

1 AN ACT relating to emergencies and declaring an emergency.

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

3 ➔Section 1. KRS 39A.010 is amended to read as follows:

4 The General Assembly realizes the Commonwealth is subject at all times to disaster or
5 emergency occurrences which can range from crises affecting limited areas to widespread
6 catastrophic events. ***As important as the principle of properly delegated legislative***
7 ***authority is to the proper workings of government, that importance increases***
8 ***dramatically in the event of a statewide emergency in our Commonwealth***, and that
9 response to these occurrences is a fundamental responsibility of elected government in the
10 Commonwealth]. It is the intent of the General Assembly to establish and to support a
11 statewide comprehensive emergency management program for the Commonwealth, and
12 through it an integrated emergency management system, in order to provide for adequate
13 assessment and mitigation of, preparation for, response to, and recovery from, the threats
14 to public safety and the harmful effects or destruction resulting from all major hazards[,
15 including but not limited to: flood, flash flood, tornado, blizzard, ice storm, snow storm,
16 wind storm, hail storm, or other severe storms; drought, extremes of temperature,
17 earthquake, landslides, or other natural hazards; fire, forest fire, or other conflagration;
18 enemy attack, threats to public safety and health involving nuclear, chemical, or
19 biological agents or weapons; sabotage, riot, civil disorder or acts of terrorism, and other
20 domestic or national security emergencies; explosion, power failure or energy shortages,
21 major utility system failure, dam failure, building collapse, other infrastructure failures;
22 transportation-related emergencies on, over, or through the highways, railways, air, land,
23 and waters in the Commonwealth; emergencies caused by spill or release of hazardous
24 materials or substances; mass casualty or mass fatality emergencies; other technological,
25 biological, etiological, radiological, environmental, industrial, or agricultural hazards; or
26 other disaster or emergency occurrences; or catastrophe; or other causes; and the
27 potential, threatened, or impending occurrence of any of these events;] and in order to

1 protect life, liberty, and property of the people of the Commonwealth, and to protect
2 public peace, health, safety, and welfare, and the environment; and in order to ensure the
3 continuity and effectiveness of government in time of emergency, disaster, or catastrophe
4 in the Commonwealth, it is hereby declared to be necessary:

5 (1) To create a Division of Emergency Management as the emergency management
6 agency of state government and to authorize the creation of local emergency
7 management agencies in the cities, counties, and urban-county or charter county
8 governments of the Commonwealth;

9 (2) To confer upon the Governor, the county judges/executive of the counties, the
10 mayors of the cities and urban-county governments of the Commonwealth, and the
11 chief executive of other local governments the emergency powers provided in KRS
12 Chapters 39A to 39F;

13 (3) To establish provisions for mutual aid among the cities, counties, and urban-county
14 or charter county governments of the Commonwealth, with other states, and with
15 the federal government with respect to the performance of disaster and emergency
16 preparedness, response, recovery, and mitigation functions; and

17 (4) To authorize the establishment of a statewide comprehensive emergency
18 management program and integrated emergency management system, the
19 promulgation of orders or administrative regulations, and the taking of other steps
20 necessary and appropriate to carry out the provisions of KRS Chapters 39A to 39F.

21 ➔Section 2. KRS 39B.010 is amended to read as follows:

22 (1) Each city, county, urban-county, charter county government, or counties acting
23 jointly under the provisions of subsection (2)(b) of this section, of this
24 Commonwealth shall create, support, and maintain a local emergency management
25 agency, which shall serve the public safety interest of the local government within
26 the territorial boundaries of the city, county, or counties where the agency is created.
27 Each local emergency management agency shall develop, implement, and maintain

1 a local comprehensive emergency management program, including a local
2 emergency operations plan, in accordance with the provisions of KRS Chapters 39A
3 to 39F. The local emergency management agency shall be an integral component of
4 the statewide integrated emergency management system of this Commonwealth,
5 and shall fully comply with all applicable provisions of KRS Chapters 39A to 39F,
6 the comprehensive emergency management program requirements of the
7 Commonwealth, the provisions of the Kentucky Emergency Operations Plan, and
8 all administrative regulations promulgated by the Division of Emergency
9 Management.

10 (2) (a) Each county government, and the urban-county, charter county, or city
11 governments located within the territorial boundaries of a county, are
12 encouraged to jointly create a single, unified local emergency management
13 agency to serve all local governments collectively, and therefore may, in lieu
14 of creating individual and separate local agencies, jointly create a single,
15 unified local emergency management agency, provided the agency and its
16 program:

- 17 1. Fully comply with all the provisions of KRS Chapters 39A to 39F;
- 18 2. Comply with the Interlocal Cooperation Act or locally adopted
19 memorandums of agreement, as necessary and appropriate; and
- 20 3. Are determined to be in compliance with all requirements of KRS
21 Chapters 39A to 39F by the director of the Division of Emergency
22 Management.

23 (b) Two (2) or more contiguous county governments, including or excluding the
24 cities within their jurisdictions, may jointly create a single, unified local
25 emergency management agency to serve the counties and participating cities
26 within those counties collectively, and therefore may, in lieu of creating
27 individual and separate local agencies, jointly create a single, unified local

1 emergency management agency, provided the agency and its program meet the
2 requirements set out in subparagraphs 1. to 3. of paragraph (a) of this
3 subsection.

4 (3) The local emergency management agency shall be an organizational unit of the
5 executive branch of city, county, urban-county, charter county government, or
6 counties acting jointly under the provisions of subsection (2)(b) of this section and
7 shall have primary jurisdiction, responsibility, and authority for all matters
8 pertaining to the local comprehensive emergency management program and, under
9 the general supervision of the local emergency management director, shall serve as
10 a direct function of the office of county judge/executive or mayor. In the case of
11 counties acting jointly pursuant to this section, the supervision of the agency shall
12 be set out by agreement or ordinance approved by the legislative body of each
13 county. In accordance with the policies of the state-local finance officer, a separate
14 emergency management agency fund account shall be designated and included in
15 the city, county, and urban-county or charter county budget ledgers, and all financial
16 matters of a local emergency management agency, involving funds provided
17 through the Division of Emergency Management, shall be handled through the
18 county, urban-county, or charter county treasury and financial system.

19 (4) City, county, and urban-county or charter county governments may use the term
20 "emergency management" in a manner or form appropriate to constitute and
21 designate the official name of the local emergency management agency established
22 pursuant to this chapter, except for any use of the term "Division of Emergency
23 Management" specified to constitute and designate the official name of the state
24 emergency management agency pursuant to KRS 39A.030. The term "emergency
25 management" may be used in a manner or form appropriate to constitute and
26 designate the official name of a local emergency management council, or the
27 statewide association of emergency management agencies or personnel, but shall

1 not be utilized by, assigned to, or otherwise specified by any local unit, agency, or
2 department, or any political subdivision of the Commonwealth in any manner or
3 form to constitute or designate the official name of the local unit, agency, or
4 department, or political subdivision, except as authorized in this subsection.

5 (5) All local emergency management agencies or local disaster and emergency services
6 organizations in the Commonwealth, and the local directors, and members of each,
7 shall ~~[, for all purposes,]~~ be under the direction of the director of the division, and of
8 the Governor when authorized by KRS 39A.100~~[the latter deems that action~~
9 ~~necessary]~~.

10 ➔Section 3. KRS 211.025 is amended to read as follows:

11 Except as otherwise provided by law, the cabinet shall administer all provisions of law
12 relating to public health; shall enforce all public health laws and all regulations of the
13 secretary; shall supervise and assist all local boards of health and departments~~;~~ ~~shall do~~
14 ~~all other things reasonably necessary to protect and improve the health of the people~~; and
15 may cooperate with federal and other health agencies and organizations in matters
16 relating to public health.

17 ➔Section 4. KRS 211.180 is amended to read as follows:

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

23 (a) *The adoption of administrative regulations promulgated under KRS*
24 *Chapter 13A for the* detection, prevention, and control of communicable
25 diseases, chronic and degenerative diseases, dental diseases and abnormalities,
26 occupational diseases and health hazards peculiar to industry, home accidents
27 and health hazards, animal diseases which are transmissible to man, and other

1 diseases and health hazards that may be controlled;

2 (b) The adoption of regulations specifying the information required in and a
3 minimum time period for reporting a sexually transmitted disease. In adopting
4 the regulations the cabinet shall consider the need for information, protection
5 for the privacy and confidentiality of the patient, and the practical ability of
6 persons and laboratories to report in a reasonable fashion. The cabinet shall
7 require reporting of physician-diagnosed cases of acquired immunodeficiency
8 syndrome based upon diagnostic criteria from the Centers for Disease Control
9 and Prevention of the United States Public Health Service. No later than
10 October 1, 2004, the cabinet shall require reporting of cases of human
11 immunodeficiency virus infection by reporting of the name and other relevant
12 data as requested by the Centers for Disease Control and Prevention and as
13 further specified in KRS 214.645. Nothing in this section shall be construed to
14 prohibit the cabinet from identifying infected patients when and if an effective
15 cure for human immunodeficiency virus infection or any immunosuppression
16 caused by human immunodeficiency virus is found or a treatment which
17 would render a person noninfectious is found, for the purposes of offering or
18 making the cure or treatment known to the patient;

19 (c) The control of insects, rodents, and other vectors of disease; the safe handling
20 of food and food products; the safety of cosmetics; the control of narcotics,
21 barbiturates, and other drugs as provided by law; the sanitation of schools,
22 industrial establishments, and other public and semipublic buildings; the
23 sanitation of state and county fairs and other similar public gatherings; the
24 sanitation of public and semipublic recreational areas; the sanitation of public
25 rest rooms, trailer courts, hotels, tourist courts, and other establishments
26 furnishing public sleeping accommodations; the review, approval, or
27 disapproval of plans for construction, modification, or extension of equipment

- 1 related to food-handling in food-handling establishments; the licensure of
2 hospitals; and the control of other factors, not assigned by law to another
3 agency, as may be necessary to insure a safe and sanitary environment;
- 4 (d) The construction, installation, and alteration of any on-site sewage disposal
5 system, except for a system with a surface discharge;
- 6 (e) Protection and improvement of the health of expectant mothers, infants,
7 preschool, and school-age children; and
- 8 (f) Protection and improvement of the health of the people through better
9 nutrition.
- 10 (2) (a) The secretary shall have authority to establish by regulation a schedule of
11 reasonable fees. The total fees for permitting and inspection:
- 12 1. Shall be the total of the operational and administrative costs of the
13 programs to the cabinet and to agencies as defined in KRS 211.185;
- 14 2. Beginning on March 17, 2020, until December 31, 2020, shall not
15 increase more than twenty-five percent (25%) of the fee amount on
16 March 17, 2020; and
- 17 3. Beginning on or after January 1, 2021, shall not increase more than five
18 percent (5%) for each year thereafter.
- 19 (b) The fees shall include travel pursuant to state regulations for travel
20 reimbursement, to cover the costs of inspections of manufacturers, retailers,
21 and distributors of consumer products as defined in the Federal Consumer
22 Product Safety Act, 15 U.S.C. secs. 2051 et seq.; 86 Stat. 1207 et seq. or
23 amendments thereto, and of youth camps for the purpose of determining
24 compliance with the provisions of this section and the regulations adopted by
25 the secretary pursuant thereto.
- 26 (c) Fees collected by the secretary shall be deposited in the State Treasury and
27 credited to a revolving fund account for the purpose of carrying out the

1 provisions of this section. The balance of the account shall lapse to the general
2 fund at the end of each biennium.

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

5 ➔Section 5. Whereas the General Assembly realizes the Commonwealth is
6 subject at any time to disaster or emergency occurrences which can range from crises
7 affecting limited areas to widespread catastrophic events, an emergency is declared to
8 exist, and this Act takes effect upon its passage and approval by the Governor or upon its
9 otherwise becoming law.