

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM  
2018 REGULAR SESSION  
**Unofficial Document**

Amend printed copy of **SB 252**

On page 1, delete lines 3 through 10 in their entirety, and insert in lieu thereof:

"➔Section 1. KRS 211.9101 is amended to read as follows:

As used in KRS 211.9101 to 211.9135, unless the context requires otherwise:

- (1) "Alter" means to change or modify a building or building design, or to revise, rather than repair, a mitigation system or mitigation system design;
- (2) "Analytical analysis" means the act of analyzing the radon or radon progeny concentrations with active measurement devices;
- (3) ~~["Applicant" means a radon laboratory or a person who applies for certification as a radon measurement contractor or radon mitigation contractor;~~
- ~~(4)~~ "Building" means any structure used or intended to be used for supporting or sheltering any use or occupancy;
- ~~(4)~~~~(5)~~ "Cabinet" means Cabinet for Health and Family Services;
- ~~(5)~~~~(6)~~ "Certified" means meeting the certification requirements of a proficiency program ~~for KRS 211.9109, 211.9111, or 211.9115 in order to perform~~ radon measurement, radon mitigation, or radon laboratory analysis;
- ~~(6)~~~~(7)~~ "Commercial building" means any building other than a residential building, including those buildings intended for public purposes;
- ~~(7)~~~~(8)~~ "Commissioner" means the commissioner of the Department for Public Health;

Amendment No. \_\_\_\_\_

Rep. Sen. Julie Raque Adams

Committee Amendment \_\_\_\_\_

Signed: \_\_\_\_\_

Floor Amendment \_\_\_\_\_

**Not for Filing**

LRC Drafter: Joffin, Chris

Adopted: \_\_\_\_\_

Date: \_\_\_\_\_

Rejected: \_\_\_\_\_

Doc. ID: XXXX

- ~~(8)~~~~(9)~~ "Committee" means the Kentucky Radon Program Advisory Committee;
- ~~(9)~~~~(10)~~ "Compensation" means something of value given or received in exchange for radon measurement, radon mitigation, or laboratory analysis;
- ~~(10)~~~~(11)~~ "Contractor" means a person or business entity that provides goods or services to another person under the terms specified in a contract or verbal agreement, and who is not an agent or employee of that person;
- ~~(11)~~~~(12)~~ "Direct supervision" means constant onsite supervision by a certified person;
- ~~(12)~~~~(13)~~ "General supervision" means intermittent onsite supervision by a certified person who accepts responsibility for ensuring compliance by his or her employees or subcontractors with all applicable requirements under KRS 211.9101 to 211.9135;
- ~~(13)~~~~(14)~~ "Government agency" means the Commonwealth of Kentucky, a state agency, a political subdivision, or any entity of local government;
- ~~(14)~~~~(15)~~ "Laboratory analysis" means the act of analyzing the radon or radon progeny concentrations with passive measurement devices, or the act of calibrating radon or radon progeny measurement devices, or the act of exposing radon or radon progeny devices to controlled concentrations of radon or radon progeny;
- ~~(15)~~~~(16)~~ "Measurement" means the act of testing the air, water, or soil using an active or passive measurement device for the presence of radon or radon progeny in the indoor environment of a building;
- ~~(16)~~~~(17)~~ "Measurement device" means any ~~cabinet approved~~ active or passive device **approved by a proficiency program and** used for the measurement of radon or radon progeny in air, water, or soil in the indoor environment of a building;
- ~~(17)~~~~(18)~~ "Measurement contractor" means a person **certified by a proficiency program** who **provides**~~meets the requirements of KRS 211.9109 and is certified by the cabinet to~~ conduct radon measurement for compensation **and who meets the requirements of**

**Section 5 of this Act:**

**(18)**~~(19)~~ "Mitigation" means the act of installing, repairing, or altering an active or passive system, for the purpose in whole or in part of reducing the concentration of radon or radon progeny in the indoor environment of a building;

**(19)**~~(20)~~ "Mitigation contractor" means a person **certified by a proficiency program** who **provides**~~meets the requirements of KRS 211.9111 and is certified by the cabinet to conduct~~ radon mitigation for compensation **and who meets the requirements of Section 6 of this Act;**

**(20)**~~(21)~~ "Mitigation system" means any active or passive system designed to reduce radon concentrations in the indoor environment of a building;

**(21)**~~(22)~~ "Person" has the same meaning as in KRS 446.010;

**(22) "Proficiency program" means either the National Radon Proficiency Program or the National Radon Safety Board;**

(23) "Radon" means a naturally occurring radioactive element that exists as a colorless, odorless, and tasteless inert gas;

(24) "Radon decay products" means the four (4) short-lived radioactive elements polonium (Po-218), lead (Pb-214), bismuth (Bi-214), and polonium (Po-214) which exist as solids and immediately follow radon (Rn-222) in the decay chain;

(25) "Radon laboratory" means a business entity **certified by a proficiency program** that **provides**~~meets the requirements of KRS 211.9115 and is certified by the cabinet to conduct~~ laboratory analysis for compensation **and meets the requirements of Section 8 of this Act;**

(26) "Radon progeny" means any combination of the radioactive decay products of radon;

(27) **Registrant" means a person or business entity registered with the cabinet as a measurement contractor, mitigation contractor, or radon laboratory;**

(28) "Research" means cabinet-approved scientific investigation that includes radon measurement, radon mitigation, or laboratory analysis;

(29)~~(28)~~ "Residential building" means detached one (1) to four (4) family dwellings not more than three (3) stories in height where occupants are primarily permanent in nature; and

(30)~~(29)~~ "Standard operating procedure" means a written document that describes in detail commonly accepted methods for the performance of certain tasks.

➔Section 2. KRS 211.9103 is amended to read as follows:

(1) The Kentucky Radon Program Advisory Committee is hereby created and shall be attached to the cabinet~~[Cabinet for Health and Family Services]~~ for administrative purposes. Each member of the committee shall be a citizen and resident of the Commonwealth of Kentucky. The committee shall consist of nine (9) members as follows:

- (a) Four (4) members shall be either a radon measurement contractor, a radon mitigation contractor, or a person associated with a radon laboratory conducting laboratory analysis and shall be appointed by the Governor from a list of six (6) names submitted to the Governor by the Kentucky Association of Radon Professionals;
- (b) One (1) member shall be a representative of the home building industry and shall be appointed by the Governor from a list of three (3) names submitted to the Governor by the Home Builders Association of Kentucky;
- (c) One (1) member shall be a real estate salesperson or broker licensed under KRS Chapter 324 and shall be appointed by the Governor from a list of three (3) names submitted to the Governor by the Kentucky Association of Realtors;
- (d) One (1) member shall be a representative of a public health organization and shall be appointed by the Governor from a list of three (3) names submitted to the Governor by the Kentucky Cancer Consortium;
- (e) One (1) member shall be the commissioner of the Department for Public Health,

- Cabinet for Health and Family Services, or his or her designee; and
- (f) One (1) member shall be a citizen at large appointed by the Governor who shall represent the public and shall not be associated with or financially interested in the practice of radon measurement, mitigation, or laboratory analysis.
- (2) (a) To be eligible for initial appointment as a member of the committee under subsection (1)(a) of this section, a person shall have been actively engaged in the practice of radon measurement, mitigation, or laboratory analysis for not less than three (3) years immediately preceding the date of appointment to the committee.
  - (b) Upon expiration of the initial appointments, to be eligible for appointment as a member of the committee under subsection (1)(a) of this section, a person shall have been actively engaged in the practice of radon measurement, mitigation, or laboratory analysis for not less than three (3) years immediately preceding the date of the appointment to the committee and hold a valid certification as a radon measurement contractor or radon mitigation contractor, or be associated with a radon laboratory with a valid certification.
- (3) Except for the commissioner, who shall serve as long as he or she holds his or her appointment as commissioner, the Governor shall initially appoint two (2) members for a term of four (4) years, two (2) members for a term of three (3) years, two (2) members for a term of two (2) years, and two (2) members for a term of one (1) year. All appointments shall expire on June 30 of the last year of the terms. Thereafter, members shall be appointed for terms of four (4) years. No person shall serve more than two (2) consecutive terms. Members shall serve until their successors are appointed.
  - (4) Upon recommendation of the committee, the Governor may remove any member of the committee appointed by the Governor for poor attendance, neglect of duty, misfeasance, or malfeasance in office.

- (5) Vacancies in the membership of the committee for any cause shall be filled by appointment by the Governor for the balance of the unexpired term.
- (6) A majority of the committee shall constitute a quorum to do business. The committee shall meet at least once each calendar quarter in a location designated by the chairperson. The committee may meet upon special call by the chairperson or a majority of the committee.  
**The cabinet shall host all committee meetings, manage all meeting agendas, and notify committee members of meeting dates, times, and locations under the direction of the chairperson.**
- (7) The committee shall elect a chairperson and a vice chairperson. The chairperson shall preside at all meetings at which the chairperson is present. The vice chairperson shall preside at all meetings in the absence of the chairperson.
- (8) If the chairperson and vice chairperson are absent from a meeting of the committee when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chairperson until the conclusion of the meeting or until the arrival of the chairperson or vice chairperson.
- (9) Committee members, except for those members employed by the Commonwealth, shall receive a fifty dollar (\$50) per diem reimbursement for each in-person meeting that they attend.**

➔Section 3. KRS 211.9105 is amended to read as follows:

The committee shall:

- (1) Advise the cabinet with the review, development, and maintenance of standard operating procedures for radon measurement, radon mitigation, laboratory analysis, and quality control;
- (2) Advise the cabinet with preparing an annual budget for the use of moneys received by the cabinet from the collection of fees and fines, receipt of grants, and all other radon-related

activities;

- (3) Review and comment on relevant administrative regulations that are promulgated pursuant to KRS 211.9101 to 211.9135 and make recommendations to and otherwise advise the cabinet on these matters;
- (4) **Record**~~Keep~~ minutes of committee meetings and ~~fa record of all~~ proceedings **which shall be documented and maintained for the committee by the cabinet;**
- (5) Make recommendations to the cabinet provided that the final determination rests with the cabinet;
- (6) Hold the first meeting of the committee no later than October 1, 2011, to be convened by the commissioner; and
- (7) Perform any other duties and responsibilities relating to the topic of radon that may be assigned by the cabinet.

➔Section 4. KRS 211.9107 is amended to read as follows:

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 211.9101 to 211.9135. 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 211.9101 to 211.9135. Certification requirements under KRS 211.9101 to 211.9135 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~~ [An apprentice in the process of learning radon measurement, mitigation, or laboratory analysis who assists and is under the general supervision of a measurement or mitigation 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 [who shall make payment of certification fees but who shall not otherwise be required to comply with KRS 211.9101 to 211.9135];

~~(6)~~(5) A person performing measurement or mitigation as part of a scientific research project approved by the cabinet;

~~(7)~~(6) 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)~~(7) A person performing measurement or mitigation as part of radon training approved by a proficiency program [the cabinet]; or

~~(9)~~(8) A building contractor installing vent pipes during the construction of a commercial building or home.

➔Section 5. KRS 211.9109 is amended to read as follows:

(1) The cabinet shall issue a [certification as a] radon measurement contractor registration certificate to any person certified for measurement who:

(a) Completes a registration process prescribed by the cabinet through promulgation of an administrative regulation [Submits a complete and accurate application for certification on a form prescribed by the cabinet through promulgation of an administrative regulation]; and



- (b) *Furnishes evidence of a general liability insurance policy that satisfies the requirements of Section 7 of this Act* [~~Pays the certification fee established by the cabinet through promulgation of an administrative regulation within the following restrictions:~~
1. ~~An initial certification fee shall not exceed two hundred fifty dollars (\$250);~~
  2. ~~An annual renewal fee shall not exceed two hundred fifty dollars (\$250);~~
  3. ~~A duplicate certificate fee shall not exceed twenty dollars (\$20); and~~
  4. ~~A late renewal fee shall not exceed one hundred dollars (\$100);~~
- (c) ~~Provides the cabinet with documentation of successful completion of a cabinet-approved radon measurement course and exam;~~
- (d) ~~For renewal of certification, provides proof of completion of at least eight (8) hours of continuing education per year;~~
- (e) ~~Submits a quality control program plan that meets the minimum standard operating procedures requirements as established by the cabinet through promulgation of an administrative regulation; and~~
- (f) ~~Furnishes evidence of financial responsibility to the cabinet consisting of a liability insurance policy that satisfies the requirements of KRS 211.9113].~~
- (2) A measurement contractor shall:
- (a) Ensure all measurements are conducted in accordance with the ~~{measurement }standard operating procedures established by the~~ *proficiency program that the person is certified by*~~[cabinet through promulgation of an administrative regulation];~~
  - (b) Maintain a quality control program plan *in accordance with the standard operating procedures established by the proficiency program that the person is certified by*~~[that meets the minimum standard operating procedures requirements established by the cabinet through promulgation of an administrative regulation];~~

- (c) Ensure all measurements~~[measurement activities]~~ are conducted under the general supervision of ~~[an individual certified to conduct radon ]~~measurement contractor;
- (d) Use or sell only measurement~~[cabinet approved]~~ devices approved by the proficiency program that the person is certified by~~[to conduct radon measurement]~~;
- and
- (e) Ensure all ~~[services procured from a radon ]~~laboratory analysis is~~[are]~~ procured through~~[from]~~ a radon laboratory~~[certified by the cabinet]~~.

➔Section 6. KRS 211.9111 is amended to read as follows:

- (1) The cabinet shall issue a ~~[certification as a ]~~mitigation contractor registration certificate to any person certified for mitigation who:
  - (a) Completes a registration process prescribed by the cabinet through promulgation of an administrative regulation~~[Submits a complete and accurate application for certification on a form prescribed by the cabinet through promulgation of an administrative regulation]~~; and
  - (b) Furnishes evidence of a general liability insurance policy that satisfies the requirements of Section 7 of this Act~~[Pays the certification fee established by the cabinet through promulgation of an administrative regulation within the following restrictions:~~
    - 1. An initial certification fee shall not exceed two hundred fifty dollars (\$250);
    - 2. An annual renewal fee shall not exceed two hundred fifty dollars (\$250);
    - 3. A duplicate certificate fee shall not exceed twenty dollars (\$20); and
    - 4. A late renewal fee shall not exceed one hundred dollars (\$100);
  - (c) ~~Provides the cabinet with documentation of successful completion of a cabinet-approved radon mitigation course and exam;~~
  - (d) ~~For renewal of certification, provides proof of completion of at least eight (8) hours of~~

- continuing education credit per year;
- (e) ~~Submits a quality control program plan that meets the minimum standard operating procedures requirements established by the cabinet through promulgation of an administrative regulation; and~~
- (f) ~~Furnishes evidence of financial responsibility to the cabinet consisting of a liability insurance policy that satisfies the requirements of KRS 211.9113].~~
- (2) A mitigation contractor shall:
- (a) Ensure all mitigations are conducted in accordance with ~~the~~mitigation standard operating procedures established by ~~the proficiency program that the person is certified by~~[an administrative regulation promulgated by the cabinet];
- (b) Maintain a quality control program plan ~~in accordance with the~~[that meets the minimum] standard operating procedures ~~requirements~~ established by the ~~proficiency program that the person is certified by~~[cabinet through promulgation of an administrative regulation];
- (c) Ensure all mitigation ~~is~~[activities are] conducted under the general supervision of ~~an individual certified to conduct radon~~ mitigation contractor;
- (d) Ensure all post-mitigation measurement is conducted by a ~~person certified to conduct~~ measurement contractor; and
- (e) Ensure all radon mitigation systems repaired or altered on or after January 1, 2013, meet the ~~mitigation~~ standard operating procedures established by ~~the proficiency program that the person is certified by~~[an administrative regulation promulgated by the cabinet].

➔Section 7. KRS 211.9113 is amended to read as follows:

Each mitigation or measurement contractor shall maintain an insurance policy that:

- (1) Is issued by an insurance company or other legal entity permitted to transact insurance

- business in the Commonwealth of Kentucky;
- (2) Provides for general liability coverage for measurement contractors in an amount of at least two hundred fifty thousand dollars (\$250,000)~~{five hundred thousand dollars (\$500,000)}~~ that is maintained in effect at all times during the registration~~{certification}~~ period;
- (3) Provides for general liability coverage for mitigation contractors in an amount of at least five hundred thousand dollars (\$500,000) that is maintained in effect at all times during the registration period;
- (4) Lists the cabinet as a certificate holder of any insurance policy issued under subsection (1) of this section; and
- ~~(5)~~~~(4)~~ States that cancellation or nonrenewal of the underlying liability insurance policy is not effective until the cabinet receives at least ten (10) days' written notice of the cancellation or nonrenewal.

➔Section 8. KRS 211.9115 is amended to read as follows:

- (1) The cabinet shall issue a ~~{certification as a}~~ radon laboratory registration certificate to any business entity certified for radon laboratory analysis that completes a registration process prescribed by the cabinet through promulgation of an administrative regulation~~{person or entity that:~~
- (a) ~~Submits a complete and accurate application for certification on a form prescribed by the cabinet through promulgation of an administrative regulation that includes the name of at least one (1) measurement contractor who is responsible for analytical activities;~~
- (b) ~~Pays the certification fee as established by the cabinet through promulgation of an administrative regulation within the following restrictions:~~
1. ~~An initial certification fee shall not exceed two hundred fifty dollars (\$250);~~

2. — An annual renewal fee shall not exceed two hundred fifty dollars (\$250);
  3. — A duplicate certificate fee shall not exceed twenty dollars (\$20); and
  4. — A late renewal fee shall not exceed one hundred dollars (\$100);
- (c) — ~~Submits a quality control program plan that meets the minimum standard operating procedures requirements established by the cabinet through promulgation of an administrative regulation;~~
- (d) — ~~Utilizes only cabinet approved measurement devices and analytical services, and submits a description of each type of measurement device and analytical service utilized; and~~
- (e) — ~~Provides documentation of enrollment and good standing within a cabinet approved independent laboratory accreditation program for each type of measurement device and analytical service utilized].~~
- (2) A radon laboratory shall:
- (a) ~~{Employ as a staff member at least one (1) measurement contractor who shall direct the analytical activities of the laboratory;~~
  - (b) — ~~Ensure all laboratory analysis is{activities are }conducted in accordance with the {minimum }standard operating procedures {requirements }established by the proficiency program that the business entity is certified by{cabinet through promulgation of an administrative regulation for each type of measurement device and analytical service utilized}; and~~
  - (b){(e)} Maintain a quality control program plan in accordance with the standard operating procedures established by the proficiency program that the business entity is certified by{Ensure all radon laboratory analyses are conducted in compliance with applicable state and federal regulations}.
- ➔ Section 9. KRS 211.9119 is amended to read as follows:

A business entity may engage in ~~the business of~~ radon measurement, mitigation, or laboratory analysis if the owner or an employee associated with the business entity is ~~certified as~~ a measurement or mitigation contractor, or radon laboratory, as applicable. ~~A measurement or mitigation contractor directly in charge of measurement or mitigation activities within the business entity shall notify the cabinet in writing immediately upon termination of a relationship with the business entity.~~

→ Section 10. KRS 211.9121 is amended to read as follows:

- (1) A person or business entity seeking biennial registration ~~annual renewal of certification~~ shall complete the registration process prescribed by the cabinet through the promulgation of administrative regulations. No fees or other expenses for registration shall be applied by the cabinet ~~pay the renewal fee not to exceed two hundred fifty dollars (\$250) as promulgated by the cabinet in an administrative regulation and shall submit an application for renewal on a form prescribed by the cabinet. An application for renewal is deemed filed on the date that it is received by the cabinet.~~
- (2) Registrations ~~Certificates~~ not renewed within thirty (30) days after the renewal date shall lapse and may only be reinstated upon the completion of the registration process as prescribed by the cabinet through the promulgation of administrative regulations ~~pay a late renewal fee not to exceed one hundred dollars (\$100) as promulgated by the cabinet in administrative regulation.~~
- (3) A registrant shall report any change of information submitted during the registration process in writing to the cabinet within ten (10) days of such change taking place. The cabinet shall not be responsible for a registrant not receiving notices, communications, or other correspondence caused by a failure of the registrant to report changes ~~Certificates not renewed within ninety (90) days of the renewal date shall lapse and may only be reinstated upon payment of a late renewal fee and initial certificate fee as~~

~~promulgated by the cabinet in an administrative regulation and providing proof of insurance as required under KRS 211.9113.~~

~~(4) A certified person shall report any change of information submitted in applying for certification in writing to the cabinet within ten (10) days of such change taking place. The cabinet shall not be responsible for a certified person not receiving notices, communications, and other correspondence caused by failure of the certified person to report changes.~~

~~(5) The cabinet shall promulgate administrative regulations for establishing an inactive certification status].~~

➔Section 11. KRS 211.9125 is amended to read as follows:

(1) Subject to an administrative hearing conducted in accordance with KRS Chapter 13B, the cabinet may revoke, suspend, or restrict the registration~~[certificate]~~ of a registrant~~[certificate holder]~~, refuse to issue or renew registration~~[certification]~~, reprimand, censure, place on probation, or impose a fine not to exceed five hundred dollars (\$500) per occurrence on a certified person or business entity who:

- (a) Has been convicted of a felony under the laws of the Commonwealth of any crime that involves theft or dishonesty, or is a sex crime as defined by KRS 17.500~~[, if in accordance with KRS Chapter 335B]~~;
- (b) Has had disciplinary action taken against a professional license, certification, registration, or permit held by the person or business entity seeking registration~~[certification]~~;
- (c) Engaged in fraud or deceit in obtaining certification or registration;
- (d) Attempts to transfer the authority granted by the registration~~[certificate]~~ to another person or business entity;
- (e) Disregards or violates the building codes, electrical codes, or related laws of this

- Commonwealth or ordinances of any city, county, urban-county government, consolidated local government, charter county government, or unified local government;
- (f) Aids or abets any person attempting to evade the provisions of KRS 211.9101 to 211.9135 or the administrative regulations promulgated thereunder by the cabinet;
  - (g) Uses unfair or deceptive trade practices; or
  - (h) Knowingly violates any of the provisions of KRS 211.9101 to 211.9135 or any administrative regulation promulgated thereunder by the cabinet~~[pertaining to radon measurement, mitigation, or laboratory analysis]~~.
- (2) If an application for registration~~[certification]~~ or renewal of registration~~[certification]~~ is denied, the person or business entity seeking registration~~[certification]~~ shall not conduct radon measurement, mitigation, or laboratory analysis within the Commonwealth of Kentucky.
- (3) Notwithstanding the existence or pursuit of any other civil or criminal remedy, the cabinet may institute proceedings in the Circuit Court of the county where the person resides or the business entity is located for an order enjoining the person or business entity from engaging or attempting to engage in activities that violate any provisions of KRS 211.9101 to 211.9135 or any administrative regulation promulgated thereunder by the cabinet~~[pertaining to radon measurement, mitigation, or laboratory analysis]~~.
- (4) Any final order of the cabinet may be appealed to the Circuit Court of the county in which the person resides or the business entity is located after a written decision is rendered in accordance with KRS Chapter 13B.
- ➔Section 12. KRS 211.9129 is amended to read as follows:
- (1) The cabinet may examine records of mitigation contractors, measurement contractors, and radon laboratories, including but not limited to~~[and conduct]~~conducting inspections of



- mitigation system installations and measurement locations in order to ensure that radon measurement, mitigation, and laboratory analysis are conducted in accordance with the~~radon mitigation systems are installed in compliance with mitigation~~ standard operating procedures established by the proficiency program that the person or business entity is certified by~~cabinet through promulgation of an administrative regulation~~.
- (2) The cabinet may examine records of measurement contractors, mitigation contractors, and radon laboratories to ensure radon measurements, mitigation, and laboratory analysis are conducted in accordance with the~~compliance with measurement~~ standard operating procedures established by the proficiency program that the person or business entity is certified by~~cabinet through promulgation of an administrative regulation~~.
- (3) The cabinet may test any equipment used for measurement,~~or~~ mitigation, or laboratory analysis, photograph or sketch any portion of a site, building, or equipment involved in measurement,~~or~~ mitigation, or laboratory analysis, or copy any documents or records pertaining to measurement,~~or~~ mitigation, or laboratory analysis.
- (4) No person shall use or continue to use, or permit the use or continued use of, any radon mitigation system if an agent or inspector of the cabinet finds that the radon mitigation system was not constructed, installed, or altered in accordance with the ~~mitigation~~ standard operating procedures established by the proficiency program that the person or business entity is certified by~~cabinet through promulgation of an administrative regulation~~.
- (5) For purposes of enforcing KRS 211.9101 to 211.9135 or any administrative regulation promulgated by the cabinet pertaining to radon measurement, mitigation, or laboratory analysis, an agent or inspector of the cabinet shall have the power to enter upon premises at all reasonable times to make an inspection, question all persons, and require the production of radon mitigation system plans, sketches, diagnostic information, and other evidence.

(6) Agents and inspectors of the cabinet shall be empowered to issue a stop order to any owner, agent, or occupant of real property requiring that the radon mitigation system thereon cease operation if that system has been found to be in violation of KRS 211.9101 to 211.9135 or any administrative regulation promulgated thereunder by the cabinet~~[pertaining to radon measurement, mitigation, or laboratory analysis]~~.

(7) A person shall not interfere with an inspection conducted by an agent or inspector of the cabinet.

➔Section 13. KRS 211.9131 is amended to read as follows:

(1) Any certified person or business entity shall report to the cabinet the discovery of any apparent noncompliance with any provision of KRS 211.9101 to 211.9135 or any administrative regulation promulgated thereunder by the cabinet pertaining to radon measurement, mitigation, or laboratory analysis.

(2) Records required by this chapter or administrative regulations promulgated under KRS 211.9101 to 211.9135, including but not limited to records of radon measurement, mitigation, quality control program plans, calibration certifications, laboratory analysis activities, worker health and safety plans, and equipment repairs shall be retained by registrants~~[certificate holders]~~, as applicable, for a minimum period of five (5) years or the length of time of any warranty or guarantee, whichever is greater.

(3) Any measurement or mitigation contractor applying for registration~~[certification]~~ or renewal of registration~~[certification]~~ shall specify, for approval by the cabinet, the location where records required under this section shall be maintained for inspection by the cabinet. This location shall be within the Commonwealth of Kentucky~~[or within fifty (50) miles of the border of the Commonwealth of Kentucky and at the location where the certificate holder who supervises the quality control program plan is located]~~.

➔Section 14. KRS 211.9135 is amended to read as follows:

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- (1) The Cabinet for Health and Family Services shall be the regulatory agency for the control of radon in the Commonwealth of Kentucky.
- (2) The cabinet shall develop and conduct programs for evaluation and control of activities related to radon including laboratory analyses, mitigation, and measurements.
- (3) The cabinet shall:
  - (a) Promulgate administrative regulations in accordance with KRS Chapter 13A to administer, coordinate, and enforce KRS 211.9101 to 211.9135;
  - (b) Maintain a **public** list of all certified persons **or business entities registered by the cabinet**;
  - (c) Issue **a registration certificate to certified persons or business entities registered by the cabinet**~~[certificates and certificate renewals to qualified persons]~~;
  - (d) ~~[Promulgate administrative regulations establishing requirements for:~~
    1. ~~A quality control program plan for certified persons, including what each certified person administering a plan shall submit and maintain; and~~
    2. ~~Mitigation and measurement standard operating procedures;~~
  - ~~(e)]~~Promote the control of radon in the Commonwealth;
  - ~~(e)]~~(f) Design and administer, or participate in the design and administration of educational and research programs to ensure citizens of the Commonwealth are informed about the health risks associated with radon;
  - ~~(f)]~~(g) Appoint personnel to perform duties and fix their compensation;
  - ~~(g)]~~(h) Issue subpoenas, administer oaths, examine witnesses, investigate allegations of wrongdoing, and conduct administrative hearings in accordance with KRS Chapter 13B to enforce KRS 211.9101 to 211.9135; and
  - ~~(h)]~~(i) Collect or receive all fees, fines, and other moneys owed pursuant to KRS 211.9101 to 211.9135, and deposit all those moneys into the radon mitigation and

control fund established by KRS 211.9133.

→Section 15. The following KRS sections are repealed:

211.9117 Display of certification number -- Limitation of activities of persons with dual certifications.

211.9123 State certification by reciprocity.

211.9127 Continuing education requirements for certified persons.".