

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of September 10, 2024

Call to Order and Roll Call

The September meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, September 10, 2024, at 1:00 p.m. in Room 149 of the Capitol Annex. Senator Stephen West, Co-Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senator David Yates; and Representatives Randy Bridges and Deanna Frazier Gordon.

LRC Staff: Stacy Auterson, Laura Begin, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Anna Latek, and Carrie Nichols.

Guests: Cassie Trueblood, Education Professional Standards Board; Al Duncan, Juan Renaud, Department of Veterans Affairs; Karen Sellers, State Board of Elections; Amy Burke, Ed Price, Department of Law; Patrick McGee, Finance and Administration Cabinet; Eden Davis, Board of Pharmacy; Matt Byrd, Doug Hardin, Boxing and Wrestling Commission; Steven Fields, Department of Fish and Wildlife Resources; Tony Hatton, Michael Kennedy, Division for Air Quality; Jon Johnson, Godwin Onodu, Transportation Cabinet; Todd Allen, Department of Education; Jeb Pinney, Public Service Commission; Julie Brooks, Rachael Ratliff, Kelli Root, Cabinet for Health and Family Services; Adam Goebel, Stewart McCollam, Jack Mazurak, Kentucky Distillers' Association; and Rachel Nally, Heaven Hill Brands.

Administrative Regulations Reviewed by this Subcommittee:

EDUCATION AND LABOR CABINET: Education Professional Standards Board: General Administration

[016 KAR 001:030E](#). Procedures for educator certificate surrender, revocation, suspension, reinstatement, and reissuance, and for application denial. Cassie Trueblood, Policy Advisor, represented the board.

Teaching Certificates

[016 KAR 002:030E](#). Substitute teachers.

Internship

[016 KAR 007:011](#). Repeal of 016 KAR 007:010.

Alternative Routes to Certification

[016 KAR 009:010E](#). Provisional and professional certificate for exceptional work experience.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2 and 3 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 2 to comply with the board's statutory authority. Without objection, and with agreement of the agency, the amendments were approved.

[016 KAR 009:030](#). Professional and provisional certificate for college faculty.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 3 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Sections 1 and 2 to comply with the board's statutory authority. Without objection, and with agreement of the agency, the amendments were approved.

[016 KAR 009:080E](#). University-based alternative certification program.

[016 KAR 009:100E](#). Alternative Route to Certification Institute.

OFFICE OF THE GOVERNOR: Department of Veterans Affairs: Kentucky Veterans Burial and Memorial Benefits

[017 KAR 004:030](#). Veterans' Service Organization Burial Honor Guard Program. Al Duncan, Division Director, and Juan Renaud, Deputy Commissioner, represented the department.

A motion was made and seconded to approve the following amendments: (1) to add a definition for "discharge under other than dishonorable conditions"; (2) to establish a new section with requirements previously included in a definition; (3) to amend Sections 3 through 5 to comply with the formatting requirements of KRS Chapter 13A; and (4) to update incorporated material. Without objection, and with agreement of the agency, the amendments were approved.

STATE BOARD OF ELECTIONS: Forms and Procedures

[031 KAR 004:031E](#). Reporting. Karen Sellers, Executive Director, represented the board.

Co-Chair Lewis stated that both Co-Chairs appreciated the board and Jefferson County staff working together to resolve the issues related to these administrative regulations.

In response to a question by Co-Chair West, Ms. Sellers stated that prior concerns from Jefferson County election officials had been addressed through the proposed agency amendments to these administrative regulations.

Senator Yates thanked the board for working to ensure public trust in Kentucky elections.

The following amendments were approved by this subcommittee at the July 9, 2024 meeting: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A.

A motion was made and seconded to approve the following amendment: to amend Section 3(2) to require 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), if five (5) percent or more of the votes cast in that candidate's election were for write-in candidates. Without objection, and with agreement of the agency, the amendment was approved.

[031 KAR 004:031](#). Reporting.

The following amendments were approved by this subcommittee at the July 9, 2024 meeting: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A.

A motion was made and seconded to approve the following amendment: to amend Section 3(2) to require 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), if five (5) percent or more of the votes cast in that candidate's election were for write-in candidates. Without objection, and with agreement of the agency, the amendment was approved.

[031 KAR 005:040E](#). Questions regarding voter eligibility.

The following amendments were approved by this subcommittee at the July 9, 2024 meeting: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A.

[031 KAR 005:040](#). Questions regarding voter eligibility.

The following amendments were approved by this subcommittee at the July 9, 2024 meeting: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A.

OFFICE OF THE ATTORNEY GENERAL: Department of Law: Criminal Investigations

[040 KAR 010:010](#). Uniform procedure and timeline for conducting independent election inquiries. Amy Burke, Special Attorney, and Ed Price, Division Director, represented the department.

The following amendments were approved by this subcommittee at the July 9, 2024 meeting: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 to comply with the drafting requirements of KRS Chapter 13A.

The following amendments were approved by this subcommittee at the August 13, 2024 meeting: (1) to amend Section 4(12)(b) and (c) for consistency with KRS 117.076; and (2) to amend Section 4(12)(d) to make a technical correction.

FINANCE AND ADMINISTRATION CABINET: Purchasing

[200 KAR 005:021](#). Manual of policies and procedures. Patrick McGee, Staff Attorney Manager, represented the cabinet.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph and Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A; and (2) to update incorporated material. Without objection, and with agreement of the agency, the amendments were approved.

BOARDS AND COMMISSIONS: Board of Pharmacy

[201 KAR 002:015](#). Continuing education. Eden Davis, General Counsel, represented the board.

[201 KAR 002:470](#). Change of ownership.

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 through 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Boxing and Wrestling Commission

[201 KAR 027:006](#). Powers and duties of inspector. Matt Byrd, Executive Director, and Doug Hardin, Staff Attorney, represented the commission

In response to questions by Senator Yates, Mr. Byrd stated that alcohol had been removed from anti-doping testing requirements, and this change was adopted uniformly by the World Anti-Doping Agency. State and local agencies had the authority to be more stringent than the international guidelines in order to guarantee the safety of all participants.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[201 KAR 027:023](#). Drug testing for boxing, kickboxing, mixed martial arts, wrestling, and elimination event shows.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Sections 1 through 3 and 5 through 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[201 KAR 027:041](#). Managers.

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 drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[201 KAR 027:106](#). Violations, penalties, and appeals.

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, 2, 4, and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources

[301 KAR 001:410](#). Taking of fish by nontraditional fishing methods. Steven Fields, Staff Attorney, represented the department.

TRANSPORTATION CABINET: Motor Vehicle Tax

[601 KAR 009:220](#). Motor vehicle dealer plates. Jon Johnson, Assistant General Counsel, and Godwin Onodu, Division Director, represented the cabinet.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 3 for consistency with KRS 186.070(1)(c)3. Without objection, and with agreement of the agency, the amendments were approved.

EDUCATION AND LABOR CABINET: Department of Education: School Administration and Finance

[702 KAR 003:320](#). Finance officer certification requirements. Todd Allen, General Counsel, represented the department.

A motion was made and seconded to approve the following amendments: to amend Sections 5, 6, and 10 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Office of Instruction

[704 KAR 003:313](#). Repeal of 704 KAR 003:303.

Academic Standards

[704 KAR 008:130](#). Required Kentucky Academic Standards for Visual and Performing Arts.

ENERGY AND ENVIRONMENT CABINET: Public Service Commission Utilities

[807 KAR 005:015E](#). Access and attachments to utility poles and facilities. Jeb Pinney, Executive Advisor, represented the commission.

In response to a question by Co-Chair West, Mr. Pinney stated that the original version of this administrative regulation was the result of 2021 legislation. The current version was attributable to Senate Joint Resolution 175 from the 2024 Regular Session of the General Assembly.

A motion was made and seconded to approve the following amendments: (1) to amend Section 3(8) to correct transposed deadlines; and (2) to amend Sections 3 and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Maternal and Child Health

[902 KAR 004:030](#). Newborn screening program. Julie Brooks, Regulation Coordinator, represented the department.

Representative Frazier Gordon thanked the department for adding two (2) conditions to the profile.

A motion was made and seconded. to approve the following amendments: to amend Sections 5 and 13 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Community Based Services: Child Welfare

[922 KAR 001:350E](#). Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers. Rachel Ratliff, Regulations Coordinator, and Kelli Root, Assistant Director, represented the department.

The following administrative regulations were deferred or removed from the September 10, 2024, subcommittee agenda:

GENERAL GOVERNMENT CABINET: Council on Postsecondary Education: Public Educational Institutions

[013 KAR 002:120](#). Comprehensive funding model for the allocation of state general fund appropriations to public universities.

[013 KAR 002:130](#). Comprehensive funding model for the allocation of state general fund appropriations to the Kentucky Community and Technical College System institutions.

EDUCATION AND LABOR CABINET: Education Professional Standards Board: Teaching Certificates

[016 KAR 002:160](#). Probationary certificate for teachers of exceptional children.

BOARDS AND COMMISSIONS: Board of Pharmacy

[201 KAR 002:030](#). License transfer and non-resident pharmacist license.

[201 KAR 002:050](#). License and permits; fees.

[201 KAR 002:210](#). Patient records, drug regimen review, patient counseling, and final product verification.

[201 KAR 002:370](#). Pharmacy services in a long-term care facility (LTCF).

[201 KAR 002:465](#). Non-resident Pharmacy Applications and waivers.

[201 KAR 002:480](#). Telework and electronic supervision for remote prescription processing.

Board of Interpreters for the Deaf and Hard of Hearing

[201 KAR 039:001](#). Definitions for 201 KAR Chapter 39.

[201 KAR 039:030](#). Application; qualifications for full licensure; and certification levels.

[201 KAR 039:040](#). Fees.

[201 KAR 039:050](#). Renewal and reinstatement of full licenses.

[201 KAR 039:060](#). Reinstatement of full license subject to disciplinary action.

[201 KAR 039:070](#). Application and qualifications for temporary licensure and extensions.

[201 KAR 039:075](#). Supervision.

[201 KAR 039:090](#). Continuing education unit requirements.

[201 KAR 039:100](#). Complaint procedure.

[201 KAR 039:120](#). Code of ethics.

[201 KAR 039:130](#). Registration for nonresident interpreters.

**ENERGY AND ENVIRONMENT CABINET: Department for Environmental Protection:
Division for Air Quality: General Administrative Procedures**

[401 KAR 050:038](#). Air emissions fee. Tony Hatton, Commissioner, and Michael Kennedy, Division Director, represented the division.

In response to questions by Co-Chair West, Mr. Hatton stated that the division was better equipped to process emissions permit requests in a timely manner than the US EPA. This administrative regulation established how Kentucky's air quality program was funded, by calculating the per-ton emissions fee based on the program's cost estimates. The current operating budget was \$18.7 million, which was not a significant increase from last year. This budget was comprised of restricted funds. This proposed version would decrease the general fee per ton, while eliminating the 4,000-ton cap; therefore, most permittees would experience a fee reduction. Emitters such as large electric-generating utilities and large distillers were expected to experience a per-ton decrease, but an overall increase because of the elimination of the 4,000-ton cap. This amendment exempted fire pump engine systems, which were required to comply with safety standards.

In response to questions by Senator Yates, Mr. Hatton stated that Louisville Gas and Electric (LG&E) power stations that would be affected by the emissions rate change would be E.W. Brown, Ghent, and Trimble County.

In response to a question by Co-Chair West, Mr. Hatton stated that the division agreed to defer consideration of this administrative regulation to the October meeting of this subcommittee. A motion was made and seconded to defer consideration of this administrative regulation. Without objection, and with agreement of the agency, the administrative regulation was deferred.

JUSTICE AND PUBLIC SAFETY CABINET: Parole Board

[501 KAR 001:080](#). Parole board policies and procedures.

Department of Corrections: Office of the Secretary

[501 KAR 006:021](#). Repeal of 501 KAR 006:020.

[501 KAR 006:280](#). Risk and needs assessment.

[501 KAR 006:300](#). News media.

[501 KAR 006:310](#). Monitoring and operation of private prisons.

[501 KAR 006:320](#). Corrections policies and procedures: inmate funds.

[501 KAR 006:330](#). Corrections policies and procedures: personnel.

[501 KAR 006:340](#). Corrections policies and procedures: research and information.

[501 KAR 006:350](#). Inmate or offender or supervision record request.

[501 KAR 006:360](#). Corrections policies and procedures: safety and critical incident notification.

[501 KAR 006:370](#). Corrections policies and procedures: security and control.

[501 KAR 006:380](#). Corrections policies and procedures: special management and restrictive housing inmates, safekeepers, and contract prisoners.

[501 KAR 006:390](#). Corrections policies and procedures: inmate diet.

[501 KAR 006:400](#). Corrections policies and procedures: inmate health care.

[501 KAR 006:410](#). Corrections policies and procedures: inmate life and issues.

[501 KAR 006:420](#). Corrections policies and procedures: inmate rules and discipline.

[501 KAR 006:430](#). Corrections policies and procedures: communication, mail, and visiting.

[501 KAR 006:440](#). Corrections policies and procedures: inmate reception, orientation, and personal property.

[501 KAR 006:450](#). Corrections policies and procedures: classification.

[501 KAR 006:460](#). Corrections policies and procedures: inmate work programs.

[501 KAR 006:470](#). Corrections policies and procedures: inmate education and training.

[501 KAR 006:480](#). Library services.

[501 KAR 006:490](#). Corrections policies and procedures: inmate recreation and activities.

[501 KAR 006:500](#). Religious programs.

[501 KAR 006:510](#). Corrections policies and procedures: release preparation and temporary release.

[501 KAR 006:520](#). Citizen involvement, volunteer, and reentry mentor service programs.

[501 KAR 006:530](#). Corrections policies and procedures: programs and sentence credits.

[501 KAR 006:540](#). Inmate record.

PUBLIC PROTECTION CABINET: Department of Insurance: Health Insurance Contracts

[806 KAR 017:570](#). Minimum standards for Medicare supplement insurance policies and certificates.

CABINET FOR HEALTH AND FAMILY SERVICES : Department for Public Health: Food and Cosmetics

[902 KAR 045:001E](#). Definitions for hemp-derived cannabinoid products.

[902 KAR 045:001](#). Definitions for hemp-derived cannabinoid products.

[902 KAR 045:012E](#). Hemp-derived cannabinoid product retail and food service establishment requirements.

[902 KAR 045:012](#). Hemp-derived cannabinoid product retail and food service establishment requirements.

[902 KAR 045:021E](#). Hemp-derived cannabinoid products registration, processing, manufacturing, storage and distribution requirements.

[902 KAR 045:021](#). Hemp-derived cannabinoid products registration, processing, manufacturing, storage and distribution requirements.

[902 KAR 045:031E](#). Hemp-derived cannabinoid product sampling and testing requirements.

[902 KAR 045:031](#). Hemp-derived cannabinoid product sampling and tasting requirements.

Department for Medicaid Services

[907 KAR 001:044](#). Coverage provisions and requirements regarding community mental health center behavioral health services.

Behavioral Health

[907 KAR 015:005](#). Definitions for 907 KAR Chapter 015.

Office of the Secretary: Medicinal Cannabis Program

[915 KAR 001:010](#). Initial and renewal application for cannabis business licenses.

[915 KAR 001:020](#). Cannabis business licenses.

Department for Community Based Services: Child Welfare

[922 KAR 001:050](#). State funded adoption assistance.

[922 KAR 001:060](#). Federal Title IV-E adoption assistance.

Daycare

[922 KAR 002:090](#). Child-care center licensure.

[922 KAR 002:120](#). Child-care center health safety standards.

The subcommittee adjourned at 2:05 p.m. The next meeting of this subcommittee was tentatively scheduled for October 15, 2024, at 1 p.m. in Room 149 of the Annex.