

1 AN ACT relating to the autism spectrum disorder trust fund and declaring an
2 emergency.

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

4 ➔ SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO
5 READ AS FOLLOWS:

6 **(1) For taxable years beginning on or after January 1, 2026, any taxpayer required**
7 **to file a return under KRS 141.180 who is entitled to an income tax refund and**
8 **who desires to contribute to the autism spectrum disorder trust fund created in**
9 **Section 2 of this Act may designate an amount, not to exceed the amount of the**
10 **refund, to be paid to the fund. A designation made under this section shall not**
11 **affect the income tax liability of the taxpayer, but it shall reduce the income tax**
12 **refund by the amount designated.**

13 **(2) The tax refund designation authorized by this section shall be printed on the face**
14 **of the Kentucky individual income tax form.**

15 **(3) The instructions accompanying the individual income tax return shall include a**
16 **description of the autism spectrum disorder trust fund and the purposes for which**
17 **the funds from the income tax checkoff may be used.**

18 **(4) The department shall, by July 1, 2027, and by July 1 of each year thereafter,**
19 **transfer the funds designated by taxpayers under this section to the autism**
20 **spectrum disorder trust fund created in Section 2 of this Act.**

21 ➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO
22 READ AS FOLLOWS:

23 **(1) The autism spectrum disorder trust fund is hereby created in the State Treasury**
24 **as a separate trust fund. The fund shall be administered by the Cabinet for**
25 **Health and Family Services.**

26 **(2) The fund shall receive amounts collected from the income tax checkoff created in**
27 **Section 1 of this Act, and any other proceeds from grants, contributions,**

1 appropriations, or other moneys made available for the purposes of the fund.

2 (3) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
3 year shall not lapse but shall be carried forward to the next fiscal year.

4 (4) Moneys in the fund shall be used to support autism spectrum disorder research
5 and services for Kentuckians. Funds shall be administered and distributed by the
6 Advisory Council on Autism Spectrum Disorders created in Section 3 of this Act
7 for the purposes set forth in this section and Section 3 of this Act.

8 ➔Section 3. KRS 194A.624 is amended to read as follows:

9 (1) The Advisory Council on Autism Spectrum Disorders is hereby created and shall be
10 attached to the Office of Autism within the Cabinet for Health and Family Services
11 for administrative purposes.

12 (2) The Advisory Council on Autism Spectrum Disorders shall consist of the following
13 members appointed by the Governor:

- 14 (a) One (1) representative from the Department for Public Health;
- 15 (b) One (1) representative from the Department for Medicaid Services;
- 16 (c) One (1) representative from the Department for Community Based Services;
- 17 (d) One (1) representative from the Department of Public Advocacy;
- 18 (e) One (1) representative from the Department of Education;
- 19 (f) One (1) representative from the Department of Juvenile Justice;
- 20 (g) One (1) representative from the Department for Behavioral Health,
21 Developmental and Intellectual Disabilities;
- 22 (h) One (1) representative from the Office for Children with Special Health Care
23 Needs;
- 24 (i) One (1) parent or youth representative from the Commonwealth Council on
25 Developmental Disabilities;
- 26 (j) One (1) representative from the Kentucky Autism Training Center;
- 27 (k) One (1) representative from the Office of Vocational Rehabilitation;

- 1 (l) One (1) representative from the University of Louisville;
- 2 (m) One (1) representative from the University of Kentucky Human Development
- 3 Institute;
- 4 (n) One (1) representative from the University of Kentucky;
- 5 (o) One (1) representative from the Center for Autism Spectrum Evaluation,
- 6 Service, and Research;
- 7 (p) One (1) representative from the Education Professional Standards Board;
- 8 (q) One (1) pediatrician representative;
- 9 (r) One (1) representative from the Weisskopf Child Evaluation Center;
- 10 (s) One (1) representative from the First Steps Program;
- 11 (t) One (1) representative from the Arc of Kentucky;
- 12 (u) The director of the Office of Autism;
- 13 (v) At least one (1) consumer representative, an adult with a diagnosis on the
- 14 autism spectrum; and
- 15 (w) Five (5) citizen-at-large members.
- 16 (3) The co-chairs of the Advisory Council on Autism Spectrum Disorders shall be the
- 17 representatives appointed by the Governor from the University of Kentucky and the
- 18 University of Louisville.
- 19 (4) The Advisory Council on Autism Spectrum Disorders may invite individuals who
- 20 are not members to serve on committees and workgroups.
- 21 (5) Appointed members of the Advisory Council on Autism Spectrum Disorders shall
- 22 serve without compensation, but shall be reimbursed for actual expenses incurred in
- 23 the performance of duties in accordance with KRS 45.101 and administrative
- 24 regulations promulgated thereunder. Members of the council shall initially be
- 25 appointed to serve staggered terms and thereafter shall be appointed to serve a term
- 26 of four (4) years.
- 27 (6) The Cabinet for Health and Family Services, the Personnel Cabinet, the Finance

1 and Administration Cabinet, and the Office of the State Budget Director shall take
2 all necessary actions to effectuate this section.

3 (7) The Advisory Council on Autism Spectrum Disorders shall be responsible for:
4 (a) Promoting the vision for Kentucky's services and supports to persons on the
5 autism spectrum and their families and advocating for improved quality and
6 evidence-based practices for persons on the autism spectrum and their
7 families;

8 (b) Promoting the early screening, identification, early intervention, and
9 appropriate use of evidence-based practices and standards of care for persons
10 on the autism spectrum across the lifespan;

11 (c) Strengthening state, regional, and local level collaboration and coordination
12 with families, self-advocates, support groups, and state agencies to further
13 coordinate, develop, and enhance the service delivery system for persons on
14 the autism spectrum across the lifespan;

15 (d) Gathering and analyzing research and data to assess the quality and
16 availability of programs and services for persons on the autism spectrum and
17 providing recommendations on assessments, interventions, and treatment
18 modalities across the lifespan;

19 (e) Developing recommendations for:
20 1. Increasing participation in existing federal, state, and local programs
21 that serve children, youth, and adults on the autism spectrum;
22 2. Enhancing the current professional development and planning for future
23 workforce development to incorporate research and evidence-based
24 practices;

25 3. Establishing standards of care and undertaking efforts to ensure
26 promotion of these standards statewide; and

27 4. Promoting the development of services and supports to transition youth

and adults on the autism spectrum;

2 (f) Assessing the capacity and effectiveness of institutes of higher education in
3 the state toward supporting the development of the workforce for persons on
4 the autism spectrum;

5 (g) Requesting and utilizing federal, state, and private funds, including funds
6 from philanthropic sources;

7 (h) Improving procedures for ensuring accountability and measuring success of
8 programs that receive state, federal, and philanthropic funds;

9 (i) Obtaining reports and issuing progress updates on state and federally funded
10 services that impact the quality of Kentucky's system of care for persons on
11 the autism spectrum;

12 (j) Completing a biennial report with the Office of Autism and submitting it to
13 the Commonwealth Council on Developmental Disabilities, the Governor, and
14 the Legislative Research Commission. The first report shall be due on or
15 before September 30, 2017, and subsequent reports shall be due each
16 September 30 in odd-numbered years thereafter; and

17 (k) Other duties and responsibilities as designated by the Governor.

18 (8) **The Advisory Council on Autism Spectrum Disorders shall:**

1 Kentucky that identifies additional research funding needs by disorder
2 type and geographic area, with support for why the identified
3 programs are needed; and

4 3. A prioritized list of programs and research projects that the advisory
5 council will address with funding available through the competitive
6 grant program established under subsection (9) of this section; and

7 (c) Provide to the Governor and the Legislative Research Commission an
8 annual report by October 1 of each year. The report shall include:

9 1. The plan developed under this subsection for the use of funds for the
10 current and next fiscal year;

11 2. A summary of the use and impact of prior year funds;

12 3. A summary of the activities of the advisory council during the prior
13 fiscal year; and

14 4. Any recommendations for future initiatives or actions regarding
15 autism spectrum disorder research funding.

16 (9) (a) The cabinet shall promulgate administrative regulations in accordance with
17 KRS Chapter 13A to establish a competitive, open grant program to provide
18 funding to nonprofit entities, academic medical centers, and government
19 agencies offering research funding and services for autism spectrum
20 disorder services to individuals in Kentucky impacted by the disorder.

21 (b) The grant program shall provide funding to research projects and programs
22 in accordance with the priorities established in the plan developed under
23 subsection (8) of this section.

24 (c) The administrative regulations shall at a minimum:

25 1. Establish an application process and requirements;

26 2. Set forth program and outcome measurement requirements;

27 3. Establish an application review and award process; and

1 4. Provide monitoring, oversight, and reporting requirements for funded
2 programs.

3 ➔Section 4. Whereas it is essential that the General Assembly promptly provide
4 access to research and services for autism spectrum disorders in the Commonwealth in
5 order to provide for the health and safety of citizens, an emergency is declared to exist,
6 and this Act takes effect upon its passage and approval by the Governor or upon its
7 otherwise becoming a law.