

**309.436 Prohibition against conduct of radon measurement, mitigation, or laboratory analysis without certification -- Exceptions.**

No person or business entity shall conduct radon measurement, mitigation, or laboratory analysis in this Commonwealth after January 1, 2013, without the appropriate certification pursuant to KRS 309.430 to 309.454. No person or business entity shall advertise or claim to be a "certified measurement contractor," "certified mitigation contractor," or "certified radon laboratory," unless certified pursuant to KRS 309.430 to 309.454. Certification requirements under KRS 309.430 to 309.454 shall apply to a radon measurement contractor, radon mitigation contractor, or radon laboratory, but shall not apply to:

- (1) A person performing measurement or mitigation on a single-family residential building that he or she owns and occupies;
- (2) A person performing measurement on a residential or commercial building that he or she owns;
- (3) A person performing measurement who assists, and is under the general supervision of, a measurement contractor;
- (4) A person performing mitigation who assists, and is under the direct supervision of, a mitigation contractor;
- (5) An agent of the federal, state, or local government agency acting within an official capacity;
- (6) A person performing measurement or mitigation as part of a scientific research project approved by the cabinet;
- (7) A retail store or any other organization that sells or distributes radon measurement devices and is not engaged in a relationship with the client for other services, such as home inspection or real estate brokerage, and that does not conduct measurement, mitigation, or laboratory analysis;
- (8) A person performing measurement or mitigation as part of radon training approved by a proficiency program; or
- (9) A building contractor installing vent pipes during the construction of a commercial building or home.

**Effective:** July 14, 2022

**History:** Repealed, reenacted, and amended 2022 Ky. Acts ch. 73, sec. 4, effective July 14, 2022. -- Amended 2019 Ky. Acts ch. 159, sec. 3, effective June 27, 2019. -- Amended 2016 Ky. Acts ch. 28, sec. 1, effective July 15, 2016. -- Created 2011 Ky. Acts ch. 74, sec. 4, effective June 8, 2011.

**Formerly codified as** KRS 211.9107.