

1 AN ACT relating to occupational safety and health penalties.

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

3 ➔Section 1. KRS 338.991 is amended to read as follows:

4 (1) *On and after August 1, 2026, the civil penalty assessed for the following shall be*
5 *established by the federal Occupational Safety and Health Administration as*
6 *annually adjusted and published in the Federal Register:*

7 (a) Any employer who willfully or repeatedly violates the requirement of any
8 section of this chapter, including any standard, *administrative* regulation, or
9 order promulgated pursuant to this chapter;[, may be assessed a civil penalty
10 of up to seventy thousand dollars (\$70,000) for each violation, but not less
11 than five thousand dollars (\$5,000) for each willful violation.]

12 (b)[(2)] Any employer who has received a citation for a serious violation of the
13 requirements of any section of this chapter, including any standard,
14 *administrative* regulation, or order promulgated pursuant to this chapter;[
15 shall be assessed a civil penalty of up to seven thousand dollars (\$7,000) for
16 each violation.]

17 (c)[(3)] Any employer who has received a citation for a violation of the
18 requirements of any section of this chapter, including any standard,
19 *administrative* regulation, or order promulgated pursuant to this chapter, and
20 such violation is specifically determined not to be of a serious nature; *and*

21 (d) *Any employer who fails to correct a violation for which a citation has been*
22 *issued within the period permitted for its correction for each day during*
23 *which the failure or violation continues*[, may be assessed a civil penalty of
24 up to seven thousand dollars (\$7,000) for each violation].

25 (2)[(4)] Any employer who receives a notice of a de minimis violation of any section
26 of this chapter, including any standard, administrative regulation, or order
27 promulgated pursuant to this chapter, shall not be assessed a civil penalty. As used

1 in this subsection, a de minimis violation is a violation that has no direct or
2 immediate relationship to safety or health.

3 ~~(3)(5) Any employer who fails to correct a violation for which a citation has been~~
4 ~~issued within the period permitted for its correction may be assessed a civil penalty~~
5 ~~of up to seven thousand dollars (\$7,000) for each day during which such failure or~~
6 ~~violation continues.~~

7 (6) Any employer found to be in violation of subsection (3) of KRS 338.121 shall be
8 assessed a civil penalty of up to ten thousand dollars (\$10,000) for each violation.

9 (4)(7) The review commission shall have the authority to modify all civil penalties
10 and fines provided for in this chapter. The review commission may, at its discretion,
11 suspend the time period allotted for correction of a violation during the review of an
12 appeal from the violation in question.

13 (5)(8) All civil penalties and fines collected under the provision of this chapter shall
14 be paid into the general fund.

15 (6)(9) Any employer or individual who knowingly makes any false statement,
16 representation, or certification in any application, record, report, plan, or other
17 document filed or required to be maintained pursuant to this chapter shall, upon
18 conviction, be punished by a fine of not more than ten thousand dollars (\$10,000),
19 or by imprisonment for not more than six (6) months, or by both.

20 (7)(10) Any person who gives advance notice of any investigation or inspection to be
21 conducted under this chapter, without authority from the commissioner, shall, upon
22 conviction, be punished by a fine of not more than one thousand dollars (\$1,000), or
23 by imprisonment for not more than six (6) months, or by both.

24 (8)(11) Any employer or individual who willfully causes bodily harm to any
25 authorized representative of the commissioner while attempting to conduct an
26 investigation or inspection under the provisions of this chapter, shall, upon
27 conviction, be punished by a fine of not more than ten thousand dollars (\$10,000),

1 or by imprisonment for not more than one (1) year, or by both.

2 (9){(12)} As used in this section, a serious violation shall be deemed to exist in a place
3 of employment if there is a substantial probability that death or serious physical
4 harm could result from a condition which exists, or from one (1) or more practices,
5 means, methods, operations, or processes which have been adopted or are in use, in
6 such place of employment unless the employer did not, and could not with the
7 exercise of reasonable diligence, know of the presence of the violation.

8 ➔Section 2. This Act takes effect August 1, 2026.