VOLUME 52, NUMBER 5 LEGISLATIVE RESEARCH COMMISSION NOVEMBER 1, 2025

ADMINISTRATIVE REGISTER OF KENTUCKY

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

MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet on November 10, 2025 at 1:00 p.m. in room 149 Capitol Annex. ARRS Tentative Agenda**.** Please see online agenda for updates

The **Education Assessment and Accountability Review Subcommittee** is **tentatively** scheduled to meet on November 4, 2025 at 10:00 a.m. in room 131 Capitol Annex. See the Committee's Web page

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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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VOLUME 52, NUMBER 5 – NOVEMBER 1, 2025

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for informational review of regulations, removed to either complete the public comment process, or are deferred or withdrawn by promulgating agencies.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
Monday, November 10, 2025 at 1:00 p.m.
Annex Room 149

1. CALL TO ORDER AND ROLL CALL

2. REGULATIONS FOR FULL REVIEW

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

Division of Student Financial Aid

Kentucky Educational Savings Plan Trust

011 KAR 012:010. Definitions for 011 KAR Chapter 012. (Deferred from October)
011 KAR 012:020. General rules for investments and fund transfers. (Deferred from October)
011 KAR 012:030. Eligibility of beneficiary and participant. (Deferred from October)
011 KAR 012:040. Residency classification for Kentucky Educational Savings Plan Trust vested participation agreements. (Deferred from October)
011 KAR 012:050. Substitution of a beneficiary. (Deferred from October)
011 KAR 012:060. Cancellation, partial withdrawal, and payment of refund. (Deferred from October)
011 KAR 012.070. Benefits payable from the Kentucky Educational Savings Plan Trust Program fund. (Deferred from October)
011 KAR 012:090. Transfer of ownership of Kentucky Educational Savings Plan Trust Program fund. (Deferred from October)

PERSONNEL CABINET

Classified

101 KAR 002:120. Incentive programs.
101 KAR 002:140. Workers' Compensation Fund and Program.
101 KAR 002:230. Kentucky Employee Mediation and Workplace Resolution Programs.

BOARDS AND COMMISSIONS

Board of Licensure for Long-Term Care Administrators

201 KAR 006:030. Temporary permits. (Deferred from September)
201 KAR 006:071. Continuing education requirements. (Deferred from September)

Board of Medical Licensure

201 KAR 009:270. Professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone. (Amended After Comments) (Deferred from September)

Board of Landscape Architects

201 KAR 010:010. Board personnel.
201 KAR 010:030. Code of ethics.
201 KAR 010:040. Applications.
201 KAR 010:050. Fees.
201 KAR 010:080. Continuing education.
201 KAR 010:090. Investigation and discipline process.

Board of Veterinary Examiners

201 KAR 016:730. Approved allied animal professional (AAHP) programs; education requirements.
201 KAR 016:731. Examination requirements for AAHP providers.
201 KAR 016:732. Application requirements for AAHP licenses – reinstatement.
201 KAR 016:735. Renewal requirements for AAHP licenses – renewal notice – expiration.
201 KAR 016:737. Responsibilities for AAHP providers; limitations on practice.
201 KAR 016:772. Application requirements for AAHP facility registration; AAHP managers; Registered responsible parties.
201 KAR 016:775. AAHP facilities – Renewal notice – Requirements for renewal and reinstatement.
201 KAR 016:777. Registered AAHP facilities – Duties of registered responsible parties and AAHP managers.

Board of Speech-Language Pathology and Audiology

201 KAR 017:120E. Audiology and Speech-Language Pathology Interstate Compact. (Filed with Ordinary) ("E" expires 05-23-2026)

Board of Licensure for Professional Engineers and Land Surveyors
201 KAR 018:040. Fees.
201 KAR 018:060. Rejections and Denials of Applications for Licensure.
201 KAR 018:072. Experience.
201 KAR 018:081. Repeal of 201 KAR 18:080.
201 KAR 018:096. Fire Protection Engineering Technology Program Core Curriculum.

Board of Respiratory Care
201 KAR 029:010. Activities under limited mandatory certification.
201 KAR 029:015. Fees.
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201 KAR 029:040. Reporting of final orders and agreed orders.
201 KAR 029:050. Continuing education requirements.
201 KAR 029:060. Continuing education requirements for persons on inactive status; waiver.
201 KAR 029:070. Scope of practice.

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301 KAR 002:172. Deer hunting seasons, zones, and requirements.
301 KAR 002:251. Hunting and trapping seasons and limits for furbearers.

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301 KAR 006:070. Motorboat Dealer and Manufacturer Registration.

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Law Enforcement Foundation Fund
503 KAR 005:140. Law Enforcement Professional Development and Wellness Program.

EDUCATION AND LABOR CABINET
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Office of Chief State School Officer
701 KAR 005:170E. Waiver Requests. (Filed with Ordinary; "E" expires 05-10-2026) (Emergency Amended After Comments)

Pupil Transportation
702 KAR 005:130. Non-school bus passenger vehicles. (Amended After Comments)

Office of Instruction
704 KAR 003:440. Primary school program guidelines.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Commission on Fire Protection Personnel Standards and Education
739 KAR 002:015. Firefighter training hours.

EDUCATION AND LABOR CABINET
Department of Workplace Standards
Occupational Safety and Health
803 KAR 002:120. Citations. (Filed with Emergency) ("E" expires 04-18-2026)
803 KAR 002:310. Medical services and first aid. (Filed with Emergency) ("E" expires 03-28-2026) (Not Amended After Comments)

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
State Health Plan
900 KAR 005:020. State Health Plan for facilities and services. (Filed with Emergency) ("E" extended, exp. 04-05-2026) (Amended After Comments)

Certificate of Need
900 KAR 006:075. Certificate of need nonsubstantive review. (Filed with Emergency) ("E" extended, exp. 04-05-2026) (Amended After Comments)

Controlled Substances

902 KAR 055:015E. Schedules of controlled substances. (Filed with Ordinary) ("E" expires 05-15-2026)

Department for Medicaid Services

Payments and Services

907 KAR 003:320E. Beneficiary Advisory Council and modifications to the Advisory Council for Medical Assistance to establish the Kentucky Medicaid Advisory Committee. (Filed with Ordinary) ("E" expires 06-06-2026)

3. REGULATIONS REMOVED FROM FULL REVIEW

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Classified

101 KAR 002:210E. 2025 and 2026 Plan Year Handbooks for the Public Employee Health Insurance Program. (Filed with Ordinary) ("E" Expires 06-12-2026) (Deferred from November)

FINANCE AND ADMINISTRATION CABINET

Purchasing

200 KAR 005:021. Manual of policies and procedures. (Comments Received; SOC ext., due 11-14-2025)

BOARDS AND COMMISSIONS

Board of Dentistry

201 KAR 008:563. Licensure of dental hygienists. (Comments Received; SOC ext., due 11-14-2025)

Board of Veterinary Examiners

201 KAR 016:762. Application requirements for veterinary facility registration; veterinarian managers; registered responsible parties. (Comments Received; SOC ext., due 11-14-2025)

201 KAR 016:767. Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers. (Comments Received; SOC ext., due 11-14-2025)

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Department of Corrections

501 KAR 016:310. Pre-execution medical actions. (Comments Received, SOC ext., due 11-14-2025)

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EDUCATION AND LABOR CABINET

Board of Education

Office of Chief State School Officer

701 KAR 005:170. Waiver Requests. (Filed with Emergency; "E" expires 05-10-2026) (Comments Received, SOC due 11-14-2025)

VOLUME 52, NUMBER 5 – NOVEMBER 1, 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
104 KAR 1:010E.

This emergency administrative regulation is being promulgated in order to meet an imminent threat to public health, safety, or welfare. 104 KAR 1:010, Section 4, requires that persons or entities engaged in real estate or real estate-related transactions to provide to owners and customers at the time of sale, purchase, rental, insuring, or financing of real property, a copy of the Fair Housing Brochure. The Fair Housing Brochure is a document published by the Kentucky Commission on Human Rights.

On July 18, 2025, the Commission received a letter from the United States Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity (FHEO), requesting that the Commission cease and desist from using any logos, marks, or names that are identical or similar to the official HUD seal, and to remove any references to HUD in its publications. This letter was sent to all organizations utilizing materials funded, at least in part, by HUD's National Media Campaign award. To comply with the request, the Commission has amended the Fair Housing Brochure to remove the aforementioned logos, seals, marks, and/or references.

This administrative regulation is being filed on an emergency basis in order to ensure that any and all regulated persons and entities have a clear understanding of the obligation imposed upon them by 104 KAR 1:010, Section 4. This emergency administrative regulation will be replaced by an ordinary administrative regulation because the requirement to provide the Fair Housing Brochure continues despite the HUD FHEO request. The companion ordinary administrative regulation is identical to this emergency administrative regulation and is filed simultaneously.

ANDY BESHEAR, Governor
RAYMOND M. BURSE, Commission Chair

KENTUCKY COMMISSION ON HUMAN RIGHTS
(Emergency Amendment)

104 KAR 1:010E. Posting, distribution and availability of notices and pamphlets.

EFFECTIVE: September 19, 2025
RELATES TO: KRS 344.010, 344.030, 344.130, 344.190, 344.367
STATUTORY AUTHORITY: KRS 13A.100, 344.190(14)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 344.190(14) requires the Kentucky Commission on Human Rights to promulgate administrative regulations to effect the purposes of KRS Chapter 344, including requiring the posting of notices prepared or approved by the commission. This administrative regulation establishes requirements for persons defined in KRS 344.010, 344.030, 344.130, and 344.367, to post, distribute, and make available notices and pamphlets.

Section 1. Equal Employment Opportunity Notices.
(1) An employer, employment agency, licensing agency, and labor organization, shall post and maintain at its establishment equal employment opportunity notices such as the Equal Employment Opportunity Poster.

(2) Equal employment opportunity notices shall be posted and shall be readily apparent to an employee and applicant for employment. They shall be posted:
(a) In easily-accessible and well-lighted places; and
(b) At or near each location where the employee's services are performed.
(3) A Labor organization shall post "equal employment opportunity" notices in easily-accessible and well-lighted places. The notices shall be readily apparent to member and an applicant for membership.

Section 2. Public Accommodations Welcome Notice.
(1) An owner, lessee, proprietor, or manager of a place of public accommodation, resort, or amusement, shall post and maintain at a place of public accommodation, resort, or amusement welcome notices such as the Public Accommodations Poster.
(2) Public accommodation welcome notices shall be posted where they may be readily observed by those seeking or granting any of the accommodations, advantages, facilities, or privileges of places of public accommodations, resort, or amusement.

Section 3. Equal Housing Opportunity Notices.
(1) A person or business entity engaged in a real estate or real estate-related transaction shall post and maintain at each location where services are regularly performed, the equal housing opportunity notices such as the Fair Housing Poster.
(2) Equal housing opportunity notices shall be posted at each location where services are regularly performed, in an easily-accessible and well-lighted place. The notice shall be readily apparent to a person seeking services.

Section 4. Fair Housing Law Brochure. A person or entity engaged in real estate or real estate-related transactions shall provide to owners and customers at the time of sale, purchase, rental, insuring, or financing of real property, a copy of the Fair Housing Brochure.

Section 5. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "Equal Employment Opportunity Poster", August 2025;[~~January 2024;~~]
(b) "Public Accommodations Poster", August 2025;[~~January 2024;~~]
(c) "Fair Housing Poster", August 2025;[~~January 2024;~~] and
(d) "Fair Housing Brochure", August 2025.[~~January 2024.~~]
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law,[~~[~~]at the Office of the Kentucky Commission on Human Rights, 312 Whittington Parkway, Suite 020, Louisville, Kentucky 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m.; or from the Kentucky Commission on Human Rights website[~~Web site~~] at https://kchr.ky.gov/Resources/Pages/Brochures-and-Posters.aspx.

This is to certify that the Commissioners of the Kentucky Commission on Human Rights have approved this administrative regulation as amended prior to its filing with the Legislative Research Commission, as required by KRS 344.190(14).
RAYMOND M. BURSE, Chair
APPROVED BY AGENCY: September 18, 2025
FILED WITH LRC: September 19, 2025 at 12:45 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 21, 2025, at 10:00 a.m. Eastern Time at the office of the Kentucky Commission on Human Rights, 312 Whittington Parkway, Suite 020, 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 November 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: Colt C. Sells, Staff Attorney Manager/Assistant General Counsel, Kentucky Commission on Human Rights, 312 Whittington Parkway, Suite 020, Louisville, Kentucky 40222, phone (502) 764-2757, email colt.sells@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Colt C. Sells
Subject Headings: Human Rights Commission, Boards and Commissions, Real Estate
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation requires employers, labor organizations, public accommodations, real estate operators, and real estate brokers to post notices stating that they provide equal opportunities as required by KRS 344.
(b) The necessity of this administrative regulation: This administrative regulation is necessary because, pursuant to KRS 344.190, it establishes notice standards and procedures enforced by the Kentucky Commission on Human Rights.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 344.190(14) authorizes the Kentucky Commission on Human Rights "To adopt, promulgate, amend, and rescind regulations to effectuate the purposes and provisions of [KRS 344], including regulations requiring the posting of notices prepared or approved by the commission." This regulation relates to the posting of notices.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently assists in the administration of KRS 344 by requiring employers, labor organizations, public accommodations, real estate operators, and real estate brokers to post notices stating that they provide equal opportunities in compliance with KRS 344.
(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 names and the content of material incorporated by reference.
(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to ensure real estate operators and real estate brokers can find and post the correct notices as required under KRS 344.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 344.190(14) authorizes the Kentucky Commission on Human Rights "To adopt, promulgate, amend, and rescind regulations to effectuate the purposes and provisions of [KRS 344], including regulations requiring the posting of notices prepared or approved by the commission." This regulation relates to the posting of notices.
(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation is necessary to ensure real estate operators and real estate brokers can find and post the correct notices as required under KRS 344.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation applies to all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Regulated entities must post notices stating their compliance with the provisions of KRS 344.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No costs are imposed by this amendment. The notices are provided for free by the Kentucky Commission on Human Rights, as stated in the regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this regulation will ensure fair and equal treatment for all Kentuckians in places of public accommodation, housing, and employment, as already required by KRS 344.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The expected cost to implement this administrative regulation initially is nominal.
(b) On a continuing basis: The expected cost to implement this administrative regulation on a continuing basis is nominal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the budget of the Kentucky Commission on Human Rights will be used for the implementation and enforcement of this regulation.
(8) 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 or funding is not anticipated to be necessary by the change this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as this regulation will apply to all those subject to KRS 344 throughout all of the counties of the Commonwealth.

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 regulation is authorized by KRS 344.190.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This regulation is authorized by KRS 344.190.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Commission on Human Rights. This administrative regulation applies to all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344.
(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 applies to all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344.
(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): This administrative regulation applies to all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344.
(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: This administrative regulation requires all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344, to post and make available certain written materials provided by the Kentucky Commission on Human Rights, thus there is no fiscal impact created by 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(14): This administrative regulation will have no economic impact on any of the entities identified in (3)(a), (4)(a), and (5)(a), thus it will not have combined implementation and compliance cost of more than five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This administrative regulation requires all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344, to post and make available certain written materials provided by the Kentucky Commission on Human Rights, thus there is no fiscal impact created by this regulation.

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. 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.

STATEMENT OF EMERGENCY
201 KAR 26:118E.

Pursuant to KRS 13A.190(1)(a)3 and KRS 319.054, Article XV.B.1, this emergency administrative regulation is being promulgated to meet the requirements of the Board of Examiners of Psychology to review any rule adopted by the Psychology Interjurisdictional Compact Administrators pursuant to Article XI and XV of KRS 319.054 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Psychology Interjurisdictional Compact Administrators and the bylaws.
Due to a series of states of emergency in the Commonwealth since the adoption of the Psychology Interjurisdictional Compact and the related rules being adopted in an ongoing manner, the transition of board members and thus a transition in the Kentucky commissioner for PSYPACT, and continuous transition of board counsel and the high demand for legal services, the need for filing an emergency regulation relating to rules and bylaws adopted by the Psychology Interjurisdictional Compact Commission was overlooked and is now being filed to correct this oversight.
This emergency regulation is mandated to be filed along with an ordinary administrative regulation pursuant to KRS 319.054, Article XV.B.1. This emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
HARWELL SMITH, Ph.D., Board Chair

GENERAL GOVERNMENT CABINET
Kentucky Board of Examiners of Psychology
(New Emergency Administrative Regulation)

201 KAR 26:118E. Psychology interjurisdictional compact.

EFFECTIVE: October 3, 2025
RELATES TO: KRS 319.054
STATUTORY AUTHORITY: KRS 319.032, 319.054
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.054, Article XV.B.1. requires the Board of Examiners of Psychology to review any rule adopted by the Psychology Interjurisdictional Compact pursuant to Article XI of KRS 319.054 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Psychology Interjurisdictional Compact Administrators and the bylaws.

Section 1. The Board of Examiners of Psychology shall comply with all bylaws, rules, and administrative regulations of the Psychology Interjurisdictional Compact Administrators, which includes The Psychology Interjurisdictional Compact Rules as of October 9, 2019, and as amended and updated November 16, 2023, and Bylaws as of July 22, 2019, and as amended November 16, 2023.

Section 2. Incorporation by Reference.
(1) The following material is incorporated by reference.
(a) "The Psychology Interjurisdictional Compact (PSYPACT) Rules, PSYPACT Rules", October 9, 2019 through November 16, 2023; and

(b) "The Psychology Interjurisdictional Compact (PSYPACT Bylaws)", Adopted July 22, 2019 and as revised on November 16, 2023;

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Examiners of Psychology, 500 Mero Street, 2 SC 32, Frankfort, Kentucky 40602, Monday through Friday, 8 am to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Examiners of Psychology's Web site at https://psy.ky.gov/.

(3) This material may also be obtained at:

(a) The Psychology Interjurisdictional Compact Commission, 210 Market Road, Tyrone, GA 30290;

(b) https://psypact.gov/page/governance.

HARWELL SMITH, PH.D., Chair

APPROVED BY AGENCY: September 18, 2025

FILED WITH LRC: October 3, 2025 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on November 21, 2025 at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on November 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: MARK R. BRENGELMAN, Board Counsel, Kentucky Board of Examiners of Psychology, 306 West Main Street, The McClure Building Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman
Subject Headings: Licensing, Occupations and Professions, and Psychological Services.
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation implements provisions of KRS 319.054, the Psychology Interjurisdictional Compact.
(b) The necessity of this administrative regulation: This regulation is necessary to comply with the statutory directive of KRS 319.054, Article XV B 1.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 319.054, Article XV B 1, which requires rules adopted by the Psychology Interjurisdictional Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.
(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 implementing the provisions of KRS 319.054, Article XV B 1.
(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) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. 2021 KY. Acts ch. 46, sec. 1.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the board, approximately 1,630 licensees regulated by the board and new applicants for licensure.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: No action is necessary by those impacted.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost imposed by this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will remain in compliance with the Psychology Interjurisdictional Compact, which will allow those impacted to continue to receive the benefits thereof as it relates to multistate practice.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no additional cost to implement this regulation.
(b) On a continuing basis: There will be no additional cost to implement this regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicants.
(8) 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 required to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering was not applied as the compact applies to all impacted individuals and 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 319.032, 319.054.
(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 319.054, Article XV.B.1.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology is the promulgating agency. No other state units, parts or divisions are affected.
(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): No local entities are affected.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
2. Revenues:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
3. Cost Savings:
For the first year: None. No local entities are identified.

For subsequent years: None. No local entities are identified.
(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: None. There are no costs to the promulgating agency for adopting Psypact rules and no other entities are identified.
(b) Methodology and resources used to reach this conclusion: There are no costs to the promulgating agency that are associated with adopting 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(14): This administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: None. The promulgating agency will incur no costs and no other entities are identified.

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
505 KAR 1:140E.

(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1. to meet an imminent threat to public health, safety, or welfare. KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities across the Commonwealth of Kentucky. While juveniles are in DJJ's custody, the DJJ is responsible for the health and safety of those juveniles. This requires protecting the juveniles from themselves and each other, sometimes by using restrictive housing and protective custody in instances where a juvenile poses a serious assault risk to other juveniles and staff. Restrictive housing and protective custody placements may occur any day due to the changing population and needs of the juveniles in DJJ's custody. The United States Department of Justice recommended that DJJ make changes to its regulations and policies governing the use of restrictive housing and protective custody placements, and DJJ determined that more frequent medical and mental health evaluations, as well real time process review by persons with higher levels of governmental authority, are necessary to protect the health and safety of juveniles in such placements. This administrative regulation is being filed on an emergency basis to ensure the additional safeguards included in 505 KAR 1:410E intended to protect juveniles placed in restrictive housing and protective custody are implemented immediately and that there exists no conflict between 505 KAR 1:410E and the policy deleted as a result of this emergency administrative regulation amendment.
(2) An ordinary administrative regulation is not sufficient because an ordinary regulation could not become effective before additional juveniles will be placed in restrictive housing and protective custody with less monitoring and less scrutiny than the amount DJJ now believes is appropriate.
(3) This emergency administrative regulation will be replaced by an ordinary administrative regulation because the new evaluation timelines and levels of scrutiny are the new standards DJJ believes is appropriate to safeguard juveniles in the DJJ's custody going forward.
(4) The companion ordinary administrative regulation is identical to this emergency regulation.
(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.

ANDY BESHEAR, Governor
KEITH JACKSON, Secretary
RANDY WHITE, Commissioner

JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(Emergency Amendment)

505 KAR 1:140E. Department of Juvenile Justice Policies and Procedures Manual: detention services.

EFFECTIVE: September 25, 2025
RELATES TO: KRS 15A.065, 15A.067, 15A.200-15A.245, 15A.305, 200.080-200.120, Chapters 600-645
STATUTORY AUTHORITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305, 200.115, 605.150, 635.095, 635.100(7), 640.120, 645.250
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305(5), 605.150, 635.095 and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation incorporates by reference policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

Section 1. Incorporation by Reference.
(1) The "Department of Juvenile Justice Policy and Procedures Manual: Detention Services", June 13, 2023, is incorporated by reference and includes the following:

700	Definitions (Amended 06/13/23)
700.1	Detention Services Delivery System (Amended 06/13/23)
701	Criteria for Admissions (Amended 03/30/18)
702	Intake, Reception and Orientation (Amended 07/10/18)
703	Detention Risk Assessment (Amended 03/30/18)
704	Alternatives to Secure Detention (Amended 01/13/23)
704.1	Supervision of Juveniles in Alternative to Secure Detention Programs (Amended 03/30/18)
704.2	Revocation of Juveniles in Alternative to Secure Detention Programs (Amended 03/30/18)
704.3	Juvenile Justice and Delinquency Prevention Act (Added 03/30/18)
705	Individual Client Records (Amended 03/30/18)
705.2	Progress Notes (Amended 03/30/18)
706	Grievance Procedure (Amended 03/30/18)
707	Bed Capacities and Staffing of Juvenile Detention Centers (Amended 01/13/23)
708	Classification of Juveniles for Housing and Program Assignment (Amended 01/13/23)
709	Security and Control (Amended 03/30/18)

710	Shift and Log Reports (Amended 03/30/18)
712	Escape/AWOL (Amended 06/13/23)
714	Searches (Amended 03/30/18)
715	Incident Reports (Amended 03/30/18)
716	Behavior Management (Amended 03/30/18)
[~~717~~]	[~~Discipline and Special Behavior Management (Amended 06/13/23)~~]
718	Disciplinary Review (Amended 07/10/18)
720	Programs and Services (Amended 03/30/18)
720.1	Library Services (Amended 01/13/23)
720.2	Recreation and Structured Activities (Amended 01/13/23)
720.3	Religious Programs (Amended 03/30/18)
720.4	Juveniles Work Details (Amended 03/30/18)
720.5	Social Services (Amended 07/10/18)
720.6	Family and Community Contact (Amended 07/10/18)
725	Educational Programming and Assessment (Amended 07/10/18)
725.1	Instructional Staffing (Amended 03/30/18)
725.2	Education Records (Amended 07/10/18)
726	Leaves (Amended 03/30/18)
729	Release From Detention (Amended 03/30/18)
730	Inspections of Secure Juvenile Detention Facilities (Amended 01/13/23)
731	Complaint Investigations of Secure Juvenile Detention Centers and Juvenile Holding Facilities (Amended 03/30/18)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Juvenile Justice, Office of the Commissioner, 1025 Capital Center Drive, Third Floor, Frankfort, Kentucky 40601, or at any department field office, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Juvenile Justice Web site at https://djj.ky.gov/About%20DJJ/Pages/lrcfilings.aspx.

RANDY WHITE, Commissioner

APPROVED BY AGENCY: September 25, 2025

FILED WITH LRC: September 25, 2025 at 1:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation amendment shall be held Tuesday, November 25, 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 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 until November 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, Assistant General Counsel, 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
Subject Headings: Children and Minors, Juvenile Detention and Justice, Justice and Public Safety
(1) Provide a brief summary of:
(a) What this administrative regulation does: The emergency regulation amendment establishes policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.
(b) The necessity of this administrative regulation: The emergency regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in isolation.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This emergency administrative regulation removes outdated procedures for isolation and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and will ensure new, additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in isolation.
(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 emergency administrative regulation amendment removes outdated procedures for isolation and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and ensures safeguards to protect the health, safety, and welfare of juveniles placed in isolation.
(b) The necessity of the amendment to this administrative regulation: The emergency regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in isolation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This emergency administrative regulation removes outdated procedures for isolation and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and ensures safeguards to protect the health, safety, and welfare of juveniles placed in isolation.
(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation removes outdated procedures for isolation and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and ensures additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in isolation.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This emergency administrative regulation will affect the

juveniles in the care or custody of the Department of Juvenile Justice, which is currently approximately 400, and approximately merit employees of the Department of Juvenile Justice, which is currently approximately 1,300.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Juveniles in the care or custody of the Department of Juvenile Justice will have added protection due to the increased safeguards put in place through the emergency administrative regulation amendment. Department of Juvenile Justice staff and employees will be required to implement the newly established procedures that govern the operations of the Department of Juvenile Justice.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will not cost the entities identified in question (3) anything to implement the amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, Department of Juvenile Justice staff and employees will be better able to protect the health, safety and welfare of juveniles placed in isolation, which will result in better health, safety, and welfare outcomes to those youth in the care or custody of the Department of Juvenile Justice.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional initial costs to the administrative body to implement this emergency administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
(b) On a continuing basis: There will be no additional costs on a continuing basis to the administrative body to implement this emergency administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The funding source for implementation and enforcement of this emergency administrative regulation is DJJ budgeted funds for the biennium.
(8) 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 or funding necessary to implement this emergency administrative regulation amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The emergency administrative regulation amendment does not establish any fees.
(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this emergency administrative regulation amendment because the emergency administrative regulation amendment applies equally to all those individuals or entities 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 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Juvenile Justice
(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 expenditures to implement this emergency administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
For subsequent years: There will be no additional expenditures to implement this emergency administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
2. Revenues:
For the first year: The emergency administrative regulation amendment will not generate revenue.
For subsequent years: The emergency administrative regulation amendment will not generate revenue.
3. Cost Savings:
For the first year: Cost savings are not anticipated.
For subsequent years: Cost savings are not anticipated.
(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: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
2. Revenues:
For the first year: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
3. Cost Savings:
For the first year: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Juveniles in the in the care or custody of the Department of Juvenile Justice will be affected by this emergency administrative regulation amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice.
For subsequent years: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice.
2. Revenues:
For the first year: The emergency administrative regulation amendment will not generate revenue.
For subsequent years: The emergency administrative regulation amendment will not generate revenue.
3. Cost Savings:
For the first year: Cost savings are not anticipated.
For subsequent years: Cost savings are not 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: A fiscal impact to implement this emergency administrative regulation amendment is not anticipated as the Department of Juvenile Justice will use existing resources, staff and employees to

implement changes.
(b) Methodology and resources used to reach this conclusion: Because the Department of Juvenile Justice will use existing resources, staff, and employees to implement this emergency administrative regulation, the Department of Juvenile Justice concluded 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(14): An overall negative or adverse major economic impact is not anticipated.
(b) The methodology and resources used to reach this conclusion: The emergency administrative regulation amendment amends an existing administrative regulation. The administrative regulation was reviewed, and an overall negative or adverse major economic impact was not identified as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

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
505 KAR 1:410E.

(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1. to meet an imminent threat to public health, safety, or welfare. KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities across the Commonwealth of Kentucky. While juveniles are in DJJ's custody, the DJJ is responsible for the health and safety of those juveniles. This requires protecting the juveniles from themselves and each other, sometimes by using restrictive housing and protective custody in instances where a juvenile poses a serious assault risk to other juveniles and staff. Restrictive housing and protective custody placements may occur any day due to the changing population and needs of the juveniles in DJJ's custody. The United States Department of Justice recommended that DJJ make changes to its regulations and policies governing the use of restrictive housing and protective custody placements, and DJJ determined that more frequent medical and mental health evaluations, as well real time process review by persons with higher levels of governmental authority, are necessary to protect the health and safety of juveniles in such placements. This administrative regulation is being filed on an emergency basis to ensure these additional safeguards will protect the next child placed in restrictive housing and protective custody.
(2) An ordinary administrative regulation is not sufficient because an ordinary regulation could not become effective before additional juveniles will be placed in restrictive housing and protective custody with less monitoring and less scrutiny than the amount DJJ now believes is appropriate.
(3) This emergency administrative regulation will be replaced by an ordinary administrative regulation because the new evaluation timelines and levels of scrutiny are the new standards DJJ believes is appropriate to safeguard juveniles in the DJJ's custody going forward.
(4) The companion ordinary administrative regulation is identical to this emergency regulation.
(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.

ANDY BESHEAR, Governor
KEITH JACKSON, Secretary
RANDY WHITE, Commissioner

JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(Emergency Amendment)

505 KAR 1:410E. Restrictive housing[~~Isolation~~] and protective custody.

EFFECTIVE: September 25, 2025
RELATES TO: KRS 15A.065, 15A.0652,[~~, 200.080-200.120,~~] Chapters 600-645
STATUTORY AUTHORITY: KRS [~~15A.065(1), ~~]15A.0652, [~~15A.160, ~~]605.150, 635.095[~~, 635.100(7)~~], 640.120[~~, 645.250~~]
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS [~~15A.065(1), ~~]15A.0652,[~~ 15A.160,~~] 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing[~~isolation~~] and protective custody in juvenile detention centers and youth development centers.

Section 1. General Provisions[~~Isolation~~].
(1) Restrictive housing[~~Isolation~~] shall only apply to juveniles in juvenile detention centers and youth development centers. Restrictive housing shall only be used for behavior management. Restrictive housing shall not be used for punishment, staff convenience, or minor rule violations.
(2) Restrictive housing shall only be used for a direct and clear [~~A juvenile may be placed in isolation if the juvenile constitutes a~~] threat to the safety or security of the facility, staff,[~~ or a~~] juvenile or other juveniles, including, but not limited to:[~~.~~]
[~~(3)~~] [~~The following situations may constitute a threat to the safety or security of the facility, staff, or a juvenile and may result in an isolation placement:~~]
(a) Assault or attempted assault;
(b) Sexual assault or attempted sexual assault;
(c) Attempted escape[~~ or attempted absent without leave~~];
(d) Escape;
(e) Participating in a riot;
(f) Planning a riot;
(g) Possessing dangerous contraband as defined by KRS 120.0103;[~~ or~~]
(h) Causing extensive property damage; or
(i) Any other serious or violent behavior that compromises the safety and security of residents or staff.
(3) The time periods in which action is necessitated by this regulation are suspended during resident sleeping hours from 8:00 p.m. to 6:00 a.m., and any delayed assessment shall occur within two (2) hours of 6:00 a.m.
(4) Prior to going into restrictive housing, the reason shall be explained to the juvenile and an opportunity provided for the juvenile to explain the behavior. The juvenile's statement shall be contemporaneously documented on the incident report. The release criteria in the plan shall state the behavioral expectations required for release, be explained to the juvenile, and be signed by the juvenile. If the juvenile is at the time presenting a danger to himself or others, or is being non-compliant, the juvenile's signature is not required, and staff shall indicate in writing such danger or non-compliance.
(5) Staff shall make direct visual contact with the juvenile at staggered intervals not to exceed fifteen (15) minutes to determine the juvenile's compliance with the plan for release. These checks shall be contemporaneously documented on an observation log.
(6) If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the shift supervisor or above shall return the juvenile to the general population. The time of release and the identity of the person releasing shall be documented contemporaneously on an observation log.
(7)
(a) If the juvenile continues to demonstrate negative or concerning behaviors and does not respond to reasonable

redirection and guidance from staff, or the juvenile's behavior escalates or is beyond control, a qualified mental health professional (QMHP) shall be contacted as soon as possible by the administrative duty officer (ADO), youth services program specialist (YSPS), or superintendent but in no event not more than one (1) hour after the conduct occurs.

(b) The QMHP shall assess the juvenile to determine if acute psychiatric symptoms are contributing to the juvenile's behavior. Acute psychiatric symptoms include suicidal ideation, homicidal ideation, plan/intent to engage in self-injurious behaviors, mood disturbance, psychosis, thought-disordered thinking, symptoms associated with previous trauma or other signs of severe psychological distress.

(c) Based on the outcome of the assessment, the QMHP shall make recommendations for appropriate intervention.

(8) If at any time a juvenile exhibits deterioration in mental status during a restrictive housing placement, including by failing to respond, by their statements, by their refusal to eat, or by their refusal to perform personal hygiene as observed by staff during the fifteen (15) minute checks, a QMHP shall be contacted immediately to determine the most appropriate action based on the treatment needs of the juvenile. The contact and the person making the contact shall be contemporaneously documented in an observation log.

(9) The juvenile shall be afforded living conditions and privileges approximating those available to the general population including modified access to recreation, educational and treatment services, taking into consideration the safety and security of the juvenile and the facility. All services shall be contemporaneously documented on a services log. Any adjustments shall be documented, including the reason for the change.

(10) The juvenile shall be responsible for keeping their room clean while in restrictive housing.

Section 2. Authorizations.

(1) Initial authorization shall be obtained from the facility superintendent, YSPS, ADO, or shift supervisor prior to placing a juvenile in restrictive housing placement and documented. If prior authorization cannot be obtained without jeopardizing the safety or security of the facility, staff, or juvenile, authorization shall be obtained immediately following the safe securing of the juvenile, but in no event not more than one (1) hour.

(2) An initial restrictive housing placement shall not exceed four (4) hours.

(3) An extension beyond an initial four (4) hour period, not to exceed eight (8) hours shall only be granted after the superintendent or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release. These visits and the specific behaviors noted shall be contemporaneously documented on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension.

(4) An extension of a restrictive housing placement beyond eight (8) hours, and for each four (4) hour extension up to twenty-four (24) hours, shall require approval of the executive director. The decision shall only be made after the superintendent or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release. These visits and the specific behaviors noted shall be documented contemporaneously on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, and additional approval shall be obtained every four (4) hours.

(5) An extension of a restrictive housing placement beyond twenty-four (24) hours, and for each four (4) hour extension up to forty-eight (48) hours, shall require the approval of the Commissioner after consulting with the mental health authority or designee only after review and approval of the executive director. The executive director shall decide only after the superintendent or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release and the mental health assessment has been done as set out in Section 3(5) of this administrative regulation. These visits and the specific behaviors noted shall be documented contemporaneously on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, and additional approval shall be obtained every four (4) hours.

(6) An extension of a restrictive housing placement beyond forty-eight (48) hours, and for each four (4) hour extension up to seventy-two (72) hours, shall require the approval of the cabinet secretary or designee after consulting with the mental health authority only after review and approval of the commissioner and the executive director. The commissioner and executive director shall only decide only after the superintendent or ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release and the mental health assessment has been done as set out in Section 3(5) of this administrative regulation. These visits and the specific behaviors noted shall be contemporaneously documented on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, additional approval shall be obtained every four (4) hours, and appropriate mental health treatment shall be provided.

(7) A restrictive housing placement shall not exceed seventy-two (72) hours or three (3) days. If grounds meriting restrictive housing placement are present after three (3) days, a special management plan shall be implemented and the mental health authority and the commissioner shall evaluate whether a mental health hospitalization of the juvenile should be pursued.

Section 3. Visits and Assessments.

(1) The facility nurse shall be consulted as soon as possible, or within one hour of placement, to determine if there are medical contraindications for the juvenile being placed in restrictive housing and this consultation shall be documented on an observation log.

(2) The facility nurse shall assess juveniles placed in restrictive housing as soon as possible, but in no event later than one (1) hour.

(3) Injuries, bruises or scratches, and observations shall be noted by a minimum of two (2) staff and photographed by staff who were not involved in the incident. The nurse shall document the date, time, and results of the assessment.

(4) The juvenile shall receive a visit from the facility nurse every twenty-four (24) hours unless medical attention is needed more frequently. The visit shall be documented contemporaneously in an observation log.

(5) If a juvenile's problem behavior lasts twenty-four (24) hours and there appears to be a need for continued intervention, a QMHP shall assess the juvenile every twelve (12) hours. Any treatment provided shall be documented contemporaneously in the juvenile's medical record.

(6) An administrative review shall be conducted and documented by a facility superintendent, ADO, YSPS, counselor or shift supervisor, within four (4) hours of placement in restrictive housing, and a reassessment shall be done at each shift change or a minimum of eight (8) hours, thereafter, to determine the juvenile's readiness for release. The reviews shall be completed by a staff member not involved in the incident. In instances where a prior room restriction, intensive room supervision, or room confinement placement was not successful and a restrictive housing placement was started, this review shall take place as soon as the restrictive housing protocol has started.

(7) Juveniles in restrictive housing shall be visited at least once every twenty-four (24) hours by the superintendent or ADO, medical staff, and clinical or social work staff. A juvenile may request a visit from a member of the clergy, if available. All visits with the juvenile during placement on restrictive housing shall be documented contemporaneously on an observation log and services log.

Section 4. Documentation.

(1) All documentation shall be legible.

(2) When a juvenile is removed from the general population and placed on restrictive housing, a restrictive housing packet shall be started and shall include:

(a) An incident report;

(b) A services log;

(c) A medical checklist;

(d) An observation log and addendum(s);

(e) A plan for release; and

(f) Any professional/administrative reviews.

(3) An incident report shall include:

(a) Restrictive housing shall be indicated on the incident report.

(b) The juvenile's explanation of the juvenile's behavior or statement should be included, if any.

(c) The name and title of the staff requesting and authorizing the initial placement and the transition to restrictive housing or extension, and the time approval was requested and received;

(d) The reason for the placement with specific detail about how the juvenile presents a risk to safety and security or orderly facility operations;

(e) The duration of the placement; and

(f) The reason for each extension request, the reason the request was granted or denied, and the duration of the extension.

(4) A plan for release shall:

(a) Be authored by the staff in conjunction with the shift supervisor;

(b) State the behavior expectation for release from the room placement;

(c) Be explained to the juvenile by staff;

(d) Be signed by the juvenile. If a juvenile refuses to sign, the plan shall be explained orally by a noninvolved staff member and witnessed by a third party.

(e) Include specific behaviors related to the incident necessary for the juvenile to obtain release such as:

1. Regain control of their behavior;

2. Willingness to participate in required activities;

3. Able to interact in a calm manner; and

4. Is no longer a direct and clear threat to the security, safety, or orderly management of the facility.

(f) Not include generalized attitude without specific behaviors listed. Failure to clean the room shall not be the sole grounds to deny release.

(5) Observation log.

(a) Behavioral observations shall be documented in an observation log and the shift supervisor shall be notified of any medical or behavioral health issues that would warrant immediate attention for follow-up.

(b) The observations shall include the youth's comments and any credible threats as observed by staff familiar with the youth's behavior.

(c) The fifteen (15) minute checks shall be documented on an observation log.

(d) The time of the release and the person releasing shall be contemporaneously documented in an observation log.

(6) A services log shall document all services provided to the juvenile while in room restriction including recreation, education, meals, and counseling.

(7) The documentation shall be placed in the juvenile's individual client record.

[(4)] [Authorization shall be obtained from the facility manager, youth services program supervisor, administrative duty officer, or shift supervisor prior to placing a juvenile into isolation. If prior authorization cannot be obtained without jeopardizing the safety and security of the facility, staff, or other juveniles, authorization shall be obtained immediately following the safe securing of the juvenile. An isolation placement shall not exceed four (4) hours without further action as stated in subsections (5) through (7) of this section.]

[(5)] [Isolation in a detention center.]

[(a)] [The facility manager may authorize a juvenile to remain in isolation beyond an initial four (4) hour period, not to exceed twenty-four (24) hours.]

[(b)] [An extension of an isolation placement beyond twenty-four (24) hours and up to thirty-six (36) hours shall require the approval of the division director. The division director shall consider whether the juvenile:]

[1.] [Has regained control of their behavior; and]

[2.] [Is no longer a threat to the security, safety, or orderly management of the facility.]

[(c)] [An extension of an isolation placement beyond thirty-six (36) hours and up to a maximum of forty-eight (48) hours shall require the approval of the division director and the chief of mental health services. For the extension decision, they shall consider:]

[1.] [Whether the juvenile has regained control of their behavior; and]

[2.] [Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and]

[3.] [The mental health issues of the juvenile.]

[(d)] [If a highly assaultive juvenile requires isolation for more than forty-eight (48) hours, an extension of an isolation placement beyond forty-eight (48) hours shall require the approval of the respective division director and the chief of mental health services. Any extension made shall be reviewed every twenty-four (24) hours and shall not exceed five (5) days. For the extension decision, they shall consider:]

[1.] [Whether the juvenile has regained control of their behavior; and]

[2.] [Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and]

[3.] [The mental health issues of the juvenile.]

[(6)] [Isolation in youth development centers and group homes.]

[(a)] [The facility manager may authorize a juvenile to remain in isolation beyond an initial four (4) hour period, not to exceed twenty-four (24) hours.]

[(b)] [An extension of an isolation placement beyond twenty-four (24) hours and up to thirty-six (36) hours shall require the approval of the facilities regional administrator. For the extension decision, the FRA shall consider whether the juvenile:]

[1.] [Has regained control of their behavior; and]

[2.] [Is no longer a threat to the security, safety, or orderly management of the facility.]

[3.] [An extension of an isolation placement beyond thirty-six (36) hours and up to a maximum of forty-eight (48) hours shall require the approval of the respective division director and the regional psychologist. For the extension decision, they shall consider:]

[a.] [Whether the juvenile has regained control of their behavior; and]

[b.] [Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and]

[c.] [The mental health issues of the juvenile.]

[(c)] [If a highly assaultive juvenile requires isolation for more than forty-eight (48) hours, an extension of an isolation placement beyond forty-eight (48) hours shall require the approval of the respective division director, the regional psychologist, and the chief of mental health services. Any extension made shall be reviewed every twenty-four (24) hours and shall not exceed five (5) days. For the extension decision, they shall consider:]

[1.] [Whether the juvenile has regained control of their behavior; and]

[2.] [Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and]

[3.] [The mental health issues of the juvenile.]

[(7)] [The nurse shift program supervisor or on call nurse designee shall be notified as soon as feasible to determine if there are contra-indications for the juvenile being placed in isolation.]

[(a)] [The facility nurse or health services protocol trained staff shall assess a juvenile placed in isolation as soon as it is safe to do so, as dictated by the director of medical services.]

[(b)] [Injuries, bruises, scratches, and other observations shall be noted by a minimum of two (2) staff. The nurse or designee shall document the date, time, and results of the assessment.]

[(8)] [Isolation may be used if requested by a juvenile and staff concur that the placement is in the best interest of the juvenile.]

[(9)] [An assessment of a juvenile in isolation shall not be required to occur within the deadlines established in subsections (5) through (7) of this section, if the deadline falls within the normal sleep time for the facility. A delayed assessment shall occur within two hours of the normal awake time for the facility.]

[(10)] [A juvenile in isolation shall be visited at least once a day by the facility manager or designee, medical or medically trained staff, and clinical or social work staff or designee. A juvenile may request a visit from clergy or other religious representative. All interactions with the juvenile during placement on isolation shall be documented.]

[(11)] [The regional psychologist or designee shall conduct interviews and assessments for disturbances in mental status, including, for example, depression; suicidal ideation; impaired thought processes, cognition or memory; agitation; paranoia; self-injurious behavior; evidence of bruises or other signs of trauma; and whether the juvenile's behavior has escalated beyond the staff's ability to control the juvenile by counseling or disciplinary measures.]

[(12)] [If a juvenile exhibits deterioration in mental status while in isolation, the regional psychologist shall be contacted to determine the most appropriate action based on the treatment needs of the juvenile.]

[(13)] [If a juvenile's problem behavior lasts twenty-four (24) hours and there appears to be a need for continued intervention, qualified health personnel shall assess the juvenile daily.]

[(14)] [The juvenile in isolation shall be afforded living conditions and privileges approximating those available to the general population, including modified access to recreation and educational and treatment services taking into consideration the juvenile's and facility safety and security needs.]

[(15)] [The juvenile shall be responsible for the daily cleaning of their living area in isolation.]

[(16)] [Release from isolation may occur based on the juvenile's behavior and state of mind.]

Section 5.[Section 2.] Restrictive housing for[Isolation of] suicidal juveniles.

(1) Restrictive housing[Isolation] shall not be used as a suicide precaution.

(2) A juvenile who is suicidal may only be placed in restrictive housing[isolation] if the juvenile presents an immediate assault risk to staff or other juveniles as evidenced by physical actions and other less restrictive interventions have failed or are not appropriate. All other suicide protocols shall be followed.

Section 6.[Section 3.] Protective Custody.

(1) Restrictive housing shall not be used for protective custody.

(2) A juvenile requiring protection from others may be placed in protective custody until alternative permanent housing is found within the facility or the juvenile is transferred to another facility.

(3)[(2)] The superintendent[facility manager] or designee may order immediate placement in protective custody[or isolation] if it is necessary to protect the juvenile from harm. This action shall be reviewed every twenty-four (24) hours of placement by the superintendent[facility manager] or designee. Separation from the general population beyond twenty-four (24) hours shall require approval by the superintendent who[facility manager and Treatment Director and] shall consider any mental health issues of the juvenile. The [chief of]mental health authority[services] and a QMHP[regional psychologist] shall be consulted by the superintendent. The action shall be reviewed by the multidisciplinary[treatment] team within seventy-two (72) hours to decide on alternative permanent housing.

(4)[(3)] A[The] youth development center treatment team may develop a special management plan to assure the safety of and continuous services and programming for the juvenile.505 KAR 1:410E. Restrictive housing and protective custody.

RANDY WHITE, Commissioner

APPROVED BY AGENCY: September 25, 2025

FILED WITH LRC: September 25, 2025 at 1:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation amendment shall be held Tuesday, November 25, 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 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 until November 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, Assistant General Counsel, 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
Subject Headings: Children and Minors, Juvenile Detention and Justice, Justice and Public Safety
(1) Provide a brief summary of:
(a) What this administrative regulation does: The administrative regulation amendment establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers.
(b) The necessity of this administrative regulation: The administrative regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in restrictive housing and protective custody.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and will ensure additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in restrictive housing and protective custody.
(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 administrative regulation amendment installs safeguards to protect the health, safety, and welfare of juveniles placed in restrictive housing and protective custody.
(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in restrictive housing and protective custody.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its

programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.
(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and will ensure additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in restrictive housing and protective custody.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This emergency administrative regulation will affect the juveniles in the care or custody of the Department of Juvenile Justice, which is currently approximately 400, and approximately merit employees of the Department of Juvenile Justice, which is currently approximately 1,300.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Juveniles in the care or custody of the Department of Juvenile Justice will have added protection due to the increased safeguards put in place through the administrative regulation amendment. Department of Juvenile Justice staff and employees will be required to implement the newly established procedures that govern the operations of the Department of Juvenile Justice.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will not cost the entities identified in question (4) anything to implement the amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, Department of Juvenile Justice staff and employees will be better able to protect the health, safety and welfare of juveniles placed in restrictive housing and protective custody, which will result in better health, safety, and welfare outcomes to those youth in the care or custody of the Department of Juvenile Justice.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional initial costs to the administrative body to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
(b) On a continuing basis: There will be no additional costs on a continuing basis to the administrative body to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The funding source for implementation and enforcement of this administrative regulation is DJJ budgeted funds for the biennium.
(8) 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 or funding necessary to implement this administrative regulation amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.
(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities 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 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Juvenile Justice
(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 expenditures to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
For subsequent years: There will be no additional expenditures to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
2. Revenues:
For the first year: The administrative regulation amendment will not generate revenue.
For subsequent years: The administrative regulation amendment will not generate revenue.
3. Cost Savings:
For the first year: Cost savings are not anticipated.
For subsequent years: Cost savings are not anticipated.
(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: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
2. Revenues:
For the first year: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
3. Cost Savings:
For the first year: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Juveniles in the in the care or custody of the Department of Juvenile Justice will be affected by this administrative regulation amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:
For the first year: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice. For subsequent years: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice.
For subsequent years: The administrative regulation amendment will not generate revenue.
2. Revenues:
For the first year: The administrative regulation amendment will not generate revenue.
For subsequent years: Cost savings are not anticipated.
3. Cost Savings:
For the first year: Cost savings are not anticipated.
For subsequent years: Cost savings are not 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: A fiscal impact to implement this administrative regulation amendment is not anticipated as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
(b) Methodology and resources used to reach this conclusion: Because the Department of Juvenile Justice will use existing resources, staff, and employees to implement this administrative regulation, the Department of Juvenile Justice concluded 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(14): An overall negative or adverse major economic impact is not anticipated.
(b) The methodology and resources used to reach this conclusion: The administrative regulation amendment amends an existing administrative regulation. The administrative regulation was reviewed, and an overall negative or adverse major economic impact was not identified as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

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.

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
(Emergency As Amended at ARRS, October 14, 2025)

307 KAR 1:080E. Kentucky Entertainment Incentive Program (Effective July 1, 2025).

EFFECTIVE: October 14, 2025
Prior Versions:
New Emergency Administrative Regulation - 52 Ky.R. 144
Emergency Amended After Comments - 52 Ky.R. 547

RELATES TO: KRS 154.61-010, 154.61-020, 154.61-030
STATUTORY AUTHORITY: KRS ***154.12-280,*** 154.61-030(5)[***, 2025 Ky. Acts ch. 91, sec. 1 (2025 SB 1)***]
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS ***154.12-280,*** 154.61-010, 154.61-020, ***and*** 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) ***"Applicant" means an eligible company submitting an application for incentives under KRS 154.61-030.***
(3) "Application" means an Application for Kentucky Entertainment Incentive (KEI) for tax incentives filed with the Cabinet pursuant to KRS 154.61-030.
(4) "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 Kentucky Entertainment Incentive (KEI)***][**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) ***"Common ownership" means two (2) or more legal entities, such as corporations, limited liability companies, partnerships, and the like, where the:***
(a) Entities are owned by the same person;
(b) Same person serves as an officer or director of the entities; or
(c) Majority of one (1) entity is owned by one (1) or more of the other entities.
(8) "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 the:***]
[***(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" ***or "Office"*** **means the office created**[**is defined**] by **KRS 154.12-280**[**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 **or production** 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 ***(1)*** Kentucky resident employee working at ***the***[***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 ***if***[***where***] required by law;
(d) Has a local Kentucky business license ***if***[***where***] required by law. The approved company ***shall be***[***is***] required to obtain a copy of the license from any Kentucky vendor ***if***[***where***] the total amount of purchases ***exceeds***[***exceed***] $50,000 for ***the***[***such***] vendor during the period considered in the application and approval by the council; and
(e) **Provides**[**For**] services rendered on set **or within the Commonwealth and:**[**, such persons or vendors providing such services, are**]
1. Is identified on the daily production reports**;** or
2. Can provide other reasonable evidence that ***these***[***such***] services were rendered **within the Commonwealth.**[**on set is provided;**]
(19) "Negotiated" means an arm's-length transaction between two **(2)** 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" ***means***[***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 Kentucky crew training program" means a training program offered in conjunction with a motion picture or entertainment production, as defined by KRS 154.61-010(18), in partnership with:
(a) An accredited Kentucky educational institution;
(b) A local trade association; or
(c) A regional educational or trade association.
(26)[**(25)**] "Qualifying payroll expenditure" is defined by KRS 154.61-010(22).

(27)[**(26)**] "Resident" is defined by KRS 154.61-010(23).

Section 2. ***The provisions of this administrative regulation shall be applicable on or after July 1, 2025.***

Section 3. 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 **above-the-line production crew**[**producers**] with a financial interest in the approved company **shall be disclosed and accompanied by supporting documentation**[***, to the Cabinet's satisfaction,***]**demonstrating the payroll expenditure was reasonable within market rates. Financial interest shall extend to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from 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.

(4) Failing to provide documentation *if*[*when*] requested by the Cabinet shall result in expenditures being disqualified and the claimed qualifying payroll expenditure being excluded.

Section 4.[***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 ***(1)*** 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 ***if***[***where***] they are made to a Kentucky vendor.

(3) Expenditures shall not be considered to be made in the Commonwealth ***if***[***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 **shall**[**must**] be accompanied by supporting documentation[***, to the Cabinet's satisfaction,***] demonstrating the expenditure was reasonable within market rates. **Supporting documentation shall disclose the total value of goods and services provided for the project as well as a breakdown of all *the*[*such*]related party transactions.** Common ownership **shall extend**[**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 ***if***[***when***] requested by the Cabinet shall result in expenditures being disqualified and the claimed qualifying expenditure being excluded.

Section 5.[***Section 4.***] Application Requirements.

(1) Applicants seeking incentives under the program shall submit an Application **for Kentucky Entertainment Incentive (KEI)** 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 **demonstrate fifty (50) percent of funds raised through the following**[**include**]:

1. IATSE **Bonds**[**Bond**], SAG **Bonds**[**Bond**], Completion **Bonds;**[**Bond,**]

2. Payroll statements;

3. Bank statements;

4. Financing or funding **contracts**[**agreements**]; or

5. Commitment letters**, where the applicant shall:**

a. Demonstrate twenty-five (25) percent of committed funds are held in an escrow account; and

b. Present a balance sheet and letter from an accredited financial institution, attorney, or accountant holding the funds.

(m) Whether the applicant has a distribution contract for the project **and supporting plans and documentation regarding distribution**;[**and**]

(n) Whether the applicant has previously received approval for incentives under the program, and, if so, ***specification of***[***shall specify***] the ***year***[***year(s)***] of ***the***[***such***] approval and ***amount***[***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 ***shall extend***[***extends***] to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the applicant**;**

(o) The number of resident and nonresident above-the-line and below-the-line production crew members included by the applicant, or any other entity with common ownership or any individual with a financial interest in the applicant, on a previous application. This information shall include:

1. The date of the application;

2. Whether the application was approved;

3. The dates upon which the crew members were or are to be utilized; and

4. Each crew member's role in the production;

(p) Any deal memoranda between applicants and key personnel;

(q) A detailed episode-by-episode synopsis and committed talent;

(r) A detailed breakdown of the project's budget including all estimated line items used to support claimed qualifying payroll expenditures and qualifying expenditures. All budget line items shall be reasonable and within market rates;

(s) A detailed explanation of timing of the production *if*[*in the event*]there are commonly held or financially interested applicants with overlapping personnel; and

(t) Whether there are one (1) or more qualifying Kentucky crew training programs offered in conjunction with the project.

(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 ***office***[***Kentucky Film Office***][**Cabinet**] shall notify the applicant:

(a) That the ***office***[***Kentucky Film Office***][**Cabinet**] received the application;

(b) Whether, upon initial review, the applicant appears to meet the criteria of an eligible company or whether the ***office***[***Kentucky Film Office***][**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 ***office***[***Kentucky Film Office***][**Cabinet**] will not move forward with the application.

Section 6.[***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 ***$10***[***ten***] **million**[***dollars ($10,000,000)***][**ten percent (10%)**] of the total annual tax credit cap under KRS 154.61-020(4). **If**[**In the event**] the amount of incentive awards approved does not meet the ***$10***[***ten***] **million**[***dollar ($10,000,000)***][**ten percent (10%)**] limitation set forth in this subsection, the remainder shall carry forward to the subsequent calendar month. **The council may elect to commit more than this monthly allocation *if*[*in the event*]a project:**

(1) Has anticipated qualifying expenditures and payroll expenditures that exceed this amount; and

(2) Commitment of incentives to the project is supported by the economic analysis set forth in Section *7*[*6*] of this administrative regulation.

Section 7.[***Section 6.***] Economic Analysis.

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

(2) The analysis shall evaluate each application on **the**:

(a) [**The**]Percentage of spend in the Commonwealth in relation to the total amount anticipated to be spent on a project;

(b) [**The**]**Relative** percentage of total production costs **associated with**[**in Kentucky compared to**] above-the-line and below-the-line production crew costs;

(c) [**The anticipated**]Percentage of project filming **or production** in enhanced incentive counties;

(d) **Number**[**the percentage**] of anticipated employed Kentucky residents **compared to the**[**and**] total above-the-line and below-the-line production crew;

(e) [**The**]Amount of time filming **or production** will occur in Kentucky;[**and**]

(f) [**The**]Presence of a distribution contract**;**

(g) Percentage of funding secured;

(h) Total amount of incentives sought compared to the number of Kentucky-based below-the-line production crew members employed;

(i) Percentage of incentives sought attributable to non-Kentucky-based production crew members; and

(j) Availability of one (1) or more qualifying Kentucky crew training programs offered in conjunction with the project.

(3) **The Cabinet shall conduct an economic analysis of**[**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). **Analysis**[**Ranking**] shall prioritize applications with more Kentucky-based jobs, **committed funding, spend to**[**employed**] Kentucky**-based vendors** residents, **qualifying Kentucky crew training programs,** and **overall economic benefit to Kentucky**[**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) **For a national touring production of a Broadway show produced in Kentucky in accordance with KRS 154.61-010(18)(a)2., the number of anticipated employed Kentucky residents identified in subsection (2)(d) of this section shall include the number of Kentucky-based jobs at the production's venue supported by the production.**

(5) 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 8.[***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 ***if***[**)**][***where***] the total amount of qualifying expenditures and qualifying payroll expenditures is less than[**fifty thousand dollars (**]$50,000[**)**];

(b) [**Five hundred dollars (**]$500 ***if***[**)**][***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 ***if***[**)**][***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.

Section 9.[***Section 8.***] **Incorporation by Reference.**

(1) "Application for Kentucky Entertainment Incentive (KEI)", September 2025, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Economic Development, Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. *or online at https://cedky.com/cdn/1980_KEI_Application_9-2025_CED_Sample.pdf.*

FILED WITH LRC: October 14, 2025

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.

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
Board of Education
Department of Education
(Emergency Amended After Comments)

701 KAR 5:170E. Waiver requests.

EFFECTIVE: October 7, 2025
Prior Versions:
New Emergency Administrative Regulation – 52 Ky.R. 356

RELATES TO: KRS 156.070, 156.160, 156.161, 157.360, 158.854

STATUTORY AUTHORITY: KRS 156.070, 156.161

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board of Education to manage and control the common schools, including prescribing administrative regulations the Kentucky Board of Education deems necessary for the efficient management, control and operation of public schools. KRS 156.161 authorizes the Kentucky Board of Education to promulgate administrative regulations to establish procedures for processing requests to waive statutes or administrative regulations pursuant to KRS 156.161. This administrative regulation sets forth the procedures for processing requests to waive statutes or administrative regulations pursuant to KRS 156.161.

Section 1. Definitions.

(1) "Amendment application" means a waiver request wherein a school district board of education seeks to amend the waiver of a statute or administrative regulation previously granted to the requestor by the Kentucky Board of Education and still in effect as of the date of the waiver request.

(2) "Commissioner" means the commissioner of the department.

(3) "Department" means the Kentucky Department of Education.

(4) "New application" means a waiver request wherein a school district board of education seeks a waiver of a statute or administrative regulation not previously granted to the requestor by the Kentucky Board of Education, or previously granted to the requestor by the Kentucky Board of Education but expired or terminated as of the date of the waiver request.

(5) "Renewal application" means a waiver request wherein a school district board of education seeks renewal of a waiver of a statute or administrative regulation previously granted to the requestor by the Kentucky Board of Education and still in effect as of the date of the waiver request.

(6) "Special education maximum class size application" means a waiver request wherein a superintendent or school-based decision making council seeks a waiver of the special education class sizes prescribed in 707 KAR 1:350, or to renew a waiver of the special education class sizes prescribed in 707 KAR 1:350 previously granted to the requestor by the Kentucky Board of Education and still in effect as of the date of the waiver request.

(7) "Waiver request" means a request to waive statutes or administrative regulations made pursuant to KRS 156.161 and this administrative regulation.

Section 2. Waiver Request Application.

(1) A waiver request shall be in the form of a new application, a renewal application, an amendment application, or a special education maximum class size application, and shall comply with the requirements of this section.

(2) A waiver request shall be submitted by U.S. mail to the department with the phrase "Attn: Waiver Request" in the address. The Commissioner may allow email submission of waiver requests at his or her discretion to an email address selected by the Commissioner.

(3) A new application shall include an Application Cover Sheet (E), and attached thereto a Specific Waiver Request Form for each statute or administrative regulation from which the requestor seeks a waiver.

(4) A renewal application shall include an Application Cover Sheet (E), and attached thereto a Renewal Application Form (E).

(5) An amendment application shall include an Application Cover Sheet (E), and attached thereto an Amendment Request Form (E).

(6) A special education maximum class size application shall include a Special Education Maximum Class Size Request Form.

(7) A waiver request shall be deemed incomplete if:

(a) The request fails to include all forms required for the waiver request as provided in subsections (3) – (6) of this section;

(b) The forms required for the waiver request as provided in subsections (3) – (6) of this section contain missing or incomplete responses; or

(c) Attachments prescribed within the forms required for the waiver request as provided in subsections (3) – (6) of this section are missing or incomplete.

Section 3. Receipt and Technical Review.

(1) Upon receipt of a waiver request, the department shall:

(a) Notate the date the department received the request;

(b) Assign a number to identify the request;

(c) Notify the Kentucky Board of Education that the waiver request should appear on its next regular meeting for review and decision; and

(d) Perform a technical review of the waiver request as set forth in subsection (2) of this section.

(2) The department shall perform the following technical review for each waiver request received:

(a) Calculate the number of calendar days from the date noted on the waiver request pursuant to subsection (1)(a) of this section and the next regular meeting of the Kentucky Board of Education following that date;

(b) Determine whether the waiver request seeks waiver of any statute or administrative regulation set forth in KRS 156.161(1)(a)-(j); and

(c) Determine whether the waiver request meets the requirements of KRS 156.161(2) and Section 2 of this administrative regulation.

(3) Following the technical review performed pursuant to subsection (2) of this section, the department shall notify the party submitting the waiver request of the following:

(a) The date the department received the waiver request;

(b) The number assigned by the department to identify the waiver request;

(c) The Kentucky Board of Education meeting date when the waiver request will be acted upon;

(d) If the number of calendar days calculated pursuant to subsection (2)(a) of this section is less than forty-five (45), that denial of the waiver request shall be recommended to the Kentucky Board of Education due to insufficient time to conduct a meaningful review of the request, unless the Commissioner determines the waiver request is narrowly tailored to address an emergency situation requiring timely action by the Kentucky Board of Education;

(e) If the waiver request seeks waiver of any statute or administrative regulation set forth in KRS 156.161(1)(a)-(j), that denial of those portions of the request shall be recommended to the Kentucky Board of Education;

(f) If the waiver request does not meet the requirements of KRS 156.161(2) or Section 2 of this administrative regulation, that denial of the request shall be recommended to the Kentucky Board of Education, along with a description of how the request does not meet the requirements of KRS 156.161(2) or Section 2 of this administrative regulation;

(g) Instructions on how the party submitting the waiver request may voluntarily withdraw its request from Kentucky Board of Education review prior to the date set forth in paragraph (c) of this subsection; and

(h) Instructions on how the party submitting the waiver request may request that the Kentucky Board of Education act upon the request on a date different from that set forth in paragraph (c) of this subsection.

(4) Following the notice provided in subsection (3) of this section, the department shall take the following steps in processing the waiver request:

(a) If the waiver request is recommended to the Kentucky Board of Education for denial as set forth in paragraph (d) or (f) of subsection (3) of this section, then such recommendation shall be forwarded to the Kentucky Board of Education and the department shall terminate further review of the waiver request pursuant to this administrative regulation;

(b) If portions of the waiver request are recommended to the Kentucky Board of Education for denial as set forth in paragraph (e) of subsection (3) of this section, then such recommendation shall be forwarded to the Kentucky Board of Education and the department shall terminate further review of those portions of the waiver request pursuant to this administrative regulation; and

(c) Any waiver request, or portion thereof, not recommended for denial to the Kentucky Board of Education as set forth in paragraphs (d) – (f) of subsection (3) of this section shall proceed to substantive review pursuant to Section 4 of this administrative regulation.

Section 4. Substantive Review.

(1) A waiver request, or portion thereof, that proceeds to substantive review pursuant to subsection (4)(c) of Section 3 of this administrative regulation shall be reviewed and recommended by the Commissioner to the Kentucky Board of Education for approval or denial following such review.

(2) In reviewing and evaluating the waiver request for a recommendation pursuant to subsection (1) of this section, the Commissioner shall consider the following factors:

(a) The entirety of the waiver request as set forth in subsections (3) – (6) of Section 2 of this administrative regulation;

(b) Student academic achievement for the past three full school years for which data is available in the schools and programs identified in the waiver request;

(c) Whether and to what extent the waiver request describes processes the requesting party will utilize to measure success as a result of the waiver, if granted, using data and accountability;

(d) The likelihood of the schools and programs identified in the waiver request realizing meaningful operational efficiency improvements if the waiver is granted;

(e) The likelihood of the students enrolled in the schools and programs identified in the waiver request realizing improved academic achievement if the waiver is granted;

(f) Whether and to what extent the waiver request reasonably anticipates potential adverse impacts on student academic achievement and addresses such potential adverse impacts;

(g) Whether and to what extent the waiver request demonstrates the establishment of high expectations for student learning and evidence based best practices for learning in the schools and programs identified in the request; and

(h) For special education maximum class size applications, any additional factors to be considered pursuant to 707 KAR 1:350 for waiver or exemption of special education maximum class sizes.

(3) Following review and evaluation as provided in subsection (2) of this section, the Commissioner shall recommend approval of a waiver request, or portion thereof, only if he or she finds the requested waiver is more likely than not:

(a) To improve school or program operations without hindering student academic achievement; or

(b) To improve student academic achievement at the school or program.

Section 5. Notification of Kentucky Board of Education Action.

(1) Within ten (10) business days following action by the Kentucky Board of Education on any waiver request, the department shall notify the requesting party of:

(a) The action taken by the Kentucky Board of Education on the waiver request; and

(b) If any portion of the waiver request was granted:

1. The specific statutes or administrative regulations waived;

2. The schools or programs to which the waiver applies;

3. The expiration date of the waiver granted;

4. The process to file a renewal application to avoid expiration of the waiver granted; and

5. The process to file an amendment application to seek future amendments to the waiver granted.

(2) The department shall maintain a list of waiver requests granted by the Kentucky Board of Education. The department shall remove from the list any waivers that are no longer effective due to expiration or termination.

Section 6. Termination of Waiver.

(1) A party to whom a waiver request is granted may request voluntary termination of the waiver by submitting an amendment application using the procedures set forth in Section 2 of this administrative regulation.

(2) The Kentucky Board of Education may terminate a waiver it previously granted as provided in KRS 156.161(9). No less than twenty (20) calendar days prior to a meeting of the Kentucky Board of Education to consider termination of a waiver pursuant to this subsection, the department shall provide written notice to the party to whom the waiver was granted of the following:

(a) That the Kentucky Board of Education will consider termination of a previously granted waiver as provided in KRS 156.161(9);

(b) The Kentucky Board of Education meeting date when such consideration and action shall occur;

(c) The reasons for potential termination of the previously granted waiver along with copies of any documents that will be considered by the Kentucky Board of Education as evidence in support of the reasons for potential termination; and

(d) That any written response of the party to whom the waiver was granted, received by the department within fifteen (15) calendar days following the date of the notice, shall be provided to the Kentucky Board of Education for its consideration prior to any action to terminate a previously granted waiver as provided in KRS 156.161(9).

(3) Within five (5) business days following any action by the Kentucky Board of Education pursuant to subsection (2) of this section, the department shall provide written notice to the party granted a waiver subject to termination action of the outcome of the Kentucky Board of Education's action pursuant to KRS 156.161(9).

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application Cover Sheet (E)", **October**[~~June~~] 2025;

(b) "Specific Waiver Request Form", June 2025;

(c) "Renewal Application Form (E)", June 2025;

(d) "Amendment Request Form (E)", June 2025; and

(e) "Special Education Maximum Class Size Request Form", **October**[~~June~~] 2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Department of Education, 300 Sower Blvd, 5th Floor, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m. eastern time. This material may also be accessed on the Kentucky Department of Education website at: https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).
DR. ROBBIE FLETCHER, Commissioner
SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: October 6, 2025
FILED WITH LRC: August 13, 2025 at 2:15 p.m.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen
Subject Headings: Board of Education; Waivers; Forms and Applications.
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation sets forth the procedures for processing requests to waive statutes or administrative regulations pursuant to KRS 156.161.
(b) The necessity of this administrative regulation: KRS 156.161 authorizes the Kentucky Board of Education to promulgate administrative regulations to establish the procedures for processing requests to waive statutes or administrative regulations. Without this regulation, no procedure will exist for local boards of education to utilize KRS 156.161 to request that the Kentucky Board of Education waive statutes or administrative regulations.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.161 specifically authorizes the Kentucky Board of Education to promulgate administrative regulations to establish the procedures for processing requests to waive statutes

or administrative regulations.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the procedures for processing requests to waive statutes or administrative regulations pursuant to KRS 156.161.
(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.
(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.
(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.
(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See 2025 Ky. Acts ch. 113, sec. 1.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky Department of Education and 171 public school districts.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: The Kentucky Department of Education must follow the procedures listed in the regulation for review, processing, and recommendation to the Kentucky Board of Education for any waiver request received from a local board of education. Local boards of education are not required to take any action as a result of the administrative regulation. However, if they choose to apply to the Kentucky Board of Education for a waiver pursuant to KRS 156.161, they must utilize the forms and comply with the procedures set forth in the regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal. Costs to local boards of education are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The Kentucky Department of Education will be guided by clear procedures that are uniform to all applicants. Local school boards will have access to fillable forms and instructions to guide them through the process of requesting a waiver pursuant to KRS 156.161.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal.
(b) On a continuing basis: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: General funds.
(8) 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: The administrative regulation does not establish or increase any fees. Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal. If this changes in the future, the Kentucky Department of Education will explore the need for additional funding.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies uniformly.

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 156.070, 156.161.
(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 156.161.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education and Kentucky Department of Education.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal.
For subsequent years: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal.
2. Revenues:
For the first year: This regulation is not expected to generate revenue.
For subsequent years: This regulation is not expected to generate revenue.
3. Cost Savings:
For the first year: This regulation is not expected to result in cost savings to the Kentucky Department of Education.
For subsequent years: This regulation is not expected to result in cost savings to the Kentucky Department of Education.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local school districts.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: Costs to local school districts are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal.
For subsequent years: Costs to local school districts are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal.
2. Revenues:
For the first year: This regulation is not expected to generate revenue.
For subsequent years: This regulation is not expected to generate revenue.
3. Cost Savings:
For the first year: Local school districts may realize cost savings depending on the specific waivers requests and granted.
For subsequent years: Local school districts may realize cost savings depending on the specific waivers requests and granted.
(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: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal. Costs to local school districts are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal. This regulation is not expected to generate revenue. Local school districts may realize cost savings depending on the specific waivers requests and granted.
(b) Methodology and resources used to reach this conclusion: The agency considered the procedures called for by this administrative regulation, as well as historical volume of requests from school district to waive administrative regulations.
(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(14): This regulation will not have a "major economic impact" as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: As previously stated, local boards of education are not required to take any action as a result of the administrative regulation. However, if they choose to apply to the Kentucky Board of Education for a waiver pursuant to KRS 156.161, they must utilize the forms and comply with the procedures set forth in the regulation. Costs to local school districts are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal. Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal based on historical volume of requests from school districts to waive administrative regulations.

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

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
(As Amended at ARRS, October 14, 2025)

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***, and made available at revenue.ky.gov under the Inheritance Tax tab***[~~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 ***that***[~~***which***~~] is based on the life expectancy of the beneficiary or some other person. ***Table 1, Life Table for the Total Population: United States,***[~~***The life mortality table***~~] prescribed ***and published*** 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.~~]

FILED WITH LRC: October 14, 2025

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.

BOARDS AND COMMISSIONS
Kentucky Board of Medical Licensure
(As Amended at ARRS, October 14, 2025)

201 KAR 9:270. Professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.

RELATES TO: KRS **216.510,** 218A.205, 311.530-311.620, 311.840-311.862, 311.990
STATUTORY AUTHORITY: KRS **218A.205(3),** 311.565(1)(a)**, 311.842(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 311.565(1)(a) authorizes the board to promulgate administrative regulations to regulate the conduct of its licensees. KRS 218A.205(3)(a) and (b) require the board to establish mandatory prescribing and dispensing standards related to controlled substances. KRS 311.842(1)(b) requires that the board promulgate administrative regulations establishing professional standards for prescribing and administering controlled substances by physician assistants. This administrative regulation establishes the professional standards for any board licensee who prescribes, dispenses, or administers Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone in the Commonwealth of Kentucky. Nothing within this administrative regulation shall be interpreted to grant physician assistants authority to dispense Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone, unless otherwise authorized by KRS 311.842.

Section 1. Applicability.
(1) Any licensee who prescribes, dispenses or administers[**,** ~~**dispenses**~~] Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone shall comply with the standards of acceptable and prevailing medical practices established in this administrative regulation.
(2) A physician assistant shall only prescribe or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone to the extent delegated by the supervising physician in the applications required **by**[~~**under**~~] KRS 311.854 and 311.858. This administrative regulation, including any exemptions stated herein, shall not alter the prescribing limits established in KRS 311.858 or the requirement for delegation from a supervising physician established in KRS 311.854.
(a) Any change in the supervising physician application, including changes in practice address, scope of practice, or scope of delegated prescriptive authority, required under KRS 311.854 and 311.858 shall be reported in writing to the board within ten (10) days of the change.
(b) If the physician assistant's supervising physician changes or the supervising physician **becomes**[~~**become**~~] restricted or suspended from the practice of medicine or osteopathy, the physician assistant shall cease prescribing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone until the restriction or suspension is terminated or a new supervising physician is approved.
(c) Prescribing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone without the applications required **by**[~~**under**~~] KRS 311.854 and 311.858 shall constitute a violation of this administrative regulation and shall be grounds for an emergency order of restriction or suspension.
(3) The professional standards established in this administrative regulation shall not apply to prescribing**,**[~~**or**~~] dispensing**,** or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone:
(a) To a patient as part of the patient's hospice or end-of-life treatment;
(b) *To* a patient who has an active and substantiated cancer diagnosis and is suffering from cancer-related pain, if prescribed or dispensed by a board-certified oncologist;
(c) *To* a patient who is receiving palliative care for cancer-related pain, if prescribed or dispensed by a board-certified palliative care specialist;
(d) To a patient admitted to a hospital-based or hospital-affiliated emergency department while the patient is admitted therein;
(e)[~~**(c)**~~] To a patient admitted to a licensed hospital, during and as part of a normal and expected part of the patient's course of care at that hospital;
(f)[~~**(d)**~~] To a patient who is admitted to a level 3.5 or higher inpatient residential treatment facility with an on-sight medical director who is certified by the American Board of Addiction Medicine, the American Board of Preventive Medicine in addiction medicine, the American Board of Medical Specialties (ABMS) in

addiction medicine, or an American Osteopathic Association (AOA) certifying board in addiction medicine, during and as part of a normal and expected part of the patient's course of care at that facility;

(g)[**(e)**] To a patient who is a registered resident of a long-term care facility as defined in KRS 216.510; **or**[**and**]

(h)[**(f)**] For up to fourteen (14) days, to a patient who has undergone a major surgery, being any operative or invasive procedure or delivery, or has suffered a significant physical trauma, being any acute, blunt, blast or penetrating bodily injury that has a risk of death, physical disability or impairment.

Section 2. Minimum Qualifications.

(1) [for Prescribing, Dispensing, or Administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone. Except as provided in Section 3 of this administrative regulation,]A licensee shall not prescribe, dispense, or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone unless that licensee possesses the minimum qualifications established in this section.

[(1)] [The licensee shall obtain and maintain in good standing a waiver and license as issued by the Drug Enforcement Administration (DEA) to prescribe Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for the treatment of opioid use disorder in the Commonwealth of Kentucky.]

(2) The licensee shall successfully complete the approved educational programs required by this subsection.

(a) The prescribing licensee shall be a DEA-licensed prescriber of controlled substances, including Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone, and shall have completed any and all courses deemed necessary by the DEA[obtained Buprenorphine certification through completion of a Substance Abuse and Mental Health Services Administration ("SAMHSA") certified course].

(b) For each three (3) year continuing education cycle, each DEA-licensed prescriber of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone shall complete at least twelve (12) hours of continuing medical education certified in Category I specific to addiction medicine as part of the required continuing medical education hours set forth in 201 KAR 9:310 and 201 KAR 9:360.

[(3)] [The licensee shall enroll in the Kentucky Health Information Exchange to the extent necessary to query and pull information from the Kentucky Health Information Exchange. The licensee shall not report the prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for medically-supervised withdrawal or as maintenance treatment for a patient diagnosed with opioid use disorder into the Kentucky Health Information Exchange unless otherwise required by law.]

Section 3.[Section 2.] Professional Standards for Prescribing, Dispensing, or Administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for Medically-Supervised Withdrawal or the Treatment of Opioid Use Disorder.

(1)

(a) Except as provided in paragraph (b) of this subsection, transmucosal Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone shall only be prescribed, dispensed, or administered for medically-supervised withdrawal or as a maintenance treatment for a patient diagnosed with opioid use disorder.

(b) **Except *as established in*[*to patients in*]Section 1(3)(a), (b) and (c),** Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone shall not be used for the treatment of pain or any other condition, unless delivered in a Federal Drug Administration (FDA) approved form and for an FDA approved purpose.

(2) Buprenorphine-Mono-Product shall not be prescribed, dispensed, or administered for medically-supervised withdrawal or as a maintenance treatment for a patient diagnosed with opioid use disorder, except:

(a) To a pregnant patient;

(b) To a patient with demonstrated hypersensitivity to naloxone;[***or***]

(c) As administered under supervision in a physician's office or other healthcare facility, including hospitals, urgent care settings, surgical care centers, residential treatment facilities, and correctional facilities; ***or***

(d) To a patient transitioning from a full opioid agonist to buprenorphine, limited to a period of no longer than thirty (30) days[; or]

[(d)] [To a patient transitioning from methadone to buprenorphine, limited to a period of no longer than one week].

(3)

[(a)] If[Except as provided in paragraph (b) of this section,] Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone is[shall not be] prescribed, dispensed, or administered to a patient who is also being prescribed other controlled substances or other substances subject to abuse or misuse beyond a period of three (3) months, then the licensee shall obtain and document a formal provider-to-provider or patient-to-provider[benzodiazepines, other sedative hypnotics, stimulants or other opioids, without] consultation of a physician who is certified by the American Board of Addiction Medicine, the American Board of Preventive Medicine in addiction medicine, the American Board of Medical Specialties (ABMS) in addiction medicine[psychiatry], or an American Osteopathic Association (AOA) certifying board in addiction medicine or a physician who has completed an addiction psychiatry fellowship[psychiatry].

[(b)] [A licensee may prescribe, dispense, or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone to a patient who is also being prescribed benzodiazepines, other sedative hypnotics, stimulants, or other opioids, without consultation in order to address an extraordinary and acute medical need not to exceed a combined period of thirty (30) days.]

(4) [Except as provided in Section 3 of this administrative regulation,]Each licensee who prescribes, dispenses, or administers Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for medically-supervised withdrawal or for the treatment of opioid use disorder shall fully comply with the professional standards established in this subsection.

(a) Prior to or at least within two (2) weeks of initiating treatment, the prescribing, dispensing, or administering licensee shall:

1. Obtain and record a complete and appropriate evaluation of the patient which shall at a minimum include:

a. The patient's history of present illness;

b. The patient's history of substance use;

c. The patient's social and family history;

d. The patient's past medical and psychiatric histories;

e. A focused physical examination of the patient;

f. **Offering**[**Offer**]screening with counseling for HIV and hepatitis serology; and

g. Arranging appropriate laboratory tests, which shall include a CBC, a drug screen, and a CMP;

2. Obtain the patient's consent and authorizations in order to obtain the patient's prior medical records.

a. Upon receipt of the medical records, the prescribing, dispensing, or administering licensee shall review and incorporate the information from the records into the evaluation and treatment of the patient.

b. If the prescribing, dispensing, or administering licensee is unable, despite best efforts, to obtain the patient's prior medical records, the licensee shall document those efforts in the patient's chart;

3. Obtain and review a KASPER report for that patient for the twelve (12) month period immediately preceding the initial patient encounter and appropriately utilize that information in the evaluation and treatment of the patient;

4. Explain treatment alternatives and the risks and the benefits of treatment with Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone to the patient;

5. Obtain written informed consent from the patient in a manner that meets professional standards; and

6. If the patient is a female of child-bearing age and ability, [meet the requirements of paragraph (b) of this subsection.]

[(b)] [Except as provided in Section 3 of this administrative regulation, the requirements of this paragraph shall apply to the treatment of a female of child-bearing age and ability.]

[1.] [Prior to initiating treatment, the licensee shall require that the patient submit to a pregnancy test and, if pregnant,]the licensee shall offer to screen for pregnancy and provide counseling as to the risk of neonatal abstinence syndrome which shall be consistent with current SAMHSA guidance. If the patient is pregnant, the prescribing, dispensing, or administering licensee shall refer the patient to an obstetrician or maternal-fetal medicine specialist for prenatal care, unless the licensee assumes management of the prenatal care.

[2.]

[a.] [Unless the licensee is certified by the American Board of Addiction Medicine, the American Board of Preventive Medicine, the American Board of Medical Specialties (ABMS) in psychiatry, or an American Osteopathic Association (AOA) certifying board in][addiction medicine or psychiatry or an obstetrician or maternal-fetal medicine specialist, a licensee who prescribes, dispenses, or administers Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone to a patient who is pregnant or breastfeeding shall first obtain and document consultation with another independent physician that the potential benefit of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone use outweighs the potential risk of use.]

[b.] [The consultation shall be obtained from a physician who is certified by the American Board of Addiction Medicine, the American Board of Preventive Medicine, the American Board of Medical Specialties (ABMS) in psychiatry, or an American Osteopathic Association (AOA) certifying board in addiction medicine or psychiatry or from an obstetrician or maternal-fetal medicine specialist.]

(b)[(c)] Except as provided by paragraph (d) of this subsection, while initiating treatment with Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone, the licensee shall comply with the requirements of this paragraph.

1. The licensee shall recommend to the patient an in-office observed initiation[induction] protocol, particularly if the patient is on fentanyl or methadone.

a. Except as provided in clause b. of this subparagraph, the licensee shall supervise the in-office observed initiation[induction] protocol and shall ensure that resources are available to manage precipitated withdrawal.

b. If an in-office observed initiation[induction] does not occur, the licensee shall appropriately record the circumstances in the patient chart and shall educate the patient about the potential for precipitated withdrawal. The licensee shall be responsible for the coordination and implementation of a plan to manage precipitated withdrawal outside of an in-office observed initiation.

2. The licensee shall assess for and document the presence or absence of opioid withdrawal before the first dose is given by using a standardized instrument, such as the clinic opioid withdrawal scale (COWS) or other similarly recognized instrument.

3. The licensee shall initiate treatment with a dose not to exceed the dose equivalency of four (4) milligrams buprenorphine generic tablet, which:

a. May be followed by subsequent doses[if withdrawal persists]; and

b. Shall not exceed the dose equivalency of sixteen (16) milligrams buprenorphine generic tablet on the first day of treatment.

(c)[(d)] If the patient is transferred from another treatment provider and has previously experienced withdrawal without a relapse and has not had a lapse in treatment, the licensee shall:

1. Not rely solely on the patient's self-reported history but shall comply with the standards **established**[**set forth**] in Section **3(4)**[**2(4)**] of this administrative regulation[Document that fact];

2. Make reasonable attempts to obtain records from the prior treatment provider;

3. Educate the patient about the potential for precipitated withdrawal; and

4.[3.] Make an informed and independent clinical decision to continue maintenance treatment of the patient on the same or less dosage as established by the previous treatment provider and then as provided in paragraph (e) of this subsection.

(d)[(e)] After initial initiation[induction] of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone, the licensee shall meet the requirements established in this paragraph.

1. If the licensee prescribes, dispenses, or administers Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone medication, the licensee shall implement a treatment plan that requires objective behavioral modification by the patient. The behavioral modification shall include the patient's participation in a behavioral modification program that may include counseling or a twelve (12) step facilitation.

2. The licensee shall prescribe, dispense, or administer to the patient an amount of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone that:

a. Is necessary to minimize craving and opiate withdrawal;

b. Does not produce opiate sedation;[**and**]

c. [Except as provided in subclauses (i) through (iv) of this clause,]Is to be taken no more frequently than twice[once] daily;

[(i)] [If the patient is pregnant, is to be taken no more than twice daily;]

[(ii)] [If the patient is receiving a daily dosage of less than 16mg, is to be taken no more than twice daily;]

[(iii)] [If the patient is simultaneously engaged in cancer treatment, hospice or palliative care, is to be taken bid or tid; or]

[(iv)] [If the patient is undergoing a major surgery, being any operative or invasive procedure or delivery, or has suffered a significant physical trauma, being any acute, blunt, blast or penetrating bodily injury that has a risk of death, physical disability or impairment, is to be taken bid or tid for up to fourteen (14) days;] and

d. Is able only to supply the patient until the next licensee visit, which shall be scheduled as required by subparagraph 3. of this paragraph.

3.

a. The licensee shall ensure that the patient is seen by a licensed clinical healthcare professional with prescribing authority:

(i) No later than ten (10) days after initiation[induction] and then at intervals of no more than ten (10) days for the first month after initiation[induction]; and

(ii) At intervals of no more than fourteen (14) days for the second month after initiation[induction].

b.

(i) If the patient demonstrates objective signs of [positive]treatment progress, the licensee shall ensure that the patient is seen at least once monthly thereafter.

(ii) If two (2) years after initiation of treatment, the patient is being prescribed Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for opioid use disorder and the patient has demonstrated objective signs of [positive]treatment progress, including documented evidence that the patient has been compliant with the treatment plan and all treatment directives for at least two (2) years, then the licensee may require that the patient be seen only by the licensee at least once every three (3) months.

(iii) The licensee shall see the patient in shorter intervals if the patient demonstrates any noncompliance with the treatment plan.

c. If extenuating circumstances arise that require a patient to unexpectedly reschedule a physician visit, the licensee shall make best efforts to see the patient as soon as possible and document the circumstances in the patient chart.

4. At least every three (3) months after initiation of treatment, the licensee shall evaluate the patient to determine whether the patient's dosage should be continued or modified and shall appropriately document that evaluation and clinical reasoning in the patient's chart.

5. At least once every three (3) months, the licensee shall obtain KASPER reports to help guide the treatment plan.

a. If the KASPER indicates any unexpected[abnormal] findings, the licensee shall incorporate those findings into appropriate clinical reasoning to support the continuation or modification of treatment and shall accurately document the same in the patient record.

b. Appropriate clinical reasoning may include adjustment of dose strength, adjustment of frequency of visits, increased drug

screening, a consultation with a specialist, or an alternative treatment.

c. Every twelve (12) months following initiation of treatment, if a patient's prescribed daily therapeutic dosage exceeds the dose equivalency of sixteen (16) milligrams buprenorphine generic tablet per day and the licensee is not certified by the American Board of Addiction Medicine, the American Board of Preventive Medicine in addiction medicine, the American Board of Medical Specialties (ABMS) in psychiatry, or an American Osteopathic Association (AOA) certifying board in addiction medicine or psychiatry, then the licensee shall[obtain]refer the patient for a formal consultation with[from] a physician who is certified by the American Board of Addiction Medicine, ***the American Board of Preventive Medicine in addiction medicine,*** the American Board of Medical Specialties (ABMS) in psychiatry, or an American Osteopathic Association (AOA) certifying board in addiction medicine or a physician who has completed an addiction psychiatry fellowship for an opinion as to whether continued treatment and dosage is appropriate and shall accurately document the results of that consultation in the patient chart. The formal consultation may occur via telehealth if it would meet the same standards of acceptable and prevailing evaluative practices of a physical in-person evaluation.

d. The licensee shall adjust dosages according to the individual patient's condition and within acceptable and prevailing medical standards, with the goal of improving the patient's quality of life and ability to function in the community.

e. Every twelve (12) months following initiation of treatment, the licensee shall evaluate for and document the medical necessity for continued treatment at the established dose.

f. The licensee shall ensure that the patient is drug tested. A patient in early stages of treatment shall be tested at least once weekly and as the patient becomes more stable in treatment, the frequency of drug testing may be decreased, but shall be performed at least on a monthly basis. Individual consideration may be given for less frequent testing if a patient is in sustained remission. If the patient returns to substance use after a period of abstinence, the licensee shall resume the early treatment testing schedule, in conjunction with an adapted or intensified treatment plan.

(i) Except as **established** in this subclause, each drug screen shall at a minimum screen for buprenorphine, methadone, opioids, THC, benzodiazepines, amphetamines, and cocaine. On intake and at least once a year thereafter, the licensee shall obtain a random and unannounced comprehensive drug screen that shall also screen for gabapentin and illicit substances commonly used in the geographical region.

(ii) If a drug screen indicates any unexpected[abnormal] findings, the licensee shall incorporate those findings into appropriate clinical reasoning to support the continuation or modification of treatment and shall accurately document the same in the patient record.

(iii) Appropriate clinical reasoning may include adjustment of dose strength, adjustment of frequency of visits, increased drug screening with urine confirmation, a consultation with a specialist, or an alternative treatment.

6. If at any time during treatment, the licensee observes patterns of unexpected results in the patient's urine drug screens or KASPER data, then the licensee shall:

a. Refer the patient out to a higher level of care; or

b. Increase the intensity of treatment and continue to monitor for unexpected urine drug screen results and KASPER data.

7.[6.] The licensee shall document a plan for handling any lost or stolen medication, which shall not provide for the automatic replacement of medication prior to the specified interval date.

[Section 3.] [Use of transmucosal buprenorphine-mono-product or buprenorphine-combined-with-naloxone for treatment of opioid use disorder in an emergency situation or inpatient setting.]

[(1)] [In an emergency, including in a hospital emergency department or similar outpatient urgent care setting, or in an inpatient setting, licensees may offer and initiate buprenorphine treatment to patients who present with opioid use disorder, without meeting the requirements established in Sections 1 and 2 of this administrative regulation and to the extent permitted by federal law, if:]

[(a)] [The licensee has determined that the use of buprenorphine-mono-product or buprenorphine-combined-with-naloxone will not result in a harmful interaction with other medications or substances in the patient's system, including benzodiazepines, sedative hypnotics, carisoprodol, or tramadol;]

[(b)] [The licensee obtains and documents written informed consent from the patient specific to risks and benefits of buprenorphine treatment; and]

[(c)] [The licensee provides the patient with written instructions and contact information for appropriate follow up care, including bridge-provider services, residential treatment providers, and outpatient treatment providers.]

[(2)] [The licensee shall initiate buprenorphine treatment under an observed induction protocol with an initial dose not to exceed the dose equivalency of four (4) milligrams buprenorphine generic tablet, which may be followed by subsequent doses, up to a maximum of twenty-four (24) milligrams buprenorphine generic tablet, if withdrawal persists and is not improving.]

Section 4. Professional Standards for Documentation of Patient Assessment, Education, Treatment Agreement and Informed Consent, Action Plans, Outcomes, and Monitoring.

(1) Each licensee prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone shall obtain and document all relevant information in a patient's medical record in a legible manner and in sufficient detail to enable the board to determine whether the licensee is conforming to professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone and other relevant professional standards **established**[**set forth**] in this administrative regulation.

(2) If a licensee is unable to conform to professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone as set forth in this administrative regulation due to circumstances beyond the licensee's control, or the licensee makes a professional determination that it is not appropriate to comply with a specific standard, based upon the individual facts applicable to a specific patient's diagnosis and treatment, the licensee shall document those circumstances in the patient's record and only prescribe, dispense, or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone to the patient if the patient record appropriately justifies the prescribing, dispensing, or administering of Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone under the circumstances and in accordance with SAMHSA guidelines as set forth in: Substance Abuse and Mental Health Services Administration, Medications for Opioid Use Disorder, Treatment Improvement Protocol (TIP) Series 63, Publication No. PEP21-01-002[PEP20-02-01-006], Rockville, MD: Substance Abuse and Mental Health Services Administration, 2021[2020].

Section 5. Violations. Failure to comply with or a violation of the professional standards established in [**Sections 2, 3**][,][**and 4 of**]this administrative regulation shall constitute a "departure from, or failure to conform to the standards of acceptable and prevailing medical practice within the Commonwealth of Kentucky," in violation of KRS 311.850(1)(p) and (s), KRS 311.595(12) and (9), as illustrated by KRS 311.597(4), and may constitute a violation of KRS 311.595(9), as illustrated by KRS 311.597(3), subjecting the licensee to sanctions authorized by KRS 311.595 and 311.850.

Section 6. Incorporation by Reference.

(1) Substance Abuse and Mental Health Services Administration, "Medications for Opioid Use Disorder, Treatment Improvement Protocol (TIP) Series 63, Publication No. PEP21-01-002[PEP20-02-01-006]", 2021**, is incorporated by reference**[2020].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material may also be obtained on the board's website[~~Web site~~] at kbml.ky.gov.

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BOARDS AND COMMISSIONS
Board of Nursing
(As Amended at ARRS, October 14, 2025)

201 KAR 20:161. *Investigations*[~~*Investigation*~~] and *dispositions*[~~*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), ***42 U.S.C. 1320a-7e et seq., 1396r-2 et seq., 45 C.F.R. Part 60***

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 ***necessary*** to ***enable it to carry into*** 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 ***their*** 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. ***If***[~~*When*~~] a respondent has 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 ***clause a. of*** this ***subparagraph***[~~*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 ***their*** 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 ***a*** 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) ***If***[~~*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. ***If***[~~***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***:***

(a) Access to, responsibility for, or the administration of controlled substances;

(b) Administration of medication;

(c) Supervisory functions; or

(d) 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***:***

(a) Physical, mental health, neuropsychological, psychosocial, psychosexual, or substance use disorder evaluations***;***[~~;~~]

(b) Counseling***;***[~~;~~]

(c) Therapy***;***[~~;~~] or

(d) 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 ***42 U.S.C. 1320a-7e et seq., 1396r-2 et seq., and 45 C.F.R. Part 60***[~~***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.

FILED WITH LRC: October 14, 2025

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.

BOARDS AND COMMISSIONS
Board of Nursing
(As Amended at ARRS, October 14, 2025)

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 ***are***[~~***shall be***~~]destroyed and affected electronic records removed from the board's computer systems so that the matter ***does***[~~***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) ***"Consent decree" means an agreement pursuant to 201 KAR 20:161, Section 2(5).***

(5) "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.

(1) The board shall not report cases that have been expunged to another state agency, board of nursing, or organization.[~~***, and***~~]

(2) The board shall reply to any inquiry regarding the expunged records that no record exists on the matter and that the proceedings to which ***the records***[~~***they***~~] refer shall be ***found***[~~***deemed***~~] never to have occurred.

(3) The individual whose records have been expunged may state that the proceedings to which ***the records***[~~***they***~~] referred ***to*** 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 ***in subsections (1) through (3) of this section***[~~***below***~~], subject to the exceptions set forth in Sections 4 ***through***[~~***-***~~]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 ***terms***[~~***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 ***terms***[~~***requirements listed***~~] were ***satisfied***[~~***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 ***shall***[~~***must***~~] always begin with ***an*** 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.

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BOARDS AND COMMISSIONS
Board of Physical Therapy
(As Amended at ARRS, October 14, 2025)

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 ***therapist***[~~***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 ***therapist***[~~***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***, 327.060,*** and ***this administrative regulation***[~~***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~~].

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

201 KAR 23:075. Continuing education for renewal.

RELATES TO: KRS ***194A.540, 210.366,*** 335.070(3)***, 335.130, 620.020***[~~335.130(4)~~]

STATUTORY AUTHORITY: KRS 335.070(3), (6), 335.130(4)

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(3) authorizes the board to promulgate administrative regulations pursuant to KRS Chapter 13A to carry out the provisions of KRS 335.010 to 335.160 and [~~***KRS***~~]335.990. KRS 335.070(6) and [~~***KRS***~~]335.130(4) allow the board to require continuing education as a condition of license renewal. This administrative regulation describes the requirements for continuing education for renewal and prescribes methods and standards for the board to approve continuing education courses.

Section 1. Definitions.

(1) "Academic course" means a course offered by an accredited board-approved postsecondary institution that is[~~" means a graduate level social work course~~]:

(a) Designated by a social work title or content; or

(b) A graduate level academic course relevant to social work.

(2) "Approved" means recognized by the Kentucky Board of Social Work.

(3) "Continuing education hour" and "instruction" means fifty (50) continuous clock minutes of participation in continuing education programs.

(4) "Extension" means granting additional time for a licensee to complete the required continuing education hours for renewal.

(5) "In-person learning" means courses or programs attended in person before a live presenter.

(6) [~~***"Technology-mediated learning" means courses or programs delivered through electronic media or technology, including:***~~]

[~~***(a)***~~] [~~***Distance learning programs;***~~]

[~~***(b)***~~] [~~***Online or web-based platforms;***~~]

[~~***(c)***~~] [~~***Teleconferencing or virtual seminars;***~~]

[~~***(d)***~~] [~~***Self-paced online or self-study courses, provided mechanisms to assess comprehension, engagement, and completion are included, such as real-time quizzes or post-tests; or***~~]

[~~***(e)***~~] [~~***Other technology-assisted learning methods approved by the board.***~~]

[~~***(7)***~~] "Program" means an organized educational experience, which is:

(a) Planned and evaluated to meet behavioral objectives; and

(b) Presented in one (1) session or a series.

(7)[~~***(8)***~~] [~~(5)~~] "Provider" means a person or an organization approved by the Kentucky Board of Social Work to provide a single continuing education program[~~over the course of one (1) year~~].

(8)[~~***(9)***~~] [~~(6)~~] "Relevant" means having content applicable to the practice of social work.

(9)[~~***(10)***~~] [~~(7)~~] "Sponsor" means a person or an organization approved by the Kentucky Board of Social Work to provide a[~~more than one (1)~~] continuing education program or programs over the course of one (1) year from the date of approval.

(10) "Technology-mediated learning" means courses or programs delivered through electronic media or technology, including:

(a) Distance learning programs;

(b) Online or web-based platforms;

(c) Teleconferencing or virtual seminars;

(d) Self-paced online or self-study courses, provided mechanisms to assess comprehension, engagement, and completion are included, such as real-time quizzes or post-tests; or

(e) Other technology-assisted learning methods approved by the board.

(11)[~~(8)~~] "Training program in suicide assessment, treatment, and management" means an empirically supported training program approved by the board that is at least six (6) hours in length and contains suicide assessment including screening and referral, suicide treatment, and suicide management as required by KRS 210.366.

(12) "Undue hardship" means a verifiable condition that imposes a significant and demonstrable barrier to compliance, such as, severe financial hardship, serious health issues, or other exceptional circumstances as substantiated by appropriate documentation.

(13) "Waiver" means a formal exception that releases a licensee from having to complete the specified continuing education requirements.

Section 2. Accrual and Computation of Continuing Education Hours for Renewal.

(1) Each certified social worker and licensed clinical social worker shall complete a minimum of thirty (30) continuing education hours during the three (3) year period for renewal, which shall be completed in person or through technology-mediated learning[~~before a live presenter or through home or self-study, courses delivered through electronic media or technology including distance learning, online, or teleconference courses~~].

(2) Each licensed social worker shall complete a minimum of fifteen (15) continuing education hours during the three (3) year period for renewal, which shall be completed in person or through technology-mediated learning[~~before a live presenter or through home or self-study, courses delivered through electronic media or technology including distance learning, online, or teleconference courses~~].

(3) All continuing education hours shall be relevant to the licensee's level of licensure.

(4) Kentucky Code of Ethical Conduct. Each renewal period, as part of the required continuing education hours, each licensee shall complete a board approved minimum three (3) hour course on the Kentucky Code of Ethical Conduct established in 201 KAR 23:080, which shall be taken in person or through technology-mediated learning[~~before a live presenter or through courses delivered through electronic media or technology including distance learning, online, or teleconference courses~~].

(a) The required course shall utilize 201 KAR 23:080 in whole or in part for the course and shall be a minimum of three (3) instruction hours.

(b) All courses shall provide a framework for ethical decision-making and provide a copy of 201 KAR 23:080.

(c) The required course ***shall***[~~***may***~~] focus on one ***(1)*** or more of the [~~***following***~~]topics ***of***:

1. Maintaining Professional Boundaries: Recognizing and establishing boundaries to ensure professional integrity;[.]

2. Dual Relationships and Conflicts of Interest: Identifying and managing situations ***if***[~~***where***~~] personal and professional roles may overlap;[.]

3. Self-Disclosure: Understanding when, how, and if sharing personal information is appropriate;[.]

4. Client Engagement and Welfare: Prioritizing the client's best interests while fostering ethical and effective relationships;[.]

5. Confidentiality in Non-Clinical Practice: Ethical considerations for maintaining privacy in diverse social work settings;[.]

6. Mandatory Reporting, Duty to Warn, Subpoenas, and Court Orders: Balancing confidentiality with legal obligations and ethical considerations;[.]

7. Documentation and Record Keeping: Ensuring ethical accuracy, transparency, and confidentiality in professional records;[.]

8. Ethical Use of Technology in Social Work: Navigating telehealth, social media, and digital tools ethically;[.]

9. Ethical Decision-Making Models: Applying structured approaches to resolve ethical dilemmas effectively;[.]

10. Ethics in addressing implicit bias and promoting equity in social work practice;[.]

11. Practicing across state lines; or[.]

12. Other board approved topics related to 201 KAR 23:080.

(5) [~~Clinical Social Work Supervision.~~] Each renewal period, as part of the required continuing education hours, each licensed clinical social worker who is a board approved supervisor pursuant to 201 KAR 23:070, Section 4(1)***(e)***[***d***][~~(c)~~2.], shall complete a three (3) hour, board approved clinical social work supervision course, which shall be taken in person or through technology-mediated learning[~~before a live presenter~~].

(6) Training Program in Suicide Assessment, Treatment, and Management. Every six (6) years, as part of the required continuing education hours, each licensee shall complete a minimum of six (6) hours of continuing education in a board approved training program in suicide assessment, treatment, and management as required by KRS 210.366(2).

(a) The training program in suicide assessment, treatment, and management shall be approved by the board, by a pre-approved provider or sponsor identified in Section 3(1) of this administrative regulation, or by one (1) of the following boards:

1. Kentucky Board of Licensure of Marriage and Family Therapists;

2. Kentucky Board of Licensed Professional Counselors;

3. Kentucky Board of Licensure for Pastoral Counselors;

4. Kentucky Board of Alcohol and Drug Counselors;

5. Kentucky Board of Examiners of Psychology; or

6. Kentucky Board of Licensure for Occupational Therapy.

(b) Exemptions. A licensee shall be exempted from completion of the training program in suicide assessment, treatment, and management if he or she:

1. Teaches or taught a graduate-level counseling course in suicide assessment, treatment, and management at least once during the six (6) year period; or

2. Teaches or taught a six (6) hour continuing education course in suicide assessment, treatment, and management at least once during the six (6) year period.

(7) Domestic Violence and Elder Abuse, Neglect, and Exploitation. During the three (3) year renewal period following initial licensure, as part of the required continuing education hours, each licensee shall complete a three (3) hour course in domestic violence, and elder abuse, neglect, and exploitation as defined by KRS 194A.540.

(8) Pediatric Abusive Head Trauma. At least one (1) time every six (6) years, as part of the required continuing education hours, each licensee shall complete one and one-half (1.5) hours of continuing education covering the recognition and prevention of pediatric abusive head trauma as defined in KRS 620.020.

(9) [***Telehealth. Social workers shall comply with the telehealth training requirements set forth inAs required by KRS 335.158, including completion ofafter July 1, 2025, all licensed social workers shall complete a board-approved two-hour training course on the use of telehealth to provide social work services asevery six (6) years a part of the required continuing education for license renewal.***]

[***(10)***] Academic Credit Equivalency. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equals fifteen (15) continuing education hours.

Section 3. Methods of Acquiring Continuing Education Hours. Continuing education hours for renewal shall be directly related to the professional growth and development of the licensee. The hours may be earned by completing any of the continuing education programs listed in this section.

(1) Preapproved programs not requiring board review and approval. Except for courses on the Kentucky Code of Ethical Conduct under Section 2(4) of this administrative regulation, and courses on clinical social work supervision under 201 KAR 23:070, Section 4(1)***(d) and (e)***[~~***(c)2.***~~], which require separate review and approval by the board, an educational program from any of the following providers shall be [~~***deemed to be***~~]relevant to the practice of social work and shall be approved without further review by the board if it is:

(a) Sponsored or approved by:

1. The Association of Social Work Boards (ASWB);

2. The National Association of Social Workers (NASW) or any of its affiliated state chapters;

3. The National Association of Black Social Workers (NABSW) or any of its affiliated state chapters;

4. The North American Association of Christians in Social Work or any of its affiliated state chapters; or

5. The Clinical Social Work Association or any of its affiliated state chapters;

(b) Sponsored by:

1. The American Psychological Association or any of its affiliated state chapters;

2. The American Counseling Association or any of its affiliated state chapters;

3. The National Board for Certified Counselors or any of its affiliated state chapters;

4. The American Psychiatric Association or any of its affiliated state chapters; or

5. A college, school, department, or program of social work in Kentucky, which is accredited by the Council on Social Work Education (CSWE); or

(c) An academic course offered by an accredited postsecondary institution directly related to social work, counseling, or psychology.

(2) Programs requiring board review and approval.

(a) A program that is not provided or sponsored by a preapproved provider or sponsor identified in subsection (1) of this section shall be reviewed by the board and approved for continuing education credit if the board determines that it is:

1. Relevant to the practice of social work; and

2. Contributes to the continuing professional competency of licensees.

(b) The board may approve various methods in which a continuing education program is presented including:

1. Technology-mediated learning[~~Home or self-study, courses delivered through electronic media or technology including distance learning, online, or teleconference courses~~]; and

2. In-service training, conferences, or workshops provided by other organizations, educational institutions, or other service providers [~~approved by the board~~].

(c) Board approval for technology-mediated learning[~~home or self-study courses, courses delivered through electronic media or technology including distance learning, online, or teleconference courses~~] shall be obtained each year unless the continuing education program does not require board approval under subsection (1) of this section.

(3) Relevant programs or academic courses presented by the licensee. A licensee who presents relevant programs or academic courses shall earn full continuing education credit for each contact hour of instruction, not to exceed one-half (1/2) of the continuing education renewal requirements. Credit shall not be issued for repeated instruction of the same course content or program within the same renewal period unless substantially revised or updated versions of a course or program can be clearly documented and approved by the board.

(4) Relevant articles authored by the licensee. A licensee who is an author of a relevant article, which is published in a professionally recognized or juried publication, shall earn seven and a half (71/2) hours of the continuing education requirements for renewal if a certified social worker or fifteen (15) hours of the continuing education requirements for renewal if a licensed social worker or licensed clinical social worker, if the article was published within one (1) year immediately preceding his or her renewal date.

(5) [~~***The following*** ~~]Continuing education courses shall be submitted to the board for approval and shall not be automatically preapproved under subsection (1) of this section ***that cover the***:

(a) Kentucky Code of Ethical Conduct required by Section 2(4) of this administrative regulation; and

(b) Clinical social work supervision for board-approved supervisors required by 201 KAR 23:070, Section 4(1)***(d) and (e)***[~~***(c)2***~~].

(6) A licensee or board member may earn continuing education hours for renewal by attending a ***board*** meeting[~~*** of the board***~~], in person, at the rate of one (1) hour of continuing education per board meeting up to a maximum of six ***(6) hours***[~~***(hours)***~~] per three (3) year renewal period.

Section 4. Procedures for Approval and Renewal of Continuing Education Providers and Programs.

(1) Provider Approval. A provider seeking approval of a continuing education program shall apply to the board ***at least***[~~***no less than***~~] thirty (30) days in advance of the commencement of the program, and provide the information required by subsection (3) of this section.

(2) The board shall approve a continuing education program if it determines that the program being presented:

(a) Is relevant to the practice of social work;

(b) Contributes to the continuing professional competency of a licensee; and

(c) Has competent instructors with appropriate academic training, professional license or certification, or professionally recognized experience.

(3) The board may approve a provider of a continuing education program for one (1) year if the provider:

(a) Files a completed Provider ***or Sponsor***[~~or Sponsor~~] Application for Continuing Education Approval, which includes:

1. A published program outline that includes an explanation of the program objectives;

2. The names and qualifications of the instructors presented in the form of resumes or curriculum ***vitae***[~~***vitas***~~];

3. A copy of the evaluation sheet by which the licensee can assess and comment on the program;

4. A copy of the program agenda stating the number of continuing education credit hours, including all breaks;

5. The number of continuing education credit hours requested;

6. A copy of the official certificate of completion or attendance from the provider; and

7. A statement whether the provider is requesting approval to meet the requirements of[~~ ***the following***~~] courses ***on the***:

a. Kentucky Code of Ethical Conduct required by Section 2(4) of this administrative regulation; or

b. Clinical social work supervision for board-approved supervisors required by 201 KAR 23:070, Section 4(1)***(d) and (e)***[~~***(c)2.***~~]; and

(b) Pays an ***initial*** application fee, payable to the Kentucky State Treasurer, of:

1. $100 for each one (1) day program of eight (8) hours or less; and

2. $100 for each additional one (1) day program of eight (8) hours or less.

(4) If the provider is requesting approval to meet the requirements of the Kentucky Code of Ethical Conduct course required for renewal by Section 2(4) of this administrative regulation, a minimum of one (1) presenter or instructor for the course shall:

(a) Hold a degree in social work;

(b) Hold an active license to practice social work in the Commonwealth of Kentucky;

(c) Not have an unresolved, pending disciplinary action before the board; and

(d) Not be practicing social work under terms or conditions of supervision imposed by the board.

(5) If the provider is requesting approval for the clinical social work supervision course, whether the initial **six (6)** [~~**6-**~~]hour course or the **three (3)** [~~**3-**~~]hour renewal course required for board approved supervisors, each presenter or instructor shall meet all qualifications for board-approved supervisors as established in[~~to meet the requirements of the clinical social work supervision course required for board approved supervisors by~~] 201 KAR 23:070[~~, Section 4(1)(c)2., each presenter and instructor for the course shall:~~]

[~~(a)~~] [~~Hold a degree in social work;~~]

[~~(b)~~] [~~Hold an active social work license in the Commonwealth of Kentucky;~~]

[~~(c)~~] [~~Be a board approved supervisor;~~]

[~~(d)~~] [~~Not have an unresolved, pending disciplinary action before the board; and~~]

[~~(e)~~] [~~Not be practicing social work under terms or conditions of supervision imposed by the board.~~]

(6) A provider of continuing education shall be responsible for providing documentation in the form of a certificate of attendance or completion directly to the licensee, as established in Section 7(5) of this administrative regulation.

(7) A provider of a continuing education program requiring board approval shall not advertise that a course has been approved before written board approval has been received.

(8) Provider Renewal. An approved provider shall submit a Provider or Sponsor [~~***Renewal***~~]Application for Continuing Education Approval for a subsequent one (1) year period by:

(a) Notifying the board that the original information required in this section for each program remains current; and

(b) Paying a renewal fee, payable to the Kentucky State Treasurer, of:

1. Fifty (50) dollars for each one (1) day program of eight (8) hours or less; and

2. $100 for each additional one (1) day program of eight (8) hours or less.

Section 5. Procedures for Approval and Renewal of Continuing Education for Sponsors and Programs.

(1) Sponsor Approval. A sponsor seeking approval of continuing education programs shall apply to the board ***at least***[***no less than***] thirty (30) days in advance of the commencement of the program, and provide the information required by subsection (3) of this section.

(2) The board shall approve a continuing education program if it determines that the program being presented[***meets the following criteria***]:

(a) Is relevant to the practice of social work;

(b) Contributes to the professional competency of the licensee; and

(c) Has competent instructors with appropriate academic training, professional licenses or certifications, or professionally recognized experience.

(3) The board may approve a sponsor of continuing education programs for one (1) year if the sponsor:

(a) Files a completed ***Provider or***[Provider or] Sponsor Application for Continuing Education Approval, which includes:

1. A published program outline that includes an explanation of the program objectives;

2. The names and qualifications of each presenter and instructor documented in the form of resumes or curriculum ***vitae***[***vitas***];

3. A copy of the evaluation sheet by which the licensee can assess and comment on the program;

4. A copy of the program agenda stating the number of continuing education credit hours, including all breaks;

5. The number of continuing education credit hours requested;

6. A copy of the official certificate of completion ***and attendance*** from the sponsor; and

7. A statement whether the sponsor is requesting approval to meet the requirements of[***the following***] courses ***on the***:

a. Kentucky Code of Ethical Conduct required by Section 2(4) of this administrative regulation; or

b. Clinical social work supervision for board-approved supervisors required by 201 KAR 23:070, Section 4(1)***(d) and (e)***[***(c)2.***]; and

(b) Pays an initial application fee of $250 made payable to the Kentucky State Treasurer.

(4) If the sponsor is requesting approval to meet the requirements of the Kentucky Code of Ethical conduct course required for renewal by Section 2(4) of this administrative regulation, a minimum of one (1) presenter or instructor for the course shall:

(a) Hold a degree in social work;

(b) Hold an active license to practice social work in the Commonwealth of Kentucky;

(c) Not have an unresolved, pending disciplinary action before the board; and

(d) Not be practicing social work under terms or conditions of supervision imposed by the board.

(5) If the sponsor is requesting approval for the clinical social work supervision course, whether the initial **six (6)** [**6-**]hour or the **three (3)** [**3-**]hour renewal course required for board-approved supervisors, each presenter or instructor shall meet all qualifications for board-approved supervisors as established in[to meet the requirements of the clinical social work supervision course required for board approved supervisors by] 201 KAR 23:070[, Section 4(1)(c)2., each presenter or instructor for the course shall:]

[(a)] [Hold a degree in social work;]

[(b)] [Hold an active social work license in the Commonwealth or Kentucky;]

[(c)] [Be a board approved supervisor;]

[(d)] [Not have an unresolved, pending disciplinary action before the board; and]

[(e)] [Not be practicing social work under terms or conditions of supervision imposed by the board].

(6) The board shall periodically review the programs that a sponsor has provided to determine if the sponsor continues to meet the requirements of this administrative regulation.

(7) An approved sponsor shall submit an annual report to the board of the continuing education programs offered during that calendar year and shall include copies of attendance sheets and evaluations (or evaluation summaries) for each program.

(8) A sponsor of a continuing education program shall be responsible for providing documentation in the form of a certificate of attendance ***or completion*** directly to the licensee, **so that the licensee can comply with the requirements** as established in Section 7(5) of this administrative regulation.

(9) A sponsor of a continuing education program requiring board approval shall not advertise that the course has been approved before written board approval has been received.

(10) Sponsor Renewal. An approved sponsor shall submit a Provider or Sponsor [***Renewal***]Application for Continuing Education Approval for a subsequent one (1) year period by notifying the board that the original information required in this section for each program remains current and by paying $150 renewal fee made payable to the Kentucky State Treasurer.

(11) A sponsor may request to add a program after being approved as a sponsor ***if***[***so long as***] the program meets the requirements of this section, and the sponsor submits:

(a) ***A Provider or Sponsor***[***An***] Application ***for Continuing Education Approval*** as required in this section; and

(b) Pays a fee of **twenty-five (25) dollars**[**$25**].

Section 6. Individual Request for Board Review and Approval of Continuing Education Courses.

(1) A licensee may request an individual review of a continuing education program that was otherwise not approved if it was completed during the three (3) year renewal period if the individual licensee:

(a) Applies for individual review by submitting the Individual Application for Continuing Education Approval that includes the:

1. Certificate of completion or attendance;

2. Resume of each instructor; and

3. Program agenda indicating hours of instruction; and

(b) Pays a fee of ten (10) dollars made payable to the Kentucky State Treasurer.

(2) The board's review shall be based on the standards for continuing education established by this administrative regulation.

(3) The board's approval of a continuing education program under this section shall:

(a) Qualify as if it has been obtained from an approved provider or sponsor; and

(b) Be limited to the particular program upon which the request for individual review is based.

Section 7. Responsibilities and Reporting Requirements of Licensees. Each licensee shall be responsible for obtaining the required continuing education hours for her or his renewal. The licensee shall identify his or her own continuing education needs, seek continuing professional education activities to meet those needs, and develop ways to integrate new knowledge, skills, and attitudes. Each licensee shall:

(1) Select approved programs by which to earn continuing education hours for renewal;

(2) Submit to the board, if applicable, a request for continuing education programs requiring approval by the board as established in Section 3 of this administrative regulation;

(3) Maintain her or his records of continuing education hours;

(4) At the time of renewal, list the continuing education hours obtained during that licensure renewal period; and

(5) If requested by the board, furnish documentation of continuing education courses completed at the time of his or her renewal.

(a) In each calendar year, the board shall require up to fifteen (15) percent of all licensees to furnish documentation of the completion of continuing education hours for the current renewal period;

(b) Documentation of continuing education hours shall not otherwise be reported to the board;

(c) Documentation shall take the form of official documents including:

1. Transcripts;

2. Certificates of completion or attendance;

3. Affidavits signed by instructors; or

4. Receipts for fees paid to the provider or sponsor; and

(d) Each licensee shall retain copies of his or her documentation for a period of one (1) year following the date of his or her last renewal.

Section 8. Board to Approve Continuing Education Hours; Appeal if Approval Denied. If an ***Individual*** Application for [~~***approval of***~~]Continuing Education ***Approval for*** hours is denied, in whole or part, the applicant may submit an appeal in writing within thirty (30) days of receipt of a denial. This decision ***shall***[~~***will***~~] include a clear justification for the outcome. The appeal process ***shall***[~~***does***~~] not suspend the applicant's obligation to meet the continuing education requirements.[~~ a licensee, provider, or sponsor may request the board to reconsider its decision. The request shall be in writing and shall be received by the board within thirty (30) days after the date of the board's decision denying approval of continuing education hours.~~]

Section 9. Waiver or Extensions of Continuing Education Requirements.

(1) ***If***[~~***In cases where***~~] a licensee is unable to meet the ***minimum*** continuing education requirements ***or make the required reports of continuing education credits*** due to a documented medical disability, illness, or undue hardship, the board may grant a waiver, or ***an*** extension of up to one ***(1)*** calendar year ***to fulfill the requirements for renewal or to make the required reports of continuing education requirements***. A licensee shall submit a written request including all relevant supporting evidence ***as established in subsection (3) of this section***. The board reserves the right to request additional documentation if necessary.

(2) Waivers and extensions shall apply ***only***[~~***solely***~~] to [~~***non-statutory***~~]continuing education requirements ***established by administrative regulation. Continuing education***[~~***; statutory***~~] requirements ***established***[~~***mandated***~~] by ***KRS 194A.540, 210.366, 335.130, and 620.020***[~~***law***~~] shall ***not be waived or extended***[~~***remainremail obligatory***~~].

(3)[~~(1)~~] [~~***In individual cases involving medical disability, illness, or undue hardship as determined by the board, the board may grant waivers of the minimum continuing education requirements or extensions of time to fulfill the requirements for renewal or make the required reports of continuing education credits.***~~]

[~~***(4)***~~] [~~(2)~~] A licensee ***submitting***[~~***may submit***~~] a written request to the board for a waiver or extension of time involving medical disability, illness, or undue hardship ***shall include relevant supporting evidence as established in paragraph (a) through (c) of this subsection***.

(a) If the request is based on medical disability or illness, the licensee shall include a written statement signed by a licensed physician.

(b) If the request is based upon undue hardship, the licensee shall submit a written explanation of the nature of the undue hardship.

(c) The board may request that a licensee provide additional information and verification by a third party.

[~~(3)~~] [~~The board may grant a waiver of the minimum continuing education requirements or an extension of time to a licensee to fulfill the continuing education requirements for renewal for a period of time not to exceed one (1) calendar year.~~]

(4)[~~***(5)***~~] [~~(4)~~] If the medical disability, illness, or undue hardship upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee may reapply for the waiver or extension.

(a) If the reapplication is based on medical disability or illness, the licensee shall include a written statement signed by a licensed physician.

(b) If the reapplication is based upon undue hardship, the licensee shall submit a written explanation of the nature of the undue hardship.

(c) The board may request that a licensee provide additional information and verification by a third party to support the reapplication.

Section 10. Continuing Education Requirements for Reinstatement of Expired License.

(1) A certified social worker or a licensed clinical social worker who requests reinstatement of an expired license shall submit documentation of completion of thirty (30) hours of continuing education within the three (3) year period immediately preceding the date he or she submits the request for reinstatement to the board ***on the Application for Renewal, as incorporated by reference in 201 KAR 23:051***.

(2) A licensed social worker who requests reinstatement of an expired license shall submit documentation of completing fifteen (15) hours of continuing education within the three (3) year period immediately preceding the date he or she submits the request for reinstatement to the board ***on the Application for Renewal, as incorporated by reference in 201 KAR 23:051***.

(3) If the licensee requesting reinstatement cannot provide evidence of completion of the required hours of continuing education, the board may reinstate the license for six (6) months on the condition that the licensee obtain the required hours of continuing education for his or her level of licensure within six (6) months of the date the license is reinstated.

(a) The continuing education hours completed for reinstatement shall be in addition to the continuing education requirements for renewal established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section.

(b) Failure to obtain the required continuing education hours within the approved six (6) month period shall result in termination of the reinstated license.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Provider or Sponsor Application for Continuing Education Approval", ***7/2025***[~~***4/2025***~~][~~2/2017~~]; and

(b) [~~"Provider or Sponsor Renewal Application for Continuing Education Approval", 2/2017; and;~~ and]

[~~(c)~~] "Individual Application for Continuing Education Approval", ***7/2025***[~~***2/2017***~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Social Work,125 Holmes Street, Suite 310,[~~43-44 Fountain Place,~~] Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or on the board's ***website at***[~~***Web site***~~] bsw.ky.gov.

FILED WITH LRC: October 14, 2025

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

BOARDS AND COMMISSIONS
Board of Medical Imaging and Radiation Therapy
(As Amended at ARRS, October 14, 2025)

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

RELATES TO: KRS ***12.245, 12.354, 12.357,*** 311B.020, ***311B.050***[~~***311B.150***~~], 311B.100(2), 311B.110, 311B.120, ***311B.140, 311B.150,*** 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 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; ***or***

(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.

FILED WITH LRC: October 14, 2025

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.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, October 14, 2025)

301 KAR 1:185. Pay lakes.

RELATES TO: KRS **13B,** 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) ***authorizes the department to promulgate administrative regulations relating to***[~~***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 ***a***[~~***no***~~] license ***shall not***[~~***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, ***as of November 1st 2019***[~~***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***:***
(a) Three (3) months for a first offense***;***[~~***,***~~]
(b) One (1) year for a second offense***;***[~~***, and***~~]
(c) Two (2) years for a third or subsequent offense***; and***[~~***, except any revocation of***~~]
(d) Permanently if the license is for a 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.

FILED WITH LRC: October 14, 2025

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.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, October 14, 2025)

301 KAR 2:041. Shooting areas, dog training areas, commercial and noncommercial foxhound training enclosures, and bobwhite shoot-to-train season.

RELATES TO: KRS ***13B,*** 150.010, 150.170, 150.180, 150.280, 150.630, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), ***150.175(29)***[~~***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 ***Kentucky Department of Fish and Wildlife Resources***[~~***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(29)***[~~***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 ***shall include***[~~***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 ***shall include***[~~***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 ***a***[~~***no***~~] hunting license shall ***not*** be required.

(8) The take of any species other than chase of red foxes or coyotes ***shall be***[~~***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 ***if***[~~***when***~~] reportable diseases are suspected or confirmed and take the following actions ***if***[~~***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 ***shall remain***[~~***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 ***shall be***[~~***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 ***the***[~~***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, ***incorporated by reference in 301 KAR 2:081;*** 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, ***incorporated by reference in 301 KAR 2:081;*** 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 ***shall***[~~***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".

FILED WITH LRC: October 14, 2025

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.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, October 14, 2025)

301 KAR 2:083. Holding and intrastate transportation of captive cervids.

RELATES TO: KRS ***13B,*** 150.010(42), 150.290, 150.725, ***150.730, 150.735,*** 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 ***authorizes the holding of***[***is required to hold***] cervids in captivity***, with the exception of***[***and does not include***] shooting ***areas, which are***[***preserves as***] permitted under 301 KAR 2:041.
(4) "Cervid" ***is defined by KRS 150.010(4)***[***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:[]
1. Be at least eight (8) feet above ground level for its entire length:[,] and[]
2. 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:[]
1. Six and one-half (6 1/2) inches for captive deer or species whose adult size is less than 400 pounds; and[]
2. 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) ***Except as established in paragraph (b) of this subsection,*** 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:[]
1. Extend a minimum of eight (8) feet above the ground; and[***shall***]
2. 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:
1. A minimum of one and one-quarter (1.25) pounds per foot; and[***shall be***]
2. 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) ***The following shall be*** permissible water gaps[***are established in subparagraphs 1. through 4. of this paragraph***]:
1. ***For larger water gaps:***
a. Swinging gates constructed to match the contour of the stream supported by cable or hinge[***(larger water gaps)***]; ***and***
b.[***2.***] Pipe with swinging barrier[***(larger water gaps)***];
2. For smaller water gaps:
a.[***3.***] Pipe with fixed mesh barrier[***(smaller water gaps)***]; and

b.[***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***:***

(a) Additional, stronger***,*** or higher fence posts***;***[***,***]

(b) Special grading***;***[***,***]

(c) Additional wire to increase fence height***;***[***,***] or[]

(d) 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 and Capreolus pygarus); or

(4) Hybrids ***of any of the species named in subsections (1) through (3) of this section***[***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***, established in 301 KAR 5:022,*** 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", ***May*** 2025[~~2016~~] edition;

(b) "Captive Cervid Permit Transfer Application", ***June*** 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"; ***and***

(d) https://fw.ky.gov/Wildlife/Documents/Captive-Cervid-Ann-Rpt-Form.pdf for the "Captive Cervid Annual Reporting Form".

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TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, October 14, 2025)

301 KAR 2:195. Falconry, raptor take, and raptor propagation.

RELATES TO: KRS ***13B,*** 150.010, ***150.170,*** 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 ***13, 17, 21, and 22***[**:**]

[~~**(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 ***If***[~~***when***~~] taking a raptor from the wild.

(2) ***If***[~~***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 ***shall***[~~***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 ***shall***[~~***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 ***shall***[~~***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 ***shall***[~~***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 ***administrative*** 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", ***May*** 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.

FILED WITH LRC: October 14, 2025

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.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, October 14, 2025)

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 ***Kentucky Department of Fish and Wildlife Resources***[~~***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(46)***[~~***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", ***May*** 2025 Edition ***is incorporated by reference***[~~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~~].

FILED WITH LRC: October 14, 2025

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.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, October 14, 2025)

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)***(i)***[~~***(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)***(i)***[~~***(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***. A WCO shall:***[***;***]

1. Request sample submission instructions from the Wildlife Health Program by email at wildlifehealth@ky.gov***; and***[***.***]

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 ***WCOs shall***[~~***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***, pursuant to***[~~***per***~~] 301 KAR 2.176***, shall be***[~~***is***~~]permitted to take white-tailed deer under this section.[***;***]

(b) ***A WCO shall*** [~~***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) ***A WCO shall*** 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 ***7.***[~~***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) ***A WCO shall***[***Must***] comply with all local ordinances regarding the discharge of firearms in city limits.
(b) ***A*** WCO shall not use traps to take white-tailed deer.[***; or***]
(c) ***A WCO shall not*** 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***. A WCO shall:***[***; and***]
(a) Relinquish to the department, destroy, or leave afield all inedible parts***; and***[;]
(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.

FILED WITH LRC: October 14, 2025

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.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, October 14, 2025)

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 ***shall***[~~***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***[***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 ***employs***[***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 ***may***[***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***[***helper(s)***] name, address, and the Kentucky Fish and Wildlife Customer Identification Number.

(6) A completed guide application ***shall***[***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 ***administrative*** 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***[***~~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) ***Using the online Guide Activity Reporting portal,*** 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 ***shall***[***~~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 ***shall***[~~*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) ***The following material is incorporated by reference:***

(a) "Fishing Outfitter License Application", 2025 edition***;***[~~*, is incorporated by reference.*~~]

(b)[~~*(2)*~~] "Fishing Guide License Application", 2025 edition***;***[~~*, is incorporated by reference.*~~]

(c)[~~*(3)*~~] "Hunting Outfitter License Application", 2025 edition***; and***[~~*, is incorporated by reference.*~~]

(d)[~~*(4)*~~] "Hunting Guide License Application", 2025 edition[~~*, is incorporated by reference*~~].

(2)[~~*(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"; ***and***

(d) https://fw.ky.gov/Licenses/Documents/Hunting-Guide-License-App.pdf for the "Hunting Guide Application".

FILED WITH LRC: October 14, 2025

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.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, October 14, 2025)

301 KAR 5:001. Definitions for 301 KAR Chapter 5.

RELATES TO: KRS ***150.010,*** 150.195***, 235.010(4)***

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 ***more, but***[~~***over and***~~] less than twenty-six (26) feet in length.

(5) "Class 2" means vessels twenty-six (26) feet or ***more, but***[~~***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***(10)***[~~***(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.

FILED WITH LRC: October 14, 2025

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.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, October 14, 2025)

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***(1)***, 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***(1)*** 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***(1)*** 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, ***tag, permit***[~~***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 ***license, tag, permit,***[~~***all licenses, tags, permits***~~] and registration fees are listed in this administrative regulation and ***shall***[~~***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 ***license***[~~***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 ***and***[~~,~~] waterfowl permit, and statewide deer permit: twelve (12) dollars; and[~~.~~]

(e) First time ***buyer***[~~***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 ***a valid***[~~***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***; and***[~~.~~]
(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.

FILED WITH LRC: October 14, 2025

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.

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
(As Amended at ARRS, October 14, 2025)

307 KAR 1:080. Kentucky Entertainment Incentive Program*(Effective July 1, 2025)*.

RELATES TO: KRS 154.61-010, 154.61-020, 154.61-030

STATUTORY AUTHORITY: KRS***154.12-280***, 154.61-030(5)[***, 2025 Ky. Acts ch. 91, sec. 1 (2025 SB 1)***]

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS ***154.12-280,*** 154.61-010, 154.61-020, ***and***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) ***"Applicant" means an eligible company submitting an application for incentives under KRS 154.61-030.***

(3) "Application" means an Application for Kentucky Entertainment Incentive (KEI) for tax incentives filed with the Cabinet pursuant to KRS 154.61-030.

(4) "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) "***Common ownership" means two (2) or more legal entities, such as corporations, limited liability companies, partnerships, and the like, where the:***

(a) Entities are owned by the same person;

(b) Same person serves as an officer or director of the entities; or

(c) Majority of one (1) entity is owned by one (1) or more of the other entities.

(8) "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" ***or "Office" means the office created***[~~*is defined*~~] by ***KRS 154.12-280***[~~*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***or production*** 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 ***(1)***Kentucky resident employee working at ***the***[~~*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 ***if***[~~*where*~~] required by law;

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

(e) ***Provides***[~~*For*~~] services rendered on set***or within the Commonwealth and:***[~~*, such persons or vendors providing such services, are*~~]

1. Is identified on the daily production reports***;*** or

2. Can provide other reasonable evidence that ***these***[~~*such*~~] services were rendered ***within the Commonwealth.***[~~*on set is provided;*~~]

(19) "Negotiated" means an arm's-length transaction between two ***(2)***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" ***means***[~~*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 Kentucky crew training program" means a training program offered in conjunction with a motion picture or entertainment production, as defined by KRS 154.61-010(18), in partnership with:

(a) An accredited Kentucky educational institution;

(b) A local trade association; or

(c) A regional educational or trade association.

(26)[~~*(25)*~~] "Qualifying payroll expenditure" is defined by KRS 154.61-010(22).

(27)[~~*(26)*~~] "Resident" is defined by KRS 154.61-010(23).

Section 2. ***The provisions of this administrative regulation shall be applicable on or after July 1, 2025.***

Section 3. 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 ***above-the-line production crew***[~~*producers*~~] with a financial interest in the approved company ***shall be disclosed and accompanied by supporting documentation demonstrating the payroll expenditure was reasonable within market rates. Financial interest shall extend to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from 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.

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

Section 4.[~~*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 ***(1)***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 ***if***[~~*where*~~] they are made to a Kentucky vendor.

(3) Expenditures shall not be considered to be made in the Commonwealth ***if***[~~*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 ***shall***[~~*must*~~] be accompanied by supporting documentation[~~*, to the Cabinet's*~~][][~~*satisfaction,*~~] demonstrating the expenditure was reasonable within market rates. ***Supporting documentation shall disclose the total value of goods and services provided for the project as well as a breakdown of all the related party transactions.***Common ownership ***shall extend***[~~*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 ***if***[~~*when*~~] requested by the Cabinet shall result in expenditures being disqualified and the claimed qualifying expenditure being excluded.

Section 5.[~~*Section 4.*~~] Application Requirements.

(1) Applicants seeking incentives under the program shall submit an Application***for Kentucky Entertainment Incentive (KEI)*** 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 ***demonstrate fifty (50) percent of funds raised through the following***[***~~include~~***]:

1. IATSE Bonds, SAG Bonds, Completion Bonds;
2. Payroll statements;
3. Bank statements;
4. Financing or funding ***contracts***[***~~agreements~~***]; or
5. Commitment letters***, where the applicant shall:***

a. Demonstrate twenty-five (25) percent of committed funds are held in an escrow account; and

b. Present a balance sheet and letter from an accredited financial institution, attorney, or accountant holding the funds.

(m) Whether the applicant has a distribution contract for the project***and supporting plans and documentation regarding distribution***;[][***~~and~~***]

(n) Whether the applicant has previously received approval for incentives under the program, and, if so, ***specification of***[***~~shall specify~~***] the ***year***[***~~year(s)~~***] of ***the***[***~~such~~***] approval and ***amount***[***~~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 ***shall extend***[***~~extends~~***] to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the applicant;

(o) The number of resident and nonresident above-the-line and below-the-line production crew members included by the applicant, or any other entity with common ownership or any individual with a financial interest in the applicant, on a previous application. This information shall include:

1. The date of the application;

2. Whether the application was approved;

3. The dates upon which the crew members were or are to be utilized; and

4. Each crew member's role in the production;

(p) Any deal memoranda between applicants and key personnel;

(q) A detailed episode-by-episode synopsis and committed talent;

(r) A detailed breakdown of the project's budget including all estimated line items used to support claimed qualifying payroll expenditures and qualifying expenditures. All budget line items shall be reasonable and within market rates;

(s) A detailed explanation of timing of the production if there are commonly held or financially interested applicants with overlapping personnel; and

(t) Whether there are one (1) or more qualifying Kentucky crew training programs offered in conjunction with the project.

(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 ***office***[***~~Cabinet~~***] shall notify the applicant:

(a) That the ***office***[***~~Cabinet~~***] received the application;

(b) Whether, upon initial review, the applicant appears to meet the criteria of an eligible company or whether the ***office***[***~~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 ***office***[***~~Cabinet~~***] will not move forward with the application.

Section 6.[***~~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 ***$10million***[***~~ten percent (10%)~~***] of the total annual tax credit cap under KRS 154.61-020(4). ***If***[***~~In the event~~***] the amount of incentive awards approved does not meet the ***$10 million***[***~~ten percent (10%)~~***] limitation set forth in this subsection, the remainder shall carry forward to the subsequent calendar month.***The council may elect to commit more than this monthly allocation if a project:***

(1) Has anticipated qualifying expenditures and payroll expenditures that exceed this amount; and

(2) Commitment of incentives to the project is supported by the economic analysis set forth in Section 7 of this administrative regulation.

Section 7.[***~~Section 6.~~***] Economic Analysis.

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

(2) The analysis shall evaluate each application on***the***:

(a) [***~~The~~***][]Percentage of spend in the Commonwealth in relation to the total amount anticipated to be spent on a project;

(b) [***~~The~~***][]Relative percentage of total production costs ***associated with***[***~~in Kentucky compared to~~***] above-the-line and below-the-line production crew costs;

(c) [***~~The anticipated~~***][]Percentage of project filming***or production*** in enhanced incentive counties;

(d) ***Number***[***~~the percentage~~***] of anticipated employed Kentucky residents ***compared to the***[***~~and~~***] total above-the-line and below-the-line production crew;

(e) [***~~The~~***][]Amount of time filming***or production*** will occur in Kentucky;[][***~~and~~***]

(f) [***~~The~~***][]Presence of a distribution contract***;***

(g) Percentage of funding secured;

(h) Total amount of incentives sought compared to the number of Kentucky-based below-the-line production crew members employed;

(i) Percentage of incentives sought attributable to non-Kentucky-based production crew members; and

(j) Availability of one (1) or more qualifying Kentucky crew training programs offered in conjunction with the project.

(3) ***The Cabinet shall conduct an economic analysis of***[***~~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). ***Analysis***[***~~Ranking~~***] shall prioritize applications with more Kentucky-based jobs,***committed funding,***[***~~employed~~***]***spend to*** Kentucky***-based vendorsresidents, qualifying Kentucky crew training programs,*** and ***overall economic benefit to Kentucky***[***~~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) ***For a national touring production of a Broadway show produced in Kentucky in accordance with KRS 154.61-010(18)(a)2., the number of anticipated employed Kentucky residents identified in subsection (2)(d) of this section shall include the number of Kentucky-based jobs at the production's venue supported by the production.***

(5) 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 8.[~~***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 ***if) where***] the total amount of qualifying expenditures and qualifying payroll expenditures is less than[~~***fifty thousand dollars (***~~]$50,000[***)***];

(b) [~~***Five hundred dollars (***~~]$500***if) 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***if) 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.

Section 9. Incorporation by Reference.

(1) "Application for Kentucky Entertainment Incentive (KEI)", September 2025, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Economic Development, Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. or online at https://cedky.com/cdn/1980_KEI_Application_9-2025_CED_Sample.pdf.

FILED WITH LRC: October 14, 2025

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.

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
(As Amended at ARRS, October 14, 2025)

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

RELATES TO: KRS 186.010,186.020,186.050, 186A.115

STATUTORY AUTHORITY: KRS ***186.010***[~~***186.1(10)***~~], 186.020,186.050, 186A.115

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS ***186.077***[~~***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) ***"Kentucky certified inspector" means an inspector certified by the Department of Vehicle Regulation.***

(3) "Local government" ***is defined by KRS 186.077***[~~***means a city, county, charter county government, urban-county government, consolidated local government, or unified local government***~~].

(4)[~~***(3)***~~] "Low-speed vehicle" ***is defined by KRS 186.010 (16)***[~~***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)" ***is defined by KRS 186.077***[~~***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)" ***is defined by KRS 186.077***[~~***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 read.

(2) The vehicle shall pass ***a***[~~***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) ***A*** 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.

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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.

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EDUCATION AND LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(As Amended at ARRS, October 14, 2025)

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"***:***

(a) Means Monday through Friday***;*** and

(b) Does not ***mean***[~~***include***~~] Saturday, Sunday, federal[~~,~~] or state holidays, ***or***[~~***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 ***established***[~~***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 ***the complainant's***[~~***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.

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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.

EDUCATION AND LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(As Amended at ARRS, October 14, 2025)

803 KAR 2:260. Appeal procedure.

RELATES TO: KRS 338.091***, 29 C.F.R. 2200.52, 2200.7, 2200.8, 2204.302, 2204.303, 2204.405, 2204.406, 5 U.S.C. 504(b)(1)(A), 601, 7 U.S.C. Chapter 38, 26 U.S.C. 501(a), 501(c)(3), 28 U.S.C. 2412***

STATUTORY AUTHORITY: KRS 338.051, ***338.061,*** 338.091

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 chair 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 appeal procedures pertaining to occupational safety and health standards complaints and related actions***[~~***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 ***338.015(7)***[~~***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" ***or "small entity" means:***[~~***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***, [~~***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 ***Internal Revenue Code of 1986, 26 U.S.C.,*** Section 501(c)(3)***, which is***[~~ ***of***~~

~~the Internal Revenue Code of 1986~~] exempt from taxation under 26 U.S.C., Section 501(a)[~~of such Code~~], or a cooperative association as established in[~~defined in section 15(a) of~~] the Agricultural Marketing Act, 7 U.S.C. Chapter 38, may be a party regardless of the net worth of the[~~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" or "small entity" means any not-for-profit enterprise that[~~which~~] is independently owned and operated and is not dominant in its field, unless an agency establishes, after opportunity for public comment, one (1) or more definitions of the[~~such~~] term as[~~which are~~] appropriate to the activities of the agency, and publishes the definition or definitions[~~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" is defined by[~~means a party, as defined in~~] 5 U.S.C. 551(3) and[~~, 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 business, small organization, and small entity[~~as defined in 5 U.S.C. 601~~].

Section 2. Fees and Other Expenses; Qualification and Limits. The amount of fees awarded shall be based on prevailing market rates for the kind and quality of the services provided, except:

(1) An expert witness shall not be compensated at a rate in excess of the highest rate of compensation for expert witnesses paid by the commissioner; and

(2) 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.

Section 3. 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:

(a) Identify the party and the proceeding for which an award is sought;[~~. The complaint shall~~]

(b) Show that the complainant has prevailed;[~~ and~~]

(c)

1. Identify the position of the commissioner that the party alleges was not substantially justified; or[~~,~~]

2. 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~~]

(d) Identify the commissioner's position or positions[~~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;[~~.~~]

(e) 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;[~~.~~]

(f)[~~(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 established[~~set forth~~] in 29 C.F.R. 2204.302;[~~.~~]

(g)[~~(4)~~] [~~The complaint shall~~]State the amount of fees and expenses for which an award is sought, as established[~~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;[~~.~~]

(h)[~~(5)~~] [~~The complaint shall~~]Be signed by the complainant or an authorized officer, attorney, or agent of the complainant; and[~~.~~]

(i) [~~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.

(3)[~~(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.

(a) The exhibit may be in any form convenient to the complainant that provides full disclosure of the complainant's assets and liabilities and shall be[~~is~~] sufficient to determine if[~~whether~~] the complainant qualifies as a party[~~as defined in 29 C.F.R. 2204.201~~].

(b) The Franklin Circuit Court could[~~may~~] require a complainant to file additional information to determine its eligibility for an award.

(4)[~~(7)~~]

(a) Except as established in paragraph (b) of this subsection[~~Ordinarily~~], the net worth exhibit shall[~~will~~] be included in the public record of the proceeding.

(b) If[~~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, the complainant shall[~~ 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.

(5)[~~(8)~~]

(a) 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.

(b) A complainant[~~complaint~~] seeking an increase in fees to account for inflation pursuant to 29 C.F.R. 2204.406[~~2200.406~~] shall also include adequate documentation of the change in the consumer price index for the attorney or agent's locality.

(c) 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.

(d) 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.

(e) The Franklin Circuit Court could[~~may~~] require the complainant to provide vouchers, receipts, or other substantiation for any fees or expenses claimed.

(6)[***(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.

(7)[***(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

(8)

(a)[***(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.

(b) The filing of this statement shall extend the time for filing an answer for an additional thirty (30) days**.**[**,** ***and***]

(c) Further extensions ***could***[***may***] be granted by the Franklin Circuit Court upon request.

(9)[***(12)***]

(a) 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.

(b) If the answer is based on any alleged facts not already in the record of the proceeding, the ***commissioner***[***secretary***] shall include with the answer either supporting affidavits or a request for further proceedings under 29 C.F.R. 2204.405.

(10)[***(13)***]

(a) Within fifteen (15) days after service of an answer, the complainant may file a reply.

(b) 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.

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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.

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Property and Casualty Insurance
(As Amended at ARRS, October 14, 2025)

806 KAR 2:200. Operations, eligibility, and grant procedures for the Strengthen Kentucky Homes Program.

RELATES TO: KRS ***147A.050, 304.1-050, 304.2-450***[***340.2-450***]

STATUTORY AUTHORITY: KRS 304.2-450

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-450 ***requires***[***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 ***by***[***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 ***duplex; or***

c. A townhome as defined in the 2025 Fortified Home Standard[***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 ***shall***[***must***] complete the AOC-1 form with signatures from all owners of the property.

(3)[***(4)***] A single-family or multifamily structure is only eligible to receive one (1) SKH grant.

(4)[***(5)***] The property to be mitigated may be a modular home**,** but shall not be a condominium or mobile home.

(5) The applicant shall comply with all local building codes, permitting requirements, and inspection requirements.

(6) All mitigation projections shall be completed in accordance with the technical standards promulgated by IBHS as set forth in the:

(a) Foundation Requirements for FORTIFIED Home Eligibility, FH 2022-06;

(b) Eligibility and Compliance of Accessory Roof Structures, FH 2023-03;

(c) FORTIFIED Requirements for Cement and Clay Hip and Ridge Tile Installed Over Asphalt Shingle Roof Cover, FH 2023-05;

(d) FORTIFIED Home Requirements for Homes with Excessive Gaps Between Wood Decking Boards, FH 2023-07;

(e) FORTIFIED Guidance on Leaf Guards and Gutters, FH 2023-09; and

(f) 2025 Fortified Home Standard, FH Std.-2025.

Section 4. Application Process.

(1) The applicant shall submit ***the online SKH***[***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 ***of up to $10,000*** 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 ***(1)*** 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 ***the Department's***[***Department***] approval ***of the grant application***[***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 ***for non-responsive and unreasonably delayed projects***.

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.

(2)[***(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.

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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.

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Property and Casualty Insurance
(As Amended at ARRS, October 14, 2025)

806 KAR 2:210. Eligibility requirements for contractors and evaluators in the Strengthen Kentucky Homes Program.

RELATES TO: KRS ***304.1-050,*** 304.2-450
STATUTORY AUTHORITY: 304.2-450
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-450 ***requires***[~~***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" ***or "SKH approved contractor"*** means a person certified to act as a contractor by IBHS and who is approved to work with the SKH program pursuant to ***this administrative regulation***[~~***806 KAR 2:210***~~].
(4) "Department" means the Kentucky Department of Insurance as defined ***by***[~~***in***~~] KRS 304.1-050(2).
(5) "Evaluator" ***or "SKH approved evaluator"*** means a person certified to act as an evaluator by IBHS and who is approved to work with the SKH program pursuant to ***this administrative regulation***[~~***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 ***person***[~~***contractor***~~] shall:
(1) Be in good standing with IBHS;
(2) ***Comply with all the requirements as set forth in the FORTIFIED Home Roofing Contractor Handbook;***
(3) Execute a Certified FORTIFIED Roofing Contractor Agreement with IBHS;
(4) Maintain all required state or jurisdictional business ***licenses***[~~***license(s)***~~] or work permits required by Kentucky law;
(5)[~~***(3)***~~] Maintain an in-force General Liability policy with $1,000,000 in liability coverage;
(6)[~~***(4)***~~] Comply with all state and federal Worker's Compensation laws;
(7)[~~***(5)***~~] Obtain a Letter of Good Standing from the Kentucky Department of Revenue;
(8)[~~***(6)***~~] Complete SKH mitigation projects within the time frame set forth in 806 KAR 2:200**,** Section 5(7); and
(9)[~~***(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, ***a person***[~~***an evaluator***~~] shall:
(1) Be in good standing with IBHS;
(2) ***Comply with all the requirements as set forth in the Certified FORTIFIED Evaluator Handbook;***
(3) Execute a Certified FORTIFIED Home Evaluator Agreement with IBHS;
(4) Maintain all required state or jurisdictional business ***licenses***[~~***license(s)***~~] or work permits required by Kentucky law;
(5)[~~***(3)***~~] Maintain an in-force surety bond in the amount of $50,000;
(6)[~~***(4)***~~] Obtain a Letter of Good Standing from the Kentucky Department of Revenue; and
(7)[~~***(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. ***Kentucky Resident Preference. Contractors and evaluators who reside in Kentucky may be granted a preference such as being designated as a Resident Preferred Contractor or Resident Preferred Evaluator on the SKH website available at https://skh.doi.ky.gov.***

Section 6. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "***FORTIFIED Home*** Roofing Contractor Handbook", (***2025-1***[~~***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.
FILED WITH LRC: October 14, 2025

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.

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
(As Amended at ARRS, October 14, 2025)

806 KAR 2:220. Subsequent reinspection procedures for the Strengthen Kentucky Homes Program.

RELATES TO: KRS ***Chapter 45A, 304.1-050,*** 304.2-450***, 304.47-050, 304.99-010***
STATUTORY AUTHORITY: 304.2-450
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-450 ***requires***[***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 ***by***[***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 ***schedule and complete a reinspection within***[***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.
(3)[***(4)***] Upon written request, the Department shall provide up to two ***(2)*** sixty (60) day extensions.
(4)[***(5)***] Extension requests may be sent by email to skh.doi@ky.gov.
(5)[***(6)***] Evaluator services shall be procured by the Department in accordance with KRS Chapter 45A.
(6)[***(7)***] The evaluator for the reinspection shall be paid through SKH at no cost to the grant recipient.
(7)[***(8)***] Failure to comply with a required reinspection may result in penalties pursuant to KRS 304.99-010.
(8)[***(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.
FILED WITH LRC: October 14, 2025

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.

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
(As Amended at ARRS, October 14, 2025)

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 ***requires***[***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 ***available at https://www.kbb.com/whats-my-car-worth/***, or any successor entity; or
(2) The current version of the J.D. Power Values/National Association of Auto Dealers guidelines ***available at https://www.jdpower.com/cars***, or any successor entity.
FILED WITH LRC: October 14, 2025

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.

KENTUCKY HORSE RACING AND GAMING CORPORATION
(As Amended at ARRS, October 14, 2025)

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***(2)*** 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 ***Paint Horse, Appaloosa, and Arabian*** 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 ***related to the Paint Horse, Appaloosa, and Arabian Fund***[***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 ***a***[***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 accompanying registration fee of:***

1. Twenty-five (25) dollars if postmarked by February 15 of the year of conception; or

2. $200 if postmarked between February 16 and June 15 of the year of conception; 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 accompanying registration fee of:***

1. Twenty-five (25) dollars to nominate a weanling;

2. $100 to nominate a yearling; or

3. $300 to nominate a horse of racing age; 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 accompanying registration fee of:***

1. Twenty-five (25) dollars to nominate a weanling;

2. $100 to nominate a yearling; or

3. $300 to nominate a horse of racing age; 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, ***September 2025***[***~~04/2023~~***];

(b) "Kentucky [~~Quarter Horse, ~~]Paint Horse, Appaloosa, and Arabian Development Fund Nomination Form", KHRGC 7-060-2, ***September 2025***[***~~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.

FILED WITH LRC: October 14, 2025

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

KENTUCKY HORSE RACING AND GAMING CORPORATION
(As Amended at ARRS, October 14, 2025)

810 KAR 7:080. Kentucky Quarter Horse Development Fund.

RELATES TO: KRS 138.510, 230.215, 230.225, ***230.405,*** 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***(2)*** 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 ***Kentucky Quarter Horse*** 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 ***related to the Kentucky Quarter Horse Development Fund***[***~~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 ***in which***[***~~where~~***] an embryo is harvested from a donor mare and implanted into a recipient mare ***that***[***~~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; ***and***

(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 ***that***[***~~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 ***chair***[~~***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 ***shall***[~~***may***~~] be accepted ***if compliant with subsection (7) of this section. Late mare registration shall be*** on or before July 1 of the foaling year ***and shall proceed*** 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 ***shall***[~~***may***~~] be eligible for moneys from the fund. The pregnant mare shall register with the fund, be in Kentucky ***at least thirty (30)***[~~***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 ***shall***[~~***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 ***administrative*** regulation.

(c) Pregnant mares from another state ***that***[~~***who***~~] fail to have a viable foal, fail to breed back or lose one ***(1)*** of the two ***(2)*** 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 ***submitting***[~~***filling out***~~] a Late Mare Registration Form, 7-080-2***, and accompanying registration fee of $100 (note that the normal fee shall be discounted by fifty (50) percent for 2025 only)***, ***and a*** Late ***KY*** Stallion Registration Form, 7-080-4***, and accompanying registration fee of $100 (note that the normal fee shall be discounted by fifty (50) percent for 2025 only)***, [~~***paying half of those late nomination fees***~~]by July 1, 2026, and ***registering***[~~***shall register***~~] the resulting foal as a Kentucky-bred. The mare and foal shall then fulfill the additional requirements in ***paragraphs (a) through (c) of this subsection***[~~***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 accompanying registration fee of fifty (50) dollars,*** and ***a KY*** Stallion Registration Form, 7-080-3***, and accompanying registration fee of $100***[~~***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)

1. A donor mare and recipient mare shall both be registered; and

2.[~~***(b)***~~] A recipient mare shall be microchipped.[~~***; and***~~]

(b)[~~***(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.

(c)[~~***(d)***~~] A donor mare may also carry her own genetic foal to term and, if she has natural twins, [~~***they***~~]both ***foals*** 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 accompanying registration fee of fifty (50) dollars***; 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 accompanying registration fee of $200***; 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 ***shall***[~~***may***~~] be accepted ***if compliant with subsection (4) of this section. Late stallion registration shall be*** on or before July 1 of the foaling year ***and shall proceed*** 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 ***AI***[~~***artificial insemination***~~].

(3) A stallion shall be registered with the fund by:

(a) Completing and filing with the KYQHRA, a ***KY***[~~***Kentucky Quarter Horse Development Fund***~~]Stallion Registration Form, KHRGC 7-080-3***, and accompanying registration fee of $100***; 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 ***Stallion***[~~***Mare***~~] Registration Form, KHRGC 7-080-4***, and accompanying registration fee of $200***; 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***, the horse***[~~***it***~~] shall be registered ***as Kentucky bred*** 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 accompanying registration fee of:***

(a) Fifty (50) dollars to nominate a weanling;

(b) $100 to nominate a yearling; or

(c) $300 to nominate a horse of racing age; 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 ***or deny*** 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**,** ***based on promoting the best interests of racing,*** 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 ***based on promoting the best interests of racing***.

(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 ***the association***[~~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; ***and***

(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 ***1***[~~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 ***Application for Breeder Award***[~~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 ***as established*** 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 ***based on promoting the best interests of racing***.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Mare Registration Form", KHRGC 7-080-1, September 2025;

(b) "Late Mare Registration Form", KHRGC 7080-2, September 2025;

(c) "KY Stallion Registration Form", KHRGC 7080-3, September 2025;

(d) "Late KY Stallion Registration Form", KHRGC 7080-4, September 2025;

(e) "Nomination Form", KHRGC 7080-5, September 2025; and

(f) "Application for Breeder Award", KHRGC 7-080-6, September 2025.

(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 a.m. to 4:30 p.m.

(3) This material is also available at http://khrgc.ky.gov.

FILED WITH LRC: October 14, 2025

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.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING OR RECEIPT OF WRITTEN COMMENTS

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amended After Comments)

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 **of an evaluation by a veterinarian as defined by KRS 321.181(69)** 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 **as defined by KRS 321.181(69) and licensed by the Kentucky Board of Veterinary Examiners,** 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/Wildife/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: October 14, 2025
FILED WITH LRC: October 14, 2025 at 12:35 p.m.

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(14): 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.

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
Board of Education
Department of Education
(Amended After Comments)

702 KAR 5:130. Non-school bus passenger vehicles[~~Vehicles designed to carry nine (9) passengers or less, standards for~~].

RELATES TO: KRS 156.153(3), 156.160, 156.990, 158.110, 158.148, 160.310, 160.380, 189.540, 189.550, 49 C.F.R. pt. 40
STATUTORY AUTHORITY: KRS 156.070, 156.153, 156.160, 189.540
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board of Education to have the management and control of the common schools and all programs operated in those schools. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the transportation of children to and from school and those deemed necessary or advisable for the protection of the physical welfare and safety of public school children. KRS 189.540 requires the Kentucky Board of Education to promulgate an administrative regulation to govern the operation of [~~district-owned~~]passenger vehicles owned, leased, or privately contracted by the district that transport students[~~designed to carry nine (9) passengers or less, including the driver, and used for approved school activities~~] under KRS 156.153(3). KRS 156.153(3)(d) requires the Kentucky Board of Education to promulgate administrative regulations establishing the minimum standards and specifications for non-school bus passenger vehicles; minimum route safety standards and pick-up and drop-off protocols; and minimum qualifications, training, and drug testing requirements for an individual to be authorized to transport any student to and from school using a non-school bus passenger vehicle. This administrative regulation establishes the requirements relative to the transportation of students[~~pupils~~] by local school districts in non-school bus passenger vehicles[~~designed to carry nine (9) passengers or less and which are not classified as school buses~~].

Section 1. Definition. "Non-school bus passenger vehicle" or "vehicle[~~Vehicle~~]" means a vehicle owned, leased, or contracted by a school district[~~board~~]that is designed and built by the manufacturer for passenger transportation of nine (9) or fewer passengers, including the driver, and used for transporting students[~~or contracted to the board which is significantly used to transport pupils~~] to and from school and approved school activities under an alternative transportation plan approved by the Kentucky Department of Education[~~which is designed by the manufacturer to carry fewer than ten (10) passengers~~].

Section 2. Alternative Transportation Plan.
(1) A district shall submit an alternative transportation plan to the Kentucky Department of Education for approval each school year prior to transporting any student in a non-school bus passenger vehicle.[~~A vehicle may be used for the transportation of pupils:~~]
(2) The alternative transportation plan shall include:
(a) The number of vehicles being used to transport students; and
(b) Information regarding why a school bus is not being used.

[(a)] [From areas not accessible by a regular school bus to the nearest road available for the safe transfer of pupils to a regular school bus or vice versa;]

[(b)] [For emergency transportation of students;]

[(c)] [For approved school activities; or]

[(d)] [For qualified special needs pupils.]

[(2)] [A vehicle driver shall be a school district employee or a person contracted by the district.]

Section 3. Vehicle Requirements.

(1) A vehicle shall not be used to carry more students[pupils] than the manufacturer's designed passenger capacity for that particular vehicle.

(2)[Section 4.] A vehicle shall have occupant restraint systems equal in number to the manufacturer's designed passenger capacity and installed in accordance with the [original equipment]manufacturer's specifications.

(3) A vehicle shall display a sign in clear view in the rear of the vehicle stating:

(a) "This vehicle is being used to transport school children"; and

(b) "This vehicle stops at railroad crossings".

(4) A district shall remove all district identification lettering from a non-school bus passenger vehicle before transferring title to another party other than a Kentucky school district. A contract issued by the local board for a non-school bus passenger vehicle shall contain a clause requiring the contractor to remove all district identification lettering when the vehicle is no longer under contract to the local board of education.

(5) The vehicle shall be equipped with:

(a) A fire extinguisher with a rating of A, B, and C;

(b) A first aid kit;

(c) A seatbelt cutter; and

(d) A body fluid clean up kit.

Section 4. Route Safety Standards and Pick-up and Drop-off Protocols.

(1) The driver shall stop in a location that does not obstruct traffic while picking up or dropping off any student.

(2) Pursuant to KRS 156.153(3)(d)2, the driver shall not deposit a student at a location that would require the student to cross a road or intersection to reach the student's destination.

(3) The driver shall not use a personal communication device while operating a vehicle with students on board except during an emergency.

Section 5. Driver Qualifications.[Liability or indemnity insurance shall be purchased for each vehicle. The coverage limits shall be at least these amounts:]

(1) A local board of education operating under an approved alternative transportation plan shall adopt a policy that establishes the qualifications for drivers regarding:

(a) Drug test results;

(b) Driving history record;

(c) Convictions for a violation under KRS Chapter 189 for which penalty points are assessed; and

(d) Any citation or arrest for a violation of any provision of KRS Chapter 189A.

(2) A person shall not operate a non-school bus passenger vehicle if convicted within the past five (5) years of driving under the influence (DUI) or driving while intoxicated (DWI).

(3) A driver taking medication either by prescription or without prescription shall not drive if that medication affects the driver's ability to safely drive the vehicle or perform other driver responsibilities.

(4) A local board of education shall require a medical examination of each driver at least once every twenty-four (24) months. The medical examination shall be reported on the form Medical Examination of School Employees, KDESHS001, incorporated by reference in 702 KAR 1:160, Section 6(1)(a), or an electronic medical record that includes all of the data equivalent to that on the Medial Examination of School Employees form.

Section 6. Driver Drug Testing Requirements.[Before a vehicle is initially used to transport pupils, a safety inspection shall be made on the vehicle by an approved school bus inspector to certify the vehicle is in safe operating condition. If the vehicle is found to be in unsafe operating condition, it shall not be used to transport pupils until necessary repairs are made.]

(1) Pursuant to KRS 156.153(3)(d)3 and KRS 160.380(6)(e)2, all drivers transporting any student in a non-school bus passenger vehicle shall submit to drug testing consistent with the requirements of 49 C.F.R. pt. 40.

(2) A driver shall be subject to the following:

(a) Controlled substance testing prior to initially transporting students;

(b) Post-accident testing for controlled substances and alcohol;

(c) Random testing for controlled substances and alcohol; and

(d) Reasonable suspicion testing for controlled substances and alcohol.

(3) A driver having a confirmed positive test for a controlled substance shall not be permitted to transport any student in a non-school bus passenger vehicle for five (5) years from the date of the positive test. A driver subject to this subsection shall undergo controlled substance testing prior to operating a non-school bus passenger vehicle again and shall undergo a minimum of six (6) unannounced follow-up tests in the first twelve (12) months.

(4) A driver who tests at 0.02 percent or higher on the confirmation alcohol test immediately before, during, or immediately following operating a non-school bus passenger vehicle shall be relieved of these duties immediately and shall not be eligible to operate a non-school bus passenger vehicle for five (5) years. A driver subject to this subsection shall undergo controlled substance and alcohol use testing prior to operating a non-school bus passenger vehicle again and shall undergo a minimum of six (6) unannounced follow-up tests in the first twelve (12) months.

Section 7. Driver Training.[A vehicle shall be inspected at least once each month that the vehicle is used to transport pupils, utilizing the same criteria for inspection as for school buses on the "Preventive Management Inspection" Form as found in the "Pupil Transportation Management Manual, April 1998".]

(1) A driver shall successfully complete an initial three (3) hour training curriculum developed by the Kentucky Department of Education and delivered by a school bus driver trainer certified in accordance with 702 KAR 5:080, Section 4(2).

(2) A driver shall successfully complete a district specific minimum three (3) hour training each school year delivered by a school bus driver trainer certified in accordance with 702 KAR 5:080, Section 4(2). The minimum three (3) hour training shall include information on the local board's transportation services policy and code of acceptable behavior and discipline.

(3) A driver shall successfully complete basic first aid and cardiopulmonary resuscitation training in accordance with 702 KAR 5:080, Section 5. A driver shall be subject to this training every two (2) years.

(4) A district shall not permit an individual to transport students until the individual has successfully completed the training in this section.

Section 8. Insurance.[If being used to transport pupils, a vehicle shall display a sign in clear view in the rear of the vehicle stating: "This vehicle is being used to transport school children."]

(1) A local board of education shall obtain indemnity or liability insurance against negligence with a coverage limit of at least 1,500,000 dollars per occurrence for all non-school bus passenger vehicles owned or leased by the district.

(2) For vehicles contracted by the district, the local board shall require the contractor to carry indemnity or liability insurance against negligence with a coverage limit of at least 1,500,000 dollars per occurrence.

Section 9. Vehicle Inspections.[Incorporation by Reference.]

(1) The driver shall conduct and document a pre-trip inspection using the Non-school Bus Passenger Vehicle Pre-trip Inspection form prior to each time the vehicle is used to transport any student. If the driver determines that the vehicle is not safe to drive, the vehicle shall not be used to transport students until it is inspected and approved by a Kentucky Department of Education approved

school bus or vehicle inspector, or a certified Automotive Service Excellence master technician.

(2) The safety inspection required by KRS 156.153(3)(b) shall be performed by a Kentucky Department of Education approved school bus or vehicle inspector, or a certified Automotive Service Excellence master technician. The Preventative Maintenance Inspection Report For Non-school Bus Passenger Vehicle form shall be used to perform the safety inspection. If the vehicle is found to be in an unsafe operating condition, it shall not be used to transport students until necessary repairs are made.[~~"Pupil Transportation Management Manual", April 1998, is incorporated by reference.~~]

[~~(2)~~] [~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of District Support Services, Department of Education, 15th Floor, Capitol Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

Section 10. **Emergency Transportation.**

(1) If a school district transports a student due to an emergency as determined by the superintendent or his or her designee, Section 3(5), Section 7(2) and (4), and Section 9(1) of this administrative regulation shall not apply.

(2) The school district shall attempt to obtain verbal consent of a parent or guardian prior to emergency transportation.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Non-school Bus Passenger Vehicle Pre-trip Inspection", April 2025; and

(b) "Preventative Maintenance Inspection Report For Non-school Bus Passenger Vehicle", April 2025.

(2) This material may be inspected copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Education, 300 Sower Blvd., Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be viewed at: https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx.

DR. ROBBIE FLETCHER, Commissioner
SHARON PORTER ROBINSON, Chair
APPROVED BY AGENCY: October 1, 2025
FILED WITH LRC: October 7, 2025 at noon

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen
Subject Headings: Education; Education: Elementary; Education: Secondary
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements relative to the transportation of students by local school districts in non-school bus passenger vehicles.
(b) The necessity of this administrative regulation: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the transportation of children to and from school and those deemed necessary or advisable for the protection of the physical welfare and safety of public school children. KRS 189.540 requires the Kentucky Board of Education to promulgate an administrative regulation to govern the operation of passenger vehicles owned, leased, or privately contracted by the district that transport students under KRS 156.153(3). KRS 156.153(3)(d) requires the Kentucky Board of Education to promulgate administrative regulations establishing the minimum standards and specifications for non-school bus passenger vehicles; minimum route safety standards and pick-up and drop-off protocols; and minimum qualifications, training, and drug testing requirements for an individual to be authorized to transport any student to and from school using a non-school bus passenger vehicle. This administrative regulation is necessary to establish the requirements relative to the transportation of students by local school districts in non-school bus passenger vehicles.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the requirements relative to the transportation of students by local school districts in non-school bus passenger vehicles. The regulation establishes the requirements for an alternative transportation plan; vehicle requirements; route safety standards and pick-up and drop-off protocols; driver qualifications; driver drug testing and training requirements; insurance requirements; requirements for vehicle inspections, and emergency transportation.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the requirements relative to the transportation of students by local school districts in non-school bus passenger vehicles as required by KRS 156.160, 189.540, and 156.153.
(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 regulation amendment updates the definition for non-school bus passenger vehicle; establishes the requirements for an alternative transportation plan; deletes language regarding the type of transportation the non-school bus passenger vehicle may be used for; updates vehicle requirements; inserts route safety standards and pick-up and drop-off protocols, driver qualifications, driver drug testing requirements, and driver training requirements; updates the requirements for insurance and vehicle inspections; and adds language regarding emergency transportation.
(b) The necessity of the amendment to this administrative regulation: KRS 156.153 was amended in 2024 to require the Kentucky Board of Education to promulgate administrative regulations establishing the minimum standards and specifications for non-school bus passenger vehicles; minimum route safety standards and pick-up and drop-off protocols; and minimum qualifications, training, and drug testing requirements for an individual to be authorized to transport any student to and from school using a non-school bus passenger vehicle. KRS 189.540 was amended in 2025 to require the Kentucky Board of Education to promulgate administrative regulations to govern the operation of passenger vehicles owned, leased, or privately contracted by the district that transport students under KRS 156.153(3). This amendment is necessary to comply with these statutory requirements.
(c) How the amendment conforms to the content of the authorizing statutes: The regulation amendment establishes the requirements for an alternative transportation plan, route safety standards and pick-up and drop-off protocols, driver qualifications, driver drug testing requirements, and driver training requirements. The regulation amendment also updates the requirements for vehicles, insurance, and vehicle inspections and adds language regarding emergency transportation.
(d) How the amendment will assist in the effective administration of the statutes: This regulation amendment establishes the requirements relative to the transportation of students by local school districts in non-school bus passenger vehicles as required by KRS 156.160, 189.540, and 156.153.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. House Bill 447 (R.S. 2024) and House Bill 430 (R.S. 2025).
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local school districts and the Kentucky Department of Education.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Local school districts will have to submit an alternative transportation plan to the Kentucky Department of Education for approval each school year; add additional signage to vehicles and remove district identification lettering when title transfers to a party other than a Kentucky school district or when a vehicle is no longer under contract; equip vehicles with a fire extinguisher, first aid kid, seatbelt cutter, and a body fluid clean up kit; adopt a policy regarding the qualifications for drivers; require a medical examination of each driver at least once every twenty-four (24) months; require drivers to undergo drug testing; provide training to drivers; obtain insurance; and conduct vehicle inspections.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost to the Kentucky Department of Education is expected to be minimal. The cost to local school districts is unknown and dependent upon the extent a district chooses to utilize non-school bus passenger vehicles to transport students.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): School districts will be able to transport students in non-school bus passenger vehicles.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be minimal cost to the Kentucky Department of Education.
(b) On a continuing basis: The ongoing cost to the Kentucky Department of Education will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: General Funds.
(8) 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: None.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies uniformly.

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 156.070, 156.153, 156.160, and 189.540.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.070 authorizes the Kentucky Board of Education to have the management and control of the common schools and all programs operated in those schools. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the transportation of children to and from school and those deemed necessary or advisable for the protection of the physical welfare and safety of public school children. See KRS 156.160(1)(h) and (k). KRS 189.540(1)(a) requires the Kentucky Board of Education to promulgate an administrative regulation to govern the operation of passenger vehicles owned, leased, or privately contracted by the district that transport students under KRS 156.153(3). KRS 156.153(3)(d) requires the Kentucky Board of Education to promulgate administrative regulations establishing the minimum standards and specifications for non-school bus passenger vehicles; minimum route safety standards and pick-up and drop-off protocols; and minimum qualifications, training, and drug testing requirements for an individual to be authorized to transport any student to and from school using a non-school bus passenger vehicle.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education and Kentucky Department of Education.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: Any expenditures are expected to be minimal.
For subsequent years: Any expenditures are expected to be minimal.
2. Revenues:
For the first year: This regulation is not expected to generate revenue.
For subsequent years: This regulation is not expected to generate revenue.
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): Local school districts
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The cost to local school districts is unknown and dependent upon the extent a district chooses to utilize non-school bus passenger vehicles to transport students. Local school districts will receive state transportation funding for transporting students to and from school.
For subsequent years: The cost to local school districts in subsequent years is unknown and dependent upon the extent a district chooses to utilize non-school bus passenger vehicles to transport students. Local school districts will receive state transportation funding for transporting students to and from school.
2. Revenues:
For the first year: This regulation is not expected to generate revenue.
For subsequent years: This regulation is not expected to generate revenue.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings are anticipated.
(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: For the Kentucky Department of Education, any expenditures are expected to be minimal. The regulation is not expected to generate revenue and no cost savings are anticipated. For local school districts, the cost is unknown and dependent upon the extent a district chooses to utilize non-school bus passenger vehicles to transport students. Local school districts will receive state transportation funding for transporting students to and from school. The regulation is not expected to generate revenue and no cost savings are anticipated.
(b) Methodology and resources used to reach this conclusion: For the Kentucky Department of Education and local school districts, the estimates herein are based on prior program 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(14): The administrative regulation is not expected to have a major economic impact on the Kentucky Department of Education or local school districts. Local school districts may choose whether to utilize non-school bus passenger vehicles to transport students.
(b) The methodology and resources used to reach this conclusion: For the Kentucky Department of Education and local school districts, the estimates herein are based on prior program operations and the fact that districts are not required to utilize non-school bus passenger vehicles to transport students.

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 HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Certificate of Need
(Amended After Comments)

900 KAR 5:020. State Health Plan for facilities and services.

RELATES TO: KRS 216B.010-216B.130, 216B.178
STATUTORY AUTHORITY: KRS 194A.030, 194A.050(1), 216B.010, 216B.015(28), 216B.040(2)(a)2.a
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.040(2)(a)2.a requires the cabinet to promulgate an administrative regulation, updated annually, to establish the State Health Plan. The State Health Plan is a critical element of the certificate of need process for which the cabinet is given responsibility in KRS Chapter 216B. This administrative regulation establishes the State Health Plan for facilities and services.

Section 1. The State Health Plan shall be used to:
(1) Review a certificate of need application pursuant to KRS 216B.040; and
(2) Determine whether a substantial change to a health service has occurred pursuant to KRS 216B.015(29)(a) and 216B.061(1)(d).

Section 2. Incorporation by Reference.
(1) The "2025[~~2023~~] Update to the State Health Plan", **October 2025**[~~**June 2025**~~], is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Inspector General, Division of Certificate of Need, 275 East Main Street, 5E-A, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the Office of Inspector General's Web site at: https://chfs.ky.gov/agencies/os/oig/dcn/Pages/cn.aspx.

TRICIA STEWARD, Inspector General
STEVEN J. STACK, MD, MBA, Secretary
APPROVED BY AGENCY: October 10, 2025
FILED WITH LRC: October 14, 2025 at 10:40 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Valerie Moore and Krista Quarles
Subject Headings:
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation incorporates by reference the current State Health Plan as defined by KRS 216B.015(28) and as required by KRS 216B.040(2)(a).
(b) The necessity of this administrative regulation: This administrative regulation is necessary to comply with the content of the authorizing statutes, specifically KRS 216B.010, 216B.015(28), and 216B.040(2)(a)2.a.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes, KRS 216B.010, 216B.015(28), and 216B.040(2)(a)2.a., by establishing the State Health Plan's review criteria used for determinations regarding the issuance and denial of certificates of need.
(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 establishing the review criteria for certificate of need determinations.
(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: In response to suggestions and comments submitted to the cabinet by interested groups, the amendment to this administrative regulation makes the following changes to the State Health Plan (SHP): Updates the title and edition date of the SHP on page i of the Plan; Updates page numbers on Table of Contents section on page ii; Updates the title of the SHP on page iii of the Plan under the heading "Purpose"; Adds new definition under Section A: Acute Care Hospital for "Pediatric Teaching Hospital"; Adds new language on page 3 to establish criteria for new "acute care hospitals" that are "pediatric teaching hospitals"; Establishes that a "pediatric teaching hospital" shall not be considered a "specialized hospital"; Adds language to permit a Level II PRTF with four (4) Level II Special Care Neonatal beds; Makes changes to Ambulatory Surgical Centers in regards to ownership of Ambulatory Surgical Centers that perform "cornea transplants" and "glaucoma fistulizing surgery"; Makes changes to Cardiac Catheterizations to establish a comprehensive (diagnostic and therapeutic) cardiac catheterization service if applicant is under same ownership in the same county. These changes align with the proposed amendment of 900 KAR 6:075 and 900 KAR 6:075E, Section 2(3)(k)-(l), filed concurrently with this administrative regulation to grant nonsubstantive review status to certificate of need applications for acute care hospitals that wish to convert existing acute care beds to pediatric psychiatric beds at pediatric teaching hospitals as described above. The amended after comments document makes the following changes: In the Acute Care Hospital section of the State Health Plan adding language to allow hospitals in contiguous counties to a new acute care hospital if the county doesn't have a hospital or if the existing hospital has owned and operated a full service emergency department in the contiguous county for over 5 years or longer with a minimum of 15,000 emergency room visits in the most recent year of existence and the transfer of the acute care beds does not result in the need for additional acute care beds in the county of the transferring facility using the SHP methodology for the net county acute care bed need. Adds language to Section D. Special Care Neonatal Beds 6.b.to read as follows: Detailed policies and procedures from the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists described in the Guidelines for Perinatal Care and the Standards for Levels of Neonatal Care: II, III, and IV for the availability of appropriately trained personnel and providersfor the availability of obstetrics and neonatologists who are continuously available on site or able to be present within 30 minutes; appropriate equipment; appropriately trained personnel; and transfer agreements and procedures for infants born at < thirty-two (32) weeks gestation or who weigh < 1,500 grams at birth or when needed for pediatric surgical or medical subspecialty intervention; Corrects numbering in the same section from 4.to 9. Makes a correction to language within regards to ICF/IID (Section E) to align with statute. Adds the words"; or more recent verifiable external or applicant's internal data source." To the Megavoltage Radiation Equipment review criteria number 1. Also adds the words "an existing Kentucky" to criteria 4. Under Section V. Miscellaneous Services, A. Ambulance Service, add "or" before III and delete "or IV"
(b) The necessity of the amendment to this administrative regulation: This amendment is needed to expand inpatient pediatric behavioral health services throughout the state, including rural areas, to enhance immediate access to resources for at-risk pediatric mental health patients of such acuity that they need inpatient services and stabilization.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes because it incorporates by reference the State Health Plan.
(d) How the amendment will assist in the effective administration of the statutes: This amendment assists in the effective administration of the statutes by establishing the review criteria for certificate of need determinations.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? {If yes, provide the year of the legislation and either the bill number or Ky Acts chapter number being implemented.} Yes, 2022 HB 777 & 2025 HB 305 for changes in ambulance services, and 2023 HB 334 for ICF/IID changes,
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects entities that submit

certificate of need applications and affected persons as defined by KRS 216B.015(3). A total of 60 certificate of need applications were submitted to the cabinet in calendar year 2020; 70 certificate of need applications were submitted in calendar year 2021; 81 applications submitted in calendar year 2022; 60 applications submitted in calendar year 2023; and 67 applications submitted in calendar year 2024.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Entities that submit a certificate of need application are subject to the criteria set forth in the State Health Plan.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The certificate of need application filing fee for nonsubstantive review and formal review is established in a separate administrative regulation, 900 KAR 6:020.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Entities subject to certificate of need approval must demonstrate that their proposal is consistent with the State Health Plan pursuant to KRS 216B.040(2)(a)2.a.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no additional costs to the Office of Inspector General for implementation of this amendment.
(b) On a continuing basis: There are no additional costs to the Office of Inspector General for implementation of this amendment on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: State general funds and agency monies are used to implement and enforce this administrative regulation.
(8) 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 amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment does not establish or increase any fees.
(10) TIERING: Is tiering applied? Yes, tiering is used as there are different certificate of need review criteria for each licensure category addressed in the State Health Plan.

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 216B.010, 216B.015(28), and 216B.040(2)(a)2.a.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation impacts the Cabinet for Health and Family Services, Office of Inspector General, and may impact any government owned or controlled health care facility.
(a) Estimate the following for the first year:
Expenditures: This amendment will not cause additional expenditures.
Revenues: This amendment will not generate additional revenue.
Cost Savings: This amendment will not generate any cost savings. (b) How will expenditures, revenue, or cost savings differ in subsequent years? This amendment will not generate additional expenditures, revenue or cost savings for state or local government during subsequent years.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? No additional budgetary impact is expected as a result of this amendment in subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): This amendment should have no additional effect on local entities.
(a) Estimate the following for the first year:
Expenditures: No additional expenditures are expected from this amendment.
Revenues: No additional revenues are expected as a result of this amendment.
Cost Savings: No additional cost savings is expected as a result of this amendment.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? No additional budgetary impact is expected as a result of this amendment in subsequent years.
(4) Identify additional regulated entities not listed in questions (2) or (3): All affected entities are listed in questions (2) and (3).
(a) Estimate the following for the first year:
Expenditures: No additional expenditures are expected from this amendment.
Revenues: No additional revenues are expected as a result of this amendment.
Cost Savings: No additional cost savings are expected as a result of this amendment.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? No additional cost savings are expected as a result of this amendment.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: There is no anticipated fiscal impact as a result of the amendment to this regulation.
(b) Methodology and resources used to determine the fiscal impact: No money spent; no money gained equals no fiscal impact.
(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 administrative regulation is not expected to have a major economic impact on the regulated entities.
(b) The methodology and resources used to reach this conclusion: No money spent; no money gained equals no fiscal 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.

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Certificate of Need
(Amended After Comments)

900 KAR 6:075. Certificate of need nonsubstantive review.

RELATES TO: KRS 216B.010, 216B.015, 216B.020, 216B.040, 216B.062, 216B.090, 216B.095, 216B.115, 216B.450(5), 216B.455, 216B.990, 311A.025(4)
STATUTORY AUTHORITY: KRS 216B.040(2)(a)1., 216B.095
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.040(2)(a)1. requires the Cabinet for Health and Family Services to administer Kentucky's Certificate of Need Program and to promulgate administrative regulations as necessary for the program. KRS 216B.095 authorizes the review of certificate of need applications that are granted nonsubstantive status. This administrative regulation establishes the requirements necessary for consideration for nonsubstantive review of applications for the orderly administration of the Certificate of Need Program.

Section 1. Definitions.
(1) "Ambulatory surgical center" is defined by KRS 216B.015(4).
(2) "Cabinet" is defined by KRS 216B.015(6).
(3) "Certificate of Need Newsletter" means the monthly newsletter that is published by the cabinet regarding certificate of need matters and is available on the Certificate of Need Web site at https://chfs.ky.gov/agencies/os/oig/dcn/Pages/cn.aspx.
(4) "Days" means calendar days, unless otherwise specified.
(5) "Formal review" means the review of an application for certificate of need that is reviewed within ninety (90) days from the commencement of the review as provided by KRS 216B.062(1) and that is reviewed for compliance with the review criteria set forth at KRS 216B.040 and 900 KAR 6:070.
(6) "Nonsubstantive review" is defined by KRS 216B.015(18).

(7) "Public notice" means notice given through the cabinet's Certificate of Need Newsletter.

(8) "Psychiatric residential treatment facility" or "PRTF" is defined in KRS 216B.450(5) as a Level I facility or a Level II facility.

Section 2. Nonsubstantive Review.

(1) The cabinet shall grant nonsubstantive review status to an application to change the location of a proposed health facility or to relocate a licensed health facility only if:

(a) There is no substantial change in health services or bed capacity; and

(b)

1. The change of location or relocation is within the same county; or

2. The change of location or relocation is for a psychiatric residential treatment facility.

(2) The cabinet shall grant nonsubstantive review status to an application that proposes to establish an ambulatory surgical center pursuant to the conditions specified in KRS 216B.095(7).

(3) In addition to the projects specified in KRS 216B.095(3)(a) through (e), pursuant to KRS 216B.095(3)[~~(f)~~], the Office of Inspector General shall grant nonsubstantive review status to an application for which a certificate of need is required if:

(a) The proposal involves the establishment or expansion of a health facility or health service for which there is not a component in the State Health Plan;

(b) The proposal involves an application to re-establish a licensed healthcare facility or service that was provided at a hospital and was voluntarily discontinued by the applicant under the following circumstances:

1. The termination or voluntary closure of the hospital:

a. Was not the result of an order or directive by the cabinet, governmental agency, judicial body, or other regulatory authority;

b. Did not occur during or after an investigation by the cabinet, governmental agency, or other regulatory authority;

c. Did occur while the facility was in substantial compliance with applicable administrative regulations and was otherwise eligible for re-licensure; and

d. Was not an express condition of any subsequent certificate of need approval;

2. The application to re-establish the healthcare facility or service that was voluntarily discontinued is filed no more than one (1) year from the date the hospital last provided the service that the applicant is seeking to re-establish;

3. A proposed healthcare facility shall be located within the same county as the former healthcare facility and at a single location; and

4. The application shall not seek to re-establish any type of bed utilized in the care and treatment of patients for more than twenty-three (23) consecutive hours;

(c)

1. The proposal involves an application to establish an ambulatory surgical center that does not charge its patients and does not seek or accept commercial insurance, Medicare, Medicaid, or other financial support from the federal government; and

2. The proposed ambulatory surgical center shall utilize the surgical facilities of an existing licensed ambulatory surgical center during times the host ambulatory surgical center is not in operation;

(d) The proposal involves an application to establish an industrial ambulance service;

(e) [**~~Prior to July 1, 2026~~**]The proposal involves an application by:

1. An ambulance service that is owned by a city or county government seeking to provide ambulance transport services pursuant to KRS 216B.020(9)(a)1. or 2.; or

2. A licensed hospital seeking to provide transport from a location that is not a healthcare[~~health care~~] facility pursuant to KRS 216B.020(9)(a)3. and (b);

(f) The proposal involves an application to transfer acute care beds from one (1) or more existing Kentucky-licensed hospitals to establish a new hospital under the following circumstances:

1. The existing hospital and new facility shall be under common ownership and located in the same county;

2. No more than fifty (50) percent of the existing hospital's acute care beds shall be transferred to the new facility; and

3.

a. If the existing hospital is a state university teaching hospital, the existing hospital exceeded, by at least one (1), the minimum number of quality measures required to receive supplemental university directed payments from Kentucky Medicaid for the state fiscal year preceding the date the application was filed; or

b. If the existing hospital is not a state university teaching hospital, the existing hospital's overall rating by the Centers for Medicare and Medicaid Services Hospital Compare was three (3) stars or higher on the most recent annual update to the overall star ratings preceding the date the application was filed;

(g)

1. The proposal involves an application from a Program of All-Inclusive Care for the Elderly (PACE) program that:

a. Has met the requirements of the State Readiness Review (SRR) according to a report submitted by the Department for Medicaid Services (DMS) to the Centers for Medicare and Medicaid Services (CMS);

b. Seeks to provide, directly to its members, a health service that is not exempt from certificate of need (CON) under KRS 216B.020(1); and

c. Ensures that all services authorized under the PACE agreement are provided exclusively to its members who reside within the service area. The service area shall be:

(i) Located within the Commonwealth of Kentucky; and

(ii) Approved by both CMS and DMS.

2. Only an approved PACE program operating within the applicant's service area shall qualify as an affected person for the purpose of opposing a PACE program application.

3. A PACE program shall not be required to obtain certificate of need (CON) approval if the program:

a. Provides direct patient health services that are exempt from CON under KRS 216B.020(1) and provides other services subject to CON approval through contracts with licensed providers; or

b. Has already obtained CON approval within the approved PACE service area to provide a health service that is not exempt from CON;

(h) The proposal involves an application to establish an inpatient psychiatric unit in an existing licensed acute care hospital under the following conditions:

1. The hospital is located in a county that has no existing, freestanding psychiatric hospital;

2. The occupancy of acute care beds in the applicant's facility is less than seventy (70) percent according to the most recent edition of the Kentucky Annual Hospital Utilization and Services Report;

3.

a. All of the proposed psychiatric beds are being converted from licensed acute care beds; and

b. No more than twenty (20) percent of the facility's acute care beds up to a maximum of twenty-five (25) beds will be converted to psychiatric beds;

4. All of the psychiatric beds will be implemented onsite[~~on-site~~] at the applicant's existing licensed facility; and

5. All of the psychiatric beds shall be dedicated exclusively to the treatment of adult patients, aged eighteen (18) to sixty-four (64);

(i) The proposal involves an application by a Kentucky-licensed acute care hospital, critical access hospital, or nursing facility proposing to expand a home health service to provide services exclusively to patients discharged from its facility who require home health services at the time of discharge and no existing, licensed home health agency is available and willing to accept the referral. The hospital or nursing facility shall document its efforts to find a Home Health Agency. A license issued under this subsection shall contain the limitation set forth herein;[~~.~~]

(j) **The proposal involves an application for a Level II PRTF**[~~**Level II PRTFs shall be subject to the nonsubstantive review process**~~];[~~.~~]

(k) The proposal involves an application to establish a new pediatric teaching hospital under the following circumstances:

1. No less than one hundred fifty (150) pediatric acute care beds of the new pediatric teaching hospital are transferred from an

existing pediatric teaching hospital that is a Kentucky-licensed hospital;

2. The existing pediatric teaching hospital is under common ownership with the new pediatric teaching hospital;

3. The existing pediatric teaching hospital is located within the same county as the new pediatric teaching hospital;

4. The new pediatric teaching hospital may include the same types of pediatric services and diagnostic equipment as currently provided at the existing pediatric teaching hospital, including pediatric acute care, Level II, III, and IV special neonatal beds, pediatric open heart surgery and cardiac catheterization, pediatric organ and tissue transplant program, pediatric psychiatric beds, and pediatric megavoltage radiation, positron emission tomography, and magnetic resonance imaging equipment, with no additional certificate of need application required for establishing any of these specific pediatric services and diagnostic equipment at the new pediatric teaching hospital;

5. The total number of pediatric acute care beds at the new pediatric teaching hospital shall not exceed 140% of the total number of pediatric beds at the existing pediatric teaching hospital at the time of application, and the pediatric acute care beds remaining at the existing pediatric teaching hospital shall not be designated as adult beds; and

6. The applicant certifies that the new pediatric teaching hospital will continuously operate as a pediatric teaching hospital, as that term is currently defined; **or**

[~~(l)~~] [~~**The proposal involves an application by an existing provider of a Level II service within the same area development district to establish a Level II program with four (4) Level II Special Care Neonatal beds consistent with this plan if the applicant is under common ownership; or**~~]

(l)[~~**(m)**~~] The proposal involves an application to establish a comprehensive (diagnostic and therapeutic) cardiac catheterization service, and the applicant is under common ownership with an existing provider of comprehensive (diagnostic and therapeutic) cardiac catheterization within the same county.

(4) A certificate of need approved for an application submitted under subsection (3)(c) of this section shall state the limitations specified under subsection (3)(c)1. and 2. of this section.

(5) If an application is denied nonsubstantive review status by the Office of Inspector General, the application shall automatically be placed in the formal review process.

(6) If an application is granted nonsubstantive review status by the Office of Inspector General, notice of the decision to grant nonsubstantive review status shall be given to the applicant and all known affected persons.

(7)

(a) If an application is granted nonsubstantive review status by the Office of Inspector General, any affected person who believes that the application is not entitled to nonsubstantive review status or who believes that the application should not be approved may request a hearing by filing a request for a hearing within ten (10) days of the notice of the decision to conduct nonsubstantive review.

(b) The provisions of 900 KAR 6:090 shall govern the conduct of all nonsubstantive review hearings.

(c)

1. Except as provided in subparagraph 2. of this paragraph, nonsubstantive review applications shall not be comparatively reviewed.

2. If the capital expenditure proposed involves the establishment or expansion of a health facility or health service for which there is a component in the State Health Plan, the nonsubstantive review applications shall be comparatively reviewed.

(d) Nonsubstantive review applications may be consolidated for hearing purposes.

(8) If an application for certificate of need is granted nonsubstantive review status by the Office of Inspector General, there shall be a presumption that the facility or service is needed and a presumption that the facility or service is consistent with the State Health Plan.

(9) If each applicable review criterion in the State Health Plan has been met, there shall be a presumption that the facility or service is needed unless the presumption of need has been rebutted by clear and convincing evidence by an affected party.

(10) Unless a hearing is requested pursuant to 900 KAR 6:090, the Office of Inspector General shall approve each application for a certificate of need that has been granted nonsubstantive review status if the exception established in subsection (11)(a) of this section does not apply.

(11) The cabinet shall disapprove an application for a certificate of need that has been granted nonsubstantive review if the cabinet finds that the:

(a) Application is not entitled to nonsubstantive review status; or

(b) Presumption of need or presumption that the facility or service is consistent with the State Health Plan provided for in subsection (8) of this section has been rebutted by clear and convincing evidence by an affected party.

(12) In determining whether an application is consistent with the State Health Plan, the cabinet, in making a final decision on an application, shall apply the latest criteria, inventories, and need analysis figures maintained by the cabinet and the version of the State Health Plan in effect at the time of the public notice of the application.

(13) In determining whether an application is consistent with the State Health Plan following a reconsideration hearing pursuant to KRS 216B.090 or a reconsideration hearing that is held by virtue of a court ruling, the cabinet shall apply the latest criteria, inventories, and need analysis figures maintained by the cabinet and the version of the State Health Plan in effect at the time of the reconsideration decision or decision following a court ruling.

(14) A decision to approve or disapprove an application that has been granted nonsubstantive review status shall be rendered within thirty-five (35) days of the date that nonsubstantive review status has been granted, as required by KRS 216B.095(1). A hearing officer shall prioritize rendering decisions regarding applications granted nonsubstantive review status pursuant to Section 2(3)(g) of this administrative regulation.

(15) If a certificate of need is disapproved following nonsubstantive review, the applicant may:

(a) Request that the cabinet reconsider its decision pursuant to KRS 216B.090 and 900 KAR 6:065;

(b) Request that the application be placed in the next cycle of the formal review process; or

(c) Seek judicial review pursuant to KRS 216B.115.

Section 3. Exemption from Certificate of Need.

(1) A city or county government-owned ambulance service that meets the criteria established by KRS 216B.020(8) shall not be required to obtain a certificate of need to provide emergency ambulance transport services.

(2) A hospital-owned ambulance service shall not be required to obtain a certificate of need to provide non-emergency or emergency transport that originates from its hospital pursuant to KRS 216B.020(7).

(3)

(a) If a hospital-owned ambulance service has certificate of need approval prior to the most recent effective date of this administrative regulation to provide transport services from another health facility to its hospital, the service shall not be required to obtain authorization in accordance with paragraph (b) of this subsection.

(b) A hospital-owned ambulance service that is exempt from certificate of need under KRS 216B.020(7) may provide transport services from another health facility to its hospital if authorized as established[~~set out~~] in KRS 311A.025(4).

(c)

1. As used in paragraph (b) of this subsection, a hospital is authorized to provide inter-facility transport of a patient if:

a. The hospital contacts by phone at least one (1) ground ambulance provider with jurisdiction in the territory in which the other health facility is located, using contact information from the most recent edition of the agency directory maintained by the Kentucky Board of Emergency Medical Services at the following link (https://kbems.ky.gov/Legal/Pages/EMS-Directory.aspx)[~~(https://kbems.kctcs.edu/legal/EMS%20Directory.aspx)~~] and

b. The ground ambulance provider:

(i) Declines the hospital's request for patient transport; or

(ii) Is not able to initiate the patient's transport within four (4) hours of receiving the hospital's request.

2. For purposes of this paragraph, a provider initiates transport when it arrives at the hospital to transport the patient.

3. The hospital shall document the ambulance service contacted and the reason for authorization to provide transport from another health facility to its hospital.

[~~(4)~~]

[~~(a)~~] [~~In accordance with KRS 216B.020(12)(a), the provisions of this section and Section 2(3)(e) of this administrative regulation shall expire on July 1, 2026.~~]

[~~(b)~~] [~~In accordance with KRS 216B.020(12)(b), a certificate of need exemption granted to an ambulance service under this section of this administrative regulation shall remain in effect on and after July 1, 2026.~~]

TRICIA STEWARD, Inspector General
STEVEN J. STACK, MD, MBA, Secretary
APPROVED BY AGENCY: September 30, 2025
FILED WITH LRC: October 14, 2025 at 10:40 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Valerie Moore and Krista Quarles
Subject Headings: Certificate of Need
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes procedures for the nonsubstantive review of certificate of need applications. Nonsubstantive review is an expedited review process granted to certain applications pursuant to KRS 216B.095. This administrative regulation expands upon the types of applications that qualify for nonsubstantive review per the statute.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to comply with the content of the authorizing statutes, specifically KRS 216B.010, 216B.015(18), 216B.040, and 216B.095.
(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 adding types of certificate of need applications that qualify for nonsubstantive review status, setting forth the procedure for granting nonsubstantive review status, and setting forth the procedure for affected parties to request a hearing to dispute the review status or application.
(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 adding types of certificate of need applications that qualify for nonsubstantive review status, setting forth the procedure for granting nonsubstantive review status, and setting forth the procedure for affected parties to request a hearing to dispute the review status or application.
(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 maintains consistency with the most recent update to the State Health Plan to increase access to pediatric acute care beds, Level II Special Care Neonatal beds, and to grant nonsubstantive review status to certificate of need applications submitted by licensed health facilities. The Amended After Comments version removes language related to establishing four Level II Special Care Neonatal beds, makes amendments to Section 2(3)(e) to remove the sunset date of July 1, 2026, relating to ambulance services, and deletes Section 3(4) in its entirety.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to bring this regulation in alignment with statute, 2025 Kentucky Acts chapter 150. This was inadvertently left out of the previously filed regulation.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to KRS 216B.095(3), which permits the cabinet to grant nonsubstantive review status to a certificate of need application in accordance with circumstances prescribed by the cabinet via administrative regulation.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statutes by establishing the procedures for review of certificate of need applications granted nonsubstantive review status.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects entities that submit certificate of need applications subject to the nonsubstantive review process. The number of entities that submit certificate of need applications subject to nonsubstantive review varies.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Industrial ambulance services will no longer be subject to nonsubstantive review.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The certificate of need application filing fee is the same for nonsubstantive review and formal review and is established in a separate administrative regulation, 900 KAR 6:020.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): This amendment is necessary to align this regulation with Kentucky law.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no initial costs for implementation of this amendment.
(b) On a continuing basis: There are no continuing costs for implementation of this amendment on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: State general funds and agency monies are used to implement and enforce this administrative regulation.
(8) 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 amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment does not establish or increase any fees.
(10) TIERING: Is tiering applied? Tiering is used as certificate of need applications are reviewed under a formal review process (900 KAR 6:070) or nonsubstantive review process (this administrative regulation). The list of applications granted nonsubstantive review is being amended to add two (2) new categories.

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 necessary to comply with the content of the authorizing statutes, specifically KRS 216B.010, 216B.015(18), 216B.040, and 216B.095.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Office of Inspector General within the Cabinet for Health and Family Services. This administrative regulation affects entities that submit certificate of need applications subject to the nonsubstantive review process.
(a) Estimate the following for the first year:
Expenditures: There are no additional costs for implementation of this amendment.
Revenues: Revenue increases would be dependent on how many facilities applied for nonsubstantive review and is not able to be predicted.
Cost Savings: There are no anticipated cost savings as a result of this amendment.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? There is no anticipated expenditure, revenue, or cost savings difference from subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire

departments, school districts): This amendment should have no additional effect on local entities.
(a) Estimate the following for the first year:
Expenditures: There are no additional expenditures anticipated from this administrative regulation
Revenues: No additional revenue is anticipated from this amendment.
Cost Savings: No cost savings are anticipated from this amendment.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? No changes are anticipated as a result of this amendment.
(4) Identify additional regulated entities not listed in questions (2) or (3): This administrative regulation affects entities that submit certificate of need applications subject to the nonsubstantive review process. The number of entities that submit certificate of need applications subject to nonsubstantive review varies.
(a) Estimate the following for the first year:
Expenditures: The certificate of need application filing fee is the same for nonsubstantive review and formal review and is established in a separate administrative regulation, 900 KAR 6:020.
Revenues: No additional revenue is anticipated from this amendment.
Cost Savings: No cost savings are anticipated from this amendment.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? No changes are anticipated as a result of this amendment.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: The certificate of need application filing fee is the same for nonsubstantive review and formal review and is established in a separate administrative regulation, 900 KAR 6:020.
(b) Methodology and resources used to determine the fiscal impact: The fees for licensure are established in 900 KAR 6:020 fees for licensure.
(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) There is not an anticipated negative or adverse economic impact to entities discussed above.
(b) The methodology and resources used to reach this conclusion: The fees are the same whether a facility applies for substantive or nonsubstantive review.

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*.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 2:010. Preparation of ballots and voting systems prior to election day.

RELATES TO: KRS 117.076(1), 117.085(5), 117.145, 117.383, 118.035, 118.215(1), 118.770[~~KRS 116.025, 116.065, 117.001, 117.085(5), 117.125, 117.145, 117.155, 117.165, 117.175, 117.195, 117.205, 117.255, 117.275, 117.377, 117.379, 117.383, 117.385, 117.389, 117.391, 117.393, 118.015, 118.025, 118.215(1), 118.770, 118A.010, 119.005, 424.290~~]

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.383

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to administer the election laws of the state. KRS 117.145(4) requires the State board of Elections to establish methods of securing the integrity of the ballots from the time of certification of each candidate and each question to be voted upon in any primary or election until the conclusion of the primary or election, and the method of tracking all voted, unvoted, or spoiled ballots. KRS 117.383 requires the State Board of Elections to promulgate administrative regulations to maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting. KRS 117.383(1) requires the State Board of Elections to promulgate administrative regulations to count, tabulate, and record votes. KRS 117.383(2) requires the State Board of Elections to promulgate administrative regulations to establish a method for placing items on any ballot, which shall, as closely as possible, follow the requirements pertaining to ballots. KRS 117.383(5) requires the State Board of Elections to promulgate administrative regulations to provide for checking the accuracy of the voting system. This administrative regulation establishes the procedures for the county clerk and the county board of elections to follow in preparing the ballots and the voting systems prior to each election.

Section 1. Definitions.

(1) "Accuracy Board" means the county board of elections, or at least two (2) individuals appointed by the county board of elections, assigned with the duty of overseeing the accuracy testing of the voting machines and the voting systems required by 31 KAR 2:020.

(2) "Accuracy test" means the procedures established by 31 KAR 2:020 for checking the accuracy of the voting system required by KRS 117.383(5), and the testing of the automatic tabulating equipment and voting systems required by KRS 117.389.

(3) "Ballot accountability statement" means a form created by the county clerk in accordance with Section 4 of this administrative regulation.

(4) "Ballot template" means a printout created by the program administrator of the voting systems that shows the results of the steps taken by the program administrator to place all candidates, races, and ballot questions on each ballot based on the information provided by the county clerk.

(5) "Certification" means the information provided by the county clerk to the program administrator that includes an accurate listing of all federal, state, county, and local candidates, offices and ballot questions to be placed on the ballot for each voting machine or voting system for each precinct within five (5) days of receiving the certification of candidates by the Secretary of State, pursuant to KRS 118.215(1), or immediately after receiving the Secretary of State's certification pursuant to KRS 118.770.

(6) "E-poll book" is defined by KRS 117.001(9).

(7) "Program administrator" means the county clerk or authorized assistant designated to configure the voting machines and voting systems.

(8)[~~(7)~~] "Scan voting system" means a tabulating device that reads paper ballots by electronically detecting voters' marks.

(9)[~~(8)~~] "Voting machine" is defined by KRS 117.001(19)[~~means hardware, which is a component of the voting system, used or relied upon by a voter in casting and recording his or her votes in a precinct in an election, which has been approved by the State Board of Elections for use in elections in the Commonwealth of Kentucky pursuant to KRS 117.379~~].

(10)[~~(9)~~] "Voting system" is defined by KRS 117.001(20)[~~means a system of components of hardware and software, including the voting machine, used by a voter to cast a ballot and by the election officials to tabulate the votes on election day, which has been approved by the State Board of Elections for use in elections in the Commonwealth of Kentucky pursuant to KRS 117.379~~].

(11)[~~(10)~~] "Zero-file" means a computer-based electronic file type listing all electoral contests and questions, displaying precinct-by-precinct vote totals registering as zero, which includes all candidates, offices, and ballot questions in the order under which they have been certified pursuant to KRS 118.215(1) or KRS 118.770, for all mail-in absentee ballots, excused in-person absentee ballots, no-excuse in-person absentee ballots, and election day ballots.

Section 2. Preparation of Each Voting Machine and Voting System.

(1) The county clerk shall designate a program administrator to configure the voting machines and voting systems for each election.

(2)

(a) Within five (5) days of receiving the certification of candidates by the Secretary of State, pursuant to KRS 118.215(1), or immediately after receiving the Secretary of State's certification pursuant to KRS 118.770, the county clerk shall provide a certification to the program administrator that includes an accurate listing of all federal, state, county, and local candidates, offices, and ballot questions.

(b) The program administrator shall place the information in the certification in the ballot template for each voting system and precinct.

(3) The program administrator, if other than the county clerk, shall provide a ballot template for each ballot to the county clerk not less than three (3) days before the deadline for printing ballots established in KRS 117.085(5) and 117.145(1).

(4) The county clerk shall compare the prepared ballots and ballot screens, if applicable, for each voting system with the ballot template and the certification supplied by the county clerk to the program administrator to ascertain that all federal, state, county, and local candidates, offices and ballot questions shall be the same as listed on the certification and shall appear in the correct positions.

(5) Once the county clerk has ascertained that all federal, state, county, and local candidates, offices and ballot questions are the same as listed on the certification and appear in the correct position, the program administrator shall electronically transmit to the State Board of Elections a zero-file in a format designated by the State Board of Elections.

(6) The county clerk shall provide the ballot templates to the county board of elections or designated Accuracy Board prior to the conduct of the accuracy tests required by 31 KAR 2:020.

(7) The county board of elections, or designated review board, shall review the ballot template and the certification supplied by the county clerk to the program administrator to ascertain that all federal, state, county, and local candidates, offices and ballot questions shall be the same as listed on the certification and shall appear in the

correct positions prior to the conduct of the accuracy tests required by 31 KAR 2:020.

(8) The county clerk shall review and verify the audio ballots to be placed on the accessible voting systems by listening to the audio ballot through a headset to ensure proper pronunciation of all candidate names and to confirm that all federal, state, county, and local candidates, offices and ballot questions shall be the same as listed on the certification and shall appear in the correct positions.

Section 3. Number of Ballots to be Printed. In addition to the requirements established in KRS 117.145, the county clerk shall provide a sufficient number of printed ballots for each precinct in a county that uses scan voting systems for each election. The number of ballots required to be printed and distributed to each precinct with scan voting systems shall be determined as follows:

(1) For a primary, the number of ballots shall be at least ten (10) percent more than the total number of votes cast in each party's primary and nonpartisan race in the most recent presidential primary election;

(2) For the general election, the number of ballots shall be at least ten (10) percent more than the total number of votes cast in the most recent general election in which votes were cast for the electors for the President of the United States; and

(3) For a special election, the number of ballots shall be a sufficient number as determined by the county clerk considering the number of registered voters in the precinct and the type of special election to be held.

Section 4. Preparation and Delivery of Ballots.

(1) The county clerk shall place into a container the paper ballots, if applicable, for each precinct.

(2) The container shall be secured with a seal and contain a certificate signed by the county clerk recording the total number of ballots in the container and that the ballots were counted and sealed by the county clerk.

(3) Ballots not issued to a precinct or assigned for absentee voting shall be secured and accounted for by the county clerk.

(4) The county clerk shall maintain a record of the number of ballots and serial numbers of the voting systems issued to each precinct.

(5) If using paper ballots for a scan voting system, the county clerk shall create a ballot accountability statement to be provided along with the ballots to each precinct that includes:

(a) In a primary, an accounting of the total number of ballots for each party primary and nonpartisan race submitted to the precinct to be completed by the county clerk;

(b) In a general election, an accounting of the total number of each type of ballot submitted to the precinct to be completed by the county clerk;

(c) An oath for the county clerk to sign attesting to the accuracy of the information provided by the county clerk on the statement;

(d) An accounting of the total number of ballots used, unused, and spoiled on election day to be completed by the precinct election clerk and signed by all four (4) precinct election officers;

(e) An accounting of the total number of ballots returned to the county clerk at the end of the election day to be completed by the precinct election clerk;

(f) A section that allows for the precinct election clerk to explain any discrepancies; and

(g) An oath for the precinct election officers to sign attesting to the accuracy of the information provided on the statement.

Section 5. Preparation of E-Poll Books Before Opening of Voting Locations. Each county board of elections shall ensure that there is adequate time before the polls open, as required by KRS 118.035 or KRS 117.076(1), for all e-poll books slated to be used at a voting location, on any day of in-person voting, to be powered on and receive all necessary updates.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the procedures for the county clerk and the county board of elections to follow in preparing the ballots, e-poll books, and voting systems prior to each election.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting. (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(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 updates several definitions and requires that e-poll books be updated before polls open.
(b) The necessity of the amendment to this administrative regulation: This amendment brings uniform use of defined terms and prevents poll workers and voters from waiting on e-poll books to update after polls have opened for voting.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, vendors serving as program administrators, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: To comply with this amendment, each county board of elections will need to ensure that their e-poll books are powered on and updated before polling locations open to voters.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117.145(4), KRS 117.383, KRS 117.383(1), KRS 117.383(2), and KRS 117.383(5) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth and vendors serving as program administrators.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 2:020. Accuracy test and setting of voting systems prior to election day.

RELATES TO: KRS 117.155, 117.165, 117.215, 117.275, 117.379, 117.381, 117.383, 117.389, 118.215(1), 118.770[~~KRS 116.025, 116.065, 117.075, 117.125, 117.145, 117.155, 117.165,~~

~~117.175, 117.195, 117.205, 117.215, 117.255, 117.275, 117.285, 117.375, 117.377, 117.379, 117.381, 117.383, 117.385, 117.387, 117.389, 117.391, 117.393, 118.015, 118.215(1), 118.770, 118A.010, 119.005, 424.290~~]

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.383[~~, 117.389~~]

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to administer the election laws of the state. KRS 117.383[~~(1)~~] requires the State Board of Elections to promulgate rules and administrative regulations to achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting. KRS 117.383(5)[~~(6)~~] requires the State Board of Elections to promulgate rules and administrative regulations to provide for checking the accuracy of the voting system[~~equipment~~]. KRS 117.389 requires the State Board of Elections to prescribe the manner by which the county clerk shall have the automatic tabulating equipment tested on any day after ballots have been certified by the Secretary of State as provided in KRS 118.215, and petitions to allow consolidation of precincts have been approved by the State Board of Elections as provided in KRS 117.066, but not less than five (5) days prior to the election day. This administrative regulation establishes the procedures for checking the accuracy of the voting equipment and testing the automatic tabulating equipment prior to each election to achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting and setting the voting equipment prior to the public examination performed according to KRS 117.165.

Section 1. Definitions.

(1) "Accuracy Board" means the county board of elections or at least two (2) individuals appointed by the county board of elections in accordance with this administrative regulation.

(2) "Accuracy test" means the checking of the accuracy of the voting system[~~equipment~~] required by KRS 117.383(5)[~~(6)~~] and the testing of the automatic tabulating equipment and voting systems required by KRS 117.389.

(3) "Accuracy test checklist" means a checklist prepared by the county board of elections for each voting machine and voting system in accordance with Section 4 of this administrative regulation.

(4) "Ballot style" means the ballot unique to a specific precinct listing the federal, state, county, and local candidates, offices, and ballot questions for which a voter in the precinct may cast a vote.

(5) "Certificate" means the County Board of Elections Certificate of Completion of Accuracy Test, SBE 16.

(6) "Certification" means the information provided by the county clerk to the program administrator that includes an accurate listing of all federal, state, county, and local candidates; offices; and ballot questions to be placed on the ballot for each voting machine or voting system for each precinct within five (5) days of receiving the certification of candidates by the Secretary of State, pursuant to KRS 118.215(1), or immediately after receiving the Secretary of State's certification pursuant to KRS 118.770.

(7) "Program administrator" means the county clerk or authorized assistant designated to configure the voting machines and voting systems as required by 31 KAR 2:010.

(8) "Public examination" means the examination conducted by the county board of elections prior to election day pursuant to KRS 117.165.

(9) "Tally sheet" means a listing of the results from the test deck to be compared to the results printout from each voting machine or voting system after an accuracy test.

(10) "Test deck" means a set of example ballots marked with predetermined results or a set of predetermined votes prepared by the Accuracy Board used to perform an accuracy test on each voting machine or voting system in accordance with Section 3 of this administrative regulation.

(11) "Verification sheet" means the sheet approved by the county board of elections for each voting machine and voting system in accordance with Section 6 of this administrative regulation.

(12) "Voting machine" is defined by KRS 117.001(19)[~~means hardware, which is a component of the voting system, used or relied upon by a voter in casting and recording his or her votes in a precinct in an election, which has been approved by the State Board of Elections for use in elections in the Commonwealth of Kentucky, pursuant to KRS 117.379 and 117.381~~].

(13) "Voting system" is defined by KRS 117.001(20)[~~means a system of components of hardware and software, including the voting machine, used by a voter to cast a ballot and by the election officials to tabulate the votes on election day, which has been approved by the State Board of Elections for use in elections in the Commonwealth of Kentucky, pursuant to KRS 117.379 and 117.381~~].

Section 2. Accuracy Board.

(1) The Accuracy Board shall oversee the conduct of an accuracy test on each voting machine or voting system and the completion of an accuracy test checklist on each voting machine and voting system prior to the public examination.

(2) The Accuracy Board shall consist of the members of the county board elections, or the county board of elections may designate at least two (2) individuals to perform the duties of the Accuracy Board. The appointed Accuracy Board shall include not more than one (1) employee of a [~~voting machine~~]vendor or manufacturer of a voting machine or system.

(3) The Accuracy Board shall sign the certificate upon completion of the accuracy tests on all voting machines or voting systems and the completion of an accuracy test checklist on each voting machine and voting system.

(4) The Accuracy Board shall provide the certificate and all accuracy test materials to the chair of the county board of elections not later than the date established for the public examination.

Section 3. Preparation of the Test Deck.

(1) The Accuracy Board shall approve a test deck prior to an accuracy test.

(2) A test deck shall consist of all ballot styles to be used in the election or a predetermined series of votes for each ballot style to be used in the election.

(3) Multiple test desks may be approved by the county board of elections or Accuracy Board to complete an accuracy test on each voting machine or voting system.

(4) The test deck created shall include the following:

(a) One (1) or more ballots with a vote for each candidate for office and each option of a ballot question, if applicable;

(b) One (1) or more ballots that contain votes in excess of the total number of votes allowed by law to be cast by a voter;

(c) One (1) or more ballots that contain fewer votes than the total number of votes allowed by law to be cast by a voter;

(d) One (1) or more ballots that contain a straight-party vote, if applicable; and

(e) One (1) or more ballots that contain a write-in vote, if applicable.

(5) The Accuracy Board shall approve a tally sheet showing the results of each test deck.

Section 4. Accuracy Test Checklist.

(1) The county board of elections shall create an accuracy test checklist for each voting machine and voting system to be used in the election to be reviewed by the Accuracy Board after each accuracy test is performed on the voting machines or voting systems.

(2) An accuracy test checklist shall include the following:

(a) The date; assigned precinct, if applicable; description of device; serial number; firmware version identification; confirmation that the firmware version has been certified by the Kentucky State Board of Elections, pursuant to KRS 117.379 and 117.381; and the name of the person completing the accuracy test checklist;

(b) Boxes to be checked to confirm the following shall be performed during an accuracy test:

1. Visual inspection of the voting machine or voting system and all working parts to check for damage or defects;

2. Visual inspection of all power sources, cables, card slots, and locking devices, including an accounting for all cables, batteries, power cords, and locking devices; and

3. Completion of the processing of the test desk through the voting machine or voting system with a printout showing an errorless test upon comparison with the tally sheet. If the accuracy test may be performed on the voting system, then the checklist for each voting machine shall provide a space to indicate that an accuracy test was not performed on the individual voting machine because it was performed on the voting system; and

(c) A signature line for the person completing the accuracy test checklist.

Section 5. Conducting the Accuracy Test.

(1) The Accuracy Board shall supervise the completion of an accuracy test checklist for each voting machine and voting system and an accuracy test of each voting machine or voting system and the automatic tabulation equipment prior to the public examination.

(2) The Accuracy Board shall supervise the accuracy tests with the use of the test deck in the following manner:

(a) If the voting system to be used in the county on election day may be configured, in accordance with 31 KAR 2:010, with all possible ballot styles for every precinct to be used in the county during the election, the accuracy test shall be conducted by setting up at least one (1) voting machine connected to the voting system and testing each ballot style upon which voters may cast a ballot in the county during the election; or

(b) If the voting system to be used in the county during the election may only be prepared, in accordance with 31 KAR 2:010, with one (1) ballot style for each precinct, the accuracy test shall be conducted on each voting machine used in the county during the election.

(3) The Accuracy Board shall indicate whether the accuracy tests were performed on the voting system or on each voting machine on the accuracy test checklist for each voting system and each voting machine.

(4) An accuracy test shall be conducted by processing each test deck prepared under the direction of the county board of elections or the Accuracy Board for each voting machine or voting system to be used in the election.

(5) If an error in a voting machine or voting system is detected during an accuracy test, the cause shall be ascertained, the error shall be corrected, and the accuracy test shall be performed until an errorless count is ascertained.

(6) The Accuracy Board shall ensure that all sections of the accuracy test checklist shall be completed on each voting machine and voting system.

(7) A printout from each voting machine or voting system from the accuracy test shall be created, signed, and dated by the person conducting the test. The printout shall be attached to the accuracy test checklist for that voting machine or voting system.

(8) After reviewing all accuracy test checklists and applicable printouts, and after verifying that an errorless accuracy test was performed on each voting system or voting machine, the Accuracy Board shall sign the certificate.

(9) The accuracy test checklists, test decks, tally sheets, and signed printouts from the voting machines and voting systems shall be retained in a secure location until presentation to the county board of elections prior to the public examination.

Section 6. Setting of the Voting Systems After the Accuracy Test.

(1) The Accuracy Board shall supervise the setting of the voting machines and voting systems after the completion of an errorless accuracy test to prepare the voting machines and the voting systems to be turned over to the county board of elections before the public examination.

(2) The county clerk shall prepare or approve a verification sheet for each voting machine and voting system, containing the following:

(a) The assigned precinct name and number, if applicable;

(b) The serial numbers of the voting system components;

(c) The seal numbers;

(d) Counter number at the beginning of the election, if applicable;

(e) Counter number at the end of the election, if applicable;

(f) Signature line for the program administrator who sealed the voting system after the accuracy test; and

(g) Signature lines for the precinct judges to be signed on the election day.

(3) A voting machine shall be identified with the precinct number in which it shall be used during the election on the verification sheet, unless the voting machine is designated to be held in reserve for use pursuant to KRS 117.20[1]5. If a voting machine is held in reserve, the precinct number and name shall be assigned on the verification sheet when delivered to the precinct.

(4) The serial numbers of the voting machine and the seal numbers used to seal the voting machine shall be recorded on the verification sheet for the precinct in which the voting machine is to be used. The program administrator who sealed the voting machine shall sign the verification sheet.

(5) The program administrator shall set the voting machine counters to zero, in accordance with KRS 117.155, creating a printout showing that the voting machine has been set to zero or by verifying and recording that the counter is set to zero on the verification sheet.

(6) Copies of the verification sheet shall remain with the program administrator, the voting machine, and the county clerk.

Section 7. The County Board of Elections Review of the Accuracy Test.

(1) After the Accuracy Board has completed the accuracy tests, signed the certificate, and provided the accuracy test materials to the chair of the county board of elections, the county board of elections shall review the accuracy test materials.

(2) After ascertaining that an errorless accuracy test has been performed on each voting machine or voting system and the completion of an accuracy test checklist on each voting machine and voting system, the county board of elections shall verify that the voting machines and the voting systems are prepared for the public examination and shall sign the certificate.

(3) The county board of elections shall secure all test decks, tally sheets, printouts, accuracy test checklists, and the county board of elections' certificate with the election materials to be retained with the county clerk for the retention period prescribed by KRS 117.275(16)[(8)]. A copy of the county board of elections' certificate shall be attached to the minutes of the county board of elections' meeting in which the public examination occurs.

Section 8. Public Examination.

(1) When the voting machines and voting systems have been prepared for the election, the county board of elections shall review the verification sheets for each voting machine and voting system at the public examination conducted pursuant to KRS 117.165.

(2) The verification sheet that remains with the voting machine shall be signed by the precinct election judges on the election day.

(3) At the end of the election day the verification sheets shall be returned to the county clerk along with the election supplies and retained by the county clerk for the retention period prescribed by KRS 117.275(16)[(8)].

Section 9. Incorporation by Reference.

(1) "County Board of Elections Certificate of Completion of Accuracy Test", Form SBE 16,(10/2025)[September 2009], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the procedures for checking the accuracy of the voting equipment and testing the automatic tabulating equipment prior to setting the voting equipment prior to the public examination performed according to KRS 117.165.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting. (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(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 provides updates to statutory citations throughout and to the definitions section by citing statutory language used to define terms. The amendment also updates Form SBE 16.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary given changes to the law since the regulation's previous effective date.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county board of elections will need to continue their current election administrative practices and use the new Form SBE 16.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117.383, KRS 117.383(5), and KRS 117.389 require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this

administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 2:030. E-poll book product certification.

RELATES TO: KRS 117.001(8), 117.379(2)(c)
STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.379(2)(c)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to administer the election laws of the state[~~properly carry out its duties~~]. KRS 117.379(2)(c) requires the State Board of Elections to promulgate administrative regulations that establish certification requirements for the approval and certification of e-poll book products used in the Commonwealth. This administrative regulation provides for those measures.

Section 1. [~~Beginning September 1, 2022, ~~]All e-poll book products, as defined by KRS 117.001(8), sought to be used in the Commonwealth shall be approved and certified if the examiners' report outlined in KRS 117.379(2)(c), and the State Board of Elections find that the e-poll book product meets the certification requirements outlined in Form SBE 2030, "Certification Procedures For E-Poll Book Products," 09/2022.

Section 2. Incorporated by Reference.
(1) "Certification Procedures For E-Poll Book Products," Form SBE 2030, 09/2022.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: October 13, 2025
FILED WITH LRC: October 14, 2025 AT 11:55 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes certification requirements for the approval and certification of e-poll book products used in the Commonwealth.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting. (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(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 eliminates the date previously promulgated for the start of certification, as all vendors have now been

certified.
(b) The necessity of the amendment to this administrative regulation: This amendment cements the permanency of the certification requirement.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, vendors, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: To comply with this amendment, e-poll book vendors will need to follow the certification requirements outlined, while the State Board of Elections will need to make sure the requirements are followed by the vendors.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and KRS 117.379(2)(c) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth and vendors.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to

no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 3:010. Current address of Kentucky registered voters and distribution of voter registration lists.

RELATES TO: KRS 116.085, 116.155, 117.025, 117.225
STATUTORY AUTHORITY: KRS 117.015(1)(a)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the [~~Kentucky~~] State Board of Elections to promulgate administrative regulations necessary to administer the election laws of the state[~~properly carry out its duties~~]. KRS 117.025(3)(i) instructs the board to furnish precinct lists to those statutorily qualified to receive them, as well as to those who may be deemed eligible to receive them at the board's discretion. This administrative regulation establishes the procedures for election officials and voters to follow to correct and maintain voter registration records and establishes standards for the State Board of Elections to follow when reviewing a request for a voter registration list.

Section 1. Definitions.
(1) "Advertisement" means any attempt by publication, dissemination, solicitation, or circulation to induce any person to enter into any obligation, or acquire any title or interest in any good or service.
(2) "Alphabetical labels" means labels of registered voters within the precinct with one (1) name per label and sorted in alphabetical order.
(3) "Alphabetical lists" means lists of registered voters generated from the statewide voter registration database and sorted in alphabetical order by last name within a precinct that have the name, address, age code, party, gender, zip code, and five (5) year voting history of every voter in the precinct.
(4) "Duly qualified candidate" means any person who has filed:
(a) A letter of intent with the Kentucky Registry of Election Finance; or
(b) Nomination papers with the Office of the Secretary of State or county clerk.
(5) "Household labels by street order" means labels that are generated from the statewide voter registration database and sorted by street address within the precinct with as many as four (4) names per label of the voters whose last name and address are an identical match.
(6) "Household labels by zip code order" means labels that are generated from the statewide voter registration database and sorted by zip code within the county with as many as four (4) names per label of the voters whose last name and address are an identical match.
(7) "Sale" means any sale, rental, distribution, offer for sale, rental, or distribution, or attempt to sell, rent, or distribute any good or service to another.
(8) "Statewide voter registration database" means a complete roster of all qualified voters within the state by county and precinct that the State Board of Elections is required to maintain pursuant to KRS 117.025(3)(a).
(9) "Street order lists" means lists of registered voters generated from the statewide voter registration database sorted in street order within a precinct and contain the name, address, age code, party, gender, zip code, and a five (5) year voting history of every registered voter in the precinct.
(10) "Voter registration list" has the same meaning as the term "precinct list" as used in KRS 117.025(3)(i) and in this administrative regulation, and means a list of registered voters generated from the statewide voter registration database in any format [~~in any given election precinct in the Commonwealth of Kentucky~~]that the State Board of Elections is required to furnish pursuant to KRS 117.025(3)(i)[~~(h)~~].

Section 2. Correction of Voter Registration Records.
(1) Each county clerk shall instruct the precinct election officers of the necessity for informing each voter that he or she shall correct any error existing in his or her address as it appears upon the precinct signature roster.
(2) Each precinct election officer shall instruct each voter to correct any error existing in his or her address as it appears upon the [~~precinct~~]signature roster provided under KRS 117.025(3)(b) or (c).
(3) Each voter shall, when he or she signs the [~~precinct~~] signature roster, correct any error existing in his or her address as it appears upon the [~~precinct~~] signature roster.
(4) Each county clerk shall take all steps necessary to correct and update each voter's address upon the statewide voter registration database.

Section 3. Interpretation of Commercial Use. Commercial use, as that term is used in KRS 117.025(3)(i)[~~(h)~~], shall be interpreted by the Board of Elections to mean:
(1) The use by the requester of the voter registration list, or any part thereof, in any form, for profit, the solicitation of donations, or for the sale or advertisement of any good, [~~,~~] service, or publication; or
(2) The transfer or sale of a voter registration list by the requester to any other person whom the requester knew or should have known intended to use the voter registration list, or any part thereof, in any form, for profit, the solicitation of donations, or for the sale or advertisement of any good, service, or publication.

Section 4. Exceptions to Commercial Use Interpretation. Commercial use shall not include use of a voter registration list, or any part thereof, for the following purposes:
(1) Use for scholarly, journalistic, political (including political fund raising), or governmental purposes; or
(2) Use for publication, broadcast, or related use by a newspaper, magazine, radio station, television station, or other news medium in its news or other publications or broadcasts.

Section 5. State Board to Prohibit Foreign Access to Voter Registration Lists. The board's discretion to furnish precinct lists to other persons, as stated in KRS 117.025(3)(i)[~~(h)~~], shall not extend to:
(1) Requests known to come from outside of the United States or from requestors known to be closely associated with other persons known to be located outside of the United States, or;
(2) Requests of which, the board believes if filled, would reasonably be expected to result in voter registration data leaving the United States.

Section 6. Requests for Voter Registration Lists. A request for voter registration lists shall be made by submitting a completed Request for Voter Registration Data, form SBE-84, to the State Board of Elections with payment of fees established in form SBE-84.

Section 7. Incorporation by Reference.
(1) "Request for Voter Registration Data", SBE 84, 10/2025[~~December 2021~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 West Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained on the board's Web site at https://elect.ky.gov/Candidates/Pages/Request-Voter-Registration-Data.aspx.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the procedures for election officials and voters to follow to correct and maintain voter registration records and establishes standards for the State Board of Elections to follow when reviewing a request for a voter registration list.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting. (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(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 updates several definitions and statutory references, in addition to the Form SBE 84.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary given changes to the law since the regulation's previous effective date.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth and those mentioned in KRS 117.015(3)(i): "duly qualified candidates, political party committees or officials thereof, or any committee that advocates or opposes an amendment or public question," as well as, "other persons" who may choose to request voter registration data.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . This amendment will require those mentioned above to take the same action they previously engaged in, namely, submitting a completed Request for Voter Registration Data, Form SBE 84.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and KRS 117.025(3)(i) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:

For the first year: The State Board of Elections expects that this administrative regulation amendment may result in only nominal revenues for the agency.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment may result in only nominal revenues for the agency.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 3:031. Voting precinct and address of overseas voter whose last place of residence in the Commonwealth is no longer a recognized residential address.

RELATES TO: KRS 117A.010(1)(e), 117A.040
STATUTORY AUTHORITY: KRS 117.015(1)(a), 117A.030(2), 117A.040(2)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117A.040(2) requires the State Board of Elections to promulgate administrative regulations covering the procedures under KRS 117A.040 for assigning an address for voting purposes for an overseas voter whose last place of residence is no longer a recognized residential address. KRS 117A.030(2) authorizes the State Board of Elections to promulgate the administrative regulations necessary to implement KRS Chapter 117A. This administrative regulation establishes the procedures under KRS 117A.040 for assigning an address for voting purposes for an overseas voter whose last place of residence is no longer a recognized residential address.

Section 1. Definition. "Overseas voter" is defined by KRS 117A.010(6).

Section 2. Voting Precinct and Address of Overseas Voter Whose Last Place of Residence in the Commonwealth is No Longer a Recognized Residential Address. If the last place of residence in the Commonwealth of Kentucky of an overseas voter who is eligible to vote in the Commonwealth, or the last place of residence of the parent or legal guardian of a voter described by KRS 117A.010(1)(e), is no longer a recognized residential address, the county clerk shall:
(1) In consultation with federal, state and local government agencies, as necessary, determine and designate in the statewide electronic voter registration system[~~database~~] the voting precinct, school board district, city, and, if any, ward in which the voter's last place of residence, or the last place of residence of the parent or legal guardian of a voter described by KRS 117A.010(1)(e), would have been located if the address were still a recognized residential address; and
(2) Designate the voter's residential address in the statewide electronic voter registration system[~~database~~] as "Overseas."

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: October 13, 2025
FILED WITH LRC: October 14, 2025 AT 11:55 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes a voting precinct and voter registration address for overseas voters whose last place of residence in the Commonwealth is no longer a recognized residential address.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting. (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(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 changes "statewide voter registration database" to "statewide electronic voter registration system" to ensure standardized usage of the term.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure standardized usage of the term "statewide electronic voter registration system."
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, overseas voters as defined by KRS 117A.010(6), county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county clerks will need to determine and designate in the statewide electronic voter registration system the voting precinct, school board district, city, and ward, if any, in which the voter's last place of residence, or the last place of residence of the parent or legal guardian of a voter described by KRS 117A.010(1)(e), would have been located if the address were still a recognized residential address. The State Board of Elections will need to make sure that overseas voters are aware of this regulation. Voters will have to take no action outside of providing an address.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117A.040(2), KRS 117A.030(2) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:

For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth and overseas voters as defined by KRS 117A.010(6).
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 3:041. Electronic Voter Registration System.

RELATES TO: KRS 116.045, 116.0452, 116.065, 116.112, 116.155, 52 U.S.C. 21083[~~118.025~~]
STATUTORY AUTHORITY: KRS 116.045(4)(e), 117.015(1)(a)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1) requires the State Board of Elections to supervise the registration and purgation of voters within the state. KRS 116.045(4)(e) authorizes a person to register to vote or change party affiliation by methods of registration or reregistration approved by the State Board of Elections. KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. 52 U.S.C. 21083 requires Kentucky to have a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state. This administrative regulation approves and establishes procedures for use of an electronic voter registration system that serves as the Commonwealth's central repository of voter registration records, to register or reregister to vote or to update voter registration information.

Section 1. Definitions[~~Definition~~].
(1) "Applicant" means a person who uses the electronic voter registration system established by the State Board of Elections to register or reregister to vote or to update voter registration information.
(2) "Electronic voter registration system" means the combination of hardware, software, or firmware, materials, and documentation used to automate the process of voter registration and secure voter information within the Commonwealth.

Section 2. Use of Electronic Voter Registration System.
(1) The State Board of Elections shall, as funds permit, establish an electronic voter registration system by which persons may register or reregister to vote or update voter registration information.
(2) Pursuant to KRS 116.045(4)(e), a person who meets all eligibility requirements may register or reregister to vote or update voter registration information by using the electronic voter registration system as established by the State Board of Elections under this administrative regulation.
(3) The electronic voter registration system shall serve as the Commonwealth's central repository of voter registration records, as required by 52 U.S.C. 21083. All voter registration records obtained pursuant to KRS Chapter 116 shall be entered into the electronic voter registration system.

Section 3. Contents of Electronic Voter Registration System Application Form. The electronic voter registration system application shall:
(1) Include the electronic equivalent of the Commonwealth of Kentucky Voter Registration Application form prescribed and furnished by the State Board of Elections under KRS 116.155, including a warning relating to the potential penalties applicable to an applicant knowingly filing an application with untrue information and a voter declaration affirmation as required by KRS 116.065;
(2) Require the applicant who has a Kentucky driver's license or Kentucky personal identification card to:
(a) Agree to the use of his or her Kentucky driver's license signature or Kentucky personal identification card signature for voter registration purposes; and
(b) Provide his or her Kentucky driver's license number or Kentucky personal identification card number; and
(3) Require the applicant who does not have a Kentucky driver's license or Kentucky personal identification card, to either:
(a) Provide an electronic signature to be used for voter registration purposes; or
(b) Print the registration application, sign it, and return it to the county clerk for the county in which the applicant resides.

Section 4. Processing the Commonwealth of Kentucky Voter Registration Application Submitted Via the Electronic Voter Registration System.
(1) The electronic voter registration system shall not allow an applicant to submit an application unless:
(a) The entire application form, including the voter declaration affirmation as required by KRS 116.065, is completed by the applicant; and
(b) The applicant has either:
1. Agreed to the use of his or her Kentucky driver's license signature or Kentucky personal identification card signature for voter registration purposes and provided his or her Kentucky driver's

license number or Kentucky personal identification card number pursuant to Section 3(2) of this administrative regulation; or

2. Provided an electronic signature to be used for voter registration purposes pursuant to Section 3(3)(a) of this administrative regulation.

(2) Immediately upon the applicant's submission of an application that meets the requirements of subsection (1) of this section, the State Board of Elections shall:

(a) If the applicant agreed to the use of his or her Kentucky driver's license signature or Kentucky personal identification card signature for voter registration purposes and provided his or her Kentucky driver's license number or Kentucky personal identification card number pursuant to Section 3(2) of this administrative regulation:

1. Check the information submitted by the applicant to ensure that the Kentucky driver's license number or Kentucky personal identification card number submitted by the applicant matches the information maintained by the Transportation Cabinet; and

2. If a match is made:

a. Electronically forward the information provided in the application, along with a digital copy of the applicant's signature obtained from the Transportation Cabinet, to the county clerk for the county in which the applicant resides; and

b. Notify the applicant that the application has been electronically forwarded to the county clerk for the county in which the applicant resides, but that the applicant shall not be officially registered to vote or that changes to the applicant's existing registration shall not be made until the application is received and processed by the county clerk.

3. If a match cannot be made, notify the applicant that the application cannot be processed and instruct the applicant to print the application, sign it, and mail or hand deliver it to the county clerk for the county in which the applicant resides.

(b) If the applicant provided an electronic signature to be used for voter registration purposes pursuant to Section 3(3)(a) of this administrative regulation:

1. Electronically forward the information provided in the application, along with the applicant's electronic signature, to the county clerk for the county in which the applicant resides; and

2. Notify the applicant that the application has been electronically forwarded to the county clerk for the county in which the applicant resides, but that the applicant shall not be officially registered to vote or that changes to the applicant's existing registration shall not be made until the application is received and processed by the county clerk.

(3) An electronic voter registration application shall be deemed to have been made and received by the appropriate county clerk as of the date the applicant is informed pursuant to subsection (2) of this section that the application has been electronically forwarded to the county clerk for the county in which the applicant resides.

(4) Except as otherwise specifically provided, an electronic voter registration application electronically forwarded by the State Board of Elections shall be considered an application for registration by mail.

Section 5. Incorporation by Reference.

(1) "Commonwealth of Kentucky Voter Registration Application", Form SBE 01, 04/2024, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at https://elect.ky.gov.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation approves and establishes procedures for use of an electronic voter registration system to register or reregister to vote or to update voter registration information.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 adds language from the Help America Vote Act that requires state to have centralized computer voter registration records, defines what the electronic voter registration system is, and requires all voter registration records in possession of a county to be added to the voter's electronic record.
(b) The necessity of the amendment to this administrative regulation: This amendment identifies the Commonwealth's central repository of voter registration records and ensures that all voter registration records are added to it.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, voters will need to go on to the internet to access the Electronic Voter Registration System and county clerks will need to go online to

receive and process submitted applications as well as upload any obtained voter registration records.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 116.045(4)(e), and 52 U.S.C. 21083 require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:020. Election costs and county clerk reimbursement and form.

RELATES TO: KRS 117.343
STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.343
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to implement the provisions of KRS Chapter 117. KRS 117.343 authorizes the State Board of Elections to promulgate administrative regulations prescribing the method and forms for documenting and submitting claims by a county clerk to request reimbursement from the State Board of Elections for the costs of employing office personnel necessary for the conduct of elections, including registration and purgation of voters in the county. This administrative regulation establishes the method and form for a county clerk to request reimbursement from the State Board of Elections for the costs of employing office personnel necessary to conduct elections.

Section 1.
(1) County clerk reimbursement shall be based on the number of registered voters for the general election held in November.
(2) To apply for reimbursement, a county clerk shall complete and submit the original, signed form, State Board of Elections Reimbursement of Personnel Election Expenses, to the Kentucky State Board of Elections.

Section 2. Incorporation by Reference.
(1) "State Board of Elections Reimbursement of Personnel Election Expenses", SBE 2000, 10/25[~~November 2009~~], is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: October 13, 2025
FILED WITH LRC: October 14, 2025 AT 11:55 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the method and form for a county clerk to request reimbursement from the State Board of Elections for the costs of employing office personnel necessary to conduct elections.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting. (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(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 updates the Form SBE 2000.
(b) The necessity of the amendment to this administrative regulation: This amendment updates the Form SBE 2000 for the first time since 2009.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county clerks will need to use the updates Form SBE 2000.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of

this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and KRS 117.343 require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:031. Reporting.

RELATES TO: KRS 117.085, 117.086, 117.235, 117.255, 117.265, 117.275,117.355, 118.025, 118.215, 118.425, 118.770, 119.307

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.086(5), 117.275(15), 117.355(4), 118.425(4)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to implement the provisions of KRS Chapter 117. KRS 117.355 requires the State Board of Elections to prescribe the forms for the precinct election sheriff and the county board of elections to report election irregularities and recommendations for improving the election process, to report special ballot and voter assistance usage statistics, and to report other information required by the state board. KRS 117.086(5) requires the State Board of Elections to prescribe a form on which the county board of elections shall report the number of rejected absentee ballots and the reasons for rejection of those ballots. KRS 118.425(4) requires the State Board of Elections to prescribe a form by which the county board of elections shall make out duplicate certificates of the total number of votes received by each of the candidates for office and the total number of votes for an against each of the ballot questions. KRS 117.275(15) requires a secure online connection be available for the transmission of unofficial election results from county boards of election to the State Board of Elections following the tallying of votes. This administrative regulation establishes the procedure and forms for the county clerk, the county board of elections, and the precinct election sheriff to report election and voting data after the election.

Section 1. Reporting forms shall be filed and pursuant to:

(1) KRS 117.355(1), the precinct election sheriff shall file the Precinct Election Sheriff's Post-election Report, SBE 53, with the chair of the county board of elections and the local grand jury;

(2) KRS 117.355(2), the county board of elections shall file the County Board of Elections Post-election Report, SBE 54, with the State Board of Elections and the local grand jury;

(3) KRS 117.275(7) and 117.355(2), the county board of elections shall file the County Board of Elections Post-election Statistical Report, SBE 54A, with the State Board of Elections;

(4) KRS 117.355(2), the county board of elections shall file the County Board of Elections Precinct Election Officials Absence Report, SBE 54B, with the State Board of Elections;

(5) KRS 117.275(12) and 117.086(4)(c), the county clerk shall file the County Board of Elections Provisional Ballots Issued to Voters and Counted, SBE 54C, with the State Board of Elections.

(6) KRS 117.086(4)(a)-(b), the county clerk shall file the Absentee Ballot Report, SBE 33A, with the State Board of Elections;

(7) KRS 117.086(5), the county board of elections shall file the Number of Rejected Absentee Ballots and Reasons for Rejected Ballots, SBE 33B, as well as Number Of Issued, Returned, And Rejected Absentee Ballots To Military, Their Dependents, And Overseas Voters, SBE 33C; and

(8) KRS 117.275(11)-(12) and 118.425(4), the county board of elections shall file the Certification Official Count and Record of Election Totals, SBE 49, with the Secretary of State.

Section 2. Any form described in Section 1 of this administrative regulation that is capable of being recorded or filled automatically through the State Board of Elections' Voter Registration System may be deemed by the State Board of Elections as being transmitted following the successful capture of all required information by the Voter Registration System.

Section 3.

(1) Pursuant to KRS 117.275(15), the State Board of Elections shall develop and maintain a platform with a secure online connection for the transmission of unofficial election results from county boards of election to the State Board of Elections following the tallying of votes for all primary, and regular elections, as well as special elections for statewide office, the General Assembly, and the United States Congress.

(2) Beginning at 6:00 p.m., prevailing time, on the day of a primary or regular election, as well as a special election for statewide office, the General Assembly, and the United States Congress, county boards of election shall use the secure online platform maintained by the State Board of Elections to transmit their county's unofficial election tally. The unofficial vote tally transmitted shall include precinct-by-precinct totals from counts of all mail-in absentee ballots, excused in-person absentee ballots, no-excuse in-person absentee ballots, and election day ballots, and shall include totals for those candidates who have filed a declaration of intent with the Secretary of State to be a write-in candidate pursuant to KRS 117.265(2), provided five (5) percent or more of the votes cast in that candidate's election, were for write-in candidates. Unofficial vote tallys transmitted using the secure online platform shall be transmitted using a computer-file-type and format selected by the State Board of Elections, which shall be selected following the certification of candidates by the Secretary of State pursuant to KRS 118.215(1), or immediately after receiving the Secretary of State's certification pursuant to KRS 118.770.

(3) The State Board of Elections shall display the tally information received from the county boards of election through the secure online transmittal platform on a secure Web site freely available to the general public. The display shall list precinct-by-precinct tallys for all candidates and questions, but shall only list a candidate's precinct absentee vote totals as cumulative.

(4) County boards of election or county clerks shall verify with the State Board of Elections that their county's unofficial vote tally has been successfully transmitted to the State Board of Elections no later than six (6) hours after the close of polls. If a county's tally is not completed six (6) hours after the close of polls, a representative of the county clerk's office shall update the State Board of Elections by telephone as to the status of the tally transmittal at the end of the sixth hour and then subsequently at the top of each following hour unless the transmittal is completed before that time.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Precinct Election Sheriff's Post-election Report", SBE 53, 04/2024;

(b) "County Board of Elections Post-election Report", SBE 54, 04/2024;

(c) "County Board of Elections Post-election Statistical Report", SBE 54A, 04/2024;

(d) "County Board of Elections Precinct Election Officials Absence Report", SBE 54B, 04/2024;

(e) "County Board of Elections Provisional Ballots Issued to Voters and Counted", SBE 54C, 10/2025[~~04/2024~~];

(f) "Absentee Ballot Report", SBE 33A, 04/2024;

(g) "Number of Rejected Absentee Ballots and Reasons for Rejected Ballots", SBE 33B, 04/2024; [~~and~~]

(h) Number Of Issued, Returned, And Rejected Absentee Ballots To Military, Their Dependents, And Overseas Voters, SBE 33C, 10/2025; and

(i) "Certification Official Count and Record of Election Totals", SBE 49, 10/2025[~~04/2024~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be obtained on the board's Web site at https://elect.ky.gov.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown

Subject Headings: Elections and Voting; County Clerks; Local Governments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the secure online connection for the transmission of unofficial election results from county boards of election to the State Board of Elections following the tallying of votes, as well as the procedure and forms for the county clerk, the county board of elections, and the precinct election sheriff to report election and voting data after the election.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative

regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 adds Form SBE 33C to the reporting requirements of county boards of election.
(b) The necessity of the amendment to this administrative regulation: This amendment allows for tracking of the number of issued, returned, and rejected absentee ballots to military, their dependents, and overseas voters.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, each county board of elections will need to ensure that they track the number of issued, returned, and rejected absentee ballots to military, their dependents, and overseas voters, and record them on the Form SBE 33C.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117.355, KRS 117.086(5), KRS 118.425(4), and KRS 117.275(15) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.

3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:050. Removal procedure for precinct election officers.

RELATES TO: KRS 117.045(8)[(6)]
STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.045(8)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 117.045(8) requires the State Board of Elections to provide, through administrative regulation, for the method and manner of a hearing to determine if the removal of an election officer is warranted. This administrative regulation exists to provide a hearing procedure for the removal of an election officer.

Section 1. KRS 117.045(8)[(6)] provides that the State Board of Elections may require a[the] county board of elections to submit its list of precinct election officers for review. The State Board of Elections may, after a hearing, direct the removal of any election officer who the State Board finds, based upon a preponderance of[clear and convincing] evidence, would not fairly administer the state election laws. The State Board may initiate removal proceedings against[shall replace] any election officer [so removed]upon the sworn complaint of any person, or on its own initiative.[,] The State Board of Elections shall investigate alleged violations of the election laws, or the failure to properly carry out the election laws by any precinct election officer. When the State Board of Elections concludes that there is evidence to believe an election officer, or officers, has not or would not fairly administer the election laws, it may hold a hearing to determine if such officer has not, or would not fairly administer the election laws. In such event, the State Board of Elections shall notify the complainant, if any, and the person complained against that a hearing shall be conducted of the specific offenses alleged not less than seven (7)[thirty (30)] days prior to the date of the hearing. At the hearing, the person complained against shall have all of the protections of due process, including, but not limited to, the right to be represented by counsel, the right to call and examine witnesses, the right to the production of evidence by subpoena, the right to introduce exhibits and the right to cross examine opposing witnesses. If[When] the State Board[registry] determines that the preponderance of the evidence shows that the election officer has failed to fairly administer the election laws of the state, or has taken such action as to constitute a violation of the election laws, it shall issue an order removing that election officer.

Section 2. Upon the issuance of any order requiring the removal of an election officer, the county board of elections in the county in which the officer served shall within ten (10) days from the date of issuance of the order by the State Board of Elections submit to the State Board of Elections a new list of officers for that precinct, or precincts. The State Board of Elections shall then appoint from that list a new officer or officers to serve during the remaining term.

Section 3. If the State Board of Elections concludes[conclude] that there is probable cause to believe that an election officer has willfully violated the election laws, it shall refer such violation to the attorney general for prosecution. The attorney general may request the appropriate county or Commonwealth's attorney to prosecute the matter and may request from the State Board of Elections all evidence collected in its investigation.

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: October 13, 2025
FILED WITH LRC: October 14, 2025 AT 11:55 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation provides a hearing procedure for the removal of an election officer.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 updates statutory citations, unifies language to require a preponderance of the evidence against the accused before removal, and shortens the notice of hearing period from 30 days to 7 days.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to define the evidentiary standard

needed for removal and to better reflect the timeframe in which an election officer may need to be removed.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, election officers, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, entities will need to observe the evidentiary standard and notice of hearing timeframe.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and KRS 117.045(8) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth and election officers.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This

determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:071. Recanvass procedures.

RELATES TO: KRS 117.305, 118.425, 242.110, 242.120
STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.305(5), (6), (7), 242.120(3), (4), (5)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 117.305(5) and KRS 242.120(3) require the State Board of Elections to prescribe forms to be used by county boards of elections to report all recanvassed votes, KRS 117.305(6) and KRS 242.120(4) require that the board promulgate administrative regulations to set reporting standards for recanvass reports, and KRS 117.305(7) and KRS 242.120(5) require that the board promulgate administrative regulations to establish the proper procedures for conducting a recanvass for each type of voting system approved by the board and in use in Kentucky. This administrative regulation establishes the reporting forms to be used in the event of a recanvass, reporting standards for an election if a recanvass is requested and received in a timely manner, and establishes the proper procedures for conducting a recanvass on the approved voting systems in use in Kentucky.

Section 1.
(1) The Recanvass of Official Count and Record of Election Totals form, SBE 49A, shall be used by the county board of elections to report all recanvassed votes, except for local option elections.
(2) The Recanvass of Official Count and Record of Election Totals for Local Option Election form, SBE 49B, shall be used by the county board of elections to report recanvassed votes for local option elections.
(3) The county board of elections shall state the name of the county in which the recanvass is being conducted, the date of the report, the date of the election, the office for which the recanvass is being made, the name of each candidate for the office being recanvassed, and the machine votes, absentee votes, provisional votes, and total votes for each candidate. The report shall be signed by each member of the county board of elections.
(4) For a recanvass of a local option election, the county board of elections shall state the name of the county in which the recanvass is being conducted, the date of the report, the date of the local option election, the proposition for which the recanvass is being made, the names of the leaders of the committees favoring or opposing the proposition being recanvassed, and the machine votes, absentee votes, and vote totals for "yes" or "no" votes. The report shall be signed by each member of the county board of elections.

Section 2.
(1) The county board of elections shall file its recanvass report, SBE 49A, immediately upon completion of the recanvass for those vote totals reported to the Secretary of State, pursuant to KRS 118.425(3).
(2) The county board of elections shall file its recanvass report, SBE 49A, immediately upon completion of the recanvass for the vote totals reported to the county clerk, pursuant to 118.425(2).
(3) The county board of elections shall file its recanvass report for a local option election, SBE 49B, immediately upon completion of the recanvass for the vote totals reported to the county clerk, pursuant to KRS 242.110.

Section 3. If KRS 117.305(1) or KRS 242.120(2)(a) requires a recanvass, the provisions established in this section shall apply.
(1) In a general election, the county board of elections shall only check and tabulate the votes of the candidate requesting a recanvass and each opposing candidate seeking the same office.
(2) In a partisan primary, the county board of elections shall only check and tabulate the votes of the candidate requesting a recanvass and each opposing candidate of the same political party seeking the same office.
(3) In a nonpartisan election, the county board of elections shall only check and tabulate the votes of the candidate requesting a recanvass and each opposing candidate seeking the same office.
(4) In a local option election, the county board of elections shall check and tabulate the "yes" and "no" votes.

Section 4. A county board of elections shall recanvass the votes recorded depending on the machine and voting method utilized, as follows:
(1) If an electronic voting system with a central tabulation system is used, the recanvass shall be taken:
(a) By clearing the system, such as by setting the tabulation system to zero and retabulating the votes recorded on the memory cartridges on election day by using the central tabulation system; or
(b) By comparing the results printout printed from each voting machine on election day with the county-wide recapitulation sheet.
(2) If an electronic voting system without a central tabulation system is used, the recanvass shall be taken by comparing the results printout printed from each voting machine on election day with the county-wide recapitulation sheet.
(3) Paper ballots, which were judged to be valid by the county board of elections on election day and which were not counted using a central tabulation system but were hand-counted on election day, shall be recanvassed by utilizing the same procedure actually used to count those paper ballots on election day following the procedures for the uniform definition of a vote established by 31 KAR 6:030.

Section 5. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "Recanvass of Official Count and Record of Election Totals", SBE 49A, 10/2025[~~04/22~~]; and
(b) "Recanvass of Official Count and Record of Election Totals for Local Option Election", SBE 49B, 10/2025[~~04/22~~].
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
(3) This material may also be obtained on the board's Web site at https://elect.ky.gov.

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: October 13, 2025
FILED WITH LRC: October 14, 2025 AT 11:55 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the reporting forms to be used in the event of a recanvass, reporting standards for an election if a recanvass is requested and received in a timely manner, and establishes the proper procedures for conducting a recanvass on the approved voting systems in use in Kentucky.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 updates Form SBE 49A and Form 49B.
(b) The necessity of the amendment to this administrative regulation: This amendment makes the amended forms more user friendly.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, the State Board of Elections will need to make available the required forms; county boards of election will need to complete and submit them.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117.305(5), KRS 242.120(3), KRS 117.305(6), KRS 117.305(7), KRS 242.120(4), and KRS 242.120(5) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:

For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:080. Preclearance counties.

RELATES TO: KRS 117.020
STATUTORY AUTHORITY: KRS 117.015(1)(a)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. This administrative regulation is necessary to ensure that if the State Board of Elections designates a county as a preclearance county, all decisions of the county board of elections are timely reported to and subject to the approval of the State Board of Elections.

Section 1. If a county is designated as a preclearance county pursuant to KRS 117.020, all decisions of the county board of elections shall be subject to approval by the State Board of Elections. All decisions of the county board of elections of a preclearance county shall be in writing and sent by certified mail to the State Board of Elections no later than three (3) days after the date of the decision.

Section 2. A decision by the county board of elections of a preclearance county shall not be final until it has been approved by the State Board of Elections and that approval is communicated in writing to the county board of elections.

Section 3. If a decision of the county board of elections of a preclearance county requires approval of the State Board of Elections before the next regularly scheduled meeting of the State Board of Elections, the Executive Director of the State Board of Elections may approve or disapprove the decision of the county board of elections.

Section 4. On primary, regular election, and special election days, the duties of the county board of elections given under KRS 117.035(4)(c) shall be overseen by an appointee of the State Board of Elections, who shall have the authority to approve decisions of the county board on behalf of the State Board of Elections.

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: October 13, 2025
FILED WITH LRC: October 14, 2025 AT 11:55 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation ensures that if the State Board of Elections designates a county as a preclearance county, all decisions of the county board of elections are timely reported to and subject to the approval of the State Board of Elections.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 adds a State Board of Elections appointee to approve county board decisions of a preclearance county made on any day of voting.
(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to ensure decisions of a preclearance county are approved by the State Board of Elections if that decision is made on a day of voting.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, the State Board of Elections will need to appoint a designee to approve decisions made by a county board of elections of a preclearance county on a day of voting.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and KRS 117.020 require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures

already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:090. Mock elections for school children.

RELATES TO: KRS 117.235(6)
STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.235(6)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. This administrative regulation is necessary to ensure[~~insure~~] that the regular election process shall not be impaired if a county conducts mock elections for school children.

Section 1. A mock election for school children conducted at the polling place in conjunction with any regular, primary, or special election shall not interfere with the regular voting process.

Section 2. The precinct election officers shall maintain order at the polls if a mock election for school children is being conducted at the polling place to ensure[~~insure~~] that the regular voting process shall not be impaired.

Section 3. The mock election results shall not be released prior to the legitimate[~~regular~~] election precinct results.

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: October 13, 2025
FILED WITH LRC: October 14, 2025 AT 11:55 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation ensures that the regular election process shall not be impaired if a county conducts mock elections for school children.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 clarifies that it applies to all elections, not just regular elections.
(b) The necessity of the amendment to this administrative regulation: This amendment clarifies that it applies to all elections, not just regular elections.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county boards of election must make sure that any mock election results are held until the release of legitimate election results.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and KRS 117.235(6) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:100. Evaluation of precinct election officers.

RELATES TO: KRS 117.045(1)(c)
STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.045(1)(c)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 117.045(1)(c) requires the State Board of Elections to promulgate an administrative regulation establishing evaluation procedures which county boards of elections may use to qualify persons nominated to serve as precinct elections officers. This administrative regulation establishes those evaluation procedures.

Section 1. In evaluating if a person nominated to serve as a precinct election officer is qualified to serve in that capacity, a county board of elections may use the following evaluation procedures:
(1) Determine if the person submitted a signed statement in accordance with KRS 117.045(2);
(2) Determine if the person meets the qualifications set forth in KRS 117.045(9); and
(3) Determine if the person has a history of refusing to follow election procedures or has demonstrated a [~~complete~~]lack of understanding of proper election procedures while serving as a precinct election officer in the past.

Section 2. A county board of elections shall refuse to appoint a person nominated to serve as a precinct election officer if it determines that the person is not qualified based on the evaluation procedures set forth in Section 1 of this administrative regulation.

Section 3. Once the county board of elections has appointed the precinct election officers, the full name, address, phone number, and Social Security number, if available, of each person appointed shall be submitted to the State Board of Elections within three (3) days of the appointment on SBE 22, List of Appointment of Precinct Election Officers.

Section 4. Incorporation by Reference.

(1) "List for Appointment of Precinct Election Officers", SBE 22, 10/2025[~~February 2007~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes evaluation procedures which county boards of elections may use to qualify persons nominated to serve as precinct elections officers.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 eliminates the term "complete" from the existing term "a complete lack of understanding" and updates the Form SBE 22.
(b) The necessity of the amendment to this administrative regulation: This amendment eliminates a non-definable standard ad updates the Form SBE 22 for the first time since 2007.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county boards of election will need to use the new Form SBE 22.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and KRS 117.045(1)(c) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:

For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:120. Additional and emergency precinct officers.

RELATES TO: KRS[~~117.015,~~] 117.045
STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.045(6)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties[~~implement the provisions of KRS Chapter 117~~]. KRS 117.045(6) requires the State Board of Elections to promulgate an administrative regulation establishing conditions under which additional precinct officers may be approved. This administrative regulation establishes the conditions under which additional precinct officers may be approved[~~,~~] and establishes the form of the list of emergency election officer appointments required by KRS 117.045(5).

Section 1. Request to Appoint Additional Precinct Officers. A county board of elections seeking permission to appoint additional precinct officers, pursuant to KRS 117.045(6), shall file with the State Board of Elections SBE 23, Additional Precinct Officer Request, that contains the following information:
(1) The precinct number of each precinct for which approval of additional officers is sought;
(2) For each designated precinct, the reasons additional precinct officers are necessary;
(3) For each designated precinct, whether one (1) or two (2) additional precinct officers are requested; and
(4) The election for which approval is sought, designating whether the election is a primary, general, or special election.

Section 2. Approval of Request.
(1) The State Board of Elections may approve a request to appoint additional precinct officers if the request sets forth a reasonable explanation why voting may not be conducted safely and expediently unless additional precinct officers are appointed.
(2) Approval of a request to appoint additional precinct officers shall be granted for one (1) election only.
(3) Approval of a request to appoint additional precinct officers may authorize a county board of elections to appoint one (1) or two (2) additional precinct officers.
(4) If a county board of elections requests and is approved to appoint two (2) additional precinct officers:
(a) The two (2) additional precinct officers shall not be of the same political party; and
(b) If it appears from the list of precinct officers submitted to the State Board of Elections pursuant to KRS 117.045(8) that the two (2) additional precinct officers are of the same political party, then the State Board of Elections shall revoke its approval of the request to appoint additional precinct officers and the appointments shall be invalid.

Section 3. Duties of Additional Precinct Officers. The duties of additional precinct officers shall be prescribed by the county board of elections.

Section 4. Request to Appoint Emergency Precinct Officers. A county board of elections seeking permission to appoint emergency precinct officers pursuant to KRS 117.045(5) shall file with the State Board of Elections SBE 24, Emergency Precinct Officer Request, which contains the following information:

(1) The precinct number of each precinct for which approval of additional officers is sought;

(2) The name of the officer requested, the registered party of the officer, and the party the officer will be serving as for the specified election;

(3) The election for which approval is sought, designating whether the election is a primary, general, or special election; and

(4) A description of the efforts made to acquire precinct officers in the party, democrat or republican, which did not have enough workers as required by KRS 117.045(5).

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Additional Precinct Officer Request", SBE 23, 10/2025[~~January 2015 edition~~]; and

(b) "Emergency Precinct Officer Request", SBE 24, 10/2025[~~August 2007~~] edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

Subject Headings: Elections and Voting; County Clerks; Local Governments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the conditions under which additional precinct officers may be approved and the form of the list of emergency election officer appointments required by KRS 117.045(5).

(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(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 updates Form SBE 23 and Form SBE 24.

(b) The necessity of the amendment to this administrative regulation: This amendment brings updates to Form SBE 23 for the first time since 2015 and to Form SBE 24 for the first time since 2007.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, vendors serving as program administrators, and the State Board of Elections.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county boards of election will need to use the new Form SBE 23 and new Form SBE 24.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

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

(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.

(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.

(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117.045(5), and KRS 117.045(6) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:131. Delivery and return of absentee ballots transmitted to covered voters via facsimile or electronically.

RELATES TO: KRS 117.085, 117.086, 117A.030, 117A.080, 117A.120, 117A.130, 52 U.S.C. 20302

STATUTORY AUTHORITY: KRS 117.015(1)(a), KRS 117.079, 117.086(1)(b), 117A.030(2), (4)-(6), 117A.130, 52 U.S.C. 20302(e)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.079 requires the State Board of Elections, as circumstances warrant and with the concurrence of the Attorney General, to promulgate necessary administrative regulations to preserve the absentee voting rights of residents of Kentucky who are covered voters as defined in KRS 117A.010. KRS 117.086(1)(b) authorizes the State Board of Elections to promulgate administrative regulations establishing security requirements for the transmission of voted absentee ballots. 52 U.S.C. 20302(e) requires the states to provide not less than one (1) means of electronic communication for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the state to request voter registration applications and absentee ballot applications, for use by the state to send voter registration applications and absentee ballot applications, and for the purpose of providing related voting, balloting, and election information to uniformed services voters and overseas voters. KRS 117A.030(4) requires the State Board of Elections to establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information authorized under KRS Chapter 117A. KRS 117A.030(5) requires the State Board of Elections to develop standardized absentee-voting materials, including privacy and transmission envelopes and their electronic equivalents, authentication materials, and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in the Commonwealth. KRS 117A.030(6) requires the State Board of Elections to prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of a military-overseas ballot. KRS 117A.130 requires the State Board of Elections, in coordination with local election officials, to implement an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet whether the voter's federal postcard application or other registration or military-overseas ballot has been received. KRS 117A.030(2) authorizes the State Board of Elections to promulgate the administrative regulations necessary to implement KRS Chapter 117A. This administrative regulation establishes the procedures for the county clerk to follow when transmitting a military-overseas ballot to a covered voter via facsimile or electronically and for a covered voter to follow when filling out and returning a military-overseas ballot that was transmitted to the covered voter via facsimile or electronically, incorporates by reference standardized absentee-voting materials and a declaration to be used by covered voters, and

implements the electronic free-access system pursuant to KRS 117A.130.

Section 1. Definitions.

(1) "Covered voter" is defined by KRS 117A.010(1).

(2) "Federal postcard application" is defined by KRS 117A.010(3).

(3) "Instructions to Voter" means the Instructions for Voting to a Covered Voter Who Has Been Faxed or Electronically Transmitted a Military-Overseas Ballot, SBE 46A.

(4) "Military-overseas ballot" is defined by KRS 117A.010(5).

(5) "Transmission sheet" means the Official Election Materials – Electronic Transmission Cover Sheet prescribed by the Federal Voting Assistance Program.

Section 2. Delivering a Military-Overseas Ballot to a Covered Voter Via Facsimile or Electronically.

(1) If the county clerk receives a properly completed federal postcard application from a covered voter who is eligible to vote in the jurisdiction and who requests that balloting materials be transmitted to the covered voter via facsimile or electronically, then for each election in which the covered voter is eligible to vote, the county clerk shall:

(a) Prepare a copy of the military-overseas ballot and mark the original, blank military-overseas ballot, "Faxed to Covered Voter," if the covered voter requested the military-overseas ballot to be transmitted to the covered voter via facsimile, or "Electronically Transmitted to Covered Voter," if the covered voter requested the military-overseas ballot to be transmitted to the covered voter electronically;

(b) Complete the county clerk's portion of the Instructions to Voter;

(c) If the covered voter has requested that the blank absentee ballot be transmitted through the Federal Voting Assistance Program, complete the Transmission Sheet; and

(d) Transmit the copy of the military-overseas ballot, Instructions to Voter, Voter Verification and Declaration, Voter Assistance Form, and Transmission Sheet, if the covered voter has requested that the military-overseas ballot be transmitted through the Federal Voting Assistance Program, to the covered voter via the method requested by the covered voter.

(2) The original blank military-overseas ballot shall be retained and not reused.

(3) A properly completed federal postcard application shall be treated as an application for a military-overseas ballot for all elections held after the date of the application through the next regular election or December 31 of the year of the application, whichever is later, unless the covered voter specifies a shorter time period.

Section 3. Ballot Security Requirements for Returning a Military-Overseas Ballot Transmitted to a Covered Voter Via Facsimile or Electronically. When a covered voter receives a military-overseas ballot via facsimile or electronically:

(1) If the covered voter requires assistance in voting, the covered voter and the person who assists the covered voter shall complete the Voter Assistance Form, except the "Section to be Completed by Precinct Election Officer";

(2) The covered voter shall mark the military-overseas ballot and seal it in an envelope;

(3) The covered voter shall complete and sign the Voter Verification and Declaration;

(4) The covered voter shall place the Voter Verification and Declaration, Voter Assistance Form, if the voter received assistance in voting, and the envelope containing the military-overseas ballot in a separate envelope and seal it;

(5) The covered voter shall print the covered voter's name, voting address, and precinct number on the back of the outer envelope;

(6) The covered voter shall sign across the back flap of the outer envelope;

(7) The covered voter shall print "Absentee Ballot" on the front of the outer envelope, without obstructing the address area; and

(8) The covered voter shall mail the envelope to the county clerk.

Section 4. Electronic Free-Access System. Each county clerk shall either participate in the electronic free-access system established by the State Board of Elections or establish a local electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet whether the voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted and whether the voter's military-overseas ballot has been received.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Instructions for Voting to a Covered Voter Who Has Been Faxed or Electronically Transmitted a Military-Overseas Ballot", SBE 46A, 10/2025[~~July 2014~~];

(b) "Voter Assistance Form", SBE 31, 04/2022;

(c) "Voter Verification and Declaration", SBE 46B, 10/2025[~~July 2014~~];

(d) "Transmission Cover Sheet", Federal Voting Assistance Program[~~, 2017~~]; and

(e) "Federal Postcard Application", Federal Voting Assistance Program, 01-2023[~~2021~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained on:

(a) The board's Web site at https://elect.ky.gov; or

(b) The Federal Voting Assistance Program Web site at https://fvap.gov.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the procedures for the county clerk to follow when transmitting a military-overseas ballot to a covered voter via facsimile or electronically and for a covered voter to follow when filling out and returning a military-overseas ballot that was transmitted to the covered voter via facsimile or electronically, incorporates by reference standardized absentee-voting materials and a declaration to be used by covered voters, and implements the electronic free-access system pursuant to KRS 117A.130.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of

Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 updates Form SBE 46A and Form SBE 46B and incorporates updated federal forms.
(b) The necessity of the amendment to this administrative regulation: This amendment updates Form SBE 46A and Form SBE 46B for the first time since 2014 and incorporates updated federal forms.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, covered voters as defined by KRS 117A.010(1), county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, the State Board of Elections and county boards of election will need to make available the required items, while covered voters will need to take the described steps to receive and return a ballot.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117.079, KRS 117.086(1), 52 U.S.C. 20302(e), and KRS 117A.130 require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth and covered voters as defined by KRS 117A.010(1).
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.

3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:141. Submission of the federal postcard application via electronic mail.

RELATES TO: KRS 116.045(4)(c)[~~(e)~~], 117.079, 117.085, 117A.030(4), 117A.050(3), 117A.060(3), 52 U.S.C. 20302(e)
STATUTORY AUTHORITY: KRS 116.045(4)(e), 117.079, 117.086(1)(b), 52 U.S.C. 20302(e)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.079 requires the State Board of Elections, as circumstances warrant and with the concurrence of the Attorney General, to promulgate necessary administrative regulations to preserve the absentee voting rights of residents of Kentucky who are covered voters as defined in KRS 117A.010. 52 U.S.C. 20302(e) requires the states to provide not less than one (1) means of electronic communication for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the state to request voter registration applications and absentee ballot applications, for use by the state to send voter registration applications and absentee ballot applications, and for the purpose of providing related voting, balloting, and election information to uniformed services voters and overseas voters. KRS 116.045(4)(c)[~~(e)~~], authorizes residents of Kentucky that are also a member of the Armed Forces, or a dependent of members of the Armed Forces, or an overseas citizen, the ability register to vote or change their party affiliation by means of the federal post card application[~~the State Board of Elections to approve methods of registration for any person to register to vote or change his or her party affiliation~~]. KRS 117.086(1)(b) authorizes the board to promulgate administrative regulations establishing security requirements for the transmission of voted absentee ballots. This administrative regulation authorizes covered voters to submit federal postcard applications via electronic mail and establishes the procedures for the county clerk to follow when a federal postcard application is submitted via electronic mail.

Section 1. Definitions.
(1) "Covered voter" is defined by KRS 117A.010(1).
(2) "Federal postcard application" is:
(a) Defined by KRS 117A.010(3); and
(b) Incorporated by reference in 31 KAR 4:131.
(3) "Military-overseas ballot" is defined by KRS 117A.010(5).

Section 2. County Clerk's Electronic Mailing Address. The county clerk shall use the county clerk's electronic mailing address provided or recognized by the Kentucky Department of Transportation to send to and receive from covered voters: voter registration applications, military-overseas ballot applications, military-overseas ballots, and related voting, balloting, and election information.

Section 3. Federal Postcard Applications Submitted Via Electronic Mail.
(1) A covered voter may submit a federal postcard application to the county clerk via electronic mail to register, reregister, and to apply for a military-overseas ballot.
(2) The county clerk shall treat a federal postcard application submitted by a covered voter via electronic mail in the same manner as a federal postcard application submitted via the electronic transmission system established under KRS 117A.030(4).

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: October 13, 2025
FILED WITH LRC: October 14, 2025 AT 11:55 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation authorizes covered voters to submit federal postcard applications via electronic mail and establishes the procedures for the county clerk to follow when a federal postcard application is submitted via electronic mail.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 corrects a statutory citation.
(b) The necessity of the amendment to this administrative regulation: This amendment corrects a statutory citation.
(c) How the amendment conforms to the content of the authorizing

statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, covered voters as defined by KRS 117A.010(1), county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, the State Board of Elections will need to make cunty boards of election and covered voters aware of the availability of the process, county clerks will need to make available the email system, and covered voters will need to submit the applications via email.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117.079, 52 U.S.C. 20302(e), KRS 116.045(4)(e), and KRS 117.086(1) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth and covered voters as defined by KRS 117A.010(1).
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This

determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:150. Tracking registration of voters identifying with political organizations and groups, and voters of independent status.

RELATES TO: KRS 118.015 (1), (10), (11), 116.045(8)[~~KRS 117.015(1), 118.015 (8), (9), 116.045 (8)~~]
STATUTORY AUTHORITY: KRS 116.045(8), 117.015(1)(a)[~~(1)~~]
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 116.045 (8) requires the State Board of Elections to promulgate administrative regulations to provide for tracking of the registration of voters identifying with political organizations and political groups as defined in KRS 118.015, and voters of independent status. This administrative regulation establishes those requirements.

Section 1. Definitions.
(1) "Board" means the State Board of Elections or their designee as defined in KRS 117.015 and 117.025.
(2) "Political group" is defined by KRS 118.015(11)[~~(9)~~].
(3) "Political organization" is defined by KRS 118.015(10)[~~(8)~~].
(4) "Political party" is defined by KRS 118.015(1).
(5) "Track" means compiling information from the statewide voter registration system for the purposes of KRS 116.045(8).

Section 2. Tracking Process.
(1) The board shall track the registration of voters identifying with political organizations and political groups known as:
(a) Constitution Party;
(b) Green Party;
(c) Kentucky Party
(d)[~~(c)~~] Libertarian Party;
(e)[~~(d)~~] Reform Party; and
(f)[~~(e)~~] Socialist Workers Party.
(2) The board shall track the registration of voters of independent status.
(3) Information tracked under KRS 116.045(8) shall be retained by the board as a permanent record and in accordance with the requirements of the Department of Libraries and Archives, KRS 171.410 to 171.740 and 725 KAR Chapter 1.

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: October 13, 2025
FILED WITH LRC: October 14, 2025 AT 11:55 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation provides for tracking of the registration of voters identifying with political organizations and political groups as defined in KRS 118.015, and voters of independent status.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 updates the political organizations and political groups tracked by the State Board of Elections.
(b) The necessity of the amendment to this administrative regulation: This amendment updates the political organizations and political groups tracked by the State Board of Elections for the first time since 2005.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, the State Board of Elections will need to track the listed political organizations and political groups.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative

regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and KRS 116.045(8) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:160. Elections Emergency Contingency Plan.

RELATES TO: KRS 39A.100, 117.045, 117.065, 117.085, 117.165, 117.187, [~~117.285~~], Chapter 424

STATUTORY AUTHORITY: KRS 39A.100(1)(k), 117.015(1)(b)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(b) requires the State Board of Elections to promulgate administrative regulations establishing a procedure for election officials to follow if an election has been suspended or delayed as

described in KRS 39A.100(1)(k). This administrative regulation establishes this procedure.

Section 1. Definitions.

(1) "Affected county board of elections" means a county board of election that is required to suspend or delay an election pursuant to an executive order issued pursuant to KRS 39A.100(1)(k).

(2) "Affected county clerk" means a county clerk in a county that is required to suspend or delay an election pursuant to an executive order issued pursuant to KRS 39A.100(1)(k).

(3) "Affected election area" means an election area for which a state of emergency has been declared for all or part of an election area as specifically described by the Governor in an executive order issued pursuant to KRS 39A.100(1)(k).

(4) "Elections Emergency Contingency Plan" means the procedures established by a county board of elections to address the specific needs of their county in the event the Governor issues an executive order delaying or rescheduling an election pursuant to KRS 39A.100(1)(k).[this administrative regulation for election officials to follow if an election has been suspended or delayed pursuant to KRS 39A.100(1)(k) through the Governor's executive order.]

(5) "Precinct election officer" means an individual who has been appointed to serve as an election officer in a precinct in accordance with the provisions of KRS 117.045.

(6) "Voting place" means a place for voting established in accordance with the provisions of KRS 117.065 and KRS 117.066.

Section 2. General Provisions.

(1) [Election officials shall follow the Elections Emergency Contingency Plan as specifically mandated by this administrative regulation in accordance with the Governor's executive order, pursuant to KRS 39A.100(1)(k), suspending or delaying an election.]

[(2)] The procedures in the general election laws, KRS Chapters 116 to 121A, shall be applicable to an election conducted pursuant to the Elections Emergency Contingency Plan, unless superseded by[:]

[(a)] the Governor's executive order, pursuant to KRS 39A.100(1)(k)[; or]

[(b)] [Provisions of this administrative regulation].

(2)[(3)] County boards of elections shall establish procedures to address the specific needs of their county in the event the Governor issues an executive order delaying or rescheduling an election pursuant to KRS 39A.100(1)(k)[to implement the provisions of this administrative regulation at the local level] and shall file the "County Board of Elections Notice of Establishment of Local Elections Emergency Contingency Plan Procedures" Form SBE 20 on or before the first day of March of each year in which a general election occurs.

(3)[(4)] County boards of elections shall, in accordance with KRS 117.187, train all precinct election officers prior to each primary and general election on the procedures established by the county boards of elections to implement the Elections Emergency Contingency Plan.

Section 3. Notification. After the Governor has issued an executive order pursuant to KRS 39A.100(1)(k), the State Board of Elections shall notify all county clerks in the affected election area or statewide, in accordance with the Governor's executive order.

Section 4. Voting Places. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county board of elections shall:

(1) Identify the number of voting places that are functional, that can be repaired, and that have been destroyed; and

(2) Establish new voting places, if needed, in a manner consistent with KRS 117.065 and KRS 117.066.

Section 5. Precinct Election Officers. If an affected county board of elections determines that new precinct election officers are required because of an emergency, the affected county board of elections shall use the same list of precinct election officers from the suspended election and may create a new list of additional precinct election officers in a manner consistent with the provisions of KRS 117.045.

Section 6. Procedures for Conducting an Election Rescheduled Prior to the Original Election Day.

(1) Notification. After notification from the State Board of Elections of an executive order suspending or delaying an election, prior to the original date scheduled for an election by law, the affected county clerk shall ensure that the public receives prompt notification of the suspension or delay of an election in accordance with KRS Chapter 424, if possible, and any other means available.

(2) Absentee voting. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county clerk shall immediately:

(a) Suspend all forms of absentee voting being conducted [pursuant to KRS 117.085(1)(c)]; and

(b) Secure all voting machines being used for all forms of absentee voting until absentee voting may be resumed [in accordance with KRS 117.085(1)(c)].

(3) Mail-in absentee ballots. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county clerk shall immediately deposit all unvoted mail-in absentee ballots and related materials in a secured and locked storage container or area until mail-in absentee voting may be resumed [in accordance with KRS 117.085(1)(c)].

(4) Examination of voting equipment.

(a) The date of examination of voting equipment, conducted pursuant to KRS 117.165, which has been previously noticed, but is affected by the suspension or delay of an election, shall be re-noticed pursuant to KRS Chapter 424, if possible, and any other means available.

(b) The affected county board of elections shall not conduct a reexamination of the voting equipment if the affected county board of elections has already conducted the examination required by KRS 117.165 prior to receipt of the notice of the rescheduled election.

Section 7. Procedures for Conducting an Election Rescheduled After the Commencement of the Original Election Day.

(1) Notification. After notification from the State Board of Elections of an executive order suspending or delaying an election after the commencement of an election, the affected county clerk shall ensure that the public receives immediate notification of the suspension of the election and the date of the rescheduled election by any means possible, including all electronic media available and notice in accordance with KRS Chapter 424.

(2) Suspend general voting. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county board of elections shall immediately:

(a) Suspend general voting being conducted on all voting systems;

(b) Instruct the precinct election officers to secure all voting machines being used for general voting until voting may be resumed in accordance with the executive order issued pursuant to KRS 39A.100(1)(k);

(c) Instruct the precinct election officers to not closeout or tally the votes in the voting machines. The precinct election officers shall ensure that all seals on the voting machines are intact prior to storage in a secure location;

(d) Instruct the precinct election officers to record the public counter number on the form furnished by the county board of elections. The form shall be signed by all present precinct election officers; and

(e) Instruct the precinct election officers to return all election materials to the county board of elections.

(3) Ballots and election materials. After notification from the State Board of Elections of an executive order suspending or delaying an election, an affected county clerk shall immediately deposit all election materials, including unvoted absentee ballots, paper ballots, provisional ballots, e-poll books[precinct signature rosters], and related materials, in a secured and locked storage container or area until voting may be resumed in accordance with the executive order issued pursuant to KRS 39A.100(1)(k).

(4) Conduct of rescheduled election.

(a) If the e-poll books[~~precinct signature roster~~] and voting machines are intact from the original election[~~ date~~], then only those persons duly registered to vote during the originally scheduled election[~~upon the original election date~~] who did not previously vote [~~on that date~~]shall be entitled to vote on any[~~the~~] additional day of voting [~~in that precinct~~].

(b) If the e-poll books[~~precinct signature rosters~~]or the voting machines are not intact from the original election[~~ date~~]:

1. Any person duly registered to vote during[~~upon~~] the originally[~~original~~]scheduled election[~~ date~~], regardless of whether that person previously voted during [~~on~~] the originally[~~original~~] scheduled election[~~ date~~], shall be entitled to vote on any[~~the~~] additional day of voting in that precinct;

2. If the e-poll books[~~signature rosters~~] are destroyed or incomplete and the voting machines are intact, the county board of elections shall acquire replacement e-poll books[~~use a new set of precinct signature rosters provided by the State Board of Elections~~], clear the voting machines of all votes, and reset the machines for use in the rescheduled election; and

3. If the voting machines are not intact, the county board of elections shall repair, replace, or acquire additional[~~new~~] voting machines.

(c) [~~Voting on the rescheduled election day shall be accomplished by physically appearing at the voting place.~~]The time set by law for casting or canvassing a military, mail-in absentee, or special presidential ballot shall not be extended by the executive order rescheduling the election. Any mail-in absentee, military, or special presidential ballot duly received on the original election date shall be valid.

Section 8. Release and Certification of Election Returns.

(1) If a statewide election is affected by the suspension or delay of an election in an affected election area pursuant to KRS 39A.100 (1)(k):

(a) County boards of elections not located in the affected election area that have races affected by the suspension or delay of an election in an affected election area shall:

1. Withhold returns for affected races until the county boards of elections in those counties where an election has been suspended or delayed have conducted rescheduled elections and are able to certify returns to the Secretary of State;

2. Not release any vote totals for the affected races until the suspended election has been completed in the affected counties;

3. Instruct the precinct election officers to not closeout or tally the votes in the voting machines;

4. Instruct the precinct election officers to remove the memory device that stores the vote totals on each voting machine, to secure and seal each voting machine, and to not post the vote totals of the affected races at the precinct as required by KRS 117.27[~~8~~]5(3). The precinct election officers shall immediately return all election materials to the county board of elections; and

5. Tally the vote totals from each precinct and only post at the county clerk's office the vote totals for those races not affected by the suspension or delay pursuant to KRS 39A.100(1)(k).

(b) The State Board of Elections shall notify the county boards of elections not located in the affected election area that have races affected by the suspension or delay of an election in an affected election area if vote totals are to be delayed and when vote totals shall be certified to the Secretary of State.

(2) If a county election, or any part of a county election, is suspended, the vote totals from an affected race shall not be released by the affected county board of elections until after the polls have closed in those voting locations[~~precincts~~] with delayed elections.

Section 9. Post-Election Deadlines. All post-election timeframes and deadlines not specifically addressed in the provisions of this administrative regulation that are enumerated in general election laws shall be suspended until the rescheduled election occurs, in accordance with the Governor's executive order, pursuant to KRS 39A.100(1)(k).

Section 10. Incorporation by Reference.

(1) "County Board of Elections Notice of Establishment of Local Elections Emergency Contingency Plan Procedures" SBE 20 10/2025[(~~December 2005 edition~~)], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes a procedure for election officials to follow if an election has been suspended or delayed as described in KRS 39A.100(1)(k).
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 updates language to reflect election administration experience since the last invocation of KRS 39A.100(1)(k) in 2020, new election laws, and Form SBE 20.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary as the regulation has not been amended since the since the last invocation of KRS 39A.100(1)(k) in 2020 and the enactment of new election laws.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative

regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county boards of election will need to update their Elections Emergency Contingency Plan.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 39A.100(1)(k), KRS 117.015(1)(a), and KRS 117.015(1)(b) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency

staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:170. Exceptions to prohibition on electioneering.

RELATES TO: KRS [~~117.015,~~]117.235
STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.235(3)(e[~~d~~])
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 117.235(3)(e)[~~(d)~~] authorizes the board to establish exceptions to the prohibition on electioneering through administrative regulations. This administrative regulation establishes these exceptions.

Section 1. Definitions.
(1) "Bumper sticker" means a sticker that measures within fourteen (14) inches by five (5) inches for display on a vehicle bearing a printed message soliciting votes for or against any bona fide candidate or ballot question in a manner which expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question.
(2) "Electioneering" is defined by KRS 117.235(3)(e[~~d~~]).
(3) "Polling place" means a voting place established in accordance with the provisions of KRS 117.065 or KRS 117.066.
(4) "Voting room" means a room in which votes are polled as established in KRS 117.235(1).

Section 2. Exceptions to Electioneering. Electioneering shall not include:
(1) A bumper sticker pursuant to KRS 117.235(3)(e)[~~(d)~~]; or
(2) A voter's use of a personal telecommunications device, computer, or other information technology system, in the voting room to record or transmit electronically an image of his or her own personal likeness and ballot, if the voter does not use the picture:
(a) To solicit signatures to a petition or solicit votes for or against any bona fide candidate or ballot question in a manner that expressly advocates the election or defeat of the candidate or expressly advocates the passage or defeat of the ballot question; and
(b) Within a distance of 100 feet of any entrance to a building in which a voting machine is located if that entrance is:
1. Unlocked; and
2. Used by voters on election day.

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: October 13, 2025
FILED WITH LRC: October 14, 2025 AT 11:55 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT
Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes exceptions to the prohibition on electioneering.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting. (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(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 updates incorrect statutory citations.
(b) The necessity of the amendment to this administrative regulation: This amendment updates incorrect statutory citations.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, no new action is required from a regulated entity.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and KRS 117.235(3)(e) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:196. Consolidation of precincts and precinct election officers.

RELATES TO: KRS 117.066, 118.710, 118.720, 118.730
STATUTORY AUTHORITY: KRS 117.015(1)(a), KRS 117.066(3)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 117.066(3) requires the State Board of Elections to promulgate administrative regulations to provide for a form on which a county board of elections may petition the State Board of Elections to allow for the consolidation of precincts and the consolidation of precinct election officers at any voting location where voters of more than one (1) precinct vote. This administrative regulation establishes the form for a county board of elections to petition the State Board of Elections to allow for the consolidation of precincts and the consolidation of precinct election officers at any voting location where voters of more than one (1) precinct vote.

Section 1. A county board of elections shall petition the State Board of Elections to allow the consolidation of precincts and the consolidation of precinct election officers at any voting location where voters of more than one (1) precinct vote, by filing with the State Board of Elections, the Petition to Consolidate Precincts and Precinct Election Officers, Form SBE 74, no later than one hundred twenty (120)[~~ninety (90)~~] days before a primary or general election, or fifty-six (56)[~~ten (10)~~] days before a special election[~~after a proclamation is issued under KRS 118.710 or 118.720, or a writ of~~

~~election is issued under KRS 118.730~~]. The State Board of Elections may request, at any time, from any county, a resubmission of a timely filed petition to consolidate precincts and precinct election officers if the petition is found to be deficient or incomplete upon review by the State Board of Elections.

Section 2. The submission of Form SBE 74 shall be accompanied by no less than one (1) map, scalable to a sheet of 8.5 in. x 11 in. paper of the county showing the location of any consolidated precincts comprising a county-wide vote center.

Section 3. Incorporated by Reference.

(1) "Petition to Consolidate Precincts and Precinct Election Officers", Form SBE 74, 08/2023, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained on the board's Web site at https://elect.ky.gov.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown

Subject Headings: Elections and Voting; County Clerks; Local Governments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the form used by county board of elections to petition the State Board of Elections to allow the consolidation of precincts and the consolidation of precinct officers at any voting location where voters of more than one (1) precinct vote, as required by KRS 117.066(3).

(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(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 changes the time that a petition must be submitted from ninety (90) days to one hundred twenty (120) days before a primary or general election, and from ten (10) after a proclamation is issued under KRS 118.710 or 118.720, or a writ of election is issued under KRS 118.730] to fifty-six (56) days before a special election.

(b) The necessity of the amendment to this administrative regulation: This amendment synchs the administrative regulation with the statutory timeframes of KRS 117.066, KRS 118.710, KRS 118.720, and KRS 118.730.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county boards of election will need to submit their petitions timely.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

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

(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.

(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.

(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117.066, KRS 118.710, KRS 118.720, and KRS 118.730 require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:201. Chain of custody for records during an election contest.

RELATES TO: KRS 120.205, 120.215
STATUTORY AUTHORITY: KRS 117.015(1)(a), 120.205, 120.215
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 120.205 and KRS 120.215 require the State Board of Elections to promulgate administrative regulations to provide for a form that documents any individuals transporting all voting equipment, ballots, boxes, precinct rosters, and other voting records related to an election contest involving an election of a Governor and Lieutenant Governor or a member of the General Assembly. This administrative regulation establishes that form.

Section 1. If a board is established under KRS 120.205 or KRS 120.215 to try a contested election of a Governor and Lieutenant Governor or a member of the General Assembly, the possession of all components of a voting system, ballots, ballot boxes, precinct rosters, and any other voting records sent for by the board shall not transfer unless the transfer is:
(1) Documented in writing on Form SBE 75, Election Contest Chain-of-Custody; and
(2) In compliance with the directions on the form.

Section 2. Incorporated by Reference.
(1) "Election Contest Chain-of-Custody", Form SBE 75, 10/2025[~~08/2022~~], is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
(3) This material is also available on the board's Web site at https://elect.ky.gov.

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: October 13, 2025
FILED WITH LRC: October 14, 2025 AT 11:55 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the form which documents any individuals transporting all voting equipment, ballots, boxes, precinct rosters, and other voting records related to an election contest involving an election of a Governor and Lieutenant Governor or a member of the General Assembly, as required by KRS 120.205 and KRS 120.215.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 updates Form SBE 75.
(b) The necessity of the amendment to this administrative regulation: This amendment updates Form SBE 75 to be more user friendly.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, the new Form SBE 75 will need to be completed.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117.145(4), KRS 117.383, KRS 117.383(1), KRS 117.383(2), and KRS 117.383(5) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this

administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:220. Recount procedures.

RELATES TO: KRS 62.020, 117.035, 118.025, 120.095, 120.157, 120.185, 120.260, 120.290

STATUTORY AUTHORITY: KRS 117.015(1)(a)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1) requires the State Board of Elections, as an independent agency of state government, to administer the election laws of the state. KRS 120.095, 120.157, 120.185, 120.260, and 120.290 all authorize the post-election recounting of ballots cast, but are all largely without procedures for how the event is required to occur. This administrative regulation establishes procedures for the recounting of ballots for an established standard throughout the Commonwealth.

Section 1. Definition. "Recount" means a post-election retallying of ballots cast in a primary, general, or special election, as authorized under KRS 120.095, 120.157, 120.185, 120.260, or 120.290.

Section 2. Locations. Upon identifying that a recount will be taking place, an affected county board of elections shall identify a suitable location, within the county, where the recount can take place.

(1) A suitable location shall be one (1) where all of the voting equipment and ballot boxes required for the recount can be housed in one (1) location and there is ample space for the personnel required for the task and all authorized observers, who shall have a dedicated area within the location to witness the recount.

(2) If a recount is to occur pursuant to KRS 120.290, the Franklin County Clerk shall assist the Franklin Circuit Court in finding a location for the commencing of the recount if the Court finds the courthouse at Frankfort unsuitable for the event.

Section 3. Recount Personnel.

(1) Pursuant to KRS 117.035(5), an affected county board of elections may employ a bipartisan staff sufficient to carry out the duties of the recount. Once a county board identifies that a recount will be taking place, the board shall immediately seek out citizens of the county who may wish to work for the county board on a temporary basis as recount officials.

(2) County boards shall recruit enough citizens of the county to work as recount officials so that the recount may be completed before any statutory deadline.

(a) Citizens hired to work as recount officials shall be registered voters of the county in which they desire to work.

(b) Recount officials shall be paid an hourly wage for their work during the entirety of the recount process. The hourly wage shall be set uniformly for all recount officials by the county board of elections at a rate that is both prevailing in the jurisdiction at the time for the type of work to be done and that is high enough to entice applicants qualified for a short-term, temporary assignment.

(c) Before any recount official shall be allowed to work, the individual shall take the oath found in Section 228 of the Kentucky Constitution, which shall be administered by any officer authorized under KRS 62.020.

Section 4. Procedures as to Election Vendors.

(1) Upon identifying that a recount will be taking place, county clerks shall work with their voting equipment vendors to begin programming, distributing, and setting the voting equipment necessary for the recount.

(2) Election equipment shall be set to isolate the race or question subject to the recount and the straight-party option, if applicable.

Section 5. Initiating the Recount.

(1) Before recount proceedings may begin, on the day fixed for the recount, the county board of elections shall meet to confirm the integrity of the ballots subject to the recount.

(2) The confirmation of the integrity of the ballots shall be reflected in the recorded minutes of the meeting of the county board of elections.

(3) Absent a showing of clear and convincing evidence that the ballots have been purposefully disturbed and tampered with, the integrity of the ballots shall be proven.

Section 6. Securing the Integrity of the Recount.

(1) Before members of the recount teams shall be allowed to handle individual ballots, each member shall present their hands and fingernails to the members of the county board of elections for visual inspection. Before proceeding to handle ballots, county board of elections members shall confirm that each recount official's hands and fingernails are clean enough so as to not transfer any ink, lead, or other markings onto the ballots.

(2) Only red ink pens, a blank pad of paper, and manilla envelopes large enough to contain multiple ballots shall be allowed

in any area in the direct proximity of voting equipment or ballots during the counting of ballots.

(3) The use of cell phones or other electronic devices shall not be permitted within the direct proximity of voting equipment or ballots. Any capturing of photographic or video images of ballots shall be prohibited.

(4) Food or drink shall not be permitted in any area in the direct proximity of voting equipment or ballots without prior authorization from the county board of elections.

Section 7. Before Voting Equipment is Opened.

(1) The county board of elections or the county clerk shall split the recount officials into recount teams of two (2) so that each team contains individuals registered of differing political party affiliations.

(2) Each recount team shall be assigned to only one (1) piece of voting equipment at any one (1) time, and a piece of voting equipment shall not have more than one (1) recount team operating it at any one (1) time.

(3) Before a piece of voting equipment is opened by a recount team, the information from the voting equipment's Machine Verification Form shall be transposed onto the Form SBE 82, Recount Tabulation Form.

Section 8. Opening the Voting Equipment.

(1) Once a recount team opens a piece of voting equipment, the seal number, beginning counter number, and lifetime counter number shall be checked to match the Machine Verification Form.

(2) Once the ballot box or tub containing the ballots is opened, the seal number shall be recorded on the Form SBE 82, Recount Tabulation Form.

(3) Each ballot from the ballot box or tub shall be removed and placed on a segregated table next to the voting equipment, and the broken seal shall be placed inside the ballot box or tub. Ballots from one (1) ballot box or tub shall not be comingled with any other materials, including ballots from another ballot box or tub. Ballots shall not be left outside of a ballot box or tub unattended.

Section 9. Procedure to Recount Ballots.

(1) Each ballot removed from a ballot box or tub for a recount shall be scanned back through the piece of voting equipment from which the ballot box or tub was originally associated, one (1) ballot at a time. If a county is in possession of a separate piece of voting equipment designed and regularly used to count larger amounts of ballots, the use of the voting equipment shall be authorized.

(2) Scanned ballots shall be counted by the electronic voting equipment in accordance with 31 KAR 6:030, Section 4(1), and the cumulative totals for each slate of candidates shall be recorded on the Form SBE 82, Recount Tabulation Form.

(3) If a ballot does not scan through the piece of voting equipment on the first attempt, each member of the associated recount team shall attempt to scan the ballot one (1) additional time each. If, after three (3) unsuccessful attempts, a ballot does not scan, it shall be set aside for later adjudication.

(4) Once only those ballots set aside remain, they shall be adjudicated as one (1) of three (3) types:

(a) An overvote, meaning that upon visual inspection of the ballot, more than one (1) slate of candidates appears to have been selected by the voter;

(b) An undervote, meaning that upon visual inspection, no slate of candidates appears to have been selected by the voter on the ballot; or

(c) A damaged ballot, no longer capable of being scanned into the voting equipment because of damage sustained to the physical ballot, but clearly having a selection for only one (1) slate of candidates or that slate's straight-party option.

(5) The number of undervotes, overvotes, and damaged ballots shall be recorded on the Form SBE 82, Recount Tabulation Form.

(6) The recount officials shall place the cumulative number of undervotes in a manilla envelope, seal the envelope with tape, label it with the word "undervotes," and then sign it alongside the date and time of their signature. This procedure shall then be followed for envelopes labeled "overvotes" and "damaged ballots." If the cumulative number of undervotes, overvotes, or damaged ballots will not fit inside one (1) manilla envelope, multiple envelopes may be used.

(7) Once the undervotes, overvotes, and damaged ballots are placed in envelopes, the envelopes shall be placed back in the ballot box or tub on top of the ballots already recounted by the electronic voting equipment.

(8) Once a conclusive accounting has been reached for all ballots removed from the ballot box or tub, the voting equipment shall be secured with a seal of a color not previously used in the election, and the serial number of the seal shall be recorded on the Form SBE 82, Recount Tabulation Form.

(9) The Form SBE 82, Recount Tabulation Form shall be signed by the recount team members and all members of the county board of elections.

(10) Once this process is complete for one (1) piece of voting equipment, a recount team may move on to a new piece of voting equipment and begin the process of recounting the ballots found within.

(11)

(a) Once all ballots have been counted by the electronic voting equipment and all Form SBE 82, Recount Tabulation Forms have been completed, the county clerk shall scan and email all Form SBE 82, Recount Tabulation Forms to the State Board of Elections.

(b) For a recount conducted under KRS 120.157, the State Board of Elections shall examine the statewide Form SBE 82, Recount Tabulation Forms and tally the results submitted.

1. If the tally of results submitted shows that the count of ballots by the electronic voting equipment did not result in a margin of victory of 0.25% or less, the State Board of Elections shall notify each county that their recount is complete.

2. If the tally of results submitted shows that the count of ballots by the electronic voting equipment did result in a margin of victory of 0.25% or less, the State Board of Elections shall tally the total number of overvotes and damaged ballots reported on the submitted Form SBE 82, Recount Tabulation Forms.

3. If the cumulative number of overvotes and damaged ballots is large enough to overcome the machine-established margin of victory, the State Board of Elections shall notify the counties that they are to meet immediately to count the overvotes and damaged ballots.

4. If the cumulative number of overvotes and damaged ballots is not large enough to overcome the machine-established margin of victory, the State Board of Elections shall notify the counties that their recount is complete.

(12) Upon the need for a count of overvotes and damaged ballots, the county board of elections shall meet to remove all manila folders containing overvotes and damaged ballots. Overvotes and damaged ballots shall be adjudicated by the full county board of elections using the procedures described in 31 KAR 6:030, Section 4(2) and (3). Overvotes shall also be subject to the allowances of 31 KAR 6:030, Section 4(4).

(a) Each adjudicated ballot, shall, by majority vote of the county board of elections, result in a vote for either:

1. One (1) valid candidate, one (1) valid slate of candidates, or valid answer to a question;

2. One (1) valid write-in candidate or slate of candidates; or

3. No candidate, slate of candidates, or answer to a question.

(b) The adjudication of each ballot shall be recorded onto the Form SBE 82, Recount Tabulation Form.

(c) After overvotes and undervotes are adjudicated, they shall be placed, along with the original manila envelope, in a new manila envelope. The county board of elections shall seal the envelope with tape, label it as "overvotes," or "damaged ballots," accordingly, and then sign it alongside the date and time of their signature.

Section 10. Reporting of Recount Totals.

(1) Once every piece of voting equipment has been opened, all ballots have been recounted, and a conclusive recount total for each piece of equipment has been established, the county board of elections shall transfer the totals for each candidate or question from each Form SBE 82, Recount Tabulation Form onto a Form SBE 49, Official Count and Record of Election Totals.

(2) The same totals recorded onto the Form SBE 49, Official Count and Record of Election Totals shall also concurrently be input into an online portal belonging to the Secretary of State if available.

(3) The members of the county board of elections shall affix their signatures to the completed Form SBE 49, Official Count and Record of Election Totals, which shall mark the completion of the recount.

(4) Once the Form SBE 49, Official Count and Record of Election Totals is signed, the county board of elections shall fax a copy the document to the office of the Secretary of State, no later than 4:00 p.m., local time, on the day following the completion of the county's recount. Each county clerk shall retain a copy of the completed Form SBE 49, Official Count and Record of Election Totals for their records and mail the original signed copy to the office of the Secretary of State.

Section 11. Reimbursement of Recount Costs. All costs associated with the recount proceedings, including items such as personnel expenses and vendor charges, shall be recorded and documented by the county clerk.

Section 12. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Recount Tabulation Form", Form SBE 82, 04/2024; and

(b) "Official Count and Record of Election Totals", Form SBE 49, 10/2025[~~04/2024~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at https://elect.ky.gov.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown

Subject Headings: Elections and Voting; County Clerks; Local Governments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures for the recounting of ballots so that there may be an established standard throughout the Commonwealth.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(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 updates Form SBE 49.

(b) The necessity of the amendment to this administrative regulation: This amendment updates Form SBE 49 to be more user friendly.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, vendors serving as program administrators, and the State Board of Elections.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county boards of election will need to use the new Form SBE 49.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

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

(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.

(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.

(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 120.095, KRS 120.157, KRS 120.185, KRS 120.260, and KRS 120.290 require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of

KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 4:230. Post-election audit procedures.

RELATES TO: KRS 117.383(8)
STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.383(8)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1) establishes the State Board of Elections as the independent agency of state government which shall administer the election laws of the state. KRS 117.383(8) requires the State Board of Elections to promulgate an administrative regulation providing for the conducting and review of an election audit through a hand-to-eye recount. This administrative regulation establishes the post-election audit to be performed throughout the Commonwealth.

Section 1. Definitions.
(1) "Ballot" is defined by KRS 117.001(3).
(2) "Ballot box" is defined by KRS 117.001(4).
(3) "Ballot scanner" or "scanner" has the same definition as "automatic tabulating equipment" as defined by KRS 117.001(2).
(4) "Designated marking area" means the area in the near vicinity of the area containing the oval, box, or space designating a candidate on a ballot.
(5) "Election" is defined by KRS 117.001(6).
(6) "Electronic or paper sign-in records" means the records contained in the signed voter rosters established in KRS 117.025 and in Form SBE 25, "Supplemental Precinct Signature Roster".
(7) "Hand-to-eye recount" means the procedures established in KRS 117.383(8).
(8) "Poll worker" means the same as "precinct election officer" defined by KRS 117.045.
(9) "Race" means a single decision or set of associated decisions being put before voters for candidates to elected office.
(10) "Register tape" means the return sheets established in KRS 117.275.
(11) "Vote tallying equipment" has the same definition as "automatic tabulating equipment" defined by KRS 117.001(2).
(12) "Voter intent" is defined through the uniform definition of a vote found in 31 KAR 6:030.

Section 2. Post-election Hand-to-eye Recount.
(1) Following all elections for office in the Commonwealth there shall be a hand-to-eye recount of ballots, during which poll workers shall hand-tally ballots cast in the election on a Form SBE 90, "Post-election Hand-to-eye Recount Tally Sheet".
(2) Determinations and findings made by a County Board of Elections following the hand-to-eye recount shall be recorded on a Form SBE 91, "Determinations and Findings Following Hand-to-eye Recount", for reporting to the Attorney General and Secretary of

State. If a term used in KRS 117.383(8) is not defined in this administrative regulation or in the procedures established in KRS 117.383(8), the term shall be defined either through KRS 446.010 or by a vote of the County Board of Elections.

Section 3. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Supplemental Precinct Signature Roster", Form SBE 25, 10/2025[09/2020];

(b) "Post-election Hand-to-eye Recount Tally Sheet", Form SBE 90, 12/2024; and

(c) "Determinations and Findings Following Hand-to-eye Recount", Form SBE 91, 12/2024.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained on the board's Web site at https://elect.ky.gov.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown

Subject Headings: Elections and Voting; County Clerks; Local Governments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the post-election audit to be performed with a hand-to-eye recount throughout the Commonwealth following elections.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(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 updates Form SBE 25.

(b) The necessity of the amendment to this administrative regulation: This amendment updates Form SBE 25 to reflect statutory changes.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county boards of election will need to ensure that they use the new Form SBE 25.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

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

(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.

(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.

(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and KRS 117.383(8) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.

For subsequent years: The State Board of Elections expects that this

administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 5:011. Use of the federal write-in absentee ballot.

RELATES TO: KRS 117.079, 117.086(2)[(3)], 117A.050(2), 117A.060(3), 117A.100, 117A.130, 117A.160(1), 52 U.S.C. 20302
STATUTORY AUTHORITY: KRS 117.079, [117.086(5),]117A.030(2), 117A.130, 52 U.S.C. 20302(a)(3)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.079 requires the State Board of Elections, as circumstances warrant and with the concurrence of the Attorney General, to promulgate necessary administrative regulations to preserve the absentee voting rights of residents of Kentucky who are covered voters as defined in KRS 117A.010. 52 U.S.C. 20302(a)(3) requires states to permit absent uniformed service voters and overseas voters to use federal write-in absentee ballots in general elections for federal office. KRS 117A.130 requires the State Board of Elections, in coordination with local election officials, to implement an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet whether the voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted and whether the voter's military-overseas ballot has been received. KRS 117A.030(2) authorizes the State Board of Elections to promulgate the administrative regulations necessary to implement KRS Chapter 117A. This administrative regulation establishes the procedures for the use of the federal write-in absentee ballot in elections in Kentucky and implements the electronic free-access system pursuant to KRS 117A.130.

Section 1. Definitions.
(1) "Covered Voter" is defined by KRS 117A.010(1).
(2) "Federal write-in absentee ballot" or "FWAB" is defined by KRS 117A.010(4).
(3) "Military-overseas ballot" is defined by KRS 117A.010(5).

Section 2. Suspension of Provisions of 31 KAR 6:030. The requirements of 31 KAR 6:030, Uniform Definition of a Vote, Section 3(2)(a)[5(2)(a)] and Section 4[6](1), (2), and (9), shall be suspended for the purposes of this administrative regulation.

Section 3. Receipt of Federal Write-in Absentee Ballot. Upon receiving a federal write-in absentee ballot, the county clerk shall:
(1) Not open the inner security envelope;
(2) Examine the voter's declaration/application accompanying the federal write-in absentee ballot to determine whether it was submitted by a covered voter for the purpose of registering to vote or requesting an absentee ballot;
(3) If the voter's declaration/application accompanying the federal write-in absentee ballot was submitted by a covered voter for the purpose of registering to vote or requesting an absentee ballot, process the application in the same manner as a federal postcard application;
(4) Enclose the voter's declaration/application accompanying the federal write-in absentee ballot and the inner security envelope in a separate envelope and label the outer envelope "FWAB"; and
(5) Deposit the outer envelope in a locked ballot box pursuant to KRS 117.086(2)[(3)].

Section 4. Receipt of State Ballot Overrides Federal Write-in Absentee Ballot.

(1) The federal write-in absentee ballot shall remain in the locked ballot box pursuant to KRS 117.086(3) and not be opened until after the deadline for receipt of the state absentee ballot.

(2) If the county clerk receives no later than the deadline for receipt of the state absentee ballot a valid and voted state absentee ballot from a covered voter from whom the county clerk also receives a federal write-in absentee ballot, the county clerk shall not unseal the inner security envelope containing the federal write-in absentee ballot and shall write on the inner security envelope containing the federal write-in absentee ballot, "Cancelled because state absentee ballot received."

Section 5. Electronic Free-Access System. Each county clerk shall either participate in the electronic free-access system established by the State Board of Elections or establish a local electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet whether the voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted and whether the voter's military-overseas ballot has been received.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference: "Federal Write-In Absentee Ballot", Federal Voting Assistance Program, 01-2023.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained on:

(a) The board's Web site at https://elect.ky.gov; or

(b) The Federal Voting Assistance Program Web site at https://fvap.gov.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the procedures for the use of the federal write-in absentee ballot in elections in Kentucky and implements the electronic free-access system pursuant to KRS 117A.130.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 updates incorrect statutory citations and adds the Federal Write-In Absentee Ballot as material incorporated by reference.
(b) The necessity of the amendment to this administrative regulation: This amendment updates incorrect statutory citations and adds the Federal Write-In Absentee Ballot as material incorporated by reference, where it was previously absent.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, covered voters as defined in KRS 117A.010, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, the State Board of Elections will need to maintain an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet whether the voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted and whether the voter's military-overseas ballot has been received and county boards of election will need to participate in the electronic free-access system established by the State Board of Elections or establish a local electronic free-access system.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated

with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117.145(4), KRS 117.383, KRS 117.383(1), KRS 117.383(2), and KRS 117.383(5) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth and covered voters as defined in KRS 117A.010.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 5:026. Ballot standards and election security.

RELATES TO: KRS 116.025, 117.001, 117.025, 117.076, 117.085, 117.086, 117.0861, 117.087, 117.145, 117.225, 117.228, 117.295(1), 117.365, 118.025

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.085, 117.086, 117.087(3)(d), 117.145, 117.228

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 117.085, 117.086, 117.087(3)(d), 117.145, and 117.228 require the State Board of Elections to promulgate administrative regulations that provide for measures that establish standards for the ballots used during elections, as well as[,] measures that ensure that votes cast during an election are done so in a free, fair, and secure manner. This administrative regulation provides for those measures.

Section 1. In addition to the requirements for printed ballots established in KRS 117.145, ballots caused to be printed by the county clerk of each county shall meet quality and size standards specific to the voting systems certified by [~~both~~]the State Board of Elections[~~and the United States Election Assistance Commission~~]. Ballots shall be on a single sheet of paper. that may be printed on both sides. which presents voters with all candidates and questions, including the ability to vote a straight-party ballot by selecting the name of their preferred political party, group, or organization as the first option available on the ballot. Political parties, groups, or organizations that have more than one candidate that may be voted for statewide shall have the full name of the political party, group, or

organization and an identifying logo that may be provided by the party, group, or organization printed as the first option available on all ballots.

Section 2. The outer envelope of all mail-in absentee ballots shall bear a barcode or other label that is unique to the individual voter and capable of being read by an electronic optical scanner. The unique barcode or label for each mail-in absentee ballot outer envelope shall be issued by the State Board of Elections. Upon the need to issue a voter another[a second] mail-in absentee ballot pursuant to KRS 117.085(9), the outer envelope of the subsequent[second] mail-in absentee ballot shall bear a new unique barcode or label.

Section 3.

(1) Upon the time of certification of each candidate and each question to be voted upon, all pre-printed paper ballots shall be secured by the county clerk of each county, under lock and key, in an area under the direct control of the county clerk and approved by the county board of elections.

(2) The possession of all pre-printed ballots shall be accounted for on SBE Form 76, Ballot Reconciliation Statement.

(3) If paper ballots need to be printed at a county clerk's office, an accounting of the printed ballots shall be made on either the SBE Form 76, Ballot Reconciliation Statement, or by the printing equipment.

(4) Upon the transfer of ballots from the area under the direct control of the county clerk to a polling location, the transfer shall be noted on the SBE Form 76, Ballot Reconciliation Statement.

(5) Beginning with the in-person casting of ballots during the period described in KRS 117.076, each voted in-person ballot shall remain in a locked and sealed receptacle, until the conclusion of the period described in KRS 117.295(1).

(6) At the conclusion of each day of voting, an accounting of the number of all voted, unvoted, and spoiled ballots shall be recorded on the SBE Form 76, Ballot Reconciliation Statement.

(7) All ballots and election materials not secured in an area under the direct control of the county clerk after the close of polls shall be secured at the voting location in a secure manner, based upon the advice and recommendations of the county board of elections and the sheriff from the time described in KRS 117.076 until the conclusion of voting on the day of an election.

(8) As mail-in absentee ballots are received by county clerks, they shall have their unique barcode or label scanned.

(9) Upon each mail-in absentee ballot being processed, the unique barcode or label shall be scanned again.

(10) If a mail-in absentee ballot is found to be without the need for a signature cure, or a mail-in absentee ballot has been returned along with a completed SBE Form 77, Discrepant Mail-in Absentee Signature, the ballot shall be recorded into an optical scanner, to be deposited in a locked and sealed receptacle for the period described in KRS 117.295(1).

(11) Any completed SBE Form 76, Ballot Reconciliation Statement shall be turned over to the local Commonwealth's Attorney along with any other materials required under KRS 117.365.

Section 4. A voter who is disabled may request a mail-in absentee ballot via an online accessible ballot portal, which shall conform to web accessible design standards as established by the W3C Web Accessibility Initiative at https://www.w3.org/WAI/.

Section 5.

(1) Upon receipt of a valid mail-in ballot request, through the online request portal or other valid request method, the request of the voter shall be noted in the Voter Registration System, and reflected in the electronic pollbooks used by precinct election officers.

(2) If a voter noted to have requested a mail-in absentee ballot appears at a polling location to vote in-person, the precinct election officer shall communicate with the county clerk, who shall make a determination as to whether the requested mail-in absentee ballot has been completed and returned as a cast ballot by the voter.

(3) If the mail-in absentee ballot is found to have been completed and returned as a cast ballot, the voter shall not be permitted to cast an in-person vote.

(4) If the mail-in absentee ballot is found not to have been completed and returned as a cast ballot and the ballot has been returned to the county clerk no later than seven (7) days prior to the date of the election as required by KRS 117.085(8), the county clerk shall immediately cancel the issued ballot in the Voter Registration System and allow the voter to cast an in-person ballot after the voter completes Form SBE 32, Oath of Voter, copies of which shall be forwarded to the Commonwealth's Attorney.

Section 6.

(1) A voter, or an individual identified by KRS 117.0861(1), may deliver a mail-in absentee ballot to the office of the county clerk in the county where the voter is registered, to a secure ballot drop-box in the county where the voter is registered, or to a secure drop-off receptacle if one (1) is maintained by the county clerk in the county where the voter is registered, rather than mailing the ballot via the United States Postal Service.

(2)

(a) A county choosing to use a receptacle for ballot drop-off other than a drop-box provided by the State Board of Elections, shall formally seek the State Board of Elections' approval of the receptacle before any ballot is allowed to be deposited inside.

(b) A county choosing to utilize a drop-off receptacle shall provide information about the receptacle to the State Board of Elections as required by KRS 117.086(2)(b).

(3) A drop-box or receptacle located outside a County Clerk's Office shall be located, secured, and identified as required by KRS 117.086(2)(c).

(4) A drop-box or receptacle located inside shall be under direct supervision as required by KRS 117.086(2)(e[d]) and shall be clearly marked as for use by voters in the election, so as to differentiate the drop-box or receptacle from any other that may be in use in the area.

(5) Any other non-elections related drop-box in use by a county clerk for any other official business shall clearly indicate that the other drop-box is not for the return of election material.

(6)

(a) The county clerk shall empty the drop box and any receptacle used each business day as required by KRS 117.086(2)(f)[(e)] and secure the absentee ballots therein in a manner consistent with KRS 117.086(3).

(b) Upon each emptying of a drop-box or receptacle, the individuals collecting absentee ballots pursuant to KRS 117.086(2)(f)[(e)] shall complete Form SBE 78, Daily Absentee Drop-Box Verification Sheet.

Section 7.

(1) After the receipt of a mail-in absentee ballot by the county clerk, the signature shall be examined in accordance with KRS 117.087(3)(c)2 and 5.

(2) If a signature match cannot be made, notice shall be provided to the voter as required by KRS 117.087(3)(c)5, which shall, at minimum, include the mailing of Form SBE 77, Discrepant Mail-in Absentee Signature.

(3) Upon the county board of elections, central counting board, or the county clerk determining the need for a signature cure, the ballot shall be noted in the Voter Registration System and the county clerk shall, on that same day, input the voter's address and any other required data into the SBE 77 and mail the form to the voter.

Section 8. A voter may make application to cast an excused in-person absentee ballot pursuant to KRS 117.076(2) by completing SBE Form 44E, Excused In-Person Absentee Ballot Application.

Section 9. The status of the tamper-resistant seal and the number on the public counter shall be recorded as required by KRS 117.076(12) before and after each day of in-person absentee voting, on SBE Form 79, Daily Voting Machine Verification Sheet, which cumulatively shall be collected by the County Clerk.

Section 10. A voter who changes his or her place of registration to a different state while the registration books are closed in the new

state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, pursuant to KRS 116.025(7) and 117.085(1)(h)4. by completing SBE Form 44P, Presidential Only Absentee Ballot Application.

Section 11. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "Oath of Voter", Form SBE 32, 04/2022;
(b) "Ballot Reconciliation Statement", Form SBE 76, 10/2025[~~04/2022~~];
(c) "Discrepant Mail-in Absentee Signature", Form SBE 77, 08/2022;
(d) "Excused In-Person Absentee Ballot Application", Form SBE 44E, 10/2025[~~04/2024~~];
(e) "Daily Voting Machine Verification Sheet", Form SBE 79, 03/2023;
(f) "Daily Absentee Drop-Box Verification Sheet", Form SBE 78, 04/2022; and
(g) "Presidential Only Absentee Ballot Application", Form SBE 44P, 08/2024.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
(3) This material may also be obtained on the board's Web site at https://elect.ky.gov.

KAREN SELLERS, Executive Director
APPROVED BY AGENCY: October 13, 2025
FILED WITH LRC: October 14, 2025 AT 11:55 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes standards for the ballots used during elections, as well as, measures that ensure that votes cast during an election are done so in a free, fair, and secure manner.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 updates incorrect statutory citations, decouples Kentucky from Election Assistance Commission standards on ballot quality and size standards, makes ballots accommodate all races and questions on one sheet of paper, and adds standards for printing straight party name and logo on ballots.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to make sure that all ballots printed for Kentucky elections meet the needs of Kentucky election administration.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment implements 2025 Ky. Acts ch. 125, sec. 4 through the amendment to Form SBE 44E.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, election equipment vendors, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county boards of election will need to ensure communication with their vendor during the ballot printing process.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117.085, KRS 117.086, KRS 117.087(3)(d), KRS 117.145, and KRS 117.228 require and authorize

the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth and vendors.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 5:040. Questions regarding voter eligibility.

RELATES TO: KRS 14.302, 61.826, 117.001, 117.015, 117.025, 117.035, 117.076, 117.085, 117.087, 117.225, 117.227, 117.228, 117.245, 118.025

STATUTORY AUTHORITY: KRS 61.826, 117.015(1)(a)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly administer the election laws of the state. KRS 117.035(4)(c) requires that county boards of election meet and stay in session on primary, regular election, and special election days to correct clerical errors, to rule[~~rules~~] on questions regarding voter registration, proof of identification, and the curing of signatures relative to mail-in absentee ballots. KRS 117.025(3)(d) requires the State Board of Elections to select the required format for any voter registration list provided to a county clerk. KRS 117.076(2)(f) allows a voter to apply to cast an excused in-person absentee ballot if, due to age, disability, or illness, they are not able to appear at the polls on election day and during the days of no-excuse in-person absentee voting. KRS 117.085(1)(h)(8) allows a voter to apply for a mail-in absentee ballot if, due to age, disability, or illness, they are not able to appear at the polls on election day and during the days of in-person absentee voting. KRS 117.087 provides a process by which a mail-in absentee ballot may be challenged. KRS 117.228 details the procedures for casting a ballot if a voter is unable to provide proof of identification or is otherwise known to an election officer and requires the State Board of Elections to prescribe and furnish forms that voters are required to complete in these circumstances. This administrative regulation establishes procedures for when a voter's eligibility is questioned and the forms that are to be completed if necessary.

Section 1.

(1) A voter unable to provide proof of identification as required under KRS 117.225, and as defined by KRS 117.001(18)[~~(15)~~], shall:

(a) Meet the requirements of KRS 117.228(1)(c) by executing SBE Form 71, Voter Affirmation Form; and

(b) Provide alternative proof of identification as required by KRS 117.228(2).

(2) A voter personally known to an election officer may cast a ballot in accordance with KRS 117.228(4) upon the election officer executing SBE Form 72, Election Officer Affirmation Form.

(3) All completed SBE 71 and SBE 72 forms shall be forwarded to the local Commonwealth's Attorney following the election.

Section 2.

(1) If an individual presents himself or herself to an election officer to vote and is not found on the signature roster provided to the county under KRS 117.025(3)(b) or (3)(c) and is not a participant in the Safe at Home Program authorized under KRS 14.302, the individual may vote upon the following taking place:

(a) The individual shall provide to the election officer proof of identification as required by KRS 117.225, or the individual shall follow the procedures of KRS 117.228 if he or she is unable to provide proof of identification;

(b) The election officer shall contact the county clerk's office and verify that the information provided by the individual establishes that he or she is registered to vote at the location where the individual has presented himself or herself;

(c) The individual shall complete the Form SBE 32, Oath of Voter;

(d) The individual shall complete the Form SBE 01, Commonwealth of Kentucky Voter Registration Application;

(e) The individual shall sign the Form SBE 25, Supplemental Precinct Signature Roster; and

(f) The election officer shall inform the individual that the Form SBE 32, Oath of Voter shall be forwarded to the local Commonwealth's Attorney following the election.

(2) If the election officer is unable to verify through the county clerk's office that the individual is properly registered to vote in the location where the individual has presented himself or herself, the election officer shall:

(a) Inform the individual of the location where he or she is properly registered vote, if known;

(b) Inform the individual of his or her ability to request a hearing before the county board of elections; and

(c)

1. Inform the individual of his or her ability to cast a provisional ballot for the federal elective office of President, Vice President, United States Senator, and United States House of Representative; and

2. If an individual chooses to cast a provisional ballot for an applicable federal elective office, the election officer shall have the individual sign the Form SBE 35, Provisional Ballot Precinct Signature Roster.

(3) All Form SBE 25, Supplemental Precinct Signature Rosters and Form SBE 35, Provisional Ballot Precinct Signature Rosters, if used for the purposes described in this section, shall be completed digitally through an e-poll book unless there is an emergency condition that renders the e-poll book inoperable, in which case paper forms shall be used. If an emergency condition exists, the election officer shall record the circumstances of the emergency condition on the paper forms.

Section 3. During the days that voting may occur during any primary, regular election, and special election, including voting by mail-in absentee ballot, a county board of elections may elect to meet the requirements of KRS 117.035(4)(c) via a video teleconference subject to the mandates of KRS 61.826.

(1) If a county board of elections elects to meet via video teleconference during a day in which voting may occur, the county clerk's office and each voting location in use in the county shall have technology available to every voter so that the voter may appear before the county board at no financial expense to the voter.

(2) If a county board of elections elects not to meet via video teleconference during a day in which voting may occur, a voter desiring to appear before the county board shall be provided with an option so that the voter may appear before the county board via teleconference, provided that the voter can make themselves available via the same teleconferencing technology the county board has chosen to utilize for such hearings, if any.

Section 4. A voter applying to cast an excused in-person absentee ballot pursuant to KRS 117.076(2)(f), or applying to receive a mail-in absentee ballot pursuant to KRS 117.085(1)(h)(8) shall not be required to disclose the age, disability, or illness preventing them from appearing at the polls on any other day available for voting, nor shall any available information regarding the age, disability, or illness of a voter be used to assess the eligibility of a voter's absentee application or be grounds to challenge a ballot under the provisions of KRS 117.087.

Section 5.[~~Section 4.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Commonwealth of Kentucky Voter Registration Application", Form SBE 01, 04/2024;

(b) "Supplemental Precinct Signature Roster", Form SBE 25, 10/2025[~~09/2020~~];

(c) "Oath of Voter", Form SBE 32, 04/2022;

(d) "Provisional Ballot Precinct Signature Roster", Form SBE 35, 10/2025[~~09/2020~~];

(e) "Voter Affirmation Form", Form SBE 71, 04/2022; and

(f) "Election Officer Affirmation Form", Form SBE 72, 04/2022.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at https://elect.ky.gov.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown

Subject Headings: Elections and Voting; County Clerks; Local Governments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures for when a voter's eligibility is questioned and the forms that are to be completed when necessary.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(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 updates incorrect statutory citations and adds language to protect voters from having to prove their stated age,

disability, or illness qualifies them to apply to vote an in-person excused or mail-in absentee ballot.
(b) The necessity of the amendment to this administrative regulation: This amendment creates a uniform standard as to eligibility for those voters applying to vote an in-person excused or mail-in absentee ballot on account of age, disability, or illness.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county boards of election will only need to ensure that their election officer training programs are updated.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 61.826, KRS 117.015(1)(a), and KRS 117.025(3)(d) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 6:010. State-based administrative complaint procedure.

RELATES TO: KRS Chapter 13B, 117.015(1)(a), 52 U.S.C. 21112[~~42 U.S.C. 15512~~]
STATUTORY AUTHORITY: KRS 117.015(1)(a), 52 U.S.C. 21112[~~42 U.S.C. 15512(a)~~]
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the Kentucky State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties in the administration of the election laws. The Help America Vote Act of 2002, 52 U.S.C. 21112[~~42 U.S.C. 15512, Section 402(a)~~], requires the establishment of a state-based administrative complaint procedure to remedy grievances in elections for federal offices. This administrative regulation establishes an administrative complaint procedure to remedy grievances in elections for federal offices.

Section 1. Definitions.
(1) "Board" means the State Board of Elections or their designee as defined in KRS 117.015 and 117.025.
(2) "Complainant" means the person who files a complaint under this administrative regulation.
(3) "Federal election" means a primary, general, or special election at which a federal office appears on the ballot.
(4) "Presiding officer" means the person appointed by the executive director of the board to conduct a hearing on a complaint.
(5) "Respondent" means any state or local election official whose actions are alleged, in a written complaint, to be in violation of Title III of the Help America Vote Act of 2002, 52 U.S.C. §§ 21081 – 21102[~~42 U.S.C. 15481~~].
(6) "State or local election official" means the Secretary of State, the State Board of Elections, a county clerk, a county board of elections, or any officer, agent, or appointee thereof.
(7) "Title III" means Title III of the Help America Vote Act of 2002, Pub.L. 107-252, codified at 52 U.S.C. §§ 21081 – 21102[~~42 U.S.C. 15481~~].

Section 2. Applicability. This administrative regulation shall be applicable to elections for federal office.

Section 3. Complaint Process.
(1) Any person who believes there has been a violation of any provision of Title III by any election official may file a written complaint with the executive director of the board.
(2) All complaints shall:
(a) Be limited to violations of the requirements placed upon the states by Title III, which are limited to claims for violations of the following:
1. Standards for voting systems;
2. Requirements for provisional voting and voting information; and
3. Requirements for computerized statewide voter registration lists and for voters who register by mail.
(b) Be submitted in writing on the Complaint and Affidavit for Violation of Title III of the Help America Vote Act of 2002, and signed by the complainant under oath or affirmation before an officer authorized to administer oaths.
(c) Include the full name, address, and telephone number of the complainant.
(d) Include a description of the alleged violation sufficient to apprise the board and the respondent of the nature and specific allegations of the complaint.
(e) Be sent by mail or by delivery to the Offices of the State Board of Elections at 140 Walnut Street, Frankfort, Kentucky 40601.
(f) Be filed within ninety (90) days of the alleged violation of Title III.

Section 4. Processing the Complaint and Response.
(1) The executive director of the board may refuse to accept a complaint if the complaint does not comply with the requirements of Section 3 of this administrative regulation.
(2) If a complaint does not comply with Section 3 of this administrative regulation, the executive director of the board shall, within three (3) days of receipt of the complaint, send the complainant a notice explaining the areas of noncompliance in the complaint.
(3) The complainant shall correct a deficiency within seven (7) working days of receipt of notice of the deficiency. If the complainant fails to correct a deficiency or fails to state a violation of Title III, the board shall dismiss the complaint.
(4) If a complaint complies with Section 3 of this administrative regulation and states on its face a Title III violation, the board shall accept the complaint and the complaint shall be deemed filed on the date of receipt at the offices of the board.
(5) Upon receipt of a complaint, the board shall send a copy to the respondent along with a request for a response.
(6) The respondent shall send a response to the board within ten (10) days of the date the respondent received notice from the board of the filed complaint.
(7) Upon receipt of the respondent's response, the board shall within three (3) days, send the complainant a copy of the respondent's response and a notice explaining the complaint may be resolved informally by agreement of the parties or the complainant may request a hearing. The complainant shall have ten (10) days from the date the notice is received to request an informal resolution or a hearing.
(8) The executive director of the board shall be responsible for arranging the date, time, and place for hearings, and appoint a qualified individual to serve as the presiding officer.
(9) If at any time during the proceedings, the board believes that the person appointed by the executive director of the board is not performing his or her duties as presiding officer in the interest of justice and to ensure the fair administration of Title III, the board may withdraw the appointment of the presiding officer and appoint another qualified individual to serve as presiding officer.
(10) The executive director shall send a notice of the identity of the presiding officer, time, date, and location of the hearing to the parties at least seven (7) days before the date scheduled for the hearing.
(11) The board shall make a final determination of the complaint within ninety (90) days of the receipt of the complaint, unless the complainant agrees in writing to an extension.

Section 5. Consolidation. Upon its own motion, or upon motion of any party, the board or presiding officer may consolidate multiple complaints into a single proceeding if there exist common parties, common questions of law or fact, or both, or other circumstances as justice and the administration of the Act require.

Section 6. Severance. Upon its own motion, or upon motion of any party, the board or the presiding officer may, for good cause, order any proceeding severed with respect to some or all issues or parties.

Section 7. Hearings.

(1) Hearings shall be conducted in accordance with KRS Chapter 13B.

(2) Hearings shall be recorded. A transcript of the hearing shall not be made except upon request of a party who shall bear the cost of transcription. Any other party may request a copy of the transcript at his or her own expense.

(3) Hearings may be held and testimony taken by teleconference or video conference with notice to the parties.

(4) If any party fails, without good cause, to attend the hearing, they may be held in default and have a determination made against them.

(5) All testimony shall be taken under oath or affirmation.

(6) The complainant shall have the burden of proof.

Section 8. Presiding Officer's Findings of Fact, Conclusions of Law, and Recommended Order.

(1) Within fourteen (14) days of the completion of the hearing, the presiding officer shall issue a findings of fact, conclusions of law, and recommended order to the board setting forth any findings of a past, present, or potential violation of Title III, if supported by the evidence presented, and a recommended remedy.

(2) The recommended remedy shall be directed at the improvement of processes or procedures governed by Title III, consistent with federal and state law.

(3) The recommended remedy shall not include money damages, costs, or attorney fees and shall be limited to bringing the election practice or election system referred to in the complaint into compliance with Title III.

Section 9. Final Determination.

(1) The board shall review the presiding officer's findings of fact, conclusions of law, and recommended order at the next scheduled meeting of the board.

(2) The board may adopt the presiding officer's findings of fact, conclusions of law, and recommended order as its final determination or issue its own findings of fact, conclusions of law, and final determination based on the evidence presented.

(3) The board shall issue a final determination within thirty (30) days of receipt of the recommended order or within ninety (90) days of receipt of the complaint, whichever is shorter, unless the complainant agrees in writing to an extension of time.

Section 10. Alternative Dispute Resolution.

(1) If a final determination of a complaint is not made within ninety (90) days of the filing of the complaint, and the complainant did not agree to an extension, then the complaint shall be referred to a review panel comprised of three (3) members of the board.

(2) The review panel shall issue a final determination on the complaint within sixty (60) days of the referral.

(3) The review panel shall make its determination on the record of the hearing conducted under this administrative regulation and shall not conduct any further proceedings.

(4) If the hearing was not conducted or completed, then the review panel shall conduct a hearing under this administrative regulation.

Section 11. Publication of Final Determinations. All final determinations shall be posted on the internet homepage of the board, http://www.elect.ky.gov, and retained in the permanent archival records of the board by attaching to the minutes of the monthly meeting of the board for the month the final determination was issued.

Section 12. Incorporation by Reference.

(1) "Complaint and Affidavit for Violation of Title III of the Help America Vote Act of 2002," SBE 21, 10/2025[~~December 2003~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Offices of the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown, phone: 502-782-9499, email: TaylorA.Brown@ky.gov

Subject Headings: Elections and Voting; County Clerks; Local Governments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes an administrative complaint procedure to remedy grievances in elections for federal offices.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting. (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(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 updates incorrect statutory citations and updates Form SBE 21.

(b) The necessity of the amendment to this administrative regulation: This amendment updates Form SBE 21 for the first time since 2003.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the

State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, those filing complaints will need to use the new Form SBE 21.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and 52 U.S.C. 21112 require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.

(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 6:020. Provisional voting.

RELATES TO: KRS 117.015(1)(a), 117.275, 117.305, 52 U.S.C. 21082[~~42 U.S.C. 15482~~]

STATUTORY AUTHORITY: KRS 117.015(1)(a), 52 U.S.C. 21082[~~42 U.S.C. 15482, sec. 302(d)~~]

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the Kentucky State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties in the administration of the election laws. The Help America Vote Act of 2002, 52 U.S.C. 21082[~~42 U.S.C. 15482, Section 302(d)~~] requires the state to comply with the provisions of that section concerning provisional voting in elections for federal offices. This administrative regulation establishes procedures for provisional voting.

Section 1. Definitions.

(1) "Provisional ballot" means a ballot cast in an election for federal office by an individual who resides in a voting precinct but whose eligibility to vote is in question or is not determinable on election day.

(2) "Provisional ballot inner envelope" means the envelope with the words "provisional ballot" printed on the front.

(3) "Provisional ballot outer envelope" means the envelope with the following printed on the front:

(a) Precinct election officer checklist of circumstances for issuing a provisional ballot;

(b) Provisional ballot affirmation; and

(c) The county board of elections checklist for indicating whether the ballot was counted and if not counted the reason why.

Section 2. Applicability. This administrative regulation shall be applicable to special, primary, and general elections for the federal elective offices of President/Vice President, United States Senator, and United States House of Representatives.

Section 3. Precinct Election Officer Notice.

(1) A precinct election officer who cannot confirm a potential voter's eligibility to vote on election day shall notify the individual of the option of appearing before the county board of elections to dispute eligibility or voting a provisional ballot in that precinct if the individual resides at a residence within the geographical boundaries of the precinct.

(2) If the individual chooses to cast a provisional ballot, then the individual shall not be eligible to vote in any other manner.

Section 4. Procedures and Circumstances for Casting a Provisional Ballot.

(1) The individual shall sign a provisional ballot precinct signature roster, SBE 35, which contains the individual's name, address, signature, date of birth, political party affiliation, identification type, and precinct officer initials.

(2) The precinct election officer shall check the appropriate box next to the circumstance for issuing the provisional ballot.

(3) The circumstances for issuing the provisional ballot:

(a) Voter whose name does not appear on the precinct roster and whose registration status cannot be determined by the precinct officer;

(b) Voter whose name does not appear on the precinct roster and who has been verified as ineligible to vote;

(c) Voter who does not have identification;

(d) Voter who is voting as a result of a federal or state court order or any order under state law in effect ten (10) days prior to election day which extends polling hours; or

(e) Voter has been challenged by all four (4) precinct election officers.

(4) The precinct election officer shall give the individual the provisional ballot, a provisional ballot inner envelope, SBE 39, and the provisional ballot outer envelope, SBE 38.

(5) To cast a provisional ballot, an individual shall execute the written affirmation on the provisional ballot outer envelope before a precinct officer at the voting place declaring the individual is a registered voter in the county and resides within the geographical boundaries of the precinct. The written affirmation executed by the individual shall state:

(a) The individual's name;

(b) Current residential address;

(c) Political party affiliation;

(d) That the individual is a registered voter in the county and resides in the precinct;

(e) That the individual knows of no legal reason to prevent his or her vote from being cast and counted;

(f) That the individual has not voted and shall not vote in another precinct or by absentee ballot in this state during this election;

(g) That the individual understands that any person who falsely signs and verifies any form requiring verification shall be guilty of perjury and subject to penalties therefore; and

(h) That the individual further understands that if he or she executes the affirmation and is not a registered voter at the current address stated, the individual has committed a criminal act.

(6) The precinct election officer shall direct the individual to a private voting area in which the individual shall cast his or her provisional ballot.

(7)

(a) An individual may spoil up to two (2) provisional ballots and shall not be issued more than a total of three (3) provisional ballots.

(b) Spoiled ballots shall be placed in the provisional ballot inner envelope, sealed by the individual, and returned to a precinct election officer who shall mark on the provisional ballot stub of the issued ballot and on the front of the envelope "spoiled ballot".

(8) The individual shall place the voted provisional ballot in the provisional ballot inner envelope and seal. The individual shall place the sealed provisional ballot inner envelope in the provisional ballot outer envelope and seal.

(9) The individual shall return the sealed provisional ballot outer envelope to the precinct election officer.

(10) The precinct election officer, upon receiving the sealed provisional ballot outer envelope from the individual, shall give the individual the provisional ballot information sheet, SBE 36, which explains the individual's right to contact their local county clerk to learn if the provisional ballot was counted, and if not counted, the reason why.

(11) A precinct election officer shall place sealed provisional ballot outer envelopes and sealed spoiled provisional ballot inner envelopes in a container and transmit to the county board of elections.

(12) The county board of elections shall determine the eligibility to vote of each individual casting a provisional ballot, in accordance with KRS Chapters 116 to 118 and 31 KAR Chapters 2 to 6.

(13) If the county board of elections determines the individual is eligible to vote in the precinct in the election, the vote shall be counted and the county board shall so indicate on the provisional ballot outer envelope.

(14) If the county board of elections determines the individual is ineligible to vote in the precinct in the election, the vote shall not be counted and the county board shall so indicate on the provisional ballot outer envelope.

Section 5. Provisional Ballot During Extension of Time to Close Polls.

(1) An individual who votes in an election for federal office as a result of a federal or state court order or any other order extending the time established for closing the polls by a state law in effect ten

(10) days before the date of that election may only vote in that election by casting a provisional ballot.

(2) A provisional ballot cast during an extension of the time for closing the polls required by orders described in this section shall be separated and held apart from other provisional ballots cast by those not affected by the order.

Section 6. Responsibilities.

(1) The county board of elections shall count all eligible provisional ballots.

(2) The county board of elections shall begin counting provisional ballots no later than 9 a.m. prevailing time on the day following the election.

(3) The provisional ballot count shall be certified by the county board of elections on the Certification Official Count and Record of Election Totals prescribed by the State Board of Elections in 31 KAR 4:031[0], which contains the office name, name of candidate, machine vote totals, absentee machine vote totals, paper absentee ballot vote totals, provisional ballot vote totals, and total votes. This form shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing time, on the Friday following the election. For special elections this form shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing time, on the day following the election.

(4) Upon completion of a recanvass of vote totals, the county board of elections shall report recanvassed vote totals on the Recanvass of Official Count and Record of Election Totals form, prescribed by the State Board of Election in 31 KAR 4:071[31 KAR 4:070], which contains the office name, name of candidate, machine vote totals, absentee machine vote totals, paper absentee ballot vote totals, provisional ballot vote totals, and total votes. The recanvassed vote totals shall be certified and immediately reported to the Secretary of State's Office.

(5) County clerks shall cause provisional ballots to be printed. The provisional ballots shall be printed with a ballot stub that will be consecutively numbered with a place for voter name, precinct election officer initials, and marked by precinct officers if it was a spoiled ballot.

(6) County clerks shall post instructions in each precinct on how to cast a provisional ballot, in accordance with Section 4 of this administrative regulation.

(7)

(a) For general and special elections, a minimum of twenty (20) provisional ballots and other applicable forms shall be sent to each precinct.

(b) For primary elections, a minimum of twenty (20) provisional ballots and other applicable forms shall be sent for each party to each precinct.

(8) After the county board of elections has completed its investigation of each provisional ballot and marked the face of the provisional ballot outer envelope appropriate to its findings, the county clerk shall photocopy the face of each outer envelope for future access to convey to the individual whether or not the ballot was counted, and if not counted, the reason why, and shall immediately enter the information in the Statewide Voter Registration Database.

(9) Provisional ballots and all envelopes from a general election shall be locked for thirty (30) days and retained for twenty-two (22) months. Provisional ballot and all envelopes from a primary or special election shall be locked for ten (10) days and retained for twenty-two (22) months.

(10) A provisional ballot accountability statement for provisional ballots, SBE 37, shall be sent to each precinct and returned to the county board of elections, which contains the county name, precinct name, number of ballots issued, ballot stub numbers, number of provisional ballots used, number of provisional ballots unused, number of provisional ballots spoiled and place for the signature of all four (4) precinct election officers.

(11) The chairman of the county board of elections shall file a completed "County Board of Elections Provisional Ballots Issued to Voters and Counted" form, SBE 54C, with the State Board of Elections within ten (10) days after any special, primary, or general election for the federal elective offices of President/Vice President, United States Senator, and United States House of Representatives.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Provisional Ballot Precinct Signature Roster - SBE 35", 10/2025[(6/17)];

(b) "Provisional Ballot Informational Sheet - SBE 36", 10/2025[(9/04)];

(c) "Provisional Ballot Accountability Sheet - SBE 37", 10/2025[(12/05)];

(d) "Provisional Ballot Outer Envelope - SBE 38", (6/17);

(e) "Provisional Ballot Inner Envelope - SBE 39", (11/03); and

(f) "County Board of Elections Provisional Ballots Issued to Voters and Counted - SBE 54C" 10/2025[(2/04)].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes procedures for provisional voting.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 updates incorrect statutory citations and Form SBE 35, Form SBE 36, Form SBE 37, and Form SBE 54C.
(b) The necessity of the amendment to this administrative regulation: This amendment updates Form SBE 35, Form SBE 36, Form SBE 37, and Form SBE 54C for the first time since 2017 (SBE 35), 2004 (SBE36), 2005 (SBE 37), and 2004 (SBE 54C).
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county boards of election will need to ensure that the new forms are used for provisional voters.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and 52 U.S.C. 21082 require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections

does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.

(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 6:030. Uniform definition of a vote.

RELATES TO: KRS 117.265, 117.379, 117.125[381], 52 U.S.C. 21081(a)(6)[42 U.S.C. 15481]

STATUTORY AUTHORITY: KRS 117.015(1)(a), 52 U.S.C. 21081(a)(6)[42 U.S.C. 15481(a)(6)]

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. 52 U.S.C. 21081[42 U.S.C. 15481](a)(6) requires each state to adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the state. This administrative regulation establishes those standards.

Section 1. Definitions.

(1) "Accessibility device" means any mechanism:

(a) Used to aid the voter in casting a vote for a candidate or an answer to a question on the ballot; and

(b) That is approved pursuant to KRS 117.379 and 117.125[381].

(2) "Ballot" is defined by KRS 117.001(3)[375(6)].

[(3)] ["Ballot label" is defined by KRS 117.375(5).]

[(4)] ["Direct recording electronic voting system" or "DRE voting system" means a computer-driven unit that counts votes cast by a voter through the use of a touchscreen, a button, or an approved accessibility device, and that processes and records the data by means of internal memory devices.]

(3)[(5)] "First name" means an individual's name or names given at birth, as distinguished from a family name or surname.

(4)[(6)] "Name" means one (1) or more first names coupled with one (1) or more surnames.

(5)[(7)] "Nickname" means a shortened version of an individual's name or a descriptive or alternative name, in addition to or instead of the first name or surname of an individual.

(6)[(8)] "Overvote" means a voter has made more than the permitted number of selections in a single race except when a voter casts a vote using a straight party option and votes for an opposing candidate in a particular race.

(7)[(9)] "Scan voting system" means a tabulating device that reads paper ballots by detecting voters' marks by electronic means.

(8)[(10)] "Surname" means the family name bestowed at birth, acquired by marriage, or legally adopted by choice.

[(11)] ["Touchscreen" means a screen on a DRE voting system that the voter touches to enter selections in casting a ballot in an election.]

(9)[(12)] "Write-in vote" means a vote on a ballot on which the voter writes, types, or uses an approved accessibility device to record, the surname of an eligible write-in candidate in the space reserved on the ballot for write-in votes and, on a paper ballot, properly marks the oval or box or connects the arrow according to the directions provided to the voter.

Section 2. [A ballot may be paper or electronic.]

[Section 3.] [Definition of a Vote for the Direct Recording Electronic Voting System.]

[(1)] [A vote on a direct recording electronic voting system shall be the choice made when a voter selects a candidate, or the desired answer to a question, and touches the screen, presses a button, or uses an approved accessibility device to cast a ballot.]

[(2)] [To select a candidate or an answer to a question, the voter shall:]

[(a)] [Press the appropriate place on the touchscreen, press the button, or use an approved accessibility device to choose a candidate or answer to a question for which the voter desires to vote;]

[(b)] [Type on the touchscreen or use the scrolling device to select on the screen the letters for the name of a write-in candidate in accordance with the instructions for voting on the DRE voting system and press the appropriate place on the touchscreen or press the button to record the write-in vote; or]

[(c)] [Press the appropriate place on the ballot label to designate a write-in candidate and write in the name of an eligible candidate on the paper provided in the write-in candidate window.]

[(3)] [To cast a ballot, the voter shall:]

[(a)] [Press the place on the touchscreen or press the button designated for casting the ballot; or]

[(b)] [Use an approved accessibility device for the accessible voting unit to signify the voter's desire to cast the ballot.]

[Section 4.] Definition of a Vote for the Scan Voting System.

(1) Automatic tabulation. If ballots are tabulated electronically, a vote cast on a scan voting system shall be the choice made by a voter by:

(a) Filling in the oval or box or connecting the arrow next to the candidate's name or the question choice; or

(b) Writing in the name of an eligible candidate in the designated write-in space and filling in the oval or box or connecting the arrow next to the designated write-in space.

(2) [Manual tabulation. If ballots are tabulated manually, the following marks made by a voter shall constitute a vote for a candidate or question choice on an optical scan voting system:]

[(a)] [The majority of an oval, box, or arrow designating a candidate or question choice is filled in;]

[(b)] [The oval, box, or arrow next to the candidate's name or the question choice is circled or underlined;]

[(c)] [The candidate's name or the question choice is circled or underlined;]

[(d)] [The party, group, organization, or independent status abbreviation next to the candidate's name is circled or underlined;]

[(e)] [There is an "X", a check mark, a plus sign, an asterisk, a star, or any other mark indicating the intent of the voter next to the candidate's name or question choice; or]

[(f)] [There is a diagonal, horizontal, or vertical line:]

[1.] [A portion of which intersects two (2) points on the oval or arrow next to the candidate's name or the question choice; and]

[2.] [That does not intersect another oval or arrow at any two (2) points.]

[(3)] Manual tabulation of write-in voting.

(a) If write-in ballots are tabulated manually, the following shall constitute a valid vote for a candidate:

1. The oval, box, or arrow next to the area designated for the selection of a write-in candidate is marked consistent with Section 3[subsection (2)] of this administrative regulation[section]; and

2. The voter shall write the name of an eligible write-in candidate as provided in KRS 117.265 in the area designated for the selection of a write-in candidate.

(b) If a voter designates a vote for a named candidate on the ballot and also writes in the name of a different person, these actions shall be considered an overvote, with neither candidate receiving credit for the vote, except as provided in Section 5[7] of this administrative regulation.

[(4)] [Manual tabulation of other marks or words. If a choice is indicated in accordance with subsection (2) or (3) of this section, and another choice is similarly marked constituting an overvote, the voter may take one (1) of the following actions to cancel the overvote:]

[(a)] [If the voter used a pencil, the voter may erase the mark for the candidate the voter does not wish to select; or]

[(b)] [If the voter used ink, the voter may circle the name of the candidate the voter wishes to select.]

Section 3.[Section 5.] Definition of a Vote for a Hand-Counted Paper Ballot.

(1) Tabulation. The following marks made by a voter shall constitute a vote for a candidate or question choice on a paper ballot:

(a) The majority of an oval, box, or space designating a candidate or question choice is filled in;

(b) The oval, box, or space next to the candidate's name or the question choice is circled or underlined;

(c) The candidate's name or the question choice is circled or underlined;

(d) The party, group, organization, or independent status abbreviation next to the candidate's name is circled or underlined;

(e) There is an "X", a check mark, a plus sign, an asterisk, a star, or any other mark indicating the intent of the voter next to the candidate's name or question choice; or

(f) There is a diagonal, horizontal, or vertical line:

1. A portion of which intersects two (2) points on the oval, box, or space next to the candidate's name or the question choice; and

2. That does not intersect another oval, box, or space at any two (2) points.

(2) Write-in voting on a paper ballot.

(a) The following shall constitute a valid vote for a candidate:

1. The oval, box, or space next to the area designated for the selection of a write-in candidate is marked consistent with subsection (1) of this section; and

2. The name of an eligible write-in candidate as provided in KRS 117.265 is written in the area designated for the selection of a write-in candidate.

(b) If a voter designates a vote for a named candidate on the ballot and also writes in the name of a different person, these actions shall be considered an overvote, with neither candidate receiving credit for the vote, except as provided in Section 7 of this administrative regulation.

(3) Other marks or words on a paper ballot. If a choice is indicated in accordance with subsection (1) or (2) of this section, and another choice is similarly marked constituting an overvote, the voter may take one (1) of the following actions to cancel the overvote:

(a) If the voter used a pencil, the voter may erase the mark for the candidate the voter does not wish to select; or

(b) If the voter used ink, the voter may circle the name of the candidate the voter wishes to select.

Section 4.[Section 6.] Definition of a Vote for Write-in Voting Generally.

(1) Only votes cast for eligible write-in candidates as provided in KRS 117.265 shall be considered valid and counted.

(2) A write-in vote for a candidate whose name already appears on the ballot [label]as a candidate shall not be counted as a vote as provided in KRS 117.265.

(3) The use of stickers, labels, rubber stamps, or other similar devices shall not be counted as write-in votes.

(4) Any minor misspelling of the name of a candidate shall be disregarded in determining the validity of a write-in vote as long as the intended candidate may be clearly determined.

(5) Writing in only the surname of an eligible candidate shall constitute a valid vote, unless there is more than one (1) filed candidate with the same surname for that office. If there is more than one (1) filed candidate with the same surname for that office, writing in only the last name or surname shall not constitute a vote.

(6) Writing in only the first name of an eligible candidate shall not constitute a valid vote.

(7) Writing in only the initials of a candidate shall not constitute a vote.

(8) Writing in only the nickname of an eligible candidate shall not constitute a valid vote.

(9) If the voter writes in any other name along with the surname of an eligible write-in candidate, the other name written by the voter shall comply with the variations of names listed by the candidate on the declaration of intent to be a write-in candidate filed with the Secretary of State or county clerk, pursuant to KRS 117.265(2),[SBE/SOS/01, SBE/SOS/02, or SBE/SOS/03, depending on the candidate,] to constitute a valid vote.

(10) Writing in the surname of the candidate for Governor or the surname of the candidate for Lieutenant Governor shall be sufficient to cast a write-in vote for the slate.

(11) Writing in the surname of the candidate for President or the surname of the candidate for Vice President shall be sufficient to cast a write-in vote for the slate.

Section 5.[Section 7.] Straight Party Voting.

(1) For all voting systems and types of ballots, if a voter designates a choice to vote a straight political party ticket and also designates a vote for an opposing candidate whose name appears on the ballot or writes in the name of an eligible write-in candidate in a specific race, the vote shall be counted for the opposing candidate or the eligible write-in candidate for that specific race and the remaining votes on the ballot shall be counted for the straight political party.

(2) Straight party voting shall not be considered an overvote if cast in a manner consistent with subsection (1) of this section.

[Section 8.] [Incorporation by Reference.]

[(1)] [The following material is incorporated by reference:]

[(a)] [SBE/SOS/01-"Declaration of Intent to be a Write-In Candidate", February 2011 edition;]

[(b)] [SBE/SOS/02-"Presidential/Vice Presidential Candidates' Declaration of Intent to be Write-In Candidates", February 2011 edition; and]

[(c)] [SBE/SOS/03-"Governor/Lieutenant Governor Candidates' Declaration of Intent to be a Write-In Candidates", February 2011 edition.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown

Subject Headings: Elections and Voting; County Clerks; Local Governments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the state.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to

properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 amends incorrect statutory citations, updates language to reflect the current state of voting equipment in Kentucky and the use of all paper ballots in the state since the regulation's last effective date, and removes forms referenced in KRS 117.265 regarding intent to be a write-in candidate.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary given the changes to election administration since the previous effective date of this this regulation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: this administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: . To comply with this amendment, county boards of election will only need to reference the new administrative regulation when needed.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a) and 52 U.S.C. 21081(a)(6) require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:

For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

STATE BOARD OF ELECTIONS
(Amendment)

31 KAR 6:040. Elections and Voting Equipment Security Plan.

RELATES TO: KRS 117.015, 117.085, 117.086, 117.187, 117.275, 117.383, 52 U.S.C. 21081[~~42 U.S.C. 15481~~]

STATUTORY AUTHORITY: KRS 117.015(1)(a), 117.383, 52 U.S.C. 21081[~~42 U.S.C. 1548~~]

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. KRS 117.383[~~(1)~~] requires the State Board of Elections to prescribe rules and administrative regulations to achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting. [~~42 U.S.C. 15481, Section 301 of~~]The Help America Vote Act of 2002, codified at 52 U.S.C. 21081, requires the states to maintain voting systems that preserve the privacy of the voter and the confidentiality of the ballot, produce a record of the election, and provides accessibility for individuals with disabilities. This administrative regulation establishes procedures for maintaining security in the election process ensuring the maximum degree of correctness, impartiality, and efficiency in elections and ensures that the voting systems used in the state are maintained in a condition to meet the requirements of 52 U.S.C. 21081[~~42 U.S.C. 15481~~].

Section 1. General Provisions.

(1) The county board of elections shall:

(a) Establish an election and voting equipment security plan covering all elections in the county and the security of all voting systems and equipment used in the county; and

(b) File the County Board of Elections Notice of Establishment of Elections and Voting Equipment Security Plan Form SBE 19, on or before the first day of August of 2008 and on or before the first day of March of each year beginning in 2009.

(2) The county boards of elections shall train all precinct election officers prior to each primary and general election on the procedures established by the county boards of elections to implement the Elections and Voting Equipment Security Plan during the training required by KRS 117.187.

Section 2. The Elections and Voting Equipment Security Plan shall include security measures in each of the following areas:

(1) The storage of election equipment hardware and software and related election materials, including maintaining the following:

(a) A list of all personnel with keys and access to the election equipment storage area;

(b) An access log including sign in and out times and dates of all personnel given access to the storage area;

(c) A list of all equipment by serial number and quantity; and

(d) An inventory record of each piece of voting equipment, including the following:

1. Serial number;

2. A history of repairs, replacements, and upgrades, if applicable, including who performed and who witnessed the maintenance performed;

3. Current location and condition;

4. Precinct assignments for Election Day; and

5. A detailed log of delivery to and from precincts on election day;

(2) The storage and tracking of paper ballots, providing an accounting for all ballots issued to a precinct on election day and a record of all security seal numbers used to seal ballot containers and tabulators;

(3) The processing and storage of voter registration and voting records in the clerk's office;

(4) Password administration, including designating a member of the county clerk's staff as the "password administrator" to issue passwords, maintain a master list of all passwords issued, and reissue all passwords on a periodic basis;

(5) Absentee voting conducted[~~for mail-in ballots and in-house voting,~~] pursuant to KRS 117.076 and 117.085[~~ and 117.086~~];

(6) A checklist for precinct election officers to follow for opening and closing the precincts on Election Day, including:

(a) Designating a secure location in each precinct for the voting equipment to be stored upon delivery and until the precinct election officers arrive at the precinct;

(b) A procedure for placement of the voting equipment in the precinct to limit access to the voting equipment's power control, counter controls, and results storage media to only authorized personnel;

(c) A procedure to verify the serial numbers, security seals, and protective counter number of each piece of voting equipment prior to the opening of the polls;

(d) A procedure to count and verify all paper ballots, provisional ballots, and election supplies prior to the opening of the polls;

(e) A procedure to validate the number of voter activation devices after the polls have closed and secure the devices for transport back to the county clerk's office; and

(f) A procedure for securing and accounting for all voting equipment after the closing of the polls; and

(7) Securing and storing the voting equipment after Election Day and in between elections and maintenance of election materials for the period required pursuant to KRS 117.275.

Section 3. Incorporation by Reference.

(1) "County Board of Elections Notice of Establishment of Elections and Voting Equipment Security Plan", SBE 19 10/2025[~~(2/08)~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

KAREN SELLERS, Executive Director

APPROVED BY AGENCY: October 13, 2025

FILED WITH LRC: October 14, 2025 AT 11:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 11:00 a.m. ET, at the Office of the State Board of Elections. 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. 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 until December 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: Taylor Brown, General Counsel, 140 Walnut Street, Frankfort, Kentucky 40601, Phone: (502) 782-9499, Email: TaylorA.Brown@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Taylor Brown
Subject Headings: Elections and Voting; County Clerks; Local Governments
(1) Provide a brief summary of:
(a) What this administrative regulation does: establishes procedures for maintaining security in the election process ensuring the maximum degree of correctness, impartiality, and efficiency in elections and ensures that the voting systems used in the state are maintained in a condition to meet the requirements of 52 U.S.C. 21081.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to maintain the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(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 updates incorrect statutory citations and Form SBE 19.
(b) The necessity of the amendment to this administrative regulation: This amendment updates Form SBE 19 for the first time since 2008.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 117.015(1)(a) authorizes the State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties.
(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect voters of the Commonwealth, county boards of election, and the State Board of Elections.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: To comply with this amendment, county boards of election will need to ensure that they are using the new Form SBE 19.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The State Board of Elections estimates that the implementation of this administrative regulation will have minimal costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this new administrative regulation will benefit all by assisting in maintaining the maximum degree of correctness, impartiality, and efficiency in the procedures of voting.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cost of the implementation of this administrative regulation for the State Board of Elections will be minimal.
(b) On a continuing basis: The continuing costs of this administrative regulation for the State Board of Elections will be minimal.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Funds from the State Board of Elections' administrative budget will be used in the implementation and enforcement of this administrative regulation.
(8) 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: Implementation of this administrative regulation can be achieved without an increase in fees or funding by the General Assembly.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as a desired result of the promulgation of this administrative regulation is uniform procedures for the administration of elections throughout all of the counties in the Commonwealth.

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 117.015(1)(a), KRS 117.383, and 52 U.S.C. 21081 require and authorize the actions taken 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: This administrative regulation is expressly authorized by the creation of KRS 117.015(a), 2005 Ky. Acts ch. 91, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This administrative regulation will affect the promulgating agency, the State Board of Elections.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This administrative regulation will affect county boards of election. (b) Estimate the following for the first year:
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer

than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): This administrative regulation will affect voters of the Commonwealth.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
For subsequent years: The State Board of Elections expects that this administrative regulation amendment will cost no more to administer than is currently expended.
2. Revenues:
For the first year: It is not expected or intended that this administrative regulation will generate any revenue.
For subsequent years: It is not expected or intended that this administrative regulation will generate any revenue.
3. Cost Savings:
For the first year: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
For subsequent years: The State Board of Elections expects that this administrative regulation will not generate any specific cost savings for the regulated entities.
(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 State Board of Elections expects that this administrative regulation will have little to no fiscal impact on the regulated entities, outside those expenditures already undertaken.
(b) Methodology and resources used to reach this conclusion: This determination of this administrative regulation's fiscal impact is made by the listed contact person and other agency staff based on their collective experience with the subject matter.
(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(14): The State Board of Elections does not expect that this administrative regulation will result in a "major economic impact" as the combined implementation and compliance costs of an administrative regulation are not expected no rise to at least five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This conclusion is made by the listed contact person and other agency staff based on their collective experience with the subject matter.

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(Amendment)

40 KAR 12:100. Funeral planning declaration form.

RELATES TO: KRS 311.1917[~~311.1911~~][***~~et seq~~***][~~.~~], 367.93101, 367.93103, 367.93105, 367.93107, 367.93109, 367.93111, 367.93113, 367.93115, 367.93117, 367.93121, 367.97501, 367.97514, 367.97524, 367.97527
STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.93101(3)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.93101(3) requires the [~~Office of the~~]Attorney General to promulgate administrative regulations to prescribe a funeral planning declaration form. KRS 367.93103 prohibits the inclusion of a funeral planning declaration in a power of attorney. This administrative regulation prescribes the funeral planning declaration form [~~identified in KRS 367.93101(3) and described in KRS 367.93101 to 367.93121, ~~]by which an individual[~~ declarant~~] may establish[~~set forth~~] funeral arrangements and his or her[~~the declarant's~~] preferences regarding the[~~manner of ~~]disposition of their human[~~the declarant's~~] remains and clarifies how an agent with power of attorney may sign a declaration on behalf of a Declarant.

Section 1. Funeral Planning Declaration. An individual desiring to plan for his or her funeral or the disposition of his or her human remains after death shall complete a[~~The~~] Funeral Planning Declaration[~~,~~] Form, FPD-1, setting forth his or her preferences.[~~required by KRS 367.93101(3), shall contain:~~]

[~~(1)~~] [~~The date the declaration is made;~~]

[~~(2)~~] [~~The name of the declarant;~~]

[~~(3)~~] [~~A statement providing that the declarant shall be at least eighteen (18) years of age and of sound mind;~~]

[~~(4)~~] [~~A statement providing that the declarant willingly and voluntarily makes known the declarant's instructions concerning funeral services, funeral and cemetery merchandise, ceremonies, and the disposition of the declarant's remains after the declarant's death;~~]

[~~(5)~~] [~~A statement that by executing the declaration any previous declaration is revoked;~~]

[~~(6)~~] [~~Statements informing the declarant of the following concerning a designee:~~]

[~~(a)~~] [~~A designee is an individual designated and directed by the terms of the declaration to carry out the declarant's funeral plan or make arrangements concerning disposition of the declarant's remains, funeral services, cemetery merchandise, funeral merchandise, or ceremonies;~~]

[~~(b)~~] [~~If the declarant does not designate a designee in the declaration, the declarant shall provide instructions concerning funeral services, ceremonies, and the disposition of the declarant's remains;~~]

[~~(c)~~] [~~A person is not considered to be entitled to any part of the declarant's estate solely by virtue of being designated in the declaration to serve as the declarant's designee;~~]

[~~(d)~~] [~~The declarant's designee shall not be a provider of funeral or cemetery services, or employed by any entity responsible for providing funeral or cemetery services or disposing of the declarant's remains, unless the designee is related to the declarant by birth, marriage, or adoption;~~]

[~~(e)~~] [~~A designee shall not be a witness to the declaration; and~~]

[~~(f)~~] [~~If the designee or alternate designee fail to assume an obligation set forth in the Funeral Planning Declaration, Form FPD-1, within five (5) days of notification of the declarant's death, the authority to make arrangements shall devolve pursuant to the terms of the Funeral Planning Declaration, Form FPD-1, or KRS 367.93117;~~]

[~~(7)~~] [~~If the declarant elects, a statement identifying the name of a designee who shall carry out the instructions that are set forth in the declaration;~~]

[~~(8)~~] [~~If the declarant elects to name an alternate designee, a statement identifying the name of an alternate designee if the designee is unwilling or unable to act;~~]

[~~(9)~~] [~~If the declarant elects to not select a designee, a statement that the declarant elects to not select a designee and that the declarant directs that the instructions listed in the declaration for~~

~~funeral services, ceremonies, and the disposition of the declarant's remains be followed;~~]

[~~(10)~~] Instructions for actions to be taken after the declarant's death, indicating by initials or marks beside each instruction selected by the declarant, from the following:

[~~(a)~~] [~~Concerning disposition of the declarant's body, one (1) of the following:~~]

[~~1.~~] [~~The declarant directs that the declarant's body be buried and, if so, where;~~]

[~~2.~~] [~~The declarant directs that the declarant's cremated remains be disposed of by one (1) of the following methods, or, if no method of disposition is selected, the declarant leaves the decision to the designee:~~]

[~~a.~~] [~~By placing the cremated remains in a grave, crypt, or niche and, if so, where;~~]

[~~b.~~] [~~By scattering them in a scattering area; or~~]

[~~c.~~] [~~On private property with the consent of the owner;~~]

[~~3.~~] [~~The declarant directs that the declarant's body be entombed and, if so, where;~~]

[~~4.~~] [~~The declarant directs that the declarant's body be donated as an anatomical gift pursuant to KRS 311.1911, et. seq., if the declarant has not selected another method for donation of the declarant's body; or~~]

[~~5.~~] [~~The declarant intentionally makes no decision concerning the disposition of the declarant's body and leaves the decision to the designee;~~]

[~~(b)~~] [~~Concerning arrangements, any of the following selected by the declarant:~~]

[~~1.~~] [~~The declarant directs that funeral services be obtained and, if so, from whom, or, if no person from whom to obtain funeral services is selected, then the designee may decide;~~]

[~~2.~~] [~~The declarant directs that funeral and ceremonial arrangements are to be made and, if so, providing instructions regarding the funeral and ceremonial arrangements;~~]

[~~3.~~] [~~The declarant directs the selection of a grave memorial, monument, or marker, and, if so, providing instructions regarding the grave memorial, monument, or marker;~~]

[~~4.~~] [~~The declarant directs the selection of funeral and cemetery merchandise and other property for the disposition of the declarant's remains, funeral, or other ceremonial arrangements, and, if so, providing instructions regarding the funeral and cemetery merchandise and other property for the disposition of the declarant's remains, funeral, or other ceremonial arrangements; or~~]

[~~5.~~] [~~The declarant directs that the designee make all arrangements concerning ceremonies and other funeral or burial services;~~]

[~~(c)~~] [~~Any additional instructions requested by the declarant; and~~]

[~~(d)~~] [~~A statement that the declarant directs that the declarant's designee make alternate arrangements to the best of the designee's ability if it is impossible to make an arrangement~~][~~ specified in the Funeral Planning Declaration, Form FPD-1, because:~~]

[~~1.~~] [~~A funeral home or other service or merchandise provider is out of business, impossible to locate, or otherwise unable to provide the specified service; or~~]

[~~2.~~] [~~The specified arrangement is impossible, illegal, or exceeds the funds available or is inconsistent with the terms of the pre-arranged funeral or cemetery contract;~~]

[~~(11)~~] [~~A statement that it is the declarant's intention that the declarant's Funeral Planning Declaration, Form FPD-1, be honored by the declarant's family and others as the final expression of the declarant's intentions concerning the declarant's funeral and the disposition of the declarant's body after the declarant's death, and that the declarant understands the full import of this declaration;~~]

[~~(12)~~] [~~Concerning execution of the Funeral Planning Declaration, Form FPD-1:~~]

[~~(a)~~] [~~The signature of the declarant or another person in the declarant's presence and at the declarant's direction, the signature date, and the city, county, and state of the declarant's residence; and~~]

[~~(b)~~] [~~If applicable, the printed name of the person who signed at the declarant's direction;~~]

[~~(13)~~] [~~The signatures of two (2) witnesses, printed name, and date of signature of each witness, immediately following a statement that each witness believes;~~]

[~~(a)~~] [~~The declarant to be of sound mind and to have willfully and voluntarily executed the Funeral Planning Declaration, Form FPD-1;~~]

[~~(b)~~] [~~That the witness did not sign the declarant's signature or at the direction of the declarant;~~]

[~~(c)~~] [~~That the witness is not a designee of the declarant;~~]

[~~(d)~~] [~~That the declarant signed the declaration in the presence of the witness; and~~]

[~~(e)~~] [~~That the witness is competent and at least eighteen (18) years of age; and~~]

[~~(14)~~] [~~An acknowledgement before a notary public or other person authorized to administer oaths, including the signature and title of the notary public or other person authorized to administer oaths, and the date of the signature, immediately following a statement that the declarant appeared before the notary public or other person authorized to administer oaths and acknowledged that the declarant voluntarily dated and signed the Funeral Planning Declaration, Form FPD-1, or directed the Funeral Planning Declaration, Form FPD-1, to be signed and~~][~~ dated in the declarant's presence, and the date of the acknowledgement.~~]

Section 2. Power or Attorney. An agent granted authority to act for a principal under a power of attorney cannot sign a Funeral Planning Declaration, Form FPD-1, as a Declarant, but must be directed by the Declarant to sign the Funeral Planning Declaration, Form FPD-1, in the presence of the Declarant and the two (2) required witnesses.

Section 3. Incorporation by Reference.

(1) "Funeral Planning Declaration", Form FPD-1, Oct. 2025[~~04-17~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East[~~Office of Consumer Protection~~], 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, https://ag.ky.gov/Pages/default.aspx.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: October 14, 2025

FILED WITH LRC: October 15, 2025 at 8:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on December 23, 2025, at 10:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Office in writing at least 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 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 December 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: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5481, fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress
Subject Headings: Attorney General, Embalmers and Funeral Directors; Cremation and Embalming; Cemeteries and Burials
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation prescribes a funeral planning declaration form by which individuals may set forth their preferences regarding funeral arrangements and dispositions of their human remains after death.
(b) The necessity of this administrative regulation: This regulation is necessary to provide the method by which the Office of Attorney General ("Attorney General"), may perform its statutory obligations.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law by law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.93101(3) require the Attorney General to prescribe a funeral planning declaration form.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation prescribes the funeral planning declaration form that individuals may use to set forth their preferences regarding funeral arrangements and dispositions of their human remains after death.
(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: Through this amendment, the Attorney General is revising the regulation to remove unnecessary language from the regulation as duplicative and which is already incorporated by reference in the updated form. The amendment incorporates a new updated form. It is intended that the new form is easier for regulated funeral homes and consumers to use and complete. Amendment provides that person with power of attorney must comply with KRS 367.93103(4)(c) and (e) when signing a declaration on behalf of a Declarant.
(b) The necessity of the amendment to this administrative regulation: The Attorney General needs to update its regulations and form to conform to KRS Chapter 13A drafting requirements. The Attorney General also needs to update its regulation and form to make both easier to understand by regulated entities and consumers.
(c) How the amendment conforms to the content of the authorizing statutes: As previously explained, KRS 15.180, 367.150(4), and 367.93101(3) authorize the administrative regulation amendments.
(d) How the amendment will assist in the effective administration of the statutes: The regulation amendments will cause the funeral planning form to be more easily understood and completed by consumers and regulated entities.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation amendment affects approximately four hundred and forty-five (445) funeral homes holding preneed funeral and burial contract seller licenses, the Attorney General, and unknown number of consumers who may plan for their own funerals and the disposition of their human remains.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Funeral homes and consumers will be required to use the new updated form incorporated into this regulation. The Attorney General will not be required to take any actions.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Funeral homes and consumers will have no additional costs. They will be able to download the new form from the Attorney General's website at no cost. The Attorney General will have no additional costs by this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulation amendments are intended to make the regulation more easily understood and the form more easily understood and completed by funeral homes and consumers. The Attorney General will benefit from having regulations compliant with KRS Chapter 13A and consistent form appearance.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs to implement this administrative regulation amendment.
(b) On a continuing basis: There are no continuing costs to implement this administrative regulation amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: No additional costs are associated with implementing this administrative regulation amendment.
(8) 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 anticipated increase in fees or funding necessary to amend this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation amendment does not directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? No. This administrative regulation applies equally to all funeral homes and consumers.

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 15.180, 367.150(4), and 367.93101(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 amendment was expressly authorized by 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 2016 Ky. Acts ch. 59, sec. 2.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies. (b) Estimate the following for each affected state unit, part, or division in (3)(a):
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There are no expenditures to administer this administrative regulation amendment for the first year.
For subsequent years: There will be no expenditures to administer the administrative regulation amendment in subsequent years.
2. Revenues:
For the first year: The administrative regulation amendment will generate no revenues to the Attorney General in the first year.
For subsequent years: The administrative regulation amendment will generate no revenues to the Attorney General in subsequent years.
3. Cost Savings:
For the first year: In the first year, the Attorney General will have no cost savings.
For subsequent years: In subsequent years, the Attorney General will have no cost savings.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation amendment 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: This administrative regulation amendment will not cause expenditures by local entities for the first year.
For subsequent years: This administrative regulation amendment will not cause expenditures by local entities in subsequent years.
2. Revenues:

For the first year: Local entities will receive no revenues from this administrative regulation amendment for the first year.
For subsequent years: Local entities will receive no revenues from this administrative regulation amendment in subsequent years.
3. Cost Savings:
For the first year: Local entities will receive no cost savings from this administrative regulation amendment for the first year.
For subsequent years: Local entities will receive no cost savings from this administrative regulation amendment in subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): licensed funeral homes and consumers will be affected by this administrative regulation amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation amendment will not cause funeral homes and consumers to have any additional expenditures for the first year.
For subsequent years: This administrative regulation amendment will not cause funeral homes and consumers to have any additional expenditures for the first year.
2. Revenues:
For the first year: Funeral homes and consumers will not receive any revenues from this administrative regulation amendment for the first year.
For subsequent years: Funeral homes and consumers will not receive any revenues from this administrative regulation amendment for the first year.
3. Cost Savings:
For the first year: Funeral homes and consumers will receive no cost savings in the first year.
For subsequent years: Funeral homes and consumers will have no 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: This administrative regulation amendment will have no fiscal impact. The regulation amendment updates a current form used by funeral homes and consumers. The form is free to download. The Attorney General receives no fees. For these reasons, the regulation amendments are not expected to have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources in determining the 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(14): There is not an expected "major economic impact" from this regulation amendment for the Attorney General, any local entities, or affected regulated entities.
(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources in reaching the conclusion that no overall negative or adverse major economic impact results from this administrative regulation.

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(Amendment)

40 KAR 12:110. Cemetery companies and preneed cemetery merchandise sellers[forms].

RELATES TO: KRS [367.937(2), 367.940(1), (3), (4),] 367.946[(1), (4)], 367.952, 367.954[(8)], 367.958,[(1), (13)] 367.972(2)
STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.972(2)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.972(2) authorizes the Attorney General to promulgate administrative regulations to implement KRS 367.932 to 367.974 and 367.991. KRS 367.937, 367.946, 367.952, 367.954, and 367.958 require the Attorney General to promulgate administrative regulations to establish application forms, reporting forms, and other forms relating to cemetery companies and preneed cemetery merchandise contract sellers. This administrative regulation prescribes the applications and forms used by cemetery companies and preneed cemetery merchandise contract sellers and exempted entities[establishes the requirements for a cemetery company and preneed cemetery merchandise seller annual report form, identified in KRS 367.946(4), a preneed burial contract license annual report form identified in KRS 367.940(4), a cemetery preconstruction project application form identified in KRS 367.958(1), a cemetery registration application form identified in KRS 367.946(1), a cemetery company and sellers of cemetery merchandise monthly report form identified in KRS 367.954(8) and 367.958(13), a preneed merchandise sellers application form as identified in KRS 367.940(1), a preneed burial contract sellers monthly report form as identified in KRS 367.940(3), and an irrevocable funeral trust agreement form as identified in KRS 367.937(2)].

Section 1. [Definitions.]
[(1)] ["Bank of underground crypts" is defined by KRS 367.932(15).]
[(2)] ["Columbarium" is defined by KRS 367.932(10).]
[(3)] ["Last twelve (12) months" means January 1 through December 31 of the preceding calendar year.]
[(4)] ["Mausoleum" is defined by KRS 367.932(9).]
[(5)] ["Principal stockholder" means one (1) who owns ten (10) percent or more of the corporate stock in the applicant corporation.]
[(6)] ["Underground crypt" is defined by KRS 367.932(14).]

[Section 2.] Cemetery Company and Preneed Cemetery Merchandise Sellers Application[Annual Report Form].
(1) The Attorney General must approve a cemetery company and preneed cemetery merchandise seller registration application before a cemetery company or merchandise seller may make sales to Commonwealth of Kentucky residents. A cemetery company and preneed cemetery merchandise seller shall submit an online registration application using the "Cemeteries: Application portal" available at https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crematories.pdf.
(2) If unable to submit an online application, an applicant shall complete and submit a Cemetery Company and Preneed Cemetery Merchandise Seller Registration Application, Form CPN-1, to the Attorney General's office, and submit:
(a) Payment of the $50.00 registration fee;
(b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and
(c) A completed Preneed Funeral and Burial Contract Seller License Application, PNBL-1 Form, as incorporated by reference in 40 KAR 12:120, when the applicant intends to sell preneed funeral and burial contracts.
(3) Applicants shall complete or submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any application if an Applicant fails to timely complete the application by not paying the application fee or provide requested missing information or required documents.

Section 2. Cemetery Company and Preneed Cemetery Merchandise Seller Monthly Reports.

(1) A registered cemetery company and preneed cemetery merchandise seller shall submit a monthly report to the Attorney General each month by the 15th day of the month following the reported month. A registered cemetery company and preneed cemetery merchandise seller shall submit its monthly report online using the "Cemeteries: Monthly Report portal" available at https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crematories.pdf.

(2) If unable to submit an online monthly report, a registered cemetery company and preneed cemetery merchandise seller shall complete and submit a Cemetery Company and Preneed Cemetery Merchandise Seller Monthly Report, Form CPN-2, to the Attorney General's office, and submit:

(a) Payment of the $5.00 administrative fee for each reported contract;

(b) Payment of a $5.00 consumer security fee for each contract when the amount received is $500 or less; or a $10.00 consumer security fee for each contract when the amount received is greater than $500; and

(c) A completed Preneed Funeral and Burial Contract Seller Licensee Monthly Report, Form PNBL-2, as incorporated by reference in 40 KAR 12:120, when the registrant also holds a pre-need burial contract seller (PNBL) license.

Section 3. Cemetery Company and Preneed Cemetery Merchandise Seller Yearly Reports.

(1) A registered cemetery company and preneed cemetery merchandise seller shall submit an annual report to the Attorney General for every calendar year by March 31st of the year following the reported year. A registered cemetery company and preneed cemetery merchandise seller shall submit its annual report online using the "Cemeteries: Annual Reports portal" available at https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crematories.pdf.

(2) If unable to submit a yearly report online, a registered cemetery company and preneed cemetery merchandise seller shall complete and submit a Cemetery Company and Preneed Cemetery Merchandise Seller Annual Report, Form CPN-3, to the Attorney General's office, and submit:

(a) Payment of the $10.00 annual report fee;

(b) A completed Appendix A to the Cemetery Company and Preneed Cemetery Merchandise Seller Annual Report, Form CPN-3, or computer printouts containing required information therein;

(c) A year-end statement for the reporting calendar from all bank/financial institutions holding trust accounts identified in the Annual Report, Form CPN-1; and,

(d) A completed Preneed Funeral and Burial Contract Seller Annual Report, Form PNBL-3, as incorporated by reference in 40 KAR 12:120, when the registrant also holds a pre-need burial contract seller (PNBL) license.

Section 4. Local Governments Operating Cemeteries.

(1) A local government that owns or operates a cemetery exempt from the KRS 367.952 perpetual care and maintenance trust requirements that provides a notice of exemption to the Attorney General shall be exempt from the registration and reporting requirements of Sections 1 and 2 of this administrative regulation.

(2) Local government shall provide notice online to the Attorney General using the "Cemeteries: Local Government Exemption Notice portal" available at https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crematories.pdf.

(3) If unable to submit an online notice, a local government shall complete and submit an "Local Government Cemetery Company Exemption Notice, Form CPN-5, to the Attorney General's office.

Section 5. Non-Government Exemption Application.

(1) To seek granted exemption status from the requirements of KRS 367.932 to 367.970, an applicant may complete and submit an online application using the "Cemeteries: Non-Government Exemption Application portal" available at https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crematories.pdf.

(2) If unable to submit an online application, an applicant may complete and submit a Non-Government Cemetery Company Exemption Application, Form CPN-6, to the Attorney General's office.

Section 6. Preconstruction Cemetery Project Sales Notice.

(1) A cemetery company shall notify the Attorney General about a preconstruction cemetery project at least thirty (30) days before commencing sales. The cemetery company shall complete and submit notice using the "Cemeteries: Preconstruction Notice Form portal" available at https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crematories.pdf.

(2) If unable to submit an online application, a cemetery company shall complete and submit a Preconstruction Cemetery Project Sales Notice, Form CPN-4, to the Attorney General's office.

Section 7. Record Requests. A cemetery company and cemetery merchandise seller and a preneed funeral and burial contract seller shall make requested records, documents and information readily available to the Attorney General for inspection and copying upon request.

Section 8. Material Changes in Application and Reports. Registered cemetery company and cemetery merchandise seller sellers shall notify the Attorney General in writing within fourteen (14) days of any material change relating to the information provided in their applications or reports. [~~The "Cemetery Company and Cemetery Merchandise Sellers Annual Report" Form CPN-1, required by KRS 367.946(4), shall contain the following information:~~]

[~~(1)~~] [~~The phrase "last twelve (12) months" means January 1 through December 31 of the preceding calendar year;~~]

[~~(2)~~] [~~The last day covered by this report;~~]

[~~(3)~~] [~~The cemetery name and registration number;~~]

[~~(4)~~] [~~The nature of cemetery ownership, selecting from one (1) of the following:~~]

[~~(a)~~] [~~Corporation;~~]

[~~(b)~~] [~~Proprietorship;~~]

[~~(c)~~] [~~Partnership;~~]

[~~(d)~~] [~~Nonprofit; or~~]

[~~(e)~~] [~~Municipal;~~]

[~~(5)~~] [~~The cemetery location and mailing address, including city, state and zip code;~~]

[~~(6)~~] [~~The cemetery phone number;~~]

[~~(7)~~] [~~The name and address, including city, state and zip code, of all trust companies holding~~][~~ perpetual care and maintenance trust funds;~~]

[~~(8)~~] [~~The account number of all perpetual care and maintenance trust accounts;~~]

[~~(9)~~] [~~A copy of the annual perpetual care and maintenance trust report from the financial institution listing all transactions that have occurred during the preceding year;~~]

[~~(10)~~] [~~The beginning balance of all perpetual care and maintenance trust accounts;~~]

[~~(11)~~] [~~Perpetual care and maintenance trust fund account deposit information, including:~~]

[~~(a)~~] [~~The unpaid balance from the prior year;~~]

[~~(b)~~] [~~The number of graves sold during the year, the amount collected on the grave sales, and the amount deposited into the perpetual care and maintenance trust account from grave sales;~~]

[~~(c)~~] [~~The number of lawn or mausoleum crypts sold, the amount collected on the lawn or mausoleum crypt sales, and the amount deposited into the perpetual care and maintenance trust account from lawn or mausoleum crypt sales;~~]

[(d)] [The number of niches sold, the amount collected on the sale of niches, and the amount deposited into perpetual care and maintenance trust account from niche sales;]

[(e)] [The amount of unpaid trust deposits from the current year. This shall include last quarter's deposits if not made before the filing deadline; and]

[(f)] [The total perpetual care and maintenance account deposits made during the last twelve (12) months;]

[(12)] [Additional gifts to perpetual care, including funds not required by KRS 367.952(2);]

[(13)] [Perpetual Care and Maintenance Trust Fund Account earnings information, including:]

[(a)] [All interest and dividends earned during the current fiscal year;]

[(b)] [All capital gains and losses;]

[(c)] [All interest used during the current fiscal year;]

[(d)] [All taxes and fees; and]

[(e)] [Total earnings reinvested into the trust balance;]

[(14)] [The ending balance of the perpetual care and maintenance trust fund account;]

[(15)] [For registrants complying with KRS 367.954 by trusting forty (40) percent of all payments made for cemetery merchandise, the following information shall be required:]

[(a)] [The name and address, including city, state and zip code, of all trust companies holding cemetery merchandise trust funds;]

[(b)] [The account number of all cemetery merchandise trust accounts;]

[(c)] [A copy of the cemetery merchandise annual trust report from the financial institution summarizing all transactions that have occurred on the cemetery merchandise trust fund for the last twelve (12) months. This shall include a ledger sheet listing all persons who have purchased preneed cemetery merchandise within the last twelve (12) months;]

[(d)] [The beginning balance in the cemetery merchandise trust fund;]

[(e)] [All additions to the cemetery merchandise trust fund, including:]

[1.] [The amount deposited for sales from the last twelve (12) months;]

[2.] [The amount deposited for prior year sales;]

[3.] [The total interest earned;]

[4.] [All capital gains and losses; and]

[5.] [The total additions to the cemetery merchandise trust fund;]

[(f)] [The amount withdrawn during the last twelve (12) months for:]

[1.] [Merchandise provided;]

[2.] [Monies refunded; and]

[3.] [Total withdrawals; and]

[(g)] [The ending balance of the cemetery merchandise trust fund;]

[(16)] [For registrants complying with KRS 367.954 by placing preneed cemetery merchandise in storage, the following information shall be required:]

[(a)] [The name and address, including city, state and zip code, of all companies holding cemetery merchandise in storage;]

[(b)] [The total dollar amount of cemetery merchandise held in storage;]

[(c)] [The name and address, including city, state and zip code, of the company issuing the surety bond covering the cemetery merchandise held in storage; and]

[(d)] [The amount of the bond covering the cemetery merchandise held in storage;]

[(17)] [For registrants complying with KRS 367.954 by posting a good and sufficient bond with the Attorney General's Office, the following information shall be required:]

[(a)] [The name and address, including city, state and zip code, of the bond company issuing the bond;]

[(b)] [The amount of the bond; and]

[(c)] [The total dollar amount of preneed cemetery merchandise sold in the last twelve (12) months;]

[(18)] [The preneed burial license number;]

[(19)] [A ledger sheet which requires the following information:]

[(a)] [All preneed burial contracts sold by the firm for which services have not yet been performed or monies have not yet been refunded during the last twelve (12) months (that is, contracts that are still in existence on December 31); and]

[(b)] [All preneed burial contracts for which services were performed or monies were refunded during the last twelve (12) months (that is, accounts that had a positive balance on January 1 but show a zero balance as of December 31);]

[(20)] [A reconciliation section containing information on the following:]

[(a)] [The beginning balance of the trust;]

[(b)] [All deposits placed in the trust, including:]

[1.] [The additions to existing contracts;]

[2.] [The new contract deposits; and]

[3.] [The earnings on all contracts;]

[(c)] [The total deposits in the trust;]

[(d)] [All withdrawals from the trust, including:]

[1.] [The total refunds and conversions in the trust; and]

[2.] [The total number of trusts serviced;]

[(e)] [The total withdrawals from the trust;]

[(f)] [Any unrealized gains or losses from market changes; and]

[(g)] [The ending balance in the trust;]

[(21)] [A copy of the annual preneed burial trust report statements from the financial institution summarizing all transactions that have occurred on this fund for the last twelve (12) months;]

[(22)] [List all preconstruction sales project numbers;]

[(23)] [A status report of sales projects, containing the following information for each preconstruction sales project:]

[(a)] [The date the preconstruction sales project was registered with this office;]

[(b)] [The date the sales began;]

[(c)] [The date construction began; and]

[(d)] [The number of sales during the current year, including:]

[1.] [The number of mausoleum crypts sold;]

[2.] [The number of underground crypts sold; and]

[3.] [The number of niches sold;]

[(24)] [A ledger sheet listing all persons who have purchased preconstruction crypts or niches within the past twelve (12) months;]

[(25)] [The amount received for preconstruction sales during the last twelve (12) months, including:]

[(a)] [The amount received for mausoleum crypt sales and the amount deposited into trust;]

[(b)] [The amount received for underground crypt sales and the amount deposited into trust;]

[(c)] [The amount received for niche sales and the amount deposited into trust; and]

[(d)] [The total amount deposited into trust;]

[(26)] [The name and address, including city, state and zip code, of the trustee holding the preconstruction sales trust;]

[(27)] [The account number of the preconstruction sales trust;]

[(28)] [Preconstruction sales trust information including the following:]

[(a)] [Trust beginning balance;]

[(b)] [Trust deposits from sales for last twelve (12) months;]

[(c)] [Trust deposits from prior year sales;]

[(d)] [Trust earnings derived from:]

[1.] [Interest; and]

[2.] [Unrealized capital gains or losses;]

[(e)] [Trust withdrawals from:]

[1.] [Merchandise provided; and]

[2.] [Monies refunded; and]

[(f)] [Trust balance on December 31;]

[(29)] [A copy of the preconstruction sales annual trust report from the financial institution summarizing all transactions for the preceding year;]

[(30)] [A brief explanation of the stage of construction each project is in at the last day of the year;]

[(31)] [A certification that this is a true and correct report of activity for the last twelve (12) months and that the person completing the report is authorized to sign the report;]

[(32)] [A dated and notarized signature of the individual duly authorized to sign the form, including the signatory's printed name

and title. If the cemetery is incorporated, the president or authorized individual shall sign;]

[(33)] [If the person signing did not prepare the report, the printed name, signature, and title of the person who prepared the report is required;]

[(34)] [A ledger sheet for preneed cemetery merchandise sales containing the following information:]

[(a)] [The cemetery name;]

[(b)] [The name of the financial institution in which the trust is located;]

[(c)] [The consumer's name in which the trust was created;]

[(d)] [The original contract date on which the contract was entered;]

[(e)] [The retail selling price of the cemetery merchandise;]

[(f)] [The amount deposited into the trust account;]

[(g)] [Any earnings which accrued during the last twelve (12) months;]

[(h)] [The amount of any trust that was refunded during the last twelve (12) months;]

[(i)] [Any merchandise that was provided during the last twelve (12) months; and]

[(j)] [The trust balance as of December 31; and]

[(35)] [A ledger sheet for preneed burial contracts containing the following information:]

[(a)] [The firm name;]

[(b)] [The signature of the preparer;]

[(c)] [The name of the financial institution in which the trust is located;]

[(d)] [The account number of the trust within the financial institution;]

[(e)] [The consumer's name in which the trust was created;]

[(f)] [The original contract date on which the contract was entered;]

[(g)] [Whether the contract is irrevocable;]

[(h)] [The trust balance as of January 1;]

[(i)] [The amount of any additions which occurred during the last twelve (12) months;]

[(j)] [Any earnings which accrued during the last twelve (12) months;]

[(k)] [Any withdrawals from the trust, including trusts that were refunded, serviced, or converted; and]

[(l)] [The trust balance as of December 31.]

[Section 3.] [By midnight of March 31 following the end of the last twelve (12) months, the "Cemetery Company and Cemetery Merchandise Sellers Annual Report", CPN-1, shall be filed with the Attorney General. A report postmarked by that time shall be considered timely filed.]

[Section 4.] [Preneed Burial Contract Annual Report. The "Preneed Burial Contract Annual Report", Form CPN-2, as required by KRS 367.940(4) shall contain the following information:]

[(1)] [The licensee's name, preneed burial license number, location, and mailing address including city, state, and zip code;]

[(2)] [A statement certifying that this is a true and correct report of activity for the preceding year;]

[(3)] [A reconciliation of the preneed burial contract trust account containing information on the following:]

[(a)] [The beginning balance of the trust;]

[(b)] [All deposits placed in the trust, including:]

[1.] [All additions to existing contracts;]

[2.] [All new contract deposits; and]

[3.] [Earnings on all contracts;]

[(c)] [The total deposits in the trust;]

[(d)] [All withdrawals from the trust, including:]

[1.] [Total refunds and conversions in the trust; and]

[2.] [Total number of contracts serviced;]

[(e)] [The total withdrawals from the trust;]

[(f)] [Any unrealized gains or losses from market changes; and]

[(g)] [The ending balance in the trust;]

[(4)] [A dated and notarized signature of the individual completing the form, acknowledging that the information is an accurate accounting to the best of the signatory's knowledge, and that the signatory is authorized to complete the report; and]

[(5)] [A ledger containing the following information on all contracts entered into between a consumer and the preneed burial licensee which, as of December 31, have not been serviced or, during the last twelve (12) months, were serviced, refunded, or converted:]

[(a)] [The name of the firm placing the funds in trust;]

[(b)] [The signature of the individual preparing the ledger;]

[(c)] [The year for which the ledger is being completed;]

[(d)] [The name of the financial institution in which the trust is located;]

[(e)] [The account number of the trust within the financial institution;]

[(f)] [The consumer's name in which the trust was created;]

[(g)] [The original contract date on which the contract was entered;]

[(h)] [Whether the contract is irrevocable;]

[(i)] [The trust balance as of January 1;]

[(j)] [Any additions which occurred during the last twelve (12) months;]

[(k)] [Any earnings which accrued during the last twelve (12) months;]

[(l)] [Any withdrawals from the trust, including trusts that were refunded, serviced or converted; and]

[(m)] [The trust balance as of December 31.]

[Section 5.]

[(1)] [By midnight of March 31 following the preceding twelve (12) months, the Preneed Burial Contract Annual Report, CPN-2, shall be filed with the Attorney General. A report postmarked by that time shall be considered timely filed; and]

[(2)] [If a licensee filed an annual report that included a portion of the calendar year preceding the][effective date of this administrative regulation, the licensee shall file a new annual report for that][portion of the year that was not previously reported.]

[Section 6.] [Cemetery Presale and Preconstruction Project Application. The "Cemetery Presale/Preconstruction Project Application", Form CPN-3, shall contain the following information:]

[(1)] [The parent company name;]

[(2)] [The cemetery name;]

[(3)] [The project name and any internal project identification number which shall be used on all sales contracts;]

[(4)] [The cemetery telephone number;]

[(5)] [The cemetery location and address, including street address, post office box, city, county,][state, and zip code;]

[(6)] [The cemetery mailing address, including city, state, and zip code, if different from location;]

[(7)] [The date sales began or will begin on the project for which the application is being submitted;]

[(8)] [The name and address, including street address, city, state, and zip code, of the financial institution where the preconstruction trust fund will be held and account numbers for those trusts;]

[(9)] [If no preconstruction trust fund is being used, applicant is required to attach a bond issued by a surety company licensed to do business in Kentucky in an amount sufficient to cover all payments made by or on account of purchasers who have not received the purchased property and services and the bond numbers of the attached bond;]

[(10)] [An identification of the type of construction project for which the application is submitted, selecting from the following types:]

[(a)] [Mausoleum;]

[(b)] [Columbarium;]

[(c)] [Underground crypt; or]

[(d)] [Bank of underground crypts;]

[(11)] [The number and type of units to be sold;]

[(12)] [The gross selling price of the units;]

[(13)] [The date construction is scheduled to begin;]

[(14)] [The name of the contractor;]

[(15)] [A project cost estimate sheet and one (1) of the following:]

[(a)] [For mausoleum projects, a site plan showing exact dimensions of the construction site with scaled drawings of existing buildings or landmarks;]

[(b)] [For lawn crypt projects, a sales chart map which identifies each lot by number;]

[(16)] [The location of the project in the cemetery;]

[(17)] [The locations where temporary entombment or inurnment will be offered;]

[(18)] [Whether the applicant has any other preconstruction sales projects at the location and, if yes, the preconstruction sales project numbers and project names for each;]

[(19)] [If the applicant is eligible for self-construction pursuant to KRS 367.958(4), the following information:]

[(a)] [A certified statement regarding the projects the applicant has constructed in the past using primarily equipment owned by the entity and the applicant's own personnel with a minimum of subcontracting;]

[(b)] [The name of the construction company;]

[(c)] [The parts to be subcontracted;]

[(d)] [The cost of the subcontracted parts; and]

[(e)] [The name and address, including city, state and zip code, of subcontractors;]

[(20)] [A statement of compliance where the applicant signs and agrees to the following:]

[(a)] [To trust payments of money in compliance with Kentucky's cemetery and preneed funeral laws, KRS 367.932-367.974;]

[(b)] [That, under penalty of law, the information provided in the Cemetery Presale/Preconstruction Project Application, CPN-3, is true and accurate to the best of the applicant's knowledge;]

[(c)] [That the applicant will notify the Attorney General immediately of any change in the information provided in the Cemetery Presale/Preconstruction Project Application, CPN-3;]

[(d)] [That the applicant is not insolvent and has not conducted business in a fraudulent manner;]

[(e)] [That the applicant is duly authorized to do business in this state;]

[(f)] [That the registration, if granted, may be revoked in accordance with KRS Chapter 13B if the applicant violates any laws of Kentucky pertaining to trust funds or contracts or violates any administrative regulations of the Attorney General affecting those funds or contracts; and]

[(g)] [That the applicant is authorized to complete the Cemetery Presale/Preconstruction Project Application, CPN-3, on behalf of the cemetery company; and]

[(21)] [A dated and notarized signature of the applicant including the title or position held by the applicant].

[Section 7.] [Cemetery Registration Application. The "Cemetery Registration Application", Form CPN-4, shall contain the following information:]

[(1)] [The name of the cemetery;]

[(2)] [The mailing address of the cemetery, including the city, state, and zip code;]

[(3)] [The location of the cemetery, including the city, state, and zip code;]

[(4)] [The on-site telephone number of the cemetery;]

[(5)] [The total acreage that is developed;]

[(6)] [The total acreage that is undeveloped;]

[(7)] [The total acreage sold to date;]

[(8)] [An identification of any amenities used by the cemetery, including:]

[(a)] [Mausoleums;]

[(b)] [Crematory;]

[(c)] [Lawn crypts;]

[(d)] [Columbariums; and]

[(e)] [Scattering gardens;]

[(9)] [Whether any of the following additional services are offered:]

[(a)] [At-need;]

[(b)] [Preneed burial/funeral;]

[(c)] [Preneed cemetery merchandise; and]

[(d)] [Preconstruction;]

[(10)] [Information on all financial institutions holding the business bank accounts, including:]

[(a)] [The name and address, including city, state, and zip code; and]

[(b)] [The account numbers of the business bank accounts;]

[(11)] [Information on all financial institutions holding perpetual care and maintenance trust fund monies, including:]

[(a)] [The name and address, including city, state and zip code;]

[(b)] [The account number;]

[(c)] [The principal balance;]

[(d)] [The interest balance; and]

[(e)] [The total balance;]

[(12)] [Information on all financial institutions holding cemetery merchandise trust fund monies, including:]

[(a)] [The name and address, including city, state and zip code;]

[(b)] [The account number;]

[(c)] [The principal balance;]

[(d)] [The interest balance; and]

[(e)] [The total balance;]

[(13)] [Information on all financial institutions holding preneed burial contract trust fund monies, including:]

[(a)] [The name and address, including city, state and zip code;]

[(b)] [The account number; and]

[(c)] [The preneed burial license number;]

[(14)] [Information regarding mausoleum building on the cemetery premises, including:]

[(a)] [The number of crypts or niches;]

[(b)] [Whether all mausoleum crypts or niches sold have been constructed;]

[(c)] [If all mausoleum crypts and niches sold have not been constructed, the first date of the sale of the crypts and niches;]

[(d)] [If all mausoleum crypts and niches sold have not been constructed, the date construction began;]

[(e)] [If all mausoleum crypts and niches sold have not been constructed, the preconstruction sales permit number; and]

[(f)] [If all mausoleum crypts and niches sold have not been constructed, the number of crypts or niches remaining to be constructed;]

[(15)] [Information regarding underground or lawn crypts, including:]

[(a)] [Whether all underground or lawn crypts sold have been constructed;]

[(b)] [If all underground or lawn crypts sold have not been constructed, the number of crypts remaining to be constructed;]

[(c)] [If all underground or lawn crypts sold have not been constructed, the first date of the sale of crypts;]

[(d)] [If all underground or lawn crypts sold have not been constructed, the date construction began; and]

[(e)] [If all underground or lawn crypts sold have not been constructed, the preconstruction sales permit number;]

[(16)] [Whether the owning entity previously or currently operates one (1) or more cemeteries in any state other than Kentucky;]

[(17)] [If the owning entity has previously or currently operates one (1) or more cemeteries in any state other than Kentucky, the following information:]

[(a)] [The name of the cemetery;]

[(b)] [The address of the cemetery, including city, state and zip code; and]

[(c)] [The dates on which the cemetery was operated;]

[(18)] [If the applicant is an existing corporation, partnership, or sole proprietorship, the applicant shall attach a complete and detailed financial statement for the last three (3) years showing assets, liabilities, and reserves;]

[(19)] [If the applicant is a new corporation, partnership, or sole proprietorship, the applicant shall attach a complete and detailed financial statement including estimated receipts from all sources and estimated expenditures for the next two (2) years;]

[(20)] [If this is a stock sale, a Certificate of Good Standing from the Secretary of State shall be required;]

[(21)] [If the applicant is a corporation, the following information:]

[(a)] [The name of the parent corporation;]

[(b)] [The state of incorporation;]

[(c)] [The corporate headquarters mailing address, including city, state and zip code;]

[(d)] [The Kentucky business address, including city, state and zip code, if different than the cemetery address;]

[(e)] [The Kentucky business telephone number;]

[(f)] [The date of incorporation;]

[(g)] [The name of the resident process agent;]

[(h)] [The address of the resident process agent, including the city, state and zip code;]

[(i)] [The tax identification number; and]

[(j)] [The following information on each incorporator, principal stockholder owning ten (10) percent or more, director, officer and general manager:]

[1.] [Name;]

[2.] [Title or position;]

[3.] [Resident address, including city, state and zip code; and]

[4.] [Social Security number;]

[(22)] [If the applicant is a partnership, the following information;]

[(a)] [The name of each partner;]

[(b)] [The resident address, including city, state and zip code of each partner;]

[(c)] [The position held by each partner; and]

[(d)] [The Social Security number of each partner;]

[(23)] [If the applicant is a sole proprietorship, the following information:]

[(a)] [The name of the sole proprietor;]

[(b)] [The resident address, including city, state and zip code of the sole proprietor; and]

[(c)] [The Social Security number of the sole proprietor;]

[(24)] [If the applicant is a municipality, the following information:]

[(a)] [The name of the municipality;]

[(b)] [The address where the records are held, including city, state and zip code;]

[(c)] [The telephone number of the location where records are held;]

[(d)] [The name of the custodian of records; and]

[(e)] [The title of the custodian of records;]

[(25)] [A statement, signed by the applicant or applicants, which includes the following:]

[(a)] [The applicant agrees to deposit funds in compliance with Kentucky's cemetery and preneed laws, KRS 367.932-367.974;]

[(b)] [The applicant states, under penalty of law, that the information provided on the application is true to the best of the applicant's knowledge and that the applicant shall notify the Attorney General within sixty (60) days of any material change in the information provided on the application;]

[(c)] [The applicant is not insolvent, has not conducted business in a fraudulent manner, and that the applicant is duly authorized to do business in the Commonwealth of Kentucky;]

[(d)] [The applicant agrees that the registration, if granted, may be revoked in accordance with KRS Chapter 13B if the applicant violates any laws of Kentucky pertaining to trust funds or contracts or violate any administrative regulations of the Attorney General affecting those funds or contracts; and]

[(e)] [The signatory is authorized to complete this form on behalf of the applicant;]

[(26)] [The date on which the applicant completed the application;]

[(27)] [The signature of the applicant and the title or position held by the applicant; and]

[(28)] [For applicants applying for exemption consideration, the following information:]

[(a)] [The tax-exempt number;]

[(b)] [Whether the cemetery is owned by a religious group, private family burial ground, nonprofit organization, or sole proprietorship;]

[(c)] [The name of the cemetery;]

[(d)] [The location of the cemetery, including city, state and zip code;]

[(e)] [The total number of acres;]

[(f)] [The total number of acres plotted;]

[(g)] [The total number of graves;]

[(h)] [The total number of graves available;]

[(i)] [The total number of graves used;]

[(j)] [Whether spaces are provided to the general public;]

[(k)] [The current charge for one (1) grave space;]

[(l)] [The current charge for opening or closing the grave;]

[(m)] [An attached copy of any arrangements that have been made for perpetual care and][maintenance expenses, including any bylaws or trust agreements;]

[(n)] [A list of the names and addresses of those individuals who are responsible for the day-to-day operation of the cemetery, including those who make maintenance decisions, accept payments, plot spaces and keep records;]

[(o)] [Attach any articles of organization, bylaws, or other information concerning the responsibilities of these individuals, how they are elected or appointed, the terms that they serve, and the method of reporting the operation of the cemetery to the lot owners;]

[(p)] [An affidavit of exemption where the applicant certifies that the cemetery for which the application is made meets the qualifications for exemption provided in KRS 367.932(12), including:]

[1.] [The cemetery operates nonprofit;]

[2.] [The cemetery has no salaried employees, directors, officers, or managers other than maintenance caretakers;]

[3.] [The cemetery is owned and controlled by lot-owners; and]

[4.] [The cemetery does not sell any preneed merchandise or services;]

[(q)] [A statement that the applicant is authorized to sign the affidavit on behalf of the named cemetery and that if any of the statements should change, the applicant shall notify the Office of the Attorney General within thirty (30) days;]

[(r)] [The printed name of the applicant;]

[(s)] [The street address, city, state and zip code of the applicant; and]

[(t)] [A notarized signature of the applicant.]

[Section 8.] [The following documents shall accompany each cemetery registration application:]

[(1)] [A certified copy of the Articles of Incorporation, Articles of Partnership, or the partnership agreement;]

[(2)] [A copy of the bylaws;]

[(3)] [If a new cemetery, a certificate from the agency having jurisdiction over zoning matters stating that the property on which the cemetery is located is properly zoned for that purpose and the applicant has complied with all applicable zoning ordinances;]

[(4)] [A statement of the applicant's proposed plan of operation;]

[(5)] [If a foreign corporation, evidence of qualification to do business in Kentucky;]

[(6)] [A certified copy of the perpetual care trust agreement, cemetery merchandise trust agreement, preneed burial trust agreement, and preconstruction trust agreement; and]

[(7)] [If a new cemetery, proof of deposit of initial contribution to the perpetual care trust fund as required by KRS 367.952.]

[Section 9.] [Cemetery Company and Cemetery Merchandise Sellers Monthly Report. The "Cemetery Company and Sellers of Cemetery Merchandise Monthly Report", Form CPN-5, shall contain the following information:]

[(1)] [The name of the cemetery company or cemetery merchandise seller and the city in which it is located;]

[(2)] [The telephone number of the cemetery company or cemetery merchandise seller;]

[(3)] [The name of the financial institution holding the cemetery company or cemetery merchandise seller's funds;]

[(4)] [The registration number of the cemetery company or cemetery merchandise seller's account held by the financial institution;]

[(5)] [The preneed burial license number;]

[(6)] [The month for which the report is submitted;]

[(7)] [The signature of the individual completing the report; and]

[(8)] [The following information for all contracts entered between a consumer and the cemetery company or cemetery merchandise seller for the month for which the report is submitted:]

[(a)] [The date on which a contract was entered;]

[(b)] [The amount received on the contract;]
[(c)] [The consumer's name and address, including address, city, state and zip code;]
[(d)] [The number of items sold over and under $500 per consumer and in total for the month;]
[(e)] [The number of preneed funeral items sold per consumer and in total for the month;]
[(f)] [The number of preconstruction items sold per consumer and in total for the month;]
[(g)] [The number of preneed cemetery merchandise items sold per consumer and in total for the month;]
[(h)] [The administrative fees due per person per contract and in total for the month;]
[(i)] [The consumer security fees due per consumer and in total for the month; and]
[(j)] [The total fees submitted per consumer for the month and in total for the month.]

[Section 10.] [Preneed Merchandise Sellers Application. The "Preneed Merchandise Sellers Application", Form CPN-6, shall contain the following information:]
[(1)] [The applicant's name, including the funeral home, cemetery or business name;]
[(2)] [The following corporate information:]
[(a)] [The date of application;]
[(b)] [The state of incorporation;]
[(c)] [The corporate headquarters mailing address, including city, state and zip code;]
[(d)] [The Kentucky business address, including city, state and zip code;]
[(e)] [The Kentucky business telephone number;]
[(f)] [The date of incorporation;]
[(g)] [The name of the resident process agent;]
[(h)] [The address of the resident process agent, including city, state and zip code; and]
[(i)] [The applicant's tax identification number;]
[(3)] [For each of the applicant's incorporators, principal stockholders (one who owns a ten (10) percent or greater interest), directors, officers, and general managers, the following information shall be provided:]
[(a)] [Name;]
[(b)] [Title or position;]
[(c)] [Resident address, including city, state and zip code; and]
[(d)] [Social Security number;]
[(4)] [For applicants organized as a partnership, the following information shall be provided:]
[(a)] [The name of each partner;]
[(b)] [The position held by each partner; and]
[(c)] [The Social Security number of each partner;]
[(5)] [For applicants organized as a sole proprietorship, the following information shall be provided:]
[(a)] [The name of the sole proprietor; and]
[(b)] [The Social Security number of the sole proprietor;]
[(6)] [If this is a stock sale, a Certificate of Good Standing from the Secretary of State shall be attached to the Preneed Sellers Application;]
[(7)] [Applicants which are an existing corporation, partnership, or sole proprietorship shall include a complete and detailed financial statement for the past three (3) years showing assets, liabilities, and reserves;]
[(8)] [For an applicant that is a new corporation, the following information shall be provided:]
[(a)] [The amount of stock subscribed;]
[(b)] [The consideration for all stock issued;]
[(c)] [The amount of promotional stock involved; and]
[(d)] [To whom the promotional stock is issued;]
[(9)] [Applicants which are a new corporation, partnership or sole proprietorship shall include a complete and detailed financial statement including estimated receipts from all sources (including capitalization, sales, and loans) and estimated expenditures for the next two (2) years;]
[(10)] [For applicants or owning entities that sell preneed burial contracts at any other location or business in Kentucky, the following information shall be provided:]
[(a)] [The name of the business;]
[(b)] [The address of the business, including city, state and zip code; and]
[(c)] [The dates of business operation;]
[(11)] [For applicants or owning entities selling preneed burial contracts in other states within the United States, the following information shall be provided:]
[(a)] [The name of the business;]
[(b)] [The address of the business, including city, state and zip code; and]
[(c)] [The dates of business operation;]
[(12)] [The name of the funeral home, cemetery, or business selling preneed burial contracts;]
[(13)] [The mailing address, including city, state and zip code, of the funeral home, cemetery, or business selling preneed burial contracts;]
[(14)] [The location of the funeral home, cemetery or business selling preneed burial contracts;]
[(15)] [A letter attached to the Preneed Merchandise Sellers Application, Form CPN-6, from a financial institution that has agreed to hold the trust fund accounts for the applicant;]
[(16)] [The name, address (including city, state, and zip code) and account number of the financial institution holding the business bank account;]
[(17)] [Whether the applicant is going to solicit the sale of preneed burial contracts by a home solicitation program;]
[(18)] [Whether the applicant is familiar with Kentucky's Home Solicitation Sales Law, KRS 367.410-367.460;]
[(19)] [A statement, dated and signed by the applicant, where the applicant agrees to the following:]
[(a)] [Applicant shall deposit payments of money in compliance with Kentucky's cemetery and preneed funeral laws, KRS 367.932-367.974;]
[(b)] [Applicant states under penalty of law that all information given on the Preneed Merchandise Sellers Application is true and accurate to the best of the applicant's knowledge;]
[(c)] [Applicant shall notify the Attorney General immediately if any information given in the Preneed Merchandise Sellers Application changes;]
[(d)] [Applicant is not insolvent and has not conducted business in a fraudulent manner and is duly authorized to do business in this state;]
[(e)] [Applicant agrees that the preneed sales license, if granted, may be denied, suspended, or revoked in accordance with KRS 367.973;]
[(f)] [Applicant is authorized to complete the Preneed Merchandise Sellers Application, CPN-6, on behalf of the business; and]
[(20)] [The signature of all applicants, incorporators, principal stockholders owning ten (10) percent of total shares, directors, officers, and general managers associated with the corporation named herein or, if a sole proprietorship or partnership, by all owners or general partners, and the title of position held].

[Section 11.] [The following documents must accompany each cemetery registration application:]
[(1)] [A certified copy of the Articles of Incorporation, Articles of Partnership, or the partnership agreement;]
[(2)] [A copy of the bylaws;]
[(3)] [A statement of the applicant's proposed plan of operation;]
[(4)] [If a foreign corporation, evidence of qualification to do business in Kentucky; and]
[(5)] [A letter from the financial institution which has agreed to hold the trust fund account.]

[Section 12.] [Preneed Sellers Monthly Report. The "Preneed Burial Sellers Monthly Report",][Form CPN-7, shall contain the following information:]
[(1)] [The name of the preneed burial seller and city in which it is located;]

[(2)] [The month for which the report is submitted; and]
[(3)] [The following information for all contracts entered between a consumer and the preneed burial contract seller for the month for which the report is submitted:]
[(a)] [The date on which the contract was entered into between a consumer and the preneed burial contract seller;]
[(b)] [The name of the financial institution holding the consumer's funds;]
[(c)] [The address of the financial institution hold the consumer's funds, including city, state, and zip code;]
[(d)] [The amount received on the contract;]
[(e)] [The consumer's name and address;]
[(f)] [Whether the contract was irrevocable;]
[(g)] [The fee that was assessed for the individual contract; and]
[(h)] [The total fees collected for the month.]

[Section 13.] [Irrevocable Funeral Trust Agreement. The "Irrevocable Funeral Trust Agreement", Form CPN-8, shall contain the following information:]
[(1)] [The name and Social Security number of the beneficiary that has received, applied for, or intends to apply to be an aged, blind, or disabled recipient of benefits pursuant to the Federal Supplementary Security Income Program under Title XVI of the Social Security Act or other federal or state entitlement programs;]
[(2)] [An acknowledgement by the beneficiary that the money paid to the specified funeral home, intended to pay for funeral arrangements of the beneficiary pursuant to a prearranged funeral agreement, contract or plan and deposited by the funeral home, as agent, in a Kentucky bank, savings and loan, or credit union, as trustee, constitutes an irrevocable trust fund during the lifetime of the beneficiary and forms a part of the prearranged funeral agreement;]
[(3)] [An acknowledgement by the beneficiary or grantor that if, for any reason, the beneficiary or grantor fails to apply for entitlement benefits within thirty (30) days from this signing of this irrevocable funeral trust agreement, fails to receive, or otherwise becomes ineligible for entitlement benefits, the irrevocable funeral trust agreement shall become a revocable funeral trust agreement;]
[(4)] [An acknowledgement by the beneficiary or grantor that the irrevocable funeral trust agreement shall not affect the selection of funeral goods or services or the selection of the funeral home and that, at any time, the beneficiary or grantor of the irrevocable trust may, by written request to the funeral home (as agent) and bank (as trustee), change the agent, trustee, or both;]
[(5)] [The beneficiary or grantor acknowledges that by signing the irrevocable funeral trust agreement, the beneficiary or grantor gives authorization to the funeral home and the Attorney General, Commonwealth of Kentucky, to access the appropriate records to ensure compliance with KRS Chapter 367;]
[(6)] [The signature of the beneficiary or grantor;]
[(7)] [The name and address of the funeral home, including the city, state and zip code;]
[(8)] [The signature of an authorized representative of the funeral home; and]
[(9)] [The date on which the irrevocable funeral trust agreement is signed.]

Section 9.[Section 14.] Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "Cemetery Company and Preneed Cemetery Merchandise Seller Registration Application", Form CPN-1, Oct. 2025;
(b) "Cemetery Company and Preneed Cemetery Merchandise Seller Monthly Report", Form CPN-2, Oct. 2025;
(c) "Cemetery Company and Preneed Cemetery Merchandise Seller Annual Report with Appendix A", Form CPN-3, Oct. 2025;
(d) "Preconstruction Cemetery Project Sales Notice", Form CPN-4, Oct. 2025;
(e) "Local Government Cemetery Company Exemption Notice, Form CPN-5, Oct. 2025;
(f) "Non-Government Cemetery Company Exemption Application," Form CPN-6, Oct. 2025;
(g) "Cemeteries: Application portal", Oct. 2025;
(h) "Cemeteries: Monthly Report portal", Oct. 2025;
(i) "Cemeteries: Annual Report portal", Oct. 2025;
(j) "Cemeteries: Preconstruction Notice Form portal", Oct. 2025;
(k) "Cemeteries: Local Government Exemption Notice portal", Oct. 2025; and
(l) "Cemeteries: Non-Government Exemption Application portal", Oct. 2025;
[(a)] ["Sellers of Cemetery Merchandise and Cemetery Companies Annual Report", Form CPN-1, 11-02;]
[(b)] ["Preneed Burial Contract Annual Report", Form CPN-2, 11-02;]
[(c)] ["Cemetery Presale and Preconstruction Project Application", Form CPN-3, 11-02;]
[(d)] ["Cemetery Registration Application", Form CPN-4, 11-02;]
[(e)] ["Cemetery Company and Sellers of Cemetery Merchandise Monthly Report", Form CPN-5, 11-02;]
[(f)] ["Preneed Merchandise Sellers Application", CPN-6, 11-02;]
[(g)] ["Preneed Sellers Monthly Report", Form CPN-7, 11-02; and]
[(h)] ["Irrevocable Funeral Trust Agreement", Form CPN-8, 11-02.]
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, https://ag.ky.gov/Pages/default.aspx.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General
APPROVED BY AGENCY: October 14, 2025
FILED WITH LRC: October 15, 2025 at 8:30 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2025, at 2:00 p.m. Eastern Time at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify the Attorney General in writing at least 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 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 December 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: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress
Subject Headings: Attorney General, Embalmers and Funeral Directors; Cremation and Embalming; Cemeteries and Burials
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation prescribes the registration application form, reporting forms and other forms to be used by cemetery companies and preneed cemetery merchandise sellers, and provides or online application, reporting, and payment processes.
(b) The necessity of this administrative regulation: This regulation is necessary to provide the methods by which the Office of Attorney General ("Attorney General"), may perform its statutory mandates. The regulation is needed so that cemetery companies and preneed cemetery merchandise contract sellers can comply with statutory requirements.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to

promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law by law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.972 authorizes the Attorney General to promulgate administrative regulations to implement KRS 367.932 to 367.974 and 367.991. KRS 367.946, 367.952, 367.954, and 367.958 require the Attorney General to promulgate an administrative regulation to establish application forms, reporting forms, and other forms relating to cemetery companies and preneed cemetery merchandise contract sellers.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation prescribes the registration application forms, reporting forms, and other forms relating to cemetery companies and preneed cemetery merchandise contract sellers. This administrative regulation also provides for online application, reporting, and payment 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: This amendment makes changes to comply with KRS Chapter 13A drafting requirements. This amendment removes unnecessary language from the regulation as duplicative and already incorporated by reference in forms. The amendment updates the incorporated forms so that they are easier to understand and consistent in appearance. The amended regulation provides better notice about when regulated businesses must submit applications and reports. The amendment provides for online application, reporting and payment processes. The amendment exempts local governments operating cemeteries from unnecessary registration and reporting requirements if they provide notice to the Attorney General. The amendment creates an application for non-government persons to seek exemption from registration.
(b) The necessity of the amendment to this administrative regulation: The Attorney General needs to update regulations to conform to KRS Chapter 13A drafting requirements. The Attorney General also needs to update its regulation and forms to make both easier to be understood by regulated entities and consumers. The Attorney General also needs to modernize application, documentation and payment processes by providing for online processes.
(c) How the amendment conforms to the content of the authorizing statutes: As previously explained, KRS 15.180, 367.150(4), 367.972, 367.952, 367.954, and 367.958 authorize the administrative regulation amendments.
(d) How the amendment will assist in the effective administration of the statutes: The regulation amendments will cause the regulation to be more easily understood by regulated entities and consumers. The regulation amendments will provide online application, reporting and payment processes for regulated entities and cause the forms used by regulated entities to be more easily understood and completed.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation amendment affects approximately two hundred and seventy (270) registered cemetery companies and preneed cemetery merchandise contract sellers, approximately eighty (80) local governments operating cemeteries, the Attorney General, and unknown future applicants.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Future applicants will be required to use either the online application processes or the new application form incorporated into this regulation. Registered cemetery companies and preneed cemetery merchandise contract sellers will be required to use the incorporated online processes or new forms incorporated into this regulation. Local governments operating cemeteries may use the incorporated online process or new form. Attorney General staff will review and process the new online submissions and new forms for compliance with law.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Registered cemetery companies and preneed cemetery merchandise contract sellers will bear no additional costs as they will be able to use online application and report processes and download the new forms from the Attorney General's website at no cost. Local governments operating cemeteries will have no additional costs. The Attorney General will have no additional costs to review the new online submissions or new forms.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulation amendments are intended to make the regulations and forms be more easily understood and completed. The online application, reporting and payment processes will make it easier for applicants and regulated entities to apply and provide required reports and documentation. Local governments operating cemeteries will benefit by being relieved of unnecessary registration and reporting requirements if they provide notice. In addition, it is intended that the regulation amendments will result in saved administrative resources and time and provide quicker processing time by Attorney General staff.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs to implement this administrative regulation amendment.
(b) On a continuing basis: There are no continuing costs to implement this administrative regulation amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There are no additional costs associated with implementing this administrative regulation amendment, so no funding is needed.
(8) 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 anticipated increase in fees or funding necessary to amend this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation amendment does not directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? No. This regulation amendment applies equally to all cemetery companies and preneed cemetery merchandise sellers.

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 15.180, 367.150(4), 367.972, 367.952, 367.954, and 367.958
(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 amendment was expressly authorized by 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 1984 Ky. Acts ch. 116, sec. 23.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies. (b) Estimate the following for each affected state unit, part, or division in (3)(a):
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There are no expenditures to administer this administrative regulation amendment for the first year.
For subsequent years: There will be no expenditures to administer the administrative regulation amendment in subsequent years.
2. Revenues:
For the first year: The administrative regulation amendment will generate no revenues to the Attorney General in the first year.

Application fees referenced in this regulation were established by statute.
For subsequent years: The administrative regulation amendment will generate no revenues to the Attorney General in subsequent years.
3. Cost Savings:
For the first year: In the first year, the Attorney General will have cost savings through adopted online processes in the regulation amendment which are difficult to estimate at this time but estimated to be de minimis.
For subsequent years: In subsequent years, the Attorney General will have cost savings through adopted online processes which are difficult to estimate at this time but estimated to be de minimis.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation amendment 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: This administrative regulation amendment will not cause expenditures by local entities for the first year.
For subsequent years: This administrative regulation amendment will not cause expenditures by local entities in subsequent years.
2. Revenues:
For the first year: Local entities will receive no revenues from this administrative regulation amendment for the first year.
For subsequent years: Local entities will receive no revenues from this administrative regulation amendment in subsequent years.
3. Cost Savings:
For the first year: Local entities will receive no cost savings from this administrative regulation amendment for the first year.
For subsequent years: Local entities will receive no cost savings from this administrative regulation amendment in subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): licensed cemetery companies and preneed cemetery merchandise contract sellers will be affected by this administrative regulation amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation amendment will not cause applicants and licensed crematory authorities to have any additional expenditures for the first year.
For subsequent years: This administrative regulation amendment will not cause applicants and licensed cemetery companies and preneed cemetery merchandise contract sellers to have any additional expenditures for the first year.
2. Revenues:
For the first year: Applicants and licensed cemetery companies and preneed cemetery merchandise contract sellers will not receive any revenues from this administrative regulation amendment for the first year.
For subsequent years: Applicants and licensed cemetery companies and preneed cemetery merchandise contract sellers will not receive any revenues from this administrative regulation amendment for the first year.
3. Cost Savings:
For the first year: For the first year, applicants and licensed cemetery companies and preneed cemetery merchandise contract sellers will receive cost savings from online processes provided by this administrative regulation amendment which are difficult to estimate at this time but estimated to be de minimis.
For subsequent years: For subsequent years, applicants and licensed cemetery companies and preneed cemetery merchandise contract sellers will receive cost savings from online processes provided by this administrative regulation amendment which are difficult to estimate at this time but estimated to be de minimis.
(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 amendment will have no fiscal impact. The regulation amendment creates online application and reporting processes for businesses and does not affect other governmental agencies or local governments. The registration fees received by the Attorney General under this regulation are established by statute, not the regulation amendment. For these reasons, the regulation amendments are not expected to have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources in determining the 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(14): There is not an expected "major economic impact" from this regulation amendment for the Attorney General, any local entities, or affected regulated entities.
(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources in reaching the conclusion that no overall negative or adverse major economic impact results from this administrative regulation.

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(Amendment)

40 KAR 12:130. Crematory authorities~~[Cremation forms]~~ and inspections.

RELATES TO: KRS 213.081, 213.098, 367.93103, 367.93105, 367.93115, 367.93117, 367.97501, 367.97504, 367.97507, 367.97511, 367.97514, 367.97517, 367.97521, 367.97524, 367.97527, 391.010
STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.97501, 367.97504, 367.97534
CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.97501 and 367.97504 require the Attorney General to promulgate an administrative regulation to establish an application for a crematory authority license and report forms. KRS 367.97524 requires crematory authorities to obtain signed cremation authorization forms before conducting any cremations. KRS 367.97534(5) authorizes the Attorney General to promulgate administrative regulations necessary to carry out the provisions of KRS 367.97501 to 367.97537, pertaining to crematory authorities. This administrative regulation prescribes the license application form, and other forms, to be used by crematory authorities~~.~~, and provides for online application and submission processes. This administrative regulation establishes the records and information that shall be retained by crematory authorities and permits crematory inspections by the Attorney General.

Section 1. Crematory Authority License Application Form.
(1) The Attorney General must approve an applicant's crematory authority license application before the applicant may cremate human remains in the Commonwealth of Kentucky. An applicant shall submit an online license application using the "Crematory Authority license application portal" available at https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crematories.pdf.
(2) If unable to complete an online application, an applicant shall complete and submit a Crematory Authority License Application, Form CR-5, to the Attorney General's office and submit:
~~[(1)]~~ ~~[An applicant for a crematory authority license shall complete and submit a Crematory Authority License Application,~~

~~Form CR-5, to the Office of Attorney General before commencing business.~~]

[~~(2)~~)] [~~An applicant for a crematory authority license shall submit with each Crematory Authority License Application, Form CR-5~~]:

(a) Payment of the $100 registration fee;

(b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and

(c) A completed Preneed Funeral and Burial Contract Seller License[~~Merchandise Sellers~~] Application, Form PNBL-1[~~CPN-6 Form~~], as incorporated by reference in 40 KAR 12:120, when[~~if~~] the applicant intends to sell preneed burial contracts.

(3) Applicants shall complete or submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any application if an Applicant fails to timely complete the application by not paying the application fee or provide requested missing information or required documents.

Section 2. Cremation Authorization Form.

(1) A licensed crematory authority shall complete and keep a Cremation Authorization, Form CR-1, for every cremation of human remains it has performed.

(2) A licensed crematory authority shall attach to the Cremation Authorization, Form CR-1, for authorizing agents for cremation, if applicable:

(a) An original Funeral Planning Declaration, Form FPD-1, as incorporated by reference in 40 KAR 12:100;

(b) An original discontinued Preneed Cremation Authorization, Form CR-3, executed prior to July 15, 2016; and

(c) An original U.S. Department of Defense form, Record of Emergency Data, DD Form 93, or a successor form adopted by the United States Department of Defense.

Section 3. Crematory Annual Report Form.

(1) On or before March 31 of each year, a[~~A~~] licensed crematory authority shall complete and submit an annual report[~~a Crematory Authority Annual Report, Form CR-2,~~]to the Attorney General for each prior calendar year beginning January 1 and ending December 31.

(2) A licensed crematory authority shall submit its annual report using the "Crematory Authority Annual Report portal" available at https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crematories.pdf.

(3) If unable to submit an online report, a licensed crematory authority may complete and submit a[~~The completed~~] Crematory Authority Annual Report, Form CR-2, [~~shall be filed with~~]to the Attorney General's office[~~Office by March 31 of the year following the calendar year reported.~~]

[~~(3)~~)] [~~A licensed crematory authority shall submit with the Crematory Authority Annual Report, Form CR-2,~~]and submit the[a] ten (10) dollar annual registration fee.

Section 4. Statement of Supervision Form.

(1) A licensed crematory authority shall[~~complete and~~] submit a Statement of Supervision to the Attorney General[~~for Registered Crematory Retort Operators, Form CR-4,~~] for each trained retort operator before permitting the trained operator to operate a retort. A licensed crematory operator shall submit an online statement using the "Statement of Supervision for Registered Crematory Retort Operators portal" available at https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crematories.pdf.

(2) If unable to submit an online statement, a licensed crematory authority shall complete and submit a Statement of Supervision for Registered Crematory Retort Operators, Form CR-4, to the Attorney General's office.

Section 5. Required Records of the Crematory Authority. To comply with KRS 367.97504(5), a crematory authority shall keep and maintain the following records for all cremations occurring within the prior ten (10) years:

(1) The original or a copy of the completed Cremation Authorization, Form CR-1;

(2) Any discontinued Preneed Cremation Authorization, Form CR-3 completed and executed prior to July 15, 2016; and

(3) Any Funeral Planning Declaration, Form FPD-1 as incorporated by reference in 40 KAR 12:100.

Section 6. Inspection of Crematory Authorities. The Attorney General may conduct announced and unannounced inspections of the applicant's and a licensed crematory authority's premises during normal business hours to review records and ensure compliance with KRS 367.97501 to 367.97537 and related administrative regulations. An applicant and a licensed crematory authority shall permit these inspections and make all requested records readily available to the Attorney General upon request.

Section 7. Material Changes in Application and Reports. Material Changes in Application and Reports. A licensed crematory authority shall notify the Attorney General in writing within fourteen (14) days of any material change in the information provided in its applications or reports.

Section 8. Human Remains of Deceased Pregnant Mother. A licensed crematory may cremate the remains of a deceased pregnant woman together with the fetal remains of her unborn child or children within the same cremation chamber. Completion of a Cremation Authorization, Form CR-1 authorizing cremation of the deceased pregnant woman shall also authorize cremation of her unborn child or children.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Cremation Authorization", Form CR-1, Oct. 2025[~~Oct. 2022~~];

(b) "Crematory Authority Annual Report", Form CR-2, Oct. 2025[~~Oct. 2022~~];

(c) "Statement of Supervision for Registered Crematory Retort Operators", Form CR-4, Oct. 2025[~~Oct. 2022~~]; [~~and~~]

(d) "Crematory Authority License Application", Form CR-5, Oct. 2025;[~~Oct. 2022.~~]

(e) "Crematory Authority license application portal", Oct. 2025;

(f) "Crematory Authority Annual Report portal", Oct. 2025; and

(g) "Statement of Supervision for Registered Crematory Retort Operators portal", Oct. 2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East[~~Office of Consumer Protection,~~] 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Office's Web site, https://ag.ky.gov/Pages/default.aspx.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: October 14, 2025

FILED WITH LRC: October 15, 2025 at 8:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on December 23, 2025, at 2:00 p.m. Eastern Time at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Office in writing at least 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 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 December 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: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress
Subject Headings: Attorney General, Embalmers and Funeral Directors; Cremation and Embalming; Cemeteries and Burials
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation prescribes the license application form, annual report, cremation authorization form, and crematory retort training report to be used, kept, and filed by crematory authorities and provides for online applications and submission processes. This administrative regulation establishes the records and information to be retained by crematory authorities and establishes guidelines for crematory inspections.
(b) The necessity of this administrative regulation: This regulation is necessary to provide the methods by which the Office of Attorney General ("Attorney General") may perform its statutory obligations. The regulation is needed so that crematory authorities can comply with statutory requirements.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.97501 and 367.97504 require the Attorney General to promulgate an administrative regulation to establish an application for a crematory authority license and annual reports. KRS 367.97534(5) authorizes the Attorney General to promulgate administrative regulations necessary to carry out the provisions of KRS 367.97501 to 367.97537, pertaining to crematory authorities. KRS 367.97524(1) requires crematory authorities to possess signed cremation authorization forms before accepting or cremating any human remains.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation prescribes the license application form, annual report, cremation authorization form, and crematory retort training report to be used, kept, and filed by crematory authorities, establishes the records and information that shall be retained by crematory authorities, establishes guidelines for inspection of those records and crematories, and provides for online application, reporting and payment 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: Through this amendment, the Attorney General adopts updated forms and provides for online application, reporting and payment processes for applicants and regulated entities.
(b) The necessity of the amendment to this administrative regulation: The Attorney General needs to modernize application and documentation processes by providing for online processes. The forms need to be updated to reflect regulating entity. The crematory authorization form needs to be updated to improve identification of fetal remains and correct referenced paragraph numbers therein.
(c) How the amendment conforms to the content of the authorizing statutes: As previously explained, KRS 15.180, 367.150(4), 367.97501, 367.97504, and 367.97534(5) authorize the administrative regulation amendments.
(d) How the amendment will assist in the effective administration of the statutes: The regulation amendments will cause the cremation authorization form to improve decedent remains identification and provide for modern online application, reporting and payment processes.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation amendment affects forty-six (46) licensed crematory authorities, individuals desiring to have human remains cremated, and the Attorney General.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Licensed crematory authorities will be required to use the new online processes or new forms incorporated into this regulation. Attorney General staff will review the new online submissions and new forms for compliance with law.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Licensed crematory authorities will have no additional costs. They will be able to download the new forms from the Attorney General's website at no cost and use online application and reporting processes at no cost. The Attorney General will have no additional costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulation amendments are intended to make remove confusion about the incorporated form to better mirror statutory language. The online application, reporting and payment processes will make it easier for applicants and regulated entities to apply and provide required reports and documentation. In addition, it is intended that the regulation amendments will result in saved administrative resources and time and provide quicker processing time by Attorney General staff through online processes.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no costs to implement this administrative regulation amendment.
(b) On a continuing basis: There are no continuing costs to implement this administrative regulation amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There are no additional costs associated with implementing the administrative regulation amendments, so no funding is needed.
(8) 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 anticipated increase in fees or funding necessary to implement this administrative regulation amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation amendment does not directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? No. This administrative regulation applies equally to all crematory authorities.

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 15.180, 367.150(4), 367.97501, 367.97504, and 367.97534(5)
(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 amendment was expressly authorized by 1960 Ky. Acts ch. 68, Art. II, sec. 1, effective March 17, 1960; 1972 Ky. Acts ch. 4, sec. 4; and 1994 Ky. Acts ch. 140, sec. 2, effective July 15, 1994.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies. (b) Estimate the following for each affected state unit, part, or division in (3)(a):
(b) Estimate the following for each affected state unit, part, or division

identified in (3)(a):
1. Expenditures:
For the first year: There are no expenditures to administer this administrative regulation amendment for the first year.
For subsequent years: There will be no expenditures to administer the administrative regulation amendment in subsequent years.
2. Revenues:
For the first year: The administrative regulation amendment will generate no revenues to the Attorney General in the first year. Application and report fees referenced in this regulation were established by statute.
For subsequent years: The administrative regulation amendment will generate no revenues to the Attorney General in subsequent years.
3. Cost Savings:
For the first year: In the first year, the Attorney General will have cost savings through adopted online processes in the regulation amendment which are difficult to estimate at this time but estimated to be de minimis.
For subsequent years: In subsequent years, the Attorney General will have cost savings through adopted online processes which are difficult to estimate at this time but estimated to be de minimis.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation amendment 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: This administrative regulation amendment will not cause expenditures by local entities for the first year.
For subsequent years: This administrative regulation amendment will not cause expenditures by local entities in subsequent years.
2. Revenues:
For the first year: Local entities will receive no revenues from this administrative regulation amendment for the first year.
For subsequent years: Local entities will receive no revenues from this administrative regulation amendment in subsequent years.
3. Cost Savings:
For the first year: Local entities will receive no cost savings from this administrative regulation amendment for the first year.
For subsequent years: Local entities will receive no cost savings from this administrative regulation amendment in subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Applicants and licensed crematory authorities will be affected by this administrative regulation amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation amendment will not cause applicants and licensed crematory authorities to have any additional expenditures for the first year.
For subsequent years: This administrative regulation amendment will not cause applicants and licensed crematory authorities to have any additional expenditures for the first year.
2. Revenues:
For the first year: Applicants and licensed crematory authorities will not receive any revenues from this administrative regulation amendment for the first year.
For subsequent years: Applicants and licensed crematory authorities will not receive any revenues from this administrative regulation amendment for the first year.
3. Cost Savings:
For the first year: For the first year, applicants and licensed crematory authorities will receive cost savings from online application and reporting processes provided by this administrative regulation amendment which are difficult to estimate at this time but estimated to be de minimis.
For subsequent years: For subsequent years, applicants and licensed crematory authorities will receive cost savings from online application and reporting processes provided by this administrative regulation amendment which are difficult to estimate at this time but estimated to be de minimis.
(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 amendment will have no fiscal impact. The regulation amendment updates forms and creates online application, reporting, and payment processes for businesses and does not affect other governmental agencies or local governments. The licensee and report fees received by the Attorney General under this regulation are established by statute, not the regulation amendment. For these reasons, the regulation amendments are not expected to have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources in determining the 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(14): There is not an expected "major economic impact" from this regulation amendment for the Attorney General, any local entities, or affected regulated entities.
(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources in reaching the conclusion that no overall negative or adverse major economic impact results from this administrative 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.

KENTUCKY COMMISSION ON HUMAN RIGHTS
(Amendment)

104 KAR 1:010. Posting, distribution and availability of notices and pamphlets.

RELATES TO: KRS 344.010, 344.030, 344.130, 344.190, 344.367
STATUTORY AUTHORITY: KRS 13A.100, 344.190(14)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 344.190(14) requires the Kentucky Commission on Human Rights to promulgate administrative regulations to effect the purposes of KRS Chapter 344, including requiring the posting of notices prepared or approved by the commission. This administrative regulation establishes requirements for persons defined in KRS 344.010, 344.030, 344.130, and 344.367, to post, distribute, and make available notices and pamphlets.

Section 1. Equal Employment Opportunity Notices.
(1) An employer, employment agency, licensing agency, and labor organization, shall post and maintain at its establishment equal employment opportunity notices such as the Equal Employment Opportunity Poster.
(2) Equal employment opportunity notices shall be posted and shall be readily apparent to an employee and applicant for employment. They shall be posted:
(a) In easily-accessible and well-lighted places; and
(b) At or near each location where the employee's services are performed.
(3) A Labor organization shall post "equal employment opportunity" notices in easily-accessible and well-lighted places. The notices shall be readily apparent to member and an applicant for membership.

Section 2. Public Accommodations Welcome Notice.
(1) An owner, lessee, proprietor, or manager of a place of public accommodation, resort, or amusement, shall post and maintain at a

place of public accommodation, resort, or amusement welcome notices such as the Public Accommodations Poster.

(2) Public accommodation welcome notices shall be posted where they may be readily observed by those seeking or granting any of the accommodations, advantages, facilities, or privileges of places of public accommodations, resort, or amusement.

Section 3. Equal Housing Opportunity Notices.

(1) A person or business entity engaged in a real estate or real estate-related transaction shall post and maintain at each location where services are regularly performed, the equal housing opportunity notices such as the Fair Housing Poster.

(2) Equal housing opportunity notices shall be posted at each location where services are regularly performed, in an easily-accessible and well-lighted place. The notice shall be readily apparent to a person seeking services.

Section 4. Fair Housing Law Brochure. A person or entity engaged in real estate or real estate-related transactions shall provide to owners and customers at the time of sale, purchase, rental, insuring, or financing of real property, a copy of the Fair Housing Brochure.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Equal Employment Opportunity Poster", August 2025;[~~January 2024;~~]

(b) "Public Accommodations Poster", August 2025;[~~January 2024;~~]

(c) "Fair Housing Poster", August 2025;[~~January 2024;~~] and

(d) "Fair Housing Brochure", August 2025.[~~January 2024.~~]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law,[~~f~~]at the Office of the Kentucky Commission on Human Rights, 312 Whittington Parkway, Suite 020, Louisville, Kentucky 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m.; or from the Kentucky Commission on Human Rights website[~~Web site~~] at https://kchr.ky.gov/Resources/Pages/Brochures-and-Posters.aspx.

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

RAYMOND M. BURSE, Chair

APPROVED BY AGENCY: September 18, 2025

FILED WITH LRC: September 19, 2025 at 12:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 22, 2025, at 10:00 a.m. Eastern Time at the office of the Kentucky Commission on Human Rights, 312 Whittington Parkway, Suite 020, 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 December 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: Colt C. Sells, Staff Attorney Manager/Assistant General Counsel, Kentucky Commission on Human Rights, 312 Whittington Parkway, Suite 020, Louisville, Kentucky 40222, phone (502) 764-2757, email colt.sells@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Colt C. Sells

Subject Headings: Human Rights Commission, Boards and Commissions, Real Estate

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation requires employers, labor organizations, public accommodations, real estate operators, and real estate brokers to post notices stating that they provide equal opportunities as required by KRS 344.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because, pursuant to KRS 344.190, it establishes notice standards and procedures enforced by the Kentucky Commission on Human Rights.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 344.190(14) authorizes the Kentucky Commission on Human Rights "To adopt, promulgate, amend, and rescind regulations to effectuate the purposes and provisions of [KRS 344], including regulations requiring the posting of notices prepared or approved by the commission." This regulation relates to the posting of notices.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently assists in the administration of KRS 344 by requiring employers, labor organizations, public accommodations, real estate operators, and real estate brokers to post notices stating that they provide equal opportunities in compliance with KRS 344.

(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 names and the content of material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to ensure real estate operators and real estate brokers can find and post the correct notices as required under KRS 344.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 344.190(14) authorizes the Kentucky Commission on Human Rights "To adopt, promulgate, amend, and rescind regulations to effectuate the purposes and provisions of [KRS 344], including regulations requiring the posting of notices prepared or approved by the commission." This regulation relates to the posting of notices.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation is necessary to ensure real estate operators and real estate brokers can find and post the correct notices as required under KRS 344.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation applies to all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Regulated entities must post notices stating their compliance with the provisions of KRS 344.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No costs are imposed by this amendment. The notices are provided for free by the Kentucky Commission on Human Rights, as stated in the regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with this regulation will ensure fair and equal treatment for all Kentuckians in places of public accommodation, housing, and employment, as already required by KRS 344.

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

(a) Initially: The expected cost to implement this administrative regulation initially is nominal.

(b) On a continuing basis: The expected cost to implement this administrative regulation on a continuing basis is nominal.

(7) What is the source of the funding to be used for the implementation

and enforcement of this administrative regulation or this amendment: Funds from the budget of the Kentucky Commission on Human Rights will be used for the implementation and enforcement of this regulation.
(8) 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 or funding is not anticipated to be necessary by the change this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not used in this administrative regulation, as this regulation will apply to all those subject to KRS 344 throughout all of the counties of the Commonwealth.

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 regulation is authorized by KRS 344.190.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This regulation is authorized by KRS 344.190.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Commission on Human Rights. This administrative regulation applies to all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344.
(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 applies to all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344.
(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): This administrative regulation applies to all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344.
(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: This administrative regulation requires all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344, to post and make available certain written materials provided by the Kentucky Commission on Human Rights, thus there is no fiscal impact created by 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(14): This administrative regulation will have no economic impact on any of the entities identified in (3)(a), (4)(a), and (5)(a), thus it will not have combined implementation and compliance cost of more than five hundred thousand dollars ($500,000) over any two (2) year period.
(b) The methodology and resources used to reach this conclusion: This administrative regulation requires all individuals, businesses, or state and local governments subject to KRS 344, which includes all "employers," "employment agencies," "labor organizations," "employees," "public accommodations," "real estate operators," and "real estate brokers" as defined by KRS 344, to post and make available certain written materials provided by the Kentucky Commission on Human Rights, thus there is no fiscal impact created by this regulation.

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. 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.

GENERAL GOVERNMENT CABINET
Kentucky Board of Examiners of Psychology
(Amendment)

201 KAR 26:155. Licensed psychologist: application procedures and temporary license.

RELATES TO: KRS 319.050
STATUTORY AUTHORITY: KRS319.032(1) (a), (c)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (c) require the board to promulgate administrative regulations establishing the requirements for an applicant for licensure as a psychologist. This administrative regulation establishes the requirements for applicants for licensure and the conditions for a temporary license.

Section 1. Application.
(1) After the requirements established in KRS 319.050(2) are met, an application for a credential as a licensed psychologist or a temporarily licensed psychologist may be submitted to the board, to

an online application management system contracted by the board for the purposes of application screening, or as the board directs.

(2) The application made to the board or to the online application management system shall include:

(a) A certification by the applicant that the:

1. Information in the application is true, correct, and complete to the best of their knowledge and belief; and

2. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification.

(b) Payment of the application fee, which shall be:

1. Made payable to the Kentucky State Treasurer if the application is processed through the board; or

2. Made to the online application management system as directed by the board.

(c) Three (3) recommendations from persons qualified to evaluate the applicant's professional ability within five (5) years from the date of application, including two (2) persons who have received a doctorate in psychology (Ph.D., PsyD., Ed.D.). The recommendations shall be submitted on the Recommendation Form for Licensure as a Psychologist; and

(d) An official transcript for all levels of education required for licensure. Transcripts shall be received in sealed envelopes or electronically directly from the school or a third-party clearinghouse.

Section 2. Temporary Licensure.

(1) Pending successful completion of required examinations, an applicant may request permission to practice psychology at the doctoral level on a temporary basis pursuant to KRS 319.050(3). The request for a temporary credential shall be cosigned by the candidate and the proposed supervisor, who shall be a licensed psychologist with health service provider certification approved by the board.

(2) Supervision during the period of temporary licensure shall be a minimum of one (1) hour of individual, face-to-face supervision on a weekly basis.

(3) A report of supervision shall be submitted on a regular basis as required by 201 KAR 26:171, Section 6.

(4) The candidate shall take the national EPPP within one (1) year of the board's written approval of temporary licensure.

(5)

(a) A temporary license shall be valid for one (1) year from the date of the notice of approval by the board.

(b) During the period of temporary licensure, a candidate shall:

1. Successfully complete all credentials and examination procedures;

2. Pass the EPPP; and

3. Pass the Kentucky examinations as outlined in 201 KAR 26:230, Section 1(2), within one (1) year of the date of the notice of approval by the board for a temporary license.

(6)

(a) Under exceptional circumstances and upon written request cosigned by the board approved supervisor, the board may approve an extension of the period of temporary licensure.

(b) If a temporary licensee requires an extension after one (1) year, the licensee may request a six (6) month extension.

(c) After the six (6) months, a second extension may be requested for an additional six (6) months.

(d) After a total of two (2) years of temporary licensure, the licensee may request a second temporary license following the steps in this section.

(e) If after two (2) years on the second temporary license another extension is requested, the licensee may request a third temporary license following the steps in this section.

(f) Licensees shall not exceed a total of six (6) years of extensions for all temporary licenses nor hold a temporary license for longer than six (6) years.

(g) All extensions are provided by the board at the board's discretion.

(h) A licensee shall submit a completed Request for Extension of Temporary Licensure as a Psychologist to request an extension.

Section 3.

(1) An individual who submits an Application for Licensure as a Psychologist and has been approved by another state to take the EPPP shall submit:

(a) The official notice of the results of the EPPP from the state psychology regulatory board that approved the applicant to take the EPPP; or

(b) A request to ASPPB to release the results of the EPPP to the board and notify the board of the submission of the request.

(2) The applicant shall submit the official notice or notification of the request to ASPPB to the board within thirty (30) days of taking the examination.

Section 4. Grace Period for Submission of Credentials. To allow for processing of the candidate's materials by the board, there shall be a grace period not to exceed ninety (90)[~~sixty (60)~~] days within which candidates who have completed their degree requirements may begin to practice psychology under supervision of a board-approved supervisor, as established in 201 KAR 26:190.

(1) Upon acceptance of employment or the beginning of the required period of supervision, the candidate and the licensed psychologist who shall serve as his or her supervisor shall immediately submit a letter of notice to the board indicating that he or she has begun to practice in Kentucky and that application materials are forthcoming. Failure to submit this notice shall be deemed as grounds for disciplinary action against the candidate and the supervisor.

(2) The candidate shall ensure that all materials are forwarded to the board within thirty (30) days from the date of employment or supervision. Once the application is complete, the board shall review the material at its next scheduled meeting and, if appropriate, issue either a temporary or permanent credential. If the candidate does not meet the requirements for the credential, or if the application material is insufficient to take any action, he or she shall be notified by the board and directed to cease practice until the requirements are met or the necessary documentation has been submitted.

(3) The grace period shall not be extended beyond ninety (90)[~~sixty (60)~~] days. Candidates who fail to achieve approval within this timeframe shall not practice psychology until credentialed by the board.

(4) Upon filing the notice set forth in Section 3(1) of this administrative regulation, the candidate is deemed to be practicing psychology under the jurisdiction of the board, and shall comply with KRS Chapter 319 and 201 KAR Chapter 26.

Section 5. Incomplete Application. An incomplete application shall be determined to be expired one (1) year from the date of filing, and may be destroyed.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Licensure as a Psychologist", October 2025[~~2021~~];

(b) "Recommendation Form for Licensure as a Psychologist", October[~~March~~]2025[~~2021~~]; and

(c) "Request for Extension of Temporary Licensure as a Psychologist", October[~~March~~]2025[~~2021~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the Board's Web site and the address is: https://psy.ky.gov.

HARWELL SMITH, Ph. D., Chair

APPROVED BY AGENCY: October 15, 2025

FILED WITH LRC: October 15, 2025 at 10:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on December 22, 2025 at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on December 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: Mark R. Brengelman, Board Counsel, Kentucky Board of Examiners of Psychology, 306 W. Main St., Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman
Subject Headings: Licensing, Occupations and Professions, and Psychological Services.
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for applicants for licensure and the conditions for a temporary license.
(b) The necessity of this administrative regulation: This regulation is necessary to comply with the provisions of 319.032(1)(a) and (c).
(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 requirements for applicants for licensure and the conditions for a temporary license.
(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 effectuating the requirements of KRS 319.032(1)(a) and (c).
(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 change the administrative regulation by extending the existing grace period for review of credentials from sixty (60) days to ninety (90) days.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to allow the board adequate time to review submitted credentials.
(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the requirements for applicants for licensure and the conditions for a temporary license.
(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by assuring that the board has adequate time to review submitted materials.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect approximately 50-100 applicants for licensure per year.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Affected individuals will not have to take any action.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no costs to the affected individuals.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants will be benefitted by the board having sufficient time to review submitted material.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no additional cost to implement this regulation.
(b) On a continuing basis: There will be no additional cost to implement this regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicants.
(8) 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 required to implement this regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation amendment does not establish new fees or increase any existing fees.
(10) TIERING: Is tiering applied? Tiering is not applied as the regulation applies equally to all regulated individuals.

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 319.032(1)(a) and (c).
(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 319.032(1)(a) and (c).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology is the promulgating agency. No other state units, parts or divisions are affected.
(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): No local entities are affected.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
2. Revenues:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
3. Cost Savings:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
(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. No entities are identified.
For subsequent years: None. No entities are identified.
2. Revenues:
For the first year: No entities are identified.
For subsequent years: No entities are identified.
3. Cost Savings:
For the first year: No entities are identified.
For subsequent years: No entities are identified.
(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: This administrative regulation amendment does not establish fees, does not raise or lower fees, and has no costs associated with it.
(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(14): This administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation amendment does not establish fees, raise or lower fees, and has no costs associated with it.

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.

GENERAL GOVERNMENT CABINET
Kentucky Board of Examiners of Psychology
(Amendment)

201 KAR 26:171. Requirements for clinical supervision.

RELATES TO: KRS 319.032(1)(l), 319.050(3), (6), 319.056(4), (5), 319.064(3), (5), 319.082(1), 319.092(3)(d), 319.118(1)
STATUTORY AUTHORITY: KRS 319.032(1)(l)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(l) requires the board to promulgate an administrative regulation governing the clinical supervision of a certified psychologist, licensed psychological associate, candidate for licensure, or a credential holder sanctioned by the board. This administrative regulation establishes the requirements for clinical supervision.

Section 1. Board Approval Required.
(1) Except for graduate students as provided in Section 14 of this administrative regulation, a supervisory arrangement shall have the prior approval of the board, with both clinical supervisor and supervisee petitioning the board in writing.
(2) If there is a change in clinical supervision[~~supervisor~~] or in the supervisory arrangement, the clinical supervisor and supervisee shall:
(a) Proceed with the change as soon as practicable so as to avoid a lapse of clinical supervision for the supervisee; and
(b) Notify the board within thirty (30) days of the change for approval of the change of clinical supervisor or supervisory arrangement.
(3) It shall be the joint responsibility of the clinical supervisor and the supervisee to assure that all reports, plans and goals, or other records of a supervisory relationship required by KRS Chapter 319, or these administrative regulations, are complete and filed with the board in a timely manner.

Section 2. Clinical and Supervision Requirements.
[~~(1)~~] All clinical supervision requirements shall:
(1)[~~(a)~~] Be met with individual, [~~face-to-face, ~~]weekly contact either in person or via 2-way interactive video between clinical supervisor and supervisee[~~ except as provided in subsection (2) of this section and Sections 11 and 14 of this administrative regulation~~]; and
(2)[~~(b)~~] Include additional clinical supervision sessions as needed.
[~~(2)~~] [~~An alternative format of clinical supervision, including two (2) way interactive video, may be substituted for the supervisory contact, required by subsection (1) of this section, upon specific approval by the board.~~]

Section 3. Relief from Clinical Supervision Requirements During Inactive Period.
(1) A certified psychologist or licensed psychological associate may petition the board to be relieved of his or her obligation to maintain clinical supervision during which period he or she shall not practice psychology.
(2) The certified psychologist or licensed psychological associate shall obtain a clinical supervisor approved by the board before the resumption of practice.
(3) Upon resumption of practice, the certified psychologist or licensed psychological associate shall:
(a) Document compliance with continuing education requirements; and
(b) Report on his or her activities and employment related to psychology during the period without clinical supervision.

Section 4. Training and Continuing Education for Clinical Supervisors.
(1) A licensed psychologist with health service provider designation who has been approved by the board as a clinical supervisor shall attend a board approved training session in clinical supervisory practices within twelve (12) months of obtaining approval as a supervisor.
(2) A board approved clinical supervisor shall obtain a minimum of three (3) continuing education hours in clinical supervision theory or techniques in each three (3) year renewal cycle as required by 201 KAR 26:175, Section 2(4)(a). The board shall suspend its approval of a clinical supervisor if the clinical supervisor does not complete the required continuing education.

Section 5. Clinical Supervision[~~Supervisor~~] Obligations.
(1) The clinical supervisor shall make all reasonable efforts to be assured that each supervisee's practice is in compliance with this administrative regulation.
(2) The clinical supervisor shall report to the board an apparent violation of KRS 319.082(1) on the part of the supervisee.
(3) The clinical supervisor shall inform the board immediately of a change in the ability to clinically supervise, or in the ability of a supervisee to function in the practice of psychology in a competent manner.
(4) The clinical supervisor shall control, direct, or limit the supervisee's practice as appropriate to ensure that the supervisee's practice of psychology is competent.
(5) The clinical supervisor of record shall be responsible for the practice of psychology by the supervisee. If the board initiates an investigation concerning a supervisee, the investigation shall include the clinical supervisor of record.
(6) For each person supervised pursuant to KRS 319.050(3), (6), 319.056(4), (5), 319.064(3), (5), or 319.092(3)(d), the clinical supervisor shall maintain a record of each supervisory session that shall include the type, place, and general content of the session. This record shall be maintained for a period of not less than six (6) years after the last date of clinical supervision.

Section 6. Clinical Supervision Reports[~~Supervisory Report~~].
(1) In calculating the amount of time spent in full-time practice while under clinical supervision, 1,800 hours of supervised practice shall be equivalent to one (1) year of experience.
(2) The clinical supervisor shall submit a Supervisory Report to the board of the clinical supervision of each supervisee according to the following schedule:

CREDENTIAL STATUS	REPORTING PERIOD	REPORT DUE DATE(S)
(a) Licensed psychological associate or certified psychologist with 4 or more years of full-time practice, or its equivalent	Every 2 years (with prior board approval)	Anniversary date of supervisee's licensure
(b) Licensed psychological associate or certified psychologist with fewer than 4 years of full-time practice, or its equivalent	Yearly	Anniversary date of supervisee's licensure
(c) Temporarily licensed psychologist	Every 6 months and 1 month prior to jurisprudence	

	and competency examinations	
(d) Temporarily licensed psychological associate	Every 6 months	
(e) Sanctioned credential holder	Quarterly	January, April, July, and October 15th

(3) The report shall include:

(a) A description of the frequency, format, and duration of clinical supervision;

(b) An assessment of the functioning of the supervisee, including the strengths and weaknesses of the supervisee; and

(c) Other information which may be relevant to an adequate assessment of the practice of the supervisee.

Section 7. Multiple Clinical Supervisors.

(1) If a supervisee has more than one (1) board-approved clinical supervisor, the clinical supervisors shall be in direct contact with each other at least once every six (6) months, and they shall provide Supervisory Plans and Goals to the board and copies to each other.

(2) A request to have more than two (2) clinical supervisors at one (1) time shall require a special application to the board that shall include detailed information as to how the clinical supervisors shall communicate and coordinate with each other in providing the required clinical supervision.

Section 8. Clinical Supervisor Responsibilities. The clinical supervisor [~~of record~~]shall:

(1) Review and countersign psychological assessments as appropriate based on the supervisee's level of experience;

(2) Review treatment plans, progress notes, and correspondence as needed to assess the competency of the supervisee to render psychological services;

(3) Jointly establish with the supervisee Supervisory Plans and Goals that shall be submitted to the board at the beginning of the supervisory relationship. The Supervisory Plans and Goals shall:

(a) Be updated or revised and submitted to the board with the regular report of clinical supervision;

(b) Include intended format and goals to be accomplished through the supervisory process; and

(c) Include methods that the clinical supervisor and supervisee shall employ to evaluate the supervisory process.

(4) Have direct observation of the supervisee's work:

(a) For a licensed psychological associate or a certified psychologist with less than four (4) years of full-time, post-licensure practice, or its equivalent, or a licensure candidate with temporary permission to practice, direct observation shall take place at least once every two (2) months;

(b) For a licensed psychological associate or certified psychologist with more than four (4) years of full-time, post-licensure practice, or its equivalent, direct observation shall take place as needed;

(c) Direct observation may be accomplished through audiotaping, video camera, videotaping, one (1) way mirror, or as a co-therapist.

(5) Have direct knowledge of the size and complexity of the supervisee's caseload;

(6) Limit and control the caseload as appropriate to the supervisee's level of competence;

(7) Have knowledge of the therapeutic modalities and techniques being used by the supervisee; and

(8) Have knowledge of the supervisee's physical and emotional well-being when it has a direct bearing on the supervisee's competence to practice.

Section 9. Supervisee Responsibilities.

(1) The supervisee shall:

(a) Keep the clinical supervisor adequately informed at all times of his or her activities and ability to function; and

(b) Seek clinical supervision as needed in addition to a regularly scheduled supervisory session.

(2) The supervisee shall:

(a) Participate with the clinical supervisor in establishing Supervisory Plans and Goals and in completing the regular Supervisory Reports;

(b) Be jointly responsible with the clinical supervisor for ensuring that a Supervisory Report has been sent to the board in accordance with the reporting schedule established in Section 6(2) of this administrative regulation; and

(c) Report to the board an apparent violation of KRS 319.082(1) on the part of the clinical supervisor.

Section 10. Identification of Provider. The actual deliverer of a service shall be identified to the client. A billing for a rendered service shall identify which service was performed by the certified psychologist, licensed psychological associate, temporary licensed psychologist, trainee, or other provider and supervised by the licensed psychologist.

Section 11. Frequency of Clinical Supervision.

(1) A licensed psychological associate or certified psychologist shall have a minimum of one (1) hour of individual face-to-face clinical supervision on a weekly basis for the first two (2) years of full-time practice or its equivalent following licensure.

(2) After two (2) years of full-time, post-licensure practice, or its equivalent, the clinical supervisor and supervisee may petition the board using a Request for Change of Supervisor and/or Frequency form to alter the format, frequency, or duration of supervision if the proposed change includes a minimum of two (2) one (1) hour individual [~~face-to-face~~] meetings every four (4) weeks, and the total amount of clinical supervision is not less than four (4) hours per four (4) week period. This petition may include a request to change the format from individual to group clinical supervision. Clinical Supervision requirements for part-time practice may be modified at the discretion of the board upon approval of the submitted plan.

(3)

(a) After four (4) years of full-time, post-licensure practice, or its equivalent, the clinical supervisor and supervisee may petition the board for further modification of the format, frequency, or duration of supervision using a Request for Change of Supervisor and/or Frequency form, if the proposed change includes a minimum amount of one (1) hour of [~~face-to-face~~]clinical supervision per month. Additional modifications of the format, frequency, or duration of clinical supervision may be submitted for approval by the board.

(b) Upon a change of clinical supervisor, a new Supervisory Plans and Goals shall be submitted by the clinical supervisor and supervisee to the board for approval. This plan may require additional clinical supervision than was previously approved by the board.

(c) Upon termination of the supervisor-supervisee relationship, the final Supervisory Report shall be submitted to the board within thirty (30) days of the termination.

(4) Any change in the frequency or duration of clinical supervision under this section may not occur automatically, but only upon a written request to the board and approval of the request by the board.

Section 12. Clinical Supervision of a Disciplined Credential Holder.

(1) The board shall appoint an approved clinical supervisor to supervise a disciplined credential holder for the period of time defined by the board.

(2) The disciplined credential holder shall be responsible for paying the fee for clinical supervision.

(3) The clinical supervisor shall have completed the board approved training course in supervision.

(4) The clinical supervisor shall:

(a) Review the originating complaint, agreed order, or findings of the disciplinary hearing;[~~:~~]

(b) Meet with the disciplined credential holder and the board liaison to:

1. Summarize the actions and concerns of the board;

2. Review the goals and expected outcomes of clinical supervision submitted by the board liaison;

3. Develop a specific plan of clinical supervision; and

4. Review the reporting requirements that shall be met during the period of clinical supervision.

(c) Meet with the disciplined credential holder at least weekly, on an individual [~~face-to-face~~]basis (as described in 201 KAR 26:171 Section 2) for a minimum of one (1) hour unless modified by the board;

(d) Submit a quarterly report to the board which reflects progress, problems, and other in-formation relevant to the need for board-mandated supervision;

(e) Make all reasonable efforts to ensure that the disciplined credential holder's practice is in compliance with KRS Chapter 319 and 201 KAR Chapter 26;

(f) Report to the board any apparent violation of KRS 319.082(1) on the part of the disciplined credential holder;

(g) Immediately report to the board in writing a change in the ability to clinically supervise, or in the ability of the disciplined credential holder to function in the practice of psychology in a competent manner;

(h) Review and countersign psychological assessments as needed or appropriate;

(i) Review treatment plans, notes, and correspondence as needed or appropriate;

(j) Have direct observation of the disciplined credential holder's work on an as-needed basis;

(k) Have direct knowledge of the size and complexity of the disciplined credential holder's caseload;

(l) Have knowledge of the therapeutic modalities and techniques being used by the disciplined credential holder; and

(m) Have knowledge of the disciplined credential holder's physical and emotional well-being when it has direct bearing on the disciplined credential holder's competence to practice.

(5) The clinical supervisor shall control, direct, or limit the disciplined credential holder's practice as appropriate to ensure that the disciplined credential holder's practice is competent.

(6) The clinical supervisor shall contact the board liaison with any concern or problem with the disciplined credential holder, his or her practice, or the supervision process.

(7) A final meeting shall be scheduled within thirty (30) days of the end of the established supervision period to summarize the clinical supervision. The meeting shall include the clinical supervisor, disciplined credential holder, and board liaison. A written summary of the supervision shall be submitted by the clinical supervisor to the board two (2) weeks following this meeting with a copy to the board liaison.

Section 13. Board Liaison for Disciplined Credential Holder. The board shall appoint a board member to serve as a liaison between the board and the approved clinical supervisor. The board liaison shall:

(1) Recruit the clinically supervising psychologist from a list provided by the board;'

(2) Provide the clinically supervising psychologist with the originating complaint, agreed order, or findings of the hearing and supply other material relating to the disciplinary action as deemed appropriate by the liaison;

(3) Ensure that the clinically supervising psychologist is provided with the necessary documentation for liability purposes to clarify that he or she is acting as an agent of the board pursuant to KRS 319.118(1) and has immunity commensurate with that of a board member;

(4) Provide the clinically supervising psychologist with a written description of the responsibilities of the clinical supervisor and a copy of the responsibilities of the liaison;

(5) Ensure that the board has sent a written notification letter to the disciplined credential holder. The notification letter shall:

(a) State the name of the supervising clinical psychologist; and

(b) Specify that the disciplined credential holder shall meet with the clinical supervising psychologist and the liaison within thirty (30) days of the date of the notification letter.

(6) Meet with the clinically supervising psychologist and disciplined credential holder within thirty (30) days of the date of the notification letter to summarize the actions of the board, review the applicable statutes and administrative regulations regarding clinical supervision requirements for a disciplined credential holder, and assist with the development of a plan of supervision. The plan of supervision shall be written at the first meeting;

(7) Submit the report of supervision to the board for approval. The liaison shall place the report of supervision on the agenda for review and approval at the next regularly scheduled board meeting. In the interim, the clinically supervising psychologist and disciplined credential holder shall continue to meet;

(8) Remain available to the clinically supervising psychologist to provide assistance and information as needed;

(9) Report any problem or concern to the board regarding the supervision and communicate a directive of the board to the clinically supervising psychologist;

(10) Review the quarterly report of supervision and forward the report to the supervision committee of the board for approval; and

(11) Meet with the clinically supervising psychologist and the disciplined credential holder at the end of the term of supervision to summarize the clinical supervision.

Section 14. Psychology Graduate Students. Graduate-level psychology students who are providing services in psychological health care settings including independent practice settings shall:

(1) Be clinically supervised by a psychologist licensed by the Board of Examiners of Psychology with health service provider status, licensed at the doctoral level by the State Board of Examiners in the state in which the training program exists, or by a licensed mental health professional approved by the training program who is affiliated with either the university training program or the practice setting;

(2) Be registered for credit in his or her course of study;

(3) Clearly identify their status as unlicensed psychology trainees to all clients and payers;

(4) Give to all clients and payers the name of the licensed psychologist responsible for their work; and

(5) Not accept employment or placement to perform the same or similar activities following the completion of their university-sanctioned placement, regardless of the job title given, unless the student holds a license from the board.

Section 15. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Supervisory Plans and Goals", October[~~December~~]2025[~~2018~~];

(b) "Supervisory Report", October[~~December~~]2025[~~2018~~]; and

(c) "Request for Change of Supervisor and/or Frequency", October 2025[~~2016~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

HARWELL SMITH, Ph. D., Chair

APPROVED BY AGENCY: October 15, 2025

FILED WITH LRC: October 15, 2025 at 10:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on December 22, 2025 at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on December 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: MARK R. BRENGELMAN, Board Counsel, Kentucky Board of Examiners of Psychology, 306 W. Main St., Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman
Subject Headings: Licensing, Occupations and Professions, and Psychological Services.
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for clinical supervison.
(b) The necessity of this administrative regulation: This regulation is necessary to comply with the provisions of KRS 319.032(1)(l).
(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 requirements for clinical supervision.
(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 complying with the requirements of KRS 319.032(1)(l).
(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 change the administrative regulation by deleting the requirement for face to face contact in clinical supervision and deleting the requirement of board approval for contact by 2 way interactive video.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to accommodate advances in technology and streamline the clinical supervision process.
(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by governing the supervision of certified psychologists and the supervision and employment of licensed psychological associates and candidates for licensure.
(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by complying with specific statutory requirements placed upon the board.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the approximate 1,630 licensees and will also affect new applicants for licensure.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Applicants and licensees will have to comply with the requirements for clinical supervision.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Applicants and licensees should not incur additional costs.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Licensees will be benefitted by being able to conduct clinical supervision by 2-way video without seeking board approval.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no additional cost to implement this regulation.
(b) On a continuing basis: There will be no additional cost to implement this regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicants.
(8) 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 required to implement this regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative does not increase any fees.
(10) TIERING: Is tiering applied? Tiering is not applied as the regulation applies equally to similarly situated regulated individuals.

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 319.032(1)(1) and 319.032(2).
(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 319.032(1)(l).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology is the promulgating agency. No other state units, parts or divisions are affected.
(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): No local entities are affected.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
2. Revenues:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
3. Cost Savings:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
(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. (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and(5)(a):
2. Revenues:
For the first year: No local entities are identified.
For subsequent years: No local entities are identified.
3. Cost Savings:
For the first year: No local entities are identified.
For subsequent years: No local entities are identified.
(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: This administrative regulation does not raise or lower fees and has no costs associated with it.
(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(14): This administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation does not raise or lower fees and has no costs associated with it.

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.

GENERAL GOVERNMENT CABINET
Kentucky Board of Examiners of Psychology
(Amendment)

201 KAR 26:175. Continuing education.

RELATES TO: KRS 210.366, 319.032(1)(f), 319.050, 319.053, 319.064, 319.071
STATUTORY AUTHORITY: KRS 319.032(1)(f)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(f) requires the board to promulgate an administrative regulation establishing a requirement for continuing education as a condition for renewal of a license. This administrative regulation establishes the continuing education requirements for renewal of a license.

Section 1. Definitions.
(1) "Continuing education" means participation in an approved program of professional education beyond the basic educational requirements that meets the requirements established in Section 2(1) of this administrative regulation.
(2) "Continuing education hour" means a fifty-five (55) minute clock hour of instruction.

Section 2.
(1) Each credential holder shall document the completion of at least thirty-nine (39) continuing education hours approved by the board pursuant to this administrative regulation within each three (3) year renewal period.
(2) A credential holder shall complete a minimum of six (6) hours of continuing education in suicide assessment, treatment, and management within the first year of licensure and every six (6) years thereafter as required by KRS 210.366.
(a) A credential holder shall be exempted from the requirement to complete a continuing education course in suicide assessment, treatment, and management for the credential holder's first six (6) years of licensure if the credential holder completes a three (3) semester hour graduate course in suicide and crisis assessment, prevention, and intervention during the course of the credential holder's graduate education.
(b) A credential holder shall be exempted from the requirement to complete a continuing education course in suicide assessment, treatment, and management from the six (6) year continuing education if, during the six (6) year period, the credential holder:
1. Is primarily employed in a clinical setting accredited by the Joint Commission or another nationally accrediting healthcare entity that requires the completion of a suicide risk assessment with each patient being seen within the setting;
2. Teaches a graduate-level psychology course in suicide assessment, training, and management; or
3. Teaches a continuing education course in suicide assessment, training, and management at least once during the six (6) year period.
(c) The continuing education course in suicide assessment, treatment, and management shall be approved in accordance with Section 5 of this administrative regulation.
(3) The continuing education shall:
(a) Provide specific content planned and evaluated to improve the credential holder's professional competence;
(b) Make possible the acquisition of new skills and knowledge required to maintain competence;
(c) Strengthen the habits of critical inquiry and balanced judgment; [~~and~~]
(d) Include a minimum of three (3) hours in either ethical practice or risk management with each three (3) year renewal period; and[~~.~~]
(e) Include a minimum of three (3) hours on the topic of social and cultural factors that affect health, functioning, and quality of life with each three (3) year renewal period.
(4)
(a) Except as provided in paragraph (b) of this subsection, a licensed psychologist with the health service provider designation who provides supervision to an applicant for licensure, or a certified psychologist or a licensed psychological associate shall include as part of the thirty-nine (39) hours of continuing education required by subsection (1) of this section a minimum of three (3) continuing education hours in the area of supervision theory or techniques for each three (3) year renewal period.
(b) The requirement established in paragraph (a) of this subsection shall begin with the renewal period immediately following the period in which the original supervisory training required by 201 KAR 26:171, Section 4(1) and (2), is received.

Section 3. Clinical and Supervision Requirements.
(1) Hours required to satisfy the continuing education requirement shall be completed prior to the renewal date of a license.
(2) The credential holder shall:
(a) Maintain and provide adequate records including certificates of attendance and documentation of completion of the required continuing education hours; or
(b) Provide documentation through a board-approved registry, which shall certify the name and license number of the license holder, date and title of each program and the number of hours earned, and confirmation that the programs were given by a board-approved provider.

Section 4. Only continuing education activities approved by the board shall be accepted toward the continuing education requirements for renewal of a license.

Section 5. Approved Sponsoring Organizations and Approved Programs.
(1) Participation in a continuing education program that is approved, offered, or sponsored by an organization listed in this subsection shall be accepted toward the requirement for continuing education established in Section 2(1) of this administrative regulation:
(a) An affiliated state chapter of the American Psychological Association, American Medical Association, American Psychiatric Association, or National Association of Social Workers;
(b) A recognized state, regional, national, or international psychological association;
(c) A state or provincial psychology licensure board; and
(d) A course for graduate-level academic credit in psychology or psychiatry offered by a national, regional, or state accredited academic institution.
(2)
(a) The board may approve an organization that is not listed in subsection (1) of this section as a sponsor of continuing education for a twelve (12) month period if the organization:
1. Files a completed Continuing Education Sponsorship Application;
2. Pays an initial application fee of $250; and
3. Proposes to sponsor continuing education programs that meet the requirements established in Sections 2(1) and 6 of this administrative regulation.
(b) An approved sponsor shall submit an annual report of the continuing education programs offered during that year.
(c) A sponsor that is approved pursuant to paragraph (a) of this subsection may request renewal of its approval for subsequent years by filing a $150 renewal fee annually.
(d) A workshop in psychology or psychiatry offered by a national, regional, or state accredited academic institution's medical center or affiliated hospital shall comply with paragraph (a)1 of this subsection. The fees required under paragraphs (a)2 and (c) of this subsection are waived.
(3)

(a) The board may approve a specific continuing education program that is not approved, offered, or sponsored by an organization listed in subsection (1) of this section or an approved organization under subsection (2) of this section if the sponsor or a participant of the program:

1. Files a completed Continuing Education Program Application at least thirty (30) days before the program. The failure to abide by this deadline may be a reason for denial of the application;

2. Pays an application fee of fifty (50) dollars; and

3. Provides information about a continuing education program that it proposes to sponsor which meets the requirements established in Sections 2(1) and 6 of this administrative regulation.

(b) The approval of a program pursuant to paragraph (a) of this subsection shall permit the sponsor to offer the program one (1) time. The sponsor shall submit a request for renewal and a ten (10) dollar renewal fee for each subsequent request to offer the same approved program.

Section 6.

(1) A continuing education program that satisfies the requirements for license renewal shall be:

(a) Approved, offered, or sponsored by an organization that has been approved by the board; or

(b) A specific program approved by the board;

(2)

(a) Have a clearly stated purpose and defined content area; and

(b) Be consistent with the overall goals of continuing education as defined in Section 1 of this administrative regulation;

(3) Have a presenter who is a professional qualified in the defined content area;

(4) Clearly state the program's time. Actual contact time shall be a minimum of one (1) continuing education hour;

(5) Include attendance recorded by the program's sponsor;

(6) Documentation of completion shall be provided to the participant only after approval is granted; and

(7) Include each participant's evaluation of the program.

Section 7. Equivalencies.

(1) A graduate-level psychology course taken at an accredited academic institution shall earn continuing education hours pursuant to paragraphs (a) and (b) of this subsection.

(a) Each one (1) hour semester course shall be the equivalent of fifteen (15) continuing education hours for the purposes of meeting the requirements of this administrative regulation.

(b) Each one (1) hour quarter course shall be the equivalent of nine (9) continuing education hours for the purposes of meeting the requirements of this administrative regulation.

(2) A person who teaches a three (3) hour semester or quarter graduate-level course in psychology at an accredited academic institution shall:

(a) Earn six (6) continuing education hours for teaching the course; and

(b) Not receive:

1. Credit more than once for teaching a particular workshop or program[~~course~~] during a renewal period; and

2. More than nine (9) total continuing education hours for these teaching activities.

(3) A person who teaches an approved continuing education workshop or program shall:

(a) Earn continuing education hours on a one (1) to one (1) basis; and

(b) Not receive:

1. Credit more than once for teaching a particular workshop or program during a renewal period; and

2. More than nine (9) total continuing education hours for these teaching activities.

(4) A person who completes home study or internet-based courses approved, offered, or sponsored by an organization listed in Section 5(1) shall not receive[~~:~~]

[~~(a)~~] credit[~~Credit~~] for repeating a specific study course during a renewal period.[~~; and~~]

[~~(b)~~] [~~More than twelve (12) total continuing education hours through home study or internet-based courses in a renewal period.~~]

(5) A person who participates in videoconferencing in an interactive setting shall:

[~~(a)~~] Earn one (1) continuing education hour for each clock hour of participation; [~~and~~]

[~~(b)~~] [~~Not receive more than twenty-four (24) continuing education hours through interactive videoconferencing participation.~~]

Section 8. Carry-over of Continuing Education Hours, Prohibited. There shall not be a carry-over of continuing education hours earned in excess of those required under Section 2 of this administrative regulation into the immediately following renewal period.

Section 9. The board shall audit a minimum of ten (10) percent of all credential holders' documentation supporting the completion of the appropriate number of continuing education hours through a random audit process.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Continuing Education Program Application", October 2025[~~2021~~]; and

(b) "Continuing Education Sponsorship Application", October 2025[~~2016~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the board's Web site and the address is: https://psy.ky.gov.

HARWELL SMITH, Ph. D., Chair

APPROVED BY AGENCY: October 15, 2025

FILED WITH LRC: October 15, 2025 at 10:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on December 22, 2025 at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on December 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: MARK R. BRENGELMAN, Board Counsel, Kentucky Board of Examiners of Psychology, 306 W. Main St., Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman

Subject Headings: Licensing, Occupations and Professions, and Psychological Services.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes continuing education requirements for renewal of a license.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the provisions of 319.032(1)(f).

(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 requirements for continuing education as a condition for renewal.

(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 effectuating the requirements of KRS 319.032(1)(f).

(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 change the administrative regulation by requiring at least three (3) hours of training on the topic of social and cultural factors that affect health, functioning, and quality of life with each three (3) year renewal period. The amendment also removes caps on the number of continuing education hours that may be earned through home study, internet based courses, and through interactive videoconferencing participation.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to comply with statutory requirements and to accommodate advances in technology for continuing education.
(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by adding required minimum hours and removing limitations on continuing education delivery methods that are not statutorily required.
(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by complying with specific statutory requirements placed upon the board.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. 2022 Kentucky Acts Chapter 34, Section 1, amending KRS 319.032(1)(f).
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the approximately 1,630 current licensees upon renewal of licensure.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Renewing licensees will have to have at least three (3) hours of continuing education on the topic of social and cultural factors that affect health, functioning, and quality of life.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Renewing credential holders should not have additional costs as the total number of continuing education required has not changed.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Licensees will be benefitted by being able to conduct continuing education without limitation as to the number of hours that can be earned by home study, internet-based courses, and interactive videoconferencing participation.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no additional cost to implement this regulation.
(b) On a continuing basis: There will be no additional cost to implement this regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicants.
(8) 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 required to implement this regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative does not establish new fees or increase any existing fees.
(10) TIERING: Is tiering applied? Tiering is not applied as the regulation applies equally to all regulated individuals.

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 319.032(1)(f) and 319.032(2).
(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 319.032(1)(f).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology is the promulgating agency. No other state units, parts or divisions are affected.
(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): No local entities are affected.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
2. Revenues:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
3. Cost Savings:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
(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. No entities are identified.
For subsequent years: None. No entities are identified.
2. Revenues:
For the first year: None. No entities are identified.
For subsequent years: None. No entities are identified.
3. Cost Savings:
For the first year: None. No entities are identified.
For subsequent years: None. No entities are identified.
(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: This administrative regulation does not establish fees, does not raise or lower fees, and has no costs associated with it.
(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(14): This administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation does not establish fees, raise or lower fees, and has no costs associated with it.

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.

GENERAL GOVERNMENT CABINET
Kentucky Board of Examiners of Psychology
(Amendment)

201 KAR 26:190. Requirements for supervised professional experience.

RELATES TO: KRS 319.050, 319.053, 319.056, 319.064
STATUTORY AUTHORITY: KRS 319.032, 319.050(2)(d)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (1)(l) require the Board of Examiners of Psychology to promulgate administrative regulations to establish requirements for licensure and supervision. This administrative regulation establishes requirements for supervised professional experience.

Section 1. Supervisory Requirements for an Applicant for Licensure as a Psychologist.

(1) The applicant for licensure as a psychologist with the authorization to provide psychological health care services shall have completed a minimum of 3,600 hours of supervised professional experience in accordance with this administrative regulation.

(2) A minimum of 1,800 hours of the supervised professional experience shall be a predoctoral internship of 1,800 hours with at least 100 hours of supervisory sessions.

(3) The remaining 1,800 hours of supervised professional experience shall be predoctoral, postdoctoral, or a combination of pre- and post-doctoral supervised professional experience acceptable to the board based upon the requirements of Sections 2 and 3 of this administrative regulation.

(4) Supervised professional experience at the pre-internship level shall consist of practica, field placement, or other professional experiences providing psychological services to clients[~~, all of which shall take place in an identifiable clinical setting with mental health clients.~~]and may be conducted either in person, or by two-way interactive video.

(5) At least fifty (50) percent of the supervised professional experience shall be in service-related activities, such as treatment, assessment, interviews, report-writing, case presentations, and consultations.

Section 2. For a person applying for licensure as a psychologist, the predoctoral internship shall meet the following criteria:

(1) The experience shall occur within an organized training program, in contrast to supervised professional experience or on-the-job training and have a planned, programmed sequence of training experiences;

(2) For clinical and counseling psychology doctoral internships, the training program shall have a clearly designated staff psychologist who shall be:

(a) Responsible for the integrity and quality of the training program;

(b) Actively licensed by the Board of Examiners in Psychology; or

(c) Licensed at the doctoral level by the State Board of Examiners in the state in which the training program exists or otherwise meets the standards of applicable state law.

(3) For school psychology doctoral internships, the responsible psychologist director may be from an affiliate agency or from the university training program and shall retain responsibility for the integrity and quality of the training program;

(4) Internship supervision shall be provided by a staff member of the internship agency or by an affiliate of that agency who has clinical responsibility for the cases being supervised. At least half of the internship supervision shall be provided by one (1) or more psychologists with an appropriate doctorate degree;

(5) The internship shall provide training in a range of assessment and treatment activities conducted directly with clients seeking psychological services;

(6) At least twenty-five (25) percent of the trainee's time shall be in direct client contact;

(7) The internship shall include a minimum of two (2) hours per week of regularly scheduled, formal, face-to-face individual supervision. There shall also be at least two (2) additional hours per week in learning activities such as case conferences, seminars dealing with clinical issues, and group supervision;

(8) Training shall be post-clerkship, post-practicum, and post-externship level;

(9) The internship shall have a written statement or brochure that:

(a)

1. Describes the goals and content of the internship; and

2. States clear expectations for quality and quantity of the trainee's work; and

(b) Shall be made available to prospective interns.

(10) The internship experience shall be completed within twenty-four (24) months unless an extension is approved by the board for extreme extenuating circumstances such as illness, disability, or pregnancy;

(11) The trainee shall have a title such as intern, resident, fellow, or other designation of trainee status; and

(12) The internship agency, preparing institution, and intern shall have a written agreement that describes the goals and content of the internship including clearly stated expectations for the nature of experiences offered in the agency and for the quantity and quality of the work.

Section 3. Additional Required Supervisory Experience.

(1) For a person applying for licensure as a psychologist to provide psychological health care services, the 1,800 hours of supervised professional experience, in addition to the internship required by KRS 319.050(2)(d), shall be a training-oriented professional experience that:

(a) May include course-related field experience and practica; and

(b) Shall take place in an identifiable clinical setting with mental health clients.

(2) In addition to training in a range of diagnostic and treatment activities conducted directly with clients seeking psychological services, the supervised professional experience shall consist of a planned and organized sequence of activities that includes explicit training and supervision in the following areas:

(a) Clinical skill development;

(b) Legal and regulatory issues;

(c) Ethical dilemmas and issues; and

(d) Supervisory skill development.

(3) During the 1,800 hours of supervised professional experience in addition to the predoctoral internship, the candidate shall:

(a) Be under supervision as required by 201 KAR 26:171; and

(b) Be providing psychological health care services under the supervision of a licensed psychologist or other licensed mental health professional approved by the doctoral training program who is affiliated with the training program or with the practice setting in a:

1. Health care facility or agency;

2. Regional mental health or mental retardation board;

3. School, college, or university;

4. Government agency;

5. Independent practice; or

6. Formalized postdoctoral program.

(4) The applicant and the supervisor of record shall design and describe the proposed experience, including the areas listed in subsection (2) of this section.

(5) If the supervised professional experience in addition to the predoctoral internship is in an independent practice, a special application letter shall affirm:

(a) The identity of the applicant, supervisor, and employer;

(b) That the supervising licensed psychologist is not hired, employed, or engaged under contract by the applicant and shall not be terminated by the applicant;

(c) That the applicant is not an owner of the independent practice or organization, but rather serves as an employee; and

(d) That the applicant has both administrative and clinical supervision that shall be provided by the independent practice or employer.

(6) If the supervised professional experience is in a university setting, the application shall also:

(a) Be proffered by a full-time faculty member;

(b) Include a plan that contains each of the areas established in subsection (2) of this section; and

(c) Include a minimum of 400 hours of direct and indirect client involvement that:

1. Is supervised by a licensed psychologist; and

2. Includes:

a. Supervising student clinical work;

b. Diagnostic and interviewing activity that occurs within clinical research projects; or

c. Clinical work in the context of teaching psychotherapy, interviewing, or psychological testing.

(7) The board shall not grant a request for temporary licensure if the request does not contain an explicit and acceptable plan for the supervised professional experience as required by this section.

Section 4. An applicant for licensure as a psychological associate shall complete supervised professional experience consisting of course-related field experience, practica, and formal predoctoral internships adding up to a minimum of 600 supervised hours that shall meet the following criteria:

(1) The experience shall occur within an organized training program and consist of a planned, programmed sequence of training experiences;

(2) The preparing institution's psychology training program shall have a clearly designated placement director who shall be responsible for the integrity and quality of the experiential component of the training program;

(3) Weekly practicum and predoctoral internship supervision shall be provided by a staff member of the placement agency, by an affiliate of that agency, or by a university faculty member. At least half of the supervision shall be provided by one (1) or more psychologists with an appropriate doctorate degree and license;

(4) Field experiences, practica, and predoctoral internships shall provide training in a range of diagnostic and treatment activities conducted directly with clients seeking psychological services;

(5) At least twenty-five (25) percent of the trainee's time shall be in direct client contact;

(6) The preparing institution shall maintain a written statement or brochure describing the goals and content of the required field experiences, practica, and predoctoral internships; and

(7) Students participating in university-sanctioned supervised professional experience shall be clearly identified to clients and payers as trainees.

Section 5. An applicant for licensure as a psychological practitioner shall complete the equivalent of two (2)[~~five (5)~~] full-time years of psychological practice under the direct supervision of a licensed psychologist approved by the board, consistent with the requirements of 201 KAR 26:171.

(1) For purposes of this requirement, a candidate shall complete the equivalent of two (2)[~~five (5)~~] full-time years of supervised professional experience (excluding time spent while practicing under a temporary license) from the date of initial credentialing as a psychological associate, excluding any period of temporarily licensed psychological associate. A full-time year comprises at least 1,800 hours of supervised professional experience.

(2) A school psychologist who is employed in a Kentucky school system, credentialed by the Professional Standards Board, and also credentialed as a psychological associate by this board, may contract for on-going clinical supervision in the school setting with a board-approved licensed psychologist who is neither an employee nor a contractor of the school system.

(a) The supervised professional experience shall meet the conditions of this administrative regulation and may be used by the licensed psychological associate employed by the school system to meet the requirements for application to become a licensed psychological practitioner.

(b) To fulfill the requirements of 201 KAR 26:171, there shall be an explicit written plan approved by the board between the school system, the school psychologist, and the board-approved supervisor that delineates roles and responsibilities, without restricting the ability of the school district to direct or control the activities of its employee.

(c) A person trained in school psychology, if employed by an agency other than a public school or engaged in practice outside of the school setting, shall obtain clinical supervision in the manner specified by 201 KAR 26:171.

Section 6. Incomplete Application. An incomplete application shall be denied one (1) year from the date of filing and may be destroyed.

HARWELL SMITH, Ph. D., Chair

APPROVED BY AGENCY: October 15, 2025

FILED WITH LRC: October 15, 2025 at 10:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on December 22, 2025 at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on December 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: Mark R. Brengelman, Board Counsel, Kentucky Board of Examiners of Psychology, 306 W. Main St., Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman

Subject Headings: Licensing, Occupations and Professions, and Psychological Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for supervised professional experience.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with the provisions of KRS 319.032(1)(a) and (1)(l).

(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 requirements for supervised professional experience.

(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 effectuating the requirements of KRS 319.032(1)(a) and (1)(l).

(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 directs that supervised professional experience at the pre-internship level shall consist of practica, field placement, or other professional experiences providing psychological services to clients and may be conducted either in person or by two-way interactive video. This amendment requires a candidate for licensure to complete the equivalent of two (2) full-time years of psychological practice under the direct supervision of a licensed psychologist approved by the board rather than the current five (5) years, excluding time spent while practicing under a temporary license.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to modify the requirements for supervised professional experience.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the requirements for supervised professional experience.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by effectuating the requirements of KRS 319.32(1)(a) and (1).

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. 2024 Regular Session

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(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect approximately 50-100 applicants for licensure per year.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Affected individuals may complete supervised professional experience either in person or by two-way interactive video. A candidate for licensure now needs two (2) full time years of psychological practive under direct supervision of a licensed psychologist approved by the board rather than the current five (5) years, excluding time spent while practicing under a temporary license.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no costs to the affected individuals.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants will be able to conduct supervised professional experience by two-way interactive video and will have to complete two (2) years of practice under supervision rather than the current five (5) years.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no additional cost to implement this regulation.
(b) On a continuing basis: There will be no additional cost to implement this regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicants.
(8) 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 required to implement this regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation amendment does not establish new fees or increase any existing fees.
(10) TIERING: Is tiering applied? Tiering is not applied as the regulation applies equally to all regulated individuals.

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 319.032(1)(a) and (l).
(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 319.032(1)(a) and (l).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology is the promulgating agency. No other state units, parts or divisions are affected.
(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): No local entities are affected.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
2. Revenues:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
3. Cost Savings:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
(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. No entities are identified.
For subsequent years: None. No entities are identified.
2. Revenues:
For the first year: No local entities are affected.
For subsequent years: No local entities are affected.
3. Cost Savings:
For the first year: No local entities are affected.
For subsequent years: No local entities are affected.
(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: This administrative regulation amendment does not establish fees, does not raise or lower fees, and has no costs associated with it.
(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(14): This administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation amendment does not establish fees, raise or lower fees, and has no costs associated with it.

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.

GENERAL GOVERNMENT CABINET
Kentucky Board of Examiners of Psychology
(Amendment)

201 KAR 26:280. Licensed psychological associate: application procedures and temporary license.

RELATES TO: KRS 319.064
STATUTORY AUTHORITY: KRS 319.032(1)(a), (c)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (c) require the Board of Examiners of Psychology to promulgate administrative regulations establishing the requirements for an applicant for licensure as a psychological associate. This administrative regulation establishes the requirements for applicants for licensure and the conditions for a temporary license

Section 1. Application.
(1) After the requirements established in KRS 319.064(2) are met, an application for a credential to perform certain functions as a licensed psychological associate may be submitted to the board, to an online application management system contracted by the board for the purposes of application screening, or as the board directs.
(2) The application required by subsection (1) of this section shall be made to the board or to the online application management system and shall:
(a) Include a certification by the applicant that the:
1. Information in the application is true, correct, and complete to the best of their knowledge and belief; and

2. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification.

(b) Be accompanied by payment of the application fee that shall:

1. Be made payable directly to the Kentucky State Treasurer if the application is processed through the board; or

2. Be made to the online application management system as directed by the board.

(c) Include three (3) letters of reference or completed Recommendation Form for Licensure as a Psychological Associate from persons qualified to evaluate the applicant's professional ability, including two (2) persons who have received a doctorate in psychology (Ph.D., Psy.D., or Ed.D.); and

(d) Include an official transcript for all levels of education required for licensure. Transcripts shall be received in sealed envelopes or electronically directly from the school or a third-party clearinghouse.

(3) Incomplete Application. An incomplete application shall be determined to be expired one (1) year from the date of filing, and may be destroyed.

Section 2. Temporary Licensure.

(1) An applicant may request permission to perform functions as a licensed psychological associate on a temporary basis pursuant to KRS 319.064(3).

(2) The request for a temporary credential shall be co-signed by the candidate and the pro-posed supervisor, who shall be a licensed psychologist approved by the board and who holds the health services provider designation.

(3)

(a) A temporary license shall be valid for one (1) year from the date of the notice of approval by the board.

(b) During the period of temporary licensure, a candidate shall:

1. Successfully complete all credentials and examination procedures; and

2. Pass the Examination for Professional Practice in Psychology (EPPP).

(4)

(a) Under exceptional circumstances and upon written request cosigned by the board approved supervisor, the board may approve an extension of the period of temporary licensure.

(b) A licensee shall submit a completed Request for Extension of Temporary Licensure as a Psychological Associate to the board to request an extension

(c) [.] If a temporary license requires an extension after one (1) year, the licensee may request a six (6) month extension.

(d) After the six (6) months, a second extension may be requested for an additional six (6) months.

(e) After a total of two (2) years of extensions, the licensee may request a second temporary license following the steps in this section.

(f) If after two (2) years on the second temporary license another extension is requested, the licensee may request a third temporary license following the steps in this section.

(g) Licensees shall not exceed a total of six (6) years of extensions for all temporary licenses nor hold a temporary license longer than six (6) years.

(h) All extensions are provided by the board at the board's discretion.

Section 3. Grace Period for Submission of Credentials. To allow for processing of the candidate's materials by the board, there shall be a grace period not to exceed ninety (90)[~~sixty (60)~~] days within which a candidate who has completed his or her degree requirements may begin employment by an agency to practice psychology under supervision with a board-approved supervisor.

(1) Upon acceptance of employment, the candidate and the licensed psychologist with health service practitioner designation who shall serve as the clinical supervisor shall immediately submit a letter of notice to the board indicating that he or she has begun to practice in Kentucky and that application materials are forthcoming. Failure to submit this notice may be grounds for disciplinary action against the candidate and the clinical supervisor.

(2) It shall be the responsibility of the candidate to ensure that all materials are forwarded to the board within thirty (30) days from the date of agency employment. Once the application is complete, the board shall review the material at its next scheduled meeting and, if appropriate, issue either a temporary or permanent credential. If the candidate does not meet the requirements for the credential, or if their application material is insufficient to take any action, they shall be directed to cease practice until the requirements are met.

(3) The grace period shall not be extended beyond ninety (90)[~~sixty (60)~~] days. A candidate who fails to achieve approval within this timeframe shall not practice psychology until credentialed by the board.

(4) Upon filing the notice set forth in subsection (1) of this section, the candidate shall be practicing psychology under the jurisdiction of the board, and shall be subject to KRS Chapter 319 and 201 KAR Chapter 26.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Licensure as a Psychological Associate", October[~~March~~]2025[~~2021~~];

(b) "Recommendation Form for Licensure as a Psychological Associate", October[~~March~~]2025[~~2021~~]; and

(c) "Request for Extension of Temporary Licensure as a Psychological Associate", October[~~March~~]2025[~~2021~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

HARWELL SMITH, Ph. D., Chair

APPROVED BY AGENCY: October 15, 2025

FILED WITH LRC: October 15, 2025 at 10:55 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on December 22, 2025 at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on December 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: MARK R. BRENGELMAN, Board Counsel, Kentucky Board of Examiners of Psychology, 306 W. Main St., Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman
Subject Headings: Licensing, Occupations and Professions, and Psychological Services.
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the requirements for applicants for licensure as a psychological associate and the conditions for a temporary license.
(b) The necessity of this administrative regulation: This regulation is necessary to comply with the provisions of KRS 319.032(1)(a) and
(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 requirements for applicants for licensure as a psychological associate and the conditions for a temporary license.
(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

effectuating the requirements of KRS 319.032(1)(a) and (c).
(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 change the existing administrative regulation by extending the grace period for submission of credentials from sixty (60) to ninety (90) days.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to give the board additional time to process applications.
(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the requirements for applicants for psychological associates and the conditions for a temporary license.
(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by effectuating the requirements of KRS 319.32(1)(a) and (c).
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect approximately ___ applicants for licensure per year.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Affected individuals will have ninety (90) days to submit required materials rather than the current sixty (60) days.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no costs to the affected individuals.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants have ninety (90) days to submit required materials rather than the current sixty (60) days.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no additional cost to implement this regulation.
(b) On a continuing basis: There will be no additional cost to implement this regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicants.
(8) 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 required to implement this regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation amendment does not establish new fees or increase any existing fees.
(10) TIERING: Is tiering applied? Tiering is not applied as the regulation applies equally to all regulated individuals.

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 319.032(1)(a) and (c).
(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 319.032(1)(a) and (c).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology is the promulgating agency. No other state units, parts or divisions are affected.
(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): No local entities are affected.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
2. Revenues:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
3. Cost Savings:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
(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. No entities are identified.
For subsequent years: None. No entities are identified.
2. Revenues:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
3. Cost Savings:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
(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: This administrative regulation amendment does not establish fees, does not raise or lower fees, and has no costs associated with it.
(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(14): This administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: This administrative regulation amendment does not establish fees, raise or lower fees, and has no costs associated with it.

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.

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division for Air Quality
(Amendment)

401 KAR 60:005. 40 C.F.R. Part 60 standards of performance for new stationary sources.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. Part 60, 42 U.S.C. 7411
STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-120, 42 U.S.C. 7411
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. 42 U.S.C. 7411(c)(1) authorizes each state to establish

standards for the federal NSPS program for the U.S. EPA delegation of implementation and enforcement authority to the Commonwealth of Kentucky. This administrative regulation establishes the standards of performance for new stationary sources by referencing the Standards of Performance for New Stationary Sources (NSPS) codified in 40 C.F.R. Part 60.

Section 1. Definitions.

(1) Except as established in subsection (2) of this section, terms used in this administrative regulation shall have the meaning given to them in 40 C.F.R. Part 60.

(2) "Administrator" means the Secretary of the Energy and Environment Cabinet unless a specific provision of 40 C.F.R. Part 60 states that the U.S. Environmental Protection Agency retains authority.

Section 2. Applicability. This administrative regulation shall apply to sources subject to 40 C.F.R. Part 60. A source subject to this administrative regulation shall comply with:

(1) 40 C.F.R. 60.1 through 60.19, Table 1 (Subpart A), General Provisions, as published July 1, 2025[~~2020 and at 85 F.R. 57739 and 85 F.R. 63394~~];

(2)

(a) 40 C.F.R. 60.40 through 60.46 (Subpart D), Standards of Performance for Fossil-Fuel-Fired Steam Generators, as published July 1, 2025[~~2020~~];

(b) 40 C.F.R. 60.40Da through 60.52Da (Subpart Da), Standards of Performance for Electric Utility Steam Generating Units, as published July 1, 2025[~~2020~~];

(c) 40 C.F.R. 60.40b through 60.49b (Subpart Db), Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, as published July 1, 2025[~~2020~~];

(d) 40 C.F.R. 60.40c through 60.48c (Subpart Dc), Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, as published July 1, 2025[~~2020~~];

(e) 40 C.F.R. 60.50 through 60.54 (Subpart E), Standards of Performance for Incinerators, as published July 1, 2025[~~2020~~];

(f) 40 C.F.R. 60.50a through 60.59a (Subpart Ea), Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and On or Before September 20, 1994, as published July 1, 2025[~~2020~~];

(g) 40 C.F.R. 60.50b through 60.59b (Subpart Eb), Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996, as published July 1, 2025[~~2020~~];

(h) 40 C.F.R. 60.50c through 60.58c, Tables 1A through 3 (Subpart Ec), Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators, as published July 1, 2025[~~2020~~];

(i) 40 C.F.R. 60.60 through 60.66 (Subpart F), Standards of Performance for Portland Cement Plants, as published July 1, 2025[~~2020~~];

(j) 40 C.F.R. 60.70 through 60.74 (Subpart G), Standards of Performance for Nitric Acid Plants, as published July 1, 2025[~~2020~~];

(k) 40 C.F.R. 60.70a through 60.77a (Subpart Ga), Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011, as published July 1, 2025[~~2020~~];

(l) 40 C.F.R. 60.80 through 60.85 (Subpart H), Standards of Performance for Sulfuric Acid Plants, as published July 1, 2025[~~2020~~];

(m) 40 C.F.R. 60.90 through 60.93 (Subpart I), Standards of Performance for Hot Mix Asphalt Facilities, as published July 1, 2025[~~2020~~];

(n) 40 C.F.R. 60.100 through 60.109 (Subpart J), Standards of Performance for Petroleum Refineries, as published July 1, 2025[~~2020~~];

(o) 40 C.F.R. 60.100a through 60.109a, Table 1 (Subpart Ja), Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007, as published July 1, 2025[~~2020~~];

(p) 40 C.F.R. 60.110 through 60.113 (Subpart K), Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978, as published July 1, 2025[~~2020~~];

(q) 40 C.F.R. 60.110a through 60.115a (Subpart Ka), Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984, as published July 1, 2025[~~2020~~];

(r) 40 C.F.R. 60.110b through 60.117b (Subpart Kb), Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, and On or Before October 4, 2023 as published July 1, 2025[~~2020~~];

(s) 40 C.F.R. 60.110c through 60.117c (Subpart Kc), Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After October 4, 2023 as published July 1, 2025.

(t)[~~(s)~~] 40 C.F.R. 60.120 through 60.125[~~60.123~~] (Subpart L), Standards of Performance for Secondary Lead Smelters for which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and On or Before December 1, 2022, as published July 1, 2025[~~2020~~];

(u) 40 C.F.R. 60.120a through 60.125a (Subpart La), Standards of Performance for Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After December 1, 2022, as published July 1, 2025.

(v)[~~(t)~~] 40 C.F.R. 60.130 through 60.133 (Subpart M), Standards of Performance for Secondary Brass and Bronze Production Plants, as published July 1, 2025[~~2020~~];

(w)[~~(u)~~] 40 C.F.R. 60.140 through 60.144 (Subpart N), Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973, as published July 1, 2025[~~2020~~];

(x)[~~(v)~~] 40 C.F.R. 60.140a through 60.145a (Subpart Na), Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983, as published July 1, 2025[~~2020~~];

(y)[~~(w)~~] 40 C.F.R. 60.150 through 60.156 (Subpart O), Standards of Performance for Sewage Treatment Plants, as published July 1, 2025[~~2020~~];

(z)[~~(x)~~] 40 C.F.R. 60.160 through 60.166 (Subpart P), Standards of Performance for Primary Copper Smelters, as published July 1, 2025[~~2020~~];

(aa)[~~(y)~~] 40 C.F.R. 60.170 through 60.176 (Subpart Q), Standards of Performance for Primary Zinc Smelters, as published July 1, 2025[~~2020~~];

(bb)[~~(z)~~] 40 C.F.R. 60.180 through 60.186 (Subpart R), Standards of Performance for Primary Lead Smelters, as published July 1, 2025[~~2020~~];

(cc)[~~(aa)~~] 40 C.F.R. 60.190 through 60.195 (Subpart S), Standards of Performance for Primary Aluminum Reduction Plants, as published July 1, 2025[~~2020~~];

(dd)[~~(bb)~~] 40 C.F.R. 60.200 through 60.205 (Subpart T), Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants, as published July 1, 2025[~~2020~~];

(ee)[~~(cc)~~] 40 C.F.R. 60.210 through 60.215 (Subpart U), Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants, as published July 1, 2025[~~2020~~];

(ff)[~~(dd)~~] 40 C.F.R. 60.220 through 60.225 (Subpart V), Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants, as published July 1, 2025[~~2020~~];

(gg)[~~(ee)~~] 40 C.F.R. 60.230 through 60.235 (Subpart W), Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants, as published July 1, 2025[~~2020~~];

(hh)[~~(ff)~~] 40 C.F.R. 60.240 through 60.245 (Subpart X), Standards of Performance for the Phosphate Fertilizer Industry:

Granular Triple Superphosphate Storage Facilities, as published July 1, 2025[2020];

(ii)[(gg)] 40 C.F.R. 60.250 through 60.258 (Subpart Y), Standards of Performance for Coal Preparation and Processing Plants, as published July 1, 2025[2020];

(jj)[(hh)] 40 C.F.R. 60.260 through 60.266 (Subpart Z), Standards of Performance for Ferroalloy Production Facilities, as published July 1, 2025[2020];

(kk)[(ii)] 40 C.F.R. 60.270 through 60.276 (Subpart AA), Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983, as published July 1, 2025[2020];

(ll)[(jj)] 40 C.F.R. 60.270a through 60.276a (Subpart AAa), Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 and On or Before May 16, 2022, as published July 1, 2025[2020];

(mm) 40 C.F.R. 60.270b through 60.276b (Subpart AAb), Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarbonization Vessels Constructed After May 16, 2022, as published July 1, 2025;

(nn)[(kk)] 40 C.F.R. 60.280 through 60.285 (Subpart BB), Standards of Performance for Kraft Pulp Mills, as published July 1, 2025[2020];

(oo)[(ll)] 40 C.F.R. 60.280a through 60.288a (Subpart BBa), Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013, as published July 1, 2025[2020];

(pp)[(mm)] 40 C.F.R. 60.290 through 60.296 (Subpart CC), Standards of Performance for Glass Manufacturing Plants, as published July 1, 2025[2020];

(qq)[(nn)] 40 C.F.R. 60.300 through 60.304 (Subpart DD), Standards of Performance for Grain Elevators, as published July 1, 2025[2020];

(rr)[(oo)] 40 C.F.R. 60.310 through 60.316 (Subpart EE), Standards of Performance for Surface Coating of Metal Furniture, as published July 1, 2025[2020];

(ss)[(pp)] 40 C.F.R. 60.330 through 60.335 (Subpart GG), Standards of Performance for Stationary Gas Turbines, as published July 1, 2025[2020];

(tt)[(qq)] 40 C.F.R. 60.340 through 60.344 (Subpart HH), Standards of Performance for Lime Manufacturing Plants, as published July 1, 2025[2020];

(uu)[(rr)] 40 C.F.R. 60.370 through 60.374 (Subpart KK), Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022, as published July 1, 2025[2020];

(vv) 40 C.F.R. 60.370a through 60.375a (Subpart KKa), Standards of Performance for Lead Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022, as published July 1, 2025;

(ww)[(ss)] 40 C.F.R. 60.380 through 60.386 (Subpart LL), Standards of Performance for Metallic Mineral Processing Plants, as published July 1, 2025[2020];

(xx)[(tt)] 40 C.F.R. 60.390 through 60.398 (Subpart MM), Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022, as published July 1, 2025[2020];

(yy) 40 C.F.R. 60.390a through 60.397a, Table 1, Appendix A, (Subpart MMa), Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022, as published July 1, 2025;

(zz)[(uu)] 40 C.F.R. 60.400 through 60.404 (Subpart NN), Standards of Performance for Phosphate Rock Plants, as published July 1, 2025[2020];

(aaa)[(vv)] 40 C.F.R. 60.420 through 60.424 (Subpart PP), Standards of Performance for Ammonium Sulfate Manufacture, as published July 1, 2025[2020];

(bbb)[(ww)] 40 C.F.R. 60.430 through 60.435 (Subpart QQ), Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing, as published July 1, 2025[2020];

(ccc)[(xx)] 40 C.F.R. 60.440 through 60.447 (Subpart RR), Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations, as published July 1, 2025[2020];

(ddd)[(yy)] 40 C.F.R. 60.450 through 60.456 (Subpart SS), Standards of Performance for Industrial Surface Coating: Large Appliances, as published July 1, 2025[2020];

(eee)[(zz)] 40 C.F.R. 60.460 through 60.466 (Subpart TT), Standards of Performance for Metal Coil Surface Coating, as published July 1, 2025[2020];

(fff)[(aaa)] 40 C.F.R. 60.470 through 60.474 (Subpart UU), Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture, as published July 1, 2025[2020];

(ggg)[(bbb)] 40 C.F.R. 60.480 through 60.489 (Subpart VV), Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006, as published July 1, 2025[2020];

(hhh)[(ccc)] 40 C.F.R. 60.480a through 60.489a (Subpart VVa), Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, and on or Before April 25, 2023, as published July 1, 2025[2020];

(iii) 40 C.F.R. 60.480b through 60.489b (Subpart VVb), Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023, as published July 1, 2025;

(jjj)[(ddd)] 40 C.F.R. 60.490 through 60.496 (Subpart WW), Standards of Performance for the Beverage Can Surface Coating Industry, as published July 1, 2025[2020];

(kkk)[(eee)] 40 C.F.R. 60.500 through 60.506 (Subpart XX), Standards of Performance for Bulk Gasoline Terminals That Commenced Construction, Modification, or Reconstruction After December 17, 1980, and On or Before June 10, 2022, as published July 1, 2025[2020];

(lll) 40 C.F.R. 60.500a through 60.505a (Subpart XXa), Standards of Performance for Bulk Gasoline Terminals for Which Construction, Reconstruction, or Modification Commenced After June 10, 2022, as published July 1, 2025;

(mmm)[(fff)] 40 C.F.R. 60.540 through 60.548 (Subpart BBB), Standards of Performance for the Rubber Tire Manufacturing Industry, as published July 1, 2025[2020];

(nnn)[(ggg)] 40 C.F.R. 60.560 through 60.566 (Subpart DDD), Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry, as published July 1, 2025[2020];

(ooo)[(hhh)] 40 C.F.R. 60.580 through 60.585 (Subpart FFF), Standards of Performance for Flexible Vinyl and Urethane Coating and Printing, as published July 1, 2025[2020];

(ppp)[(iii)] 40 C.F.R. 60.590 through 60.593 (Subpart GGG), Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and On or Before November 7, 2006, as published July 1, 2025[2020];

(qqq)[(jjj)] 40 C.F.R. 60.590a through 60.593a (Subpart GGGa), Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, as published July 1, 2025[2020];

(rrr)[(kkk)] 40 C.F.R. 60.600 through 60.604 (Subpart HHH), Standards of Performance for Synthetic Fiber Production Facilities, as published July 1, 2025[2020];

(sss)[(lll)] 40 C.F.R. 60.610 through 60.618 (Subpart III), Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes After October 21, 1983, and on or Before April 25, 2023, as published July 1, 2025[2020];

(ttt) 40 C.F.R. 60.610a through 60.618a, Tables 1 through 4 (Subpart IIIa), Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes For Which Construction, Reconstruction, or Modification Commenced After April 25 2023, as published July 1, 2025;

(uuu)[(~~mmm~~)] 40 C.F.R. 60.620 through 60.625 (Subpart JJJ), Standards of Performance for Petroleum Dry Cleaners, as published July 1, 2025[~~2020~~];

(vvv)[(~~nnn~~)] 40 C.F.R. 60.630 through 60.636 (Subpart KKK), Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and On or Before August 23, 2011, as published July 1, 2025[~~2020~~];

(www)[(~~ooo~~)] 40 C.F.R. 60.640 through 60.648 (Subpart LLL), Standards of Performance for SO_2 Emissions from Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and On or Before August 23, 2011, as published July 1, 2025[~~2020~~];

(xxx)[(~~ppp~~)] 40 C.F.R. 60.660 through 60.668 (Subpart NNN), Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations After December 30, 1983, and on or Before April 25, 2023, as published July 1, 2025[~~2020~~];

(yyy) 40 C.F.R. 60.660a through 60.670a, Tables 1 through 4 (Subpart NNNa), Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations For Which Construction, Reconstruction, or Modification Commenced After April 25, 2023, as published July 1, 2025;

(zzz)[(~~qqq~~)] 40 C.F.R. 60.670 through 60.676, Tables 1 through 3 (Subpart OOO), Standards of Performance for Nonmetallic Mineral Processing Plants, as published July 1, 2025[~~2020~~];

(aaaa)[(~~rrr~~)] 40 C.F.R. 60.680 through 60.685 (Subpart PPP), Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants, as published July 1, 2025[~~2020~~];

(bbbb)[(~~sss~~)] 40 C.F.R. 60.690 through 60.699 (Subpart QQQ), Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems, as published July 1, 2025[~~2020~~];

(cccc)[(~~ttt~~)] 40 C.F.R. 60.700 through 60.708 (Subpart RRR), Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes After June 29, 1990, and on or Before April 25, 2023, as published July 1, 2025[~~2020~~];

(dddd) 40 C.F.R. 60.700a through 60.710a, Tables 1 through 4 (Subpart RRRa), Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes For Which Construction, Reconstruction, or Modification Commenced After 25, 2023, as published July 1, 2025;

(eeee)[(~~uuu~~)] 40 C.F.R. 60.710 through 60.718 (Subpart SSS), Standards of Performance for Magnetic Tape Coating Facilities, as published July 1, 2025[~~2020~~];

(ffff)[(~~vvv~~)] 40 C.F.R. 60.720 through 60.726 (Subpart TTT), Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines, as published July 1, 2025[~~2020~~];

(gggg) 40 C.F.R. 60.720a through 60.726a (Subpart TTTa), Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022, as published July 1, 2025;

(hhhh)[(~~www~~)] 40 C.F.R. 60.730 through 60.737 (Subpart UUU), Standards of Performance for Calciners and Dryers in Mineral Industries, as published July 1, 2025[~~2020~~];

(iiii)[(~~xxx~~)] 40 C.F.R. 60.740 through 60.748 (Subpart VVV), Standards of Performance for Polymeric Coating of Supporting Substrates Facilities, as published July 1, 2025[~~2020~~];

(jjjj)[(~~yyy~~)] 40 C.F.R. 60.750 through 60.759 (Subpart WWW), Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014, as published July 1, 2025[~~2020 and at 85 F.R. 64398~~];

(kkkk)[(~~zzz~~)] 40 C.F.R. 60.760 through 60.769 (Subpart XXX), Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014, as published July 1, 2025[~~2020 and at 85 F.R. 63394~~];

(llll)[(~~aaaa~~)] 40 C.F.R. 60.1000 through 60.1465, Tables 1 through 5 (Subpart AAAA), Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001, as published July 1, 2025[~~2020~~];

(mmmm)[(~~bbbb~~)] 40 C.F.R. 60.2000 through 60.2265, Tables 1 through 8 (Subpart CCCC), Standards of Performance for Commercial and Industrial Solid Waste Incineration Units, as published July 1, 2025[~~2020 and at 85 F.R. 63394~~];

(nnnn)[(~~cccc~~)] 40 C.F.R. 60.2880 through 60.2977, Tables 1 through 4 (Subpart EEEE), Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006, as published July 1, 2025[~~2020~~];

(oooo)[(~~dddd~~)] 40 C.F.R. 60.4200 through 60.4219, Tables 1 through 8 (Subpart IIII), Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, as published July 1, 2025[~~2020~~];

(pppp)[(~~eeee~~)] 40 C.F.R. 60.4230 through 60.4248, Tables 1 through 4 (Subpart JJJJ), Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, as published July 1, 2025[~~2020 and at 85 F.R. 63394~~];

(qqqq)[(~~ffff~~)] 40 C.F.R. 60.4300 through 60.4420, Table 1 (Subpart KKKK), Standards of Performance for Stationary Combustion Turbines, as published July 1, 2025[~~2020 and at 85 F.R. 63394~~];

(rrrr)[(~~gggg~~)] 40 C.F.R. 60.4760 through 60.4930, Tables 1 through 5 (Subpart LLLL), Standards of Performance for New Sewage Sludge Incineration Units, as published July 1, 2025[~~2020~~];

(ssss)[(~~hhhh~~)] 40 C.F.R. 60.5360 through 60.5430, Tables 1 through 3 (Subpart OOOO), Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced after August 23, 2011, and On or Before September 18, 2015, as published July 1, 2025[~~2020 and at 85 F.R. 57018~~];

(tttt)[(~~iii~~)] 40 C.F.R. 60.5360a through 60.5439a[~~60.5432a~~], Tables 1 through 3 (Subpart OOOOa), Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015, and on or before December 6, 2022, as published July 1, 2025;[~~2020 and at 85 F.R. 57018 and 85 F.R. 57398; or~~]

(uuuu) 40 C.F.R. 60.5360b through 60.5439b, Tables 1 through 5 (Subpart OOOOb), Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After December 6, 2022, as published July 1, 2025;

(vvvv)[(~~jjjj~~)] 40 C.F.R. 60.5508 through 60.5580, Tables 1 through 3 (Subpart TTTT), Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units, as published July 1, 2025; or[~~2020~~]

(wwww) 40 C.F.R. 60.5508a through 60.5580a, Tables 1 through 3 (Subpart TTTTa), Standards of Performance for Greenhouse Gas Emissions for Modified Coal-fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units, as published July 1, 2025; and

(3) The applicable methods, procedures, and reporting requirements codified in 40 C.F.R. Part 60, Appendices A-1 through F and K[~~I~~], as published July 1, 2025[~~2020 and at 85 F.R. 63394~~].

Section 3. Reporting Requirements. All documentation required by this administrative regulation to be submitted to the U.S. EPA shall also be submitted to the cabinet.401 KAR 60:005 approved for filing.

REBECCA W. GOODMAN, Secretary

APPROVED BY AGENCY: September 25, 2025

FILED WITH LRC: October 2, 2025 at 1:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A virtual public hearing on this administrative regulation amendment shall be held on December 22, 2025, at 10 a.m. (Eastern Time). Individuals interested in being heard at this hearing shall notify this agency in writing by December 15, 2025, 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 through December 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. The hearing facility is accessible to person with disabilities. Requests for reasonable accommodations, including auxiliary aids and services necessary to participate in the hearing may be made to the contact person at least five (5) workdays prior to the hearing.

CONTACT PERSON: Brittany Sortor, Environmental Scientist II, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 782-2789, email Brittany.Sortor@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Brittany Sortor, Environmental Scientist II
Subject Headings: Air Quality Standards; Stationary Sources; Clean Air Act
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes standards of performance for new stationary sources (NSPS) by referencing the NSPS, codified in 40 C.F.R. Part 60, pursuant to Section 111 of the Clean Air Act (CAA).
(b) The necessity of this administrative regulation: This administrative regulation is necessary to control the emissions of air pollution from stationary sources which have been reasonably determined to endanger public health or welfare. This administrative regulation is necessary to be consistent with the federal regulations codified at 40 C.F.R. Part 60, and for the Energy and Environment Cabinet (Cabinet) to retain delegation of authority for implementation and enforcement of the standards established under 40 C.F.R. Part 60.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(5) authorizes the Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. 42 U.S.C. 7416 requires that state authorities not adopt or enforce emission standards or limitations that are less stringent than the federal standards. This administrative regulation updates the NSPS to be consistent with the federal standards.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will enable the Cabinet to continue to implement and enforce the NSPS requirements established in 40 C.F.R. Part 60, pursuant to Section 111 of the CAA. The standards established for stationary sources require emission reductions using control technologies and work practice standards, resulting in cleaner air and the protection of human health and the environment.
(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 updates the existing administrative regulation to include amendments to 40 C.F.R. Part 60 that have been promulgated by U.S. EPA since the last amendment of this administrative regulation. These updates are current through July 1, 2025.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary for state standards of new stationary sources to be consistent with the federal standards established in 40 C.F.R. Part 60. This amendment is necessary for the Cabinet to retain delegation of authority to implement and enforce the federal NSPS program, and to be no less stringent than the federal standards in 40 C.F.R. Part 60.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statute by adopting standards from new stationary sources that protect human health and welfare. The amendment also conforms to the authorizing statute by being no less stringent than the federal standards in 40 C.F.R. Part 60.
(d) How the amendment will assist in the effective administration of the statutes: The amendment adopts the federal NSPS to provide for consistency between state and federal regulations for new stationary sources. The new provisions will be enforceable by the Cabinet.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Individuals, businesses, organizations, or state and local governments that have a federal 40 C.F.R. Part 60 requirement will be affected by this administrative regulation; however, there are no additional requirements beyond those in 40 C.F.R. Part 60 NSPS, which are already being complied with at the federal level. The Cabinet will retain delegation of authority for the implementation and enforcement of these requirements.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Regulated entities are already subject to the 40 C.F.R. Part 60 NSPS requirements at the federal level and will not have to take any additional action to comply with this proposed amendment.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Regulated entities are already subject to 40 C.F.R. Part 60. This amendment will allow the Cabinet to retain delegation of authority for implementation and enforcement of these requirements. Regulated entities will work with the Cabinet to comply with these requirements instead of the U.S. EPA.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance, regulated entities will not be subject to enforcement actions. The standards established in 40 C.F.R. Part 60 limit the emissions of air pollutants, protecting public health and welfare.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The Cabinet will not incur any additional costs for the implementation of this administrative regulation initially.
(b) On a continuing basis: The Cabinet will not incur any additional continuing costs for the implementation of this administrative regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Cabinet's current operating budget will be used for the implementation and enforcement of the amendment to this administrative regulation.
(8) 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.
(9) 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.
(10) TIERING: Is tiering applied? Yes, tiering is applied. Standards for new stationary sources differ based on source category and applicability thresholds. However, this administrative regulation adopts the same standards as the federal regulations codified in 40 C.F.R. Part 60.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. U.S. EPA promulgated the federal regulations in 40 C.F.R. Part 60, pursuant to 42 U.S.C. 7411 (Section 111 of the Clean Air Act).
(2) State compliance standards. This administrative regulation establishes performance standards for new stationary sources.
(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 7411 establishes the requirements for the Administrator to develop performance standards for new stationary sources.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. This administrative regulation is being amended to adopt the same standards as the federal regulations codified in 40 C.F.R. Part 60.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This amended administrative regulation does not impose stricter standards, or additional or different responsibilities or requirements.

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 224.10-100(5), 224.20-120, 42 U.S.C. 7411, 40 C.F.R. Part 60.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Division for Air Quality in the Energy and Environment Cabinet will retain delegation of implementation and enforcement of the standards in 40 C.F.R. Part 60 as part of this amendment. Any state agency that has a source with an applicable NSPS requirement established in 40 C.F.R. Part 60.
(a) Estimate the following for the first year:
Expenditures: There is no known effect on current expenditures.
Revenues: There is no known effect on current revenues.
Cost Savings: There no known effect on cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Any entity that has a source with an applicable NSPS requirement established in 40 C.F.R. Part 60.
(a) Estimate the following for the first year:
Expenditures: There is no known effect on current expenditures.
Revenues: There is no known effect on current revenues.
Cost Savings: There no known effect on cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.
(4) Identify additional regulated entities not listed in questions (2) or (3): Any regulated entity that has a source with an applicable NSPS requirement established in 40 C.F.R. Part 60.
(a) Estimate the following for the first year:
Expenditures: There is no known effect on current expenditures.
Revenues: There is no known effect on current revenues.
Cost Savings: There no known effect on cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: There is no impact. This administrative regulation adopts by reference 40 C.F.R Part 60 in order for the Division for Air Quality to maintain the delegation of implementation and enforcement authority from the EPA. Sources interact directly with the division.
(b) Methodology and resources used to determine the fiscal impact: The method was done at the federal level. Each time EPA promulgates a new or updated NSPS, that rulemaking is accompanied by a Regulatory Impact Analysis that includes financial burdens associated with the rulemaking for the regulated entities expected to be impacted. The Division for Air Quality does not do an additional review beyond what is done at the federal level, as the Division is no more stringent than the federal requirements. Information on specific RIAs for a promulgated NSPS can be found in the associated federal rulemaking and docket documents on federalregister.gov.
(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 administrative regulation will not have a major economic impact because all affected sources are already required to comply with the federal regulations at the federal level. The amendment to this administrative regulation adopts by reference federal requirements for which any regulated entity has already incurred any associated costs.
(b) The methodology and resources used to reach this conclusion: This administrative regulation references requirements and standards that are developed by US EPA. US EPA has similar requirements for fiscal impacts and a regulatory impact analysis when promulgating new regulations related to NSPS. Since analysis for each individual NSPS occurred at the federal level, and the state is not adding any additional requirements, the Division has concluded that the adoption of the federal standards at the state level does not constitute a major economic impact. Any information on economic impact of individual NSPS can be found in the EPA's promulgation documents for that standard, which is available publicly.

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.

ENERGY AND ENVIRONMENT CABINET
Department for Environmental Protection
Division for Air Quality
(Amendment)

401 KAR 63:002. 40 C.F.R. Part 63 national emission standards for hazardous air pollutants.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 40 C.F.R. Part 63, 42 U.S.C. 7401, 7412, 7414, 7416, 7601

STATUTORY AUTHORITY: KRS 224.10-100(5), 224.20-120, 42 U.S.C. 7401, 7412, 7414, 7416, 7601

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(5) authorizes the cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. 42 U.S.C. 7412(l) authorizes each state to establish standards for the federal NESHAP program for the U.S. EPA delegation of implementation and enforcement authority to the Commonwealth of Kentucky. This administrative regulation establishes national emission standards for hazardous air pollutants by referencing the National Emission Standards for Hazardous Air Pollutants (NESHAP) codified in 40 C.F.R. 63.1 through 63.56, 63.70 through 63.81, and 63.100 through 63.12005.

Section 1. Definitions.

(1) Except as established in subsection (2) of this section, terms used in this administrative regulation shall have the meaning given to them in 40 C.F.R. Part 63.

(2) "Administrator" means the Secretary of the Energy and Environment Cabinet unless a specific provision of 40 C.F.R. Part 63 states that the United States Environmental Protection Agency retains authority.

Section 2. Applicability. This administrative regulation shall apply to sources subject to 40 C.F.R. Part 63. A source subject to this administrative regulation shall comply with:

(1) 40 C.F.R. 63.1 through 63.16, Table 1 (Subpart A), General Provisions, as published July 1, 2025[~~2020 and at 85 F.R. 39980, 85 F.R 40386, 85 F.R. 40594, 85 F.R. 40740, 85 F.R. 41100, 85 F.R. 41276, 85 F.R. 41411, 85 F.R. 41680, 85 F.R. 42074, 85 F.R.~~

~~44216, 85 F.R. 44960, 85 F.R. 45476, 85 F.R. 49084, 85 F.R. 49434, 85 F.R. 49724, and 85 F.R. 63394~~];

(2) 40 C.F.R. 63.40 through 63.56, Tables 1 through 2 (Subpart B), Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j), as applicable, as published July 1, 2025[~~2020~~];

(3) 40 C.F.R. 63.70 through 63.81 (Subpart D), Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants, as applicable, as published July 1, 2025[~~2020~~];

(4)

(a) 40 C.F.R. 63.100 through 63.109[~~63.107~~], Tables 1 through 4 (Subpart F), National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry, as published July 1, 2025[~~2020~~];

(b) 40 C.F.R. 63.110 through 63.153, Tables 1 through 38[~~37~~], and Figure 1 (Subpart G), National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater, as published July 1, 2025[~~2020~~];

(c) 40 C.F.R. 63.160 through 63.184[~~63.183~~], Tables 1 through 4 (Subpart H), National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks and Fenceline Monitoring for All Emission Sources, as published July 1, 2025[~~2020~~];

(d) 40 C.F.R. 63.190 through 63.193 (Subpart I), National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks, as published July 1, 2025[~~2020~~];

(e) 40 C.F.R. 63.210 through 63.217 (Subpart J), National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production, as published July 1, 2025[~~2020~~];

(f) 40 C.F.R. 63.300 through 63.314[~~63.313~~], Appendix A (Subpart L), National Emission Standards for Coke Oven Batteries, as published July 1, 2025[~~2020~~];

(g) 40 C.F.R. 63.320 through 63.326 (Subpart M), National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, as published July 1, 2025[~~2020~~];

(h) 40 C.F.R. 63.340 through 63.348, Table 1 (Subpart N), National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, as published July 1, 2025[~~2020~~];

(i) 40 C.F.R. 63.360 through 63.368 (Subpart O), Ethylene Oxide Emissions Standards for Sterilization Facilities, as published July 1, 2025[~~2020~~];

(j) 40 C.F.R. 63.400 through 63.407, Table 1 (Subpart Q), National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers, as published July 1, 2025[~~2020~~];

(k) 40 C.F.R. 63.420 through 63.429, Table 1 (Subpart R), National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations), as published July 1, 2025[~~2020~~];

(l) 40 C.F.R. 63.440 through 63.459, Table 1 (Subpart S), National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry, as published July 1, 2025[~~2020~~];

(m) 40 C.F.R. 63.460 through 63.471, Appendices A through B (Subpart T), National Emission Standards for Halogenated Solvent Cleaning, as published July 1, 2025[~~2020~~];

(n) 40 C.F.R. 63.480 through 63.510[~~63.507~~], Tables 1 through 10[~~9~~] (Subpart U), National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins, as published July 1, 2025[~~2020~~];

(o) 40 C.F.R. 63.520 through 63.529, Tables 1 through 2[~~Table 1~~] (Subpart W), National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production, as published July 1, 2025[~~2020~~];

(p) 40 C.F.R. 63.541 through 63.552, Tables 1 through 3 (Subpart X), National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting, as published July 1, 2025[~~2020~~];

(q) 40 C.F.R. 63.560 through 63.568 (Subpart Y), National Emission Standards for Marine Tank Vessel Loading Operations, as published July 1, 2025[~~2020~~];

(r) 40 C.F.R. 63.600 through 63.611, Tables 1 through 5, and Appendix A (Subpart AA), National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants, as published July 1, 2025[~~2020~~];

(s) 40 C.F.R. 63.620 through 63.632, Tables 1 through 5, and Appendix A (Subpart BB), National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants, as published July 1, 2025[~~2020~~];

(t) 40 C.F.R. 63.640 through 63.671, Appendix (Subpart CC), National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries, as published July 1, 2025[~~2020~~];

(u) 40 C.F.R. 63.680 through 63.698, Tables 1 through 5 (Subpart DD), National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations, as published July 1, 2025[~~2020~~];

(v) 40 C.F.R. 63.701 through 63.708, Table 1 (Subpart EE), National Emission Standards for Magnetic Tape Manufacturing Operations, as published July 1, 2025[~~2020~~];

(w) 40 C.F.R. 63.741 through 63.759, Table 1, and Appendix A (Subpart GG), National Emission Standards for Aerospace Manufacturing and Rework Facilities, as published July 1, 2025[~~2020~~];

(x) 40 C.F.R. 63.760 through 63.777, Appendix (Subpart HH), National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities, as published July 1, 2025[~~2020~~];

(y) 40 C.F.R. 63.780 through 63.789, Tables 1 through 3, and Appendices A through B (Subpart II), National Emission Standards for Shipbuilding and Ship Repair (Surface Coating), as published July 1, 2025[~~2020~~];

(z) 40 C.F.R. 63.800 through 63.808, Tables 1 through 6 (Subpart JJ), National Emission Standards for Wood Furniture Manufacturing Operations, as published July 1, 2025[~~2020~~];

(aa) 40 C.F.R. 63.820 through 63.831, Table 1, and Appendix A (Subpart KK), National Emission Standards for the Printing and Publishing Industry, as published July 1, 2025[~~2020~~];

(bb) 40 C.F.R. 63.840 through 63.855, Tables 1 through 4, and Appendix A (Subpart LL), National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants, as published July 1, 2025[~~2020~~];

(cc) 40 C.F.R. 63.860 through 63.868, Table 1 (Subpart MM), National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills, as published July 1, 2025[~~2020~~];

(dd) 40 C.F.R. 63.880 through 63.888, Table 1 (Subpart NN), National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources, as published July 1, 2025[~~2020~~];

(ee) 40 C.F.R. 63.900 through 63.908 (Subpart OO), National Emission Standards for Tanks - Level 1, as published July 1, 2025[~~2020~~];

(ff) 40 C.F.R. 63.920 through 63.929 (Subpart PP), National Emission Standards for Containers, as published July 1, 2025[~~2020~~];

(gg) 40 C.F.R. 63.940 through 63.949 (Subpart QQ), National Emission Standards for Surface Impoundments, as published July 1, 2025[~~2020~~];

(hh) 40 C.F.R. 63.960 through 63.967 (Subpart RR), National Emission Standards for Individual Drain Systems, as published July 1, 2025[~~2020~~];

(ii) 40 C.F.R. 63.980 through 63.999 (Subpart SS), National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process, as published at July 1, 2025[~~2020 and at 85 F.R. 40386~~];

(jj) 40 C.F.R. 63.1000 through 63.1018 (Subpart TT), National Emission Standards for Equipment Leaks - Control Level 1, as published July 1, 2025[~~2020~~];

(kk) 40 C.F.R. 63.1019 through 63.1039, Table 1 (Subpart UU), National Emission Standards for Equipment Leaks - Control Level 2 Standards, as published July 1, 2025[~~2020~~];

(ll) 40 C.F.R. 63.1040 through 63.1050 (Subpart VV), National Emission Standards for Oil-Water Separators and Organic-Water Separators, as published July 1, 2025[~~2020~~];

(mm) 40 C.F.R. 63.1060 through 63.1067 (Subpart WW), National Emission Standards for Storage Vessels (Tanks) - Control Level 2, as published July 1, 2025[~~2020~~];

(nn) 40 C.F.R. 63.1080 through 63.1097, Tables 1 through 2 (Subpart XX), National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations, as published July 1, 2025[~~2020 and at 85 F.R. 40386~~];

(oo) 40 C.F.R. 63.1100 through 63.1114 (Subpart YY), National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards, as published July 1, 2025[~~2020 and at 85 F.R. 40386~~];

(pp) 40 C.F.R. 63.1155 through 63.1166, Table 1 (Subpart CCC), National Emission Standards for Hazardous Air Pollutants for Steel Pickling - HCl Process Facilities and Hydrochloric Acid Regeneration Plants, as published July 1, 2025[~~2020~~];

(qq) 40 C.F.R. 63.1175 through 63.1197, Tables 1 through 2, and Appendix A (Subpart DDD), National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production, as published July 1, 2025[~~2020~~];

(rr) 40 C.F.R. 63.1200 through 63.1221, Table 1, and Appendix A (Subpart EEE), National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, as published July 1, 2025[~~2020~~];

(ss) 40 C.F.R. 63.1250 through 63.1261, Tables 1 through 9 (Subpart GGG), National Emission Standards for Pharmaceuticals Production, as published July 1, 2025[~~2020~~];

(tt) 40 C.F.R. 63.1270 through 63.1287, Tables 1 through 2 (Subpart HHH), National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities, as published July 1, 2025[~~2020~~];

(uu) 40 C.F.R. 63.1290 through 63.1309, Appendix, and Tables 1 through 3 (Subpart III), National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production, as published July 1, 2025[~~2020~~];

(vv) 40 C.F.R. 63.1310 through 63.1336, Tables 1 through 9 (Subpart JJJ), National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins, as published July 1, 2025[~~2020~~];

(ww) 40 C.F.R. 63.1340 through 63.1358, Tables 1 through 2 (Subpart LLL), National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry, as published July 1, 2025[~~2020 and at 85 F.R. 63394~~];

(xx) 40 C.F.R. 63.1360 through 63.1369, Tables 1 through 4 (Subpart MMM), National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production, as published July 1, 2025[~~2020~~];

(yy) 40 C.F.R. 63.1380 through 63.1389, Tables 1 through 2, and Appendices A through C (Subpart NNN), National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing, as published July 1, 2025[~~2020~~];

(zz) 40 C.F.R. 63.1400 through 63.1419, Tables 1 through 6 (Subpart OOO), National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins, as published July 1, 2025[~~2020~~];

(aaa) 40 C.F.R. 63.1420 through 63.1439, Tables 1 through 8 (Subpart PPP), National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production, as published July 1, 2025[~~2020~~];

(bbb) 40 C.F.R. 63.1440 through 63.1459, Table 1 through 4, and Figure 1 (Subpart QQQ), National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting, as published July 1, 2025[~~2020~~];

(ccc) 40 C.F.R. 63.1500 through 63.1519, Tables 1 through 3, and Appendix A (Subpart RRR), National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production, as published July 1, 2025[~~2020~~];

(ddd) 40 C.F.R. 63.1541 through 63.1551, Table 1 (Subpart TTT), National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting, as published July 1, 2025[~~2020~~];

(eee) 40 C.F.R. 63.1560 through 63.1579, Tables 1 through 44, and Appendix A (Subpart UUU), National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units, as published July 1, 2025[~~2020~~];

(fff) 40 C.F.R. 63.1580 through 63.1595, Tables 1 through 2 (Subpart VVV), National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works, as published July 1, 2025[~~2020~~];

(ggg) 40 C.F.R. 63.1620 through 63.1661, Table 1 (Subpart XXX), National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese, as published July 1, 2025[~~2020~~];

(hhh) 40 C.F.R. 63.1930 through 63.1990, Table 1 (Subpart AAAA), National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, as published July 1, 2025[~~2020 and at 85 F.R. 64398~~];

(iii) 40 C.F.R. 63.2130 through 63.2192, Tables 1 through 8 (Subpart CCCC), National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast, as published July 1, 2025[~~2020~~];

(jjj) 40 C.F.R. 63.2230 through 63.2292, Tables 1A through 10, and Appendix A (Subpart DDDD), National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products, as published July 1, 2025[~~2020 and at 85 F.R. 49434 and 85 F.R. 51668~~];

(kkk) 40 C.F.R. 63.2330 through 63.2406, Tables 1 through 12 (Subpart EEEE), National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline), as published July 1, 2025[~~2020 and at 85 F.R. 40740~~];

(lll) 40 C.F.R. 63.2430 through 63.2550, Tables 1 through 12 (Subpart FFFF), National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing, as published July 1, 2025[~~2020 and at 85 F.R. 42074 and 85 F.R. 49084~~];

(mmm) 40 C.F.R. 63.2830 through 63.2872 (Subpart GGGG), National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production, as published July 1, 2025[~~2020~~];

(nnn) 40 C.F.R. 63.2980 through 63.3004, Tables 1 through 2, and Appendices A through B (Subpart HHHH), National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production, as published July 1, 2025[~~2020~~];

(ooo) 40 C.F.R. 63.3080 through 63.3176, Tables 1 through 5, and Appendix A (Subpart IIII), National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks, as published July 1, 2025[~~2020 and at 85 F.R. 41100~~];

(ppp) 40 C.F.R. 63.3280 through 63.3420, Tables 1 through 2 (Subpart JJJJ), National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating, as published July 1, 2025[~~2020 and at 85 F.R. 41276~~];

(qqq) 40 C.F.R. 63.3480 through 63.3561, Tables 1 through 8 (Subpart KKKK), National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans, as published July 1, 2025[~~2020~~];

(rrr) 40 C.F.R. 63.3880 through 63.3981, Tables 1 through 5, and Appendix A (Subpart MMMM), National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products, as published July 1, 2025[~~2020 and at 85 F.R. 41100~~];

(sss) 40 C.F.R. 63.4080 through 63.4181, Tables 1 through 5 (Subpart NNNN), National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances, as published July 1, 2025[~~2020 and at 85 F.R. 41100~~];

(ttt) 40 C.F.R. 63.4280 through 63.4371, Tables 1 through 6 (Subpart OOOO), National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles, as published July 1, 2025[~~2020 and at 85 F.R. 41100~~];

(uuu) 40 C.F.R. 63.4480 through 63.4581, Tables 1 through 5, and Appendix A (Subpart PPPP), National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products, as published July 1, 2025[~~2020 and at 85 F.R. 41100~~];

(vvv) 40 C.F.R. 63.4680 through 63.4781, Tables 1 through 7[~~6~~] (Subpart QQQQ), National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products, as published July 1, 2025[~~2020~~];

(www) 40 C.F.R. 63.4880 through 63.4981, Tables 1 through 5 (Subpart RRRR), National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture, as published July 1, 2025[~~2020 and at 85 F.R. 41100~~];

(xxx) 40 C.F.R. 63.5080 through 63.5200, Tables 1 through 3 (Subpart SSSS), National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil, as published July 1, 2025[~~2020~~];

(yyy) 40 C.F.R. 63.5280 through 63.5460, Figure 1, and Tables 1 through 2 (Subpart TTTT), National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations, as published July 1, 2025[~~2020~~];

(zzz) 40 C.F.R. 63.5480 through 63.5610, Tables 1 through 10 (Subpart UUUU), National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing, as published July 1, 2025[~~2020 and at 85 F.R. 39980~~];

(aaaa) 40 C.F.R. 63.5680 through 63.5779, Tables 1 through 8 (Subpart VVVV), National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing, as published July 1, 2025[~~2020~~];

(bbbb) 40 C.F.R. 63.5780 through 63.5935, Tables 1 through 15, and Appendix A (Subpart WWWW), National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production, as published July 1, 2025[~~2020~~];

(cccc) 40 C.F.R. 63.5980 through 63.6022[~~63.6015~~], Tables 1 through 22[~~17~~] (Subpart XXXX), National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing, as published July 1, 2025[~~2020 and at 85 F.R. 44752~~];

(dddd) 40 C.F.R. 63.6080 through 63.6175, Tables 1 through 7 (Subpart YYYY), National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines, as published July 1, 2025[~~2020~~];

(eeee) 40 C.F.R. 63.6580 through 63.6675, Tables 1a through 8, and Appendix A (Subpart ZZZZ), National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, as published July 1, 2025[~~2020~~];

(ffff) 40 C.F.R. 63.7080 through 63.7143, Tables 1 through 11[~~9~~] (Subpart AAAAA), National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants, as published July 1, 2025[~~2020 and at 85 F.R. 44960~~];

(gggg) 40 C.F.R. 63.7180 through 63.7195, Tables 1 through 2 (Subpart BBBBB), National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing, as published July 1, 2025[~~2020~~];

(hhhh) 40 C.F.R. 63.7280 through 63.7352, Table 1 (Subpart CCCCC), National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, as published July 1, 2025[~~2020~~];

(iiii) 40 C.F.R. 63.7480 through 63.7575, Tables 1 through 15[~~13~~] (Subpart DDDDD), National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, as published July 1, 2025[~~2020~~];

(jjjj) 40 C.F.R. 63.7680 through 63.7765, Table 1 (Subpart EEEEE), National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries, as published July 1, 2025[~~2020 and at 85 F.R. 56080~~];

(kkkk) 40 C.F.R. 63.7780 through 63.7852, Tables 1 through 6[~~4~~] (Subpart FFFFF), National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities, as published July 1, 2025[~~2020~~];

(llll) 40 C.F.R. 63.7880 through 63.7957, Tables 1 through 3 (Subpart GGGGG), National Emission Standards for Hazardous Air Pollutants: Site Remediation, as published July 1, 2025[~~2020 and at 85 F.R. 41680~~];

(mmmm) 40 C.F.R. 63.7980 through 63.8105, Tables 1 through 11 (Subpart HHHHH), National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing, as published July 1, 2025[~~2020 and at 85 F.R. 49724~~];

(nnnn) 40 C.F.R. 63.8180 through 63.8266, Tables 1 through 10 (Subpart IIIII), National Emission Standards for Hazardous Air Pollutants: Mercury Emissions From Mercury Cell Chlor-Alkali Plants, as published July 1, 2025[~~2020~~];

(oooo) 40 C.F.R. 63.8380 through 63.8515, Tables 1 through 10 (Subpart JJJJJ), National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing, as published July 1, 2025[~~2020~~];

(pppp) 40 C.F.R. 63.8530 through 63.8665, Tables 1 through 11 (Subpart KKKKK), National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing, as published July 1, 2025[~~2020~~];

(qqqq) 40 C.F.R. 63.8680 through 63.8698, Tables 1 through 7 (Subpart LLLLL), National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing, as published July 1, 2025[~~2020~~];

(rrrr) 40 C.F.R. 63.8780 through 63.8830, Tables 1 through 8[~~7~~] (Subpart MMMMM), National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabricating Operations, as published July 1, 2025[~~2020~~];

(ssss) 40 C.F.R. 63.8980 through 63.9075, Tables 1 through 7 (Subpart NNNNN), National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production, as published July 1, 2025[~~2020~~];

(tttt) 40 C.F.R. 63.9280 through 63.9375, Tables 1 through 7 (Subpart PPPPP), National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands, as published July 1, 2025[~~2020~~];

(uuuu) 40 C.F.R. 63.9480 through 63.9570, Table 1 (Subpart QQQQQ), National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities, as published July 1, 2025[~~2020~~];

(vvvv) 40 C.F.R. 63.9580 through 63.9652, Tables 1 through 4[~~2~~] (Subpart RRRRR), National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing, as published July 1, 2025[~~2020 and at 85 F.R. 45476~~];

(wwww) 40 C.F.R. 63.9780 through 63.9824, Tables 1 through 11 (Subpart SSSSS), National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing, as published July 1, 2025[~~2020~~];

(xxxx) 40 C.F.R. 63.9880 through 63.9942, Tables 1 through 5 (Subpart TTTTT), National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining, as published July 1, 2025[~~2020~~];

(yyyy) 40 C.F.R. 63.9980 through 63.10042, Tables 1 through 9, and Appendices A through E (Subpart UUUUU), National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units, as published July 1, 2025[~~2020 and at 85 F.R. 55744~~];

(zzzz) 40 C.F.R. 63.10382 through 63.10448, Table 1 (Subpart WWWWW), National Emission Standards for Hospital Ethylene Oxide Sterilizers, as published July 1, 2025[~~2020~~];

(aaaaa) 40 C.F.R. 63.10680 through 63.10692, Table 1 (Subpart YYYYY), National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities, as published July 1, 2025[~~2020~~];

(bbbbb) 40 C.F.R. 63.10880 through 63.10906, Tables 1 through 4 (Subpart ZZZZZ), National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources, as published July 1, 2025[~~2020 and at 85 F.R. 56080~~];

(ccccc) 40 C.F.R. 63.11080 through 63.11100, Tables 1 through 4[~~3~~] (Subpart BBBBBB), National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, as published July 1, 2025[~~2020~~];

(ddddd) 40 C.F.R. 63.11110 through 63.11132, Tables 1 through 3 (Subpart CCCCCC), National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, as published July 1, 2025[~~2020~~];

(eeeee) 40 C.F.R. 63.11140 through 63.11145, Tables 1 through 2 (Subpart DDDDDD), National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources, as published July 1, 2025[2020];

(fffff) 40 C.F.R. 63.11146 through 63.11152, Table 1 (Subpart EEEEEE), National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources, as published July 1, 2025[2020];

(ggggg) 40 C.F.R. 63.11153 through 63.11159, Table 1 (Subpart FFFFFF), National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources, as published July 1, 2025[2020];

(hhhhh) 40 C.F.R. 63.11160 through 63.11168, Table 1 (Subpart GGGGGG), National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium, as published July 1, 2025[2020];

(iiiii) 40 C.F.R. 63.11169 through 63.11180, Table 1 (Subpart HHHHHH), National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources, as published July 1, 2025[2020];

(jjjjj) 40 C.F.R. 63.11193 through 63.11237, Tables 1 through 8 (Subpart JJJJJJ), National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, as published July 1, 2025[2020];

(kkkkk) 40 C.F.R. 63.11393 through 63.11399, Table 1 (Subpart LLLLLL), National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources, as published July 1, 2025[2020];

(lllll) 40 C.F.R. 63.11400 through 63.11406 (Subpart MMMMMM), National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources, as published July 1, 2025[2020];

(mmmmm) 40 C.F.R. 63.11407 through 63.11413, Tables 1 through 2 (Subpart NNNNNN), National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds, as published July 1, 2025[2020];

(nnnnn) 40 C.F.R. 63.11414 through 63.11420[, Table 1] (Subpart OOOOOO), National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources, as published July 1, 2025[2020];

(ooooo) 40 C.F.R. 63.11421 through 63.11427, Tables 1 through 3[Table 1] (Subpart PPPPPP), National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources, as published July 1, 2025[2020];

(ppppp) 40 C.F.R. 63.11428 through 63.11434, Table 1 (Subpart QQQQQQ), National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources, as published July 1, 2025[2020];

(qqqqq) 40 C.F.R. 63.11435 through 63.11445, Table 1 (Subpart RRRRRR), National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources, as published July 1, 2025[2020];

(rrrrr) 40 C.F.R. 63.11448 through 63.11460, Tables 1 through 2 (Subpart SSSSSS), National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources, as published July 1, 2025[2020];

(sssss) 40 C.F.R. 63.11462 through 63.11473, Table 1 (Subpart TTTTTT), National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources, as published July 1, 2025[2020];

(ttttt) 40 C.F.R. 63.11494 through 63.11503, Tables 1 through 9 (Subpart VVVVVV), National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources, as published July 1, 2025[2020];

(uuuuu) 40 C.F.R. 63.11504 through 63.11512, Table 1 (Subpart WWWWWW), National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations, as published July 1, 2025[2020];

(vvvvv) 40 C.F.R. 63.11514 through 63.11523, Tables 1 through 2 (Subpart XXXXXX), National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories, as published July 1, 2025[2020];

(wwwww) 40 C.F.R. 63.11524 through 63.11532, Table 1 (Subpart YYYYYY), National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities, as published July 1, 2025[2020];

(xxxxx) 40 C.F.R. 63.11544 through 63.11557, Table 1 (Subpart ZZZZZZ), National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries, as published July 1, 2025[2020];

(yyyyy) 40 C.F.R. 63.11559 through 63.11567, Tables 1 through 5 (Subpart AAAAAAA), National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing, as published July 1, 2025[2020];

(zzzzz) 40 C.F.R. 63.11579 through 63.11588, Tables 1 through 6 (Subpart BBBBBBB), National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry, as published July 1, 2025[2020];

(aaaaaa) 40 C.F.R. 63.11599 through 63.11607, Table 1 (Subpart CCCCCCC), National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing, as published July 1, 2025[2020];

(bbbbbb) 40 C.F.R. 63.11619 through 63.11627, Table 1 (Subpart DDDDDDD), National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing, as published July 1, 2025[2020];

(cccccc) 40 C.F.R. 63.11640 through 63.11652, Table 1 (Subpart EEEEEEE), National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category, as published July 1, 2025[2020]; or

(dddddd) 40 C.F.R. 63.11860 through 63.12005, Tables 1 through 10 (Subpart HHHHHHH), National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production, as published July 1, 2025[2020]; and

(5) The applicable test methods, procedures, and other provisions codified in 40 C.F.R. Part 63, Appendices A through E, as published July 1, 2025[2020 and at 85 F.R. 63394].

Section 3. Reporting Requirements. All documentation required by this administrative regulation to be submitted to the U.S. EPA shall also be submitted to the cabinet.401 KAR 63:002 approved for filing.

REBECCA W. GOODMAN, Secretary

APPROVED BY AGENCY: September 25, 2025

FILED WITH LRC: October 2, 2025 at 1:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A virtual public hearing on this administrative regulation amendment will be held December 22, 2025, at 10:00 a.m. (Eastern time). Individuals interested in being heard at this hearing shall notify this agency in writing by December 15, 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 December 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation amendment to the contact person. The hearing facility is accessible to persons with disabilities. Requests for reasonable accommodations, including auxiliary aids and services necessary to participate in the hearing may be made to the contact person at least five (5) workdays prior to the hearing.

CONTACT PERSON: Donovan McGauley, Environmental Scientist II, 300 Sower Boulevard, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 782-4158, email Donovan.mcgauley@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Donovan McGauley, Environmental Scientist II
Subject Headings: Air Quality Standards; Clean Air Act; Hazardous Air Pollutants
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative

regulation adopts National Emission Standards for Hazardous Air Pollutants (NESHAP) codified in 40 C.F.R. Part 63, pursuant to Section 112 of the Clean Air Act (CAA).
(b) The necessity of this administrative regulation: This regulation is necessary to control the air emissions of Hazardous Air Pollutants (HAP) that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental health. The intent of the standards is to protect public health by requiring major and area sources to control emissions to the level achievable consistent with Section 112 of the CAA.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(5) requires the Energy and Environment Cabinet to promulgate administrative regulations for the prevention, abatement, and control of air pollution. 42 U.S.C 7416 requires that state authorities may not adopt or enforce emission standards or limitations that are less stringent than the federal standards.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will enable the Cabinet to continue to implement and enforce the standards that are applicable under 40 C.F.R. Part 63 pursuant to Section 112 of the CAA.
(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 updates the regulation to include source compliance requirements according to federal regulations published as of July 1, 2025.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary in order to incorporate updates of 40 C.F.R. Part 63 standards so state standards are aligned with federal standards. This will allow Kentucky to continue to implement and enforce the federal NESHAP program.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statute by adopting NESTAPs that protect human health and welfare. The amendment also conforms to the authorizing statute by being no less stringent than the federal standards in 40 C.F.R. Part 63.
(d) How the amendment will assist in the effective administration of the statutes: The amendment adopts the federal NESHAP to provide consistency with federal regulations. The new provisions will be enforceable by the Cabinet.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect area and major sources that emit a hazardous air pollutant and are subject to 40 C.F.R. Part 63.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Sources that are applicable to a standard under 40 C.F.R. Part 63 may be subject to the regulation and will be required to comply with the applicable subpart. However, there should be no additional requirements as sources are already required to comply at the federal level.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Entities affected by the 40 C.F.R Part 63 standards should have no additional costs associated with this amendment as they are required to comply at the federal level.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The sources will remain in compliance with state and federal regulations and hazardous air pollutants will be controlled.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The cabinet will not incur any additional costs for the implementation of this administrative regulation.
(b) On a continuing basis: There are no continuing costs for the implementation of this administrative regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Cabinet's current operating budget will be used to implement this administrative regulation.
(8) 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.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Yes. The administrative regulation defines the HAP thresholds to determine if a regulated source is considered a major or area emitter of HAPs. However, this administrative regulation adopts the same standards as the federal regulations codified in 40 C.F.R Part 63.

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 224.10-100(5), KRS 224.20-120, 42 U.S.C. 7401, 7412, 7414, 7416, 7601, and 40 C.F.R. Part 63.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Energy and Environment Cabinet, Department for Environmental Protection, Division for Air Quality.
(a) Estimate the following for the first year:
Expenditures: There is no known effect on current expenditures for the Division for Air Quality.
Revenues: There is no known effect on current revenues for the Division for Air Quality.
Cost Savings: There is no known effect on cost savings for the Division for Air Quality.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Any state agency has that has a source with an applicable NESHAP requirement in 40 C.F.R. Part 63.
(a) Estimate the following for the first year:
Expenditures: There is no known effect on current expenditures.
Revenues: There is no known effect on current revenues.
Cost Savings: There is no known effect on current cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.
(4) Identify additional regulated entities not listed in questions (2) or (3): Any entity that has a source with an applicable NESHAP requirement established in 40 C.F.R. Part 63.
(a) Estimate the following for the first year:
Expenditures: There will be no additional expenditures in the first year
Revenues: There is no known effect on current revenues.
Cost Savings: There is no known effect on cost savings.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? The expenditures, revenues, and cost savings will not change in subsequent years.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: There is no impact. This administrative regulation adopts by reference 40 C.F.R Part 63 in order for the Division for Air Quality to maintain the delegation of implementation and enforcement authority from the EPA.
(b) Methodology and resources used to determine the fiscal impact: The method was done at the federal level. Each time EPA promulgates a new or updated NESHAP, that rulemaking is accompanied by a Regulatory Impact Analysis that includes financial burdens associated with the rulemaking for the regulated entities expected to be impacted. The Division for Air Quality does not do an additional review beyond what is done at the federal level, as the Division is no more stringent than the federal requirements. Information on specific RIAs for a promulgated NESHAP can be found in the associated federal rulemaking and docket documents on

federalregister.gov.
(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 administrative regulation will not have a major economic impact because all affected sources are already required to comply with the federal regulations at the federal level. The amendment to this administrative regulation adopts by reference federal requirements for which any regulated entity has already incurred any associated costs.
(b) The methodology and resources used to reach this conclusion: This administrative regulation references requirements and standards that are developed by US EPA. US EPA has similar requirements for fiscal impacts and a regulatory impact analysis when promulgating new regulations related to NESHAP. Since analysis for each individual NESHAP occurred at the federal level, and the state is not adding any additional requirements, the Division has concluded that the adoption of the federal standards at the state level does not constitute a major economic impact. Any information on economic impact of individual NESHAP can be found in the EPA's promulgation documents for that standard, which is available publicly.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. The standards established pursuant to 42 U.S.C. 7412(d) are codified in 40 C.F.R. Part 63. The source category lists are established pursuant to 42 U.S.C. 7412(c) and (k).
(2) State compliance standards. This administrative regulation establishes performance standards for hazardous air pollutants.
(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 7412 establishes the requirements for the Administrator to develop standards for hazardous air pollutants.
(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. This administrative regulation sets the same standards as the federal regulations in 40 C.F.R. Part 63.
(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Stricter standards, or additional or different responsibilities and requirements are not imposed.

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 Juvenile Justice
(Amendment)

505 KAR 1:140. Department of Juvenile Justice Policies and Procedures Manual: detention services.

RELATES TO: KRS 15A.065, 15A.067, 15A.200-15A.245, 15A.305, 200.080-200.120, Chapters 600-645
STATUTORY AUTHORITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305, 200.115, 605.150, 635.095, 635.100(7), 640.120, 645.250
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.065(1), 15A.067, 15A.160, 15A.210, 15A.305(5), 605.150, 635.095 and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation incorporates by reference policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.

Section 1. Incorporation by Reference.
(1) The "Department of Juvenile Justice Policy and Procedures Manual: Detention Services", June 13, 2023, is incorporated by reference and includes the following:

700	Definitions (Amended 06/13/23)
700.1	Detention Services Delivery System (Amended 06/13/23)
701	Criteria for Admissions (Amended 03/30/18)
702	Intake, Reception and Orientation (Amended 07/10/18)
703	Detention Risk Assessment (Amended 03/30/18)
704	Alternatives to Secure Detention (Amended 01/13/23)
704.1	Supervision of Juveniles in Alternative to Secure Detention Programs (Amended 03/30/18)
704.2	Revocation of Juveniles in Alternative to Secure Detention Programs (Amended 03/30/18)
704.3	Juvenile Justice and Delinquency Prevention Act (Added 03/30/18)
705	Individual Client Records (Amended 03/30/18)
705.2	Progress Notes (Amended 03/30/18)
706	Grievance Procedure (Amended 03/30/18)
707	Bed Capacities and Staffing of Juvenile Detention Centers (Amended 01/13/23)
708	Classification of Juveniles for Housing and Program Assignment (Amended 01/13/23)
709	Security and Control (Amended 03/30/18)
710	Shift and Log Reports (Amended 03/30/18)
712	Escape/AWOL (Amended 06/13/23)
714	Searches (Amended 03/30/18)
715	Incident Reports (Amended 03/30/18)
716	Behavior Management (Amended 03/30/18)
[~~717~~]	[~~Discipline and Special Behavior Management (Amended 06/13/23)~~]
718	Disciplinary Review (Amended 07/10/18)
720	Programs and Services (Amended 03/30/18)
720.1	Library Services (Amended 01/13/23)
720.2	Recreation and Structured Activities (Amended 01/13/23)
720.3	Religious Programs (Amended 03/30/18)
720.4	Juveniles Work Details (Amended 03/30/18)
720.5	Social Services (Amended 07/10/18)
720.6	Family and Community Contact (Amended 07/10/18)
725	Educational Programming and Assessment (Amended 07/10/18)
725.1	Instructional Staffing (Amended 03/30/18)
725.2	Education Records (Amended 07/10/18)
726	Leaves (Amended 03/30/18)
729	Release From Detention (Amended 03/30/18)

730	Inspections of Secure Juvenile Detention Facilities (Amended 01/13/23)
731	Complaint Investigations of Secure Juvenile Detention Centers and Juvenile Holding Facilities (Amended 03/30/18)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Juvenile Justice, Office of the Commissioner, 1025 Capital Center Drive, Third Floor, Frankfort, Kentucky 40601, or at any department field office, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Juvenile Justice Web site at https://djj.ky.gov/About%20DJJ/Pages/lrcfilings.aspx.

RANDY WHITE, Commissioner

APPROVED BY AGENCY: September 25, 2025

FILED WITH LRC: September 25, 2025 at 1:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation amendment shall be held Tuesday, December 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 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 until December 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: Nathan Goens, Assistant General Counsel, 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
Subject Headings: Children and Minors, Juvenile Detention and Justice, Justice and Public Safety
(1) Provide a brief summary of:
(a) What this administrative regulation does: The regulation amendment establishes policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.
(b) The necessity of this administrative regulation: The regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in isolation.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation removes outdated procedures for isolation and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and will ensure new, additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in isolation.
(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 administrative regulation amendment removes outdated procedures for isolation and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and ensures safeguards to protect the health, safety, and welfare of juveniles placed in isolation.
(b) The necessity of the amendment to this administrative regulation: The regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in isolation.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation removes outdated procedures for isolation and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and ensures safeguards to protect the health, safety, and welfare of juveniles placed in isolation.
(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation removes outdated procedures for isolation and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and ensures additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in isolation.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect the juveniles in the care or custody of the Department of Juvenile Justice, which is currently approximately 400, and approximately merit employees of the Department of Juvenile Justice, which is currently approximately 1,300.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Juveniles in the care or custody of the Department of Juvenile Justice will have added protection due to the increased safeguards put in place through the administrative regulation amendment. Department of Juvenile Justice staff and employees will be required to implement the newly established procedures that govern the operations of the Department of Juvenile Justice.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will not cost the entities identified in question (4) anything to implement the amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, Department of Juvenile Justice staff and employees will be better able to protect the health, safety and welfare of juveniles placed in isolation, which will result in better health, safety, and welfare outcomes to those youth in the care or custody of the Department of Juvenile Justice.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional initial costs to the administrative body to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
(b) On a continuing basis: There will be no additional costs on a continuing basis to the administrative body to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The funding source for implementation and enforcement of this administrative regulation is DJJ budgeted funds for the biennium.
(8) 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 or funding necessary to implement this administrative regulation amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.
(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities 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 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes policies and procedures concerning detention services for the Department of Juvenile Justice in the implementation of a statewide juvenile services program.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Juvenile Justice
(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 expenditures to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
For subsequent years: There will be no additional expenditures to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
2. Revenues:
For the first year: The administrative regulation amendment will not generate revenue.
For subsequent years: The administrative regulation amendment will not generate revenue.
3. Cost Savings:
For the first year: Cost savings are not anticipated.
For subsequent years: Cost savings are not anticipated.
(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: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
2. Revenues:
For the first year: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
3. Cost Savings:
For the first year: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Juveniles in the in the care or custody of the Department of Juvenile Justice will be affected by this administrative regulation amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice.
For subsequent years: The administrative regulation amendment will not generate revenue.
2. Revenues:
For the first year: The administrative regulation amendment will not generate revenue.
For subsequent years: Cost savings are not anticipated.
3. Cost Savings:
For the first year: Cost savings are not anticipated.
For subsequent years: Cost savings are not 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: A fiscal impact to implement this administrative regulation amendment is not anticipated as the Department of Juvenile Justice will use existing resources, staff and employees to implement changes.
(b) Methodology and resources used to reach this conclusion: Because the Department of Juvenile Justice will use existing resources, staff, and employees to implement this administrative regulation, the Department of Juvenile Justice concluded 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(14): An overall negative or adverse major economic impact is not anticipated.
(b) The methodology and resources used to reach this conclusion: The administrative regulation amendment amends an existing administrative regulation. The administrative regulation was reviewed, and an overall negative or adverse major economic impact was not identified as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

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 Juvenile Justice
(Amendment)

505 KAR 1:410. Restrictive housing[~~Isolation~~] and protective custody.

RELATES TO: KRS 15A.065, 15A.0652,[~~, 200.080-200.120,~~] Chapters 600-645
STATUTORY AUTHORITY: KRS [~~15A.065(1),~~]15A.0652, [~~15A.160,~~]605.150, 635.095[~~, 635.100(7)~~], 640.120[~~, 645.250~~]
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS [~~15A.065(1),~~]15A.0652,[~~ 15A.160,~~] 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing[~~isolation~~] and protective custody in juvenile detention centers and youth development centers.

Section 1. General Provisions[~~Isolation~~].

(1) Restrictive housing[~~Isolation~~] shall only apply to juveniles in juvenile detention centers and youth development centers. Restrictive housing shall only be used for behavior management. Restrictive housing shall not be used for punishment, staff convenience, or minor rule violations.

(2) Restrictive housing shall only be used for a direct and clear [~~A juvenile may be placed in isolation if the juvenile constitutes a~~] threat to the safety or security of the facility, staff,[~~ or a~~] juvenile or other juveniles, including, but not limited to:[~~.~~]

[~~(3)~~] [~~The following situations may constitute a threat to the safety or security of the facility, staff, or a juvenile and may result in an isolation placement:~~]

(a) Assault or attempted assault;

(b) Sexual assault or attempted sexual assault;

(c) Attempted escape[~~ or attempted absent without leave~~];

(d) Escape;

(e) Participating in a riot;

(f) Planning a riot;

(g) Possessing dangerous contraband as defined by KRS 120.0103;[~~ or~~]

(h) Causing extensive property damage; or

(i) Any other serious or violent behavior that compromises the safety and security of residents or staff.

(3) The time periods in which action is necessitated by this regulation are suspended during resident sleeping hours from 8:00 p.m. to 6:00 a.m., and any delayed assessment shall occur within two (2) hours of 6:00 a.m.

(4) Prior to going into restrictive housing, the reason shall be explained to the juvenile and an opportunity provided for the juvenile to explain the behavior. The juvenile's statement shall be contemporaneously documented on the incident report. The release criteria in the plan shall state the behavioral expectations required for release, be explained to the juvenile, and be signed by the juvenile. If the juvenile is at the time presenting a danger to himself or others, or is being non-compliant, the juvenile's signature is not required, and staff shall indicate in writing such danger or non-compliance.

(5) Staff shall make direct visual contact with the juvenile at staggered intervals not to exceed fifteen (15) minutes to determine the juvenile's compliance with the plan for release. These checks shall be contemporaneously documented on an observation log.

(6) If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the shift supervisor or above shall return the juvenile to the general population. The time of release and the identity of the person releasing shall be documented contemporaneously on an observation log.

(7)

(a) If the juvenile continues to demonstrate negative or concerning behaviors and does not respond to reasonable redirection and guidance from staff, or the juvenile's behavior escalates or is beyond control, a qualified mental health professional (QMHP) shall be contacted as soon as possible by the administrative duty officer (ADO), youth services program specialist (YSPS), or superintendent but in no event not more than one (1) hour after the conduct occurs.

(b) The QMHP shall assess the juvenile to determine if acute psychiatric symptoms are contributing to the juvenile's behavior. Acute psychiatric symptoms include suicidal ideation, homicidal ideation, plan/intent to engage in self-injurious behaviors, mood disturbance, psychosis, thought-disordered thinking, symptoms associated with previous trauma or other signs of severe psychological distress.

(c) Based on the outcome of the assessment, the QMHP shall make recommendations for appropriate intervention.

(8) If at any time a juvenile exhibits deterioration in mental status during a restrictive housing placement, including by failing to respond, by their statements, by their refusal to eat, or by their refusal to perform personal hygiene as observed by staff during the fifteen (15) minute checks, a QMHP shall be contacted immediately to determine the most appropriate action based on the treatment needs of the juvenile. The contact and the person making the contact shall be contemporaneously documented in an observation log.

(9) The juvenile shall be afforded living conditions and privileges approximating those available to the general population including modified access to recreation, educational and treatment services, taking into consideration the safety and security of the juvenile and the facility. All services shall be contemporaneously documented on a services log. Any adjustments shall be documented, including the reason for the change.

(10) The juvenile shall be responsible for keeping their room clean while in restrictive housing.

Section 2. Authorizations.

(1) Initial authorization shall be obtained from the facility superintendent, YSPS, ADO, or shift supervisor prior to placing a juvenile in restrictive housing placement and documented. If prior authorization cannot be obtained without jeopardizing the safety or security of the facility, staff, or juvenile, authorization shall be obtained immediately following the safe securing of the juvenile, but in no event not more than one (1) hour.

(2) An initial restrictive housing placement shall not exceed four (4) hours.

(3) An extension beyond an initial four (4) hour period, not to exceed eight (8) hours shall only be granted after the superintendent or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release. These visits and the specific behaviors noted shall be contemporaneously documented on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension.

(4) An extension of a restrictive housing placement beyond eight (8) hours, and for each four (4) hour extension up to twenty-four (24) hours, shall require approval of the executive director. The decision shall only be made after the superintendent or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release. These visits and the specific behaviors noted shall be documented contemporaneously on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, and additional approval shall be obtained every four (4) hours.

(5) An extension of a restrictive housing placement beyond twenty-four (24) hours, and for each four (4) hour extension up to forty-eight (48) hours, shall require the approval of the Commissioner after consulting with the mental health authority or designee only after review and approval of the executive director. The executive director shall decide only after the superintendent or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release and the mental health assessment has been done as set out in Section 3(5) of this administrative regulation. These visits and the specific behaviors noted shall be documented contemporaneously on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, and additional approval shall be obtained every four (4) hours.

(6) An extension of a restrictive housing placement beyond forty-eight (48) hours, and for each four (4) hour extension up to seventy-two (72) hours, shall require the approval of the cabinet secretary or designee after consulting with the mental health authority only after review and approval of the commissioner and the executive director. The commissioner and executive director shall only decide only after the superintendent or ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release and the mental health assessment has been done as set out in Section 3(5) of this administrative regulation. These visits and the specific behaviors noted shall be contemporaneously documented on an observation

log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, additional approval shall be obtained every four (4) hours, and appropriate mental health treatment shall be provided.

(7) A restrictive housing placement shall not exceed seventy-two (72) hours or three (3) days. If grounds meriting restrictive housing placement are present after three (3) days, a special management plan shall be implemented and the mental health authority and the commissioner shall evaluate whether a mental health hospitalization of the juvenile should be pursued.

Section 3. Visits and Assessments.

(1) The facility nurse shall be consulted as soon as possible, or within one hour of placement, to determine if there are medical contraindications for the juvenile being placed in restrictive housing and this consultation shall be documented on an observation log.

(2) The facility nurse shall assess juveniles placed in restrictive housing as soon as possible, but in no event later than one (1) hour.

(3) Injuries, bruises or scratches, and observations shall be noted by a minimum of two (2) staff and photographed by staff who were not involved in the incident. The nurse shall document the date, time, and results of the assessment.

(4) The juvenile shall receive a visit from the facility nurse every twenty-four (24) hours unless medical attention is needed more frequently. The visit shall be documented contemporaneously in an observation log.

(5) If a juvenile's problem behavior lasts twenty-four (24) hours and there appears to be a need for continued intervention, a QMHP shall assess the juvenile every twelve (12) hours. Any treatment provided shall be documented contemporaneously in the juvenile's medical record.

(6) An administrative review shall be conducted and documented by a facility superintendent, ADO, YSPS, counselor or shift supervisor, within four (4) hours of placement in restrictive housing, and a reassessment shall be done at each shift change or a minimum of eight (8) hours, thereafter, to determine the juvenile's readiness for release. The reviews shall be completed by a staff member not involved in the incident. In instances where a prior room restriction, intensive room supervision, or room confinement placement was not successful and a restrictive housing placement was started, this review shall take place as soon as the restrictive housing protocol has started.

(7) Juveniles in restrictive housing shall be visited at least once every twenty-four (24) hours by the superintendent or ADO, medical staff, and clinical or social work staff. A juvenile may request a visit from a member of the clergy, if available. All visits with the juvenile during placement on restrictive housing shall be documented contemporaneously on an observation log and services log.

Section 4. Documentation.

(1) All documentation shall be legible.

(2) When a juvenile is removed from the general population and placed on restrictive housing, a restrictive housing packet shall be started and shall include:

(a) An incident report;

(b) A services log;

(c) A medical checklist;

(d) An observation log and addendum(s);

(e) A plan for release; and

(f) Any professional/administrative reviews.

(3) An incident report shall include:

(a) Restrictive housing shall be indicated on the incident report.

(b) The juvenile's explanation of the juvenile's behavior or statement should be included, if any.

(c) The name and title of the staff requesting and authorizing the initial placement and the transition to restrictive housing or extension, and the time approval was requested and received;

(d) The reason for the placement with specific detail about how the juvenile presents a risk to safety and security or orderly facility operations;

(e) The duration of the placement; and

(f) The reason for each extension request, the reason the request was granted or denied, and the duration of the extension.

(4) A plan for release shall:

(a) Be authored by the staff in conjunction with the shift supervisor;

(b) State the behavior expectation for release from the room placement;

(c) Be explained to the juvenile by staff;

(d) Be signed by the juvenile. If a juvenile refuses to sign, the plan shall be explained orally by a noninvolved staff member and witnessed by a third party.

(e) Include specific behaviors related to the incident necessary for the juvenile to obtain release such as:

1. Regain control of their behavior;

2. Willingness to participate in required activities;

3. Able to interact in a calm manner; and

4. Is no longer a direct and clear threat to the security, safety, or orderly management of the facility.

(f) Not include generalized attitude without specific behaviors listed. Failure to clean the room shall not be the sole grounds to deny release.

(5) Observation log.

(a) Behavioral observations shall be documented in an observation log and the shift supervisor shall be notified of any medical or behavioral health issues that would warrant immediate attention for follow-up.

(b) The observations shall include the youth's comments and any credible threats as observed by staff familiar with the youth's behavior.

(c) The fifteen (15) minute checks shall be documented on an observation log.

(d) The time of the release and the person releasing shall be contemporaneously documented in an observation log.

(6) A services log shall document all services provided to the juvenile while in room restriction including recreation, education, meals, and counseling.

(7) The documentation shall be placed in the juvenile's individual client record.

[~~(4)~~] [~~Authorization shall be obtained from the facility manager, youth services program supervisor, administrative duty officer, or shift supervisor prior to placing a juvenile into isolation. If prior authorization cannot be obtained without jeopardizing the safety and security of the facility, staff, or other juveniles, authorization shall be obtained immediately following the safe securing of the juvenile. An isolation placement shall not exceed four (4) hours without further action as stated in subsections (5) through (7) of this section.~~]

[~~(5)~~] [~~Isolation in a detention center.~~]

[~~(a)~~] [~~The facility manager may authorize a juvenile to remain in isolation beyond an initial four (4) hour period, not to exceed twenty-four (24) hours.~~]

[~~(b)~~] [~~An extension of an isolation placement beyond twenty-four (24) hours and up to thirty-six (36) hours shall require the approval of the division director. The division director shall consider whether the juvenile:~~]

[~~1.~~] [~~Has regained control of their behavior; and~~]

[~~2.~~] [~~Is no longer a threat to the security, safety, or orderly management of the facility.~~]

[~~(c)~~] [~~An extension of an isolation placement beyond thirty-six (36) hours and up to a maximum of forty-eight (48) hours shall require the approval of the division director and the chief of mental health services. For the extension decision, they shall consider:~~]

[~~1.~~] [~~Whether the juvenile has regained control of their behavior; and~~]

[~~2.~~] [~~Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and~~]

[~~3.~~] [~~The mental health issues of the juvenile.~~]

[~~(d)~~] [~~If a highly assaultive juvenile requires isolation for more than forty-eight (48) hours, an extension of an isolation placement beyond forty-eight (48) hours shall require the approval of the respective division director and the chief of mental health services. Any extension made shall be reviewed every twenty-four (24) hours~~

and shall not exceed five (5) days. For the extension decision, they shall consider:]

[1.] [Whether the juvenile has regained control of their behavior; and]

[2.] [Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and]

[3.] [The mental health issues of the juvenile.]

[(6)] [Isolation in youth development centers and group homes.]

[(a)] [The facility manager may authorize a juvenile to remain in isolation beyond an initial four (4) hour period, not to exceed twenty-four (24) hours.]

[(b)] [An extension of an isolation placement beyond twenty-four (24) hours and up to thirty-six (36) hours shall require the approval of the facilities regional administrator. For the extension decision, the FRA shall consider whether the juvenile:]

[1.] [Has regained control of their behavior; and]

[2.] [Is no longer a threat to the security, safety, or orderly management of the facility.]

[3.] [An extension of an isolation placement beyond thirty-six (36) hours and up to a maximum of forty-eight (48) hours shall require the approval of the respective division director and the regional psychologist. For the extension decision, they shall consider:]

[a.] [Whether the juvenile has regained control of their behavior; and]

[b.] [Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and]

[c.] [The mental health issues of the juvenile.]

[(c)] [If a highly assaultive juvenile requires isolation for more than forty-eight (48) hours, an extension of an isolation placement beyond forty-eight (48) hours shall require the approval of the respective division director, the regional psychologist, and the chief of mental health services. Any extension made shall be reviewed every twenty-four (24) hours and shall not exceed five (5) days. For the extension decision, they shall consider:]

[1.] [Whether the juvenile has regained control of their behavior; and]

[2.] [Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and]

[3.] [The mental health issues of the juvenile.]

[(7)] [The nurse shift program supervisor or on call nurse designee shall be notified as soon as feasible to determine if there are contra-indications for the juvenile being placed in isolation.]

[(a)] [The facility nurse or health services protocol trained staff shall assess a juvenile placed in isolation as soon as it is safe to do so, as dictated by the director of medical services.]

[(b)] [Injuries, bruises, scratches, and other observations shall be noted by a minimum of two (2) staff. The nurse or designee shall document the date, time, and results of the assessment.]

[(8)] [Isolation may be used if requested by a juvenile and staff concur that the placement is in the best interest of the juvenile.]

[(9)] [An assessment of a juvenile in isolation shall not be required to occur within the deadlines established in subsections (5) through (7) of this section, if the deadline falls within the normal sleep time for the facility. A delayed assessment shall occur within two hours of the normal awake time for the facility.]

[(10)] [A juvenile in isolation shall be visited at least once a day by the facility manager or designee, medical or medically trained staff, and clinical or social work staff or designee. A juvenile may request a visit from clergy or other religious representative. All interactions with the juvenile during placement on isolation shall be documented.]

[(11)] [The regional psychologist or designee shall conduct interviews and assessments for disturbances in mental status, including, for example, depression; suicidal ideation; impaired thought processes, cognition or memory; agitation; paranoia; self-injurious behavior; evidence of bruises or other signs of trauma; and whether the juvenile's behavior has escalated beyond the staff's ability to control the juvenile by counseling or disciplinary measures.]

[(12)] [If a juvenile exhibits deterioration in mental status while in isolation, the regional psychologist shall be contacted to determine the most appropriate action based on the treatment needs of the juvenile.]

[(13)] [If a juvenile's problem behavior lasts twenty-four (24) hours and there appears to be a need for continued intervention, qualified health personnel shall assess the juvenile daily.]

[(14)] [The juvenile in isolation shall be afforded living conditions and privileges approximating those available to the general population, including modified access to recreation and educational and treatment services taking into consideration the juvenile's and facility safety and security needs.]

[(15)] [The juvenile shall be responsible for the daily cleaning of their living area in isolation.]

[(16)] [Release from isolation may occur based on the juvenile's behavior and state of mind.]

Section 5.[Section 2.] Restrictive housing for[Isolation of] suicidal juveniles.

(1) Restrictive housing[Isolation] shall not be used as a suicide precaution.

(2) A juvenile who is suicidal may only be placed in restrictive housing[isolation] if the juvenile presents an immediate assault risk to staff or other juveniles as evidenced by physical actions and other less restrictive interventions have failed or are not appropriate. All other suicide protocols shall be followed.

Section 6.[Section 3.] Protective Custody.

(1) Restrictive housing shall not be used for protective custody.

(2) A juvenile requiring protection from others may be placed in protective custody until alternative permanent housing is found within the facility or the juvenile is transferred to another facility.

(3)[(2)] The superintendent[facility manager] or designee may order immediate placement in protective custody[or isolation] if it is necessary to protect the juvenile from harm. This action shall be reviewed every twenty-four (24) hours of placement by the superintendent[facility manager] or designee. Separation from the general population beyond twenty-four (24) hours shall require approval by the superintendent who[facility manager and Treatment Director and] shall consider any mental health issues of the juvenile. The [chief of]mental health authority[services] and a QMHP[regional psychologist] shall be consulted by the superintendent. The action shall be reviewed by the multidisciplinary[treatment] team within seventy-two (72) hours to decide on alternative permanent housing.

(4)[(3)] A[The] youth development center treatment team may develop a special management plan to assure the safety of and continuous services and programming for the juvenile.505 KAR 1:410. Restrictive housing and protective custody.

RANDY WHITE; Commissioner

APPROVED BY AGENCY: September 25, 2025

FILED WITH LRC: September 25, 2025 at 1:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation amendment shall be held Tuesday, December 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 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 until December 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: Nathan Goens, Assistant General Counsel, 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
Subject Headings: Children and Minors, Juvenile Detention and Justice, Justice and Public Safety
(1) Provide a brief summary of:
(a) What this administrative regulation does: The administrative regulation amendment establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers.
(b) The necessity of this administrative regulation: The administrative regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in restrictive housing and protective custody.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and will ensure additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in restrictive housing and protective custody.
(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 administrative regulation amendment installs safeguards to protect the health, safety, and welfare of juveniles placed in restrictive housing and protective custody.
(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in restrictive housing and protective custody.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.
(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and will ensure additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in restrictive housing and protective custody.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This emergency administrative regulation will affect the juveniles in the care or custody of the Department of Juvenile Justice, which is currently approximately 400, and approximately merit employees of the Department of Juvenile Justice, which is currently approximately 1,300.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Juveniles in the care or custody of the Department of Juvenile Justice will have added protection due to the increased safeguards put in place through the administrative regulation amendment. Department of Juvenile Justice staff and employees will be required to implement the newly established procedures that govern the operations of the Department of Juvenile Justice.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will not cost the entities identified in question (4) anything to implement the amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, Department of Juvenile Justice staff and employees will be better able to protect the health, safety and welfare of juveniles placed in restrictive housing and protective custody, which will result in better health, safety, and welfare outcomes to those youth in the care or custody of the Department of Juvenile Justice.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There will be no additional initial costs to the administrative body to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
(b) On a continuing basis: There will be no additional costs on a continuing basis to the administrative body to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The funding source for implementation and enforcement of this administrative regulation is DJJ budgeted funds for the biennium.
(8) 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 or funding necessary to implement this administrative regulation amendment.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.
(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities 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 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of

the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Juvenile Justice
(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 expenditures to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
For subsequent years: There will be no additional expenditures to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
2. Revenues:
For the first year: The administrative regulation amendment will not generate revenue.
For subsequent years: The administrative regulation amendment will not generate revenue.
3. Cost Savings:
For the first year: Cost savings are not anticipated.
For subsequent years: Cost savings are not anticipated.
(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: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
2. Revenues:
For the first year: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
3. Cost Savings:
For the first year: No affected local entities have been identified.
For subsequent years: No affected local entities have been identified.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Juveniles in the in the care or custody of the Department of Juvenile Justice will be affected by this administrative regulation amendment.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice. For subsequent years: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice.
For subsequent years: The administrative regulation amendment will not generate revenue.
2. Revenues:
For the first year: The administrative regulation amendment will not generate revenue.
For subsequent years: Cost savings are not anticipated.
3. Cost Savings:
For the first year: Cost savings are not anticipated.
For subsequent years: Cost savings are not 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: A fiscal impact to implement this administrative regulation amendment is not anticipated as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.
(b) Methodology and resources used to reach this conclusion: Because the Department of Juvenile Justice will use existing resources, staff, and employees to implement this administrative regulation, the Department of Juvenile Justice concluded 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(14): An overall negative or adverse major economic impact is not anticipated.
(b) The methodology and resources used to reach this conclusion: The administrative regulation amendment amends an existing administrative regulation. The administrative regulation was reviewed, and an overall negative or adverse major economic impact was not identified as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

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
Kentucky Board of Education
Department of Education
(Amendment)

701 KAR 5:150. Nontraditional instruction program.

RELATES TO: KRS 158.070
STATUTORY AUTHORITY: KRS 156.029, 156.070, 156.160, 158.070
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.029 (9)[~~(7)~~] requires the Kentucky Board of Education (KBE) to adopt policies and administrative regulations by which the Kentucky Department of Education (department) shall be governed in planning and operating programs within its jurisdiction. KRS 156.070(5) requires the KBE, upon the recommendation of the Commissioner of Education (Commissioner), to establish policy or act on all programs, services, and other matters which are within the administrative responsibility of the department. KRS 158.070 requires the KBE to promulgate an administrative regulation to prescribe the conditions and procedures for local education agencies (districts) to be approved for the nontraditional instruction program. This administrative regulation establishes the requirements and approval process for districts to be approved for the nontraditional instruction program.

Section 1. Definitions.
(1) "Comprehensive District Improvement Plan" shall have the same meaning as defined in 703 KAR 5:225, Section 1(3).
(2) "Continuation of learning" means the provision of rigorous educational activities that extend or maintain progress within the established curriculum and instructional sequence.
(3)[~~(2)~~] "Instructional delivery method" means the delivery system and instructional techniques used in meeting the learning needs of students regardless of their physical location.
(4) "District Nontraditional Instruction Contact" means the designated individual responsible for overseeing the implementation, coordination, and compliance of nontraditional instruction activities within a school district.
(5) "Learning loss" means a measurable decline or stagnation in student academic performance resulting from short-term interruptions to traditional, in-person instruction.
(6)[~~(3)~~] "Minimum school term" or "school term" is defined in KRS 158.070(1)(b).
(7)[~~(4)~~] "Nontraditional instruction day" means a day during the school term that a local school district is closed for health or safety reasons that is approved by the commissioner, pursuant to KRS 158.070(9), to be the equivalent to a student attendance day.
(8)[~~(5)~~] "Nontraditional instruction plan" means the strategy approved by the commissioner and implemented by a local school district to ensure instruction on nontraditional instruction days is a continuation of learning that is occurring on regular student attendance days as required by KRS 158.070(9).
(9)[~~(6)~~] "Professional learning plan" means the strategy implemented to ensure staff in a local school district acquire, enhance, and refine the knowledge, skills, practices, and dispositions necessary to create and support high levels of learning for all students.

(10)[(7)] "Student attendance day" is defined in KRS 158.070(1)(e).

Section 2. Nontraditional Instruction Plan.

(1) A district seeking commissioner approval, pursuant to KRS 158.070, of a nontraditional instruction plan shall annually incorporate it within the Comprehensive District Improvement Plan.

(2) A nontraditional instruction plan incorporated within the Comprehensive District Improvement Plan shall:

(a) Provide an overview of the district's vision for ensuring a continuation of learning when implementing nontraditional instruction;

(b) Describe in detail:

1. How instruction shall be delivered for students in nontraditional settings;

2. The steps the district shall take to ensure a continuation of learning occurs for students in nontraditional settings;

3. How, if at all and to the extent permitted by applicable statutes and administrative regulations, the district shall ensure a continuation of learning occurs for those students utilizing, for any reason, nontraditional instruction during time periods when the district may be offering and providing in-person instruction to other students;

4. How the district shall ensure a continuation of learning for students with Individual Education Plans in nontraditional settings;

5. Additional efforts that may be necessary to ensure a continuation of learning for other special populations of students in nontraditional settings;

6. How the district has coordinated or will coordinate with other educational entities to ensure a continuation of learning for students in nontraditional settings;

7. How teachers shall instruct, support, and communicate with students in order to ensure academic progress as well as promote social and emotional well-being for students in nontraditional settings;

8. The professional learning activities the district shall provide certified staff to ensure they have the skills necessary to provide a continuation of learning for students in nontraditional settings;

9. How the district shall deploy all staff when school is closed to in-person instruction;

10. The partnerships the district has established with other community agencies to increase opportunities for a continuation of learning for students in nontraditional settings; [and]

11. The district's communication plan for parents, students, and community members for students in nontraditional settings;

12. The district's plan for collecting and archiving the evidence of student learning samples required by section 3(3) of this regulation; and

13. The name and contact information for the districts nontraditional instruction contact.

(c) Explain how the nontraditional instruction plan relates to district goals; and

(d) [(d)] Provide other evidence deemed necessary by the department to effectively review and approve or deny a district's nontraditional instruction plan.

(3) The department shall provide technical assistance, upon request, to districts prior to the incorporation of a nontraditional instruction plan within the Comprehensive District Improvement Plan.

(4) A district shall submit the nontraditional instruction plan to the department by May 1 for implementation at the beginning of the upcoming school term.

(5) The commissioner or his designee shall review and approve or deny a completed nontraditional instruction plan within forty-five (45) days from receipt.

(6) An approved nontraditional instruction plan shall be effective only for one school year.

(7)[(6)]

(a) A district approved to participate in the nontraditional instruction program may amend its nontraditional instruction plan as needed at any time by submitting a written amendment request to the department.

(b) The amendment request shall contain a description of the amendment, proposed timeline for implementation, and justification for the request.

(c) The Commissioner or his designee shall review the amended nontraditional instruction plan and approve or deny it within forty-five (45) days of the amendment submission.

(d) Amendments made to a district approved plan shall not be implemented until after the amendment is approved by the department.

Section 3. Documentation[Use]of Nontraditional Instruction Days.

(1) Upon approval of a district's nontraditional instruction plan,[If a district is approved by the commissioner or his designee to participate in the nontraditional instruction program, the district may apply for and] the commissioner may approve the use of nontraditional instruction days on days when the district is closed for health or safety reasons pursuant to KRS 158.070.

[(2)] [The district shall seek approval from the commissioner to use one (1) or more nontraditional instruction days by submitting a request and appropriate supplemental documentation, as required by the department, to the department within thirty (30) days following the day the district was closed for health or safety reasons.]

(2) An approved nontraditional instruction plan grants the district the ability to use one (1) or more nontraditional instruction days. Each day must be properly recorded in the statewide student information system prior to the last day of the school year.

[(3)] [The commissioner shall approve or deny a district's use of one (1) or more nontraditional instruction days within thirty (30) days from receipt of the district's request and appropriate supplemental documentation, as required by the department. A request to use one (1) or more nontraditional instruction days shall be denied by the commissioner if the district fails to supply clear]

(3) Districts shall maintain an archive of clear evidence demonstrating that a continuation of learning from regular student attendance days occurs on nontraditional instruction days. Clear evidence may include:

(a) Examples of student work;

(b) Lesson plans;[or]

[(c)] [Curriculum maps.]

(c) Reports from online learning management systems;

(d) Examples of teacher-student communication; or

(e) Other documentation determined appropriate by the district nontraditional instruction contact in consultation with the Department.

(4) The district archive described in subsection 3 of this section shall include the following:

(a) For students in Kindergarten through Fifth Grade, one piece of clear evidence of student learning for each grade level for reading, math, and one other content area for each nontraditional instruction day; and

(b) For students in sixth through twelfth grade, one piece of clear evidence of student learning for each grade level in each content area for each nontraditional instructional day.

Section 4. Monitoring [and Revocation]of Nontraditional Instruction Programs.

(1) At the conclusion of each school term, a district[approved by the commissioner or his designee to participate in the nontraditional instruction program] may be required to participate in monitoring conducted by[receive an annual site visit from] a review team selected and trained by the department. The purpose of the monitoring[site visit] is to monitor the district's progress in implementing the approved nontraditional instruction plan. Monitoring may be performed on or off site as determined by the Commissioner or his designee.

(2) If monitoring[a site visit] is conducted by the department, it[the site visit] shall:

(a) Be made following adequate advanced notice to the district; and

(b) Include the gathering of information through the examination of records related to the district's implementation of the approved nontraditional instruction plan, including amendments if applicable,

and through interviews with district leadership, staff, and students as well as other stakeholders.

(3) In addition to any monitoring[site visit] that may be conducted pursuant to subsections (1) and (2) of this section, a district[approved by the commissioner or his designee to participate in the nontraditional instruction program] shall, upon request, make the following available for inspection by the department:

(a) Documentation of the instructional delivery methods used on nontraditional instruction days;

(b) Evidence demonstrating the district provides access on nontraditional instruction days to online resources, if used, and equitable instructional materials for students who do not have access to the internet and for students needing to access information differently;

(c) Clear evidence demonstrating a continuation of learning from regular student attendance days occurs on nontraditional instruction days;[. Clear evidence may include:]

[1.] [Examples of student work;]

[2.] [Lesson plans; or]

[3.] [Curriculum maps.]

(d) Evidence demonstrating the district ensures implementation of Individual Education Programs for students with disabilities, including the involvement of the Admissions and Release Committee in planning for and making decisions related to the participation and needs of students with disabilities, on nontraditional instruction days;

(e) Evidence demonstrating the district ensures implementation of other student-specific educational plans, including Program Service Plans for English Learners and Gifted Student Service Plans for students identified as gifted and talented, on nontraditional instruction days;

(f) Data demonstrating student participation and student learning on nontraditional instruction days;

(g) Evidence demonstrating how each job category within the district fulfills contractual obligations on nontraditional instruction days and data, including teacher work logs, demonstrating employee participation on nontraditional instruction days;

(h) The professional learning plan implemented by the district to ensure certified staff have the knowledge and capacity to provide instruction on nontraditional instruction days and evidence demonstrating implementation;

(i) Where appropriate, agreements about nontraditional instruction days between the district and educational agencies that are external to the district but have students of the district in attendance on a part-time or full-time basis;

(j) Evidence demonstrating stakeholder involvement in developing and implementing nontraditional instruction days;

(k) Methods used by the district to relay information about nontraditional instruction days to students and families; and

(l) Other evidence deemed necessary by the department to effectively monitor the implementation of the approved nontraditional instruction plan, including amendments if applicable.

Section 5. Corrective Action.

(1)[(4)] The commissioner or his designee may require a period of corrective action and enhanced monitoring[revoke approval] of a district's nontraditional instruction program as a result of evidence collected pursuant to [this section]monitoring conducted under section 4 of this regulation.

(2)[(5)] If the determination to require corrective action was made as the result of off-site monitoring, the district [Prior to having approval of its nontraditional instruction program revoked, a district]shall receive a site visit from a review team selected and trained by the department. The site visit shall include the same requirements as the on-site monitoring visit in section 4.[The purpose of the visit shall be to monitor the district's progress in implementing the nontraditional instruction program, collect qualitative data on the effectiveness of the nontraditional instruction program, and verify the district's compliance with all applicable laws. A site visit shall be made following adequate advance notice to the district and may include the gathering of information through:]

[(a)] [Direct observation;]

[(b)] [Interviews with staff and students; or]

[(c)] [Examination of records.]

(3) Following the on-site monitoring, the Department will develop a corrective action plan in collaboration with the district. The corrective action plan shall include:

(a) A description of each area of noncompliance identified by the monitoring team and the supporting evidence used to identify the area of noncompliance;

(b) Specific actions to be taken by the district to remedy issues of noncompliance; and

(c) A timeline for the completion of the specific actions required in paragraph (b) above.

(4) A district shall be released from corrective action following the successful completion of the corrective action plan.

(5) A district that has exited corrective action shall undergo an on-site monitoring visit in the school year following the completion of the corrective action plan to ensure that compliance has been sustained.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).
DR. ROBBIE FLETCHER, Commissioner
SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: October 6, 2025

FILED WITH LRC: October 7, 2025 at 12 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2025, at 10am in Room 516, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. 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 December 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: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email: regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen
Subject Headings: "Board of Education"; "Schools"; "Compliance"
(1) Provide a brief summary of:
(a) What this administrative regulation does: The amendments to this regulation provide clarity and increased rigor to the non-traditional instruction (NTI) program.
(b) The necessity of this administrative regulation: These amendments are necessary to ensure that the non-traditional instruction (NTI) program remains appropriately rigorous given technological advancements.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to KRS 158.070(9) which creates the non-traditional instruction (NTI) program.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The amendments will assist with the effective administration of the statutes by increasing the requirements for rigorous instruction during periods of non-traditional instruction (NTI).
(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 formally creates a district level non-traditional instruction (NTI) contact, creates a more rigorous artifact collection process to ensure learning is happening during periods of non-traditional instruction (NTI), and clarifies the KDE's role in monitoring and issuing corrective action related to the non-traditional instruction (NTI) program.

(b) The necessity of the amendment to this administrative regulation: These amendments are necessary to ensure that the non-traditional instruction (NTI) program remains rigorous and adapts to changing technology.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to KRS 158.070(9) by ensuring that the minimum qualifications for non-traditional instruction (NTI) are met.
(d) How the amendment will assist in the effective administration of the statutes: The amendments will assist with the effective administration of the statutes by increasing the requirements for rigorous instruction during periods of non-traditional instruction (NTI).
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This regulation amendment does not implement legislation from the previous five years.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky Department of Education, Local Education Agencies.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: The KDE will be required to perform enhanced monitoring.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no new expenditures associated with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The students of the Commonwealth will experience more rigorous instruction during periods of non-traditional instruction (NTI).
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There are no new expenditures associated with this regulation.
(b) On a continuing basis: There are no new expenditures associated with this regulation.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Implementation of the non-traditional instruction (NTI) program is managed at the local level.
(8) 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 regulation does not include fees.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not include fees.
(10) TIERING: Is tiering applied? Tiering is not applied as there are no expenditures related to this 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 158.070(9)
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This regulation is required by KRS 158.070(9).
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Department of Education.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There are no expenditures related to this regulation.
For subsequent years: There are no expenditures related to this regulation.
2. Revenues:
For the first year: There are no revenues related to this regulation.
For subsequent years: There are no revenues related to this regulation.
3. Cost Savings:
For the first year: There are no cost savings related to this regulation.
For subsequent years: There are no cost savings related to this regulation.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local Education Agencies
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: There are no expenditures related to this regulation.
For subsequent years: There are no expenditures related to this regulation.
2. Revenues:
For the first year: There are no revenues related to this regulation.
For subsequent years: There are no revenues related to this regulation.
3. Cost Savings:
For the first year: There are no cost savings related to this regulation.
For subsequent years: There are no cost savings related to this regulation.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): NA
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: There are no expenditures related to this regulation.
For subsequent years: There are no expenditures related to this regulation.
2. Revenues:
For the first year: There are no revenues related to this regulation.
For subsequent years: There are no revenues related to this regulation.
3. Cost Savings:
For the first year: There are no cost savings related to this regulation.
For subsequent years: There are no cost savings related to this regulation.
(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 are no expenditures or revenues related to this regulation.
(b) Methodology and resources used to reach this conclusion: There are no expenditures or revenues related to 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(14): There are no expenditures or revenues related to this regulation.
(b) The methodology and resources used to reach this conclusion: There are no expenditures or revenues related to 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.

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

704 KAR 3:406. Superintendent training program and assessment process.

RELATES TO: KRS 156.111, 160.350
STATUTORY AUTHORITY: KRS 156.111
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.111 mandates that the Kentucky Department of Education establish a superintendent training program and assessment center and that the Kentucky Board of Education[~~State Board for Elementary and Secondary Education~~] adopt administrative regulations to govern the training content, number of hours, assessments, and work

products[written examination, and criteria] for successful completion of the training and assessment center process. This administrative regulation establishes the requirements of[implements] the superintendent training program and assessment center process.

Section 1. Definitions.

(1) "Candidate" means an individual enrolled in the superintendent training and assessment program.

(2) "Comprehensive superintendent assessment" means assessment of a candidate's performance through performance-based projects, portfolios, or capstones which includes a collection of work products demonstrating a candidate's knowledge of each of the topics required in superintendent training modules, and ability to apply that knowledge to efficiently and effectively solve problems as a superintendent.

(3) "Executive coaching and mentoring" means a program whereby:

(a) An individual with experience as a Kentucky public school superintendent is assigned to all candidates for the purpose of coaching candidates throughout the superintendent training and assessment program on the knowledge and skills necessary to be a successful superintendent; and

(b) A candidate is assigned an individual with experience as a Kentucky public school superintendent for the purpose of mentorship throughout the superintendent training and assessment program.

(4) "Facilitator" means a trained instructor and observer who leads superintendent training modules and specialized professional learning, and records and analyzes candidate performance throughout the comprehensive superintendent assessment.

(5) "Performance-based projects, portfolios, or capstones" means a multifaceted and intellectual experience culminating in a candidate-led demonstration of critical knowledge, skills, and capacities required for success as a superintendent.

(6) "Proficiency on the comprehensive superintendent assessment" means a level of performance on each of the topics required in superintendent training modules that demonstrates a high degree of skill in that particular topic, as determined by an advisory committee.

(7) "Superintendent training and assessment program" means a professional growth and development program which includes:

(a) Superintendent training modules;

(b) Executive coaching and mentoring; and

(c) Comprehensive superintendent assessment.

(8) "Superintendent training modules" means a training program that is no less than forty-two (42) and no more than seventy-two (72) hours in length, providing high-quality instruction delivered by a facilitator and approved by the Kentucky Department of Education on each of the following topics:

(a) The topics set forth in KRS 156.111(1)(a)-(i); and

(b) Educator ethics.

[(1)] ["Assessee" means an individual who undergoes the assessment process.]

[(2)] ["Assessment center candidate" means a superintendent or applicant for a superintendent position who has been recommended by a local board of education or the Kentucky Department of Education to undergo assessment.]

[(3)] ["Assessor" means a trained observer who records and analyzes assessee performance during an assessment.]

[(4)] ["Assessor training" means training in which participants are taught how to observe and record behaviors displayed by assessment center candidates and are taught to write objective and comprehensive reports.]

[(5)] ["Comprehensive superintendent examination" means a written comprehensive examination over the following subjects:]

[(a)] [Core concepts of management;]

[(b)] [School-based decision making;]

[(c)] [Kentucky school law;]

[(d)] [Kentucky school finance;]

[(e)] [School curriculum and assessment.]

[(6)] ["Final assessment report" means a written report providing the overall performance ratings as well as the performance rating for each skill, and shall include suggestions for improvement and growth, and signatures of all persons involved in the assessment process.]

[(7)] ["Mastery level on the Kentucky Superintendent Comprehensive Examination" means a required level of performance on each of the five (5) components of the Kentucky Superintendent Comprehensive Examination to be determined by an advisory committee to the Kentucky Department of Education based on technical reports secured from field test data obtained during the 1992-93 school year.]

[(8)] ["Screening committee" means the local superintendent search screening committee required by KRS 160.352.]

[(9)] ["Superintendent assessment and training and testing process" means a comprehensive assessment process and training program including assessment of personal administrative skills, training modules in identified skill dimensions and selected concepts related to the position of school superintendent, and a comprehensive examination. Assessment and training are more specifically defined as follows:]

[(a)] ["Assessment process" means a Kentucky Department of Education psychometric procedure emphasizing multiple individual and group simulations representative of the superintendent position which will yield extensive feedback of each assessee's strengths and behaviors in skill dimensions validated as essential for effective performance. The assessment process is used to develop a personal skills profile on candidates seeking employment or employed in superintendent positions.]

[(b)] ["Training program" means a series of training modules designed for the purpose of improving individual skills of superintendent candidates or providing knowledge in the following subjects:]

[1.] [Core concepts of management, up to eighteen (18) hours;]

[2.] [School-based decision making, up to nine (9) hours;]

[3.] [Kentucky school law, up to nine (9) hours;]

[4.] [Kentucky school finance, up to twelve (12) hours;]

[5.] [School curriculum and assessment, up to twenty-four (24) hours.]

[(10)] ["Written assessment report" means a report which provides each assessee with a profile of strengths and behaviors and suggestions to help improve the assessee's skills.]

[(11)] ["Written testing report" means a report which provides each assessee with certification of successful completion of each component of the comprehensive superintendent examination.]

Section 2. Required Completion of Superintendent Training and Assessment Program.

(1) Each person hired for the first time to serve as a superintendent in a Kentucky public school district shall successfully complete the superintendent training and assessment program within two (2) years from the date the person began his or her role as superintendent.

(2) To successfully complete the superintendent training and assessment program, the candidate shall:

(a) Complete all required superintendent training modules unless an exception is granted pursuant to subsection (3) of this section; and

(b) For each of the topics required in the superintendent training modules, demonstrate proficiency on the comprehensive superintendent assessment.

(3) If a candidate possesses past experience that situates the candidate to likely demonstrate proficiency on the comprehensive superintendent assessment for a particular topic prior to completing training on that topic in the superintendent training modules, the candidate may request an exception from participating in that particular training topic within the superintendent training modules. If such an exception is granted, the total superintendent training modules hours required for the candidate shall not be reduced. The candidate shall obtain additional training in alternative topics within the superintendent training modules equal to the hours of the training topic for which an exception is granted, which may include specialized additional training provided by a facilitator.

(4) If the candidate fails to demonstrate proficiency on the comprehensive superintendent assessment, the candidate may request to repeat the superintendent training modules and

comprehensive superintendent assessment for those topics in which he or she failed to demonstrate proficiency. A candidate who repeats the superintendent training modules and comprehensive superintendent assessment for those topics in which he or she failed to demonstrate proficiency shall do so within two (2) years from the date the candidate began his or her role as superintendent.

[~~(1)~~] [~~The Superintendent Training and Assessment Center shall be responsible for the assessment of superintendents and superintendent applicants, provide assessor training, provide training using Kentucky Department of Education approved modules, and serve as the site for the administration of the comprehensive superintendent examination.~~]

[~~(2)~~]

[~~(a)~~] [~~The center staff shall coordinate assessments and trainings, maintain all records, make provisions for the necessary reporting of training and assessment status as to all superintendents, and report the status of all superintendent candidates to the chairperson of the local board of education.~~]

[~~(b)~~] [~~The report shall:~~]

[~~1.~~] [~~Be sent at the conclusion of participation in the training, testing, and assessment process;~~]

[~~2.~~] [~~Include a copy to the participating superintendent;~~]

[~~3.~~] [~~Specify whether the participating superintendent successfully completed the training, testing, and assessment process.~~]

[~~(c)~~] [~~A report shall be made to the assessee, the Office of Teacher Education and Certification, and the local board of education chairperson on any person serving in the position of superintendent, who does not complete the assessment and successfully complete the comprehensive superintendent examination within the applicable deadlines set forth in KRS 156.111 and 160.350.~~]

Section 3. Enrollment and Recordkeeping.

(1) Candidates shall be enrolled in the superintendent training and assessment program with the following enrollment preference:

(a) Those individuals hired for the first time to serve as a superintendent in a Kentucky public school district shall be guaranteed enrollment;

(b) If enrollment capacity remains after enrolling those candidates described in paragraph (a), then those individuals who are a candidate for superintendency, but not yet employed as a superintendent may be enrolled on a first come, first served basis; and

(c) If enrollment capacity remains after enrolling those candidates described in paragraph (b), then those individuals who are neither employed as a superintendent, nor a candidate for superintendency, may request enrollment at the candidate's expense.

(2) Upon enrollment, a candidate shall be required to sign an oath which pledges nondisclosure of the comprehensive superintendent assessment.

(3) A roster of enrolled candidates shall be maintained by the program administrator. The roster shall include:

(a) Each candidate's name;

(b) The school district where the candidate is employed as superintendent, if applicable;

(c) The date the candidate was first employed as a superintendent in a Kentucky public school district;

(d) The date by which the candidate must complete the superintendent training and assessment program pursuant to subsection (1) of Section 2 of this administrative regulation;

(e) The candidate's assigned mentor; and

(f) The candidate's progress in completing the superintendent training modules.

(4) Upon enrollment of a candidate, the program administrator shall:

(a) Send written notification of the candidate's enrollment in the program to the candidate, the Kentucky Department of Education, and the board chair for the public school district where the candidate is employed as superintendent, if applicable;

(b) Assign the candidate a mentor for executive coaching and mentoring, and provide written notification of this assignment to the candidate and the mentor; and

(c) Send written notification to the candidate that includes:

1. Program requirements and expectations;

2. The schedule of superintendent training modules the candidate must complete; and

3. A general description of the required comprehensive superintendent assessment, including how the candidate's proficiency on the comprehensive superintendent assessment will be judged.

(5) A candidate enrolled pursuant to paragraphs (b) or (c) of subsection (1) of this section shall provide immediate notice to the program administrator if the candidate is hired as a superintendent in a Kentucky public school district while enrolled in the superintendent training and assessment program. Upon receipt of such notice, the program administrator shall update the roster set forth in subsection (3) of this section accordingly, and provide written notice to the board chair consistent with paragraph (a) of subsection (4) of this section.

(6) Upon completion of the superintendent training and assessment program, the program administrator shall send a final written report for each candidate to the candidate, the Kentucky Department of Education, and the board chair for the public school district where the candidate is employed as superintendent, if applicable, containing the following information:

(a) Each topic completed within the superintendent training modules, including the hours completed for each topic and total hours completed within the superintendent training modules;

(b) Any topics not completed by the candidate within the superintendent training modules;

(c) For each of the topics required in the superintendent training modules, whether or not the candidate demonstrated proficiency on the comprehensive superintendent assessment; and

(d) A statement as to whether or not the candidate successfully completed the superintendent training and assessment program as set forth in subsection (2) of Section 2 of this administrative regulation.

(7) Upon completion of the superintendent training and assessment program, the program administrator shall:

(a) Administer a comprehensive survey to candidates who completed the program which gathers feedback from candidates on:

1. The quality, rigor, and value of the superintendent training and assessment program;

2. The time commitments of the superintendent training and assessment program;

3. The knowledge, skills, and expertise of facilitators;

4. The helpfulness of the candidate's assigned mentor throughout the superintendent training and assessment program; and

5. Candidate recommendations for topics that should be covered in greater detail throughout the superintendent training and assessment program; and

(b) Provide the aggregate results of each survey question to the Kentucky Department of Education.

[~~(1)~~] [~~The following requirements shall apply to a person hired for the first time as a superintendent in Kentucky after July 1, 1992 and before July 1, 1994:~~]

[~~(a)~~] [~~Superintendents who complete the assessment phase and demonstrate mastery on the Kentucky Superintendent Comprehensive Exam shall be certified as having met the requirements of KRS 156.111.~~]

[~~(b)~~] [~~A superintendent who does not demonstrate mastery on any one (1) of the components of the Kentucky Superintendent Comprehensive Exam shall be eligible to participate in a second training of the appropriate module(s) of the training program prior to retaking the comprehensive examination or shall retake the comprehensive examination on the next scheduled date of the examination.~~]

[~~(2)~~] [~~Persons employed as superintendent in Kentucky prior to July 1, 1992, may elect to not participate in any, or all, of the modules of the training phase and take the appropriate components of the comprehensive examination.~~]

[(a)] [Superintendents who complete the assessment phase and demonstrate mastery on the Kentucky Superintendent Comprehensive Exam shall be certified as having met the requirements of KRS 156.111.]

[(b)] [Superintendents who do not demonstrate mastery on the Kentucky Superintendent Comprehensive Exam shall be eligible to participate in further training in corresponding module(s) as a requirement for eligibility to repeating the comprehensive examination.]

[(3)] [A person hired for the first time as a superintendent in Kentucky after June 30, 1994, shall have one (1) year from the time of employment to successfully complete the assessment and training and testing program described in subsection (1)(a) and (b) of this section.]

Section 4. Facilitator Selection and Training.

(1) A facilitator shall possess at least five (5) years of practice experience in the topic the facilitator is assigned to lead or provide specialized professional learning within the superintendent training modules.

(2) Prior to evaluating whether or not a candidate demonstrates proficiency on the comprehensive superintendent assessment, a facilitator shall undergo training on:

(a) The requirements of this administrative regulation;

(b) Proficiency, as determined by an advisory committee, on each of the topics required in superintendent training modules;

(c) How to observe and record behaviors and performance of candidates; and

(d) How to write objective and comprehensive reports regarding candidate performance on the comprehensive superintendent assessment.

[(1)] [The Superintendent Training and Assessment Center director shall allocate training and assessment center slots, considering factors to assure diversity and equal access. Local school districts with actual or imminent superintendent vacancies shall be given priority in the assignment of training and assessment center slots.]

[(2)] [Each assessee, upon completion of the superintendent assessment center process, shall receive a final assessment report. Superintendents and superintendent candidates shall complete the requirements for training and assessment and achieve the designated mastery level on each of the modules of the Kentucky Superintendent Comprehensive Examination to successfully complete the training and testing and assessment.]

[(3)] [Upon completion of the assessment and successful completion of testing by superintendent candidates, the Superintendent Training and Assessment Center staff shall provide the Office of Teacher Education and Certification and the chairperson of the appropriate local board of education a written report confirming completion of the assessment and successful completion of testing.]

[(4)] [Persons desiring to be assessed as superintendent, but who are not employed as a superintendent or are not candidates for superintendency at the time, may have requests granted by the Superintendent Training and Assessment Center director at the candidate's expense.]

[(5)] [Prior to assessment, an assessment center candidate shall be required to sign an oath which pledges nondisclosure of the assessment center process and materials.]

Section 5. Complaints. Complaints regarding failure to comply with statutory and regulatory provisions of the Superintendent Training and Assessment Program shall be directed to and evaluated by the Kentucky Department of Education.

[(1)] [The Superintendent Training and Assessment Center staff shall maintain all assessment center reports.]

[(2)] [The security of training and testing and assessment data shall be maintained by the Superintendent Training and Assessment Center staff. Each written report shall be the property of the Kentucky Department of Education. Individual profile reports shall be disseminated by the Superintendent Training and Assessment Center staff only after written authorization has been given by the assessee.]

[(3)] [All complete written training and assessment center reports shall be retained in confidential Superintendent Training and Assessment Center files. Working documents used by the assessment or training team to formulate each report shall be discarded after three (3) years.]

[Section 6.] [The Kentucky Department of Education may pay a stipend for each assessment performed by an assessor and for services necessary to conduct training and testing as needed.]

[Section 7.] [Complaints regarding failure to comply with statutory and regulatory provisions of the Superintendent Training and Assessment Program shall be directed to and evaluated by the Kentucky Department of Education.]

Section 6.[Section 8.] Continuing Education for Superintendents.

(1) Following successful completion of the superintendent assessment and training program, annual continuing[Continuing] education for superintendents shall include:

[(a)] [Participation in forty-two (42) hours of Kentucky Department of Education approved training over twenty-four (24) months; or]

[(b)] Completion of an annual individual personal growth training plan of at least twenty-one (21) hours of instruction which shall include:

(a) Three (3) hours of annual training in school finance; and

(b) Three (3) hours of annual training in ethics.

(2) Completion of continuing education of the superintendent shall be reported to the Kentucky Department of Education. The Kentucky Department of Education shall annually notify the local board of education chairperson of the status of the school district's superintendent's continuing education.

(3) Failure to comply with the requirements of this administrative regulation shall result in referral of the matter to the Education Professional Standards Board for consideration of revocation of the superintendent certificate.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

DR. ROBBIE FLETCHER, Commissioner

SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: October 6, 2025

FILED WITH LRC: October 7, 2025 at 12 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2025, at 10am, in Room 516, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. 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 December 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: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

Subject Headings: Education, Education Professional Standards, Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the training content, number of hours, assessments, and work products for the successful completion of the

superintendent training and assessment center process.
(b) The necessity of this administrative regulation: KRS 156.111 mandates that the Kentucky Department of Education establish a superintendent training program and assessment center and that the Kentucky Board of Education adopt administrative regulations to govern the training content, number of hours, assessments, and work products for successful completion of the training and assessment center process. The amendment to this regulation updates the requirements of the superintendent training program and assessment process.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the training content, number of hours, assessments, and work products for the successful completion of the training and assessment center process as required by KRS 156.111.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation establishes the requirements relative to the superintendent training program and assessment process as required by KRS 156.111.
(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 aligns the required topics of instruction with the components identified in KRS 156.111 and outlines the requirements for the superintendent comprehensive assessment.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to align with updates to KRS 156.111.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment expands the scope of the training program to include the components identified in KRS 156.111.
(d) How the amendment will assist in the effective administration of the statutes: The amendment provides detail on the required training tropics and process for successful completion of the program.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky Department of Education, Local School Districts
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Each person hired for the first time to serve as a superintendent in a Kentucky public school district will be required to successfully complete the superintendent training and assessment program within two years from the date the person began his or her role as superintendent.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost to the local school districts. The Kentucky Department of Education will continue to expend $200,000 annually to fund the superintendent training program and assessment center in keeping with current program expenses.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Superintendents who successfully complete the training and assessment process will be able to demonstrate critical knowledge, skills, and capacities required for success as a superintendent.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The Kentucky Department of Education will continue to expend $200,000 annually to fund the superintendent training program and assessment center in keeping with current program expenses.
(b) On a continuing basis: $200,000 annually
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: General Funds
(8) 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 will be required to implement this administrative regulation.
(9) 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.
(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies uniformly.

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 156.111
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.111
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education and Kentucky Department of Education
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The Kentucky Department of Education will continue to expend $200,000 annually to fund the superintendent training program and assessment center in keeping with current program expenses.
For subsequent years: $200,000 annually
2. Revenues:
For the first year: The regulation is not expected to generate revenue.
For subsequent years: The regulation is not expected to generate revenue.
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): Local school districts and boards of education
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: There is no cost to a local board of education for a superintendent's enrollment in the training program.
For subsequent years: There is no cost to a local board of education for a superintendent's enrollment in the training program.
2. Revenues:
For the first year: The regulation is not expected to generate revenue.
For subsequent years: The regulation is not expected to generate revenue.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings are 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: The Kentucky Department of Education will continue to expend $200,000 annually to fund the superintendent training program and assessment center in keeping with current program expenses.
(b) Methodology and resources used to reach this conclusion: The estimates herein are based on prior program 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(14): The administrative regulation is no expected to have a major economic impact.
(b) The methodology and resources used to reach this conclusion: Given the nature of the proposed amendments with revisions not expected to impact costs, expenditures are not expected to increase over current program expenses for the entities identified in questions (2) – (4).

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
Kentucky Board of Education
Department of Education
(Amendment)

704 KAR 3:410. Preschool education program for four (4) year old children.

RELATES TO: KRS 65.250, 156.160, 157.3175, 158.032(3), 158.120, 214.034, 34 C.F.R. Part 99
STATUTORY AUTHORITY: KRS 156.070, 156.160, 157.3175
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 authorizes the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service and operational performance. KRS 157.3175 authorizes preschool education programs for[~~"at risk"~~] four (4) year old children who are at risk of educational failure and authorizes that administrative regulations be promulgated to establish eligibility criteria, program guidelines, and standards for personnel. This administrative regulation establishes the criteria for the preschool education program for[~~"at risk"~~] four (4) year old children who are at risk of educational failure, including procedures for a grant allocation system, eligibility criteria for children to be served, guidelines for program operation, and standards for personnel.

Section 1. Definitions.
(1) "Child[~~Day~~] care" means the same as in 922 KAR 2:090[~~a program which is designed to supplement but not substitute for the parent's responsibility for the child's protection, development and supervision, when it is necessary or desirable for the parent or child to be out of the home for all or part of the day or night~~].
(2) "Developmentally appropriate preschool program" means a program as defined by KRS 157.3175(2).
(3) "Double session" means a variation of the program that operates with one (1) teacher who works with a group of children in a morning session and a different group of children in the afternoon session.
(4) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21).
(5) "Paraprofessional" has the same meaning as in 704 KAR 3:550.
(6)[~~(4)~~] "Screening" means a systematic process for determining which children from the general population may need enhancement, support, or further evaluation in a particular area and is not an initial evaluation to determine if the child is a child with a disability.

Section 2. Eligibility.
(1) Except as provided in subsection (2) of this section, a child shall be eligible for enrollment in the preschool program if the child is:
(a) A resident of the district or an approved non-resident pursuant to KRS 158.120;
(b) Four (4) years old by August[~~October~~] 1 of the school year; and
(c) Approved for free lunch based on federal free lunch criteria in effect as of the child's initial day of attendance in preschool; or
(d) Eligible to the extent required by the Elementary and Secondary Education Act of 1965 or its successor.
(2) Preschool eligibility may be determined up to six (6)[~~four (4)~~] months prior to the start of school. Once free lunch eligibility has been approved, the child shall remain eligible for enrollment in the preschool program for the remainder of the school year.
(3)[~~(2)~~] A resident child or approved non-resident child who is four (4) years old by August[~~October~~] 1 but who is not otherwise eligible [~~for the free lunch program~~] may be served if space is available.

Section 3. Grant Allocation System.
(1) A local school district shall submit a proposal to the Kentucky Department of Education to operate or oversee the operation of a developmentally appropriate preschool education program for eligible children. Each proposal shall include the requirements set forth in KRS 157.3175(5) and (6).
(2) Funding for districts shall be based on the preschool grant allocation system established in 702 KAR 3:250.

Section 4. Interagency Agreements.
(1) A preschool facility or service provided by a local school district, either directly or by contract or cooperative agreement with another provider, shall meet the requirements of this administrative regulation and all other applicable school laws and administrative regulations.
(2) A contract or cooperative agreement for operating the preschool program may be negotiated with another school district, another public agency, private school or preschool program. A nonpublic school program providing preschool services shall be approved for that purpose by the Kentucky Board of Education.
(3) A contract or cooperative agreement shall be in writing and shall include at a minimum the contents set forth in KRS 65.250.
(4) State preschool funds may be used in a private program if a signed contract or cooperative agreement is on file in the district which documents that:
(a) [~~The program is separately incorporated from a religious institution;~~]
[~~(b)~~] [~~The program maintains a nonsectarian board of directors;~~]
[~~(c)~~] All proceeds and debts are the property of that corporation;
(b)[~~(d)~~] The program pays reasonable rent; and
(c) No portion of state funds are appropriated to, or used by, any church, sectarian, or denominational school in compliance with Section 189 of the Kentucky Constitution.
[~~(e)~~] [~~The program's curriculum is not religious in nature.~~]

Section 5. Enrollment.
(1) Enrollment of a child in the preschool program shall be at the discretion of the parent or legal guardian. Each local school district shall establish and maintain a continuous[~~an~~][~~active~~] recruitment process which systematically assures enrollment of eligible children. Eligible children shall not be placed on a wait list. This process shall be outlined in a written plan which includes procedures for:
(a) Notification of the right to participate, presented in the parent's primary language or natural mode of communication;
(b) Identification of all eligible children regardless of race, sex, creed, color, national origin or disability[~~handicapping~~][~~condition~~];
(c) Written documentation to demonstrate that emphasis has been given to recruiting those eligible children not currently served by a preschool program; and
(d) Contact to agencies and programs serving local preschool children or their families to encourage participation in the recruitment process, taking into account the demographic makeup of the community and the needs of the children and their families.
(2) Upon enrollment[~~Prior to attendance~~], each child shall have on file:
(a) A certified copy of the student's[~~a legal~~] birth certificate; or
(b) Other reliable proof of the student's identity and age, and an affidavit of the inability to produce a copy of the birth certificate as required by KRS 158.032(3);
(c)[~~(b)~~] A current immunization certificate[~~Kentucky Certificate of Immunization~~] as required by KRS 214.034;

(d)[(c)] Preventative student health care examinations[A medical examination] meeting requirements of 702 KAR 1:160[704 KAR 4:020] conducted within one (1) year[six (6) months] prior to entry into the school program; and

(e)[(d)] Information as to eligibility [for the National School Lunch Program].

(3) An educational record shall be kept confidential according to the requirements of the Family Education Rights and Privacy Act regulations, 34 C.F.R.[CFR] Part 99.

(4) Daily attendance records shall be maintained and submitted through the statewide student information system[district's standard attendance reports or an approved, verifiable alternative method]. A parent or legal guardian shall be contacted with respect to an enrolled child whose participation in the program is irregular or who has been absent for four (4) consecutive program days.

(5) Students who are eligible only as at risk of educational failure who miss sixteen (16) consecutive school days without a documented excuse may be unenrolled and remain eligible in accordance with Section 2(1) of this administrative regulation when:

(a) The parent or guardian gives written consent; or

(b) At least four (4) documented attempts to reengage the parent or guardian are unsuccessful.

Section 6. Program Operation.

(1) The local school district shall select one (1) of the following program options:

(a) Standard half-day, five (5) day a week program (single session);

(b) Half-day, four (4) day a week program in single or double session, with the fifth day for services to children and their families, such as family[home] visits, special experiences for children, parent training, special education and case manager tasks, or coordination of medical or social services;[or]

(c) Full day, four (4) days a week program with the fifth day for services to children and their families, such as family visits, special experiences for children, parent training, special education and case manager tasks, or coordination of medical or social services; or

(d) A locally-designed program approved by the Commissioner of Education before initial implementation and before the locally-designed program is amended[chief state school officer].

(2) If a double session program is utilized, adequate time[the following provisions shall be made:]

[(a)] [Time] shall be allotted between sessions[prior to each session] to allow staff to prepare for the session as well as give individual attention to children entering and leaving the program;

(3) In all programs:

(a)[(b)] Classified staff shall be provided lunch and rest times pursuant to KRS Chapter 337[Adequate break time shall be provided for staff during the course of the day];

(b) Certified staff shall be provided a duty free lunch period each day pursuant to KRS 158.060;

(c) Staff assignments shall provide time for parent involvement activities and coordination of services described in subsections (7) through (10)[(5) through (8)] of this section; and

(d) Maximum number of children assigned to one (1) lead teacher shall be limited to the ratio established in Section 8[Section 7(4)] of this administrative regulation.

(4)[(3)] The hours of operation [of the half-day program]may vary but shall provide a minimum of two and one-half (2 1/2) hours of instructional[classroom] time per day, which shall not include the time required to provide breakfast or lunch. The program shall provide direct services for children or parents for the minimum number of teaching days set by the local school district for the school year.

(5)[(4)] Maximum group size for eligible children shall be twenty (20) children. The staff ratio in the classroom shall consist of one (1) adult for a maximum of ten (10) children pursuant to staff qualifications established in Section 8[7] of this administrative regulation. [Consideration shall be given to increasing the number of staff or decreasing the group size depending upon the needs of the children, including the needs of children with disabilities. An]At no time shall one (1) adult [shall not] be left alone with more than ten (10) preschool children.[The local school district shall have a written policy for assistance from another adult if one (1) adult is responsible for a group of children.]

(6) The local school district shall have a written policy describing:

(a) How consideration is given to increasing the number of staff or decreasing the group size depending upon the needs of the children, including the needs of children with disabilities; and

(b) How assistance from another adult is available if one (1) adult is responsible for a group of children.

(7)[(5)] The program shall allow for active family[parental] involvement. Consideration of the different types of family structures, such as the single parent, foster parent and extended family, shall be made when planning activities. At least the following opportunities shall be made available to parents or guardians:

(a) Participation in classroom and other preschool activities as volunteers or observers;

(b) Parent training, education or other activities which the parent has helped to develop;

(c) Working with the child in cooperation with preschool staff;

(d) Meeting with preschool and other appropriate staff regarding the child's individual needs and progress or other two (2) way communication systems developed with the parent or guardian; and

(e) Periodic family[home] visits by preschool staff, with a minimum of two (2) visits per child per year and with the first visit conducted within sixty (60) school days after enrollment. Family visits shall be conducted in the home or at a secondary location and shall be in person unless the parent or guardian requests a virtual family visit.

(8)[(6)] To meet the comprehensive needs of children, the program shall collaborate with medical, health, mental health and social service agencies. Information about community services, resources and facilities shall be made available to parents. Program staff shall assist with[parents in] coordinating interagency services for children and families.

(9)[(7)] A local school district shall administer a valid and reliable child development screener within thirty (30) days of enrollment. The child development screener shall:[assure through coordination with existing medical and social services that all children participating in the program receive child development and health screening.]

[(a)] [Health screening shall include growth assessment, vision and hearing screening, assessment of current immunization status, and general health status.]

(a)[(b)] [Child development screening shall include]Include screening of gross and fine motor skills, cognitive functioning, communication skills, self-help skills and social-emotional skills.

[(c)] [Child development screening may be accomplished through various means, including systematic observation in the classroom or other natural setting. Screening results shall not be used for determining placement or planning the curriculum.]

(b) Be administered by personnel trained to administer the screener;

[(d)] [Child development and health screening shall be completed within thirty (30) school days of enrollment by personnel trained in the procedures utilized.]

(c) Be tracked and documented for all four (4) year old children enrolled in the program; and

(d) Child development screening results and recommended follow-up shall be shared with the parent or guardian.

[(e)] [Contact shall be made with the parent or legal guardian if screening results indicate a need for further assessment by a specialist, follow-up, or referral for special education and related services or other appropriate resources.]

(10)[(8)] A local school shall assist the parent or legal guardian as needed through cooperation with existing medical and social services to obtain the physical examination required of all children prior to school enrollment.

[(9)] [The preschool program shall include developmentally appropriate experiences in cognitive, communication, social, physical, and emotional development as well as creative expression. The preschool program shall assist young children with their intrapersonal and interpersonal skills and in maximizing self-management and independence. The program shall include appropriate learning activities and teaching techniques in

~~accordance with each child's level of comprehension and maturation.~~]

Section 7. Learning environment.

(1)[~~(10)~~] The program shall provide a supportive social and emotional climate which:

(a) Enhances children's understanding of themselves as individuals, and in relation to others, by providing for individual, small group, and large group activities;

(b) Gives children many opportunities for success through developmentally appropriate program activities;[~~and~~]

(c) Provides an environment of acceptance which helps each child develop a positive self-concept, enhance his or her individual strengths, celebrate his or her individuality[~~build ethnic pride~~], and facilitate social relationships; and[~~.~~]

(d) Integrates an evidence-based social and emotional supplemental curriculum that promotes social and emotional development and addresses challenging behaviors.

(2)[~~(11)~~] The program shall promote the development of cognitive[~~intellectual~~] skills by:

(a) Encouraging children to solve problems, initiate activities, explore, experiment, question, and gain mastery through learning by doing (concrete experiential learning);

(b) Promoting language understanding and use in an atmosphere that encourages [~~each~~] communication among children and between children and adults;

(c) Utilizing an evidence-based curriculum aligned with the domains of Kentucky's Early Childhood Standards, revised in 2021[~~in which a variety of skills are integrated into activities targeted toward the interests of children~~];

(d) Encouraging children to organize their experiences and understand concepts;

(e) Providing developmentally appropriate instruction to support growth in the foundational skills of literacy and numeracy;

(f)[~~(e)~~] Utilizing a language experience approach to introduce printed materials according to the individual developmental level of the child; [~~and~~]

(g) Presenting daily opportunities for interactive literacy and numeracy routines;

(h)[~~(f)~~] Providing a daily balance of activities to include[~~in the following dimensions~~]:

1. Indoor and outdoor time;
2. Quiet and active time;
3. Individual and group time;
4. Large and small groups;
5. Child and staff initiated interactions;[~~and~~]
6. Structured and play-based activities;[~~spontaneous.~~]
7. Free choice center work; and
8. Routines to establish child familiarity with the daily schedule.

(3)[~~(12)~~] The program shall promote physical growth by:

(a) Providing adequate indoor and outdoor space pursuant to Section 9[~~8~~] of this administrative regulation;

(b) Providing developmentally appropriate materials and equipment, in sufficient quantity to allow choice, and providing supervised time for children to use large and small muscles to increase their physical skills;

(c) Providing appropriate guidance while children use equipment and materials which promote children's physical growth;

(d) Providing breakfast or lunch to each eligible child, pursuant to the requirements of the National School Breakfast Program or National School Lunch Program;

(e) Providing developmentally appropriate information regarding nutrition, involving children as feasible in the planning and preparation of snacks and meals, and providing appropriate supervision during meals to develop language, understanding and problem-solving skills; and

(f) Providing developmentally appropriate information about health as an integral part of program activities.

(4)[~~(13)~~] The program shall promote social skills and social interactions by:

(a) Providing positive guidance with consistent, clear rules presented in developmentally appropriate ways; and

(b) Providing positive adult and peer role models, focusing on the level of the child.

[~~(14)~~] [~~The program shall be individualized to meet the special needs of children by:~~]

[~~(a)~~] [~~Having a curriculum which is relevant and reflective of the needs of the population served (such as, bilingual or bicultural, multicultural, rural, urban, or migrant);~~]

[~~(b)~~] [~~Having staff and program resources reflective of the racial and ethnic population of the children in the program; and~~]

[~~(c)~~] [~~Providing adaptations for children with special needs.~~]

(5)[~~(15)~~] The program shall utilize developmentally appropriate materials and equipment as follows:

(a) Furniture, equipment and materials shall be of sufficient quantity, quality and variety to meet the needs of the children and shall be arranged in a way as to facilitate learning, assure a balanced program of play-based[~~spontaneous~~] and structured activities, and encourage self-reliance in the children. Test sheets, worksheets, coloring sheets, and workbooks[~~and ditto sheets~~] shall not be used as they are not developmentally appropriate for preschool children.

(b) The equipment and materials shall be:

1. Consistent with the specific educational objectives of the local program;
2. Representative of the children in the program[~~Consistent with the cultural and ethnic background of the children~~];
3. Geared to the age, ability, and developmental needs of the children;
4. Safe, durable, and kept in good condition;
5. Stored in a safe and orderly fashion when not in use;
6. Accessible, attractive, and inviting to the children; and
7. Designed to provide a variety of learning experiences and to encourage experimentation and exploration.

(6)[~~(16)~~] Space shall be arranged so that children may work individually, together in small groups, and in a large group. Space shall be arranged to provide clear pathways for children to move from one area to another.

(7)[~~(17)~~] Centers or areas in the classroom shall include space for activities including art, blocks,[~~blockbuilding, cooking, gross motor, housekeeping or~~] dramatic play, [~~language arts or~~]library, manipulative materials, mathematics, technology,[~~math or problem solving, multimedia,~~] music, science and writing[~~or social studies, and wood working~~].

(8) Technology centers and screen time shall:

(a) Provide developmentally appropriate content designed as an educational supplement to help children explore, create, problem solve, interact, and learn with and from one another; and

(b) Not substitute for active play, engagement, and interaction with other children and adults.

(9)[~~(18)~~] Assessment of children within the preschool program shall be for the purpose of planning activities and evaluating progress, and shall not be used to restrict entry into or exit from the preschool program. The program shall include developmentally appropriate valid and reliable assessment of preschool children which:

(a) Provides for ongoing observation, recording and evaluation of each child's growth and development for the purpose of planning activities to suit individual needs;

[~~(b)~~] [~~Is accomplished by observation or activity with the child in familiar structured and informal situations;~~]

[~~(c)~~] [~~Includes information from parents;~~]

(b)[~~(d)~~] Is used to inform parents on a regular basis regarding the child's progress in motor, cognitive, communication, social and emotional, and adaptive skills and development; and[~~physical, intellectual, communication, social, emotional, intrapersonal, and interpersonal skills and development;~~] and

(c)[~~(e)~~] considers the [~~cultural~~] background of the child.

(10)[~~(19)~~] Children shall not be retained in the preschool program.

(11)[~~(20)~~] The preschool program shall provide developmentally appropriate instruction to children regarding safety procedures, such as riding the bus and emergency procedures.

(12)[~~(21)~~] The preschool program shall utilize the local school district's current safety policies regarding accident records, medical

emergency plans, fire and disaster plans, first aid, dispensing of medications, and reporting of child abuse and neglect, with modification as needed to accommodate young children.

Section 8.[~~Section 7.~~] Personnel.

(1) Instructional staff in the preschool shall include the following types of personnel:

[~~(a)~~] A lead teacher who meets the following qualifications:

(a)[~~1.~~] Beginning with the 2002-2003 school year, a person who holds a certificate in accordance with KAR Chapter 16[~~or statement of eligibility for a certificate in interdisciplinary early childhood education,~~] or has been exempted by the Kentucky Education Professional Standards Board from additional certification in order to continue teaching in an early childhood position; or[~~.~~]

(b) A school district may request approval from the Department of Education to use as the instructional lead a person who meets the preschool associate teacher qualifications and who has been continuously employed in the same district prior to school year 2004-2005 to perform paraprofessional instructional duties pursuant to 704 KAR 3:420.[~~; or~~]

[~~2.~~] [~~Prior to the 2002-2003 school year, if a person meeting qualifications listed in subparagraph 1 of this paragraph is not available, interim approval shall be issued in accordance with the following criteria:~~]

[~~a.~~] [~~Personnel with a baccalaureate or higher degree in child development, early childhood education, or early childhood special education;~~]

[~~b.~~] [~~Personnel with kindergarten certification;~~]

[~~c.~~] [~~Personnel with special education certification valid for primary grades;~~]

[~~d.~~] [~~Personnel with a master's degree, bachelor's degree or licensure in communication disorders, speech and language, or speech pathology.;~~]

[~~3.~~] [~~If a person who meets the qualifications established in subparagraph 1 or 2 of this paragraph is not available, a local board may develop a training plan in early childhood education and request approval for an individual with a minimum of one (1) year of early childhood training or experience and a degree in family studies, social work, psychology, nursing, or other related area, including education if not specified under subparagraph 1 or 2 of this paragraph.~~]

[~~4.~~] [~~A local board may request approval for a person who meets the preschool associate teacher qualifications to perform paraprofessional instructional duties pursuant to 704 KAR 3:420; and~~]

[~~(b)~~] [~~A teaching assistant who is an instructional aide.~~]

(2) Lead teachers employed pursuant to subsection (1)(a)2 of this section shall not serve as a lead teacher in any district after initial employment is terminated.

(3)[~~(2)~~] A preschool classroom shall have at least one (1) lead teacher. A paraprofessional[~~teaching assistant~~] or other professional personnel shall be used in addition to the lead teacher to provide an appropriate adult-child ratio in each classroom, pursuant to Section 6(5)[~~6(4)~~] of this administrative regulation. A lead teacher shall provide instructional services to a maximum of twenty (20) children, within the parameters of subsection (5)[~~(4)~~] of this section.

(4)[~~(3)~~] A lead teacher shall be responsible for organizing the classroom, implementing[~~providing~~] a developmentally appropriate curriculum and assessments, and supervising and assigning the activities of paraprofessionals[~~teaching assistants~~], student helpers, and other noncertified staff in the preschool program[~~class~~]. A lead teacher shall be responsible for at least the following parental activities, described in Section 6(7)[~~6(5)~~] of this administrative regulation:

(a) Parent participation in the classroom;

(b) Parent-teacher conferences; and

(c) A minimum of two (2) family[~~home~~] visits per child per year.

(5)[~~(4)~~] A local school district shall assign professional staff, including but not limited to the lead teacher, to coordinate program operations[~~conduct parental involvement activities and coordination with health and social services,~~] pursuant to Section 6 (7) through (10)[~~(5) through (8)~~] of this administrative regulation. A lead teacher who has been assigned preschool coordination responsibilities pursuant to Section 6 (7) through (10) of this administrative regulation[~~related to parent involvement activities and health and social services~~] and who operates double sessions shall be considered to be going beyond responsibilities set out in subsection 4[~~(3)~~] of this section and shall provide services to a maximum of thirty-four (34) children total, within the adult-child ratio per classroom established in Section 6(5)[~~6(4)~~] of this administrative regulation.

(6)[~~(5)~~] A lead teacher shall participate in the required number of professional development days applicable to certified personnel in the local school district. A paraprofessional[~~teaching assistant~~] shall participate annually in a minimum of eighteen (18) hours of professional development. Professional development activities shall be related to the nature and needs of young children and their families, including those with special needs. Records shall be kept for all personnel documenting participation in professional development training.

(7)[~~(6)~~] At all times, a program shall have a staff person on the premises who is trained in emergency first aid and cardiopulmonary resuscitation (CPR).

Section 9.[~~Section 8.~~] Facilities, Safety, Health, and Transportation.

(1) A preschool program shall operate in compliance with administrative regulations promulgated by the Kentucky Board of Education in areas including facilities, safety, health, and transportation.

(2) If a program is extended to provide child care before or after the standard operating hours of the preschool program, that portion of the program [~~shall be considered day care and~~]shall meet the standards for child[~~day~~] care facilities promulgated by the Cabinet for Families and Children and established in [~~905 KAR Chapter 2 and~~] 922 KAR Chapter 2.

(3) A local school district may provide transportation to preschool children. If a local school district transports preschool children, services shall be operated in conformance with administrative regulations pertaining to the transportation of school children, as established in 702 KAR Chapter 5.

(4) Regardless of whether transportation is provided, a local school district shall make provisions for safe arrival and departure of all children, with a written policy[~~procedure~~] for ensuring that preschool children are:[~~released to the parent or a person authorized by the parent.~~]

(a) Supervised by a school employee during arrival and departure; and

(b) Released to the parent, guardian, or a person authorized by the parent or guardian. Release shall be hand-to-hand when a local district transports preschool children.

Section 10.[~~Section 9.~~] Program Evaluation.

(1) At least annually, parents, staff and other professionals shall be involved in evaluating the local preschool program's effectiveness in meeting the needs of participating children.

(2) The program evaluation shall address:

(a) Rate of participation by eligible children;

(b) Parental satisfaction with services provided;

(c) Growth[~~Success~~] of participating children as they complete the preschool program and enter[~~progress through~~] the primary school program; and

(d) Adherence to state administrative regulations on the subject area.

(3) A local school district preschool program shall be subject to evaluation by the Department of Education to determine the effectiveness of the statewide preschool program and local school district adherence to this administrative regulation.

Section 11. Incorporation by Reference.

(1) Kentucky's Early Childhood Standards, Revised 2021, is hereby incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Department of Education, Office of Special Education and Early Learning, 300 Sower Blvd. 4th floor, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30

p.m. eastern time. This material may also be accessed on the Kentucky Department of Education website at: https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).
DR. ROBBIE FLETCHER, Commissioner
SHARON PORTER ROBINSON, Chair
APPROVED BY AGENCY: October 6, 2025
FILED WITH LRC: October 7, 2025 at 12:00 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2025, at 10am, in Room 516, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. 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 December 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: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen
Subject Headings: Education: Elementary, Child Care, Children and Minors, Disability and Disabilities, Education Professional Standards
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the criteria for the preschool education program for 4-year-old children who are at risk of educational failure, including procedures for a grant allocation system, eligibility criteria for children to be served, guidelines for program operation, and standards for personnel.
(b) The necessity of this administrative regulation: KRS 157.3175 requires the Kentucky Board of Education (KBE) to adopt administrative regulations establishing the guidelines for the preschool education program. Without this regulation, local school districts will not have established guidelines for implementing the preschool education program.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 157.3175 specifically requires the Kentucky Board of Education to adopt administrative regulations establishing the guidelines for the preschool education program.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: 704 KAR 3:410 is currently in effect and establishes guidelines for the preschool education 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: Definitions were added, a large section was split into two sections, updates were made to language regarding interagency agreements, additions were made to align with current statutes and regulations, provisions were added to increase flexibility for some requirements, requirements were added to include valid and reliable screeners and assessments and evidence-based curricula, Kentucky's Early Childhood Standards were incorporated by reference, and increased opportunities to develop foundational literacy and numeracy skills were added.
(b) The necessity of the amendment to this administrative regulation: This regulation is being amended to avoid expiration. The date on which children must turn three or four to be eligible for the preschool education program is not in alignment with the date of eligibility in the statute, due to statutory changes made in 2013. Several areas were identified where statutory alignment and clarification were needed.
(c) How the amendment conforms to the content of the authorizing statutes: The amendments change the date on which children must turn three or four to be eligible for the preschool education program from October 1 to August 1. Amendments also conform to other areas of statute, such as required documentation for school enrollment and break and lunch times for classified and certified staff.
(d) How the amendment will assist in the effective administration of the statutes: The amendments provide clarification and remove outdated information.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2021 Acts Chapter 167.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 171 school districts, the Kentucky School for the Blind, and the Kentucky School for the Deaf are affected by this administrative regulation.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Local school districts will need to review existing policies and procedures to ensure their preschool program aligns with statutory and regulatory requirements, as well as ensure they are using valid and reliable screeners and assessments and evidence-based curricula.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Costs to local school districts are in the form of staff time and instructional materials needed to comply with the regulation. It has not been determined how many districts will need to make changes to instructional materials. We believe most are already using valid and reliable screeners and assessments, as well as evidence-based curricula.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Amendments regarding valid and reliable screeners and assessments, evidence-based curricula, and developmentally appropriate instruction in foundational literacy and numeracy skills aim to increase school readiness for children who attend the preschool education program and prepare them for a successful transition into the primary program.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: Existing staff currently implement this administrative regulation, and no fiscal impact is anticipated.
(b) On a continuing basis: Existing staff currently implement this administrative regulation, and no additional fiscal impact is anticipated through this amendment.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Currently, general funds appropriated by the General Assembly allow the Kentucky Department of Education to implement this administrative regulation and no additional fiscal impact is anticipated through this amendment.
(8) 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 does not establish or increase any fees. Costs to the Kentucky Department of Education are in the form of staff time monitoring the preschool education program. At this time, an increase in staff time is not anticipated.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.
(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies uniformly.

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 156.070, 156.160, 157.3175.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 1990 Ky. Acts ch. 476, Pt. I, sec. 16, effective July 13, 1990.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Education, through the Kentucky Board of Education 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: Costs to the Kentucky Department of Education are in the form of staff time monitoring the preschool education program. At this time, an increase in staff time is not anticipated.
For subsequent years: Costs to the Kentucky Department of Education are in the form of staff time monitoring the preschool education program. At this time, an increase in staff time is not anticipated.
2. Revenues:
For the first year: This regulation does not generate revenue.
For subsequent years: This regulation does not generate revenue.
3. Cost Savings:
For the first year: Amendments to this regulation are not expected to result in cost savings for the Kentucky Department of Education.
For subsequent years: Amendments to this regulation are not expected to result in cost savings for the Kentucky Department of Education.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local school districts, the Kentucky School for the Blind, and the Kentucky School for the Deaf.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: Costs to local school districts are in the form of staff time and instructional materials needed to comply with the regulation. It has not been determined how many districts will need to make changes to instructional materials. We believe most are already using valid and reliable screeners and assessments, as well as evidence-based curricula.
For subsequent years: Costs to local school districts are in the form of staff time and instructional materials needed to comply with the regulation. It has not been determined how many districts will need to make changes to instructional materials. We believe most are already using valid and reliable screeners and assessments, as well as evidence-based curricula.
2. Revenues:
For the first year: Amendments to this regulation are not expected to generate revenue.
For subsequent years: Amendments to this regulation are not expected to generate revenue.
3. Cost Savings:
For the first year: Amendments to this regulation are not expected to result in cost savings for local school districts.
For subsequent years: Amendments to this regulation are not expected to result in cost savings for local school districts.
(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: Costs to the Kentucky Department of Education are in the form of staff time monitoring the preschool education program. At this time, an increase in staff time is not anticipated. Costs to local school districts are in the form of staff time and instructional materials needed to comply with the regulation. It has not been determined how many districts will need to make changes to instructional materials. We believe most are already using valid and reliable screeners and assessments, as well as evidence-based curricula.
(b) Methodology and resources used to reach this conclusion: The Kentucky Department of Education considered current data collected from local school districts regarding valid and reliable assessments, and developmentally appropriate curricula aligned with Kentucky's Early Childhood Standards.
(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(14): This administrative regulation will not have a "major economic impact", as defined by KRS 13A.010(14).
(b) The methodology and resources used to reach this conclusion: The Kentucky Department of Education considered current data collected from local school districts regarding valid and reliable assessments, and developmentally appropriate curricula aligned with Kentucky's Early Childhood Standards.

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
Kentucky Board of Education
Department of Education
(Amendment)

704 KAR 8:020. Required academic standards for reading and writing.

RELATES TO: KRS 156.070, 156.160, 158.645, 158.6451, 158.6453, 160.290
STATUTORY AUTHORITY: 156.070(1), 156.160(1), 158.6453
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1)(a)[~~KRS 156.070~~] requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. KRS 158.6453(2) requires the Kentucky Department of Education to implement a comprehensive process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement every six years[~~the review of academic standards and assessment with the advice of a standards and assessments review and development committee~~]. This administrative regulation incorporates by reference the Kentucky Academic Standards for Reading and Writing, which contain the general courses of study and academic content standards of reading and writing, for use in Kentucky's common schools.

Section 1. Before graduating from a Kentucky public high school, a student shall meet the minimum content requirements established in the Kentucky Academic Standards for Reading and Writing.

Section 2. Incorporation by Reference.
(1) The "Kentucky Academic Standards for Reading and Writing", October 2025[~~October 2018~~], is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, 5th

floor, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be accessed on the Kentucky Department of Education website at: https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).
DR. ROBBIE FLETCHER, Commissioner
SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: October 6, 2025
FILED WITH LRC: October 7, 2025 at 12:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held December 23, 2025 at 10am, in Room 516, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. 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. 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 December 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: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen
Subject Headings: Board of Education, Schools, Compliance
(1) Provide a brief summary of:
(a) What this administrative regulation does: 704 KAR 8:020 incorporates by reference the Kentucky Academic Standards (KAS) for Reading and Writing, which contain the general courses of study and academic content standards of reading and writing education for use in Kentucky's common schools.
(b) The necessity of this administrative regulation: KRS 156.160(1) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453. This administrative regulation incorporates by reference the KAS for Reading and Writing, which contain the general courses of study and academic content standards of reading and writing education for use in Kentucky's common schools.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to KRS 158.6453(2) which requires the Kentucky Department of Education (KDE) to implement a comprehensive process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement every six years. KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 156.160(1)(a) requires the KBE to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. This administrative regulation incorporates by reference the KAS for Reading and Writing, which contain the general courses of study and academic content standards of reading and writing for use in Kentucky's common schools.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation incorporates by reference the KAS for Reading and Writing, which contain the general courses of study and academic content standards for reading and writing for use in Kentucky's common schools. KRS 156.160(1)(a) requires the KBE to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. This regulation also conforms to KRS 158.6453(2) which requires the KDE to implement a comprehensive process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement every six years.
(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: Regulatory amendments conform to current statutory language and provide a new version of the KAS for Reading and Writing as a material incorporated by reference based on the process provided in KRS 158.6453.
(b) The necessity of the amendment to this administrative regulation: KRS 158.6453(2) requires the KDE to implement a comprehensive process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement every six years. 704 KAR 8:020 was last approved by the KBE in October 2018. Therefore, in order to conform to statutory requirements, the KDE implemented the standards review process for reading and writing which resulted in a new material incorporated by reference.
(c) How the amendment conforms to the content of the authorizing statutes: This regulation conforms to KRS 158.6453(2) which requires the KDE to implement a comprehensive process for reviewing and revising the academic standards in reading and writing and the alignment of corresponding assessments for possible revision or replacement every six years. KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 156.160(1)(a) requires the KBE to establish courses of study for the different grades and kinds of common schools with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. This administrative regulation incorporates by reference the KAS for Reading and Writing, which contain the general courses of study and academic content standards of reading and writing for use in Kentucky's common schools.
(d) How the amendment will assist in the effective administration of the statutes: The amendments allow schools and districts to access and implement the most current KAS for Reading and Writing following the completion of the required standards review process provided in KRS 158.6453.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this administrative regulation aligns to Senate Bill 9 (2022), the Read to Succeed Act
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Schools and districts are affected by this administrative regulation.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: The standards outlined in 704 KAR 8:020 are the standards for reading and writing. The regulated entities must use these outlined standards when making local choices regarding curriculum and instruction.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost to local schools and districts during the first year is unknown and dependent upon the size, needs and materials available which varies among the 171 school districts.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The compliance of local schools and school districts ensure that each student is qualified for graduation as they will have met the minimum content requirements for reading and writing as required in 704 KAR 3:305.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: The KDE spent approximately $244,187.00. There are no initial costs anticipated to the KDE in implementing the administrative regulation except in cases where technical assistance is requested by schools and districts.
(b) On a continuing basis: KDE anticipates some ongoing staff costs to support schools and districts in the implementation of the KAS for Reading and Writing.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: State and district funds.
(8) 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: The KDE will not be able to use the research-based model of leadership networks to provide support to districts as they implement new standards without an increase in funding.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees or directly or indirectly increase fees.
(10) TIERING: Is tiering applied? Tiering was not appropriate as the administrative regulation applies equally to all schools and districts.

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 156.160(1) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453. KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 158.6453(2) requires the Kentucky Department of Education (KDE) to implement a comprehensive process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement every six years.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.070(1) requires the Kentucky Board of Education (KBE) to manage and control the common schools and all programs operated in the schools. KRS 156.160(1) requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The KBE and KDE.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: The KDE spent approximately $244,187.00 in administrative costs for the development of the KAS for Reading and Writing that are incorporated by reference in 704 KAR 8:020. The KDE anticipates staff costs in the first year to support schools and districts in implementation.
For subsequent years: The KDE anticipates some staff administrative costs in subsequent years to support schools and districts in implementation.
2. Revenues:
For the first year: This regulation is not expected to generate revenue.
For subsequent years: This regulation is not expected to generate revenue.
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): Local schools and districts.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: The total cost to local schools and districts is unknown and dependent upon the size, needs and resources available which varies among the 171 school districts.
For subsequent years: The KDE anticipates some staff administrative costs for local schools and districts in subsequent years to support ongoing implementation.
2. Revenues:
For the first year: This regulation is not expected to generate revenue.
For subsequent years: This regulation is not expected to generate revenue.
3. Cost Savings:
For the first year: No cost savings are anticipated.
For subsequent years: No cost savings are anticipated.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: Not applicable as no additional entities have been identified.
For subsequent years: Not applicable as no additional entities have been identified.
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 fiscal impact to local schools and districts is unknown and depends on the size, needs and materials available to individual schools and districts. The KDE spent approximately $244,187.00 in administrative costs for the development of the KAS for Reading and Writing which are incorporated by reference in 704 KAR 8:020 in addition to staff time to oversee its administration. The KDE anticipates some administrative staff costs in the first year and subsequent years to support schools and districts in the implementation of the KAS for Reading and Writing.
(b) Methodology and resources used to reach this conclusion: The KDE has already spent approximately $244,187.00 in administrative costs for the development of the reading and writing standards that are incorporated by reference in 704 KAR 8:020 in addition to staff time to oversee its administration. The KDE anticipates some staff costs in the first year and subsequent years to support schools and districts in the implementation of the KAS for Reading and Writing. For local schools and districts, the costs are dependent upon the size, needs, and materials of the individual 171 school districts which varies thereby making the fiscal impact difficult to estimate.
(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(14): It is unknown whether this administrative regulation will have a major economic impact to the entities identified.
(b) The methodology and resources used to reach this conclusion: The KDE spent approximately $244,187.00 in administrative costs for the development of the reading and writing standards that are incorporated by reference in 704 KAR 8:020 in addition to staff time to oversee its administration. The KDE anticipates some staff costs in the first year and subsequent years to support schools and districts in the implementation of the KAS for Reading and Writing. For local schools and districts, the costs are dependent upon the size, needs, and materials of the individual 171 school districts which varies thereby making the fiscal impact difficult to estimate.

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 HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(Amendment)

922 KAR 1:565. Service array for a relative or fictive kin caregiver.

RELATES TO: KRS 2.015, 45.237-45.241, 156.496, 194A.005(1), 199.011, 199.462, 199.470-199.590, 205.211, Chapter 387, 403.270-403.355, 405.024, 527.100, 527.110, 600.020, 605.120, 610.110, 620.020(1), 620.090, 620.140, 620.142, 620.170, 42 U.S.C. 601-619, 671, 673, 675, D.O. v. Glisson, 847 F.3d 374 (6th Cir. 2017), cert. denied, 17-17, 2017 WL 2869916 (U.S. Oct. 10, 2017)

STATUTORY AUTHORITY: KRS 194A.050(1), 605.130(7), 605.150(1), 620.142(5)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate, administer, and enforce administrative regulations necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 605.150(1) authorizes the cabinet to promulgate administrative regulations to implement provisions of the chapter, including KRS 605.130(7), which authorizes the cabinet to perform such other services as may be deemed necessary for the protection of children. KRS 620.142(7)[~~(5)~~] requires the cabinet to promulgate administrative regulations developing custodial, permanency, and service options that shall be available to a relative or fictive kin caregiver. This administrative regulation establishes the service array available to a relative or fictive kin caregiver pursuant to KRS 620.142(1). To the extent the General Assembly appropriates State General Funds necessary for the cabinet to implement the services under KRS 620.142(3), the cabinet shall carry out those services in accordance with Section 5(4) of this administrative regulation.

Section 1. Definitions.

(1) "Absent parent search" means cabinet-initiated efforts to locate a biological or legal parent, or a relative.

(2) "Cabinet" is defined by KRS 194A.005(1), 199.011(3), and 600.020(7).

(3) "Case permanency plan" is defined by KRS 620.020(1).

(4) "Child" means a:

(a) Child defined by KRS 199.011(4) and 600.020(9);

(b) Person age eighteen (18) or older whose commitment to the cabinet has been extended or reinstated by a court in accordance with KRS 610.110(6) or 620.140(1)(e); or

(c) A person under age twenty-one (21) who meets the exceptions to the age of majority in accordance with KRS 2.015.

(5) "Child Care Assistance Program" or "CCAP" means Kentucky's child care subsidy program providing families who meet the eligibility requirements with the financial resources to find and afford quality child care, as established in 922 KAR 2:160.

(6) "Child who is a candidate for foster care" is defined by 42 U.S.C. 675(13).

(7) "Fictive kin" is defined by KRS 199.011(10)[~~(9)~~] and 600.020(28).

(8) "Kentucky Transitional Assistance Program" or "KTAP" means the program established in 921 KAR 2:006.

(9) "Parent" is defined by 42 U.S.C. 675(2).

(10) "Qualifying event" means a significant and verifiable change in a caregiver's circumstances that substantially affects their ability to care for a child. A qualifying event includes:

(a) Death or incapacitation of a caregiver;

(b) Loss of income due to disability;

(c) Early or unplanned retirement due to a documented hardship, such as medical necessity or employer-mandated separation, that results in a substantial loss of income;

(d) Loss of home or employment due to natural disaster or fire;

(e) Change in household structure due to divorce; or

(f) A significant change in the child's medical or behavioral health requiring substantial caregiver involvement.

(11) "Relative" means an individual related to a child by blood, marriage, or adoption.

(12)[~~(11)~~] "Relative or fictive kin foster home" means a foster home:

(a) In which the individual approved as a foster parent is a:

1. Relative; or

2. Fictive kin; and

(b) Approved by the cabinet in accordance with 922 KAR 1:350.

Section 2. Identification of a Relative or Fictive Kin.

(1) If a relative or fictive kin placement is in the best interest of a child upon removal from the child's home of origin, the cabinet shall:

(a) Use an absent parent search in accordance with 922 KAR 1:140, Section 3, to locate a relative;

(b) Discuss a prospective relative or fictive kin placement with the:

1. Child's parent; and

2. Child, based upon the age and development of the child; or

(c) Require the parent or other person exercising custodial control or supervision to provide a list of possible persons to be considered pursuant to KRS 620.140(1)(c).

(2) Cabinet staff shall make reasonable attempts to:

(a) Contact the relative or fictive kin; and

(b) Assess the relative's or fictive kin's fitness to serve as a placement resource for the child in accordance with Section 3 of this administrative regulation.

(3) The cabinet shall:

(a) Disclose legal and service options available to a prospective relative or fictive kin:

1. Who is being assessed as a placement resource; and

2. Prior to the time a child is placed in the relative's or fictive kin's home; and

(b) Obtain written acknowledgement of the disclosure of legal and service options from the relative or fictive kin.

Section 3. Fitness of the Relative or Fictive Kin.

(1) To support a child's health, safety, and wellbeing in placement with a relative or fictive kin caregiver, based upon the legal option selected by the relative or fictive kin, the cabinet shall:

(a) Complete a safety check and review with consideration given to the relative's or fictive kin's:

1. Willingness and ability to:

a. Protect the child from abuse or neglect;

b. Participate in the child's case permanency plan;

c. Access:

(i) Transportation;

(ii) Telephone;

(iii) Medical and dental services;

(iv) First aid supplies; and

(v) School;

d. Provide full-time care;

e. Provide for the child's sleeping and eating;

f. Maintain adequate heat and ventilation in the home;

g. Use active smoke detectors in the home; and

h. Assure the child's inaccessibility to:

(i) Medication unless an exception consistent with 922 KAR 1:350, Section 5[~~3~~](12), applies;

(ii) Alcoholic beverages;

(iii) Poisonous materials;

(iv) Firearms or ammunition in accordance with KRS 527.100 and 527.110;

(v) Unsupervised contact with the birth parent, if prohibited; and

(vi) Cleaning materials unless the materials are age or developmentally appropriate for the child or the child is supervised; and

2. Understanding of the impact that familial abuse, neglect, or substance abuse may have on a child and the child's extended family; and

3. Fitness in accordance with 922 KAR 1:490; or

(b) Conduct a home study and background checks in accordance with 922 KAR 1:350 and 922 KAR 1:490 in consideration of the relative or fictive kin as a prospective foster or adoptive home.

(2) A relative or fictive kin caregiver who seeks approval as a relative or fictive kin foster home or adoptive home shall meet the training requirements established in 922 KAR 1:495.

(3) The cabinet shall:

(a) Document in the case file that the fictive kin has completed training on the prevention and recognition of pediatric abusive head trauma in accordance with KRS 199.462; and

(b) Provide information to the relative or fictive kin on how to recognize and report child abuse and neglect.

(4) To the extent funds are available, the cabinet shall make available to a relative or fictive kin caregiver training:

(a) For foster parents, adoptive parents, and respite care providers in accordance with 922 KAR 1:495; and

(b) Developed to address the needs of relative and fictive kin caregivers, including management of the relationship with the child's parent.

(5) A relative's or fictive kin's decision to pursue approval as a foster parent shall not guarantee the cabinet's approval.

Section 4. Relative or Fictive Kin Placement Support Benefit.

(1) To the extent that funds are available, the cabinet shall provide, if requested, a one (1) time per placement relative or fictive kin placement support benefit:

(a) To facilitate the child's placement with a nonparental relative or fictive kin;

(b) If a court of competent jurisdiction has granted temporary custody of the child to the relative, fictive kin, or the cabinet due to:

1. Alleged child abuse or neglect; or

2. The death of both parents;

(c) That will provide for a child's immediate needs, such as:

1. Clothing;

2. School supplies;

3. Additional furniture; or

4. A deposit for a larger apartment; and

(d) That is equal to or does not exceed the amount for the appropriate number of eligible children as follows:

Number of Eligible Children	Payment Amount
1	$350
2	$700
3	$1,050
4	$1,400
5	$1,750
6 or more	$2,100

(2)

(a) The relative or fictive kin placement support benefit shall be issued by check or electronic fund transfer directly to:

1. The relative or fictive kin caregiver with whom the child is placed; or

2. A vendor providing the needed service or item listed in subsection (1)(c) of this section.

(b) Prior to the provision of the relative or fictive kin placement support benefit, the relative, fictive kin, or vendor shall provide tax status and contact information for accounting of the benefit's disbursement.

(3)

(a) In accordance with Kentucky's Title IV-A Temporary Assistance for Needy Families Block Grant state plan, the cabinet shall prioritize a child for the relative placement support benefit if the child is:

1. Placed with a relative whose household income is at or below 200 percent of the federal poverty level as determined annually by the U.S. Department of Health and Human Services; or

2. Determined eligible for KTAP pursuant to 921 KAR 2:006 and 921 KAR 2:016.

(b) Pursuant to 42 U.S.C. 601, Temporary Assistance for Needy Families Block Grant funds shall not be provided to a fictive kin caregiver.

(4) A relative or fictive kin caregiver shall not be eligible for an initial clothing allowance as a foster parent if the relative or fictive kin receives the relative or fictive kin placement support benefit.

Section 5. Legal Options.

(1) The following legal options shall be available to a prospective relative or fictive kin caregiver:

(a) Family-arranged care through:

1. A written plan in accordance with 922 KAR 1:330;

2. An affidavit to make health care treatment and school-related decisions for the child in accordance with KRS 405.024; or

3. A power of attorney for temporary delegation of parental rights and responsibilities in accordance with KRS 403.352 and 403.353;

(b) Court-ordered custody to the relative or fictive kin caregiver in accordance with KRS 403.270-403.355, 620.090, or 620.140(1)(c);

(c) Court-ordered custody to the cabinet in accordance with KRS 620.090, 620.140(1)(c), or 620.170;

(d) Adoption in accordance with KRS 199.470-199.590 or 922 KAR 1:100;

(e) Guardianship in accordance with KRS Chapter 387; or

(f) Subsidized permanent custody in accordance with 42 U.S.C. 673 and 922 KAR 1:145.

(2) Considerations in assessing the legal options for a relative or fictive kin caregiver shall include:

(a) The likelihood of the child's reunification with the child's home of origin, including the child's permanency goal in accordance with 922 KAR 1:140;

(b) The relationship that the relative or fictive kin caregiver has with the child's home of origin or parent;

(c) The ability of the relative or fictive kin caregiver to:

1. Manage parental visitation; and

2. Ensure the child's safety;

(d) The relative or fictive kin caregiver's financial situation and need for additional resources to support the safety, permanency, and wellbeing of the child;

(e) The level of involvement and types of services that will be needed from the cabinet for the caregiver and the child to ensure the safety, permanency, and wellbeing of the child; and

(f) The level of support and types of services that will be needed if:

1. The caregiver assumes legal responsibility for the child; or

2. Reunification with the child's home of origin is not possible for the child.

(3) Permanency services for a child in the custody of the cabinet shall be in accordance with 922 KAR 1:140.

(4) To the extent the General Assembly appropriates State General Funds necessary for the cabinet to implement the services under KRS 620.142(3):

(a) Within one hundred twenty (120) days of receiving temporary custody or upon a verifiable qualifying event, a relative or fictive kin caregiver may submit a request to the cabinet for the purpose of pursuing a change in custody of a child in his or her care.

(b) Upon preliminary approval, the cabinet may request the court place the child in the cabinet's custody for the purpose of becoming a relative or fictive kin foster parent to the child.

(c) Upon placement of the child in the custody of the cabinet, the relative or fictive kin caregiver shall pursue foster parent approval.

Section 6. Service Options.

(1) The array of monetary supports on behalf of a child placed with a relative or fictive kin caregiver shall include:

(a) The Relative or Fictive Kin Placement Support Benefit in accordance with Section 4 of this administrative regulation;

(b) CCAP in accordance with 922 KAR 2:160;

(c) Child support if application is made or intergovernmental process applies in accordance with 921 KAR 1:380;

(d) KTAP if an application is made in accordance with 921 KAR 2:006 and 921 KAR 2:016;

(e) The Kinship Care Program in accordance with 922 KAR 1:130;

(f) Health benefits for the child:

1. In accordance with 907 KAR 20:005; or

2. If application is made in accordance with 907 KAR 20:015, 907 KAR 4:020, or 907 KAR 4:030;

(g) Foster care per diem in accordance with:

1.

a. 922 KAR 1:350; or

b. D.O. v. Glisson, 847 F.3d 374 (6th Cir. 2017), cert. denied, 17-17, 2017 WL 2869916 (U.S. Oct. 10, 2017); and

2. The terms and conditions specified in the individual agreement between the cabinet and the foster parent;

(h) Adoption assistance in accordance with 922 KAR 1:050 or 922 KAR 1:060;

(i) To the extent funds are available, post-permanency services, including:

1. Subsidized permanent custody in accordance with 42 U.S.C. 673 and 922 KAR 1:145; or

2. Post-adoption placement stabilization services in accordance with 922 KAR 1:530; or

(j) The Supplemental Nutrition Assistance Program if application is made and approved in accordance with 921 KAR 3:030.

(2) To the extent funds are available, the cabinet shall provide prevention and family services and programs in accordance with 42 U.S.C. 671(e) to a child who is a candidate for foster care, including:

(a) Mental health and substance abuse prevention and treatment services; or

(b) In-home parent skill-based programs.

(3) To the extent funds are available, the cabinet or its designee shall provide the following services for a relative or fictive kin caregiver:

(a) A hotline;

(b) Online portal;

(c) Crisis intervention;

(d) Support group;

(e) Advocacy;

(f) Caregiver training;

(g) Community education; and

(h) Referral to community resource or provider, such as:

1. Family Resource and Youth Service Centers established in accordance with KRS 156.496;

2. The Health Access Nurturing Development Services (HANDS) Program in accordance with 902 KAR 4:120;

3. The Special Supplemental Nutrition Program for Women, Infants, and Children or "WIC program" in accordance with 902 KAR Chapter 18;

4. Kentucky's Early Intervention Program, First Steps, in accordance with 902 KAR Chapter 30;

5. Mental health programming; or

6. Caregiver programming made available through the Department for Aging and Independent Living or its designee.

(4) To the extent the General Assembly appropriates State General Funds necessary for the cabinet to implement the services under KRS 620.142(3), the cabinet shall carry out those services in accordance with Section 5(4) of this administrative regulation.

(5)[(4)] The cabinet shall recover the amount of an improper payment pursuant to KRS 45.237-45.241 and 205.211, including assistance paid pending the outcome of a hearing, from the claimant-payee.

Section 7. Complaint and Service Appeals.

(1) A relative or fictive kin caregiver may submit a service complaint or an appeal concerning a protection and permanency service in accordance with 922 KAR 1:320.

(2) An appeal concerning CCAP shall be made in accordance with 921 KAR 2:055, 922 KAR 2:020, or 922 KAR 2:260.

(3) An appeal regarding KTAP shall be made in accordance with 921 KAR 2:055.

(4) An appeal concerning the Supplemental Nutrition Assistance Program shall be made in accordance with 921 KAR 3:060 or 921 KAR 3:070.

LESA DENNIS, Commissioner
STEVEN J. STACK, MD, MBA, Secretary
APPROVED BY AGENCY: October 10, 2025
FILED WITH LRC: October 14, 2025 at 10:40 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on December 22 2025, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by December 15, 2025 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 virtually 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 this proposed administrative regulation through December 31, 2025. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-7476; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sarah Bryant and Krista Quarles
Subject Headings: Adoption and Foster Care, Children and Minors, and Child Support
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the service array for a relative or fictive kin caregiver of a child in the state's custody.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the service array for a relative or fictive kin caregiver required by KRS 620.142(1).
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 620.142(7) requires the cabinet to promulgate administrative regulations developing custodial, permanency, and service options that shall be available to a relative or fictive kin caregiver. This administrative regulation conforms to the content of the authorizing statutes through its establishment of the service array for a relative or fictive kin caregiver.
(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 through its establishment of a service array for a relative or fictive kin caregiver.
(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 incorporates the provisions of KRS 620.142(3) (passed as Senate Bill 151 in the 2024 Regular Session of the General Assembly), which allows a relative or fictive kin caregiver to apply to become a relative or fictive kin foster parent for a child in his or her care under specific circumstances. This administrative regulation and department policies already included that a prospective relative or fictive kin placement be discussed with a child based on the age and development of the child.
(b) The necessity of the amendment to this administrative regulation: The amendment is necessary for compliance with legislation passed

in the 2024 Regular Session of the General Assembly, codified as KRS 620.142(3).
(c) How the amendment conforms to the content of the authorizing statutes: The amendment is consistent with KRS 620.142(3).
(d) How the amendment will assist in the effective administration of the statutes: The amendment establishes processes required by the passage of Senate Bill 151, which allows caregivers to request custody changes and foster parent approval.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2024 SB 151.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: From January 2025 to April 2025, there were 1,448 children in the cabinet's custody placed with relative or fictive kin caregivers. That number is expected to drastically increase once the provisions of this amendment become effective and caregivers are able to place children in their care into the custody of the cabinet in order to become foster parents and receive a foster care per diem and additional supports from the cabinet. The caregivers of at least 936 children will be eligible to pursue this and more that meet the qualifying event criteria.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: There are no new requirements. This amendment does not include requirements but establishes new processes through which relative or fictive kin caregivers may request custody changes and become relative or fictive kin foster homes.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no costs to regulated entities associated with this amendment.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): To the extent the General Assembly appropriates State General Funds necessary to implement the services under KRS 620.142(3), the cabinet shall carry out the services in accordance with Section 5(4) of this regulation. If Relative and fictive kin caregivers choose this path and are approved, they will receive a per diem of at least $850 per month paid in General Funds among other supports from the cabinet.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: This amendment is estimated to cost at least approximately $14.7 million per year. From January 2025 to April 2025, there were 1,448 children in the cabinet's custody placed with relative or fictive kin caregivers and 936 of those children were placed past 120 days. These caregivers who have been granted custody have the ability to place the child in the custody of the cabinet so that they can become foster parents instead. If caregivers meet the qualifying event criteria, this could cost up to $10.3 million per year in out-of-home care costs alone. With 936 children coming into the state's custody, an approximate 28 more social workers will be needed (with a caseload of 30), costing $4.3 million per year. The caregivers of all 936 children may not choose to change custody, but the number of caregivers who will upon a qualifying event is unknown and could exceed these numbers. These payments will be made with General Funds as this will not be federally-reimbursable. Additionally, the state could be penalized $100,000 for failing to meet the Adoption and Foster Care Analysis System (AFCARS) by adding a new removal reason, "pursuing foster care," which does not align with any approved AFCARS categories. In total, an annual fiscal impact of $14.7 million is projected.
(b) On a continuing basis: At least $14.7 million per year and possibly more as additional caregivers who have experienced qualifying events become aware of this option.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: General Funds not yet appropriated by the General Assembly. Federal reimbursement cannot be claimed when children enter the custody of the cabinet without being physically removed from the caregiver's home.
(8) 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 associated with this amendment.
(9) 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.
(10) TIERING: Is tiering applied? No, this administrative regulation is applied in a like manner statewide.

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 194A.050(1), 605.130(7), 605.150(1), 620.142(5), 42 U.S.C. 601-619, 671, 673, 675.
(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Cabinet for Health and Family Services, Department for Community Based Services, is the promulgating agency.
(a) Estimate the following for the first year:
Expenditures: This amendment is estimated to cost at least approximately $14.7 million per year. From January 2025 to April 2025, there were 1,448 children in the cabinet's custody placed with relative or fictive kin caregivers and 936 of those children were placed past 120 days. These caregivers who have been granted custody have the ability to place the child in the custody of the cabinet so that they can become foster parents instead. If caregivers meet the qualifying event criteria, this could cost up to $10.3 million per year in out-of-home care costs alone. With 936 children coming into the state's custody, an approximate 28 more social workers will be needed (with a caseload of 30), costing $4.3 million per year. The caregivers of all 936 children may not choose to change custody, but the number of caregivers who will upon a qualifying event is unknown and could exceed these numbers. These payments will be made with General Funds as this will not be federally reimbursable. Additionally, the state could be penalized $100,000 for failing to meet the Adoption and Foster Care Analysis System (AFCARS) by adding a new removal reason, "pursuing foster care," which does not align with any approved AFCARS categories. These payments will be made with General Funds as this will not be federally reimbursable.
Revenues: None.
Cost Savings: None.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Expenditures could increase as more caregivers become of aware of the ability to place the children in their care into the state's custody.
(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.
(a) Estimate the following for the first year:
Expenditures: None.
Revenues: None.
Cost Savings: None.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? They will not for local entities.
(4) Identify additional regulated entities not listed in questions (2) or (3): Relative or fictive kin caregivers will have the ability to place children in temporary custody into the custody of the state.
(a) Estimate the following for the first year:
Expenditures: There is no cost to relative or fictive kin caregivers.
Revenues: Relative or fictive kin caregivers who place children in their care into the custody of the cabinet and become foster parents may receive at least $810-$880 per month in foster care per diems.
Cost Savings: Many costs will be offset or provided by the cabinet with General Funds.
(b) How will expenditures, revenues, or cost savings differ in subsequent years? Revenues will increase as foster care per diems increase.
(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This amendment is estimated to cost at least approximately $14.7 million per year. From January 2025 to April 2025, there were 1,448 children in the cabinet's custody placed with relative or fictive kin caregivers and 936 of those

children were placed past 120 days. These caregivers who have been granted custody have the ability to place the child in the custody of the cabinet so that they can become foster parents instead. If caregivers meet the qualifying event criteria, this could cost up to $10.3 million per year in out-of-home care costs alone. With 936 children coming into the state's custody, an approximate 28 more social workers will be needed (with a caseload of 30), costing $4.3 million per year. The caregivers of all 936 children may not choose to change custody, but the number of caregivers who will upon a qualifying event is unknown and could exceed these numbers. These payments will be made with General Funds not yet appropriated by the General Assembly as this will not be federally-reimbursable. Additionally, the state could be penalized $100,000 for failing to meet the Adoption and Foster Care Analysis System (AFCARS) by adding a new removal reason, "pursuing foster care," which does not align with any approved AFCARS categories. These payments will be made with General Funds not yet appropriated by the General Assembly as this will not be federally-reimbursable.

(b) Methodology and resources used to determine the fiscal impact: The current foster home per diem is at least $810/month (and more for medically complex children). This amendment allows over a thousand caregivers to place children in the custody of the cabinet so that they can become foster parents to the children and receive financial and other supports.

(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 amendment will cost the state over $500,000, likely at least $14.7 million per year in General Funds not yet appropriated by the General Assembly. This change in custody will not be federally reimbursable.

(b) The methodology and resources used to reach this conclusion: The above calculations.

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*.

COUNCIL ON POSTSECONDARY EDUCATION
(Repealer)

13 KAR 2:111. Repeal of 13 KAR 2:110.

RELATES TO: KRS 13A.310
STATUTORY AUTHORITY: KRS 164.020
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 13A.310 requires that an administrative body shall repeal any administrative regulation that is obsolete or no longer appropriate. This administrative regulation repeals 13 KAR 2:110, which is no longer necessary or applicable due to the specific statutory authority (former KRS 164.295(4)) being eliminated pursuant to Senate Bill 77 (2025 Regular Session).

Section 1. 13 KAR 2:110, Advanced practice doctoral degree programs at comprehensive universities, is hereby repealed.

MADISON SILVERT, Chair
TRAVIS POWELL, Executive VP and General Counsel
APPROVED BY AGENCY: September 12, 2025
FILED WITH LRC: October 1, 2025 at 10:19 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2025, at 1:00 pm, at 100 Airport Road, 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 December 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: Travis Powell, Executive Vice President and General Counsel,100 Airport Road, Frankfort, Kentucky 40601, 502-573-1555, Travis.Powell@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Travis Powell
Subject Headings: Education, Postsecondary, Colleges and Universities, Student Access and Success
(1) Provide a brief summary of:
(a) What this administrative regulation does: This regulation is a repeal of 13 KAR 2:110.
(b) The necessity of this administrative regulation: This administrative regulation repeals 13 KAR 2:110, which is no longer necessary or applicable by statute.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This is a repeal.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This is a repeal.
(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:
(b) The necessity of the amendment to this administrative regulation:
(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:
(3) Does this administrative regulation or amendment implement legislation from the previous five years? This repeal of 13 KAR 2:110 is necessary due to changes to KRS 164.295, authorized by 2025 Senate Bill 77, which removes the requirement for an administrative regulation.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Repealing this regulation removes requirements related to public comprehensive universities in Kentucky.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: None.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): None.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): None.
(6) 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.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: No funding required.
(8) 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: None.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.
(10) TIERING: Is tiering applied? Tiering is not used; this is a repeal of 13 KAR 2:110.

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 164.295, amended by 2025 Senate Bill 77, authorizes this repeal regulation.
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: The repeal of this regulation was expressly authorized by 2025 Senate Bill 77 in that the authority for the regulation was removed.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Council on Postsecondary Education
(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): 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: None
(b) Methodology and resources used to reach this conclusion: None
(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(14): None
(b) The methodology and resources used to reach this conclusion: This is a repeal of 13 KAR 2:110.

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(New Administrative Regulation)

40 KAR 12:120. Preneed funeral and burial contract sellers.

RELATES TO: KRS 367.937, 367.940
STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.972(2)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.972(2) authorizes the Attorney General to promulgate administrative regulations to implement KRS 367.932 to 367.974 and 367.991. KRS 367.937 and 367.940 require the Attorney General to promulgate administrative regulations to establish application forms, reporting forms, and trust forms relating to preneed funeral and burial contract sellers. This administrative regulation prescribes the license application form and other forms, to be used by preneed funeral and burial contract sellers, provides for online application and submission processes, and provides for license suspension and revocation.

Section 1. Preneed Funeral and Burial Contract Seller License Application.
(1) The Attorney General must approve a preneed funeral and burial contract seller license application before a seller may make sales to Commonwealth of Kentucky residents. A preneed funeral and burial contract seller shall submit an online license application using the "Preneed Funeral and Burial Contract Seller License Application portal" available at https://www.ag.ky.gov/AG%20Business%20Forms/1Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crematories.pdf.
(2) If unable to submit an online application, an applicant shall complete and submit a Preneed Funeral and Burial Contract Seller License Application, Form PNBL-1, to the Attorney General's office, and submit:
(a) Payment of the $50.00 registration fee;
(b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and
(c) A completed Cemetery Company and Preneed Cemetery Merchandise Seller Registration Application, Form CPN-1, as incorporated by reference in 40 KAR 12:110, when the applicant intends to operate a cemetery company business or sell preneed cemetery merchandise.
(3) Applicants shall complete or submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any application if an Applicant fails to timely complete the application by not paying the application fee or provide requested missing information or required documents.

Section 2. Preneed Funeral and Burial Contract Seller Monthly Reports.
(1) A licensed preneed funeral and burial contract seller shall submit a monthly report to the Attorney General each month by the 15th day of the month following the reported month. A licensed preneed funeral and burial contract seller shall submit its monthly report online using the "Preneed Funeral and Burial Contract Seller Monthly Report portal" available at available at https://www.ag.ky.gov/AG%20Business%20Forms/Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crematories.pdf.
(2) If unable to submit an online monthly report, a licensed preneed funeral and burial contract seller shall complete and submit Preneed Funeral and Burial Contract Seller Monthly Report, Form PNBL-2, to the Attorney General's office, and submit:
(a) Payment of the $5.00 administrative fee for each reported contract; and
(b) A completed Cemetery Company and Preneed Cemetery Merchandise Seller Monthly Report, Form CPN-2, as incorporated by reference in 40 KAR 12:110, when the licensee is also registered as a cemetery company and preneed cemetery merchandise seller.

Section 3. Preneed Funeral and Burial Contract Seller Yearly Reports.
(1) A licensed preneed funeral and burial contract seller shall submit an annual report to the Attorney General for every calendar year by March 31st of the year following the reported year. A licensed preneed funeral and burial contract seller shall submit its yearly report online using the "Preneed Funeral and Burial Contract Seller Annual Report portal" available at available at https://www.ag.ky.gov/AG%20Business%20Forms/Online%20Forms%20for%20Cemeteries,%20Funeral%20Homes,%20and%20Crematories.pdf.
(2) If unable to submit a yearly report online, a licensed preneed funeral and burial contract seller shall complete and submit a Preneed Funeral and Burial Contract Seller Annual Report, Form PNBL-3, to the Attorney General's office, and submit:
(a) Payment of the $10.00 annual report fee;
(b) A completed Appendix A to the Preneed Funeral and Burial Contract Seller Licensee Annual Report, Form PNBL-3, or computer spreadsheets containing required information therein;
(c) A completed Cemetery Company and Preneed Cemetery Merchandise Seller Annual Report, Form CPN-3, as incorporated by reference in 40 KAR 12:110, when the licensee is also registered as a cemetery company and preneed cemetery merchandise seller.

Section 4. Irrevocable Funeral Trust Agreements. A licensed preneed funeral and burial contract seller shall complete and retain an Irrevocable Funeral Trust Agreement, Form PBNL-4, when establishing an irrevocable trust under KRS 367.937.

Section 5. Record Requests. A licensed preneed funeral and burial contract seller shall make requested records, documents and information readily available to the Attorney General for inspection and copying upon request.

Section 6. Material Changes in Application and Reports. A licensed preneed funeral and burial contract seller shall notify the Attorney General in writing within fourteen (14) days of any material

change relating to the information provided in their applications or reports.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Preneed Funeral and Burial Contract Seller License Application", Form PNBL-1, Sept. 2025;

(b) "Preneed Funeral and Burial Contract Seller Monthly Report", Form PNBL-2, Sept. 2025;

(c) "Preneed Funeral and Burial Contract Seller Annual Report with Appendix A", Form PNBL-3, Sept. 2025;

(d) "Irrevocable Funeral Trust Agreement", Form PNBL-4, Sept. 2025;

(e) "Preneed Funeral and Burial Contract Seller License Application portal", Sept. 2025;

(f) "Preneed Funeral and Burial Contract Seller Monthly Report portal", Sept. 2025; and

(g) "Preneed Funeral and Burial Contract Seller Annual Report portal", Sept. 2025;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, Capital Complex East, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, https://ag.ky.gov/Pages/default.aspx.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: October 14, 2025

FILED WITH LRC: October 15, 2025 at 8:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2025, at 10:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Attorney General in writing at least 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 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 December 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: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress Phone Number: 502-696-5481 Email: steve.humphress@ky.gov

Subject Headings: Attorney General, Embalmers and Funeral Directors; Cremation and Embalming; Cemeteries and Burials

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation prescribes the license application form, reporting forms and other forms to be used by preneed funeral and burial contract sellers, and provides or online application, reporting, and payment processes.

(b) The necessity of this administrative regulation: This regulation is necessary to provide the methods by which the Office of Attorney General ("Attorney General"), may perform its statutory mandates. The regulation is needed so that preneed funeral and burial contract sellers can comply with statutory requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law by law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.972 authorizes the Attorney General to promulgate administrative regulations for the enforcement of KRS 367.932 to 367.974. KRS 367.937 and 367.940 require the Attorney General to promulgate an administrative regulation to establish application forms, reporting forms, and trust forms relating to preneed funeral and burial contract sellers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation prescribes the license application forms, reporting forms, and trust form relating to preneed funeral and burial contract sellers. This administrative regulation also provides for online application, submission, and payment 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: 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) Does this administrative regulation or amendment implement legislation from the previous five years? no

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The administrative regulation affects approximately four hundred and forty-five (445) licensed preneed funeral and burial contract sellers, the Attorney General, and unknown future applicants.

(5) 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:

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Future applicants will be required to use either the online application processes or the new application form incorporated into this regulation. Licensed preneed funeral and burial contract sellers will be required to use the online reporting processes or new forms incorporated into this regulation. Attorney General staff will review and process the new online submissions and new forms for compliance with law.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Licensed preneed funeral and burial contract sellers will bear no additional costs as they will be able use online application and reporting processes, or download the forms from the Attorney General's website, at no cost. The Attorney General will have no additional costs to review the new online submissions or new forms.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The online application, reporting, and payment processes, and the new forms incorporated by this regulation are intended to make it easier for applicants and regulated entities to apply and provide required reports and documentation. In addition, it is intended that the regulation will result in saved administrative resources and time and provide quicker processing time by Attorney General staff.

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

(a) Initially: There are no costs to implement this administrative regulation.

(b) On a continuing basis: There are no continuing costs to implement this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There are no additional costs associated with implementing this

administrative regulation, so no funding is needed.
(8) 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 anticipated increase in fees or funding necessary to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? No. This regulation applies equally to all preneed funeral and burial contract sellers.

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 15.180, 367.150(4), 367.972(2), 367.937, 367.940.
(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 was expressly authorized by 1960 Ky. Acts ch. 68, Art. II, sec. 1, effective March 17, 1960; 1972 Ky. Acts ch. 4, sec. 4; and 1984 Ky. Acts ch. 116, sec. 23.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies. (b) Estimate the following for each affected state unit, part, or division in (3)(a):
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: There are no expenditures to administer this administrative regulation for the first year.
For subsequent years: There will be no expenditures to administer the administrative regulation in subsequent years.
2. Revenues:
For the first year: The administrative regulation will generate no revenues to the Attorney General in the first year. Application and other fees referenced in this regulation were established by statute.
For subsequent years: The administrative regulation will generate no revenues to the Attorney General in subsequent years.
3. Cost Savings:
For the first year: In the first year, the Attorney General will have cost savings through adopted online application and reporting processes in the regulation which are difficult to estimate at this time but estimated to be de minimis.
For subsequent years: In subsequent years, the Attorney General will have cost savings through adopted online application and reporting processes which are difficult to estimate at this time but estimated to be de minimis.
(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative 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: This administrative regulation will not cause expenditures by local entities for the first year.
For subsequent years: This administrative regulation will not cause expenditures by local entities in subsequent years.
2. Revenues:
For the first year: Local entities will receive no revenues from this administrative regulation for the first year.
For subsequent years: Local entities will receive no revenues from this administrative regulation in subsequent years.
3. Cost Savings:
For the first year: Local entities will receive no cost savings from this administrative regulation for the first year.
For subsequent years: Local entities will receive no cost savings from this administrative regulation in subsequent years.
(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Applicants and licensed preneed funeral and burial contract sellers will be affected by this administrative regulation.
(b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:
For the first year: This administrative regulation will not cause applicants and applicants and licensed preneed funeral and burial contract sellers to have any additional expenditures for the first year.
For subsequent years: This administrative regulation will not cause applicants and applicants and licensed preneed funeral and burial contract sellers to have any additional expenditures for the first year.
2. Revenues:
For the first year: Applicants and licensed preneed funeral and burial contract sellers will not receive any revenues from this administrative regulation for the first year.
For subsequent years: Applicants and licensed preneed funeral and burial contract sellers will not receive any revenues from this administrative regulation for the first year.
3. Cost Savings:
For the first year: For the first year, applicants and licensed preneed funeral and burial contract sellers will receive cost savings from online application and reporting processes provided by this administrative regulation which are difficult to estimate at this time but estimated to be de minimis.
For subsequent years: For subsequent years, applicants and licensed preneed funeral and burial contract sellers will receive cost savings from online application and reporting processes provided by this administrative regulation which are difficult to estimate at this time but estimated to be de minimis.
(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 will have no fiscal impact. The regulation updates forms and creates online application, reporting, and payment processes for businesses. The regulation does not affect other governmental agencies or local governments. The registration and other fees received by the Attorney General under this regulation are established by statute, not the regulation amendment. For these reasons, the regulation is not expected to have any significant fiscal impact.
(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources in determining the 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(14): There is not an expected "major economic impact" from this regulation for the Attorney General, any local entities, or affected regulated entities.
(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources in reaching the conclusion that no overall negative or adverse major economic impact results from this administrative 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.

GENERAL GOVERNMENT CABINET
Kentucky Board of Examiners of Psychology
(New Administrative Regulation)

201 KAR 26:118. Psychology interjurisdictional compact.

RELATES TO: KRS 319.054
STATUTORY AUTHORITY: KRS 319.032, 319.054
CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.054, Article XV.B.1. requires the Board of Examiners of Psychology to review any rule adopted by the Psychology Interjurisdictional Compact pursuant to Article XI of KRS 319.054 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Psychology Interjurisdictional Compact Administrators and the bylaws.

Section 1. The Board of Examiners of Psychology shall comply with all bylaws, rules, and administrative regulations of the Psychology Interjurisdictional Compact Administrators, which includes The Psychology Interjurisdictional Compact Rules as of October 9, 2019, and as amended and updated November 16, 2023, and Bylaws as of July 22, 2019, and as amended November 16, 2023.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference.

(a) "The Psychology Interjurisdictional Compact (PSYPACT) Rules, PSYPACT Rules", October 9, 2019 through November 16, 2023; and

(b) "The Psychology Interjurisdictional Compact (PSYPACT Bylaws)", Adopted July 22, 2019 and as revised on November 16, 2023;

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Examiners of Psychology, 500 Mero Street, 2 SC 32, Frankfort, Kentucky 40602, Monday through Friday, 8 am to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Examiners of Psychology's Web site at https://psy.ky.gov/.

(3) This material may also be obtained at:

(a) The Psychology Interjurisdictional Compact Commission, 210 Market Road, Tyrone, GA 30290;

(b) https://psypact.gov/page/governance.

HARWELL SMITH, PH.D. Chair

APPROVED BY AGENCY: September 18, 2025

FILED WITH LRC: October 3, 2025 at 2:50 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on December 22, 2025 at 1:00 PM EST at The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing no later than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend 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 prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until 11:59 pm on December 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: MARK R. BRENGELMAN, Board Counsel, Kentucky Board of Examiners of Psychology, 306 West Main Street, The McClure Building Suite 503, Frankfort, Kentucky 40601, phone (502) 696-3992, e-mail: Mark@MarkRBrengelmanPLLC.attorney

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mark R. Brengelman
Subject Headings: Licensing, Occupations and Professions, and Psychological Services.
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation implements provisions of KRS 319.054, the Psychology Interjurisdictional Compact.
(b) The necessity of this administrative regulation: This regulation is necessary to comply with the statutory directive of KRS 319.054, Article XV B 1.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 319.054, Article XV B 1, which requires rules adopted by the Psychology Interjurisdictional Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.
(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 implementing the provisions of KRS 319.054, Article XV B 1.
(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) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. 2021 KY. Acts ch. 46, sec. 1.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the board, approximately 1,630 licensees regulated by the board and new applicants for licensure.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: No action is necessary by those impacted.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no cost imposed by this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Kentucky will remain in compliance with the Psychology Interjurisdictional Compact, which will allow those impacted to continue to receive the benefits thereof as it relates to multistate practice.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: There is no additional cost to implement this regulation.
(b) On a continuing basis: There will be no additional cost to implement this regulation on a continuing basis.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board’s operations are funded by fees paid by credential holders and applicants.
(8) 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 required to implement this administrative regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering was not applied as the compact applies to all impacted individuals and 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 319.032, 319.054.
(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 319.054, Article XV.B.1.
(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Examiners of Psychology is the promulgating agency. No other state units, parts or

divisions are affected.
(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): No local entities are affected.
(b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
2. Revenues:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
3. Cost Savings:
For the first year: None. No local entities are identified.
For subsequent years: None. No local entities are identified.
(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: None. There are no costs to the promulgating agency for adopting Psypact rules and no other entities are identified.
(b) Methodology and resources used to reach this conclusion: There are no costs to the promulgating agency that are associated with adopting 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(14): This administrative regulation will not have a major economic impact.
(b) The methodology and resources used to reach this conclusion: None. The promulgating agency will incur no costs and no other entities are identified.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of October 14, 2025

Call to Order and Roll Call
The October meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, October 14, 2025, at 3:00 PM in Room 154 of the Capitol Annex. Senator Stephen West, Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Senators Julie Raque Adams and Mike Wilson; and Representatives Randy Bridges and Mary Lou Marzian.

LRC Staff: Karen Howard, Emily Harkenrider, Carrie Nichols, Stacy Auterson, Laura Begin, Emily Caudill, Ange Darnell, Anna Latek, and Callie Lewis.

Guests: Beau Barnes, Deputy Secretary and General Counsel, Teachers' Retirement System; Kim Hensley, Division Director, Department of Revenue (DOR); Bethany Atkins Rice, Counsel (DOR); Leanne Diakov, General Counsel, Board of Medical Licensure (KBML); Mark George, MD, Board Consultant (KBML); Mike Rodman, Executive Director (KBML); William Chase Thornbury, Jr., MD, President (KBML); Kelly Jenkins, Executive Director, Board of Nursing (KBN); Jeff Prather, General Counsel (KBN); Stephen Curley, Executive Director, Board of Physical Therapy; Mark Brengleman, Board Counsel, Board of Social Work (KBSW); Marc Kelly, Executive Director (KBSW); Carson Kerr, Board Counsel, Board of Medical Imaging and Radiation Therapy; John Holder, Chair, Board of Emergency Medical Services (KBEMS); Eddie Slone, Executive Director (KBEMS); John Wood, Board Counsel (KBEMS); Jenny Gilbert, Legislative Liaison, Department of Fish and Wildlife Resources (KDFWR); Gabe Jenkins, Deputy Commissioner (KDFWR); Matt Wingate, General Counsel, Economic Development Finance Authority; Jon Johnson, Assistant General Counsel, Transportation Cabinet; Todd Kilburn, Senior Vice President and CFO, Kentucky Community and Technical College System (KCTCS); Chelsea Young, Counsel (KCTCS); Robin Maples, Occupational Safety and Health Specialist, Department of Workplace Standards (DWS); Dondra Meredith, Deputy General Counsel (DWS); Chuck Stribling, Deputy Commissioner (DWS); Russell Coy, General Counsel, Department of Insurance (DOI); Shaun Orme, Executive Advisor, DOI; Ashleigh Bailey, General Counsel, Kentucky Horse Racing and Gaming Corporation (KHRG); Jamie Eads, President and CEO (KHRG); Benjamin Bowling, medical student; Andrew Micciche, MD; James Murphy, MD; Colleen Ryan, MD, President, Kentucky Society of Addiction Medicine (KYSAM); and Benjamin Wright, combat veteran and business owner.

Approval of September 9, 2025 Minutes
A motion was made and seconded to approve the minutes of the September 9, 2025, meeting. Minutes were approved by voice vote without objection.

The subcommittee considered the following effective administrative regulations for informational review pursuant to KRS 13A.030(3) and (4):

INDEPENDENT ADMINISTRATIVE BODIES: Board of Emergency Medical Services
202 KAR 007:401. Paramedics.
In response to Chair West, Eddie Slone, Executive Director, KBEMS, stated the scope of care for paramedics is developed as a guidance document published by the National Highway Traffic Safety Administration. Antivenom standards relate to native snakes and likely situations. The board is pursuing an exception protocol.
In response to Chair West, John Wood, Counsel, KBEMS, stated a new regulation is not required to establish the exception protocol.
In response to Chair West, John Holder, Chair, KBEMS, stated the exception protocol would be approved in advance by the medical oversight committee, followed by the full board. Mr. Holder explained there is a certain type of paramedic authorized to administer antivenom.
In response to Chair West, Director Slone stated the exception protocol is estimated to take four to six months to develop.

202 KAR 007:410. Advanced Practice Paramedics.

202 KAR 007:701. Scope of practice matters.

Administrative Regulations Reviewed by this Subcommittee:

KENTUCKY PUBLIC PENSIONS AUTHORITY: Kentucky Teachers' Retirement System: General Rules
102 KAR 001:175. Investment policies.

FINANCE AND ADMINISTRATION CABINET: Department of Revenue: Inheritance Tax
103 KAR 002:005. Life Mortality Table.
A motion was made and seconded to approve the following amendment: to amend Section 1 to include a link to the referenced table. Without objection, and with agreement from the agency, the amendment was approved.

BOARDS AND COMMISSIONS: Board of Nursing
201 KAR 020:161. Investigation and depositions of complaints.
A motion was made and seconded to approve the following amendments: to amend the Title, Relates To, and Necessity, Function, and Conformity paragraphs and Sections 1, 2, 4, 6, and 7 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

201 KAR 020:162. Disciplinary proceedings.

201 KAR 020:410. Expungement of records.
A motion was made and seconded to approve the following amendments: to amend Sections 1 through 4, 6, and 7 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Board of Physical Therapy
201 KAR 022:020. Eligibility and credentialing procedure.
A motion was made and seconded to approve the following amendments: to amend the Relates To paragraph and Sections 2 and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Board of Social Work
201 KAR 023:075. Continuing education for renewal.
A motion was made and seconded to approve the following amendments: (1) to amend the Relates To and Necessity, Function, and Conformity paragraphs and Sections 1 through 5, and 8 through 11, and incorporated material to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend to delete Section 2(9) in its entirety for consistency with KRS 335.158. Without objection, and with agreement from the agency, the amendments were approved.

Board of Medical Imaging and Radiation Therapy
201 KAR 046:010. Definitions for 201 KAR Chapter 46.

201 KAR 046:081. Limited X-Ray machine operator.
A motion was made and seconded to approve the following amendments: to amend the Relates To paragraph and Sections 3, 4, and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the

amendments were approved.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Fish

301 KAR 001:115. Propagation of aquatic organisms.

301 KAR 001:125. Transportation of fish.

301 KAR 001:132. Sale of live bait.

301 KAR 001:140. Special commercial fishing permit for Kentucky Lake and Lake Barkley.

301 KAR 001:152. Harvest and sale of invasive carp.

301 KAR 001:155. Commercial fishing requirements.

301 KAR 001:185. Pay lakes.

A motion was made and seconded to approve the following amendments: to amend the Relates To and Necessity, Function, and Conformity paragraphs and Sections 1, 5, and 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Game

301 KAR 002:031. Repeal of 301 KAR 002:030.

301 KAR 002:041. Shooting areas, dog training areas, commercial and noncommercial foxhound training enclosures, and bobwhite shoot-to-train-season.

A motion was made and seconded to approve the following amendments: to amend the Relates To, Statutory Authority, and Necessity, Function, and Conformity paragraphs and Sections 5, 6, 8, 9, 10, and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

301 KAR 002:081. Transportation and holding of live native wildlife.

301 KAR 002:082. Transportation and holding of live exotic wildlife.

301 KAR 002:083. Holding and intrastate transportation of captive cervids.

A motion was made and seconded to approve the following amendments: to amend the Relates To paragraph and Sections 1, 2, 7, 8, and 12 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

301 KAR 002:178. Deer hunting on public properties.

301 KAR 002:195. Falconry, raptor take, and raptor propagation.

A motion was made and seconded to approve the following amendments: to amend the Relates To paragraph and Sections 2, 7, 10, 11, and 12 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

301 KAR 002:230. Shoot-to-retrieve field trial permits and procedures.

A motion was made and seconded to approve the following amendments: to amend the Necessity, Function, and Conformity paragraph and Sections 1 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Hunting and Fishing

301 KAR 003:120. Commercial wildlife control.

A motion was made and seconded to approve the following amendments: to amend the Statutory Authority and Necessity, Function, and Conformity paragraphs and Sections 2 through 4 and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

301 KAR 003:150. Hunting and fishing outfitter and guide licenses.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 4, 6, 7, and 9 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Wildlife

301 KAR 004:070. Scientific and educational collecting permits.

301 KAR 004:090. Taxidermy and the buying and selling of inedible wildlife parts.

301 KAR 004:100. Peabody Wildlife Management Area use requirements and restrictions.

Licensing

301 KAR 005:001. Definitions for 301 KAR Chapter 5.

A motion was made and seconded to approve the following amendments: to amend the Relates To paragraph and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

301 KAR 005:022. License, tag, registration and permit fees.

A motion was made and seconded to approve the following amendments: to amend the Title, the Statutory Authority, and Necessity, Function, and Conformity paragraphs and Sections 1, 2, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

CABINET FOR ECONOMIC DEVELOPMENT: Economic Development Finance Authority

307 KAR 001:080E. Kentucky Entertainment Incentive Program.

A motion was made and seconded to approve the following amendments: (1) to amend to add a new Section 2 to specify that the provisions of this administrative regulation are applicable on or after July 1, 2025; and (2) to amend the Statutory Authority and Necessity, Function, and Conformity paragraphs and Sections 1 through 9 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

307 KAR 001:080. Kentucky Entertainment Incentive Program.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to add a definition for "Qualifying Kentucky crew training program"; (2) to amend Section 2 to: (a) require salaries paid to above-the-line production crew, with a financial interest in the company, to be disclosed and accompanied by supporting documentation demonstrating the payroll expenditure was reasonable within market rates; and (b) require expenditures to be disqualified or excluded if documentation requested by the office is not provided; (3) to amend Section 3 to specify required disclosures in supporting documentation; (4) to amend Section 4 to: (a) require proof of funding to demonstrate 50 percent of funds raised are through specified bonds, payroll statements, bank statements, financing or funding contracts, or commitment letters; (b) specify commitment letters are required to demonstrate 25 percent of committed funds are held in an escrow account and provide a balance sheet from an accredited financial institution, attorney, or accountant holding the funds; (c) require supporting documentation regarding distribution; and (d) add specific information that is required to be submitted concerning

resident and nonresident above-the-line and below-the-line production crew members; (5) to amend Section 5 to: (a) delete the requirement that limits the amount of incentive awards to 10 percent of the total annual tax credit cap; (b) change the limits on total incentive awards approved in any single calendar month to $10 million instead of 10 percent; and (c) provide conditions under which the council may elect to commit more than the monthly allocation; (6) to amend Section 6 to: (a) add considerations to the economic analysis of the application, including percentage of funds secured, amount of incentives sought compared to the number of Kentucky-based below-the-line production crew members, percentage of incentives sought attributable to Kentucky-based production crew members, and availability of one or more qualifying Kentucky crew training programs offered; and (b) add provisions relating to a national touring production of a Broadway show produced in Kentucky; (7) to amend to create a new Section 8 incorporating the "Application for Kentucky Entertainment Incentive"; (8) to amend to add a new Section 2 to specify that the provisions of this administrative regulation are applicable on or after July 1, 2025; and (9) to amend the Statutory Authority and Necessity, Function, and Conformity paragraphs and Sections 1 through 9 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Certification of Title

601 KAR 023:070. Street-legal special purpose vehicles.

A motion was made and seconded to approve the following amendments: to amend the Statutory Authority and Necessity, Function, and Conformity paragraphs and Sections 1, 2, 4, and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM: Board of Regents

739 KAR 001:080. Issuance of bonds.

EDUCATION AND LABOR CABINET: Department of Workplace Standards: Occupational Safety and Health

803 KAR 002:120E. Citations.

803 KAR 002:181. Recordkeeping and reporting occupational injuries and illnesses.

803 KAR 002:250. Discrimination.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, and 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

803 KAR 002:260. Appeal procedure.

A motion was made and seconded to approve the following amendments: to amend the Relates To, Statutory Authority, and Necessity, Function, and Conformity paragraphs and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

803 KAR 002:310E. Medical services and first aid.

PUBLIC PROTECTION CABINET: Department of Insurance: Administration

806 KAR 002:200. Operations, eligibility and grant procedures for the Strengthen Kentucky Homes Program.

A motion was made and seconded to approve the following amendments: (1) to amend the Relates To and Necessity, Function, and Conformity paragraphs and Sections 1 through 5, 7, and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend Section 3 to require the applicant to comply with all local building codes, permitting requirements, and inspection requirements as required by KRS 304.2-450(6); (3) to amend Section 3 for consistency with material incorporated by reference on multi-family home eligibility to include a duplex and a townhome; and (4) to amend Section 5 to establish a grant maximum amount of $10,000 for consistency with material incorporated by reference. Without objection, and with agreement from the agency, the amendments were approved.

806 KAR 002:210. Eligibility Requirements for contractors and evaluators in the Strengthen Kentucky Homes Program.

A motion was made and seconded to approve the following amendments: (1) to amend the Relates To and Necessity, Function, and Conformity paragraphs, Sections 1 through 3 and 5, and incorporated material to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 5 to establish a preference for Kentucky building contractors and evaluators for consistency with KRS 304.2-450(5)(a)3.b. Without objection, and with agreement from the agency, the amendments were approved.

806 KAR 002:220. Subsequent reinspection procedures for the Strengthen Kentucky Homes Program.

A motion was made and seconded to approve the following amendments: to amend the Relates To and Necessity, Function, and Conformity paragraphs and Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Casualty Insurance Contracts

806 KAR 020:030E. Car Valuation Guides.

806 KAR 020:030. Car Valuation Guides.

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 from the agency, the amendments were approved.

KENTUCKY HORSE RACING AND CHARITABLE GAMING CORPORATION: Pari-Mutuel Wagering

810 KAR 006:001. Definitions for 810 KAR Chapter 6.

Incentive and Development Funds

810 KAR 007:060. Kentucky Paint Horse, Appaloosa, and Arabian Development Fund.

A motion was made and seconded to approve the following amendments: (1) to amend the Necessity, Function, and Conformity paragraph, Sections 2 and 8, and incorporated material to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Sections 3 and 4 to include the specific fees. Without objection, and with agreement from the agency, the amendments were approved.

810 KAR 007:080. Kentucky Quarter Horse Development Fund.

A motion was made and seconded to approve the following amendments: (1) to amend the Relates To and Necessity, Function, and Conformity paragraphs, Sections 1 through 9, and incorporated material to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend to add Section 10, which was inadvertently omitted; and (3) to amend Sections 3 through 5 to include the specific fees. Without objection, and with agreement from the agency, the amendments were approved.

The following administrative regulations were DEFERRED OR REMOVED from the October 14, 2025, subcommittee agenda:

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY: Division of Student Financial Aid

011 KAR 012:010. Definitions for 011 KAR Chapter 012.

011 KAR 012:020. General rules for investments and fund

transfers.

011 KAR 012:030. Eligibility of beneficiary and participant.

011 KAR 012:040. Residency classification for Kentucky Educational Savings Plan Trust vested participation agreements.

011 KAR 012:050. Substitution of a beneficiary.

011 KAR 012:060. Cancellation, partial withdrawal, and payment of refund.

011 KAR 012.070. Benefits payable from the Kentucky Educational Savings Plan Trust Program fund.

011 KAR 012:090. Transfer of ownership of Kentucky Educational Savings Plan Trust Program fund.

FINANCE AND ADMINISTRATION CABINET: Purchasing

200 KAR 005:021. Manual of policies and procedures.

BOARDS AND COMMISSIONS: Board of Licensure for Long-Term Care Administrators

201 KAR 006:030. Temporary permits.

201 KAR 006:071. Continuing education requirements.

Board of Dentistry

201 KAR 008:563. Licensure of dental hygienists.

Board of Medical Licensure

201 KAR 009:270. Professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.

In response to Chair West, Leanne Diakov, General Counsel, KBML, stated the standards for prescribing buprenorphine for the treatment of substance use disorder have been amended several times since 2015. The amendment clarifies requirements and establishes exceptions in certain settings, such as in emergency rooms or for cancer treatment.

In response to Chair West, Mike Rodman, Executive Director, KBML, explained the board received a request in November 2023 from the Kentucky Society of Addiction Medicine to relax the regulation requirements. In response, the board formed a committee, including stakeholders and consultants. The board sent amendment drafts to 10 to 15 organizations for feedback, and the regulation had three open comment periods.

In response to Senator Raque Adams, Ms. Diakov stated changes were made in response to the comments. The joint letter submitted by stakeholders to subcommittee members contains consistently repeated comments, which were considered by the board.

In response to Senator Raque Adams, William Chase Thornbury, Jr., MD, President, KBML, explained the regulation provides standards for front-line physicians with little or no experience in providing this care. Kentucky-specific empiric data should be considered over national statistics or other states' experience because Kentucky has a different risk factor. Kentucky overdoses are down considerably from three years ago. Access to care is not a problem because there has been an increase in providers and the option of telehealth. There is a line of patient safety the board is not willing to cross.

In response to Chair West, Benjamin Bowling, medical student, stated he grew up in Bell County, where there is first-hand experience with substance use disorder and lack of access to care. The regulation is more strict with buprenorphine than other Schedule III drugs. It requires excessive drug screens and rigid visit schedules and limits the dose below FDA-approved thresholds. The regulation is outdated and should be repealed or substantially updated to align with federal standards. Buprenorphine is a proven, evidence-based medication that reduces overdose deaths and allows patients to become stable, productive members of society.

In response to Chair West, Benjamin Wright, disabled combat veteran and business owner, stated he was overprescribed opioid medications in 2010, and buprenorphine is an integral part of his recovery. Mr. Wright discussed concerns about future access to buprenorphine.

In response to Chair West, Colleen Ryan, MD, President, KYSAM, stated she is supported in her testimony by the Kentucky Society of Addiction Medicine and the American Society of Addiction Medicine. The standards in the regulation are federal recommendations, which should be guidelines and not rules, because physicians need flexibility in treating these patients. Dr. Ryan quoted a letter submitted by stakeholder organizations outlining standards that should be amended. The regulation is not needed as much now due to existing regulations for Schedule II and Schedule III substances, as well as current data on substance use disorder treatment. The drop in the overdose rate is a national trend with debatable causes, and there is no connection between the regulation and this decrease.

In response to Chair West, Andrew Micciche, MD, stated he is a medical toxicologist and practitioner of addiction medicine who has studied buprenorphine thoroughly. Buprenorphine is very safe and efficient in treating substance use disorder, but there are difficult barriers to accessing the drug. These include the inability to provide buprenorphine in certain settings, such as immediately following an overdose, and physician uncertainty concerning the legality of prescribing it.

In response to Chair West, James Murphy, MD, stated he is a pain and addiction specialist, an anesthesiologist, and a professor at the University of Louisville School of Medicine. Dr. Murphy stated the board does not desire to make further changes to this regulation. The board consists of five members who may have conflicts of interest and have disregarded medical experts in the field of addiction. Many national and state organizations, representing approximately 500,000 people, are calling for this regulation to be overhauled or repealed. Dr. Murphy requested the regulation be sent back to the board for further review.

In response to Representative Marzian, Dr. Murphy explained suboxone is typically taken once daily in pill or film form. Patients receiving suboxone do not require monitoring by addiction specialists. This regulation makes it more difficult for individuals to receive treatment.

In response to Chair West, Dr. Murphy stated the board made a few improvements and clarifications, but in some respects, the amendment is more difficult, for example, requiring more drug screenings.

In response to Senator Raque Adams, Dr. Ryan stated compromise is possible if a larger workgroup is created to represent more stakeholders.

In response to Senator Raque Adams, Dr. Micciche noted there are issues that have not been addressed, such as paramedics' ability to provide buprenorphine after an overdose.

In response to Chair West, Ms. Diakov stated the board cannot regulate paramedics, as they are not licensees of the board. The regulation was deferred from last month's subcommittee meeting for further consideration of specific stakeholder feedback, but that feedback consisted mostly of requests for repeal. The agency amendment includes two specific changes that were requested.

In response to Chair West, Mark George, MD, Board Consultant, KBML, explained the regulation is updated regularly to make changes responding to advances in evidence-based treatments. He reviews complaints related to the prescription of buprenorphine, and physicians need prescribing guidelines. Telehealth could assist in access to treatment.

President Thornbury stated the regulation is needed to help protect individuals with substance use disorder, as suboxone is frequently diverted. The drug tests are necessary for the physician to best know how to help the patient. Suboxone can still cause a substantial amount of withdrawal symptoms, and the combination with certain other drugs can be unsafe.

In response to Chair West, Ms. Diakov stated the board is open to deferring the regulation if stakeholders submit specific change requests other than repeal.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1(3) and 3(1)(b) to comply with

the drafting requirements of KRS Chapter 13A; (2) to amend Section 3(2) to allow buprenorphine-mono-product to be prescribed to a patient diagnosed with opioid use disorder if the patient is transitioning from a full opioid agonist to buprenorphine, limited to a period of no longer than 30 days; and (3) to amend Section 3(4) to allow physicians certified in addiction medicine by the American Board of Preventive Medicine to be included among others qualified to provide specialty consult for patients. Without objection, and with agreement from the agency, the amendments were approved.

In response to Chair West, President Thornbury stated the board agreed to defer consideration of this regulation to the November subcommittee meeting. Without objection, and with agreement of the agency, the regulation was deferred.

Board of Veterinary Examiners

201 KAR 016:762. Application requirements for veterinary facility registration; veterinarian managers; registered responsible parties.

201 KAR 016:767. Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Game

301 KAR 002:075. Wildlife rehabilitation permit.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections

501 KAR 016:310. Pre-execution medical actions.

EDUCATION AND LABOR CABINET: Board of Education: Department of Education

701 KAR 005:170E. Waiver Requests.

Pupil Transportation

702 KAR 005:130. Non-school bus passenger vehicles.

Department of Workplace Standards: Occupational Safety and Health

803 KAR 002:310. Medical services and first aid.

CABINET FOR HEALTH AND FAMILY SERVICES: **Office of the Inspector General**: **State Health Plan**

900 KAR 005:020. State Health Plan for facilities and services.

Certificate of Need

900 KAR 006:075. Certificate of need nonsubstantive review.

The subcommittee adjourned at 4:45 PM. The next meeting of this subcommittee is tentatively scheduled for November 10, 2025, at 1 PM 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*.

INTERIM JOINT COMMITTEE ON LOCAL GOVERNMENT
Meeting of August 26, 2025

The Interim Joint Committee on Local Government met on August 26, 2025 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on July 2, 2025, pursuant to KRS 13A.290(6):

739 KAR 002:050
739 KAR 002:140

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(8) and 13A.030(2):

None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

Members of the Legislative Research Commission 8/26/2025
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739 KAR 002:050

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the August 26, 2025 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON TRANSPORTATION
Meeting of October 1, 2025

The Interim Joint Committee on Transportation met on October 14, 2025 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on October 1, 2025, pursuant to KRS 13A.290(6):

601 KAR 023:070E

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(8) and 13A.030(2):

none

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

none

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

none

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the October 14, 2025 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON NATURAL RESOURCES AND ENERGY
Meeting of October 16, 2025

The Interim Joint Committee on Natural Resources and Energy met on October 16, 2025, and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on October 1, 2025, pursuant to KRS 13A.290(6):

301 KAR 003:160
301 KAR 003:140

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(8) and 13A.030(2):

none

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

none

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

none

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the October 16, 2025, meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON EDUCATION
Meeting of October 14, 2025

The Interim Joint Committee on Education met on October 14, 2025 and a quorum was present. The following administrative regulations

were available for consideration having been referred to the Committee on October 1, 2025, pursuant to KRS 13A.290(6):

704 KAR 8:080
704 KAR 8:050
704 KAR 8:030
704 KAR 4:010
702 KAR 7:065

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(8) and 13A.030(2):

None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

None

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the October 14, 2025 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

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 **E – 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 **E – 9**

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 **E – 18**

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

Technical Amendment Index **E – 26**

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 **E – 27**

A general index of administrative regulations published during this *Register* year, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

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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.

101 KAR 002:210E	52 Ky.R.	535	9-15-2025
104 KAR 001:010E	52 Ky.R.	683	9-19-2025
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201 KAR 046:081E	52 Ky.R.	140	6-30-2025
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601 KAR 012:120E	51 Ky.R.	1240	12-6-2024
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601 KAR 023:070E	52 Ky.R.	149	7-10-2025
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803 KAR 002:181E	52 Ky.R.	151	7-1-2025
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803 KAR 002:260E	52 Ky.R.	158	7-1-2025
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807 KAR 005:015E	51 Ky.R.	1751	2-25-2025
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907 KAR 001:595E	51 Ky.R.	1361	12-23-2024
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907 KAR 001:835E	51 Ky.R.	1365	12-23-2024
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907 KAR 003:210E	51 Ky.R.	1382	12-23-2024
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907 KAR 020:005E	51 Ky.R.	1409	12-23-2024
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922 KAR 001:360E	51 Ky.R.	1636	1-22-2025
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Replaced		1946	6-25-2025

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012 KAR 003:022		
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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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	201 KAR 018:072
322.050	201 KAR 018:060
322.060	201 KAR 018:040
322.090	201 KAR 018:040
322.100	201 KAR 018:040
322.110	201 KAR 018:040
	201 KAR 018:081
322.120	201 KAR 018:040

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	201 KAR 018:060
	201 KAR 018:081
	201 KAR 018:096
322.160	201 KAR 018:040
	201 KAR 018:081
322.170	201 KAR 018:040
	201 KAR 018:081
322.220	201 KAR 018:081
322.290	201 KAR 018:096
322.300	201 KAR 018:060
322A.050	201 KAR 031:010
322A.060	201 KAR 031:010
322A.070	201 KAR 031:010
323A.010	201 KAR 010:040
323A.040	201 KAR 010:040
	201 KAR 010:050
323A.050	201 KAR 010:040
	201 KAR 010:050
323A.060	201 KAR 010:040
	201 KAR 010:050
323A.100	201 KAR 010:050
	201 KAR 010:080
323A.105	201 KAR 010:040
	201 KAR 010:050
323A.110	201 KAR 010:030
	201 KAR 010:090
323A.120	201 KAR 010:090
323A.210	201 KAR 010:010
	201 KAR 010:080
	201 KAR 010:090
327.010	907 KAR 003:210
	201 KAR 022:020
	201 KAR 022:045
327.050	201 KAR 022:020
327.060	201 KAR 022:020
327.070	201 KAR 022:045
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
334A.188	201 KAR 017:120
335.010-335.160	201 KAR 023:025
335.070	201 KAR 023:075
335.130	201 KAR 023:075
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
	803 KAR 002:120
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
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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
Chapter 342	101 KAR 002:140
344.010	104 KAR 001:010
344.030	101 KAR 002:102
	101 KAR 003:015
	104 KAR 001:010
344.130	104 KAR 001:010

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344.190	104 KAR 001:010
344.367	104 KAR 001:010
367.828	201 KAR 002:416
367.937	040 KAR 012:120
367.940	040 KAR 012:120
367.946	040 KAR 012:110
367.952	040 KAR 012:110
367.954	040 KAR 012:110
367.958	040 KAR 012:110
367.972	040 KAR 012:110
367.93101	040 KAR 012:100
367.93103	040 KAR 012:100
	040 KAR 012:130
367.93105	040 KAR 012:100
	040 KAR 012:130
367.93107	040 KAR 012:100
367.93109	040 KAR 012:100
367.93111	040 KAR 012:100
367.93113	040 KAR 012:100
367.93115	040 KAR 012:100
	040 KAR 012:130
367.93117	040 KAR 012:100
	040 KAR 012:130
367.93121	040 KAR 012:100
367.97501	040 KAR 012:100
	040 KAR 012:130
367.97504	040 KAR 012:130
367.97507	040 KAR 012:130
367.97511	040 KAR 012:130
367.97514	040 KAR 012:100
	040 KAR 012:130
367.97517	040 KAR 012:130
367.97521	040 KAR 012:130
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	040 KAR 012:130
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369.101-369.120	907 KAR 008:040
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Chapter 385	011 KAR 012:090
Chapter 387	922 KAR 001:565
391.010	040 KAR 012:130
403.270-403.355	922 KAR 001:565
405.024	922 KAR 001:565
Chapter 424	031 KAR 004:160
431.213-431.270	501 KAR 016:310
527.100	922 KAR 001:565
527.110	922 KAR 001:565
532.135	501 KAR 016:310
532.140	501 KAR 016:310
600.020	922 KAR 001:565
Chapter 600-645	505 KAR 001:140
	505 KAR 001:410
605.120	922 KAR 001:565
610.110	922 KAR 001:565
620.020	922 KAR 001:565
	201 KAR 023:075
620.030	907 KAR 003:210
620.090	922 KAR 001:565
620.140	922 KAR 001:565
620.142	922 KAR 001:565
620.170	922 KAR 001:565
2 C.F.R.	907 KAR 003:062
21 C.F.R.	201 KAR 002:165
	902 KAR 055:015
	012 KAR 002:041
	012 KAR 002:051
	012 KAR 003:037
	902 KAR 100:130
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
	202 KAR 007:555
	803 KAR 002:260
34 C.F.R.	907 KAR 003:100
	704 KAR 003:410
40 C.F.R.	401 KAR 060:005
	401 KAR 063:002
42 C.F.R.	907 KAR 001:039
	907 KAR 003:100
	907 KAR 003:210
	907 KAR 007:015
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	907 KAR 016:020
	907 KAR 003:320
	907 KAR 001:023
	907 KAR 001:065
	907 KAR 008:040
	907 KAR 015:022
	907 KAR 023:010
	907 KAR 003:062
45 C.F.R.	907 KAR 003:210
	907 KAR 016:015
	806 KAR 009:360
	907 KAR 008:040
	907 KAR 015:022
	907 KAR 003:062
	201 KAR 020:161
47 C.F.R.	807 KAR 005:015
49 C.F.R.	702 KAR 005:130
50 C.F.R.	301 KAR 002:075
	301 KAR 003:120
5 U.S.C.	803 KAR 002:260
7 U.S.C.	803 KAR 002:260
15 U.S.C.	012 KAR 003:012
	012 KAR 003:028
	012 KAR 003:039
16 U.S.C.	301 KAR 002:075
	301 KAR 003:140
20 U.S.C.	907 KAR 016:020
	702 KAR 007:065
	703 KAR 005:280
	907 KAR 015:022
21 U.S.C.	902 KAR 055:015
	012 KAR 002:041
	012 KAR 003:037
	907 KAR 015:022
26 U.S.C.	011 KAR 012:070
	201 KAR 023:025
	803 KAR 002:260
28 U.S.C.	803 KAR 002:260
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
	907 KAR 015:022
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
	907 KAR 001:023
	907 KAR 001:065
	907 KAR 008:040
	907 KAR 015:022
	907 KAR 023:010
	907 KAR 003:062
	401 KAR 060:005
	401 KAR 063:002

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	922 KAR 001:565		
	201 KAR 020:161		
47 U.S.C.	807 KAR 005:015		
52 U.S.C.	031 KAR 003:041		
	031 KAR 004:131		
	031 KAR 004:141		
	031 KAR 005:011		
	031 KAR 006:010		
	031 KAR 006:020		
	031 KAR 006:030		
	031 KAR 006:040		

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
009 KAR 001:015	09-18-2025	Remain in Effect without Amendment
009 KAR 001:030	09-18-2025	Remain in Effect without Amendment
011 KAR 003:001	07-28-2025	Remain in Effect without Amendment
011 KAR 003:005	07-28-2025	Remain in Effect without Amendment
011 KAR 003:045	07-28-2025	Remain in Effect without Amendment
011 KAR 003:055	07-28-2025	Remain in Effect without Amendment
011 KAR 003:100	07-28-2025	Remain in Effect without Amendment
012 KAR 002:006	09-11-2025	Remain in Effect without Amendment
012 KAR 002:006	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:011	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:016	09-11-2025	Remain in Effect without Amendment
012 KAR 002:017	09-11-2025	Remain in Effect without Amendment
012 KAR 002:018	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:021	09-11-2025	Remain in Effect without Amendment
012 KAR 002:026	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:031	09-11-2025	Remain in Effect without Amendment
012 KAR 002:036	09-11-2025	Remain in Effect without Amendment
012 KAR 002:041	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:046	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:051	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:056	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:056	09-11-2025	Remain in Effect without Amendment
012 KAR 002:061	09-11-2025	Remain in Effect without Amendment
012 KAR 002:066	09-11-2025	Remain in Effect without Amendment
012 KAR 003:007	09-11-2025	Remain in Effect without Amendment
012 KAR 003:012	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:017	09-11-2025	Remain in Effect without Amendment
012 KAR 003:022	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:027	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:028	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:032	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:037	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:039	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:042	09-11-2025	To be amended; filing deadline 3-11-2027
013 KAR 002:020	10-14-2025	Remain in Effect without Amendment
016 KAR 002:010	08-28-2025	Remain in Effect without Amendment
016 KAR 005:030	08-28-2025	Remain in Effect without Amendment
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
103 KAR 018:010	10-01-2025	Remain in Effect without Amendment
103 KAR 018:060	10-01-2025	Remain in Effect without Amendment
103 KAR 018:172	10-01-2025	Remain in Effect without Amendment
105 KAR 001:320	10-03-2025	Remain in Effect without Amendment
105 KAR 001:345	10-03-2025	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 009:041	09-10-2025	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
201 KAR 009:084	09-10-2025	Remain in Effect without Amendment
201 KAR 009:400	09-10-2025	Remain in Effect without Amendment
201 KAR 012:010	08-28-2025	To be amended; filing deadline 3-2-2027
201 KAR 028:060	10-13-2025	Remain in Effect without Amendment
201 KAR 028:170	10-13-2025	Remain in Effect without Amendment
201 KAR 034:060	06-25-2025	Remain in Effect without Amendment
301 KAR 001:132	08-28-2025	To be amended; filing deadline 2-28-2027
301 KAR 002:176	08-29-2025	To be amended; filing deadline 2-28-2027

301 KAR 006:015	08-28-2025	To be amended; filing deadline 2-28-2027
400 KAR 001:001	10-01-2025	Remain in Effect without Amendment
400 KAR 001:040	10-01-2025	Remain in Effect without Amendment
400 KAR 001:060	06-11-2025	Remain in Effect without Amendment
400 KAR 001:090	10-01-2025	Remain in Effect without Amendment
400 KAR 001:100	10-01-2025	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 008:010	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:020	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:022	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:040	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:075	10-01-2025	Remain in Effect without Amendment
401 KAR 008:100	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:150	10-01-2025	Remain in Effect without Amendment
401 KAR 008:200	10-01-2025	Remain in Effect without Amendment
401 KAR 008:250	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:300	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:700	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 009:010	09-02-2025	To be amended; filing deadline 2-28-2027
401 KAR 009:020	08-29-2025	To be amended; filing deadline 2-28-2027
401 KAR 030:005	08-29-2025	To be amended; filing deadline 2-28-2027
401 KAR 030:020	08-29-2025	Remain in Effect without Amendment
401 KAR 030:031	08-29-2025	Remain in Effect without Amendment
401 KAR 030:040	08-29-2025	Remain in Effect without Amendment
401 KAR 039:005	08-29-2025	Remain in Effect without Amendment
401 KAR 039:120	08-29-2025	Remain in Effect without Amendment
401 KAR 040:001	10-01-2025	Remain in Effect without Amendment
401 KAR 040:010	10-01-2025	Remain in Effect without Amendment
401 KAR 040:020	10-01-2025	Remain in Effect without Amendment
401 KAR 040:040	10-01-2025	Remain in Effect without Amendment
401 KAR 040:060	10-01-2025	Remain in Effect without Amendment
401 KAR 045:060	08-29-2025	To be amended; filing deadline 2-28-2027
401 KAR 045:070	08-29-2025	Remain in Effect without Amendment
401 KAR 045:090	08-29-2025	Remain in Effect without Amendment
401 KAR 045:110	08-29-2025	Remain in Effect without Amendment
401 KAR 045:130	08-29-2025	Remain in Effect without Amendment
401 KAR 045:135	08-29-2025	Remain in Effect without Amendment
401 KAR 045:210	08-29-2025	To be amended; filing deadline 2-28-2027
401 KAR 046:101	08-29-2025	Remain in Effect without Amendment
401 KAR 046:110	08-29-2025	Remain in Effect without Amendment
401 KAR 046:120	08-29-2025	To be amended; filing deadline 2-28-2027
401 KAR 047:005	10-01-2025	Remain in Effect without Amendment
401 KAR 047:025	10-01-2025	Remain in Effect without Amendment
401 KAR 047:030	10-01-2025	Remain in Effect without Amendment
401 KAR 047:070	10-01-2025	Remain in Effect without Amendment
401 KAR 047:080	10-01-2025	Remain in Effect without Amendment
401 KAR 047:090	10-01-2025	Remain in Effect without Amendment
401 KAR 047:095	10-01-2025	Remain in Effect without Amendment
401 KAR 047:100	10-01-2025	Remain in Effect without Amendment
401 KAR 047:120	10-01-2025	Remain in Effect without Amendment
401 KAR 047:130	10-01-2025	Remain in Effect without Amendment
401 KAR 047:136	10-01-2025	Remain in Effect without Amendment
401 KAR 047:140	10-01-2025	Remain in Effect without Amendment
401 KAR 047:150	10-01-2025	Remain in Effect without Amendment
401 KAR 047:160	10-01-2025	Remain in Effect without Amendment
401 KAR 047:170	10-01-2025	Remain in Effect without Amendment
401 KAR 047:180	10-01-2025	Remain in Effect without Amendment
401 KAR 047:190	10-01-2025	Remain in Effect without Amendment

401 KAR 047:205	10-01-2025	Remain in Effect without Amendment
401 KAR 047:207	10-01-2025	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 048:200	08-06-2025	To be amended; filing deadline 2-8-2027
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 049:005	08-29-2025	Remain in Effect without Amendment
401 KAR 049:011	08-29-2025	Remain in Effect without Amendment
401 KAR 049:080	08-29-2025	Remain in Effect without Amendment
401 KAR 049:100	08-29-2025	To be amended; filing deadline 2-28-2027
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 052:001	08-28-2025	Remain in Effect without Amendment
401 KAR 052:020	08-28-2025	Remain in Effect without Amendment
401 KAR 052:030	08-28-2025	Remain in Effect without Amendment
401 KAR 052:040	08-28-2025	Remain in Effect without Amendment
401 KAR 052:060	08-28-2025	Remain in Effect without Amendment
401 KAR 052:090	08-28-2025	Remain in Effect without Amendment
401 KAR 053:005	08-28-2025	Remain in Effect without Amendment
401 KAR 053:010	08-28-2025	Remain in Effect without Amendment
401 KAR 055:005	08-28-2025	Remain in Effect without Amendment
401 KAR 055:010	08-28-2025	Remain in Effect without Amendment
401 KAR 055:015	08-28-2025	Remain in Effect without Amendment
401 KAR 055:020	08-28-2025	Remain in Effect without Amendment
401 KAR 057:002	08-28-2025	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 063:001	08-28-2025	Remain in Effect without Amendment
401 KAR 063:005	08-28-2025	Remain in Effect without Amendment
401 KAR 063:015	08-28-2025	Remain in Effect without Amendment
401 KAR 063:020	08-28-2025	Remain in Effect without Amendment
401 KAR 063:021	08-28-2025	Remain in Effect without Amendment
401 KAR 063:025	08-28-2025	Remain in Effect without Amendment
401 KAR 063:031	08-28-2025	Remain in Effect without Amendment
401 KAR 065:001	09-09-2025	Remain in Effect without Amendment
401 KAR 065:005	09-09-2025	Remain in Effect without Amendment
401 KAR 068:010	09-09-2025	Remain in Effect without Amendment
401 KAR 068:020	09-09-2025	Remain in Effect without Amendment
401 KAR 068:048	09-09-2025	Remain in Effect without Amendment
401 KAR 068:065	09-09-2025	Remain in Effect without Amendment
401 KAR 068:090	09-09-2025	Remain in Effect without Amendment
401 KAR 068:100	09-09-2025	Remain in Effect without Amendment
401 KAR 068:150	09-09-2025	Remain in Effect without Amendment
401 KAR 068:200	09-09-2025	Remain in Effect without Amendment
401 KAR 100:030	08-06-2025	To be amended; filing deadline 2-6-2027

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
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
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
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
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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
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501 KAR 016:330	06-27-2025	Remain in Effect without Amendment
501 KAR 016:340	06-27-2025	Remain in Effect without Amendment
503 KAR 005:090	10-01-2025	To be amended; filing deadline 4-1-2027
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
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702 KAR 003:270	06-09-2025	Remain in Effect without Amendment
702 KAR 003:275	06-09-2025	Remain in Effect without Amendment
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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
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702 KAR 005:130	08-27-2025	To be amended; filing deadline 2-27-2027
702 KAR 005:150	06-09-2025	Remain in Effect without Amendment
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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 003:406	10-14-2025	To be amended; filing deadline 4-14-2027
704 KAR 003:410	10-14-2025	To be amended; filing deadline 4-14-2027
704 KAR 003:420	06-09-2025	Remain in Effect without Amendment
704 KAR 003:440	08-27-2025	To be amended; filing deadline 2-27-2027
704 KAR 003:455	08-11-2025	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 004:010	08-27-2025	To be amended; filing deadline 2-27-2027
704 KAR 005:060	10-02-2025	Remain in Effect without Amendment
704 KAR 007:130	06-09-2025	Remain in Effect without Amendment
705 KAR 003:141	10-02-2025	Remain in Effect without Amendment
705 KAR 004:081	06-09-2025	Remain in Effect without Amendment
705 KAR 004:240	10-02-2025	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
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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
735 KAR 001:010	08-05-2025	Remain in Effect without Amendment
735 KAR 001:020	08-05-2025	Remain in Effect without Amendment
735 KAR 002:010	08-05-2025	Remain in Effect without Amendment
735 KAR 002:010	08-05-2025	Remain in Effect without Amendment
735 KAR 002:020	08-05-2025	Remain in Effect without Amendment

735 KAR 002:030	08-05-2025	Remain in Effect without Amendment
735 KAR 002:040	08-05-2025	Remain in Effect without Amendment
735 KAR 002:050	08-05-2025	Remain in Effect without Amendment
735 KAR 002:060	08-05-2025	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 003:110	08-11-2025	Remain in Effect without Amendment
780 KAR 003:150	08-11-2025	Remain in Effect without Amendment
780 KAR 003:160	08-11-2025	Remain in Effect without Amendment
780 KAR 006:005	08-11-2025	Remain in Effect without Amendment
780 KAR 006:030	08-11-2025	Remain in Effect without Amendment
780 KAR 006:040	08-11-2025	Remain in Effect without Amendment
780 KAR 006:050	08-11-2025	Remain in Effect without Amendment
780 KAR 006:062	08-11-2025	Remain in Effect without Amendment
780 KAR 006:065	08-11-2025	Remain in Effect without Amendment
780 KAR 006:070	08-11-2025	Remain in Effect without Amendment
780 KAR 006:080	10-02-2025	Remain in Effect without Amendment
780 KAR 006:090	06-09-2025	Remain in Effect without Amendment
780 KAR 006:100	10-02-2025	Remain in Effect without Amendment
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805 KAR 001:220	05-21-2025	Remain in Effect without Amendment
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805 KAR 004:010	06-02-2025	Remain in Effect without Amendment
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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
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805 KAR 004:095	06-02-2025	Remain in Effect without Amendment
805 KAR 004:100	06-02-2025	Remain in Effect without Amendment
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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
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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
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805 KAR 004:150	06-02-2025	Remain in Effect without Amendment
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815 KAR 008:070	07-29-2025	To be amended; filing deadline 1-30-2027
815 KAR 008:080	07-29-2025	To be amended; filing deadline 1-30-2027
815 KAR 008:100	07-29-2025	To be amended; filing deadline 1-30-2027
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900 KAR 006:020	09-19-2025	Remain in Effect without Amendment
900 KAR 006:040	05-19-2025	Remain in Effect without Amendment
901 KAR 005:010	10-13-2025	Remain in Effect without Amendment
901 KAR 005:020	10-13-2025	Remain in Effect without Amendment
901 KAR 005:040	10-13-2025	Remain in Effect without Amendment
901 KAR 005:050	10-13-2025	Remain in Effect without Amendment

901 KAR 005:070	10-13-2025	Remain in Effect without Amendment
901 KAR 005:080	10-13-2025	Remain in Effect without Amendment
901 KAR 005:090	10-13-2025	Remain in Effect without Amendment
901 KAR 005:100	10-13-2025	Remain in Effect without Amendment
902 KAR 008:165	07-17-2025	Remain in Effect without Amendment
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906 KAR 001:200	05-19-2025	Remain in Effect without Amendment
907 KAR 001:075	08-13-2025	Remain in Effect without Amendment
907 KAR 008:040	09-19-2025	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
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105 KAR 001:345	10-7-2025		
105 KAR 001:345	10-7-2025		
200 KAR 003:020	9-26-2025		
302 KAR 045:020	7-24-2025		
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401 KAR 052:001	10-20-2025		
401 KAR 059:001	10-20-2025		
401 KAR 061:001	10-20-2025		
401 KAR 063:001	10-20-2025		
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922 KAR 005:150	9-26-2025		
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Manufacturing conditions; 012 KAR 002:051
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Examiners of Psychology (201 Chapter 026)
Landscape Architects (201 Chapter 010)
Long-term Care Administrators (201 KAR Chapter 006)
Medical Imaging and Radiation Therapy (201 KAR Chapter 046)
Nursing (201 KAR Chapter 020)
Occupational Therapy (201 KAR Chapter 028)
Physical Therapy (201 KAR Chapter 022)
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Respiratory Care (201 KAR Chapter 029)
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See also: Fire Commission
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