120E	51 Ky.R. 1237		11-26-2024
As Amended	1643		2-10-2025
Replaced	1775		6-18-2025
201 KAR 023:012E	51 Ky.R. 1838		4-15-2025
201 KAR 036:100E	51 Ky.R. 1238		11-26-2024
Am Comments	1764		3-10-2025
Replaced	1776		6-18-2025
201 KAR 046:010E	52 Ky.R. 138		6-30-2025
201 KAR 046:081E	52 Ky.R. 140		6-30-2025
307 KAR 001:070E	51 Ky.R. 1927		5-15-2025
307 KAR 001:080E	52 Ky.R. 144		7-1-2025
601 KAR 009:076E	52 Ky.R. 147		7-10-2025
***Withdrawn			7-16-2025
601 KAR 012:120E	51 Ky.R. 1240		12-6-2024
Am Comments	1764		3-10-2025
Replaced	1850		6-3-2025
601 KAR 023:070E	52 Ky.R. 149		7-10-2025
803 KAR 002:181E	52 Ky.R. 151		7-1-2025
803 KAR 002:241E *(r)*	52 Ky.R. 154		7-1-2025
803 KAR 002:250E	52 Ky.R. 155		7-1-2025
803 KAR 002:260E	52 Ky.R. 158		7-1-2025
803 KAR 002:310E	52 Ky.R. 161		7-1-2025
803 KAR 002:320E	51 Ky.R. 1244		11-19-2024
803 KAR 002:404E	52 Ky.R. 7		6-12-2025
806 KAR 020:030E	52 Ky.R. 164		6-30-2025
807 KAR 005:015E	51 Ky.R. 1751		2-25-2025
900 KAR 005:020E	52 Ky.R. 9		6-9-2025
900 KAR 006:075E	52 Ky.R. 11		6-9-2025
907 KAR 001:595E	51 Ky.R. 1361		12-23-2024
907 KAR 001:835E	51 Ky.R. 1365		12-23-2024
907 KAR 003:100E	51 Ky.R. 1379		12-23-2024
907 KAR 003:210E	51 Ky.R. 1382		12-23-2024
907 KAR 007:015E	51 Ky.R. 1401		12-23-2024
907 KAR 010:840E	51 Ky.R. 1759		2-24-2025
As Amended	1931		5-13-2025
907 KAR 012:020E	51 Ky.R. 1405		12-23-2024
907 KAR 020:005E	51 Ky.R. 1409		12-23-2024
922 KAR 001:360E	51 Ky.R. 1636		1-22-2025
Am Comments	1840		4-14-2025
Replaced	1946		6-25-2025

ORDINARY ADMINISTRATIVE REGULATIONS

011 KAR 012:010			
Amended	52 Ky.R. 178		
011 KAR 012:020			
Amended	52 Ky.R. 180		
011 KAR 012:030			
Amended	52 Ky.R. 182		
011 KAR 012:040			
Amended	52 Ky.R. 183		
011 KAR 012:050			
Amended	52 Ky.R. 185		
011 KAR 012:060			
Amended	52 Ky.R. 187		
011 KAR 012:070			
Amended	52 Ky.R. 189		
011 KAR 012:090			
Amended	52 Ky.R. 190		
012 KAR 001:134	51 Ky.R. 1907		
As Amended	52 Ky.R. 167		
012 KAR 001:144	51 Ky.R. 1908		
As Amended	52 Ky.R. 167		
012 KAR 001:149	51 Ky.R. 1909		
As Amended	52 Ky.R. 168		
012 KAR 001:164	51 Ky.R. 1910		
As Amended	52 Ky.R. 168		
017 KAR 001:030			
Amended	51 Ky.R. 1490		
As Amended	1845		
017 KAR 003:042	51 Ky.R. 1825		
Am Comments	52 Ky.R. 82		
As Amended	169		
030 KAR 002:010			
Repealed	51 Ky.R. 1644		6-3-2025
030 KAR 002:011*(r)*	51 Ky.R. 1222		
As Amended	1644		6-3-2025
040 KAR 005:010			
Amended	51 Ky.R. 1187		
As Amended	1644		6-3-2025
040 KAR 009:010			
Amended	51 Ky.R. 1699		
As Amended	1933		
040 KAR 009:020			
Amended	51 Ky.R. 1701		
101 KAR 001:325			
Amended	51 Ky.R. 1703		
101 KAR 002:034			
Amended	51 Ky.R. 1492		
As Amended	52 Ky.R. 17		
101 KAR 002:102			
Amended	51 Ky.R. 1498		
As Amended	52 Ky.R. 22		
101 KAR 003:015			
Amended	51 Ky.R. 1505		
As Amended	52 Ky.R. 27		
101 KAR 003:045			
Amended	51 Ky.R. 1511		
As Amended	52 Ky.R. 32		
102 KAR 001:1755			
Amended	52 Ky.R. 192		
103 KAR 002:005			
Amended	52 Ky.R. 195		
105 KAR 001:200			
Amended	51 Ky.R. 1864		
As Amended	52 Ky.R. 169		

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date
105 KAR 001:202	51 Ky.R. 1913	
105 KAR 001:451		
Amended	51 Ky.R. 1191	
As Amended	1767	7-1-2025
200 KAR 005:021		
Amended	52 Ky.R. 196	
201 KAR 002:045		
Amended	51 Ky.R. 1799	
201 KAR 002:165		
Amended	51 Ky.R. 1801	
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SYMBOL KEY:

* Statement of Consideration not filed by deadline

** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))

*** Withdrawn before being printed in Register

IJC Interim Joint Committee

(r) Repealer regulation: KRS 13A.310(3)-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

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250.031	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.041	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.051	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.061	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.071	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.081	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.091	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.101	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
250.111	012 KAR 001:134
	012 KAR 001:144
	012 KAR 001:149
	012 KAR 001:164
258.043	201 KAR 016:762
258.065	301 KAR 002:081
	301 KAR 002:082
258.085	301 KAR 002:081
	301 KAR 002:082
273.182	907 KAR 016:015
304.2-450	806 KAR 002:210
	806 KAR 002:220
304.9-053	201 KAR 002:416
304.9-054	201 KAR 002:416
304.9-055	201 KAR 002:416
304.14-120	201 KAR 002:416
304.20-110	601 KAR 009:076
	806 KAR 020:030
304.40-075	201 KAR 008:563
304.38A-115	201 KAR 002:416
304.17C-125	201 KAR 002:416
304.17A-595	201 KAR 002:416
304.17A-712	201 KAR 002:416
311A.025	900 KAR 006:075
311A.030	202 KAR 007:501
	202 KAR 007:545
	202 KAR 007:565
311A.060	202 KAR 007:501
	202 KAR 007:565
311A.180	202 KAR 007:565
311A.190	202 KAR 007:501
	202 KAR 007:545
	202 KAR 007:565
311B.020	201 KAR 046:010
	201 KAR 046:081
311B.100	201 KAR 046:081
311B.110	201 KAR 046:081
311B.120	201 KAR 046:081
311B.150	201 KAR 046:081
311B.180	201 KAR 046:081
311B.190	201 KAR 046:081
313.030	201 KAR 008:563
313.040	201 KAR 008:563
313.060	201 KAR 008:563
313.080	201 KAR 008:563
313.130	201 KAR 008:563
313.254	201 KAR 008:563
314.011	907 KAR 003:210
	907 KAR 016:020
	201 KAR 020:161
	201 KAR 020:162
314.031	201 KAR 020:161
	201 KAR 020:162
314.035	201 KAR 020:161
314.071	201 KAR 020:161
	201 KAR 020:162
314.091	201 KAR 020:161
	201 KAR 020:162
314.107	201 KAR 020:161
314.131	201 KAR 020:410
314.137	201 KAR 020:161
314.161	201 KAR 020:162
314.402	201 KAR 020:161
314.404	201 KAR 020:161
314.475	201 KAR 020:161
314.991	201 KAR 020:161
	201 KAR 020:162
314.400–314.414	201 KAR 020:600
319.010	907 KAR 003:210
319.056	907 KAR 003:210
319A.010	907 KAR 003:210
319A.310	201 KAR 028:240
321.175	201 KAR 016:762
321.181	201 KAR 016:762
	201 KAR 016:767
321.185	301 KAR 002:075
321.189	201 KAR 016:762
321.203	201 KAR 016:762
	201 KAR 016:767
321.205	201 KAR 016:767
321.235	201 KAR 016:767
321.236	201 KAR 016:762
	201 KAR 016:767
327.010	907 KAR 003:210
	201 KAR 022:020
327.050	201 KAR 022:020
327.060	201 KAR 022:020
327.075	201 KAR 022:020
327.080	201 KAR 022:020
327.310	201 KAR 022:020
334.010	907 KAR 001:039
334.040	907 KAR 001:039
334.200	907 KAR 001:039
334A.020	907 KAR 001:039
	907 KAR 003:210
335.010-335.160	201 KAR 023:025
335.300	907 KAR 003:210
335.500	907 KAR 003:210
335.990	201 KAR 023:025
Chapter 337	101 KAR 002:102
	101 KAR 003:015
Chapter 338	803 KAR 002:310

KRS SECTION	REGULATION
338.015	803 KAR 002:181
	803 KAR 002:250
338.051	803 KAR 002:404
338.061	803 KAR 002:404
338.071	803 KAR 002:250
338.091	803 KAR 002:260
338.121	803 KAR 002:181
	803 KAR 002:241
	803 KAR 002:250
338.141	803 KAR 002:250
338.161	803 KAR 002:181
338.991	803 KAR 002:250
340.2-450	806 KAR 002:200
344.030	101 KAR 002:102
	101 KAR 003:015
367.828	201 KAR 002:416
Chapter 369	907 KAR 003:210
Chapter 385	011 KAR 012:090
431.213-431.270	501 KAR 016:310
532.135	501 KAR 016:310
532.140	501 KAR 016:310
620.030	907 KAR 003:210
24 C.F.R.	907 KAR 016:005
29 C.F.R.	101 KAR 002:102
	101 KAR 003:015
	803 KAR 002:404
	803 KAR 002:181
34 C.F.R.	907 KAR 003:100
42 C.F.R.	907 KAR 001:039
	907 KAR 003:100
	907 KAR 003:210
	907 KAR 007:015
	907 KAR 010:840
	907 KAR 016:020
45 C.F.R.	907 KAR 003:210
	907 KAR 016:015
49 C.F.R.	702 KAR 005:130
50 C.F.R.	301 KAR 002:075
	301 KAR 003:120
16 U.S.C.	301 KAR 002:075
20 U.S.C.	907 KAR 016:020
	702 KAR 007:065
26 U.S.C.	011 KAR 012:070
	201 KAR 023:025
29 U.S.C.	101 KAR 002:034
	101 KAR 002:102
	101 KAR 003:015
	907 KAR 003:100
	907 KAR 016:005
	907 KAR 016:020
38 U.S.C.	017 KAR 003:042
42 U.S.C.	907 KAR 001:039
	907 KAR 003:100
	907 KAR 003:210
	907 KAR 007:015
	907 KAR 010:840
	907 KAR 016:005
	907 KAR 016:020

KRS SECTION	REGULATION

CERTIFICATION LETTER SUMMARIES

The certification process is established in KRS 13A.3104. If the certification letter states the regulation shall be amended, the administrative body shall file an amendment to the regulation within 18 months of the date the certification letter was filed. If the certification letter states that the regulation shall remain in effect without amendment, the last effective date of the regulation is changed to the date the regulations compiler received the letter.

* KRS 13A.010(6) - "Effective" or "eff." means that an administrative regulation has completed the legislative review process established by KRS 13A.290, 13A.330, and 13A.331.

Regulation Number	Letter Filed Date	Action
101 KAR 002:020	07-14-2025	Remain in Effect without Amendment
101 KAR 002:076	07-14-2025	Remain in Effect without Amendment
101 KAR 003:050	07-14-2025	Remain in Effect without Amendment
201 KAR 006:050	06-25-2025	Remain in Effect without Amendment
201 KAR 009:021	05-27-2025	Remain in Effect without Amendment
201 KAR 009:031	05-27-2025	Remain in Effect without Amendment
201 KAR 009:051	05-27-2025	Remain in Effect without Amendment
201 KAR 009:061	05-27-2025	Remain in Effect without Amendment
201 KAR 009:071	05-27-2025	Remain in Effect without Amendment
400 KAR 001:060	06-11-2025	Remain in Effect without Amendment
400 KAR 001:120	07-22-2025	Remain in Effect without Amendment
401 KAR 004:010	07-22-2025	Remain in Effect without Amendment
401 KAR 004:020	07-22-2025	Remain in Effect without Amendment
401 KAR 004:030	07-22-2025	To be amended; filing deadline 1-22-2027
401 KAR 004:040	07-22-2025	Remain in Effect without Amendment
401 KAR 004:050	07-22-2025	To be amended; filing deadline 1-22-2027
401 KAR 004:060	07-22-2025	To be amended; filing deadline 1-22-2027
401 KAR 004:070	07-22-2025	Remain in Effect without Amendment
401 KAR 004:070	06-04-2025	Remain in Effect without Amendment
401 KAR 004:200	07-22-2025	Remain in Effect without Amendment
401 KAR 004:220	07-22-2025	Remain in Effect without Amendment
401 KAR 004:300	07-22-2025	Remain in Effect without Amendment
401 KAR 048:005	07-22-2025	Remain in Effect without Amendment
401 KAR 048:050	07-22-2025	Remain in Effect without Amendment
401 KAR 048:060	07-22-2025	Remain in Effect without Amendment
401 KAR 048:070	07-22-2025	Remain in Effect without Amendment
401 KAR 048:080	07-22-2025	Remain in Effect without Amendment
401 KAR 048:090	07-22-2025	Remain in Effect without Amendment
401 KAR 048:170	07-22-2025	Remain in Effect without Amendment
401 KAR 048:205	07-22-2025	Remain in Effect without Amendment
401 KAR 048:206	07-22-2025	Remain in Effect without Amendment
401 KAR 048:207	07-22-2025	Remain in Effect without Amendment
401 KAR 048:208	07-22-2025	Remain in Effect without Amendment
401 KAR 048:300	07-22-2025	Remain in Effect without Amendment
401 KAR 048:310	07-22-2025	Remain in Effect without Amendment
401 KAR 051:001	06-12-2025	Remain in Effect without Amendment
401 KAR 051:005	06-12-2025	Remain in Effect without Amendment
401 KAR 051:017	06-27-2025	To be amended; filing deadline 12-27-2026
401 KAR 051:052	06-27-2025	To be amended; filing deadline 1-3-2027
401 KAR 051:150	06-05-2025	Remain in Effect without Amendment
401 KAR 051:160	06-05-2025	Remain in Effect without Amendment
401 KAR 051:170	06-27-2025	Remain in Effect without Amendment
401 KAR 051:180	06-27-2025	Remain in Effect without Amendment
401 KAR 051:190	06-27-2025	Remain in Effect without Amendment
401 KAR 051:195	06-27-2025	Remain in Effect without Amendment
401 KAR 051:210	06-12-2025	Remain in Effect without Amendment
401 KAR 051:220	06-12-2025	Remain in Effect without Amendment
401 KAR 051:230	06-12-2025	Remain in Effect without Amendment
401 KAR 051:240	06-27-2025	Remain in Effect without Amendment
401 KAR 051:250	06-27-2025	Remain in Effect without Amendment
401 KAR 051:260	06-27-2025	Remain in Effect without Amendment
401 KAR 058:010	06-27-2025	To be amended; filing deadline 12-27-2026
401 KAR 058:025	06-12-2025	Remain in Effect without Amendment
401 KAR 101:001	07-22-2025	Remain in Effect without Amendment
401 KAR 101:010	07-22-2025	Remain in Effect without Amendment
401 KAR 101:020	07-22-2025	Remain in Effect without Amendment
401 KAR 101:030	07-22-2025	Remain in Effect without Amendment
401 KAR 101:040	07-22-2025	Remain in Effect without Amendment
401 KAR 102:005	07-22-2025	Remain in Effect without Amendment
401 KAR 102:010	07-22-2025	Remain in Effect without Amendment
401 KAR 102:020	07-22-2025	Remain in Effect without Amendment
402 KAR 003:010	06-17-2025	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	Letter Filed Date	Action
402 KAR 003:020	06-17-2025	Remain in Effect without Amendment
402 KAR 003:030	06-17-2025	Remain in Effect without Amendment
402 KAR 003:040	06-17-2025	Remain in Effect without Amendment
402 KAR 003:050	06-17-2025	Remain in Effect without Amendment
405 KAR 002:010	06-17-2025	Remain in Effect without Amendment
405 KAR 005:015	06-17-2025	Remain in Effect without Amendment
405 KAR 005:021	06-17-2025	Remain in Effect without Amendment
405 KAR 005:036	06-17-2025	Remain in Effect without Amendment
405 KAR 005:040	06-17-2025	Remain in Effect without Amendment
405 KAR 005:042	06-17-2025	Remain in Effect without Amendment
405 KAR 005:050	06-17-2025	Remain in Effect without Amendment
405 KAR 005:055	06-17-2025	Remain in Effect without Amendment
405 KAR 005:062	06-17-2025	Remain in Effect without Amendment
405 KAR 005:065	06-17-2025	Remain in Effect without Amendment
405 KAR 005:070	06-17-2025	Remain in Effect without Amendment
405 KAR 005:078	06-17-2025	Remain in Effect without Amendment
405 KAR 005:082	06-17-2025	Remain in Effect without Amendment
405 KAR 005:085	06-17-2025	Remain in Effect without Amendment
405 KAR 007:001	06-10-2025	Remain in Effect without Amendment
405 KAR 007:015	06-10-2025	Remain in Effect without Amendment
405 KAR 007:030	06-10-2025	Remain in Effect without Amendment
405 KAR 007:035	06-10-2025	Remain in Effect without Amendment
405 KAR 007:060	06-10-2025	Remain in Effect without Amendment
405 KAR 007:070	06-10-2025	Remain in Effect without Amendment
405 KAR 007:080	06-10-2025	Remain in Effect without Amendment
405 KAR 007:095	06-10-2025	Remain in Effect without Amendment
405 KAR 007:097	06-10-2025	Remain in Effect without Amendment
405 KAR 007:100	06-10-2025	Remain in Effect without Amendment
405 KAR 007:110	06-10-2025	Remain in Effect without Amendment
405 KAR 008:001	06-10-2025	Remain in Effect without Amendment
405 KAR 008:020	06-10-2025	Remain in Effect without Amendment
405 KAR 008:040	06-10-2025	Remain in Effect without Amendment
405 KAR 008:050	06-10-2025	Remain in Effect without Amendment
405 KAR 010:025	06-30-2025	Remain in Effect without Amendment
405 KAR 010:030	06-30-2025	Remain in Effect without Amendment
405 KAR 010:035	06-30-2025	Remain in Effect without Amendment
405 KAR 010:040	06-30-2025	Remain in Effect without Amendment
405 KAR 010:070	06-30-2025	Remain in Effect without Amendment
405 KAR 010:080	06-30-2025	Remain in Effect without Amendment
405 KAR 010:090	06-30-2025	Remain in Effect without Amendment
405 KAR 012:001	06-10-2025	Remain in Effect without Amendment
405 KAR 012:010	06-10-2025	Remain in Effect without Amendment
405 KAR 012:020	06-10-2025	Remain in Effect without Amendment
405 KAR 012:030	06-10-2025	Remain in Effect without Amendment
405 KAR 016:001	06-10-2025	Remain in Effect without Amendment
405 KAR 016:010	06-10-2025	Remain in Effect without Amendment
405 KAR 016:020	06-10-2025	Remain in Effect without Amendment
405 KAR 016:030	06-10-2025	Remain in Effect without Amendment
405 KAR 016:040	06-10-2025	Remain in Effect without Amendment
405 KAR 016:050	06-10-2025	Remain in Effect without Amendment
405 KAR 016:060	06-10-2025	Remain in Effect without Amendment
405 KAR 016:070	06-10-2025	Remain in Effect without Amendment
405 KAR 016:080	06-10-2025	Remain in Effect without Amendment
405 KAR 016:090	06-10-2025	Remain in Effect without Amendment
405 KAR 016:110	06-10-2025	Remain in Effect without Amendment
405 KAR 016:120	06-10-2025	Remain in Effect without Amendment
405 KAR 016:130	06-10-2025	Remain in Effect without Amendment
405 KAR 016:140	06-10-2025	Remain in Effect without Amendment
405 KAR 016:150	06-10-2025	Remain in Effect without Amendment
405 KAR 016:160	06-10-2025	Remain in Effect without Amendment
405 KAR 016:170	06-10-2025	Remain in Effect without Amendment
405 KAR 016:180	06-10-2025	Remain in Effect without Amendment
405 KAR 016:190	06-10-2025	Remain in Effect without Amendment
405 KAR 016:200	06-10-2025	Remain in Effect without Amendment
405 KAR 016:220	06-10-2025	Remain in Effect without Amendment
405 KAR 016:250	06-10-2025	Remain in Effect without Amendment
405 KAR 018:001	06-26-2025	Remain in Effect without Amendment
405 KAR 018:010	06-26-2025	Remain in Effect without Amendment
405 KAR 018:020	06-26-2025	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	Letter Filed Date	Action
405 KAR 018:030	06-26-2025	Remain in Effect without Amendment
405 KAR 018:040	06-26-2025	Remain in Effect without Amendment
405 KAR 018:050	06-26-2025	Remain in Effect without Amendment
405 KAR 018:060	06-26-2025	Remain in Effect without Amendment
405 KAR 018:070	06-26-2025	Remain in Effect without Amendment
405 KAR 018:080	06-26-2025	Remain in Effect without Amendment
405 KAR 018:090	06-26-2025	Remain in Effect without Amendment
405 KAR 018:110	06-26-2025	Remain in Effect without Amendment
405 KAR 018:120	06-26-2025	Remain in Effect without Amendment
405 KAR 018:130	06-26-2025	Remain in Effect without Amendment
405 KAR 018:140	06-26-2025	Remain in Effect without Amendment
405 KAR 018:150	06-26-2025	Remain in Effect without Amendment
405 KAR 018:160	06-26-2025	Remain in Effect without Amendment
405 KAR 018:170	06-26-2025	Remain in Effect without Amendment
405 KAR 018:180	06-26-2025	Remain in Effect without Amendment
405 KAR 018:190	06-26-2025	Remain in Effect without Amendment
405 KAR 018:200	06-26-2025	Remain in Effect without Amendment
405 KAR 018:210	06-26-2025	Remain in Effect without Amendment
405 KAR 018:230	06-26-2025	Remain in Effect without Amendment
405 KAR 018:260	06-26-2025	Remain in Effect without Amendment
405 KAR 020:001	06-30-2025	Remain in Effect without Amendment
405 KAR 020:010	06-30-2025	Remain in Effect without Amendment
405 KAR 020:030	06-30-2025	Remain in Effect without Amendment
405 KAR 020:050	06-30-2025	Remain in Effect without Amendment
405 KAR 020:060	06-30-2025	Remain in Effect without Amendment
405 KAR 020:070	06-30-2025	Remain in Effect without Amendment
405 KAR 020:080	06-30-2025	Remain in Effect without Amendment
405 KAR 020:090	06-30-2025	Remain in Effect without Amendment
405 KAR 024:001	06-26-2025	Remain in Effect without Amendment
405 KAR 024:020	06-26-2025	Remain in Effect without Amendment
405 KAR 024:030	06-26-2025	Remain in Effect without Amendment
405 KAR 024:040	06-26-2025	Remain in Effect without Amendment
405 KAR 030:010	06-30-2025	Remain in Effect without Amendment
405 KAR 030:015	06-30-2025	Remain in Effect without Amendment
405 KAR 030:020	06-30-2025	Remain in Effect without Amendment
405 KAR 030:025	06-30-2025	Remain in Effect without Amendment
405 KAR 030:035	06-30-2025	Remain in Effect without Amendment
405 KAR 030:040	06-30-2025	Remain in Effect without Amendment
405 KAR 030:050	06-30-2025	Remain in Effect without Amendment
405 KAR 030:060	06-30-2025	Remain in Effect without Amendment
405 KAR 030:070	06-30-2025	Remain in Effect without Amendment
405 KAR 030:080	06-30-2025	Remain in Effect without Amendment
405 KAR 030:090	06-30-2025	Remain in Effect without Amendment
405 KAR 030:100	06-30-2025	Remain in Effect without Amendment
405 KAR 030:110	06-30-2025	Remain in Effect without Amendment
405 KAR 030:121	06-30-2025	Remain in Effect without Amendment
405 KAR 030:125	06-30-2025	Remain in Effect without Amendment
405 KAR 030:130	06-30-2025	Remain in Effect without Amendment
405 KAR 030:140	06-30-2025	Remain in Effect without Amendment
405 KAR 030:150	06-30-2025	Remain in Effect without Amendment
405 KAR 030:160	06-30-2025	Remain in Effect without Amendment
405 KAR 030:170	06-30-2025	Remain in Effect without Amendment
405 KAR 030:180	06-30-2025	Remain in Effect without Amendment
405 KAR 030:210	06-30-2025	Remain in Effect without Amendment
405 KAR 030:220	06-30-2025	Remain in Effect without Amendment
405 KAR 030:230	06-30-2025	Remain in Effect without Amendment
405 KAR 030:240	06-30-2025	Remain in Effect without Amendment
405 KAR 030:250	06-30-2025	Remain in Effect without Amendment
405 KAR 030:260	06-30-2025	Remain in Effect without Amendment
405 KAR 030:270	06-30-2025	Remain in Effect without Amendment
405 KAR 030:280	06-30-2025	Remain in Effect without Amendment
405 KAR 030:290	06-30-2025	Remain in Effect without Amendment
405 KAR 030:300	06-30-2025	Remain in Effect without Amendment
405 KAR 030:310	06-30-2025	Remain in Effect without Amendment
405 KAR 030:320	06-30-2025	Remain in Effect without Amendment
405 KAR 030:330	06-30-2025	Remain in Effect without Amendment
405 KAR 030:340	06-30-2025	Remain in Effect without Amendment
405 KAR 030:350	06-30-2025	Remain in Effect without Amendment
405 KAR 030:360	06-30-2025	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	Letter Filed Date	Action
405 KAR 030:370	06-30-2025	Remain in Effect without Amendment
405 KAR 030:390	06-30-2025	Remain in Effect without Amendment
405 KAR 030:400	06-30-2025	Remain in Effect without Amendment
405 KAR 030:410	06-30-2025	Remain in Effect without Amendment
501 KAR 006:170	06-27-2025	To be amended; filing deadline 12-27-2026
501 KAR 006:270	06-27-2025	To be amended; filing deadline 12-27-2026
501 KAR 016:290	06-27-2025	Remain in Effect without Amendment
501 KAR 016:300	06-27-2025	Remain in Effect without Amendment
501 KAR 016:330	06-27-2025	Remain in Effect without Amendment
501 KAR 016:340	06-27-2025	Remain in Effect without Amendment
702 KAR 003:020	06-09-2025	Remain in Effect without Amendment
702 KAR 003:030	06-09-2025	Remain in Effect without Amendment
702 KAR 003:080	06-09-2025	Remain in Effect without Amendment
702 KAR 003:135	06-09-2025	Remain in Effect without Amendment
702 KAR 003:190	06-09-2025	Remain in Effect without Amendment
702 KAR 003:246	06-09-2025	Remain in Effect without Amendment
702 KAR 003:250	06-09-2025	Remain in Effect without Amendment
702 KAR 003:270	06-09-2025	Remain in Effect without Amendment
702 KAR 003:275	06-09-2025	Remain in Effect without Amendment
702 KAR 003:285	06-09-2025	Remain in Effect without Amendment
702 KAR 003:310	06-09-2025	Remain in Effect without Amendment
702 KAR 004:100	06-09-2025	Remain in Effect without Amendment
702 KAR 005:010	06-09-2025	Remain in Effect without Amendment
702 KAR 005:020	06-09-2025	Remain in Effect without Amendment
702 KAR 005:060	06-09-2025	Remain in Effect without Amendment
702 KAR 005:100	06-09-2025	Remain in Effect without Amendment
702 KAR 005:120	06-09-2025	Remain in Effect without Amendment
702 KAR 005:150	06-09-2025	Remain in Effect without Amendment
703 KAR 003:205	06-09-2025	Remain in Effect without Amendment
704 KAR 003:015	06-09-2025	Remain in Effect without Amendment
704 KAR 003:285	06-09-2025	Remain in Effect without Amendment
704 KAR 003:292	06-09-2025	Remain in Effect without Amendment
704 KAR 003:420	06-09-2025	Remain in Effect without Amendment
704 KAR 003:490	06-09-2025	Remain in Effect without Amendment
704 KAR 003:510	06-09-2025	Remain in Effect without Amendment
704 KAR 007:130	06-09-2025	Remain in Effect without Amendment
705 KAR 004:081	06-09-2025	Remain in Effect without Amendment
707 KAR 001:270	06-09-2025	Remain in Effect without Amendment
707 KAR 001:290	06-09-2025	Remain in Effect without Amendment
707 KAR 001:300	06-09-2025	Remain in Effect without Amendment
707 KAR 001:320	06-09-2025	Remain in Effect without Amendment
707 KAR 001:350	06-09-2025	Remain in Effect without Amendment
707 KAR 001:360	06-09-2025	Remain in Effect without Amendment
707 KAR 001:370	06-09-2025	Remain in Effect without Amendment
707 KAR 001:380	06-09-2025	Remain in Effect without Amendment
750 KAR 001:010	05-29-2025	Remain in Effect without Amendment
750 KAR 002:010	05-29-2025	Remain in Effect without Amendment
780 KAR 002:030	06-09-2025	Remain in Effect without Amendment
780 KAR 002:110	06-09-2025	Remain in Effect without Amendment
780 KAR 003:010	06-09-2025	Remain in Effect without Amendment
780 KAR 003:040	06-09-2025	Remain in Effect without Amendment
780 KAR 003:060	06-09-2025	Remain in Effect without Amendment
780 KAR 003:065	06-09-2025	Remain in Effect without Amendment
780 KAR 003:075	06-09-2025	Remain in Effect without Amendment
780 KAR 003:090	06-09-2025	Remain in Effect without Amendment
780 KAR 006:090	06-09-2025	Remain in Effect without Amendment
805 KAR 001:220	05-21-2025	Remain in Effect without Amendment
805 KAR 004:005	06-02-2025	Remain in Effect without Amendment
805 KAR 004:010	06-02-2025	Remain in Effect without Amendment
805 KAR 004:020	06-02-2025	Remain in Effect without Amendment
805 KAR 004:030	06-02-2025	Remain in Effect without Amendment
805 KAR 004:040	06-02-2025	Remain in Effect without Amendment
805 KAR 004:060	06-02-2025	Remain in Effect without Amendment
805 KAR 004:075	06-02-2025	Remain in Effect without Amendment
805 KAR 004:080	06-02-2025	Remain in Effect without Amendment
805 KAR 004:085	06-02-2025	Remain in Effect without Amendment
805 KAR 004:087	06-02-2025	Remain in Effect without Amendment
805 KAR 004:090	06-02-2025	Remain in Effect without Amendment
805 KAR 004:093	06-02-2025	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	Letter Filed Date	Action
805 KAR 004:095	06-02-2025	Remain in Effect without Amendment
805 KAR 004:100	06-02-2025	Remain in Effect without Amendment
805 KAR 004:105	06-02-2025	Remain in Effect without Amendment
805 KAR 004:110	06-02-2025	Remain in Effect without Amendment
805 KAR 004:115	06-02-2025	Remain in Effect without Amendment
805 KAR 004:120	06-02-2025	Remain in Effect without Amendment
805 KAR 004:125	06-02-2025	Remain in Effect without Amendment
805 KAR 004:130	06-02-2025	Remain in Effect without Amendment
805 KAR 004:135	06-02-2025	Remain in Effect without Amendment
805 KAR 004:140	06-02-2025	Remain in Effect without Amendment
805 KAR 004:145	06-02-2025	Remain in Effect without Amendment
805 KAR 004:150	06-02-2025	Remain in Effect without Amendment
805 KAR 004:155	06-02-2025	Remain in Effect without Amendment
805 KAR 004:160	06-02-2025	Remain in Effect without Amendment
805 KAR 004:165	06-02-2025	Remain in Effect without Amendment
825 KAR 001:020	06-10-2025	Remain in Effect without Amendment
825 KAR 001:030	06-10-2025	Remain in Effect without Amendment
900 KAR 006:040	05-19-2025	Remain in Effect without Amendment
902 KAR 008:165	07-17-2025	Remain in Effect without Amendment
902 KAR 020:260	05-19-2025	Remain in Effect without Amendment
902 KAR 100:022	05-19-2025	Remain in Effect without Amendment
902 KAR 100:052	05-19-2025	Remain in Effect without Amendment
902 KAR 100:070	05-19-2025	Remain in Effect without Amendment
902 KAR 100:072	05-19-2025	Remain in Effect without Amendment
902 KAR 100:100	05-19-2025	Remain in Effect without Amendment
902 KAR 100:142	05-19-2025	Remain in Effect without Amendment
906 KAR 001:200	05-19-2025	Remain in Effect without Amendment
910 KAR 001:260	05-19-2025	Remain in Effect without Amendment
920 KAR 001:060	05-19-2025	Remain in Effect without Amendment
922 KAR 002:190	06-17-2025	Remain in Effect without Amendment
922 KAR 002:270	06-17-2025	Remain in Effect without Amendment

TECHNICAL AMENDMENT INDEX

The Technical Amendment Index is a list of administrative regulations that have had technical, nonsubstantive amendments made during the 49th year of the *Administrative Register of Kentucky*. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10), 13A.2255(2), 13A.312(2), or 13A.320(1)(d). Because these changes are not substantive in nature, administrative regulations appearing in this index will NOT be published to show the technical corrections in the *Register*, however, they are usually available on the Legislative Research Commission website at https://apps.legislature.ky.gov/law/kar/titles.htm

‡ - A technical change was made to this administrative regulation during the promulgation process, pursuant to KRS 13A.320(1)(e).
† - A nonsubstantive change was made by the Compiler pursuant to KRS 13A.040(9).

Regulation Number	Date Corrected	Regulation Number	Date Corrected

None

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Long-term Care Administrators (201 KAR Chapter 006)
Medical Imaging and Radiation Therapy (201 KAR Chapter 046)
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COMMUNITY AND TECHNICAL COLLEGE SYSTEM
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See also: Community and Technical College System (KAR Title 739)
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Agent designation, middle school interscholastic athletics; 702 KAR 7:065

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Hunting and Fishing
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