

**ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE**  
**Minutes of August 12, 2025**

**Call to Order and Roll Call**

The August meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, August 12, 2025, at 1:00 p.m. in Room 149 of the Capitol Annex. Representative Derek Lewis, Chair, called the meeting to order, and roll call was taken.

**Present were:**

**Members:** Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Julie Raque Adams, Mike Wilson, and David Yates; and Representatives Randy Bridges, Deanna Gordon, and Mary Lou Marzian.

**LRC Staff:** Sarah Amburgey, Stacy Auterson, Laura Begin, Emily Caudill, Emily Harkenrider, Karen Howard, Anna Latek, Callie Lewis, and Carrie Nichols.

**Guests:** Jessica Brown, Dr. Christopher Harlow, Board of Pharmacy; Eden Stephens, Joni Upchurch, Board of Cosmetology; Lilly Coiner, Jill Phelps, OT, Board of Licensure for Occupational Therapy; Steven Fields, Department for Fish and Wildlife Resources; Matthew Wingate, Chad Zimlich, Economic Development Finance Authority; Jason Hernandez, Robin Maples, Chuck Stribling, Division of Occupational Safety and Health Compliance; Russell Coy II, Beth Taylor, Department of Insurance; Jeb Pinney, Public Service Commission; and Audrey Ernstberger, Kentucky Resources Council.

**Administrative Regulations Reviewed by this Subcommittee:**

**BOARDS AND COMMISSIONS: Board of Pharmacy**

201 KAR 002:045. Technicians. Jessica Brown, General Counsel, and Dr. Christopher Harlow, Executive Director, represented the board.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs; Sections 1, 2, 5, and 6; and incorporated material to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 002:165. Transfer of prescription information.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph 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.

### **Board of Cosmetology**

201 KAR 012:010. Executive director's duties. Eden Stephens, General Counsel, and Joni Upchurch, Executive Director, represented the board.

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 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 012:030. Licensing and examinations.

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 4, 6, 8, 12, and 14 through 18 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 012:060. Inspections.

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

201 KAR 012:082. Education requirements and school administration.

In response to Representative Marzian, Ms. Stephens stated the minimum faculty to student ratio was increased to accommodate part-time students without the cost of hiring additional instructors.

In response to Senator Yates, Ms. Upchurch stated many of the 53 licensed cosmetology schools have wait lists, particularly public schools operating on a semester model. Expanding class size per instructor would allow private schools to enroll additional students without increasing instruction costs.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 20, 23, 32, 33, and 34 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 012:100. Infection control, health, and safety.

In response to Senator Yates, Ms. Upchurch stated this administrative regulation prohibits the use of straight razors because they can only be used by practitioners licensed by the Board of Barbering.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 5, and 18 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 012:190. Complaint and disciplinary process.

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

201 KAR 012:260. Fees.

A motion was made and seconded to approve the following amendments: (1) to amend Section 4 to make technical corrections; and (2) to add Section 5 to incorporate material. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 012:280. Esthetic practices restrictions.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 3, 5, and 6 through 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 012:290. Permits.

A motion was made and seconded to approve the following amendments: to amend Sections 2, 11, and 12 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**Board of Licensure for Occupational Therapy**

201 KAR 028:240E. Occupational Therapy Licensure Compact. Lilly Coiner, General Counsel, and Jill Phelps, Chair, represented the board.

In response to Co-Chair West, Ms. Coiner stated the board filed this administrative regulation without certifications as instructed.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

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

301 KAR 001:017. Repeal of 301 KAR 001:015. Steven Fields, Staff Attorney, represented the department.

**Game**

301 KAR 002:221. Waterfowl seasons and limits.

**Hunting and Fishing**

301 KAR 003:001. Definitions for 301 KAR Chapter 3.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 1 to add seven new definitions. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 003:010. Public use of Wildlife Management Areas.

A motion was made and seconded to approve the following amendments: (1) to delete the Definitions section; and (2) to amend Sections 2 through 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.

**Wildlife**

301 KAR 004:120. Wildlife disease reporting.

In response to Chair Lewis, Mr. Fields stated this proposed regulation requires anyone who has knowledge of a reportable disease to report it to the department's wildlife veterinarian for prevention of disease spread.

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, 3 through 5, 7, and 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**Water Patrol**

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

**CABINET FOR ECONOMIC DEVELOPMENT: Economic Development Finance Authority**

307 KAR 001:070E. Kentucky Entertainment Incentive Program. Matthew Wingate, General Counsel, and Chad Zimlich, Deputy General Counsel, represented the authority.

In response to Chair Lewis, Mr. Wingate stated this emergency regulation differentiates projects based on quality when allocating credits and bridges the gap between the effective dates of House Bill 622 and Senate Bill 1 from the 2025 Regular Session of the General Assembly. The subsequent filing of 307 KAR 001:080 complies with the transfer of program administration to the Kentucky Film Council, in accordance with Senate Bill 1, which is now effective. Chair Lewis requested the cabinet clarify the provisions of 307 KAR 001:080 at next month's meeting, to which Mr. Wingate agreed.

**EDUCATION AND LABOR CABINET: Department of Workplace Standards: Division of Occupational Safety and Health Compliance**

803 KAR 002:404E. Personal protective and lifesaving equipment. Jason Hernandez, General Counsel; Robin Maples, Occupational Safety and Health Standards Specialist; and Chuck Stribling, Deputy Commissioner, represented the division.

In response to Co-Chair West, Mr. Hernandez stated the division filed this administrative regulation without certifications based upon agency advice.

**PUBLIC PROTECTION CABINET: Department of Insurance: Agents, Consultants, Solicitors, and Adjusters**

806 KAR 009:360. Pharmacy Benefit Manager License. Russell Coy II, Counsel, and Beth Taylor, Staff Attorney, represented the department.

In response to Co-Chair West, Ms. Taylor stated the new fees in the proposed regulation apply to 66 of the 76 pharmacy benefit managers in the Commonwealth.

In response to Senator Yates, Ms. Taylor stated the agency amendment excludes from the \$10,000 registration fee any pharmacy benefit manager providing services solely to a workers' compensation plan because those rates are set by statute, and the Department of Workers' Claims does not have the ability to absorb the fees. Ms. Taylor stated Senate Bill 188 from the 2024 Regular Session does not apply to those rates, and the department agrees with the exclusion.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 and 4 to comply with the drafting and formatting requirements of KRS Chapter 13A; (2) to amend Section 2 for consistency with KRS 304.9-260(2); (3) to amend Section 2(3)(b) to add that a pharmacy benefit manager that solely provides services for a workers' compensation plan shall not pay the registration fee of \$10,000; and (4) to update the Pharmacy Benefit Manager License Application: (a) for consistency;

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

**ENERGY AND ENVIRONMENT CABINET: Public Service Commission: Utilities**

807 KAR 005:015. Access and attachments to utility poles and facilities. Jeb Pinney, Executive Advisor, represented the commission. Audrey Ernstberger, Attorney, Kentucky Resources Council, appeared in opposition to this administrative regulation.

In response to Chair Lewis, Mr. Pinney described the history of the administrative regulation and stated Senate Joint Resolution 175 from the 2024 Regular Session of the General Assembly directs the commission to promulgate an emergency regulation to expedite deployment of broadband attachments in unserved and underserved areas, as well as address issues between attachers and utilities. Mr. Pinney stated the commission promulgated this amendment after meetings with stakeholders.

In response to Chair Lewis, Ms. Ernstberger stated the rights and interests of landowners should be considered in the process of third-party attachments. Ms. Ernstberger stated the council represents landowners in cases involving easements that do not allow for third-party attachment to utility poles. Ms. Ernstberger stated Section 2 should be revised to require utilities to deny access to broadband attachments unless there is a deed, lease, or easement from the landowner authorizing it.

In response to Co-Chair West, Ms. Ernstberger stated agreements or easements usually exist and should be addressed on a case-by-case basis.

In response to Senator Yates' comment concerning efficiency and the need to balance public protection and internet access, Ms. Ernstberger agreed Kentucky needs broadband.

In response to Chair Lewis, Mr. Pinney stated the commission does not have jurisdiction over broadband providers or disputes between utilities and property owners. Mr. Pinney stated the administrative regulation does not mandate attachments if the utility does not have the legal right to attach.

In response to Co-Chair West, Mr. Pinney stated the application for third-party attachers may require the use of a digital portal.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs, and Sections 1 and 3 through 7 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 3 to update tariff dates commensurate with the projected potential effective date of this administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

**Other Business:** Representative Bridges introduced a guest, his grandson, Augustus Jack "Auggie" Bridges. Co-Chair West acknowledged Eric Clark, a majority staff member who

was ending his tenure with the Legislative Research Commission. Co-Chair West thanked Mr. Clark for his many years of service to the subcommittee.

**The following administrative regulations were deferred or removed from the August 12, 2025, subcommittee agenda:**

**BOARDS AND COMMISSIONS: Board of Pharmacy**

201 KAR 002:480. Telework and electronic supervision for remote prescription processing.

**Board of Medical Licensure**

201 KAR 009:270. Professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.

**Board of Social Work**

201 KAR 023:075. Continuing education for renewal.

**Board of Registration for Professional Geologists**

201 KAR 031:010. Fees.

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

301 KAR 002:031. Repeal of 301 KAR 002:030. Steven Fields, Staff Attorney, represented the department.

In response to Chair Lewis, Mr. Fields stated the department requested to defer this administrative regulation to the September meeting of the subcommittee. A motion was made and seconded to defer consideration of this administrative regulation. Without objection, and with agreement of the agency, this administrative regulation was deferred.

**Hunting and Fishing**

301 KAR 003:140. Take of wildlife with aircraft prohibited.

**KENTUCKY HORSE RACING AND GAMING CORPORATION: Licensing**

810 KAR 003:020. Licensing of racing participants.

**CABINET FOR HEALTH AND FAMILY SERVICES: Office of the Inspector General: State Health Plan**

900 KAR 005:020E. State Health Plan for facilities and services.

**Certificate of Need**

900 KAR 006:075E. Certificate of need nonsubstantive review.

**The subcommittee adjourned at 2:05 PM. The next meeting of this subcommittee was tentatively scheduled for September 9, 2025, at 1 PM in Room 149 of the Annex.**