

1 AN ACT relating to radon gas certifications.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

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

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

5 (1) "Alter" means to change or modify a building or building design, or to revise, rather  
6 than repair, a mitigation system or mitigation system design;

7 (2) "Analytical analysis" means the act of analyzing the radon or radon progeny  
8 concentrations with active measurement devices;

9 (3) ~~["Applicant" means a radon laboratory or a person who applies for certification as a  
10 radon measurement contractor or radon mitigation contractor;~~

11 ~~(4)~~ "Building" means any structure used or intended to be used for supporting or  
12 sheltering any use or occupancy;

13 ~~(4)~~~~(5)~~ "Cabinet" means Cabinet for Health and Family Services;

14 ~~(5)~~~~(6)~~ "Certified" means meeting the certification requirements of a proficiency  
15 program for~~[KRS 211.9109, 211.9111, or 211.9115 in order to perform]~~ radon  
16 measurement, radon mitigation, or radon laboratory analysis;

17 ~~(6)~~~~(7)~~ "Commercial building" means any building other than a residential building,  
18 including those buildings intended for public purposes;

19 ~~(7)~~~~(8)~~ "Commissioner" means the commissioner of the Department for Public  
20 Health;

21 ~~(8)~~~~(9)~~ "Committee" means the Kentucky Radon Program Advisory Committee;

22 ~~(9)~~~~(10)~~ "Compensation" means something of value given or received in exchange for  
23 radon measurement, radon mitigation, or laboratory analysis;

24 ~~(10)~~~~(11)~~ "Contractor" means a person or business entity that provides goods or services  
25 to another person under the terms specified in a contract or verbal agreement, and  
26 who is not an agent or employee of that person;

27 ~~(11)~~~~(12)~~ "Direct supervision" means constant onsite supervision by a certified person;

1 ~~(12)~~~~(13)~~ "General supervision" means intermittent onsite supervision by a certified  
2 person who accepts responsibility for ensuring compliance by his or her employees  
3 or subcontractors with all applicable requirements under KRS 211.9101 to  
4 211.9135;

5 ~~(13)~~~~(14)~~ "Government agency" means the Commonwealth of Kentucky, a state agency,  
6 a political subdivision, or any entity of local government;

7 ~~(14)~~~~(15)~~ "Laboratory analysis" means the act of analyzing the radon or radon progeny  
8 concentrations with passive measurement devices, or the act of calibrating radon or  
9 radon progeny measurement devices, or the act of exposing radon or radon progeny  
10 devices to controlled concentrations of radon or radon progeny;

11 ~~(15)~~~~(16)~~ "Measurement" means the act of testing the air, water, or soil using an active  
12 or passive measurement device for the presence of radon or radon progeny in the  
13 indoor environment of a building;

14 ~~(16)~~~~(17)~~ "Measurement device" means any ~~cabinet-approved~~ active or passive device  
15 approved by a proficiency program and used for the measurement of radon or  
16 radon progeny in air, water, or soil in the indoor environment of a building;

17 ~~(17)~~~~(18)~~ "Measurement contractor" means a person certified by a proficiency program  
18 who provides~~meets the requirements of KRS 211.9109 and is certified by the~~  
19 ~~cabinet to conduct~~ radon measurement for compensation and who meets the  
20 requirements of Section 5 of this Act;

21 ~~(18)~~~~(19)~~ "Mitigation" means the act of installing, repairing, or altering an active or  
22 passive system, for the purpose in whole or in part of reducing the concentration of  
23 radon or radon progeny in the indoor environment of a building;

24 ~~(19)~~~~(20)~~ "Mitigation contractor" means a person certified by a proficiency program  
25 who provides~~meets the requirements of KRS 211.9111 and is certified by the~~  
26 ~~cabinet to conduct~~ radon mitigation for compensation and who meets the  
27 requirements of Section 6 of this Act;

- 1 ~~(20)~~~~(21)~~ "Mitigation system" means any active or passive system designed to reduce  
2 radon concentrations in the indoor environment of a building;
- 3 ~~(21)~~~~(22)~~ "Person" has the same meaning as in KRS 446.010;
- 4 **(22) "Proficiency program" means either the National Radon Proficiency Program or**  
5 **the National Radon Safety Board;**
- 6 (23) "Radon" means a naturally occurring radioactive element that exists as a colorless,  
7 odorless, and tasteless inert gas;
- 8 (24) "Radon decay products" means the four (4) short-lived radioactive elements  
9 polonium (Po-218), lead (Pb-214), bismuth (Bi-214), and polonium (Po-214) which  
10 exist as solids and immediately follow radon (Rn-222) in the decay chain;
- 11 (25) "Radon laboratory" means a business entity **certified by a proficiency program** that  
12 **provides**~~meets the requirements of KRS 211.9115 and is certified by the cabinet to~~  
13 ~~conduct~~ laboratory analysis for compensation **and meets the requirements of**  
14 **Section 8 of this Act;**
- 15 (26) "Radon progeny" means any combination of the radioactive decay products of  
16 radon;
- 17 (27) **Registrant" means a person or business entity registered with the cabinet as a**  
18 **measurement contractor, mitigation contractor, or radon laboratory;**
- 19 **(28)** "Research" means cabinet-approved scientific investigation that includes radon  
20 measurement, radon mitigation, or laboratory analysis;
- 21 ~~(29)~~~~(28)~~ "Residential building" means detached one (1) to four (4) family dwellings not  
22 more than three (3) stories in height where occupants are primarily permanent in  
23 nature; and
- 24 ~~(30)~~~~(29)~~ "Standard operating procedure" means a written document that describes in  
25 detail commonly accepted methods for the performance of certain tasks.
- 26 ➔Section 2. KRS 211.9103 is amended to read as follows:
- 27 (1) The Kentucky Radon Program Advisory Committee is hereby created and shall be

1 attached to the cabinet~~[Cabinet for Health and Family Services]~~ for administrative  
2 purposes. Each member of the committee shall be a citizen and resident of the  
3 Commonwealth of Kentucky. The committee shall consist of nine (9) members as  
4 follows:

- 5 (a) Four (4) members shall be either a radon measurement contractor, a radon  
6 mitigation contractor, or a person associated with a radon laboratory  
7 conducting laboratory analysis and shall be appointed by the Governor from a  
8 list of six (6) names submitted to the Governor by the Kentucky Association  
9 of Radon Professionals;
- 10 (b) One (1) member shall be a representative of the home building industry and  
11 shall be appointed by the Governor from a list of three (3) names submitted to  
12 the Governor by the Home Builders Association of Kentucky;
- 13 (c) One (1) member shall be a real estate salesperson or broker licensed under  
14 KRS Chapter 324 and shall be appointed by the Governor from a list of three  
15 (3) names submitted to the Governor by the Kentucky Association of Realtors;
- 16 (d) One (1) member shall be a representative of a public health organization and  
17 shall be appointed by the Governor from a list of three (3) names submitted to  
18 the Governor by the Kentucky Cancer Consortium;
- 19 (e) One (1) member shall be the commissioner of the Department for Public  
20 Health, Cabinet for Health and Family Services, or his or her designee; and
- 21 (f) One (1) member shall be a citizen at large appointed by the Governor who  
22 shall represent the public and shall not be associated with or financially  
23 interested in the practice of radon measurement, mitigation, or laboratory  
24 analysis.
- 25 (2) (a) To be eligible for initial appointment as a member of the committee under  
26 subsection (1)(a) of this section, a person shall have been actively engaged in  
27 the practice of radon measurement, mitigation, or laboratory analysis for not

1 less than three (3) years immediately preceding the date of appointment to the  
2 committee.

3 (b) Upon expiration of the initial appointments, to be eligible for appointment as  
4 a member of the committee under subsection (1)(a) of this section, a person  
5 shall have been actively engaged in the practice of radon measurement,  
6 mitigation, or laboratory analysis for not less than three (3) years immediately  
7 preceding the date of the appointment to the committee and hold a valid  
8 certification as a radon measurement contractor or radon mitigation  
9 contractor, or be associated with a radon laboratory with a valid certification.

10 (3) Except for the commissioner, who shall serve as long as he or she holds his or her  
11 appointment as commissioner, the Governor shall initially appoint two (2) members  
12 for a term of four (4) years, two (2) members for a term of three (3) years, two (2)  
13 members for a term of two (2) years, and two (2) members for a term of one (1)  
14 year. All appointments shall expire on June 30 of the last year of the terms.  
15 Thereafter, members shall be appointed for terms of four (4) years. No person shall  
16 serve more than two (2) consecutive terms. Members shall serve until their  
17 successors are appointed.

18 (4) Upon recommendation of the committee, the Governor may remove any member of  
19 the committee appointed by the Governor for poor attendance, neglect of duty,  
20 misfeasance, or malfeasance in office.

21 (5) Vacancies in the membership of the committee for any cause shall be filled by  
22 appointment by the Governor for the balance of the unexpired term.

23 (6) A majority of the committee shall constitute a quorum to do business. The  
24 committee shall meet at least once each calendar quarter in a location designated by  
25 the chairperson. The committee may meet upon special call by the chairperson or a  
26 majority of the committee. **The cabinet shall host all committee meetings, manage**  
27 **all meeting agendas, and notify committee members of meeting dates, times, and**

1 *locations under the direction of the chairperson.*

2 (7) The committee shall elect a chairperson and a vice chairperson. The chairperson  
3 shall preside at all meetings at which the chairperson is present. The vice  
4 chairperson shall preside at all meetings in the absence of the chairperson.

5 (8) If the chairperson and vice chairperson are absent from a meeting of the committee  
6 when a quorum exists, the members who are present may elect a presiding officer  
7 who shall serve as acting chairperson until the conclusion of the meeting or until the  
8 arrival of the chairperson or vice chairperson.

9 *(9) Committee members, except for those members employed by the Commonwealth,*  
10 *shall receive a fifty dollar (\$50) per diem reimbursement for each in-person*  
11 *meeting that they attend.*

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

13 The committee shall:

14 (1) Advise the cabinet with the review, development, and maintenance of standard  
15 operating procedures for radon measurement, radon mitigation, laboratory analysis,  
16 and quality control;

17 (2) Advise the cabinet with preparing an annual budget for the use of moneys received  
18 by the cabinet from the collection of fees and fines, receipt of grants, and all other  
19 radon-related activities;

20 (3) Review and comment on relevant administrative regulations that are promulgated  
21 pursuant to KRS 211.9101 to 211.9135 and make recommendations to and  
22 otherwise advise the cabinet on these matters;

23 (4) *Record*~~Keep~~ minutes of committee meetings and ~~fa record of all~~ proceedings  
24 *which shall be documented and maintained for the committee by the cabinet in a*  
25 *public forum;*

26 (5) Make recommendations to the cabinet provided that the final determination rests  
27 with the cabinet;

- 1 (6) Hold the first meeting of the committee no later than October 1, 2011, to be  
 2 convened by the commissioner; and
- 3 (7) Perform any other duties and responsibilities relating to the topic of radon that may  
 4 be assigned by the cabinet.

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

6 No person or business entity shall conduct radon measurement, mitigation, or laboratory  
 7 analysis in this Commonwealth after January 1, 2013, without the appropriate  
 8 certification pursuant to KRS 211.9101 to 211.9135. No person or business entity shall  
 9 advertise or claim to be a "certified measurement contractor," "certified mitigation  
 10 contractor," or "certified radon laboratory," unless certified pursuant to KRS 211.9101 to  
 11 211.9135. Certification requirements under KRS 211.9101 to 211.9135 shall apply to a  
 12 radon measurement contractor, radon mitigation contractor, or radon laboratory, but shall  
 13 not apply to:

- 14 (1) A person performing measurement or mitigation on a single-family residential  
 15 building that he or she owns and occupies;
- 16 (2) A person performing measurement on a residential or commercial building that he  
 17 or she owns;
- 18 (3) *A person performing measurement who assists, and is under the general*  
 19 *supervision of, a measurement contractor*~~[An apprentice in the process of learning~~  
 20 ~~radon measurement, mitigation, or laboratory analysis who assists and is under the~~  
 21 ~~general supervision of a measurement or mitigation contractor];~~
- 22 (4) *A person performing mitigation who assists, and is under the direct supervision*  
 23 *of, a mitigation contractor;*
- 24 (5) An agent of the federal, state, or local government agency acting within an official  
 25 capacity~~[ who shall make payment of certification fees but who shall not otherwise~~  
 26 ~~be required to comply with KRS 211.9101 to 211.9135];~~

27 (6)~~(5)~~ A person performing measurement or mitigation as part of a scientific

1 research project approved by the cabinet;

2 ~~(7)(6)~~ A retail store or any other organization that sells or distributes radon  
3 measurement devices and is not engaged in a relationship with the client for other  
4 services, such as home inspection or real estate brokerage, and that does not conduct  
5 measurement, mitigation, or laboratory analysis;

6 ~~(8)(7)~~ A person performing measurement or mitigation as part of radon training  
7 approved by **a proficiency program**~~[the cabinet]~~; or

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

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

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

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

17 (b) **Furnishes evidence of a general liability insurance policy that satisfies the**  
18 **requirements of Section 7 of this Act**~~[Pays the certification fee established by~~  
19 ~~the cabinet through promulgation of an administrative regulation within the~~  
20 ~~following restrictions:~~

21 1. ~~An initial certification fee shall not exceed two hundred fifty dollars~~  
22 ~~(\$250);~~

23 2. ~~An annual renewal fee shall not exceed two hundred fifty dollars (\$250);~~

24 3. ~~A duplicate certificate fee shall not exceed twenty dollars (\$20); and~~

25 4. ~~A late renewal fee shall not exceed one hundred dollars (\$100);~~

26 ~~(c) Provides the cabinet with documentation of successful completion of a~~  
27 ~~cabinet approved radon measurement course and exam;~~



- 1       ~~(d) For renewal of certification, provides proof of completion of at least eight (8)~~  
 2           ~~hours of continuing education per year;~~
- 3       ~~(e) Submits a quality control program plan that meets the minimum standard~~  
 4           ~~operating procedures requirements as established by the cabinet through~~  
 5           ~~promulgation of an administrative regulation; and~~
- 6       ~~(f) Furnishes evidence of financial responsibility to the cabinet consisting of a~~  
 7           ~~liability insurance policy that satisfies the requirements of KRS 211.9113].~~
- 8       (2) **The cabinet shall renew the radon measurement contractor registration**  
 9           **certificate of any person who:**
- 10       **(a) Presents proof of compliance with a cabinet approved proficiency program;**  
 11           **and**
- 12       **(b) Who furnishes evidence of a general liability insurance policy that satisfies**  
 13           **the requirements of Section 7 of this Act;**
- 14       (3) A measurement contractor shall:
- 15       (a) Ensure all measurements are conducted in accordance with the ~~measurement~~  
 16           ~~standard operating procedures established by the~~ **proficiency program that**  
 17           **the person is certified by**~~[cabinet through promulgation of an administrative~~  
 18           ~~regulation];~~
- 19       (b) Maintain a quality control program plan **in accordance with the standard**  
 20           **operating procedures established by the proficiency program that the person**  
 21           **is certified by**~~[that meets the minimum standard operating procedures~~  
 22           ~~requirements established by the cabinet through promulgation of an~~  
 23           ~~administrative regulation];~~
- 24       (c) Ensure all **measurements**~~[measurement activities]~~ are conducted under the  
 25           general supervision of ~~[an individual certified to conduct radon ]~~ **measurement**  
 26           **contractor;**
- 27       (d) Use or sell only **measurement**~~[cabinet approved]~~ devices **approved by the**

1            proficiency program that the person is certified by~~[to conduct radon~~  
2            ~~measurement]~~; and

3            (e) Ensure all ~~[services procured from a radon ]~~laboratory analysis is~~[are]~~  
4            ~~procured~~ through~~[from]~~ a radon laboratory~~[ certified by the cabinet].~~

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

6            (1) The cabinet shall issue a ~~[certification as a ]~~mitigation contractor registration  
7            certificate to any person certified for mitigation who:

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

12            (b) Furnishes evidence of a general liability insurance policy that satisfies the  
13            requirements of Section 7 of this Act~~[Pays the certification fee established by~~  
14            ~~the cabinet through promulgation of an administrative regulation within the~~  
15            ~~following restrictions:~~

16            1. ~~An initial certification fee shall not exceed two hundred fifty dollars~~  
17            ~~(\$250);~~

18            2. ~~An annual renewal fee shall not exceed two hundred fifty dollars (\$250);~~

19            3. ~~A duplicate certificate fee shall not exceed twenty dollars (\$20); and~~

20            4. ~~A late renewal fee shall not exceed one hundred dollars (\$100);~~

21            ~~(c) Provides the cabinet with documentation of successful completion of a~~  
22            ~~cabinet approved radon mitigation course and exam;~~

23            ~~(d) For renewal of certification, provides proof of completion of at least eight (8)~~  
24            ~~hours of continuing education credit per year;~~

25            ~~(e) Submits a quality control program plan that meets the minimum standard~~  
26            ~~operating procedures requirements established by the cabinet through~~  
27            ~~promulgation of an administrative regulation; and~~

1 ~~(f) Furnishes evidence of financial responsibility to the cabinet consisting of a~~  
 2 ~~liability insurance policy that satisfies the requirements of KRS 211.9113].~~

3 **(2) The cabinet shall renew the mitigation contractor registration certificate of any**  
 4 **person who:**

5 **(a) Presents proof of compliance with a cabinet-approved proficiency program;**

6 **and**

7 **(b) Who furnishes evidence of a general liability insurance policy that satisfies**  
 8 **the requirements of Section 7 of this Act.**

9 **(3)** A mitigation contractor shall:

10 (a) Ensure all mitigations are conducted in accordance with ~~the~~~~[mitigation]~~  
 11 standard operating procedures established by ~~the proficiency program that~~  
 12 ~~the person is certified by~~~~[an administrative regulation promulgated by the~~  
 13 ~~cabinet]~~;

14 (b) Maintain a quality control program plan ~~in accordance with the~~~~[that meets~~  
 15 ~~the minimum]~~ standard operating procedures ~~requirements]~~ established by  
 16 the ~~proficiency program that the person is certified by~~~~[cabinet through~~  
 17 ~~promulgation of an administrative regulation]~~;

18 (c) Ensure all mitigation ~~is~~~~[activities are]~~ conducted under the ~~direct~~~~[general]~~  
 19 supervision of ~~a~~~~[an individual certified to conduct radon]~~ mitigation  
 20 ~~contractor~~;

21 (d) Ensure ~~all~~ post-mitigation measurement is conducted by a ~~person certified to~~  
 22 ~~conduct]~~ measurement ~~contractor~~; and

23 (e) Ensure all radon mitigation systems repaired or altered on or after January 1,  
 24 2013, meet the ~~mitigation]~~ standard operating procedures established by ~~the~~  
 25 ~~proficiency program that the person is certified by~~~~[an administrative~~  
 26 ~~regulation promulgated by the cabinet]~~.

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

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

2 (1) Is issued by an insurance company or other legal entity permitted to transact  
3 insurance business in the Commonwealth of Kentucky;

4 (2) Provides for general liability coverage **for measurement contractors** in an amount  
5 of at least **two hundred fifty thousand dollars (\$250,000)**~~[five hundred thousand~~  
6 ~~dollars (\$500,000)]~~ that is maintained in effect at all times during the  
7 **registration**~~[certification]~~ period;

8 (3) **Provides for general liability coverage for mitigation contractors in an amount of**  
9 **at least five hundred thousand dollars (\$500,000) that is maintained in effect at**  
10 **all times during the registration period;**

11 **(4)** Lists the cabinet as a certificate holder of any insurance policy issued under  
12 subsection (1) of this section; and

13 **(5)**~~[(4)]~~ States that cancellation or nonrenewal of the underlying liability insurance  
14 policy is not effective until the cabinet receives at least ten (10) days' written notice  
15 of the cancellation or nonrenewal.

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

17 (1) The cabinet shall issue a ~~[certification as a]~~radon laboratory **registration certificate**  
18 to any **business entity certified for radon laboratory analysis that completes a**  
19 **registration process prescribed by the cabinet through promulgation of an**  
20 **administrative regulation**~~[person or entity that:~~

21 ~~(a) Submits a complete and accurate application for certification on a form~~  
22 ~~prescribed by the cabinet through promulgation of an administrative~~  
23 ~~regulation that includes the name of at least one (1) measurement contractor~~  
24 ~~who is responsible for analytical activities;~~

25 ~~(b) Pays the certification fee as established by the cabinet through promulgation~~  
26 ~~of an administrative regulation within the following restrictions:~~

27 1. ~~An initial certification fee shall not exceed two hundred fifty dollars~~

1                   (~~\$250~~);

2                   2. ~~— An annual renewal fee shall not exceed two hundred fifty dollars (\$250);~~

3                   3. ~~— A duplicate certificate fee shall not exceed twenty dollars (\$20); and~~

4                   4. ~~— A late renewal fee shall not exceed one hundred dollars (\$100);~~

5                   ~~(c) — Submits a quality control program plan that meets the minimum standard~~  
 6                   ~~operating procedures requirements established by the cabinet through~~  
 7                   ~~promulgation of an administrative regulation;~~

8                   ~~(d) — Utilizes only cabinet approved measurement devices and analytical services,~~  
 9                   ~~and submits a description of each type of measurement device and analytical~~  
 10                  ~~service utilized; and~~

11                  ~~(e) — Provides documentation of enrollment and good standing within a cabinet-~~  
 12                  ~~approved independent laboratory accreditation program for each type of~~  
 13                  ~~measurement device and analytical service utilized}.~~

14                  (2) **The cabinet shall renew the radon laboratory registration certificate of any**  
 15                  **business entity that:**

16                  **(a) Presents proof of compliance with a cabinet approved proficiency program;**

17                                 **and**

18                  **(b) Who furnishes evidence of a general liability insurance policy that satisfies**  
 19                                 **the requirements of Section 7 of this Act;**

20                  **(3)** A radon laboratory shall:

21                  (a) ~~{Employ as a staff member at least one (1) measurement contractor who shall~~  
 22                                 ~~direct the analytical activities of the laboratory;~~

23                  ~~(b) — }Ensure all laboratory analysis is{activities are }conducted in accordance with~~  
 24                                 ~~the {minimum }standard operating procedures {requirements }established by~~  
 25                                 ~~the **proficiency program that the business entity is certified by**{cabinet~~  
 26                                 ~~through promulgation of an administrative regulation for each type of~~  
 27                                 ~~measurement device and analytical service utilized}; and~~

1        ~~(b)(c)~~    *Maintain a quality control program plan in accordance with the*  
 2                    *standard operating procedures established by the proficiency program that*  
 3                    *the business entity is certified by* ~~[Ensure all radon laboratory analyses are~~  
 4                    ~~conducted in compliance with applicable state and federal regulations].~~

5        ➔ Section 9. KRS 211.9119 is amended to read as follows:

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

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

13        (1) A person *or business entity* seeking *biennial registration* ~~[annual renewal of~~  
 14        ~~certification]~~ shall *complete the registration process prescribed by the cabinet*  
 15        *through the promulgation of administrative regulations. No fees or other*  
 16        *expenses for registration shall be applied by the cabinet* ~~[pay the renewal fee not to~~  
 17        ~~exceed two hundred fifty dollars (\$250) as promulgated by the cabinet in an~~  
 18        ~~administrative regulation and shall submit an application for renewal on a form~~  
 19        ~~prescribed by the cabinet. An application for renewal is deemed filed on the date~~  
 20        ~~that it is received by the cabinet].~~

21        (2) *Registrations* ~~[Certificates]~~ not renewed within thirty (30) days after the renewal  
 22        date shall *lapse and may only be reinstated upon the completion of the*  
 23        *registration process as prescribed by the cabinet through the promulgation of*  
 24        *administrative regulations* ~~[ pay a late renewal fee not to exceed one hundred~~  
 25        ~~dollars (\$100) as promulgated by the cabinet in administrative regulation].~~

26        (3) *A registrant shall report any change of information submitted during the*  
 27        *registration process in writing to the cabinet within ten (10) days of such change*

1        *taking place. The cabinet shall not be responsible for a registrant not receiving*  
 2        *notices, communications, or other correspondence caused by a failure of the*  
 3        *registrant to report changes* [~~Certificates not renewed within ninety (90) days of the~~  
 4        ~~renewal date shall lapse and may only be reinstated upon payment of a late renewal~~  
 5        ~~fee and initial certificate fee as promulgated by the cabinet in an administrative~~  
 6        ~~regulation and providing proof of insurance as required under KRS 211.9113.~~

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

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

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

15       (1) Subject to an administrative hearing conducted in accordance with KRS Chapter  
 16       13B, the cabinet may revoke, suspend, or restrict the *registration* [~~certificate~~] of a  
 17       *registrant* [~~certificate holder~~], refuse to issue or renew *registration* [~~certification~~],  
 18       reprimand, censure, place on probation, or impose a fine not to exceed five hundred  
 19       dollars (\$500) *per occurrence* on a *certified* person *or business entity* who:

20       (a) Has been convicted of a felony under the laws of the Commonwealth of any  
 21       crime that involves theft or dishonesty, or is a sex crime as defined by KRS  
 22       17.500 [~~, if in accordance with KRS Chapter 335B~~];

23       (b) Has had disciplinary action taken against a professional license, certification,  
 24       registration, or permit held by the person *or business entity* seeking  
 25       *registration* [~~certification~~];

26       (c) Engaged in fraud or deceit in obtaining certification *or registration*;

27       (d) Attempts to transfer the authority granted by the *registration* [~~certificate~~] to

- 1 another person ***or business entity***;
- 2 (e) Disregards or violates the building codes, electrical codes, or related laws of  
3 this Commonwealth or ordinances of any city, county, urban-county  
4 government, consolidated local government, charter county government, or  
5 unified local government;
- 6 (f) Aids or abets any person attempting to evade the provisions of KRS 211.9101  
7 to 211.9135 or the administrative regulations promulgated thereunder by the  
8 cabinet;
- 9 (g) Uses unfair or deceptive trade practices; or
- 10 (h) Knowingly violates any of the provisions of KRS 211.9101 to 211.9135 or  
11 any administrative regulation promulgated thereunder by the cabinet~~[~~  
12 ~~pertaining to radon measurement, mitigation, or laboratory analysis]~~.
- 13 (2) If an application for ***registration***~~[certification]~~ or renewal of  
14 ***registration***~~[certification]~~ is denied, the person ***or business entity*** seeking  
15 ***registration***~~[certification]~~ shall not conduct radon measurement, mitigation, or  
16 laboratory analysis within the Commonwealth of Kentucky.
- 17 (3) Notwithstanding the existence or pursuit of any other civil or criminal remedy, the  
18 cabinet may institute proceedings in the Circuit Court of the county where the  
19 person resides ***or the business entity is located*** for an order enjoining the person ***or***  
20 ***business entity*** from engaging or attempting to engage in activities that violate any  
21 provisions of KRS 211.9101 to 211.9135 or any administrative regulation  
22 promulgated thereunder by the cabinet~~[ pertaining to radon measurement,~~  
23 ~~mitigation, or laboratory analysis]~~.
- 24 (4) Any final order of the cabinet may be appealed to the Circuit Court of the county in  
25 which the person resides ***or the business entity is located*** after a written decision is  
26 rendered in accordance with KRS Chapter 13B.
- 27 ➔Section 12. KRS 211.9129 is amended to read as follows:



- 1 (1) The cabinet may examine records of mitigation contractors, measurement  
2 contractors, and radon laboratories, including but not limited to~~[and conduct]~~  
3 conducting inspections of mitigation system installations and measurement  
4 locations in order to ensure that radon measurement, mitigation, and laboratory  
5 analysis are conducted in accordance with the~~[radon mitigation systems are~~  
6 ~~installed in compliance with mitigation]~~ standard operating procedures established  
7 by the proficiency program that the person or business entity is certified  
8 by~~[cabinet through promulgation of an administrative regulation]~~.
- 9 (2) The cabinet may examine records of measurement contractors, mitigation  
10 contractors, and radon laboratories to ensure radon measurements, mitigation, and  
11 laboratory analyses are conducted in accordance with the~~[compliance with~~  
12 ~~measurement]~~ standard operating procedures established by the proficiency  
13 program that the person or business entity is certified by~~[cabinet through~~  
14 ~~promulgation of an administrative regulation]~~.
- 15 (3) The cabinet may test any equipment used for measurement, ~~for~~ mitigation, or  
16 laboratory analysis; photograph or sketch any portion of a site, building, or  
17 equipment involved in measurement, ~~for~~ mitigation, or laboratory analysis; or  
18 copy any documents or records pertaining to measurement, ~~for~~ mitigation, or  
19 laboratory analysis.
- 20 (4) No person shall use or continue to use, or permit the use or continued use of, any  
21 radon mitigation system if an agent or inspector of the cabinet finds that the radon  
22 mitigation system was not constructed, installed, or altered in accordance with the  
23 ~~[mitigation]~~ standard operating procedures established by the proficiency program  
24 that the person or business entity is certified by~~[cabinet through promulgation of~~  
25 ~~an administrative regulation]~~.
- 26 (5) For purposes of enforcing KRS 211.9101 to 211.9135 or any administrative  
27 regulation promulgated by the cabinet pertaining to radon measurement, mitigation,

1 or laboratory analysis, an agent or inspector of the cabinet shall have the power to  
2 enter upon premises at all reasonable times to make an inspection, question all  
3 persons, and require the production of radon mitigation system plans, sketches,  
4 diagnostic information, and other evidence.

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

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

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

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

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

25 (3) Any measurement or mitigation contractor applying for registration~~[certification]~~  
26 or renewal of registration~~[certification]~~ shall specify, for approval by the cabinet,  
27 the location where records required under this section shall be maintained for

1 inspection by the cabinet. This location shall be within the Commonwealth of  
 2 Kentucky~~[ or within fifty (50) miles of the border of the Commonwealth of~~  
 3 ~~Kentucky and at the location where the certificate holder who supervises the quality~~  
 4 ~~control program plan is located].~~

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

6 (1) The Cabinet for Health and Family Services shall be the regulatory agency for the  
 7 control of radon in the Commonwealth of Kentucky.

8 (2) The cabinet shall develop and conduct programs for evaluation and control of  
 9 activities related to radon, including laboratory analyses, mitigation, and  
 10 measurements.

11 (3) The cabinet shall:

12 (a) Promulgate administrative regulations in accordance with KRS Chapter 13A  
 13 to administer, coordinate, and enforce KRS 211.9101 to 211.9135;

14 (b) Maintain a public list of all certified persons or business entities registered by  
 15 the cabinet;

16 (c) Issue a registration certificate to certified persons or business entities  
 17 registered by the cabinet~~[certificates and certificate renewals to qualified~~  
 18 ~~persons];~~

19 (d) ~~[Promulgate administrative regulations establishing requirements for:~~

20 1. ~~A quality control program plan for certified persons, including what~~  
 21 ~~each certified person administering a plan shall submit and maintain;~~

22 ~~and~~

23 2. ~~Mitigation and measurement standard operating procedures;~~

24 (e) ~~]Promote the control of radon in the Commonwealth;~~

25 (e)~~[(f)]~~ Design and administer, or participate in the design and administration of  
 26 educational and research programs to ensure citizens of the Commonwealth  
 27 are informed about the health risks associated with radon;

- 1        ~~(f)~~~~(g)~~    Appoint personnel to perform duties and fix their compensation;
- 2        ~~(g)~~~~(h)~~    Issue subpoenas, administer oaths, examine witnesses, investigate
- 3                    allegations of wrongdoing, and conduct administrative hearings in accordance
- 4                    with KRS Chapter 13B to enforce KRS 211.9101 to 211.9135; and
- 5        ~~(h)~~~~(i)~~    Collect or receive all fees, fines, and other moneys owed pursuant to
- 6                    KRS 211.9101 to 211.9135, and deposit all those moneys into the radon
- 7                    mitigation and control fund established by KRS 211.9133.

8        ➔Section 15. The following KRS sections are repealed:

- 9    211.9117 Display of certification number -- Limitation of activities of persons with dual
- 10                    certifications.
- 11    211.9123 State certification by reciprocity.
- 12    211.9127 Continuing education requirements for certified persons.