

1 AN ACT relating to agricultural buildings and declaring an emergency.

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

3 ➔Section 1. KRS 227.300 is amended to read as follows:

- 4 (1) The commissioner shall promulgate reasonable rules and regulations based on good
5 engineering practice and principles as embodied in recognized standards of fire
6 prevention and protection, providing for a reasonable degree of safety for human
7 life against the exigencies of fire and panic, and insuring as far as is practicable
8 against fire loss. Such rules and regulations shall be known as the standards of
9 safety. After promulgation of the Uniform State Building Code, no part of the
10 standards of safety shall establish, in whole or in part, any building code other than
11 the Uniform State Building Code, but the commissioner may supplement the
12 Uniform State Building Code with fire safety regulations designed to operate in
13 conjunction with the code. ***The commissioner shall not promulgate any regulation***
14 ***or rule that requires a building, including a barn or other agriculture***
15 ***outbuilding, that is being renovated and wired for electricity to install fire***
16 ***protection sprinkler systems as defined in KRS 198B.550 if the building:***
17 ***(a) Has been used for agricultural purposes, as defined in KRS 138.210; and***
18 ***(b) Will be used for primarily agritourism activity, as defined in KRS 247.801,***
19 ***including commercial purposes such as wedding venues and events for the***
20 ***public.***
21 (2) In making such rules and regulations the commissioner shall establish minimum fire
22 prevention and protection requirements, including but not limited to requirements
23 for design, construction, installation, operation, storage, handling, maintenance, or
24 use of the following: structural requirements for the various types of construction;
25 building restrictions within congested districts; exit facilities from structures; fire
26 alarm systems and fire extinguishing systems; fire emergency drills; maximum
27 occupancy loads and other requirements for buildings of public assembly; flue and

1 chimney construction; heating devices; boilers and pressure vessels; electrical
2 wiring and equipment; air conditioning, ventilating and other duct systems;
3 refrigeration systems; flammable liquids, oil and gas wells; garages, repair, and
4 service shops; application of flammable finishes, acetylene, liquefied petroleum gas,
5 and similar products; calcium carbide and acetylene generators; dry cleaning and
6 dyeing plants; flammable motion picture film; combustible fibers; airports and
7 airport buildings; hazardous chemicals; rubbish; open flame devices; parking of
8 vehicles; dust explosions; lightning protection; and other special fire hazards.

9 (3) For the purpose of integrating the need for safety from hazards of fire with the other
10 safety needs of infants or preschool children under institutional care, the
11 commissioner shall allow persons who own, manage, or are employed by
12 institutions which provide care or education for infants or preschool children to
13 participate in drafting the standards of safety as they apply to such institutions. Such
14 participation shall be by representation of professional associations relating to infant
15 and preschool care, and by representation from other individuals licensed to provide
16 infant and preschool care, on a committee chaired by the state fire marshal or his or
17 her designate. Such participation shall occur prior to the publication of proposed
18 regulations in the administrative register pursuant to KRS 13A.050 but shall not
19 limit any individual's right to use those procedures set forth in KRS Chapter 13A
20 concerning comment on or protest of proposed regulations. All professional
21 associations relating to infant and preschool care shall be notified by the
22 commissioner when the drafting of standards of safety relating to such institutions is
23 commenced and all such professional associations shall be regularly notified of the
24 time and place of any meetings conducted by authorized employees of the
25 department for the purpose of drafting such standards.

26 (4) The commissioner shall publish guidelines relating to the standards of safety as they
27 apply to day care and preschool child care centers and nurseries which shall indicate

1 the items inspectors from the Division of Fire Prevention will be looking for when
2 they conduct inspections pursuant to the standards of safety. Such guidelines shall
3 be made available to persons who own, operate, or manage such centers or nurseries
4 and shall be designed to enable said persons to anticipate and comply with the
5 requirements of the standards of safety.

6 (5) The commissioner shall issue supplemental regulations addressing the temporary
7 change of use in buildings as authorized by KRS Chapter 198B. These regulations
8 shall establish specific standards for such use and shall be designed to operate in
9 conjunction with the Kentucky Building Code.

10 (6) Any standards of safety or other regulations promulgated under this section shall be
11 subject to the requirements of KRS 198B.030(8) and (9) and 198B.040(11).

12 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO
13 READ AS FOLLOWS:

14 No city, county, urban-county government, charter county government, unified local
15 government, consolidated local government, special district, or special purpose
16 governmental entity may modify the Uniform State Building Code or any supplement
17 thereto to require fire protection sprinkler systems as defined in KRS 198B.550 in a
18 building, including a barn or other agriculture outbuilding, that is being renovated
19 and wired for electricity if the building:

20 (a) Has been primarily used for agricultural purposes, as defined in KRS
21 138.210; and

22 (b) Will be used primarily for agritourism activity, as defined in KRS 247.801,
23 including commercial purposes such as wedding venues and events for the
24 public.

25 ➔Section 3. Whereas the diversification of agriculture has farmers renovating and
26 repurposing unused agricultural buildings to enhance economic development and promote
27 agritourism, and whereas this activity improves the local economy and enhances small

- 1 business, an emergency is declared to exist, and this Act takes effect upon its passage and
- 2 approval by the Governor or upon its otherwise becoming a law.