

1 AN ACT relating to controlled environment agriculture facilities and declaring an  
2 emergency.

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

4 ➔Section 1. KRS 198B.010 is amended to read as follows:

5 As used in this chapter, unless otherwise provided:

- 6 (1) "Assembly occupancy" means the occupancy or use of a building or structure or any  
7 portion thereof by a gathering of persons for civic, political, travel, religious, social,  
8 or recreational purposes, including among others:
- 9 (a) Armories;
  - 10 (b) Assembly halls;
  - 11 (c) Auditoriums;
  - 12 (d) Bowling alleys;
  - 13 (e) Broadcasting studios;
  - 14 (f) Chapels;
  - 15 (g) Churches;
  - 16 (h) Clubrooms;
  - 17 (i) Community buildings;
  - 18 (j) Courthouses;
  - 19 (k) Dance halls;
  - 20 (l) Exhibition rooms;
  - 21 (m) Gymnasiums;
  - 22 (n) Hotels;
  - 23 (o) Lecture rooms;
  - 24 (p) Lodge rooms;
  - 25 (q) Motels;
  - 26 (r) Motion picture theaters;
  - 27 (s) Museums;

- 1 (t) Night clubs;
- 2 (u) Opera houses;
- 3 (v) Passenger stations;
- 4 (w) Pool rooms;
- 5 (x) Recreation areas;
- 6 (y) Restaurants;
- 7 (z) Skating rinks;
- 8 (aa) Television studios; ***and***
- 9 (bb) Theaters.
- 10 (2) "Attic" means the space between the ceiling beams of the top habitable story and the  
11 roof rafters.
- 12 (3) "Basement" means that portion of a building the average height of which is at least  
13 half below grade, which is ordinarily used for purposes such as storage, laundry  
14 facilities, household tool shops, and installation and operation of heating, cooling,  
15 and ventilating facilities, but which is not ordinarily used for purposes of general  
16 household habitation.
- 17 (4) "Building" means any combination of materials, whether portable or fixed, which  
18 comprises a structure or nonmine underground area affording facilities or shelter for  
19 any human occupancy, whether infrequent or regular, and also means single-family  
20 dwellings, including those sold or constructed under a trade or brand name. The  
21 word "building" shall be construed wherever used herein as if followed by the  
22 words "or part or parts thereof and all equipment therein" unless the context clearly  
23 requires a different meaning. "Building" shall also mean swimming pools  
24 constructed below grade on site, but not swimming pools assembled above grade on  
25 site. "Building" shall not mean a manufactured home governed by the National  
26 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.  
27 secs. 5401 et seq., or a farm dwelling or other farm buildings and structures incident

1 to the operation and maintenance of the farm if the farm structures are located  
2 outside the boundary of a municipality and are not used in the business of retail  
3 trade or used as a place of regular employment for ten (10) or more people or  
4 structures used in the storage or processing of timber products.

5 (5) "Business occupancy" means the occupancy or use of a building or structure or any  
6 portion thereof for the transaction of business, the rendering or receiving of  
7 professional services, or the displaying, selling, or buying of goods, wares, or  
8 merchandise, or the housing of vehicles of transportation, except where occupancy  
9 is of high hazard, including among others:

- 10 (a) Banks;
- 11 (b) Barber shops;
- 12 (c) Beauty parlors;
- 13 (d) Department stores;
- 14 (e) Garages;
- 15 (f) Markets;
- 16 (g) Service stations;
- 17 (h) Offices;
- 18 (i) Stores;
- 19 (j) Radio stations;
- 20 (k) Telephone exchanges; and
- 21 (l) Television stations.

22 (6) "Certified building inspector" means a person who has been certified by the  
23 department as having successfully completed the test requirements provided by  
24 KRS 198B.090 to practice as a city, county, or state building inspector within the  
25 Commonwealth.

26 (7) "Certified plans and specifications inspector" means a person who has been certified  
27 by the department as having successfully completed the test requirements provided

1 by KRS 198B.090 to practice as a city, county, or state plans and specifications  
2 inspector within the Commonwealth.

3 (8) "Certified plumbing inspector" means a person who has been certified by the  
4 department as having successfully completed the test requirements provided by  
5 KRS 198B.090 and 318.140, or 318.090 to practice as a city, county, or state  
6 plumbing inspector within the Commonwealth.

7 (9) "Commissioner" means the commissioner of the department.

8 (10) "Committee" means the Housing, Buildings and Construction Advisory Committee  
9 established by KRS 198B.032.

10 (11) "Construction" means the erection, fabrication, reconstruction, substantial alteration  
11 or conversion of a building, or the installation of equipment therein, but shall not  
12 include the ordinary repair of a building or structure.

13 (12) **"Controlled environment agriculture facility":**

14 **(a) Means a facility that utilizes a technologically advanced form of hydroponic**  
15 **or soilless-based production that includes a combination of engineering,**  
16 **plant science, and computer-managed greenhouse control technologies in**  
17 **growing spaces and all connected sorting, packing, and storage areas to**  
18 **allow complete and stable control of the plant environment, including**  
19 **temperature, light, and carbon dioxide;**

20 **(b) Includes the immediate sorting, packing, and shipping of fresh, ready-to-**  
21 **consume produce; and**

22 **(c) Shall not be used for retail sales or allow open access to the public.**

23 **(13)** "Department" means the Department of Housing, Buildings and Construction.

24 **(14)**~~(13)~~ "Educational occupancy" means the occupancy or use of a building or  
25 structure or any portion thereof by persons assembled for the purpose of learning or  
26 of receiving educational instruction. "Educational occupancy" shall not include a  
27 building for occupancy or use by thirty-five (35) persons or less assembled to

1 receive religious and educational instruction. "Educational occupancy" includes but  
2 is not limited to:

- 3 (a) Academies;
- 4 (b) Care centers;
- 5 (c) Colleges;
- 6 (d) Kindergartens;
- 7 (e) Libraries;
- 8 (f) Preschools;
- 9 (g) Relocatable classroom units;
- 10 (h) Schools;
- 11 (i) Seminaries; and
- 12 (j) Universities.

13 ~~(14)~~ (15) "Equipment" means facilities or installations, including but not limited to  
14 heating, electrical, ventilating, air conditioning, and refrigerating facilities or  
15 installations.

16 ~~(15)~~ (16) "High hazard occupancy" means the occupancy or use of a building or  
17 structure or any portion thereof that involves highly combustible, highly flammable,  
18 or explosive materials or which has inherent characteristics that constitute a special  
19 fire hazard, including among others:

- 20 (a) Aluminum powder factories;
- 21 (b) Charging or filling stations;
- 22 (c) Distilleries;
- 23 (d) Dry cleaning plants;
- 24 (e) Dry dyeing plants;
- 25 (f) Explosive-manufacture, sale or storage;
- 26 (g) Flour and feed mills;
- 27 (h) Gasoline bulk plants;

- 1 (i) Grain elevators;
- 2 (j) Lacquer factories;
- 3 (k) Liquefied petroleum gas;
- 4 (l) Mattress factories;
- 5 (m) Paint factories;
- 6 (n) Pyroxylin-factories, or warehouses; and
- 7 (o) Rubber factories.

8 ~~(17)~~~~(16)~~ "Industrial occupancy" means the occupancy or use of a building structure or  
9 any portion thereof for assembling, fabricating, finishing, manufacturing,  
10 packaging, or processing operations, except for occupancies of high hazard,  
11 including among others:

- 12 (a) Assembly plants;
- 13 (b) Creameries;
- 14 (c) Electrical substations;
- 15 (d) Factories;
- 16 (e) Ice plants;
- 17 (f) Laboratories;
- 18 (g) Laundries;
- 19 (h) Manufacturing plants;
- 20 (i) Mills;
- 21 (j) Power plants;
- 22 (k) Processing plants;
- 23 (l) Pumping stations;
- 24 (m) Repair garages;
- 25 (n) Smokehouses; and
- 26 (o) Workshops.

27 ~~(18)~~~~(17)~~ "Industrialized building system" means any structure or component thereof

1 which is wholly or in substantial part fabricated in an off-site manufacturing facility  
2 for installation or assembly on a permanent foundation at the building site.

3 (19)~~(18)~~ "Institutional occupancy" means the occupancy or use of a building or  
4 structure or any portion thereof by persons harbored or detained to receive medical,  
5 charitable, or other care or treatment, or by persons involuntarily detained, including  
6 among others:

- 7 (a) Asylums;
- 8 (b) Homes for the aged;
- 9 (c) Hospitals;
- 10 (d) Houses of correction;
- 11 (e) Infirmaries;
- 12 (f) Jails;
- 13 (g) Nursing homes;
- 14 (h) Orphanages;
- 15 (i) Penal institutions;
- 16 (j) Reformatories;
- 17 (k) Sanitariums; and
- 18 (l) Nurseries.

19 (20)~~(19)~~ "Mobile home" means mobile home as defined in KRS 227.550.

20 (21)~~(20)~~ "Ordinary repair" means any nonstructural reconstruction or renewal of any  
21 part of an existing building for the purpose of its maintenance, or decoration, and  
22 shall include but not be limited to the replacement or installation of nonstructural  
23 components of the building such as roofing, siding, windows, storm windows,  
24 insulation, drywall or lath and plaster, or any other replacement, in kind, that does  
25 not alter the structural integrity, alter the occupancy or use of the building, or affect,  
26 by rearrangement, exitways and means of egress; but shall not include additions to,  
27 or alteration of, or relocation of any standpipe, water supply, sewer, drainage, gas,

1 soil, waste, vent or similar piping, electric wiring, or mechanical equipment  
2 including furnaces and hot water heaters or other work affecting public health or  
3 safety.

4 ~~(22)~~~~(21)~~ "Story" means that part of a building comprised between a floor and the floor  
5 or roof next above which is not a basement or an attic.

6 ~~(23)~~~~(22)~~ "Person with a physical disability" means a person confined to a wheelchair; a  
7 person who uses braces or crutches; a person who because of the loss of a foot or  
8 leg or because of an arthritic, spastic, pulmonary, or cardiac condition, walks with  
9 difficulty or insecurity; a person who suffers from a faulty coordination or palsy; a  
10 person who is blind or whose sight is so impaired that, functioning in a public area,  
11 he or she is insecure or exposed to danger; a person whose hearing is so impaired  
12 that he or she is unable to hear warning signals; and a person whose mobility,  
13 flexibility, coordination, and perceptiveness are significantly reduced by aging.

14 ~~(24)~~~~(23)~~ "Facility for persons with physical disabilities" means any convenience or  
15 device which facilitates the health, safety, or comfort of a person with a disability,  
16 including, but not limited to, ramps, handrails, elevators, and doors.

17 ~~(25)~~~~(24)~~ "Manufactured home" is defined as in KRS 227.550.

18 ➔Section 2. Whereas nutritious fruits and vegetables are a vital part of the health  
19 and well-being of the citizens of our great Commonwealth and there are efforts to  
20 establish an environmentally friendly AgTech network in order to sustain our nation's  
21 food supply with locally grown produce, an emergency is declared to exist, and this Act  
22 takes effect upon its passage and approval by the Governor or upon its otherwise  
23 becoming a law.