

1 AN ACT relating to radon safety.

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

3 ➔Section 1. KRS 211.9101 is repealed, reenacted as a new section of KRS
4 Chapter 309, and amended to read as follows:

5 As used in **Sections 1 to 13 of this Act**~~[KRS 211.9101 to 211.9135]~~, unless the context
6 requires otherwise:

- 7 (1) "Alter" means to change or modify a building or building design, or to revise, rather
8 than repair, a mitigation system or mitigation system design;
- 9 (2) "Analytical analysis" means the act of analyzing the radon or radon progeny
10 concentrations with active measurement devices;
- 11 (3) **"Board" means the Kentucky Board of Radon Safety;**
- 12 **(4)** "Building" means any structure used or intended to be used for supporting or
13 sheltering any use or occupancy;
- 14 ~~[(4) "Cabinet" means Cabinet for Health and Family Services;]~~
- 15 (5) "Certified" means meeting the certification requirements of a proficiency program
16 for radon measurement, radon mitigation, or radon laboratory analysis;
- 17 (6) "Commercial building" means any building other than a residential building,
18 including those buildings intended for public purposes;
- 19 ~~(7) ["Commissioner" means the commissioner of the Department for Public Health;~~
- 20 ~~(8) "Committee" means the Kentucky Radon Program Advisory Committee;~~
- 21 ~~(9)]~~"Compensation" means something of value given or received in exchange for
22 radon measurement, radon mitigation, or laboratory analysis;
- 23 **(8)**~~[(10)]~~ "Contractor" means a person or business entity that provides goods or services
24 to another person under the terms specified in a contract or verbal agreement, and
25 who is not an agent or employee of that person;
- 26 **(9)**~~[(11)]~~ "Direct supervision" means constant onsite supervision by a certified person;
- 27 **(10)**~~[(12)]~~ "General supervision" means intermittent onsite supervision by a certified

- 1 person who accepts responsibility for ensuring compliance by his or her employees
2 or subcontractors with all applicable requirements under **Sections 1 to 13 of this**
3 **Act**~~[KRS 211.9101 to 211.9135];~~
- 4 **(11)**~~[(13)]~~ "Government agency" means the Commonwealth of Kentucky, a state agency,
5 a political subdivision, or any entity of local government;
- 6 **(12)**~~[(14)]~~ "Laboratory analysis" means the act of analyzing the radon or radon progeny
7 concentrations with passive measurement devices, or the act of calibrating radon or
8 radon progeny measurement devices, or the act of exposing radon or radon progeny
9 devices to controlled concentrations of radon or radon progeny;
- 10 **(13)**~~[(15)]~~ "Measurement" means the act of testing the air, water, or soil using an active
11 or passive measurement device for the presence of radon or radon progeny in the
12 indoor environment of a building;
- 13 **(14)**~~[(16)]~~ "Measurement device" means any active or passive device approved by a
14 proficiency program and used for the measurement of radon or radon progeny in air,
15 water, or soil in the indoor environment of a building;
- 16 **(15)**~~[(17)]~~ "Measurement contractor" means a person certified by a proficiency program
17 who provides radon measurement for compensation and who meets the
18 requirements of **Section 5 of this Act**~~[KRS 211.9109];~~
- 19 **(16)**~~[(18)]~~ "Mitigation" means the act of installing, repairing, or altering an active or
20 passive system, for the purpose in whole or in part of reducing the concentration of
21 radon or radon progeny in the indoor environment of a building;
- 22 **(17)**~~[(19)]~~ "Mitigation contractor" means a person certified by a proficiency program
23 who provides radon mitigation for compensation and who meets the requirements
24 of **Section 6 of this Act**~~[KRS 211.9111];~~
- 25 **(18)**~~[(20)]~~ "Mitigation system" means any active or passive system designed to reduce
26 radon concentrations in the indoor environment of a building;
- 27 **(19)**~~[(21)]~~ "Person" has the same meaning as in KRS 446.010;

1 ~~(20)~~~~(22)~~ "Proficiency program" means either the National Radon Proficiency Program
2 or the National Radon Safety Board;

3 ~~(21)~~~~(23)~~ "Radon" means a naturally occurring radioactive element that exists as a
4 colorless, odorless, and tasteless inert gas;

5 ~~(22)~~~~(24)~~ "Radon decay products" means the four (4) short-lived radioactive elements
6 polonium (Po-218), lead (Pb-214), bismuth (Bi-214), and polonium (Po-214) which
7 exist as solids and immediately follow radon (Rn-222) in the decay chain;

8 ~~(23)~~~~(25)~~ "Radon laboratory" means a business entity certified by a proficiency program
9 that provides laboratory analysis for compensation and meets the requirements of
10 Section 8 of this Act~~[KRS 211.9115]~~;

11 ~~(24)~~~~(26)~~ "Radon progeny" means any combination of the radioactive decay products of
12 radon;

13 ~~(25)~~~~(27)~~ "Registrant" means a person or business entity registered with the
14 board~~[cabinet]~~ as a measurement contractor, mitigation contractor, or radon
15 laboratory;

16 ~~(26)~~~~(28)~~ "Research" means board~~[cabinet]~~-approved scientific investigation that
17 includes radon measurement, radon mitigation, or laboratory analysis;

18 ~~(27)~~~~(29)~~ "Residential building" means detached one (1) ~~to four (4)~~ family dwelling
19 ~~[dwellings not more than three (3) stories in height]~~ where occupants are primarily
20 permanent in nature; and

21 ~~(28)~~~~(30)~~ "Standard operating procedure" means a written document established by an
22 accredited American National Standards Institute development organization that
23 describes in detail commonly accepted methods for the performance of certain tasks
24 associated with radon measurement, mitigation, or laboratory analysis.

25 ➔Section 2. KRS 211.9103 is repealed, reenacted as a new section of KRS
26 Chapter 309, and amended to read as follows:

27 (1) The Kentucky Board of Radon Safety~~[Radon Program Advisory Committee]~~ is

1 hereby created and shall be attached to the *Department of Professional Licensing*
 2 *in the Public Protection Cabinet*~~[Cabinet for Health and Family Services]~~ for
 3 administrative purposes. Each member of the *board*~~[committee]~~ shall be a citizen
 4 and resident of the Commonwealth of Kentucky. The *board*~~[committee]~~ shall
 5 consist of *five (5)*~~[nine (9)]~~ members as follows:

6 (a) Four (4) members shall be either a radon measurement contractor, a radon
 7 mitigation contractor, or a person associated with a radon laboratory
 8 conducting laboratory analysis and shall be appointed by the Governor from a
 9 list of six (6) names submitted to the Governor by the Kentucky Association
 10 of Radon Professionals; *and*

11 (b) ~~[One (1) member shall be a representative of the home building industry and~~
 12 ~~shall be appointed by the Governor from a list of three (3) names submitted to~~
 13 ~~the Governor by the Home Builders Association of Kentucky;~~

14 (c) ~~One (1) member shall be a real estate salesperson or broker licensed under~~
 15 ~~KRS Chapter 324 and shall be appointed by the Governor from a list of three~~
 16 ~~(3) names submitted to the Governor by the Kentucky Association of Realtors;~~

17 (d) ~~One (1) member shall be a representative of a public health organization and~~
 18 ~~shall be appointed by the Governor from a list of three (3) names submitted to~~
 19 ~~the Governor by the Kentucky Cancer Consortium;~~

20 (e) ~~One (1) member shall be the commissioner of the Department for Public~~
 21 ~~Health, [Cabinet for Health and Family Services], or his or her designee; and~~

22 (f) ~~One (1) member shall be a citizen at large appointed by the Governor who~~
 23 ~~shall represent the public and shall not be associated with or financially~~
 24 ~~interested in the practice of radon measurement, mitigation, or laboratory~~
 25 ~~analysis].~~

26 (2) (a) To be eligible for initial appointment as a member of the *board*~~[committee]~~
 27 under subsection (1)(a) of this section, a person shall have been actively

- 1 engaged in the practice of radon measurement, mitigation, or laboratory
 2 analysis for not less than three (3) years immediately preceding the date of
 3 appointment to the **board**~~[committee]~~.
- 4 (b) Upon expiration of the initial appointments, to be eligible for appointment as
 5 a member of the **board**~~[committee]~~ under subsection (1)(a) of this section, a
 6 person shall have been actively engaged in the practice of radon measurement,
 7 mitigation, or laboratory analysis for not less than three (3) years immediately
 8 preceding the date of the appointment to the **board**~~[committee]~~ and hold a
 9 valid certification as a radon measurement contractor or radon mitigation
 10 contractor, or be associated with a radon laboratory with a valid certification.
- 11 (3) ~~The~~~~[Except for the commissioner, who shall serve as long as he or she holds his or~~
 12 ~~her appointment as commissioner, the]~~ Governor shall initially appoint two (2)
 13 members for a term of four (4) years, two (2) members for a term of three (3) years,
 14 ~~[two (2) members for a term of two (2) years,]~~and **one (1) member**~~[two (2)~~
 15 ~~members]~~ for a term of **two (2) years**~~[one (1) year]~~. All appointments shall expire
 16 on June 30 of the last year of the terms. Thereafter, members shall be appointed for
 17 terms of four (4) years. ~~[No person shall serve more than two (2) consecutive terms.~~
 18 ~~]Members shall serve until their successors are appointed.~~
- 19 (4) Upon recommendation of the **board**~~[committee]~~, the Governor may remove any
 20 member of the **board**~~[committee]~~ appointed by the Governor for poor attendance,
 21 neglect of duty, misfeasance, or malfeasance in office.
- 22 (5) Vacancies in the membership of the **board**~~[committee]~~ for any cause shall be filled
 23 by appointment by the Governor for the balance of the unexpired term.
- 24 (6) A majority of the **board**~~[committee]~~ shall constitute a quorum to do business. The
 25 **board**~~[committee]~~ shall meet at least once each calendar **year or at other times**
 26 **deemed necessary by the chairperson or a quorum of the board upon being given**
 27 **a minimum of ten (10) days' notice at**~~[quarter in]~~ a location designated by the

1 chairperson or a quorum of the board.~~[The committee may meet upon special call~~
 2 ~~by the chairperson or a majority of the committee.]~~

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

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

10 (9) There shall be no liability on the part of and no cause of action of any nature
 11 shall arise against the board, or its agents, for any action taken in the
 12 performance of the board in fulfilling its duties under this Sections 1 to 13 of this
 13 Act.

14 (10) Each member of the board shall be reimbursed for costs for actual travel and for
 15 incidental, clerical, and all other actual and necessary expenses incurred in the
 16 discharge of official duties associated with the board, as prescribed by the board
 17 through promulgation of an administrative regulation.

18 ➔Section 3. KRS 211.9105 IS REPEALED AND REENACTED AS A NEW
 19 SECTION OF KRS CHAPTER 309 TO READ AS FOLLOWS:

20 The board shall:

21 (1) Promote the control of radon in the Commonwealth of Kentucky;

22 (2) Develop and conduct programs for evaluation and control of activities related to
 23 radon, including laboratory analyses, measurement, and mitigation;

24 (3) Promulgate administrative regulations in accordance with KRS Chapter 13A to
 25 administer, coordinate, and enforce Sections 1 to 13 of this Act;

26 (4) Issue a registration certificate to certified persons or business entities registered
 27 by the board;

- 1 (5) Maintain a public list of all certified persons or business entities registered by the
2 board;
- 3 (6) Design and administer, or participate in the design and administration of
4 educational and research programs to ensure the citizens of the Commonwealth
5 are informed about the health risks associated with radon;
- 6 (7) Enter into agreements with any federal or state agency, political subdivision,
7 postsecondary education institution, nonprofit organization, or other person or
8 entity to assist with and administer grants received by the board, including but
9 not limited to the Environmental Protection Agency State Indoor Radon Grant
10 (SIRG) program;
- 11 (8) Prepare an annual budget for the use of moneys received by the board from the
12 collection of fees and fines, receipt of grants, and all other radon-related
13 activities;
- 14 (9) Establish and maintain office space and personnel, as necessary, to administer,
15 coordinate, and enforce Sections 1 to 13 of this Act;
- 16 (10) Collect or receive all fees, fines, and other moneys owed pursuant to Sections 1 to
17 13 of this Act, and deposit all those moneys into the radon control fund
18 established by Section 13 of this Act;
- 19 (11) Issue subpoenas, administer oaths, examine witnesses, investigate allegations of
20 wrongdoing, and conduct administrative hearings in accordance with KRS
21 Chapter 13B to enforce Sections 1 to 13 of this Act; and
- 22 (12) Record minutes of board meetings and proceedings which shall be documented
23 and made available for public inspection.

24 ➔Section 4. KRS 211.9107 is repealed, reenacted as a new section of KRS
25 Chapter 309, and amended to read as follows:

26 No person or business entity shall conduct radon measurement, mitigation, or laboratory
27 analysis in this Commonwealth after January 1, 2013, without the appropriate

1 certification pursuant to Sections 1 to 13 of this Act~~[KRS 211.9101 to 211.9135]~~. No
 2 person or business entity shall advertise or claim to be a "certified measurement
 3 contractor," "certified mitigation contractor," or "certified radon laboratory," unless
 4 certified pursuant to Sections 1 to 13 of this Act~~[KRS 211.9101 to 211.9135]~~.
 5 Certification requirements under Sections 1 to 13 of this Act~~[KRS 211.9101 to 211.9135]~~
 6 shall apply to a radon measurement contractor, radon mitigation contractor, or radon
 7 laboratory, but shall not apply to:

8 (1) A person performing measurement or mitigation on a one (1) family residential
 9 building that he or she owns and occupies;

10 (2) A person performing measurement who assists, and is under the general
 11 supervision of, a measurement contractor;

12 (3) A person performing mitigation who assists, and is under the direct supervision
 13 of, a mitigation contractor;

14 (4) An agent of the federal, state, or local government agency acting within an
 15 official capacity;

16 (5) A person performing measurement or mitigation as part of a scientific research
 17 project approved by the board;

18 (6) A person performing measurement or mitigation as part of radon training
 19 approved by a proficiency program; or

20 (7) A building contractor installing vent pipes during the construction of a
 21 commercial building or home.~~(1) — A person performing measurement or~~

22 ~~mitigation on a single family residential building that he or she owns and occupies;~~

23 ~~(2) — A person performing measurement on a residential or commercial building that he~~
 24 ~~or she owns;~~

25 ~~(3) — A person performing measurement who assists, and is under the general supervision~~
 26 ~~of, a measurement contractor;~~

27 ~~(4) — A person performing mitigation who assists, and is under the direct supervision of,~~

1 a mitigation contractor;

2 ~~(5) An agent of the federal, state, or local government agency acting within an official~~
3 ~~capacity;~~

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

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

10 ~~(8) A person performing measurement or mitigation as part of radon training approved~~
11 ~~by a proficiency program; or~~

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

14 ➔Section 5. KRS 211.9109 is repealed, reenacted as a new section of KRS
15 Chapter 309, and amended to read as follows:

16 (1) The **board**~~[cabinet]~~ shall issue a radon measurement contractor registration
17 certificate to any person certified for measurement who:

18 (a) Completes a registration process prescribed by the **board**~~[cabinet]~~ through
19 promulgation of an administrative regulation; and

20 (b) **Presents proof of compliance with a board-approved proficiency program;**
21 **and**

22 (c) Furnishes evidence of a general liability insurance policy that satisfies the
23 requirements of **Section 7 of this Act**~~[KRS 211.9113]~~.

24 (2) The **board**~~[cabinet]~~ shall renew the radon measurement contractor registration
25 certificate of any person who:

26 (a) **Completes a registration renewal process and pays a fee prescribed by the**
27 **board through promulgation of an administrative regulation;**

1 **(b)** Presents proof of compliance with a **board**~~[cabinet]~~-approved proficiency
2 program; and

3 **(c)** **Furnishes**~~[(b) — Who furnishes]~~ evidence of a general liability insurance
4 policy that satisfies the requirements of **Section 7 of this Act**~~[KRS 211.9113]~~;

5 (3) A measurement contractor shall:

6 **(a)** **Maintain certification with a board-approved proficiency program;**

7 **(b)** Ensure all measurements are conducted in accordance with the applicable
8 standard operating procedures;

9 **(c)**~~[(b)]~~ Maintain a quality control program plan in accordance with the standard
10 operating procedures for measurement quality assurance and control;

11 **(d)**~~[(e)]~~ Ensure all measurements are conducted under the general supervision of
12 a measurement contractor;

13 **(e)**~~[(d)]~~ Use or sell only measurement devices approved by the proficiency
14 program that certifies the person;

15 **(f)** **Report all measurements to the board as prescribed by the board through**
16 **promulgation of an administrative regulation;** and

17 **(g)**~~[(e)]~~ Ensure all laboratory analysis is procured through a radon laboratory.

18 ➔Section 6. KRS 211.9111 is repealed, reenacted as a new section of KRS
19 Chapter 309, and amended to read as follows:

20 (1) The **board**~~[cabinet]~~ shall issue a mitigation contractor registration certificate to any
21 person certified for mitigation who:

22 **(a)** Completes a registration process prescribed by the **board**~~[cabinet]~~ through
23 promulgation of an administrative regulation;

24 **(b)** **Presents proof of compliance with a board-approved proficiency program;**
25 and

26 **(c)**~~[(b)]~~ Furnishes evidence of a general liability insurance policy that satisfies
27 the requirements of **Section 7 of this Act**~~[KRS 211.9113]~~.

1 (2) The ~~board~~^[cabinet] shall renew the mitigation contractor registration certificate of
 2 any person who:

3 (a) **Completes a registration renewal process and pays a fee prescribed by the**
 4 **board through promulgation of an administrative regulation;**

5 (b) Presents proof of compliance with a ~~board~~^[cabinet]-approved proficiency
 6 program; and

7 (c) **Furnishes**~~[(b) Who furnishes]~~ evidence of a general liability insurance
 8 policy that satisfies the requirements of **Section 7 of this Act**~~[KRS 211.9113]~~.

9 (3) A mitigation contractor shall:

10 (a) **Maintain certification with a board-approved proficiency program;**

11 (b) Ensure all mitigations are conducted in accordance with the applicable
 12 mitigation standard operating procedures;

13 (c)~~[(b)]~~ Maintain a quality control program plan in accordance with the
 14 applicable standard operating procedures for mitigation quality assurance and
 15 control;

16 (d)~~[(e)]~~ Ensure all mitigation is conducted under the direct supervision of a
 17 mitigation contractor;

18 (e)~~[(d)]~~ Ensure all post-mitigation measurement is conducted by a measurement
 19 contractor;~~[and]~~

20 (f)~~[(e)]~~ **Report all mitigations to the board as prescribed by the board through**
 21 **promulgation of an administrative regulation; and**

22 (g) Ensure all radon mitigation systems repaired or altered on or after January 1,
 23 2013, meet the applicable mitigation standard operating procedures.

24 ➔Section 7. KRS 211.9113 is repealed, reenacted as a new section of KRS
 25 Chapter 309, and amended to read as follows:

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

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

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

13 ➔Section 8. KRS 211.9115 is repealed, reenacted as a new section of KRS

14 Chapter 309, and amended to read as follows:

- 15 (1) The **board**~~[cabinet]~~ shall issue a radon laboratory registration certificate to any
- 16 business entity certified for radon laboratory analysis that:
- 17 **(a) Completes a registration process prescribed by the **board**~~[cabinet]~~ through**
- 18 **promulgation of an administrative regulation;**
- 19 **(b) Presents proof of compliance with a board-approved proficiency program;**
- 20 **and**
- 21 **(c) Furnishes evidence of a general liability insurance policy that satisfies the**
- 22 **requirements of Section 7 of this Act.**
- 23 (2) The **board**~~[cabinet]~~ shall renew the radon laboratory registration certificate of any
- 24 business entity that:
- 25 **(a) Completes a registration process and pays a fee prescribed by the board**
- 26 **through promulgation of an administrative regulation;**
- 27 **(b) Presents proof of compliance with a **board**~~[cabinet]~~-approved proficiency**

1 program; and

2 (c) *Furnishes*~~[(b) Who furnishes]~~ evidence of a general liability insurance
3 policy that satisfies the requirements of *Section 7 of this Act*~~[KRS 211.9113];~~

4 (3) A radon laboratory shall:

5 (a) *Maintain certification with a board-approved proficiency program;*

6 (b) Ensure all laboratory analysis is conducted in accordance with the applicable
7 laboratory analysis standard operating procedures;~~and]~~

8 (c)~~[(b)]~~ Maintain a quality control program plan in accordance with the
9 applicable standard operating procedures for laboratory analysis quality
10 assurance and control; and

11 (d) *Report all laboratory analyses to the board as prescribed by the board*
12 *through promulgation of an administrative regulation.*

13 ➔Section 9. KRS 211.9119 is repealed and reenacted as a new section of KRS
14 Chapter 309 to read as follows:

15 A business entity may engage in radon measurement, mitigation, or laboratory analysis if
16 the owner or an employee associated with the business entity is a measurement or
17 mitigation contractor, or radon laboratory, as applicable.

18 ➔Section 10. KRS 211.9125 is repealed, reenacted as a new section of KRS
19 Chapter 309, and amended to read as follows:

20 (1) Subject to an administrative hearing conducted in accordance with KRS Chapter
21 13B, the *board*~~[cabinet]~~ may revoke, suspend, or restrict the registration of a
22 registrant, refuse to issue or renew registration, reprimand, censure, place on
23 probation, or impose a fine not to exceed *one thousand dollars (\$1,000)*~~[five~~
24 ~~hundred dollars (\$500)]~~ per occurrence on a certified person or business entity who:

25 (a) Has been convicted of a felony under the laws of the Commonwealth of any
26 crime that involves theft or dishonesty, or is a sex crime as defined by KRS
27 17.500;

- 1 (b) Has had disciplinary action taken against a professional license, certification,
2 registration, or permit held by the person or business entity seeking
3 registration;
- 4 (c) Engaged in fraud or deceit in obtaining certification or registration;
- 5 (d) Attempts to transfer the authority granted by the registration to another person
6 or business entity;
- 7 (e) Disregards or violates the building codes, electrical codes, or related laws of
8 this Commonwealth or ordinances of any city, county, urban-county
9 government, consolidated local government, charter county government, or
10 unified local government;
- 11 (f) Aids or abets any person attempting to evade the provisions of Sections 1 to
12 13 of this Act~~[KRS 211.9101 to 211.9135]~~ or the administrative regulations
13 promulgated by the board~~[thereunder by the cabinet]~~;
- 14 (g) Uses unfair or deceptive trade practices; or
- 15 (h) Knowingly violates any of the provisions of Sections 1 to 13 of this Act~~[KRS~~
16 ~~211.9101 to 211.9135]~~ or any administrative regulation promulgated by the
17 board~~[thereunder by the cabinet]~~.
- 18 (2) If an application for registration or renewal of registration is denied, the person or
19 business entity seeking registration shall not conduct radon measurement,
20 mitigation, or laboratory analysis within the Commonwealth of Kentucky.
- 21 (3) Notwithstanding the existence or pursuit of any other civil or criminal remedy, the
22 board~~[cabinet]~~ may institute proceedings in the Circuit Court of the county where
23 the person resides or the business entity is located for an order enjoining the person
24 or business entity from engaging or attempting to engage in activities that violate
25 any provisions of Sections 1 to 13 of this Act~~[KRS 211.9101 to 211.9135]~~ or any
26 administrative regulation promulgated by the board~~[thereunder by the cabinet]~~.
- 27 (4) Any final order of the board~~[cabinet]~~ may be appealed to the Circuit Court of the

1 county in which the person resides or the business entity is located after a written
2 decision is rendered in accordance with KRS Chapter 13B.

3 ➔Section 11. KRS 211.9129 is repealed, reenacted as a new section of KRS
4 Chapter 309, and amended to read as follows:

- 5 (1) The board~~[cabinet]~~ may examine records of mitigation contractors, measurement
6 contractors, and radon laboratories, including but not limited to conducting
7 inspections of mitigation system installations and measurement locations in order to
8 ensure that radon measurement, mitigation, and laboratory analysis are conducted in
9 accordance with the applicable standard operating procedures.
- 10 (2) The board~~[cabinet]~~ may test any equipment used for measurement, mitigation, or
11 laboratory analysis or photograph or sketch any portion of a site, building, or
12 equipment involved in measurement, mitigation, or laboratory analysis.
- 13 (3) No person shall use or continue to use, or permit the use or continued use of, any
14 radon mitigation system if an agent or inspector of the board~~[cabinet]~~ finds that the
15 radon mitigation system was not constructed, installed, or altered in accordance
16 with the applicable mitigation standard operating procedures.
- 17 (4) For purposes of enforcing Sections 1 to 13 of this Act~~[KRS 211.9101 to 211.9135]~~
18 or any administrative regulation promulgated by the board~~[cabinet]~~ pertaining to
19 radon measurement, mitigation, or laboratory analysis, an agent or inspector of the
20 board~~[cabinet]~~ shall have the power to enter upon premises at all reasonable times
21 to make an inspection, question all persons, and require the production of radon
22 mitigation system plans, sketches, diagnostic information, and other evidence.
- 23 (5) Agents and inspectors of the board~~[cabinet]~~ shall be empowered to issue a stop
24 order to any owner, agent, or occupant of real property requiring that the radon
25 mitigation system thereon cease operation if that system has been found to be in
26 violation of Sections 1 to 13 of this Act~~[KRS 211.9101 to 211.9135]~~ or any
27 administrative regulation promulgated by the board~~[thereunder by the cabinet]~~.

1 (6) A person shall not interfere with an inspection conducted by an agent or inspector
2 of the board~~[cabinet]~~.

3 ➔Section 12. KRS 211.9131 is repealed, reenacted as a new section of KRS
4 Chapter 309, and amended to read as follows:

5 (1) Any certified person or business entity shall report to the board~~[cabinet]~~ the
6 discovery of any apparent noncompliance with any provision of Sections 1 to 13 of
7 this Act~~[KRS 211.9101 to 211.9135]~~ or any administrative regulation promulgated
8 by the board~~[thereunder by the cabinet]~~ pertaining to radon measurement,
9 mitigation, or laboratory analysis.

10 (2) Records required by this chapter or administrative regulations promulgated under
11 Sections 1 to 13 of this Act~~[KRS 211.9101 to 211.9135]~~, including but not limited
12 to records of radon measurement, mitigation, quality control program plans,
13 calibration certifications, laboratory analysis activities, worker health and safety
14 plans, and equipment repairs shall be retained by registrants, as applicable, for a
15 minimum period of five (5) years or the length of time of any warranty or guarantee,
16 whichever is greater. Records obtained by the board~~[cabinet]~~ are exempt from the
17 disclosure requirements of KRS 61.870 to 61.884, except that the board~~[cabinet]~~
18 shall make the records available upon request:

19 (a) To the owner or occupant of a building; and

20 (b) To the public aggregated at the zip code level without identifying individual
21 homeowners or individual property locations.

22 (3) Any measurement or mitigation contractor applying for registration or renewal of
23 registration shall specify, for approval by the board~~[cabinet]~~, the location where
24 records required under this section shall be maintained for inspection by the
25 board~~[cabinet]~~. This location shall be within the Commonwealth of Kentucky.

26 ➔Section 13. KRS 211.9133 is repealed, reenacted as a new section of KRS
27 Chapter 309, and amended to read as follows:

1 (1) There is created the radon [~~mitigation and~~] control fund as a separate trust and
 2 agency fund in the State Treasury, to be administered by the board[~~cabinet~~]. All
 3 fees, fines, and other moneys received by the board[~~cabinet~~] pursuant to Sections 1
 4 to 13 of this Act[~~KRS 211.9101 to 211.9135~~] shall be deposited in the fund and
 5 shall be used for the implementation of Sections 1 to 13 of this Act[~~KRS 211.9101~~
 6 ~~to 211.9135~~], and are hereby appropriated for those purposes.

7 (2) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the
 8 fiscal year shall not lapse but shall be carried forward to the next fiscal year.

9 (3) Any interest earnings of the fund shall become part of the fund and shall not lapse.

10 ➔Section 14. The following KRS sections are repealed:

11 211.9121 Biennial registration -- Lapse -- Duty to report change of information.

12 211.9135 Cabinet's role as radon control agency for Commonwealth.