

1 AN ACT relating to statutorily mandated fees.

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

3 ➔Section 1. KRS 194A.050 is amended to read as follows:

- 4 (1) The secretary shall formulate, promote, establish, and execute policies, plans, and
5 **comprehensive** programs and shall adopt, administer, and enforce throughout the
6 Commonwealth all applicable state laws and all administrative regulations
7 necessary under applicable state laws to protect, develop, and maintain the health,
8 personal dignity, integrity, and sufficiency of the individual citizens of the
9 Commonwealth and necessary to operate the programs and fulfill the
10 responsibilities vested in the cabinet. The secretary shall promulgate, administer,
11 and enforce those administrative regulations necessary to implement programs
12 mandated by federal law, or to qualify for the receipt of federal funds and necessary
13 to cooperate with other state and federal agencies for the proper administration of
14 the cabinet and its programs.
- 15 (2) The secretary may utilize the Public Health Services Advisory Council to review
16 and make recommendations on contemplated administrative regulations relating to
17 initiatives of the Department for Public Health. No administrative regulations issued
18 under the authority of the cabinet shall be filed with the Legislative Research
19 Commission unless they are issued under the authority of the secretary, and the
20 secretary shall not delegate that authority.
- 21 (3) Except as otherwise provided by law, the secretary shall have authority to establish
22 by administrative regulation a schedule of reasonable fees, **but in no event shall the**
23 **total fees for permitting and inspection increase more than five (5) percent per**
24 **year**~~[none of which shall exceed one hundred dollars (\$100)]~~, to cover the costs of
25 annual inspections of efforts regarding compliance with program standards
26 administered by the cabinet. All fees collected for inspections shall be deposited in
27 the State Treasury and credited to a revolving fund account to be used for

1 administration of those programs of the cabinet. The balance of the account shall
2 lapse to the general fund at the end of each biennium. Fees shall not be charged for
3 investigation of complaints.

4 ➔Section 2. KRS 194A.707 is amended to read as follows:

5 (1) The Cabinet for Health and Family Services shall establish by the promulgation of
6 administrative regulation under KRS Chapter 13A, an initial and annual
7 certification review process for assisted-living communities. This administrative
8 regulation shall establish procedures related to applying for, reviewing, and
9 approving, denying, or revoking certification, as well as the conduct of hearings
10 upon appeals as governed by KRS Chapter 13B.

11 (2) An on-site visit of an assisted-living community shall be conducted by the cabinet:

12 (a) As part of the initial certification review process;

13 (b) On a biennial basis as part of the certification review process if during or since
14 the previous certification review an assisted-living community has not
15 received:

16 1. Any statement of danger, unless withdrawn by the cabinet; or

17 2. A finding substantiated by the cabinet that the assisted-living community
18 delivered a health service; and

19 (c) Within one (1) year of the date of the previous certification review if during or
20 since the last certification review an assisted-living community has received:

21 1. Any statement of danger that was not withdrawn by the cabinet; or

22 2. A finding substantiated by the cabinet that the assisted-living community
23 delivered a health service.

24 (3) No business shall market its service as an assisted-living community unless it has:

25 (a) Filed a current application for the business to be certified by the department as
26 an assisted-living community; or

27 (b) Received certification by the department as an assisted-living community.

- 1 (4) No business that has been denied or had its certification revoked shall operate or
2 market its service as an assisted-living community unless it has:
- 3 (a) Filed a current application for the business to be certified by the department as
4 an assisted-living community; and
- 5 (b) Received certification as an assisted-living community from the department.
6 Revocation of certification may be grounds for the department to not reissue
7 certification for one (1) year if ownership remains substantially the same.
- 8 (5) No business shall operate as an assisted-living community unless its owner or
9 manager has:
- 10 (a) Filed a current application for the business to be certified as an assisted-living
11 community by the department; and
- 12 (b) Received certification as an assisted-living community from the department.
- 13 (6) By September 1 of each year, each assisted-living community certified pursuant to
14 this chapter may provide residents with educational information or education
15 opportunities on influenza disease.
- 16 (7) The department shall determine the feasibility of recognizing accreditation by other
17 organizations in lieu of certification from the department.
- 18 (8) Individuals designated by the department to conduct certification reviews shall have
19 the skills, training, experience, and ongoing education to perform certification
20 reviews.
- 21 (9) **The cabinet may promulgate administrative regulations to establish an assisted-**
22 **living community certification fee that shall not exceed costs of the program to**
23 **the cabinet, to be assessed** upon receipt of an application for certification~~], the~~
24 ~~department shall assess an assisted-living community certification fee in the amount~~
25 ~~of twenty dollars (\$20) per living unit that in the aggregate for each assisted-living~~
26 ~~community is no less than three hundred dollars (\$300) and no more than one~~
27 ~~thousand six hundred dollars (\$1,600)].~~ The department shall submit a breakdown

1 of fees assessed and costs incurred for conducting certification reviews upon
2 request.

3 (10) The department shall make findings from certification reviews conducted during the
4 prior twelve (12) months available to any interested person.

5 (11) Notwithstanding any provision of law to the contrary, the department may request
6 any additional information from an assisted-living community or conduct additional
7 on-site visits to ensure compliance with the provisions of KRS 194A.700 to
8 194A.729.

9 (12) Failure to follow an assisted-living community's policies, practices, and procedures
10 shall not result in a finding of noncompliance unless the assisted-living community
11 is out of compliance with a related requirement under KRS 194A.700 to 194A.729.

12 ➔Section 3. KRS 194A.729 is amended to read as follows:

13 If a person or business seeks financing for an assisted-living community project, the
14 department shall provide written correspondence to the lender, upon request, to denote
15 whether the architectural drawings and lease agreement conditionally comply with the
16 provisions of KRS 194A.700 to 194A.729. The department may ***promulgate***
17 ***administrative regulations to establish a fee that shall not exceed costs of the program***
18 ***to the cabinet, to be charged for the written correspondence to the lender*** ~~charge a fee~~
19 ~~of no more than two hundred fifty dollars (\$250) for the written correspondence to the~~
20 ~~lender~~.

21 ➔Section 4. KRS 199.640 is amended to read as follows:

22 (1) Any facility or agency seeking to conduct, operate, or maintain any child-caring
23 facility or child-placing agency shall first obtain a license to conduct, operate, or
24 maintain the facility or agency from the cabinet.

25 (2) The cabinet shall:

26 (a) Develop standards, as provided in subsection (5) of this section, which must
27 be met by any facility or agency seeking to be licensed to conduct, operate, or

- 1 maintain a child-caring facility or child-placing agency;
- 2 (b) Issue licenses to any facility or agency found to meet established standards
3 and revoke or suspend a license after a hearing in any case that a facility or
4 agency holding a license is determined to have substantially failed to conform
5 to the requirements of the standards;
- 6 (c) Establish and follow procedures designed to insure that any facility or agency
7 licensed to conduct, operate, or maintain a child-caring facility or child-
8 placing agency complies with the requirements of the standards on an ongoing
9 basis.
- 10 (3) Licenses shall be issued for a period of one (1) year from date of issue unless
11 revoked by the cabinet. Each licensed facility or agency shall be visited and
12 inspected at least one (1) time each year by a person authorized by the cabinet and
13 meeting specific qualifications established by the secretary of the cabinet in an
14 administrative regulation. A complete report of the visit and inspection shall be
15 filed with the cabinet.
- 16 (4) Each license issued shall specify the type of care or service the licensee is
17 authorized to perform. **The cabinet may promulgate administrative regulations to**
18 **establish fees that shall not exceed costs of the program to the cabinet, for the**
19 **proper administration of licensure**~~Each initial application for a license shall be~~
20 ~~accompanied by a fee of one hundred dollars (\$100) and shall, except for~~
21 ~~provisional licenses, be renewable annually upon expiration and reapplication when~~
22 ~~accompanied by a fee of fifty dollars (\$50)].~~ The fees collected by the secretary
23 shall be deposited in the State Treasury and credited to a revolving fund account for
24 the purpose of carrying out the provisions of this section. The balance of said
25 account shall lapse to the general fund at the end of each biennium.
- 26 (5) (a) The secretary shall promulgate administrative regulations establishing basic
27 standards of care and service for child-caring facilities and child-placing

1 agencies relating to the health and safety of all children in the care of the
2 facility or agency, the basic components for a quality program, as referenced
3 below, and any other factors as may be necessary to promote the welfare of
4 children cared for or placed by the agencies and facilities. Standards
5 established may vary depending on the capacity of the agency or facility
6 seeking licensure. These administrative regulations shall establish standards
7 that insure that:

- 8 1. The treatment program offered by the facility or agency is directed
9 toward child safety, improved child functioning, improved family
10 functioning, and continuity and permanence for the child;
- 11 2. The facility or agency has on staff, or has contracted with, individuals
12 who are qualified to meet the treatment needs of the children being
13 served, including their psychological and psychiatric needs;
- 14 3. The facility or agency has procedures in place to insure that its staff
15 receives ongoing training and that all staff members who are required to
16 do so meet all regional and national standards;
- 17 4. The facility or agency develops an integrated, outcomes-based treatment
18 plan that meets the health, mental health, education, safety, and security
19 needs of each child in its care;
- 20 5. The facility or agency has procedures in place to include parents, family,
21 and other caregivers in a child's treatment program;
- 22 6. The facility or agency has procedures in place whereby it evaluates its
23 programs on a quarterly basis and documents changes in the program if
24 the results of the review indicate a change is needed;
- 25 7. The facility or agency makes available quality programs for substance
26 abuse prevention and treatment with providers licensed under KRS
27 Chapter 222 as part of its treatment services;

- 1 8. The facility or agency initiates discharge planning at admission and
2 provides sufficient aftercare; and
- 3 9. The facility or agency has procedures in place that outline the structure
4 and objectives of cooperative relationships with the community within
5 which it is located and the local school district.
- 6 (b) The secretary shall promulgate administrative regulations establishing
7 recordkeeping and reporting requirements and standards for licensed agencies
8 and facilities that recognize the electronic storage and retrieval of information
9 for those facilities that possess the necessary technology and that include, at a
10 minimum, the following information relating to children in the care of the
11 agency or facility:
- 12 1. The name, age, social security number, county of origin, and all former
13 residences of the child;
- 14 2. The names, residences, and occupations, if available, of the child's
15 parents;
- 16 3. The date on which the child was received by the agency or facility; the
17 date on which the child was placed in a foster home or made available
18 for adoption; and the name, occupation, and residence of any person
19 with whom a child is placed; and
- 20 4. A brief and continuing written narrative history of each child covering
21 the period during which the child is in the care of the agency or facility.
- 22 (c) The secretary may promulgate administrative regulations creating separate
23 licensure standards for different types of facilities.
- 24 (d) The secretary shall promulgate administrative regulations to establish
25 practices and procedures for the inspection of child-caring facilities and child-
26 placing agencies. These administrative regulations shall establish a uniform
27 reporting mechanism that includes guidelines for enforcement.

1 (6) Any administrative regulations promulgated pursuant to KRS Chapter 13A to
2 govern services provided by church-related privately operated child-caring agencies
3 or facilities shall not prohibit the use of reasonable corporal physical discipline
4 which complies with the provisions of KRS 503.110(1), including the use of
5 spanking or paddling, as a means of punishment, discipline, or behavior
6 modification and shall prohibit the employment of persons convicted of any sexual
7 offense with any child-caring facility or child-placing agency.

8 (7) All records regarding children or facts learned about children and their parents and
9 relatives by any licensed agency or facility shall be deemed confidential in the same
10 manner and subject to the same provisions as similar records of the cabinet. The
11 information thus obtained shall not be published or be open for public inspection
12 except to authorized employees of the cabinet or of such licensed agency or facility
13 in performance of their duties.

14 ➔Section 5. KRS 199.896 is amended to read as follows:

15 (1) No person, association, or organization shall conduct, operate, maintain, or
16 advertise any child-care center without obtaining a license as provided in KRS
17 199.892 to 199.896.

18 (2) The cabinet~~[secretary]~~ may promulgate administrative regulations pursuant to KRS
19 Chapter 13A relating to license fees and may establish standards of care and service
20 for a child-care center, criteria for the denial of a license if criminal records indicate
21 convictions that may impact the safety and security of children in care, and
22 procedures for enforcement of penalties.

23 (3) Each initial application for a license shall be made to the cabinet and shall be
24 accompanied by a fee **that shall not exceed administrative costs of the program to**
25 **the cabinet**~~[of not more than fifty dollars (\$50)]~~ and shall be renewable annually
26 upon expiration and reapplication when accompanied by a **renewal fee that shall**
27 **not exceed administrative costs of the program to the cabinet**~~[fee of twenty-five~~

1 ~~dollars (\$25)]~~. Regular licenses and renewals thereof shall expire one (1) year from
2 their effective date.

3 (4) No child-care center shall be refused a license or have its license revoked for failure
4 to meet standards set by the secretary until after the expiration of a period not to
5 exceed six (6) months from the date of the first official notice that the standards
6 have not been met. If, however, the cabinet has probable cause to believe that an
7 immediate threat to the public health, safety, or welfare exists, the cabinet may take
8 emergency action pursuant to KRS 13B.125. All administrative hearings conducted
9 under authority of KRS 199.892 to 199.896 shall be conducted in accordance with
10 KRS Chapter 13B.

11 (5) If, upon inspection or investigation, the inspector general finds that a child-care
12 center licensed under this section has violated the administrative regulations,
13 standards, or requirements of the cabinet, the inspector general shall issue a
14 statement of deficiency to the center containing:

15 (a) A statement of fact;

16 (b) A statement of how an administrative regulation, standard, or requirement of
17 the cabinet was violated; and

18 (c) The timeframe, negotiated with the child-care center, within which a violation
19 is to be corrected, except that a violation that poses an immediate threat to the
20 health, safety, or welfare of children in the center shall be corrected in no
21 event later than five (5) working days from the date of the statement of
22 deficiency.

23 (6) The Cabinet for Health and Family Services, in consultation with the Office of the
24 Inspector General, shall establish by administrative regulations promulgated in
25 accordance with KRS Chapter 13A an informal dispute resolution process
26 containing at least two (2) separate levels of review through which a child-care
27 provider may dispute licensure deficiencies that have an adverse effect on the child-

1 care provider's license.

2 (7) A child-care center shall have the right to appeal to the Cabinet for Health and
3 Family Services under KRS Chapter 13B any action adverse to its license or the
4 assessment of a civil penalty issued by the inspector general as the result of a
5 violation contained in a statement of deficiency within twenty (20) days of the
6 issuance of the action or assessment of the civil penalty. An appeal shall not act to
7 stay the correction of a violation.

8 (8) In assessing the civil penalty to be levied against a child-care center for a violation
9 contained in a statement of deficiency issued under this section, the inspector
10 general or the inspector general's designee shall take into consideration the
11 following factors:

12 (a) The gravity of the threat to the health, safety, or welfare of children posed by
13 the violation;

14 (b) The number and type of previous violations of the child-care center;

15 (c) The reasonable diligence exercised by the child-care center and efforts to
16 correct the violation; and

17 (d) The amount of assessment necessary to assure immediate and continued
18 compliance.

19 (9) Upon a child-care center's failure to take action to correct a violation of the
20 administrative regulations, standards, or requirements of the cabinet contained in a
21 statement of deficiency, or at any time when the operation of a child-care center
22 poses an immediate threat to the health, safety, or welfare of children in the center,
23 and the child-care center continues to operate after the cabinet has taken emergency
24 action to deny, suspend, or revoke its license, the cabinet or the cabinet's designee
25 shall take at least one (1) of the following actions against the center:

26 (a) Institute proceedings to obtain an order compelling compliance with the
27 administrative regulations, standards, and requirements of the cabinet;

- 1 (b) Institute injunctive proceedings in Circuit Court to terminate the operation of
2 the center;
- 3 (c) Institute action to discontinue payment of child-care subsidies; or
- 4 (d) Suspend or revoke the license or impose other penalties provided by law.
- 5 (10) Upon request of any person, the cabinet shall provide information regarding the
6 denial, revocation, suspension, or violation of any type of child-care center license
7 of the operator. Identifying information regarding children and their families shall
8 remain confidential.
- 9 (11) The cabinet shall provide, upon request, public information regarding the
10 inspections of and the plans of correction for the child-care center within the past
11 year. All information distributed by the cabinet under this subsection shall include a
12 statement indicating that the reports as provided under this subsection from the past
13 five (5) years are available from the child-care center upon the parent's, custodian's,
14 guardian's, or other interested person's request.
- 15 (12) All fees collected under the provisions of KRS 199.892 to 199.896 for license and
16 certification applications shall be paid into the State Treasury and credited to a
17 special fund for the purpose of administering KRS 199.892 to 199.896 including the
18 payment of expenses of and to the participants in child-care workshops. The funds
19 collected are hereby appropriated for the use of the cabinet. The balance of the
20 special fund shall lapse to the general fund at the end of each biennium.
- 21 (13) Any advertisement for child-care services shall include the address of where the
22 service is being provided.
- 23 (14) All inspections of licensed and unlicensed child-care centers by the Cabinet for
24 Health and Family Services shall be unannounced.
- 25 (15) All employees and owners of a child-care center who provide care to children shall
26 demonstrate within the first three (3) months of employment completion of at least
27 a total of six (6) hours of orientation in the following areas:

- 1 (a) Basic health, safety, and sanitation;
- 2 (b) Recognizing and reporting child abuse; and
- 3 (c) Developmentally appropriate child-care practice.
- 4 (16) All employees and owners of a child-care center who provide care to children shall
- 5 annually demonstrate to the department completion of at least six (6) hours of
- 6 training in child development. These hours shall include but are not limited to one
- 7 and one-half (1.5) hours one (1) time every five (5) years of continuing education in
- 8 the recognition and prevention of pediatric abusive head trauma, as defined in KRS
- 9 620.020. Training in recognizing pediatric abusive head trauma may be designed in
- 10 collaboration with organizations and agencies that specialize in the prevention and
- 11 recognition of pediatric head trauma approved by the secretary of the Cabinet for
- 12 Health and Family Services. The one and one-half (1.5) hours required under this
- 13 section shall be included in the current number of required continuing education
- 14 hours.
- 15 (17) The Cabinet for Health and Family Services shall make available either through the
- 16 development or approval of a model training curriculum and training materials,
- 17 including video instructional materials, to cover the areas specified in subsection
- 18 (15) of this section. The cabinet shall develop or approve the model training
- 19 curriculum and training materials to cover the areas specified in subsection (15) of
- 20 this section.
- 21 (18) Child-care centers licensed pursuant to this section and family child-care homes
- 22 certified pursuant to KRS 199.8982 shall not use corporal physical discipline,
- 23 including the use of spanking, shaking, or paddling, as a means of punishment,
- 24 discipline, behavior modification, or for any other reason. For the purposes of this
- 25 section, "corporal physical discipline" means the deliberate infliction of physical
- 26 pain and does not include spontaneous physical contact which is intended to protect
- 27 a child from immediate danger.

- 1 (19) Child-care centers that provide instructional and educational programs for
2 preschool-aged children that operate for a maximum of twenty (20) hours per week
3 and which a child attends for no more than fifteen (15) hours per week shall:
- 4 (a) Notify the cabinet in writing that the center is operating;
 - 5 (b) Meet all child-care center licensure requirements and administrative
6 regulations related to employee background checks;
 - 7 (c) Meet all child-care center licensure requirements and administrative
8 regulations related to tuberculosis screenings; and
 - 9 (d) Be exempt from all other child-care center licensure requirements and
10 administrative regulations.
- 11 (20) Child-care centers that provide instructional and educational programs for
12 preschool-aged children that operate for a maximum of twenty (20) hours per week
13 and which a child attends for no more than ten (10) hours per week shall be exempt
14 from all child-care licensure requirements and administrative regulations.
- 15 (21) Directors and employees of child-care centers in a position that involves
16 supervisory or disciplinary power over a minor, or direct contact with a minor, shall
17 submit to a criminal record check in accordance with KRS 199.8965.
- 18 (22) A director or employee of a child-care center may be employed on a probationary
19 status pending receipt of the criminal background check. Application for the
20 criminal record of a probationary employee shall be made no later than the date
21 probationary employment begins.
- 22 ➔Section 6. KRS 199.8982 is amended to read as follows:
- 23 (1) (a) The cabinet shall establish a family child-care home certification program
24 which shall be administered by the department. A family child-care provider
25 shall apply for certification of the provider's home if the provider is caring for
26 four (4) to six (6) children unrelated to the provider. A family child-care
27 provider caring for three (3) or fewer children may apply for certification of

1 the provider's home at the discretion of the provider. Applicants for
2 certification shall not have been found by the cabinet or a court to have abused
3 or neglected a child, and shall meet the following minimum requirements:

- 4 1. Submit two (2) written character references;
- 5 2. Provide a written statement from a physician or advanced practice
6 registered nurse that the applicant is in good health;
- 7 3. Submit to a criminal record check in accordance with KRS 199.8965;
- 8 4. Provide smoke detectors, a telephone, an adequate water supply,
9 sufficient lighting and space, and a safe environment in the residence in
10 which care is provided;
- 11 5. Provide a copy of the results of a tuberculosis risk assessment and the
12 results of any appropriate follow-up with skin testing or chest X-ray for
13 applicants who are determined to be at risk for developing tuberculosis
14 in accordance with the recommendations of the Centers for Disease
15 Control and Prevention within thirty (30) days of the date of application
16 for certification; and
- 17 6. Demonstrate completion of a total of at least six (6) hours of training in
18 the following areas within three (3) months of application for
19 certification:
 - 20 a. Basic health, safety, and sanitation;
 - 21 b. Recognizing and reporting child abuse; and
 - 22 c. Developmentally appropriate child-care practice.

- 23 (b) Initial applications for certification shall be made to the department ~~and shall~~
24 ~~be accompanied by a ten dollar (\$10) certification fee~~. **The cabinet may**
25 **promulgate administrative regulations to establish fees that shall not exceed**
26 **costs of the program to the cabinet, for proper administration of the**
27 **certification.** The department shall issue a certificate of operation upon

1 inspecting the family child-care home and determining the provider's
2 compliance with the provisions of this section. The inspection shall be
3 unannounced. A certificate of operation issued pursuant to this section shall
4 not be transferable and shall be renewed every two (2) years for a fee *that*
5 *shall not exceed costs of the program to the cabinet for renewal*~~[of ten~~
6 ~~dollars (\$10)]~~.

7 (c) A certified family child-care provider shall display the certificate of operation
8 in a prominent place within the residence in which care is provided. The
9 cabinet shall provide the certified family child-care provider with written
10 information explaining the requirements for a family day-care provider and
11 instructions on the method of reporting violations of the requirements which
12 the provider shall distribute to parents.

13 (d) Upon request of any person, the cabinet shall provide information regarding
14 the denial, revocation, suspension, or violation of any type of day-care license
15 of the family child-care provider. Identifying information regarding children
16 and their families shall remain confidential.

17 (e) The cabinet shall provide, upon request, public information regarding the
18 inspections of and the plans of correction for the family child-care home
19 within the past year. All information distributed by the cabinet under this
20 paragraph shall include a statement indicating that the reports as provided
21 under this paragraph from the past five (5) years are available from the family
22 child-care home upon the parent's, custodian's, guardian's, or other interested
23 person's request.

24 (f) The cabinet shall promulgate administrative regulations in accordance with
25 KRS Chapter 13A which establish standards for the issuance, monitoring,
26 release of information under this section and KRS 199.896 and 199.898,
27 renewal, denial, revocation, and suspension of a certificate of operation for a

1 family child-care home and establish criteria for the denial of certification if
2 criminal records indicate convictions that may impact the safety and security
3 of children in care. A denial, suspension, or revocation of a certificate may be
4 appealed, and upon appeal an administrative hearing shall be conducted in
5 accordance with KRS Chapter 13B. If the cabinet has probable cause to
6 believe that there is an immediate threat to the public health, safety, or
7 welfare, the cabinet may take emergency action to suspend a certificate
8 pursuant to KRS 13B.125. The cabinet shall promulgate administrative
9 regulations to impose minimum staff-to-child ratios. The cabinet may
10 promulgate administrative regulations relating to other requirements necessary
11 to ensure minimum safety in family child-care homes. The cabinet shall
12 develop and provide an "easy-to-read" guide containing the following
13 information to a family child-care provider seeking certification of his home:

- 14 1. Certification requirements and procedures;
- 15 2. Information about available child-care training; and
- 16 3. Child-care food sponsoring organizations.

17 (2) Family child-care providers shall annually demonstrate to the department
18 completion of at least six (6) hours of training in child development. These hours
19 shall include but are not limited to one and one-half (1.5) hours one (1) time every
20 five (5) years of continuing education in the recognition and prevention of pediatric
21 abusive head trauma, as defined in KRS 620.020. Training in recognizing pediatric
22 abusive head trauma may be designed in collaboration with organizations and
23 agencies that specialize in the prevention and recognition of pediatric abusive head
24 trauma approved by the secretary of the Cabinet for Health and Family Services.
25 The one and one-half (1.5) hours of continuing education required under this
26 section shall be included in the current number of required continuing education
27 hours.

1 (3) The cabinet shall, either through the development of or approval of, make available
2 a model training curriculum and training materials, including video instructional
3 materials, to cover the areas specified in subsection (1)(a)6. of this section. The
4 cabinet shall develop or approve the model training curriculum and training
5 materials to cover the areas specified in subsection (1)(a)6. of this section.

6 ➔Section 7. KRS 211.180 is amended to read as follows:

7 (1) The cabinet shall enforce the administrative regulations promulgated by the
8 secretary of the Cabinet for Health and Family Services for the regulation and
9 control of the matters set out below and shall formulate, promote, establish, and
10 execute policies, plans, and comprehensive programs relating to all matters of
11 public health, including but not limited to the following matters:

12 (a) Detection, prevention, and control of communicable diseases, chronic and
13 degenerative diseases, dental diseases and abnormalities, occupational
14 diseases and health hazards peculiar to industry, home accidents and health
15 hazards, animal diseases which are transmissible to man, and other diseases
16 and health hazards that may be controlled;

17 (b) The adoption of regulations specifying the information required in and a
18 minimum time period for reporting a sexually transmitted disease. In adopting
19 the regulations the cabinet shall consider the need for information, protection
20 for the privacy and confidentiality of the patient, and the practical ability of
21 persons and laboratories to report in a reasonable fashion. The cabinet shall
22 require reporting of physician-diagnosed cases of acquired immunodeficiency
23 syndrome based upon diagnostic criteria from the Centers for Disease Control
24 and Prevention of the United States Public Health Service. No later than
25 October 1, 2004, the cabinet shall require reporting of cases of human
26 immunodeficiency virus infection by reporting of the name and other relevant
27 data as requested by the Centers for Disease Control and Prevention and as

1 further specified in KRS 214.645. Nothing in this section shall be construed to
2 prohibit the cabinet from identifying infected patients when and if an effective
3 cure for human immunodeficiency virus infection or any immunosuppression
4 caused by human immunodeficiency virus is found or a treatment which
5 would render a person noninfectious is found, for the purposes of offering or
6 making the cure or treatment known to the patient;

7 (c) The control of insects, rodents, and other vectors of disease; the safe handling
8 of food and food products; the safety of cosmetics; the control of narcotics,
9 barbiturates, and other drugs as provided by law; the sanitation of schools,
10 industrial establishments, and other public and semipublic buildings; the
11 sanitation of state and county fairs and other similar public gatherings; the
12 sanitation of public and semipublic recreational areas; the sanitation of public
13 rest rooms, trailer courts, hotels, tourist courts, and other establishments
14 furnishing public sleeping accommodations; the review, approval, or
15 disapproval of plans for construction, modification, or extension of equipment
16 related to food-handling in food-handling establishments; the licensure of
17 hospitals; and the control of such other factors, not assigned by law to another
18 agency, as may be necessary to insure a safe and sanitary environment;

19 (d) The construction, installation, and alteration of any on-site sewage disposal
20 system, except for a system with a surface discharge;

21 (e) Protection and improvement of the health of expectant mothers, infants,
22 preschool, and school-age children;

23 (f) The practice of midwifery, including the issuance of permits to and
24 supervision of women who practice midwifery; and

25 (g) Protection and improvement of the health of the people through better
26 nutrition.

27 (2) The secretary shall have authority to establish by regulation a schedule of

1 reasonable fees, not to exceed costs of the program to the cabinet to cover
 2 inspector hours and but in no event shall the total fees for permitting and
 3 inspection increase more than five (5) percent per year, ~~twenty dollars (\$20) per~~
 4 ~~inspector hour plus~~ travel ~~costs~~ pursuant to state regulations for travel
 5 reimbursement, to cover the costs of inspections of manufacturers, retailers, and
 6 distributors of consumer products as defined in the Federal Consumer Product
 7 Safety Act, 15 U.S.C. secs. 2051 et seq.; 86 Stat. 1207 et seq. or amendments
 8 thereto, and of youth camps for the purpose of determining compliance with the
 9 provisions of this section and the regulations adopted by the secretary pursuant
 10 thereto. Fees collected by the secretary shall be deposited in the State Treasury and
 11 credited to a revolving fund account for the purpose of carrying out the provisions
 12 of this section. The balance of the account shall lapse to the general fund at the end
 13 of each biennium.

14 (3) Any administrative hearing conducted under authority of this section shall be
 15 conducted in accordance with KRS Chapter 13B.

16 ➔Section 8. KRS 211.357 is amended to read as follows:

17 (1) The cabinet shall establish a program to certify persons as installers of on-site
 18 sewage disposal systems. A master plumber licensed pursuant to KRS Chapter 318
 19 or a person who provides written verification from the local health department in
 20 the county in which the work was completed that he installed five (5) lateral fields
 21 and septic tank systems prior to July 13, 1984, and that these installations had been
 22 inspected by a certified inspector and passed inspection, shall be certified
 23 automatically.

24 (2) The cabinet shall establish as a part of the certification program referenced in
 25 subsection (1) of this section a means of issuing a probationary certification for
 26 installers of on-site sewage disposal systems. This probationary certification shall
 27 automatically be converted to a full certification at the time that the holder of the

1 probationary certificate has installed five (5) lateral fields and septic tank systems
2 and has provided written verification from the local health department in the county
3 in which the work was completed that these installations have been inspected by a
4 certified inspector and passed the inspection. The cabinet shall issue a full
5 certificate to the holder of the probationary certificate no later than sixty (60) days
6 after receipt of verification. In order to be issued a probationary certification,
7 eligible persons shall certify in writing that they will make installations in
8 accordance with requirements set forth by the Cabinet for Health and Family
9 Services.

10 (3) **The cabinet may promulgate administrative regulations to establish a fee that**
11 **shall not exceed administrative costs to the cabinet but in no event shall the total**
12 **fees for permitting and inspection increase more than five (5) percent per year,**
13 **that shall be paid by** persons certified as installers, except master plumbers licensed
14 pursuant to KRS Chapter 318~~, shall pay a reasonable fee of not more than twenty-~~
15 ~~five dollars (\$25) for certification].~~

16 (4) The cabinet may revoke or suspend any certification issued pursuant to this section
17 upon proof that the certified person has:

- 18 (a) Knowingly violated the provisions of this chapter or the regulations of the
19 cabinet;
- 20 (b) Practiced fraud or deception in applying for or obtaining a certificate;
- 21 (c) Is incompetent to install on-site sewage disposal systems;
- 22 (d) Permitted the certification to be used directly or indirectly by another to install
23 on-site sewage disposal systems; or
- 24 (e) Is guilty of other unprofessional or dishonorable conduct of a character likely
25 to deceive or defraud the public.

26 (5) Upon appeal of any decision to revoke or suspend a certification, an administrative
27 hearing shall be conducted in accordance with KRS Chapter 13B.

1 (6) Nothing in this section shall be construed to condone the installation of on-site
2 sewage disposal systems contrary to specifications for these systems established by
3 the cabinet.

4 ➔Section 9. KRS 211.760 is amended to read as follows:

5 (1) As used in this section:

6 (a) "Body piercing" means the act of penetrating the skin or body part of a human
7 being to make a hole, mark, or scar;

8 (b) "Facility" means the place of business where tattooing, body piercing, or both
9 are conducted; and

10 (c) "Tattooing" means the act of producing scars on a human being or the act of
11 inserting pigment under the surface of the skin of a human being, by pricking
12 with a needle or otherwise, to produce indelible marks or figures visible
13 through the skin, including the application of permanent makeup.

14 (2) No person shall engage in, offer to engage in, or carry on any business of tattooing,
15 body piercing, or both of humans by nonmedical personnel for remuneration within
16 the Commonwealth of Kentucky without first registering with the local health
17 department in the district or county in which the person is to perform tattooing,
18 body piercing, or both. Registrations shall be valid for one (1) year. Applicants for
19 registration shall pay a fee ***that shall not exceed administrative costs of the***
20 ***program to the cabinet,***~~[of twenty dollars (\$20)]~~ to the local or district health
21 department.

22 (3) The Cabinet for Health and Family Services shall promulgate administrative
23 regulations relating to:

24 (a) Health and cleanliness of places of business in which tattooing, body piercing,
25 or both are conducted;

26 (b) Sterilization of tattooing and body piercing apparatus;

27 (c) Procedures to prevent the spread of disease or infection during or relating to

1 tattooing and body piercing procedures;

2 (d) Procedures to prevent any tattooing or body piercing of minors without the
3 written notarized consent of a custodial parent or legal guardian; and

4 (e) Such other administrative regulations as may be necessary to protect public
5 health or properly administer the program requirements of this section,
6 **including application and licensing fees.**

7 (4) Representatives of the cabinet or local or district health departments may visit a
8 facility at any time during business hours to ensure compliance with the
9 requirements of this section. Representatives of local or district health departments
10 shall visit each registered facility in their county or district not less than twice each
11 year.

12 (5) Any administrative hearing conducted under this section shall be conducted in
13 accordance with KRS Chapter 13B.

14 ➔Section 10. KRS 211.976 is amended to read as follows:

15 (1) All persons proposing to engage in business for the purposes of this chapter shall
16 file an application for licensing on forms provided by the cabinet with information
17 specifying that waste hauling is restricted to household sewage or sludge only;
18 commercial or industrial sanitary sewage or sludge only; grease trap sewage or
19 sludge only; or combinations of the above. Other information deemed necessary, as
20 well as the required fee, shall accompany the application. The secretary may
21 **promulgate administrative regulations to establish a fee schedule that shall not**
22 **exceed the costs to the cabinet but in no event shall the total fees for permitting**
23 **and inspection increase more than five (5) percent per year**~~[establish a fee~~
24 ~~schedule according to authorization in the state budget document].~~

25 (2) If the cabinet, after any investigation it deems necessary, finds that the applicant has
26 the qualifications, experience, reputation, and approved site for disposal necessary
27 to perform the service in an acceptable manner and not detrimental to the

1 environment or to public health, it shall issue or cause to be issued a license for the
 2 said business. This license is not transferable. The application for license shall be
 3 made to the cabinet prior to March 1 of each year, and shall be accompanied by a
 4 surety bond tendered by a company registered in the Commonwealth of Kentucky,
 5 to indemnify persons for whom service and maintenance work is performed, if
 6 faulty, and to guarantee disposal of sewage sludge in an approved manner; or with
 7 sureties, form and sufficiency acceptable to the cabinet. **The amount of the bond**
 8 **shall be established by administrative regulation promulgated by the**
 9 **cabinet**~~[Bonds shall be in the amount of two thousand dollars (\$2,000)].~~ The
 10 cabinet shall be the obligee, and the bond shall be for the benefit and purpose to
 11 protect all persons and the environment damaged by faulty workmanship in the
 12 servicing or maintaining of sewage pretreatment units, grease traps, or holding
 13 tanks, or in the disposal of sewage sludge, and shall guarantee the appearance of the
 14 licensee to answer any summons within thirty (30) days of notice to the bonding
 15 company of the issuance of summons. Bonds shall be conditioned upon the
 16 performance of the services in a workmanlike manner, and in a manner which will
 17 not create a public health hazard nor damage the environment.

18 ➔Section 11. KRS 213.141 is amended to read as follows:

- 19 (1) Except as provided in subsection (2) of this section, the cabinet shall prescribe by
 20 regulation a fee not to exceed five dollars (\$5), to be paid for certified copies of
 21 certificates or records, or for a search of the files or records when no copy is made,
 22 or for copies or information provided for research, statistical, or administrative
 23 purposes.
- 24 (2) The cabinet shall prescribe by administrative regulation pursuant to KRS Chapter
 25 13A a fee not to exceed ten dollars (\$10) to be paid for a certified copy of a record
 26 of a birth:
- 27 (a) Three dollars (\$3) of which shall be used by the Cabinet for Health and

1 Family Services for the sole purpose of contracting for the operation of
2 private, not-for-profit, self-help, education, and support groups for parents
3 who want to prevent or cease physical, sexual, or mental abuse of children;
4 and

5 (b) One dollar (\$1) of which shall be used by the Division of Maternal and Child
6 Health to pay for therapeutic food, formulas, supplements, amino acid-based
7 elemental formula, or low-protein modified foods for all inborn errors of
8 metabolism and genetic conditions if:

9 1. The therapeutic food, formulas, supplements, amino acid-based
10 elemental formula, or low-protein modified food products are medically
11 indicated for the therapeutic treatment of inborn errors of metabolism or
12 genetic conditions and are administered under the direction of a
13 physician; and

14 2. The affected person's therapeutic food, formulas, supplements, amino
15 acid-based elemental formula, or low-protein foods are not covered
16 under any public or private health benefit plan.

17 (3) Fees collected under this section by the state registrar shall be used to help defray
18 the cost of administering the system of vital statistics.

19 (4) (a) No fee or compensation shall be allowed or paid for furnishing certificates of
20 birth or death required in support of any claim against the government for
21 compensation, insurance, back pay, or other allowances or benefits for any
22 person who has at any time served as a member of the Army, Navy, Marine
23 Corps, or Air Force of the United States.

24 (b) No fee or compensation shall be allowed or paid for furnishing a certificate of
25 birth to a member of the Kentucky National Guard who has received
26 deployment orders during the sixty (60) days prior to the furnishing of the
27 certificate.

1 (c) No fee or compensation shall be allowed or paid for furnishing a certificate
 2 of birth to a child who is in the custody of or committed to the cabinet,
 3 including a child who has extended commitment to the cabinet in
 4 accordance with KRS 610.110(6).

5 (5) The cabinet shall notify the State Board of Elections monthly of the name, address,
 6 birthdate, sex, race, and Social Security number of residents of the Commonwealth
 7 who died during the previous month. This data shall include only those persons who
 8 were over the age of eighteen (18) years at the date of death. No fee or
 9 compensation shall be allowed for furnishing these lists.

10 ➔Section 12. KRS 217.125 is amended to read as follows:

11 (1) The authority to promulgate regulations for the efficient administration and
 12 enforcement of KRS 217.005 to 217.215 is hereby vested in the secretary. The
 13 secretary may make the regulations promulgated under KRS 217.005 to 217.215
 14 consistent with those promulgated under the federal act and the Fair Packaging and
 15 Labeling Act. Regulations promulgated may require permits to operate and include
 16 provisions for regulating the issuance, suspension, and reinstatement of permits.
 17 The authority to promulgate regulations pursuant to KRS 217.005 to 217.205 is
 18 restricted to the Cabinet for Health and Family Services.

19 (2) No person shall operate a food processing establishment, food storage warehouse,
 20 salvage distributor, or salvage processing plant without having obtained an annual
 21 permit to operate from the cabinet. An application for the permit to operate shall be
 22 made to the cabinet upon forms provided by it and shall be accompanied by the
 23 required fee as shall be provided by regulation. The secretary shall promulgate
 24 administrative regulations to establish a fee schedule not to exceed costs of the
 25 program to the cabinet~~[according to authorization in the state budget document].~~
 26 Fees collected by the cabinet shall be deposited in the State Treasury and credited to
 27 a revolving fund account for use by the cabinet in carrying out the provisions of

1 KRS 217.025 to 217.390 and the regulations adopted by the secretary pursuant
2 thereto. The balance of the account shall lapse to the general fund at the end of each
3 biennium.

4 (3) No person shall operate a retail food establishment without having obtained a
5 permit to operate from the cabinet. An application for a permit to operate any retail
6 food establishment shall be made to the cabinet upon forms provided by it and shall
7 contain the information the cabinet may reasonably require.

8 (4) Except as otherwise provided in subsection (11) of this section, each application for
9 a temporary food service establishment or for an annual permit to operate a retail
10 food establishment shall be accompanied by the required fee. The secretary shall
11 promulgate administrative regulations to establish a fee schedule not exceed costs
12 to the cabinet but in no event shall the total fees for permitting and inspection
13 increase more than five (5) percent per year~~[according to authorization in the state~~
14 ~~budget document].~~

15 (5) Except as otherwise provided in subsection (11) of this section, each application for
16 a farmers market temporary food service establishment shall be accompanied by the
17 required fee of at least fifty dollars (\$50). The secretary shall establish a fee
18 schedule by promulgation of administrative regulation. Fees collected by the cabinet
19 shall be used to carry out duties related to farmers market temporary food service
20 establishments, including but not limited to inspections and the issuance of permits.

21 (6) An applicant for a permit to operate a farmers market temporary food service
22 establishment must provide documentation of successful completion of a food
23 safety training program offered by either the state, a local health department, or
24 other entity approved by the cabinet to conduct food safety training. Each
25 certification of food safety training shall expire after a period of twenty-four (24)
26 months from the date of issuance. Permits issued shall be posted in a conspicuous
27 place in the establishment, and a person who has completed the food safety training

1 for farmers market temporary food service establishments shall be present at all
2 times during the operation of the establishment.

3 (7) Upon expiration of a temporary food service establishment permit, any subsequent
4 permits shall not be issued to the same operator to operate at the same location until
5 a period of thirty (30) days has elapsed.

6 (8) Upon receipt of an application for a permit to operate a food processing
7 establishment, food storage warehouse, salvage distributor, or salvage processing
8 plant or a retail food establishment accompanied by the required fee, the cabinet
9 shall issue a permit if the establishment meets the requirements of KRS 217.005 to
10 217.215 and regulations adopted by the cabinet. Retail food establishments holding
11 a valid and effective permit on January 1, 1973, even though not fully meeting the
12 construction requirements of KRS 217.005 to 217.215 and the regulations adopted
13 pursuant thereto, may continue to be eligible for permit renewal if in good repair
14 and capable of being maintained in a safe and sanitary manner.

15 (9) Permits shall not be issued to operate a temporary food service establishment and a
16 farmers market temporary food service establishment simultaneously at the same
17 location and by the same operator.

18 (10) In all instances of permit issuance for either a temporary food service establishment
19 permit or a farmers market temporary food service establishment permit, any
20 subsequent permits shall not be issued until a period of thirty (30) days has elapsed.

21 (11) Private, parochial, and public school cafeterias or lunchroom facilities through the
22 twelfth grade, charitable food kitchens, and all facilities operated by the Cabinet for
23 Health and Family Services or Department of Corrections shall be exempt from the
24 payment of fees, but shall comply with all other provisions of KRS 217.005 to
25 217.215 and the state retail food establishment code. For this subsection, the term
26 "charitable food kitchens" means a not-for-profit, benevolent food service
27 establishment where more than one-half (1/2) of the employees are volunteers.

1 (12) Each annual permit to operate a food processing establishment, food storage
 2 warehouse, salvage distributor, or salvage processing plant or a retail food
 3 establishment, unless previously suspended or revoked, shall expire on December
 4 31 following its date of issuance, and be renewable annually upon application
 5 accompanied by the required fee, except as otherwise provided in subsection (11) of
 6 this section, and if the establishment is in compliance with KRS 217.005 to 217.215
 7 and regulations of the cabinet.

8 (13) Each permit to operate a food processing establishment, food storage warehouse,
 9 salvage distributor, salvage processing plant, or a retail food establishment shall be
 10 issued only for the premises and person named in the application and shall not be
 11 transferable. Permits issued shall be posted in a conspicuous place in the
 12 establishment.

13 ➔Section 13. KRS 217.811 is amended to read as follows:

14 **The cabinet shall promulgate administrative regulations to establish a fee not to exceed**
 15 **the costs to the cabinet of the program, but in no event shall increase more than five**
 16 **(5) percent per year, that shall be paid with** each application for permit to operate a

17 vending machine company ~~[shall be accompanied by a fee of ten dollars (\$10)]~~for each
 18 vending machine commissary plus a fee for the total number of vending machines
 19 operated by the applicant, ~~[, as follows:~~

20	1-25 machines	fee \$ 50
21	26-50 machines	fee \$ 75
22	51-100 machines	fee \$100
23	101-150 machines	fee \$125
24	151 and over machines	fee \$200

25 ~~Provided, that~~ Vending machines dispensing only bottled or canned soft drinks;
 26 prepackaged nonpotentially hazardous food; chewing gum, nuts, and/or candies shall be
 27 exempt from the permit and fee requirements of KRS 217.808 to 217.812.

1 ➔Section 14. KRS 217.924 is amended to read as follows:

- 2 (1) A tanning facility shall give each customer a written statement pursuant to 21
3 C.F.R. 1040.20. The written statement shall include warnings stating that:
- 4 (a) Failure to use eye protection provided to the customer by the tanning facility
5 may result in damage to the eyes;
 - 6 (b) Overexposure to ultraviolet light causes burns;
 - 7 (c) Repeated exposure may result in premature aging of the skin and skin cancer;
 - 8 (d) Abnormal skin sensitivity or burning may be caused by reactions of the
9 following to ultraviolet light:
 - 10 1. Food;
 - 11 2. Cosmetics; or
 - 12 3. Medications, including but not limited to:
 - 13 a. Tranquilizers;
 - 14 b. Diuretics;
 - 15 c. Antibiotics;
 - 16 d. High blood pressure medicines; or
 - 17 e. Birth control pills;
 - 18 (e) Any person taking a prescription or over-the-counter drug should consult a
19 physician before using a tanning device.
- 20 (2) Each tanning facility shall:
- 21 (a) Maintain the written or electronic consent forms of the parents or guardians
22 for a period of not less than two (2) years, and make the forms available to
23 cabinet personnel for inspection upon request; and
 - 24 (b) Make written or electronic records showing the dates and duration of use of a
25 tanning device at the tanning facility by children fourteen (14) years of age to
26 eighteen (18) years of age, maintain those records for a period of not less than
27 two (2) years, and make the records available for cabinet or health department

1 personnel for inspection upon request.

2 (3) ~~[Before July 1, 2007,]~~All indoor tanning facilities shall register with the local
3 health department in the district or county in which the facility is operating.
4 Registration shall be valid for one (1) year and applicants shall pay a fee ***that shall***
5 ***not exceed administrative costs of the program,*** ~~[of twenty dollars (\$20)]~~ to the
6 district or county health department.

7 ➔Section 15. KRS 219.021 is amended to read as follows:

8 (1) No person shall operate a hotel without first having obtained a permit to operate
9 from the cabinet. An application for a permit to operate any hotel shall be made to
10 the cabinet upon forms provided by it and shall contain the information the cabinet
11 requires.

12 (2) ***The cabinet shall promulgate administrative regulations to establish a fee not to***
13 ***exceed administrative costs of the program to the cabinet, that shall be paid with***
14 each application for an annual permit ***and permit renewal*** to operate a hotel ~~[shall~~
15 ~~be accompanied by a fee of twenty five dollars (\$25)]~~.

16 (3) Upon receipt of an application for a permit to operate a hotel accompanied by the
17 required fee, the cabinet shall issue a permit if the hotel meets the requirements of
18 KRS 219.011 to 219.081 and ***administrative regulations promulgated*** ~~[regulations~~
19 ~~adopted]~~ by the cabinet. Hotels holding a valid and effective permit on January 1,
20 1973, even though not fully meeting the construction requirements of KRS 219.011
21 to 219.081 and the ***administrative regulations promulgated by the***
22 ***cabinet*** ~~[regulations adopted pursuant thereto]~~, may continue to be eligible for
23 permit renewal if in good repair and capable of being maintained in a safe and
24 sanitary manner and if there is no change in ownership of the establishment.

25 (4) Each annual permit to operate a hotel, unless previously suspended or revoked, shall
26 expire on December 31 following its date of issuance, and be renewable annually
27 upon application accompanied by the required fee ~~[of twenty five dollars (\$25)]~~,

1 provided the hotel is in compliance with KRS 219.011 to 219.081 and
2 administrative regulations promulgated by~~regulations of~~ the cabinet.

3 (5) Each permit to operate a hotel shall be issued only for the premises and person
4 named in the application and shall not be transferable. Permits issued shall be
5 posted in a conspicuous place in the hotel.

6 ➔Section 16. KRS 219.340 is amended to read as follows:

7 (1) The cabinet shall promulgate administrative regulations to establish a schedule
8 of fees not to exceed administrative costs of the program to the cabinet, that shall
9 be paid~~the fee~~ for a permit to operate a manufactured or mobile home community~~]~~
10 shall be assessed according to the following fee schedule:

Number of Spaces	Initial Fee	Maximum Fee
10 spaces or less	\$50.00	\$50.00
11-50 spaces	\$150.00	\$185.00
51-100 spaces	\$160.00	\$195.00
101-200 spaces	\$170.00	\$225.00
201 or more spaces	\$180.00	\$250.00

17 ~~The cabinet may, by administrative regulation, beginning July 1, 2003, increase the~~
18 ~~annual fee to operate a manufactured or mobile home community by not more than~~
19 ~~five percent (5%) per year, not to exceed the maximum fee on the fee schedule].~~

20 Upon receipt of an application for a permit to operate, accompanied by a permit fee,
21 the cabinet shall issue a permit, provided the community meets the standards and
22 requirements of KRS 219.310 to 219.410 and the administrative regulations
23 promulgated by the cabinet~~regulations adopted by the secretary~~.

24 (2) Each permit to operate, unless sooner suspended or revoked, shall expire on June 30
25 following its issuance, and be renewable annually, upon application and payment of
26 a renewal fee established by the cabinet, provided the community is maintained and
27 operated in compliance with KRS 219.310 to 219.410 and the administrative

1 regulations **promulgated by the cabinet**~~[adopted by the secretary]~~.

2 (3) Each permit to operate shall be issued only for the person and premises, including
3 number of spaces, named in the application and shall not be transferable.

4 (4) The person holding an operating permit shall post it conspicuously within the
5 community or have it readily available for examination upon request by agents of
6 the cabinet or prospective community occupants.

7 ➔Section 17. KRS 221.020 is amended to read as follows:

8 (1) Each frozen food locker plant or branch frozen food locker plant operated in this
9 state shall be licensed under and subject to the provisions of KRS 221.010 to
10 221.100.

11 (2) **The cabinet shall promulgate administrative regulations to establish a fee not to**
12 **exceed administrative costs of the program to the cabinet, that shall be paid**
13 ~~[There shall be paid to the secretary]~~with each application for a refrigerated locker
14 license or for **annual license** renewal ~~[of such license an annual license fee of ten~~
15 ~~dollars (\$10)]~~and the funds therefrom shall be disbursed by the **cabinet**~~[secretary]~~
16 for the enforcement of KRS 221.010 to 221.100.

17 (3) Each such license shall expire on December 31 following its date of issue, unless
18 sooner revoked for cause. Renewal may be obtained annually by surrendering to the
19 **cabinet**~~[secretary]~~ the old license certificate and paying the required annual license
20 fee. **The**~~[Such]~~ license fee shall not be transferable to any person nor be applicable
21 to any location other than that for which originally issued.

22 ➔Section 18. KRS 258.043 is amended to read as follows:

23 (1) A local health department may sponsor mass rabies immunization clinics and shall
24 contract with local veterinarians to administer the rabies vaccine. If the services of
25 veterinarians are not available in the area, the local health department may contract
26 with other veterinarians. **The cabinet shall promulgate administrative regulations**
27 **to establish** a reasonable fee, **not to exceed administrative costs of the program,** to

1 be charged to the owner of each dog, cat, or ferret ~~[shall be determined by the local~~
2 ~~health department, not to exceed five dollars (\$5),]~~to help defray the cost of the
3 clinic.

4 (2) No owner shall be required to have his dog, cat, or ferret vaccinated at a public
5 clinic if he elects to have his dog, cat, or ferret vaccinated privately by a veterinarian
6 of his choice.

7 (3) No owner shall be required to have his dog vaccinated at a public clinic if he is a
8 qualified person and elects to vaccinate his dog himself.

9 →Section 19. KRS 333.070 is amended to read as follows:

10 A medical laboratory license shall be valid for the calendar year for which it is issued.
11 **The cabinet shall promulgate administrative regulations to establish fees, not to exceed**
12 **the administrative costs to the program, for** the initial application ~~[fee]~~for a license **and**
13 **license renewal**~~[shall be one hundred dollars (\$100)].~~ The license shall be renewable
14 upon expiration and reapplication accompanied by the annual renewal fee~~[to be paid~~
15 ~~according to the reasonable fee schedule established by regulations of the secretary;~~
16 ~~provided, however, that no fee shall exceed fifty dollars (\$50)].~~ Fees collected by the
17 **cabinet**~~[secretary]~~ shall be deposited in the State Treasury and credited to a revolving
18 fund account for the purpose of carrying out the provisions of this chapter. The balance of
19 said account shall lapse to the general fund at the end of each biennium.

20 →Section 20. This Act takes effect July 1, 2019.