

**JUSTICE AND PUBLIC SAFETY CABINET**  
**Department of Corrections**  
**(Amendment)**

**501 KAR 3:080. Sanitation; hygiene.**

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 441.055

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 441.055 requires the Department of Corrections to promulgate administrative regulations establishing minimum standards for jails that house state prisoners. This administrative regulation establishes procedures to provide proper sanitation and hygiene in full-service jails.

**Section 1. Procedures.**

- (1) The jailer or jail administrator shall provide for the control of vermin and pests.
- (2) The jail shall provide for both solid and liquid waste disposal.
- (3) The jailer or jail administrator shall have a written preventative maintenance plan that includes:
  - (a) A cleaning schedule for various locations and items in the jail;
  - (b) A schedule for inspections by the jailer or jail administrator;
  - (c) A schedule for trash and garbage removal; and
  - (d) A schedule for periodic inspection and maintenance of specific mechanical equipment.
- (4) The jail shall have fresh air circulating within prisoner living and activity areas.
- (5) The jail shall furnish clean sanitized bedding to prisoners except in holding areas and unless it is determined to be detrimental to a particular prisoner. Issuance of bedding in detoxification shall be ~~is~~ optional. Bedding shall include:
  - (a) One (1) mattress;
  - (b) One (1) blanket, if conditions require;
  - (c) Two (2) sheets;
  - (d) One (1) pillow, if not part of the mattress; and
  - (e) One (1) pillowcase, if applicable.
- (6) Prisoner bedding shall be cleaned on a regular basis according to the schedule established in this subsection.
  - (a) Sheets, pillowcases, and mattress cover shall be cleaned at least once per week and cleaned prior to reissue to the next prisoner.
  - (b) Blankets shall be laundered upon reissue or quarterly, whichever is sooner.
  - (c) Mattresses and pillows shall be cleaned quarterly and cleaned prior to reissue to the next prisoner.
- (7) Each prisoner shall be issued a clean jail uniform and towel upon admission to a prisoner living area. If a prisoner does not have undergarments upon admission, then the jail shall issue them. Jail uniforms, undergarments, and towels shall be laundered at least twice weekly and laundered prior to reissue to the next prisoner. Prisoners shall not be required to be without a clean uniform, undergarment, or towel while laundry is being processed.
- (8) Each female prisoner shall be issued an appropriate number of undergarments upon admission.
- (9) All floors, toilets, and sinks in the jail shall be cleaned daily or more often as necessary.
- ~~(10) (9)~~ All showers shall be cleaned on at least a weekly basis.

(11) ~~((10))~~

(a) All prisoners assigned to prisoner living areas shall be issued or permitted to obtain the following hygienic items:

1. Soap;
2. Toothbrush;
3. Toothpaste; and
4. Toilet paper~~[-, and]~~
- ~~[5.] [Female sanitary supplies (if applicable)].~~

(b) Indigent prisoners shall be furnished these items by the jail.

(12) ~~((11))~~ All prisoners shall be permitted to shave a minimum of two (2) times per week. Communal razors shall not be used. A sanitized electric razor may be substituted with jailer or jail administrator approval.

(13) Prisoners assigned to prisoner living areas shall be issued an adequate number of sanitary supplies, if applicable.

(14) ~~((12))~~ Hair cutting services or sanitized hair cutting equipment shall be available to all prisoners.

(15) ~~((13))~~ All prisoners shall be provided shower facilities within twenty-four (24) hours of admission. Prisoners shall be permitted to shower daily unless there is a documented security risk.

(16) ~~((14))~~ All prisoners in the jail shall be provided with hot and cold running water in showers and lavatories.

(9 Ky.R. 644; eff. 3-2-1983; Am. 13 Ky.R. 687; eff. 11-11-1986; 20 Ky.R. 2135; 2624; eff. 3-14-1994; 31 Ky.R. 1556; 1796; eff. 5-26-2005; 34 Ky.R. 1183; 1964; eff. 3-7-2008; 2952; 38 Ky.R. 574; eff. 10-7-2011; 42 Ky.R. 1948; 2342; eff. 3-4-2016; 50 Ky.R. 1954; eff. 9-3-2024.)

*The Jail Standards Review Commission established pursuant to KRS 441.055(1)(b) has approved the standards in this administrative regulation at its meeting on January 8, 2024, prior to its filing with the Legislative Research Commission in compliance with KRS 13A.120(3), 13A.220(6)(a), and 441.055(2).*

*COOKIE CREWS, Commissioner*

APPROVED BY AGENCY: February 6, 2024

FILED WITH LRC: February 15, 2024 at 8:50 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 23, 2024, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, Justice.RegContact@ky.gov, telephone number (502) 564-3279, facsimile number (502) 564-6686.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:**Amy Barker

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation establishes sanitation and hygiene procedures to be followed in full-service jails.

**(b) The necessity of this administrative regulation:**

This administrative regulation complies with the requirement to adopt jail standards in KRS 441.055(1)(a), (b).

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

This administrative regulation complies with the requirement to adopt jail standards in KRS 441.055(1)(a), (b).

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

It establishes minimum standards to be followed for sanitation and hygiene procedures in full-service jails.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

The amendment adds statutes for authority and enlarges the necessity language. The amendment adds that each female prisoner shall be issued an appropriate number of undergarments upon admission as required by statute. It revises and changes the location of language that requires availability of female sanitary supplies. It also renumbers subsections and corrects typographical errors.

**(b) The necessity of the amendment to this administrative regulation:**

The amendment revises the standards as part of the review process in KRS 441.055(1)(b).

**(c) How the amendment conforms to the content of the authorizing statutes:**

The amendment revises the standards as part of the review process in KRS 441.055(1)(b).

**(d) How the amendment will assist in the effective administration of the statutes:**

It up-dates the minimum sanitation and hygiene standards as required by KRS 441.055.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

This affects approximately 74 county and regional jails and their staff, approximately 50 Department of Corrections employees, including 12 Local Facilities staff, and approximately 19,683 in the jails, including 5,682 Class C and D felons.

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:**

The jail will have to provide an appropriate number of undergarments to female prisoners and an adequate number of sanitary supplies.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

The cost of additional undergarments and sanitary supplies, if the jail is not already providing them.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

The regulation is clearer.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

Additional cost is not anticipated.

**(b) On a continuing basis:**

Additional cost is not anticipated.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

State budgeted funds for the Department of Corrections and county budgeted funds for jail operating expenses.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

An increase in fees or funding is not anticipated.

**(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

Fees are not established or increased.

**(9) TIERING: Is tiering applied?**

No. The standards apply equally to all full-service jails.

## FISCAL NOTE

**(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?**

The Department of Corrections and full-service county jails that house state inmates.

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 441.055.

**(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.**

**(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?**

Revenue is not generated by this administrative regulation.

**(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?**

Revenue is not generated by this administrative regulation.

**(c) How much will it cost to administer this program for the first year?**

For fiscal year 2023, the department paid the local jails approximately \$139,275,752.09 for the housing, transportation, medical care and programming incentives for state inmates. Full-service jails receive the largest portion of this funding. In addition, the department incurred approximately \$1,669,365.54 in staff salaries and administrative costs. The jails will have some staff and administrative costs, but this program is a source of revenue for them.

**(d) How much will it cost to administer this program for subsequent years?**

Approximately the same as in (c).

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Revenues (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.**

**(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?**

Cost savings are not anticipated.

**(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?**

Cost savings are not anticipated.

**(c) How much will it cost the regulated entities for the first year?**

The regulation impacts how the jails operate, but does not increase costs from what is budgeted for the biennium.

**(d) How much will it cost the regulated entities for subsequent years?**

The regulation impacts how the jails operate, but does not increase costs from what is budgeted for the biennium.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Cost Savings (+/-):**

**Expenditures (+/-):**

**Other Explanation:**

**(5) Explain whether this administrative regulation will have a major economic impact, as defined below.**

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] A major economic impact is not anticipated.