

1 AN ACT relating to diaper access programs.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 200 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 5 of this Act:*

6 *(1) "Board" means the Kentucky Diaper Access Board established in Section 2 of*
7 *this Act;*

8 *(2) "Child" means an individual under eighteen (18) years of age;*

9 *(3) "Community resource organization" means an organization that meets the*
10 *criteria established in Section 5 of this Act;*

11 *(4) "Diaper access program" means a system of direct distribution of diapers and*
12 *diaper products to individuals; and*

13 *(5) "Trust fund" means the Kentucky diaper access trust fund established in Section*
14 *4 of this Act.*

15 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 200 IS CREATED TO
16 READ AS FOLLOWS:

17 *(1) The Kentucky Diaper Access Board is hereby established and shall be attached to*
18 *the cabinet for administrative purposes only.*

19 *(2) The board shall be composed of:*

20 *(a) The following five (5) voting members:*

21 *1. The secretary of the cabinet or designee; and*

22 *2. Four (4) members appointed by the Governor, who shall reflect,*
23 *inasmuch as possible, the different geographic regions of the*
24 *Commonwealth in order to promote geographic balance on the board;*
25 *and*

26 *(b) The following two (2) nonvoting members:*

27 *1. One (1) member of the Senate appointed by the President of the*

1 Senate; and

2 2. One (1) member of the House of Representatives appointed by the
3 Speaker of the House of Representatives.

4 (3) The secretary of the cabinet shall serve as chair of the board or designate a chair
5 to serve at the pleasure of the secretary. The board may elect other officers and
6 establish committees of the board as it considers appropriate.

7 (4) (a) Board members shall not receive compensation for their services, but shall
8 be reimbursed for actual expenses incurred in the performance of their
9 duties on the board consistent with the reimbursement policy for state
10 employees established in KRS 45.101 and administrative regulations
11 promulgated thereunder.

12 (b) Reimbursements, executive director and staff salaries, and all actual and
13 necessary operating expenses of the board shall be paid from the trust fund,
14 pursuant to an authorization as provided in Section 5 of this Act.

15 (5) The board may appoint an executive director of the board to exercise the powers
16 and carry out the duties of the board.

17 (6) A majority of the entire voting membership of the board shall constitute a
18 quorum for the transaction of business, and all actions of the board shall be by
19 vote of a majority of the entire voting membership.

20 (7) (a) The board shall conduct all business during public meetings held in
21 accordance with the Kentucky Open Meetings Act, KRS 61.805 to 61.850.

22 (b) Records of board meetings and other records prepared, owned, used, in the
23 possession of, or retained by the board in the performance its duties under
24 Sections 1 to 5 of this Act shall be made available to the public in
25 accordance with the Kentucky Open Records Act, KRS 61.870 to 61.884.

26 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 200 IS CREATED TO
27 READ AS FOLLOWS:

1 (1) The Kentucky Diaper Access Board shall:

2 (a) Meet at least once annually at the call of the chair;

3 (b) Beginning in 2027, and biennially thereafter, develop a state plan for the
4 distribution of funds from the Kentucky diaper access trust fund established
5 in Section 4 of this Act. The board shall review already existing diaper
6 access programs, and the plan shall ensure that an equal opportunity exists
7 for establishment of diaper access programs and receipt of trust fund
8 moneys among all geographic areas in this state;

9 (c) Submit the plan developed under paragraph (b) of this subsection to the
10 clerk of the Senate, the clerk of the House of Representatives, and the
11 Governor;

12 (d) Provide for the coordination and exchange of information on the
13 establishment and maintenance of diaper access programs;

14 (e) Develop and publicize criteria for the receipt of trust fund moneys by
15 eligible community resource organizations and eligible diaper access
16 programs;

17 (f) Review, approve, and monitor the expenditure of trust fund moneys by
18 community resource organizations and diaper access programs;

19 (g) Provide statewide educational and public informational seminars for the
20 purpose of:

21 1. Developing public awareness regarding the availability of diaper
22 access programs;

23 2. Encouraging professional persons and groups to recognize and
24 disseminate information on diaper access programs;

25 3. Encouraging and coordinating the development of community
26 resource organizations;

27 4. Making information about diaper access programs available to the

1 public and organizations and agencies that serve children; and

2 5. Encouraging the development of community diaper access programs;

3 (h) Establish a procedure for an annual, internal evaluation of the functions,
4 responsibilities, and performance of the board. In a year in which the
5 biennial state plan is prepared, the evaluation shall be coordinated with the
6 preparation of the state plan; and

7 (i) By December 1 of each year, submit a report to the Governor and to the
8 Legislative Research Commission for referral to the Interim Joint
9 Committee on Families and Children, the Interim Joint Committee on
10 Appropriations and Revenue, and the Office of Budget Review,
11 recommending changes in state programs, statutes, policies, budgets, and
12 standards that will reduce the problem of diaper access, improve
13 coordination among government and private agencies that provide diaper
14 access services, and improve the condition of children and parents or
15 guardians who are in need of diaper access program services.

16 (2) The board may enter into contracts with public or private agencies to fulfill the
17 requirements of Sections 1 to 5 of this Act, but shall utilize existing state
18 resources and staff of participating agencies whenever practicable.

19 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 200 IS CREATED TO
20 READ AS FOLLOWS:

21 (1) The Kentucky diaper access trust fund is created as a trust and agency account in
22 the State Treasury for the purposes established in Section 5 of this Act.

23 (2) The trust fund shall be administered and maintained by the State Treasurer.

24 (3) The trust fund shall consist of general fund appropriations, gifts and grants from
25 public and private sources, and federal funds.

26 (4) Any unallotted or unencumbered balances in the trust fund shall be invested as
27 provided in KRS 42.500(9), and income earned from the investments shall be

1 credited to the trust fund.

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

5 (6) (a) Until the total amount of assets in the trust fund exceeds twenty million
6 dollars (\$20,000,000), not more than one-half of the money deposited into
7 the trust fund each year, plus the earnings credited to the trust fund during
8 the previous fiscal year shall be available for disbursement upon the
9 authorization of the board as provided in Section 5 of this Act.

10 (b) Upon certification by the State Treasurer that the assets in the trust fund
11 exceed twenty million dollars (\$20,000,000), only the earnings credited to
12 the trust fund shall be available for disbursement upon the authorization of
13 the board as provided in Section 5 of this Act.

14 (7) Moneys granted or received as gifts or donations to the trust fund shall be
15 available for disbursement upon appropriation by the General Assembly, and
16 funds authorized for expenditure shall not be considered assets for purposes of
17 subsection (6) of this section.

18 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 200 IS CREATED TO
19 READ AS FOLLOWS:

20 (1) The board may authorize the disbursement of available moneys from the trust
21 fund, upon legislative appropriations, for exclusively the following purposes,
22 which are listed in the order of preference for expenditure:

23 (a) To fund a private nonprofit or public organization in the development or
24 operation of a diaper access program if the following conditions are met:

25 1. The appropriate community resource organization has reviewed and
26 approved the program. This subparagraph does not apply if a
27 community resource organization does not exist for the geographic

- 1 area to be served by the program;
- 2 2. The organization agrees to match a percentage, as determined by the
- 3 board, of the total cost of the project;
- 4 3. The organization demonstrates a willingness and ability to provide
- 5 program models and consultation to organizations and communities
- 6 regarding program development and maintenance; and
- 7 4. Other conditions that the board may deem appropriate;
- 8 (b) To fund community resource organizations;
- 9 (c) To fund a statewide public education and awareness campaign on diaper
- 10 access programs through the use of electronic and print media to inform the
- 11 public about the programs; and
- 12 (d) 1. To fund the board for the actual and necessary operating expenses
- 13 that the board incurs in performing its duties in accordance with
- 14 subsection (4) of Section 2 of this Act.
- 15 2. Authorizations for disbursement of trust fund moneys under this
- 16 paragraph shall be kept at a minimum in furtherance of the primary
- 17 purposes of the trust fund established in paragraphs (a), (b), and (c) of
- 18 this subsection and the direct provision of services to diaper access
- 19 programs.
- 20 (2) In authorizing disbursements to community resource organizations, the board
- 21 shall consider the degree to which the community resource organization meets
- 22 the following criteria:
- 23 (a) Has as its primary purpose the development and facilitation of a
- 24 collaborative community diaper access program in a specific geographical
- 25 area while utilizing trained volunteers and existing community resources,
- 26 wherever practicable;
- 27 (b) Is composed of local representatives and does not exclude any organization

- 1 or person that the board deems necessary;
- 2 (c) Demonstrates a willingness and ability to provide diaper access program
3 models and consultation to organizations and communities regarding
4 diaper access program development and maintenance;
- 5 (d) Agrees to match fifty percent (50%) of the project cost in accordance with
6 subsection (1)(a)2. of this section. The fifty percent (50%) match amount
7 may be through existing organization dollars, in-kind contributions, or a
8 combination thereof. The amount and types of in-kind services are subject
9 to the approval of the board; and
- 10 (e) Other criteria that the board deems appropriate.
- 11 (3) The board may authorize the disbursement of trust fund moneys under this
12 section to private nonprofit organizations, public organizations, and community
13 resource organizations that request to work in collaboration together.