

1 AN ACT relating to child care programs.

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

3 ➔Section 1. KRS 199.894 is amended to read as follows:

4 As used in KRS 199.892 to 199.896~~[-, unless the context otherwise requires]:~~

5 (1) "Cabinet" means the Cabinet for Health and Family Services;

6 (2) "Secretary" means secretary for health and family services;

7 (3) **"Child Care and Development Fund" has the same meaning as in 45 C.F.R. sec.**
8 **98.2;**

9 **(4) "Child Care Assistance Program" means Kentucky's child-care subsidy program**
10 **providing families with the financial resources to find and afford quality child**
11 **care;**

12 **(5)** "Child-care center" means any child-care center that provides full- or part-time
13 care, day or night, to four (4) or more children in a nonresidential setting who are
14 not the children, grandchildren, nieces, nephews, or children in legal custody of the
15 operator. "Child-care center" shall not include any child-care facility operated by a
16 religious organization while religious services are being conducted, or a youth
17 development agency. For the purposes of this section, "youth development agency"
18 means a program with tax-exempt status under 26 U.S.C. sec. 501(c)(3), which
19 operates continuously throughout the year as an outside-school-hours center for
20 youth who are six (6) years of age or older, and for which there are no fee or
21 scheduled-care arrangements with the parent or guardian of the youth served;

22 ~~**(6)**~~ "Department" means the Department for Community Based Services; and

23 ~~**(7)**~~ **"Family, friend, and neighbor child-care home"** means a private home that is
24 the primary residence of an individual who provides full or part-time care day or
25 night for six (6) or fewer children who are not the children, siblings, stepchildren,
26 grandchildren, nieces, nephews, or children in legal custody of the provider **and**
27 **four (4) or fewer related children who are the child, sibling, stepchild,**

1 grandchild, niece, nephew, or child in legal custody of the provider for a
 2 maximum of ten (10) children at any time.

3 ➔SECTION 2. A NEW SECTION OF KRS 199.892 TO 199.896 IS CREATED
 4 TO READ AS FOLLOWS:

5 (1) Except as otherwise provided by federal law or regulation, applicants for the
 6 Child Care Assistance Program operated by the cabinet utilizing federal funds
 7 under the Child Care and Development Fund, in accordance with 45 C.F.R. pt.
 8 98, who are full-time or part-time students as defined in KRS 164.7874 shall
 9 qualify to participate in the program and shall not have to meet income
 10 guidelines to be eligible at either the point of application or at recertification.

11 (2) The cabinet shall promulgate administrative regulations in accordance with KRS
 12 Chapter 13A to implement this section.

13 ➔Section 3. KRS 199.8982 is amended to read as follows:

14 (1) (a) The cabinet shall establish a family, friend, and neighbor child-care home
 15 certification program which shall be administered by the department. A
 16 family, friend, and neighbor child-care provider shall apply for certification
 17 of the provider's home if the provider is caring for four (4) to six (6) children
 18 unrelated to the provider. A family, friend, and neighbor child-care provider
 19 caring for three (3) or fewer children may apply for certification of the
 20 provider's home at the discretion of the provider. Applicants for certification
 21 shall not have been found by the cabinet or a court to have abused or
 22 neglected a child, and shall meet the following minimum requirements:

- 23 1. Submit two (2) written character references;
- 24 2. Provide a written statement from a physician or advanced practice
 25 registered nurse that the applicant is in good health;
- 26 3. Submit to a criminal record check in accordance with KRS 199.8965;
- 27 4. Provide smoke detectors, a telephone, an adequate water supply,

- 1 sufficient lighting and space, and a safe environment in the residence in
2 which care is provided;
- 3 5. Provide a copy of the results of a tuberculosis risk assessment and the
4 results of any appropriate follow-up with skin testing or chest X-ray for
5 applicants who are determined to be at risk for developing tuberculosis
6 in accordance with the recommendations of the Centers for Disease
7 Control and Prevention within thirty (30) days of the date of application
8 for certification; and
- 9 6. Demonstrate completion of a total of at least six (6) hours of training in
10 the following areas within three (3) months of application for
11 certification:
- 12 a. Basic health, safety, and sanitation;
- 13 b. Recognizing and reporting child abuse; and
- 14 c. Developmentally appropriate child-care practice.
- 15 (b) Initial applications for certification shall be made to the department. The
16 cabinet may promulgate administrative regulations to establish fees that shall
17 not exceed costs of the program to the cabinet, for proper administration of
18 the certification. The department shall issue a certificate of operation upon
19 inspecting the family, friend, and neighbor child-care home and determining
20 the provider's compliance with the provisions of this section. The inspection
21 shall be unannounced. A certificate of operation issued pursuant to this
22 section shall not be transferable and shall be renewed every two (2) years for a
23 fee that shall not exceed costs of the program to the cabinet for renewal.
- 24 (c) A certified family, friend, and neighbor child-care provider shall display the
25 certificate of operation in a prominent place within the residence in which
26 care is provided. The cabinet shall provide the certified family, friend, and
27 neighbor child-care provider with written information explaining the

1 requirements for a ~~family day-care~~ provider and instructions on the method
2 of reporting violations of the requirements which the provider shall distribute
3 to parents.

4 (d) Upon request of any person, the cabinet shall provide information regarding
5 the denial, revocation, suspension, or violation of any type of day-care license
6 of the family, friend, and neighbor child-care provider. Identifying
7 information regarding children and their families shall remain confidential.

8 (e) The cabinet shall provide, upon request, public information regarding the
9 inspections of and the plans of correction for the family, friend, and neighbor
10 child-care home within the past year. All information distributed by the
11 cabinet under this paragraph shall include a statement indicating that the
12 reports as provided under this paragraph from the past five (5) years are
13 available from the family, friend, and neighbor child-care home upon the
14 parent's, custodian's, guardian's, or other interested person's request.

15 (f) The cabinet shall promulgate administrative regulations in accordance with
16 KRS Chapter 13A which establish standards for the issuance, monitoring,
17 release of information under this section and KRS 199.896 and 199.898,
18 renewal, denial, revocation, and suspension of a certificate of operation for a
19 family, friend, and neighbor child-care home and establish criteria for the
20 denial of certification if criminal records indicate convictions that may impact
21 the safety and security of children in care. A denial, suspension, or revocation
22 of a certificate may be appealed, and upon appeal an administrative hearing
23 shall be conducted in accordance with KRS Chapter 13B. If the cabinet has
24 probable cause to believe that there is an immediate threat to the public health,
25 safety, or welfare, the cabinet may take emergency action to suspend a
26 certificate pursuant to KRS 13B.125. The cabinet shall promulgate
27 administrative regulations to impose minimum staff-to-child ratios. The

1 cabinet may promulgate administrative regulations relating to other
2 requirements necessary to ensure minimum safety in family, friend, and
3 neighbor child-care homes. The cabinet shall develop and provide an "easy-
4 to-read" guide containing the following information to a family, friend, and
5 neighbor child-care provider seeking certification of his or her home:

- 6 1. Certification requirements and procedures;
- 7 2. Information about available child-care training; and
- 8 3. Child-care food sponsoring organizations.

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

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

25 (4) (a) As used in this subsection "local government" means a city, county, charter
26 county, urban-county government, consolidated local government, or unified
27 local government.

1 (b) The provisions of this section shall supersede all local government ordinances
2 or regulations pertaining to the certification, licensure, and training
3 requirements related to the operation of family, friend, and neighbor child-
4 care homes and no local government shall adopt or enforce any additional
5 licensure, certification, or training requirements specifically applicable to
6 family, friend, and neighbor child-care homes in addition to those provided
7 in this section. This subsection shall not be interpreted or construed to exempt
8 family, friend, and neighbor child-care homes from compliance with local
9 government ordinances and regulations that apply generally within the
10 jurisdiction.

11 (c) Because the availability of adequate child-care as an essential business is vital
12 to the Commonwealth's state and local economies, by January 1, 2022, a local
13 government that has adopted land use regulations pursuant to KRS Chapter
14 100 shall specifically name family, friend, and neighbor child-care homes in
15 the text of its zoning regulations to authorize the board of adjustments to
16 separately consider the applications of proposed family, friend, and neighbor
17 child-care homes for conditional use permits within the residential zones of
18 the planning unit where they are not a fully permitted use pursuant to KRS
19 100.237.

20 (5) Except as otherwise provided by federal law or regulation, certified family, friend,
21 and neighbor child-care home providers shall be eligible to receive payments
22 from the Child Care Assistance Program operated by the cabinet utilizing federal
23 funds under the Child Care and Development Fund, in accordance with 45
24 C.F.R. pt. 98.

25 ➔Section 4. KRS 194A.381 is amended to read as follows:

26 KRS 194A.380 to 194A.383 shall not apply to:

27 (1) Public school districts or programs sponsored by the school district;

- 1 (2) Private schools;
- 2 (3) Child-care centers, child-caring and child-placing agencies; family, friend, and
3 neighbor child-care homes; and foster care, relative caregiver services or adoptive
4 homes otherwise governed by KRS Chapter 199; or
- 5 (4) Babysitting or child-care arrangements made by a child's parent or guardian and
6 occurring within a private home.

7 ➔Section 5. KRS 194A.3821 is amended to read as follows:

- 8 (1) A local government youth day camp shall not be required:
- 9 (a) To be licensed as a child-care~~[child care]~~ center as defined in KRS 199.894;
10 or
- 11 (b) To obtain a permit under KRS 211.180.
- 12 (2) A local government youth day camp shall comply with background checks required
13 under KRS 194A.382.

14 ➔Section 6. KRS 199.8941 is amended to read as follows:

- 15 (1) To the extent that funds are available, the Cabinet for Health and Family Services,
16 in consultation with the Early Childhood Advisory Council, shall, by administrative
17 regulation promulgated in accordance with KRS Chapter 13A, establish a program
18 of monetary incentives including but not limited to an increased child-care subsidy
19 and a one-time merit achievement award for child-care centers and certified family,
20 friend, and neighbor child-care homes that are tied to a quality rating system for
21 child care as established under KRS 199.8943.
- 22 (2) The monetary incentive program shall be reviewed annually by the cabinet, in
23 consultation with the council, for the purpose of determining future opportunities to
24 provide incentives.
- 25 (3) Participation in the program of monetary incentives and in the quality rating system
26 by public-funded child-care centers and certified family, friend, and neighbor
27 child-care homes is mandatory.

1 (4) The Cabinet for Health and Family Services shall encourage the professional
2 development of persons who are employed or provide training in a child-care or
3 early childhood setting by facilitating their participation in the scholarship program
4 for obtaining a child development associate credential, postsecondary certificate,
5 diploma, degree, or specialty credential as established under KRS 164.518.

6 ➔Section 7. KRS 199.8943 is amended to read as follows:

7 (1) As used in this section:

8 (a) "Federally funded time-limited employee" has the same meaning as in KRS
9 18A.005;

10 (b) "Primary school program" has the same meaning as in KRS 158.031(1); and

11 (c) "Public-funded" means a program which receives local, state, or federal
12 funding.

13 (2) The Early Childhood Advisory Council shall, in consultation with early care and
14 education providers, the Cabinet for Health and Family Services, and others,
15 including but not limited to child-care resource and referral agencies and family
16 resource centers, Head Start agencies, and the Kentucky Department of Education,
17 develop a quality-based graduated early care and education program rating system
18 for public-funded licensed child-care and certified family, friend, and neighbor
19 child-care homes, public-funded preschool, and Head Start, based on but not limited
20 to:

21 (a) Classroom and instructional quality;

22 (b) Administrative and leadership practices;

23 (c) Staff qualifications and professional development; and

24 (d) Family and community engagement.

25 (3) (a) The Cabinet for Health and Family Services shall, in consultation with the
26 Early Childhood Advisory Council, promulgate administrative regulations in
27 accordance with KRS Chapter 13A to implement the quality-based graduated

1 early childhood rating system for public-funded child-care and certified
2 family, friend, and neighbor child-care homes developed under subsection
3 (2) of this section.

4 (b) The Kentucky Department of Education shall, in consultation with the Early
5 Childhood Advisory Council, promulgate administrative regulations in
6 accordance with KRS Chapter 13A to implement the quality-based graduated
7 early childhood rating system, developed under subsection (2) of this section,
8 for public-funded preschool.

9 (c) The administrative regulations promulgated in accordance with paragraphs (a)
10 and (b) of this subsection shall include:

- 11 1. Agency time frames of reviews for rating;
- 12 2. An appellate process under KRS Chapter 13B; and
- 13 3. The ability of providers to request reevaluation for rating.

14 (4) The quality-based early childhood rating system shall not be used for enforcement
15 of compliance or in any punitive manner.

16 (5) The Early Childhood Advisory Council, in consultation with the Kentucky Center
17 for Education and Workforce Statistics, the Kentucky Department of Education,
18 and the Cabinet for Health and Family Services, shall report by October 1 of each
19 year to the Interim Joint Committee on Education on the implementation of the
20 quality-based graduated early childhood rating system. The report shall include the
21 following quantitative performance measures as data becomes available:

- 22 (a) Program participation in the rating system;
- 23 (b) Ratings of programs by program type;
- 24 (c) Changes in student school-readiness measures;
- 25 (d) Longitudinal student cohort performance data tracked through student
26 completion of the primary school program; and
- 27 (e) Long-term viability recommendations for sustainability at the end of the Race

1 to the Top-Early Learning Challenge grant.

2 (6) By November 1, 2017, the Early Childhood Advisory Council and the Cabinet for
3 Health and Family Services shall report on recommendations and plans for
4 sustaining program quality after the depletion of federal Race to the Top-Early
5 Learning Challenge grant funds.

6 (7) Any federally funded time-limited employee personnel positions created as a result
7 of the federal Race to the Top-Early Learning Challenge grant shall be eliminated
8 upon depletion of the grant funds.

9 ➔Section 8. KRS 199.895 is amended to read as follows:

10 (1) A child-care center licensed under KRS 199.896 and a family, friend, and neighbor
11 child-care home certified under KRS 199.8982 shall have a written plan for
12 evacuation in the event of fire, natural disaster, or other threatening situation that
13 may pose a health or safety hazard to the children in the center or home. The plan
14 shall include but not be limited to:

15 (a) A designated relocation site and evacuation route;

16 (b) Procedures for notifying parents of the relocation and ensuring family
17 reunification;

18 (c) Procedures to address the needs of individual children including children with
19 special needs;

20 (d) Instructions relating to the training of staff or the reassignment of staff duties,
21 as appropriate;

22 (e) Coordination with local emergency management officials; and

23 (f) A program to ensure that appropriate staff are familiar with the plan's
24 components.

25 (2) A child-care center and a family, friend, and neighbor child-care home shall update
26 the evacuation plan by December 31 each year.

27 (3) A child-care center and a family, friend, and neighbor child-care home shall retain

1 an updated copy of the plan for evacuation, provide an updated copy to appropriate
2 local emergency management officials, and provide a copy to each parent,
3 custodian, or guardian of the child at the time of the child's enrollment in the
4 program and whenever the plan is updated.

5 ➔Section 9. KRS 199.8951 is amended to read as follows:

6 (1) A child-care center licensed under KRS 199.896 and a family, *friend, and neighbor*
7 child-care home certified under KRS 199.8982 may comply with KRS 311.646 and
8 obtain a prescription for epinephrine auto-injectors. These epinephrine auto-
9 injectors shall be stored in a secure, accessible, readily available location not
10 accessible to children, for quick administration.

11 (2) The cabinet shall promulgate administrative regulations governing epinephrine
12 auto-injectors in licensed child-care centers and certified family, *friend, and*
13 *neighbor* child-care homes, including:

14 (a) Any center- or home-specific requirements that the cabinet deems necessary
15 for the safe and proper storage, administration, and disposal of epinephrine
16 auto-injectors;

17 (b) A written plan of action in case of an emergency necessitating the
18 administration of an epinephrine auto-injector in a center or home; and

19 (c) A written notice that is provided to a child's parents, custodians, or guardians
20 stating that the center or home has epinephrine auto-injectors at the center or
21 home and that the center or home will notify a child's parents, custodians, or
22 guardians when a epinephrine auto-injector is used on their child.

23 ➔Section 10. KRS 199.896 is amended to read as follows:

24 (1) No person, association, or organization shall conduct, operate, maintain, or
25 advertise any child-care center without obtaining a license as provided in KRS
26 199.892 to 199.896.

27 (2) The cabinet may promulgate administrative regulations pursuant to KRS Chapter

1 13A relating to license fees and may, in the administrative regulations, establish
2 standards of care and service for a child-care center, criteria for the denial of a
3 license if criminal records indicate convictions that may impact the safety and
4 security of children in care, and procedures for enforcement of penalties which are
5 not in contravention of this section.

6 (3) Each initial application for a license shall be made to the cabinet and shall be
7 accompanied by a fee that shall not exceed administrative costs of the program to
8 the cabinet and shall be renewable annually upon expiration and reapplication when
9 accompanied by a renewal fee that shall not exceed administrative costs of the
10 program to the cabinet. Regular licenses and renewals thereof shall expire one (1)
11 year from their effective date.

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

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

24 (a) A statement of fact;

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

27 (c) The timeframe, negotiated with the child-care center, within which a violation

1 is to be corrected, except that a violation that poses an immediate threat to the
2 health, safety, or welfare of children in the center shall be corrected in no
3 event later than five (5) working days from the date of the statement of
4 deficiency.

5 (6) The Cabinet for Health and Family Services, in consultation with the Office of the
6 Inspector General, shall establish by administrative regulations promulgated in
7 accordance with KRS Chapter 13A an informal dispute resolution process through
8 which a child-care provider may dispute licensure deficiencies that have an adverse
9 effect on the child-care provider's license.

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

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

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

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

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

25 (d) The amount of assessment necessary to assure immediate and continued
26 compliance.

27 (9) Upon a child-care center's failure to take action to correct a violation of the

1 administrative regulations, standards, or requirements of the cabinet contained in a
2 statement of deficiency, or at any time when the operation of a child-care center
3 poses an immediate threat to the health, safety, or welfare of children in the center,
4 and the child-care center continues to operate after the cabinet has taken emergency
5 action to deny, suspend, or revoke its license, the cabinet or the cabinet's designee
6 shall take at least one (1) of the following actions against the center:

- 7 (a) Institute proceedings to obtain an order compelling compliance with the
8 administrative regulations, standards, and requirements of the cabinet;
- 9 (b) Institute injunctive proceedings in Circuit Court to terminate the operation of
10 the center;
- 11 (c) Institute action to discontinue payment of child-care subsidies; or
- 12 (d) Suspend or revoke the license or impose other penalties provided by law.

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

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

23 (12) All fees collected under the provisions of KRS 199.892 to 199.896 for license and
24 certification applications shall be paid into the State Treasury and credited to a
25 special fund for the purpose of administering KRS 199.892 to 199.896 including the
26 payment of expenses of and to the participants in child-care workshops. The funds
27 collected are hereby appropriated for the use of the cabinet. The balance of the

1 special fund shall lapse to the general fund at the end of each biennium.

2 (13) Any advertisement for child-care services shall include the address of where the
3 service is being provided.

4 (14) All inspections of licensed and unlicensed child-care centers by the Cabinet for
5 Health and Family Services shall be unannounced.

6 (15) All employees and owners of a child-care center who provide care to children shall
7 demonstrate within the first three (3) months of employment completion of at least
8 a total of six (6) hours of orientation in the following areas:

9 (a) Basic health, safety, and sanitation;

10 (b) Recognizing and reporting child abuse; and

11 (c) Developmentally appropriate child-care practice.

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

23 (17) The Cabinet for Health and Family Services shall make available either through the
24 development or approval of a model training curriculum and training materials,
25 including video instructional materials, to cover the areas specified in subsection
26 (15) of this section. The cabinet shall develop or approve the model training
27 curriculum and training materials to cover the areas specified in subsection (15) of

1 this section.

2 (18) Child-care centers licensed pursuant to this section and family, friend, and
3 neighbor child-care homes certified pursuant to KRS 199.8982 shall not use
4 corporal physical discipline, including the use of spanking, shaking, or paddling, as
5 a means of punishment, discipline, behavior modification, or for any other reason.
6 For the purposes of this section, "corporal physical discipline" means the deliberate
7 infliction of physical pain and does not include spontaneous physical contact that is
8 intended to protect a child from immediate danger.

9 (19) Child-care centers that provide instructional and educational programs for
10 preschool-aged children that operate for a maximum of twenty (20) hours per week
11 and that a child attends for no more than fifteen (15) hours per week shall:

12 (a) Notify the cabinet in writing that the center is operating;

13 (b) Meet all child-care center licensure requirements and administrative
14 regulations related to employee background checks;

15 (c) Meet all child-care center licensure requirements and administrative
16 regulations related to tuberculosis screenings; and

17 (d) Be exempt from all other child-care center licensure requirements and
18 administrative regulations.

19 (20) Child-care centers that provide instructional and educational programs for
20 preschool-aged children that operate for a maximum of twenty (20) hours per week
21 and that a child attends for no more than ten (10) hours per week shall be exempt
22 from all child-care licensure requirements and administrative regulations.

23 (21) Instructional programs for school-age children shall be exempt from all child-care
24 licensure administrative regulations if the following criteria are met:

25 (a) The program provides direct instruction in a single skill, talent, ability,
26 expertise, or proficiency;

27 (b) The program does not provide services or offerings that are not directly

- 1 related to the single talent, ability, expertise, or proficiency;
- 2 (c) The program operates outside the time period when school is in session,
3 including before or after school hours, holidays, school breaks, teaching
4 planning days, or summer vacation;
- 5 (d) The program does not advertise or otherwise represent that the program is a
6 licensed child-care center or that the program offers child-care services;
- 7 (e) The program informs the parent or guardian:
- 8 1. That the program is not licensed by the cabinet; and
9 2. About the physical risks a child may face while participating in the
10 program; and
- 11 (f) The program conducts the following background checks for all program
12 employees and volunteers who work with children:
- 13 1. Check of the child abuse and neglect records maintained by the cabinet;
14 and
15 2. In-state criminal background information check from the Justice and
16 Public Safety Cabinet or Administrative Office of the Courts.
- 17 (22) Directors and employees of child-care centers in a position that involves
18 supervisory or disciplinary power over a minor, or direct contact with a minor, shall
19 submit to a criminal record check in accordance with KRS 199.8965.
- 20 (23) A director or employee of a child-care center may be employed on a probationary
21 status pending receipt of the criminal background check. Application for the
22 criminal record of a probationary employee shall be made no later than the date
23 probationary employment begins.
- 24 (24) The cabinet shall promulgate administrative regulations to identify emergency care
25 providers who provide essential child-care services during an identified state of
26 emergency.
- 27 (25) Notwithstanding any state law, administrative regulation, executive order, or

1 executive directive to the contrary, during the 2020 or 2021 state of emergency
2 declared by the Governor in response to COVID-19, including but not limited to
3 any mutated strain of the COVID-19 virus, the cabinet shall not establish any
4 restrictions on capacity for class or group size or the ability to combine classes and
5 groups for capacity limits in the morning or afternoon that is below the number that
6 was in effect on February 1, 2020.

7 ➔Section 11. KRS 199.897 is amended to read as follows:

8 (1) The Cabinet for Health and Family Services shall notify licensed child-care centers
9 and certified family, ***friend, and neighbor*** child-care homes on an ongoing basis,
10 including during the license or certification application process and any monitoring
11 visits, of the Kentucky Consumer Product Safety Program and the program's
12 ***website***~~[Web site]~~. Licensed child-care centers shall post in a prominent location a
13 notice of the existence of the Consumer Product Safety Program and the program's
14 ***website***~~[Web site]~~.

15 (2) The Cabinet for Health and Family Services may promulgate administrative
16 regulations ***in accordance with KRS Chapter 13A*** to carry out this section.

17 (3) This section may be cited as The Child Safety Act of 2009.

18 ➔Section 12. KRS 199.898 is amended to read as follows:

19 (1) All children receiving child-care services in a day-care center licensed pursuant to
20 KRS 199.896, a family, ***friend, and neighbor*** child-care home certified pursuant to
21 KRS 199.8982, or from a provider or program receiving public funds shall have the
22 following rights:

23 (a) The right to be free from physical or mental abuse;

24 (b) The right not to be subjected to abusive language or abusive punishment; and

25 (c) The right to be in the care of adults who shall meet their health, safety, and
26 developmental needs.

27 (2) Parents, custodians, or guardians of children specified in subsection (1) of this

1 section shall have the following rights:

- 2 (a) The right to have access to their children at all times the child is in care and
3 access to the provider caring for their children during normal hours of
4 provider operation and whenever the children are in the care of the provider;
- 5 (b) The right to be provided with information about child-care regulatory
6 standards, if applicable; where to direct questions about regulatory standards;
7 and how to file a complaint;
- 8 (c) The right to file a complaint against a child-care provider without any
9 retribution against the parent, custodian, guardian, or child;
- 10 (d) The right to obtain information from the cabinet regarding any type of
11 licensure denial, suspension, or revocation of an operator, and cabinet reports
12 that have found abuse or neglect by any child-care provider or any employee
13 of a child care provider. Identifying information regarding children and their
14 families shall remain confidential;
- 15 (e) The right to obtain information from the cabinet regarding the inspections and
16 plans of correction of the day-care center, the family, friend, and neighbor
17 child-care home, or the provider or program receiving public funds within the
18 past year; and
- 19 (f) The right to review and discuss with the provider any state reports and
20 deficiencies revealed by such reports.
- 21 (3) The child-care provider who is licensed pursuant to KRS 199.896 or certified
22 pursuant to KRS 199.8982 shall post these rights in a prominent place and shall
23 provide a copy of these rights to the parent, custodian, or guardian of the child at
24 the time of the child's enrollment in the program.

25 ➔Section 13. KRS 199.8983 is amended to read as follows:

- 26 (1) There is hereby created the Kentucky Child Care Advisory Council to be composed
27 of eighteen (18) members. The members appointed by the Governor shall serve a

1 term of three (3) years. The appointed members of the council shall be
2 geographically and culturally representative of the population of the
3 Commonwealth. For administrative purposes, the council shall be attached to the
4 department. The members shall be as follows:

- 5 (a) The commissioner of the department, or designee;
 - 6 (b) Four (4) members appointed by the Governor representing child-care center
7 providers licensed pursuant to this chapter;
 - 8 (c) Two (2) members appointed by the Governor representing family, ***friend, and***
9 ***neighbor*** child-care home providers licensed pursuant to this chapter;
 - 10 (d) Three (3) members appointed by the Governor who are parents, de facto
11 custodians, guardians, or legal custodians of children receiving services from
12 child-care centers or family, ***friend, and neighbor*** child-care homes licensed
13 pursuant to this chapter;
 - 14 (e) Three (3) members appointed by the Governor from the private sector who are
15 knowledgeable about education, health, and development of children;
 - 16 (f) The director of the Division of Child Care within the department, or designee,
17 as a nonvoting ex officio member;
 - 18 (g) The commissioner of education, Education and Labor Cabinet, or designee, as
19 a nonvoting ex officio member;
 - 20 (h) The executive director of the Governor's Office of Early Childhood, or
21 designee, as a nonvoting ex officio member;
 - 22 (i) The commissioner of the Department for Public Health within the cabinet, or
23 designee, as a nonvoting ex officio member; and
 - 24 (j) The state fire marshal, Public Protection Cabinet, or designee, as a nonvoting
25 ex officio member;
- 26 (2) The council shall have two (2) co-chairpersons. One (1) co-chairperson shall be the
27 commissioner of the department, or designee, and one (1) co-chairperson shall be

1 elected by the voting members of the council.

2 (3) Members shall serve until a successor has been appointed. If a vacancy on the
3 council occurs, the Governor shall appoint a replacement for the remainder of the
4 unexpired term.

5 (4) Members shall serve without compensation but shall be reimbursed for reasonable
6 and necessary expenses in accordance with state travel expenses and reimbursement
7 administrative regulations.

8 (5) The council shall meet at least quarterly and at other times upon call of the co-
9 chairpersons.

10 (6) The council shall advise the cabinet on matters affecting the operations, funding,
11 and licensing of child-care centers and family, friend, and neighbor child-care
12 homes. The council shall provide input and recommendations for ways to improve
13 quality, access, and outcomes.

14 (7) The council shall make an annual report by December 1 that provides summaries
15 and recommendations to address the availability, affordability, accessibility, and
16 quality of child care in the Commonwealth. A copy of the annual report shall be
17 provided to the secretary, the Governor, and the Legislative Research Commission.

18 ➔Section 14. KRS 211.9061 is amended to read as follows:

19 For the purposes of KRS 211.9061 to 211.9079 and KRS 211.990:

20 (1) "Child-occupied facility" means a building, or portion of a building constructed
21 prior to 1978 other than target housing in which a child, six (6) years of age or
22 under, spends at least three (3) hours a day, two (2) days a week, including but not
23 limited to, child day-care facilities, family, friend, and neighbor child-care homes,
24 pre-schools, and kindergarten classrooms;

25 (2) "Department" means the Department for Public Health;

26 (3) "Lead-hazard detection" means an inspection or risk assessment conducted to
27 determine the existence, nature, severity, and location of lead hazards;

1 (4) (a) "Lead-hazard abatement" means a set of measures designed and intended to
2 permanently eliminate lead hazards in a manner which will protect children
3 and adults from the risk of lead poisoning, including the following:

- 4 1. Removal, encapsulation, or enclosure of lead hazards;
- 5 2. Replacement of lead-contaminated surfaces or fixtures;
- 6 3. Removal or covering of lead-contaminated soil; and
- 7 4. Site preparation and cleanup, preparation of debris for disposal, and
8 other post-abatement activities which are conducted at the site and are
9 associated with the abatement.

10 (b) "Lead-hazard abatement" does not include the following:

- 11 1. Renovation, remodeling, or landscaping activities which are not
12 designed to permanently eliminate lead hazards, but are designed to
13 repair, restore, or remodel a structure or a dwelling, even though these
14 activities may incidentally result in a reduction or elimination of lead
15 hazards; or
- 16 2. Interim controls, operations and maintenance activities, or other
17 measures or activities designed to temporarily, but not permanently,
18 reduce lead hazards; and

19 (5) "Target housing" means any housing constructed prior to 1978, except housing for
20 the elderly or persons with disabilities in which no child less than six (6) years of
21 age resides or is expected to reside.

22 ➔Section 15. KRS 214.034 is amended to read as follows:

23 Except as otherwise provided in KRS 214.036:

24 (1) All parents, guardians, and other persons having care, custody, or control of any
25 child shall have the child immunized against diphtheria, tetanus, poliomyelitis,
26 pertussis, measles, rubella, mumps, hepatitis B, and haemophilis influenzae disease
27 in accordance with testing and immunization schedules established by regulations

1 of the Cabinet for Health and Family Services. Additional immunizations may be
2 required by the Cabinet for Health and Family Services through the promulgation of
3 an administrative regulation pursuant to KRS Chapter 13A if recommended by the
4 United States Public Health Service or the American Academy of Pediatrics. All
5 parents, guardians, and other persons having care, custody, or control of any child
6 shall also have any child found to be infected with tuberculosis examined and
7 treated according to administrative regulations of the Cabinet for Health and Family
8 Services promulgated under KRS Chapter 13A. The persons shall also have booster
9 immunizations administered to the child in accordance with the regulations of the
10 Cabinet for Health and Family Services.

11 (2) A local health department may, with the approval of the Department ~~for~~ Public
12 Health, require all first-time enrollees in a public or private school within the health
13 department's jurisdiction to be tested for tuberculosis prior to entering school.
14 Following the first year of school, upon an epidemiological determination made by
15 the state or local health officer in accordance with administrative regulations
16 promulgated by the Cabinet for Health and Family Services, all parents, guardians,
17 and other persons having care, custody, or control of any child shall have the child
18 tested for tuberculosis, and shall have any child found to be infected with
19 tuberculosis examined and treated according to administrative regulations of the
20 Cabinet for Health and Family Services. Nothing in this section shall be construed
21 to require the testing for tuberculosis of any child whose parent or guardian is
22 opposed to such testing, and who objects by a written sworn statement to the testing
23 for tuberculosis of the child on religious grounds. However, in a suspected case of
24 tuberculosis, a local health department may require testing of this child.

25 (3) All public or private primary or secondary schools, and preschool programs shall
26 require a current immunization certificate for any child enrolled as a regular
27 attendee, as provided by administrative regulation of the Cabinet for Health and

1 Family Services, promulgated under KRS Chapter 13A, to be on file within two (2)
2 weeks of the child's attendance.

3 (4) All public or private primary schools shall require a current immunization
4 certificate for hepatitis B for any child enrolled as a regular attendee in the sixth
5 grade, as provided by administrative regulation of the Cabinet for Health and
6 Family Services, promulgated under KRS Chapter 13A, to be on file within two (2)
7 weeks of the child's attendance.

8 (5) For each child cared for in a day-care center, certified family, **friend, and neighbor**
9 child-care home, or any other licensed facility which cares for children, a current
10 immunization certificate, as provided by administrative regulation of the Cabinet
11 for Health and Family Services, promulgated under KRS Chapter 13A, shall be on
12 file in the center, home, or facility within thirty (30) days of entrance into the
13 program or admission to the facility.

14 (6) Any forms relating to exemption from immunization requirements shall be
15 available at public or private primary or secondary schools, preschool programs,
16 day-care centers, certified family, **friend, and neighbor** child-care homes, or other
17 licensed facilities which care for children.

18 ➔Section 16. KRS 237.110 is amended to read as follows:

19 (1) The Department of Kentucky State Police is authorized to issue and renew licenses
20 to carry concealed firearms or other deadly weapons, or a combination thereof, to
21 persons qualified as provided in this section.

22 (2) An original or renewal license issued pursuant to this section shall:

23 (a) Be valid throughout the Commonwealth and, except as provided in this
24 section or other specific section of the Kentucky Revised Statutes or federal
25 law, permit the holder of the license to carry firearms, ammunition, or other
26 deadly weapons, or a combination thereof, at any location in the
27 Commonwealth;

- 1 (b) Unless revoked or suspended as provided by law, be valid for a period of five
2 (5) years from the date of issuance;
- 3 (c) Authorize the holder of the license to carry a concealed firearm or other
4 deadly weapon, or a combination thereof, on or about his or her person; and
- 5 (d) Authorize the holder of the license to carry ammunition for a firearm on or
6 about his or her person.
- 7 (3) Prior to the issuance of an original or renewal license to carry a concealed deadly
8 weapon, the Department of Kentucky State Police, upon receipt of a completed
9 application, applicable fees, and any documentation required by this section or
10 administrative regulation promulgated by the Department of Kentucky State Police,
11 shall conduct a background check to ascertain whether the applicant is eligible
12 under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law
13 to purchase, receive, or possess a firearm or ammunition, or both. The background
14 check shall include:
- 15 (a) A state records check covering the items specified in this subsection, together
16 with any other requirements of this section;
- 17 (b) A federal records check, which shall include a National Instant Criminal
18 Background Check System (NICS) check;
- 19 (c) A federal Immigration Alien Query if the person is an alien who has been
20 lawfully admitted to the United States by the United States government or an
21 agency thereof; and
- 22 (d) In addition to the Immigration Alien Query, if the applicant has not been
23 lawfully admitted to the United States under permanent resident status, the
24 Department of Kentucky State Police shall, if a doubt exists relating to an
25 alien's eligibility to purchase a firearm, consult with the United States
26 Department of Homeland Security, United States Department of Justice,
27 United States Department of State, or other federal agency to confirm whether

1 the alien is eligible to purchase a firearm in the United States, bring a firearm
2 into the United States, or possess a firearm in the United States under federal
3 law.

4 (4) The Department of Kentucky State Police shall issue an original or renewal license
5 if the applicant:

6 (a) Is not prohibited from the purchase, receipt, or possession of firearms,
7 ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or
8 applicable federal or state law;

9 (b) 1. Is a citizen of the United States who is a resident of this
10 Commonwealth;

11 2. Is a citizen of the United States who is a member of the Armed Forces
12 of the United States who is on active duty, who is at the time of
13 application assigned to a military posting in Kentucky;

14 3. Is lawfully admitted to the United States by the United States
15 government or an agency thereof, is permitted by federal law to
16 purchase a firearm, and is a resident of this Commonwealth; or

17 4. Is lawfully admitted to the United States by the United States
18 government or an agency thereof, is permitted by federal law to
19 purchase a firearm, is, at the time of the application, assigned to a
20 military posting in Kentucky, and has been assigned to a posting in the
21 Commonwealth;

22 (c) Is twenty-one (21) years of age or older;

23 (d) Has not been committed to a state or federal facility for the abuse of a
24 controlled substance or been convicted of a misdemeanor violation of KRS
25 Chapter 218A or similar laws of any other state relating to controlled
26 substances, within a three (3) year period immediately preceding the date on
27 which the application is submitted;

- 1 (e) Does not chronically and habitually use alcoholic beverages as evidenced by
2 the applicant having two (2) or more convictions for violating KRS 189A.010
3 within the three (3) years immediately preceding the date on which the
4 application is submitted, or having been committed as an alcoholic pursuant to
5 KRS Chapter 222 or similar laws of another state within the three (3) year
6 period immediately preceding the date on which the application is submitted;
- 7 (f) Does not owe a child support arrearage which equals or exceeds the
8 cumulative amount which would be owed after one (1) year of nonpayment, if
9 the Department of Kentucky State Police has been notified of the arrearage by
10 the Cabinet for Health and Family Services;
- 11 (g) Has complied with any subpoena or warrant relating to child support or
12 paternity proceedings. If the Department of Kentucky State Police has not
13 been notified by the Cabinet for Health and Family Services that the applicant
14 has failed to meet this requirement, the Department of Kentucky State Police
15 shall assume that paternity and child support proceedings are not an issue;
- 16 (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the
17 three (3) years immediately preceding the date on which the application is
18 submitted. The commissioner of the Department of Kentucky State Police
19 may waive this requirement upon good cause shown and a determination that
20 the applicant is not a danger and that a waiver would not violate federal law;
- 21 (i) Demonstrates competence with a firearm by successful completion of a
22 firearms safety or training course that is conducted by a firearms instructor
23 who is certified by a national organization with membership open to residents
24 of any state or territory of the United States, which was created to promote
25 firearms education, safety, and the profession of firearms use and training, and
26 to foster professional behavior in its members. The organization shall require
27 members to adhere to its own code of ethics and conduct a program which

1 certifies firearms instructors and includes the use of written tests, in person
2 instruction, and a component of live-fire training. These national
3 organizations shall include but are not limited to the National Rifle
4 Association, the United States Concealed Carry Association, and the National
5 Shooting Sports Foundation. The training requirement may also be fulfilled
6 through any firearms safety course offered or approved by the Department of
7 Criminal Justice Training. The firearms safety course offered or approved by
8 the Department of Criminal Justice Training shall:

- 9 1. Be not more than eight (8) hours in length;
- 10 2. Include instruction on handguns, the safe use of handguns, the care and
11 cleaning of handguns, and handgun marksmanship principles;
- 12 3. Include actual range firing of a handgun in a safe manner, and the firing
13 of not more than twenty (20) rounds at a full-size silhouette target,
14 during which firing, not less than eleven (11) rounds must hit the
15 silhouette portion of the target; and
- 16 4. Include information on and a copy of laws relating to possession and
17 carrying of firearms, as set forth in KRS Chapters 237 and 527, and the
18 laws relating to the use of force, as set forth in KRS Chapter 503; and

19 (j) Demonstrates knowledge of the law regarding the justifiable use of force by
20 including with the application a copy of the concealed carry deadly weapons
21 legal handout made available by the Department of Criminal Justice Training
22 and a signed statement that indicates that applicant has read and understands
23 the handout.

24 (5) (a) A legible photocopy or electronic copy of a certificate of completion issued
25 by a firearms instructor certified by a national organization or the Department
26 of Criminal Justice Training shall constitute evidence of qualification under
27 subsection (4)(i) of this section.

1 (b) Persons qualifying under subsection (6)(d) of this section may submit with
2 their application:

3 1. At least one (1) of the following paper or electronic forms or their
4 successor forms showing evidence of handgun training or handgun
5 qualifications:

6 a. Department of Defense Form DD 2586;

7 b. Department of Defense Form DD 214;

8 c. Coast Guard Form CG 3029;

9 d. Department of the Army Form DA 88-R;

10 e. Department of the Army Form DA 5704-R;

11 f. Department of the Navy Form OPNAV 3591-1; or

12 g. Department of the Air Force Form AF 522; or

13 2. a. Documentary evidence of an honorable discharge; and

14 b. A notarized affidavit on a form provided by the Department of
15 Kentucky State Police, signed under penalty of perjury, stating the
16 person has met the training requirements of subsection (6)(d) of
17 this section.

18 (6) (a) Peace officers who are currently certified as peace officers by the Kentucky
19 Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace
20 officers who are retired and are members of the Kentucky Employees
21 Retirement System, State Police Retirement System, or County Employees
22 Retirement System or other retirement system operated by or for a city,
23 county, or urban-county in Kentucky shall be deemed to have met the training
24 requirement.

25 (b) Current and retired peace officers of the following federal agencies shall be
26 deemed to have met the training requirement:

27 1. Any peace officer employed by a federal agency specified in KRS

- 1 61.365;
- 2 2. Any peace officer employed by a federal civilian law enforcement
- 3 agency not specified above who has successfully completed the basic
- 4 law enforcement training course required by that agency;
- 5 3. Any military peace officer of the United States Army, Navy, Marine
- 6 Corps, or Air Force, or a reserve component thereof, or of the Army
- 7 National Guard or Air National Guard who has successfully completed
- 8 the military law enforcement training course required by that branch of
- 9 the military;
- 10 4. Any member of the United States Coast Guard serving in a peace officer
- 11 role who has successfully completed the law enforcement training
- 12 course specified by the United States Coast Guard.
- 13 (c) Corrections officers who are currently employed by a consolidated local
- 14 government, an urban-county government, or the Department of Corrections
- 15 who have successfully completed a basic firearms training course required for
- 16 their employment, and corrections officers who were formerly employed by a
- 17 consolidated local government, an urban-county government, or the
- 18 Department of Corrections who are retired, and who successfully completed a
- 19 basic firearms training course required for their employment, and are
- 20 members of a state-administered retirement system or other retirement system
- 21 operated by or for a city, county, or urban-county government in Kentucky
- 22 shall be deemed to have met the training requirement.
- 23 (d) Active or honorably discharged service members in the United States Army,
- 24 Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component
- 25 thereof, or of the Army National Guard or Air National Guard shall be
- 26 deemed to have met the training requirement if these persons:
- 27 1. Successfully completed handgun training which was conducted by the

- 1 United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or
- 2 a reserve component thereof, or of the Army National Guard or Air
- 3 National Guard; or
- 4 2. Successfully completed handgun qualification within the United States
- 5 Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve
- 6 component thereof, or of the Army Guard or Air Force National Guard.
- 7 (7) (a) 1. A paper application for a license, or renewal of a license, to carry a
- 8 concealed deadly weapon shall be obtained from and submitted to the
- 9 office of the sheriff in the county in which the person resides.
- 10 2. An applicant, in lieu of a paper application, may submit an electronic
- 11 application for a license, or renewal of a license, to carry a concealed
- 12 deadly weapon to the Department of Kentucky State Police.
- 13 3. Persons qualifying under subsection (6)(d) of this section shall be
- 14 supplied the information in subsection (4)(i)4. of this section upon
- 15 obtaining an application.
- 16 (b) 1. The completed paper application and any documentation required by
- 17 this section plus an application fee or renewal fee, as appropriate, of
- 18 sixty dollars (\$60) shall be presented to the office of the sheriff of the
- 19 county in which the applicant resides.
- 20 2. The sheriff shall transmit the paper application and accompanying
- 21 material to the Department of Kentucky State Police within five (5)
- 22 working days.
- 23 3. Twenty dollars (\$20) of the paper application fee shall be retained by the
- 24 office of the sheriff for official expenses of the office. Twenty dollars
- 25 (\$20) shall be sent to the Department of Kentucky State Police with the
- 26 application. Ten dollars (\$10) shall be transmitted by the sheriff to the
- 27 Administrative Office of the Courts to fund background checks for

1 youth leaders, and ten dollars (\$10) shall be transmitted to the
2 Administrative Office of the Courts to fund background checks for
3 applicants for concealed weapons.

4 (c) 1. A completed electronic application submitted in lieu of a paper
5 application, any documentation required by this section, and an
6 application fee or renewal fee, as appropriate, of seventy dollars (\$70)
7 shall be presented to the Department of Kentucky State Police.

8 2. If an electronic application is submitted in lieu of a paper application,
9 thirty dollars (\$30) of the electronic application fee shall be retained by
10 the Department of Kentucky State Police. Twenty dollars (\$20) shall be
11 sent to the office of the sheriff of the applicant's county of residence for
12 official expenses of the office. Ten dollars (\$10) shall be transmitted to
13 the Administrative Office of the Courts to fund background checks for
14 youth leaders, and ten dollars (\$10) shall be transmitted to the
15 Administrative Office of the Courts to fund background checks for
16 applicants for concealed weapon carry permits.

17 (d) A full-time or part-time peace officer who is currently certified as a peace
18 officer by the Kentucky Law Enforcement Council and who is authorized by
19 his or her employer or government authority to carry a concealed deadly
20 weapon at all times and all locations within the Commonwealth pursuant to
21 KRS 527.020, or a retired peace officer who is a member of the Kentucky
22 Employees Retirement System, State Police Retirement System, County
23 Employees Retirement System, or other retirement system operated by or for
24 a city, county, or urban-county government in Kentucky, shall be exempt
25 from paying the paper or electronic application or renewal fees.

26 (e) The application, whether paper or electronic, shall be completed, under oath,
27 on a form or in a manner promulgated by the Department of Kentucky State

- 1 Police by administrative regulation which shall include:
- 2 1. a. The name, address, place and date of birth, citizenship, gender,
3 Social Security number of the applicant; and
 - 4 b. If not a citizen of the United States, alien registration number if
5 applicable, passport number, visa number, mother's maiden name,
6 and other information necessary to determine the immigration
7 status and eligibility to purchase a firearm under federal law of a
8 person who is not a citizen of the United States;
 - 9 2. A statement that, to the best of his or her knowledge, the applicant is in
10 compliance with criteria contained within subsections (3) and (4) of this
11 section;
 - 12 3. A statement that the applicant, if qualifying under subsection (6)(d) of
13 this section, has provided:
 - 14 a. At least one (1) of the forms listed in subsection (5) of this section;
15 or
 - 16 b. i. Documentary evidence of an honorable discharge; and
17 ii. A notarized affidavit on a form provided by the Department
18 of Kentucky State Police stating the person has met the
19 training requirements of subsection (6)(d) of this section;
 - 20 4. A statement that the applicant has been furnished a copy of this section
21 and is knowledgeable about its provisions;
 - 22 5. A statement that the applicant has been furnished a copy of, has read,
23 and understands KRS Chapter 503 as it pertains to the use of deadly
24 force for self-defense in Kentucky; and
 - 25 6. A conspicuous warning that the application is executed under oath and
26 that a materially false answer to any question, or the submission of any
27 materially false document by the applicant, subjects the applicant to

1 criminal prosecution under KRS 523.030.

2 (8) The applicant shall submit to the sheriff of the applicant's county of residence or
3 county of military posting if submitting a paper application, or to the Department of
4 Kentucky State Police if submitting an electronic application:

5 (a) A completed application as described in subsection (7) of this section;

6 (b) A recent color photograph of the applicant, as prescribed by administrative
7 regulation;

8 (c) A paper or electronic certificate or an affidavit or document as described in
9 subsection (5) of this section;

10 (d) A paper or electronic document establishing the training exemption as
11 described in subsection (6) of this section; and

12 (e) For an applicant who is not a citizen of the United States and has been
13 lawfully admitted to the United States by the United States government or an
14 agency thereof, an affidavit as prescribed by administrative regulation
15 concerning his or her immigration status and his or her United States
16 government issued:

17 1. Permanent Resident Card I-551 or its equivalent successor
18 identification;

19 2. Other United States government issued evidence of lawful admission to
20 the United States which includes the category of admission, if admission
21 has not been granted as a permanent resident; and

22 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5),
23 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R.
24 ~~pt.~~^{Part} 178, including, as appropriate, but not limited to evidence of
25 ninety (90) day residence in the Commonwealth, a valid current
26 Kentucky hunting license if claiming exemption as a hunter, or other
27 evidence of eligibility to purchase a firearm by an alien which is

1 required by federal law or regulation.

2 If an applicant presents identification specified in this paragraph, the sheriff
3 shall examine the identification, may record information from the
4 identification presented, and shall return the identification to the applicant.

5 (9) The Department of Kentucky State Police shall, within sixty (60) days after the date
6 of receipt of the items listed in subsection (8) of this section if the applicant
7 submitted a paper application, or within fifteen (15) business days after the date of
8 receipt of the items listed in subsection (8) of this section if the applicant applied
9 electronically, either:

10 (a) Issue the license; or

11 (b) Deny the application based solely on the grounds that the applicant fails to
12 qualify under the criteria listed in subsection (3) or (4) of this section. If the
13 Department of Kentucky State Police denies the application, it shall notify the
14 applicant in writing, stating the grounds for denial and informing the applicant
15 of a right to submit, within thirty (30) days, any additional documentation
16 relating to the grounds of denial. Upon receiving any additional
17 documentation, the Department of Kentucky State Police shall reconsider its
18 decision and inform the applicant within twenty (20) days of the result of the
19 reconsideration. The applicant shall further be informed of the right to seek de
20 novo review of the denial in the District Court of his or her place of residence
21 within ninety (90) days from the date of the letter advising the applicant of the
22 denial.

23 (10) The Department of Kentucky State Police shall maintain an automated listing of
24 license holders and pertinent information, and this information shall be available
25 upon request, at all times to all Kentucky, federal, and other states' law enforcement
26 agencies. A request for the entire list of licensees, or for all licensees in a
27 geographic area, shall be denied. Only requests relating to a named licensee shall be

1 honored or available to law enforcement agencies. Information on applications for
2 licenses, names and addresses, or other identifying information relating to license
3 holders shall be confidential and shall not be made available except to law
4 enforcement agencies. No request for lists of local or statewide permit holders shall
5 be made to any state or local law enforcement agency, peace officer, or other
6 agency of government other than the Department of Kentucky State Police, and no
7 state or local law enforcement agency, peace officer, or agency of government,
8 other than the Department of Kentucky State Police, shall provide any information
9 to any requester not entitled to it by law.

10 (11) Within thirty (30) days after the changing of a permanent address, or within thirty
11 (30) days after the loss, theft, or destruction of a license, the licensee shall notify the
12 Department of Kentucky State Police of the loss, theft, or destruction. Failure to
13 notify the Department of Kentucky State Police shall constitute a noncriminal
14 violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the
15 District Court. No court costs shall be assessed for a violation of this subsection.
16 When a licensee makes application to change his or her residence address or other
17 information on the license, neither the sheriff nor the Department of Kentucky State
18 Police shall require a surrender of the license until a new license is in the office of
19 the applicable sheriff and available for issuance. Upon the issuance of a new
20 license, the old license shall be destroyed by the sheriff.

21 (12) If a license is lost, stolen, or destroyed, the license shall be automatically invalid,
22 and the person to whom the same was issued may, upon payment of fifteen dollars
23 (\$15) for a paper request, or twenty-five dollars (\$25) for an electronic request
24 submitted in lieu of a paper request, to the Department of Kentucky State Police,
25 obtain a duplicate, upon furnishing a notarized statement to the Department of
26 Kentucky State Police that the license has been lost, stolen, or destroyed.

27 (13) (a) The commissioner of the Department of Kentucky State Police, or his or her

1 designee in writing, shall revoke the license of any person who becomes
2 permanently ineligible to be issued a license or have a license renewed under
3 the criteria set forth in this section.

4 (b) The commissioner of the Department of Kentucky State Police, or his or her
5 designee in writing, shall suspend the license of any person who becomes
6 temporarily ineligible to be issued a license or have a license renewed under
7 the criteria set forth in this section. The license shall remain suspended until
8 the person is again eligible for the issuance or renewal of a license.

9 (c) Upon the suspension or revocation of a license, the commissioner of the
10 Department of Kentucky State Police, or his or her designee in writing, shall:

11 1. Order any peace officer to seize the license from the person whose
12 license was suspended or revoked; or

13 2. Direct the person whose license was suspended or revoked to surrender
14 the license to the sheriff of the person's county of residence within two
15 (2) business days of the receipt of the notice.

16 (d) If the person whose license was suspended or revoked desires a hearing on the
17 matter, the person shall surrender the license as provided in paragraph (c)2. of
18 this subsection and petition the commissioner of the Department of Kentucky
19 State Police to hold a hearing on the issue of suspension or revocation of the
20 license.

21 (e) Upon receipt of the petition, the commissioner of the Department of Kentucky
22 State Police shall cause a hearing to be held in accordance with KRS Chapter
23 13B on the suspension or revocation of the license. If the license has not been
24 surrendered, no hearing shall be scheduled or held.

25 (f) If the hearing officer determines that the licensee's license was wrongly
26 suspended or revoked, the hearing officer shall order the commissioner of the
27 Department of Kentucky State Police to return the license and abrogate the

1 suspension or revocation of the license.

2 (g) Any party may appeal a decision pursuant to this subsection to the District
3 Court in the licensee's county of residence in the same manner as for the
4 denial of a license.

5 (h) If the license is not surrendered as ordered, the commissioner of the
6 Department of Kentucky State Police shall order a peace officer to seize the
7 license and deliver it to the commissioner.

8 (i) Failure to surrender a suspended or revoked license as ordered is a Class A
9 misdemeanor.

10 (j) The provisions of this subsection relating to surrender of a license shall not
11 apply if a court of competent jurisdiction has enjoined its surrender.

12 (k) When a domestic violence order or emergency protective order is issued
13 pursuant to the provisions of KRS Chapter 403 against a person holding a
14 license issued under this section, the holder of the permit shall surrender the
15 license to the court or to the officer serving the order. The officer to whom the
16 license is surrendered shall forthwith transmit the license to the court issuing
17 the order. The license shall be suspended until the order is terminated, or until
18 the judge who issued the order terminates the suspension prior to the
19 termination of the underlying domestic violence order or emergency
20 protective order, in writing and by return of the license, upon proper motion
21 by the license holder. Subject to the same conditions as above, a peace officer
22 against whom an emergency protective order or domestic violence order has
23 been issued shall not be permitted to carry a concealed deadly weapon when
24 not on duty, the provisions of KRS 527.020 to the contrary notwithstanding.

25 (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the
26 license, the Department of Kentucky State Police shall mail to each licensee a
27 written notice of the expiration and a renewal form prescribed by the

1 Department of Kentucky State Police. The outside of the envelope containing
2 the license renewal notice shall bear only the name and address of the
3 applicant. No other information relating to the applicant shall appear on the
4 outside of the envelope sent to the applicant. The licensee may renew his or
5 her license on or before the expiration date by filing with the sheriff of his or
6 her county of residence the paper renewal form, or by filing with the
7 Department of Kentucky State Police an electronic renewal form in lieu of a
8 paper renewal form, stating that the licensee remains qualified pursuant to the
9 criteria specified in subsections (3) and (4) of this section, and the required
10 renewal fee set forth in subsection (7) of this section. The sheriff shall issue to
11 the applicant a receipt for the paper application for renewal of the license and
12 shall date the receipt. The Department of Kentucky State Police shall issue to
13 the applicant a receipt for an electronic application for renewal of the license
14 submitted in lieu of a paper application for renewal and shall date the receipt.

15 (b) A license which has expired shall be void and shall not be valid for any
16 purpose other than surrender to the sheriff in exchange for a renewal license.

17 (c) The license shall be renewed to a qualified applicant upon receipt of the
18 completed renewal application, records check as specified in subsection (3) of
19 this section, determination that the renewal applicant is not ineligible for a
20 license as specified in subsection (4), and appropriate payment of fees. Upon
21 the issuance of a new license, the old license shall be destroyed by the sheriff.
22 A licensee who fails to file a renewal application on or before its expiration
23 date may renew his or her license by paying, in addition to the license fees, a
24 late fee of fifteen dollars (\$15). No license shall be renewed six (6) months or
25 more after its expiration date, and the license shall be deemed to be
26 permanently expired six (6) months after its expiration date. A person whose
27 license has permanently expired may reapply for licensure pursuant to

1 subsections (7), (8), and (9) of this section.

2 (15) The licensee shall carry the license at all times the licensee is carrying a concealed
3 firearm or other deadly weapon and shall display the license upon request of a law
4 enforcement officer. Violation of the provisions of this subsection shall constitute a
5 noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the
6 clerk of the District Court, but no court costs shall be assessed.

7 (16) Except as provided in KRS 527.020, no license issued pursuant to this section shall
8 authorize any person to carry a concealed firearm into:

9 (a) Any police station or sheriff's office;

10 (b) Any detention facility, prison, or jail;

11 (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court
12 proceeding;

13 (d) Any meeting of the governing body of a county, municipality, or special
14 district; or any meeting of the General Assembly or a committee of the
15 General Assembly, except that nothing in this section shall preclude a member
16 of the body, holding a concealed deadly weapon license, from carrying a
17 concealed deadly weapon at a meeting of the body of which he or she is a
18 member;

19 (e) Any portion of an establishment licensed to dispense beer or alcoholic
20 beverages for consumption on the premises, which portion of the
21 establishment is primarily devoted to that purpose;

22 (f) Any elementary or secondary school facility without the consent of school
23 authorities as provided in KRS 527.070, any child-caring facility as defined in
24 KRS 199.011, any day-care center as defined in KRS 199.894, or any certified
25 family, friend, and neighbor child-care home as defined in KRS 199.8982,
26 except however, any owner of a certified child-care home may carry a
27 concealed firearm into the owner's residence used as a certified child-care

1 home;

2 (g) An area of an airport to which access is controlled by the inspection of
3 persons and property; or

4 (h) Any place where the carrying of firearms is prohibited by federal law.

5 (17) The owner, business or commercial lessee, or manager of a private business
6 enterprise, day-care center as defined in KRS 199.894 or certified or licensed
7 family, friend, and neighbor child-care home as defined in KRS 199.8982, or a
8 health-care facility licensed under KRS Chapter 216B, except facilities renting or
9 leasing housing, may prohibit persons holding concealed deadly weapon licenses
10 from carrying concealed deadly weapons on the premises and may prohibit
11 employees, not authorized by the employer, holding concealed deadly weapons
12 licenses from carrying concealed deadly weapons on the property of the employer.
13 If the building or the premises are open to the public, the employer or business
14 enterprise shall post signs on or about the premises if carrying concealed weapons
15 is prohibited. Possession of weapons, or ammunition, or both in a vehicle on the
16 premises shall not be a criminal offense so long as the weapons, or ammunition, or
17 both are not removed from the vehicle or brandished while the vehicle is on the
18 premises. A private but not a public employer may prohibit employees or other
19 persons holding a concealed deadly weapons license from carrying concealed
20 deadly weapons, or ammunition, or both in vehicles owned by the employer, but
21 may not prohibit employees or other persons holding a concealed deadly weapons
22 license from carrying concealed deadly weapons, or ammunition, or both in
23 vehicles owned by the employee, except that the Justice and Public Safety Cabinet
24 may prohibit an employee from carrying any weapons, or ammunition, or both
25 other than the weapons, or ammunition, or both issued or authorized to be used by
26 the employee of the cabinet, in a vehicle while transporting persons under the
27 employee's supervision or jurisdiction. Carrying of a concealed weapon, or

1 ammunition, or both in a location specified in this subsection by a license holder
2 shall not be a criminal act but may subject the person to denial from the premises or
3 removal from the premises, and, if an employee of an employer, disciplinary
4 measures by the employer.

5 (18) All moneys collected by the Department of Kentucky State Police pursuant to this
6 section shall be used to administer the provisions of this section and KRS 237.138
7 to 237.142. By March 1 of each year, the Department of Kentucky State Police and
8 the Administrative Office of the Courts shall submit reports to the Governor, the
9 President of the Senate, and the Speaker of the House of Representatives, indicating
10 the amounts of money collected and the expenditures related to this section, KRS
11 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070, and the
12 administration of the provisions of this section, KRS 237.138 to 237.142, and KRS
13 237.115, 244.125, 527.020, and 527.070.

14 (19) The General Assembly finds as a matter of public policy that it is necessary to
15 provide statewide uniform standards for issuing licenses to carry concealed firearms
16 and to occupy the field of regulation of the bearing of concealed firearms to ensure
17 that no person who qualifies under the provisions of this section is denied his *or her*
18 rights. The General Assembly does not delegate to the Department of Kentucky
19 State Police the authority to regulate or restrict the issuing of licenses provided for
20 in this section beyond those provisions contained in this section. This section shall
21 be liberally construed to carry out the constitutional right to bear arms for self-
22 defense.

23 (20) (a) A person who is not a resident of Kentucky and who has a valid license issued
24 by another state of the United States to carry a concealed deadly weapon in
25 that state may, subject to provisions of Kentucky law, carry a concealed
26 deadly weapon in Kentucky, and his or her license shall be considered as valid
27 in Kentucky.

- 1 (b) If a person with a valid license to carry a concealed deadly weapon issued
2 from another state that has entered into a reciprocity agreement with the
3 Department of Kentucky State Police becomes a resident of Kentucky, the
4 license issued by the other state shall be considered as valid for the first one
5 hundred twenty (120) days of the person's residence in Kentucky, if within
6 sixty (60) days of moving to Kentucky, the person completes a form
7 promulgated by the Department of Kentucky State Police which shall include:
- 8 1. A signed and notarized statement averring that to the best of his or her
9 knowledge the person's license to carry a concealed deadly weapon is
10 valid and in compliance with applicable out-of-state law, and has not
11 been revoked or suspended for any reason except for valid forfeiture due
12 to departure from the issuing state;
 - 13 2. The person's name, date of birth, citizenship, gender, Social Security
14 number if applicable, proof that he or she is a citizen of the United
15 States, a permanent resident of the United States, or otherwise lawfully
16 present in the United States, former out-of-state address, current address
17 within the state of Kentucky, date on which Kentucky residence began,
18 state which issued the concealed carry license, the issuing state's
19 concealed carry license number, and the state of issuance of license; and
 - 20 3. A photocopy of the person's out-of-state license to carry a concealed
21 deadly weapon.
- 22 (c) Within sixty (60) days of moving to Kentucky, the person shall deliver the
23 form and accompanying documents by registered or certified mail, return
24 receipt requested, to the address indicated on the form provided by the
25 Department of Kentucky State Police pursuant to this subsection.
- 26 (d) The out-of-state concealed carry license shall become invalid in Kentucky
27 upon the earlier of:

- 1 1. The out-of-state person having resided in Kentucky for more than one
 - 2 hundred twenty (120) days; or
 - 3 2. The person being issued a Kentucky concealed deadly weapon license
 - 4 pursuant to this section.
- 5 (e) The Department of Kentucky State Police shall, not later than thirty (30) days
- 6 after July 15, 1998, and not less than once every twelve (12) months
- 7 thereafter, make written inquiry of the concealed deadly weapon carrying
- 8 licensing authorities in each other state as to whether a Kentucky resident may
- 9 carry a concealed deadly weapon in their state based upon having a valid
- 10 Kentucky concealed deadly weapon license, or whether a Kentucky resident
- 11 may apply for a concealed deadly weapon carrying license in that state based
- 12 upon having a valid Kentucky concealed deadly weapon license. The
- 13 Department of Kentucky State Police shall attempt to secure from each other
- 14 state permission for Kentucky residents who hold a valid Kentucky concealed
- 15 deadly weapon license to carry concealed deadly weapons in that state, either
- 16 on the basis of the Kentucky license or on the basis that the Kentucky license
- 17 is sufficient to permit the issuance of a similar license by the other state. The
- 18 Department of Kentucky State Police shall enter into a written reciprocity
- 19 agreement with the appropriate agency in each state that agrees to permit
- 20 Kentucky residents to carry concealed deadly weapons in the other state on
- 21 the basis of a Kentucky-issued concealed deadly weapon license or that will
- 22 issue a license to carry concealed deadly weapons in the other state based
- 23 upon a Kentucky concealed deadly weapon license. If a reciprocity agreement
- 24 is reached, the requirement to recontact the other state each twelve (12)
- 25 months shall be eliminated as long as the reciprocity agreement is in force.
- 26 The information shall be a public record and shall be available to individual
- 27 requesters free of charge for the first copy and at the normal rate for open

1 records requests for additional copies.

2 (21) By March 1 of each year, the Department of Kentucky State Police shall submit a
3 statistical report to the Governor, the President of the Senate, and the Speaker of the
4 House of Representatives, indicating the number of licenses issued, revoked,
5 suspended, and denied since the previous report and in total and also the number of
6 licenses currently valid. The report shall also include the number of arrests,
7 convictions, and types of crimes committed since the previous report by individuals
8 licensed to carry concealed weapons.

9 (22) The following provisions shall apply to concealed deadly weapon training classes
10 conducted by the Department of Criminal Justice Training or any other agency
11 pursuant to this section:

12 (a) No concealed deadly weapon instructor trainer shall have his or her
13 certification as a concealed deadly weapon instructor trainer reduced to that of
14 instructor or revoked except after a hearing conducted pursuant to KRS
15 Chapter 13B in which the instructor is found to have committed an act in
16 violation of the applicable statutes or administrative regulations;

17 (b) No concealed deadly weapon instructor shall have his or her certification as a
18 concealed deadly weapon instructor license suspended or revoked except after
19 a hearing conducted pursuant to KRS Chapter 13B in which the instructor is
20 found to have committed an act in violation of the applicable statutes or
21 administrative regulations;

22 (c) The department shall not require prior notification that an applicant class or
23 instructor class will be conducted by a certified instructor or instructor trainer;

24 (d) Each concealed deadly weapon instructor or instructor trainer who teaches a
25 concealed deadly weapon applicant or concealed deadly weapon instructor
26 class shall supply the Department of Criminal Justice Training with a class
27 roster indicating which students enrolled and successfully completed the class,

1 and which contains the name and address of each student, within five (5)
2 working days of the completion of the class. The information may be sent by
3 mail, facsimile, email~~[e-mail]~~, or other method which will result in the receipt
4 of or production of a hard copy of the information. The postmark, facsimile
5 date, or email~~[e-mail]~~ date shall be considered as the date on which the notice
6 was sent. Concealed deadly weapon class applicant, instructor, and instructor
7 trainer information and records shall be confidential. The department may
8 release to any person or organization the name, address, and telephone
9 number of a concealed deadly weapon instructor or instructor trainer if that
10 instructor or instructor trainer authorizes the release of the information in
11 writing. The department shall include on any application for an instructor or
12 instructor trainer certification a statement that the applicant either does or
13 does not desire the applicant's name, address, and telephone number to be
14 made public;

15 (e) An instructor trainer who assists in the conduct of a concealed deadly weapon
16 instructor class or concealed deadly weapon applicant class for more than two
17 (2) hours shall be considered as to have taught a class for the purpose of
18 maintaining his or her certification. All class record forms shall include spaces
19 for assistant instructors to sign and certify that they have assisted in the
20 conduct of a concealed deadly weapon instructor or concealed deadly weapon
21 class;

22 (f) An instructor who assists in the conduct of a concealed deadly weapon
23 applicant class for more than two (2) hours shall be considered as to have
24 taught a class for the purpose of maintaining his or her license. All class
25 record forms shall include spaces for assistant instructors to sign and certify
26 that they have assisted in the conduct of a concealed deadly weapon class;

27 (g) If the Department of Criminal Justice Training believes that a firearms

1 instructor trainer or certified firearms instructor has not in fact complied with
2 the requirements for teaching a certified firearms instructor or applicant class
3 by not teaching the class as specified in KRS 237.126, or who has taught an
4 insufficient class as specified in KRS 237.128, the department shall send to
5 each person who has been listed as successfully completing the concealed
6 deadly weapon applicant class or concealed deadly weapon instructor class a
7 verification form on which the time, date, date of range firing if different from
8 the date on which the class was conducted, location, and instructor of the class
9 is listed by the department and which requires the person to answer "yes" or
10 "no" to specific questions regarding the conduct of the training class. The
11 form shall be completed under oath and shall be returned to the Department of
12 Criminal Justice Training not later than forty-five (45) days after its receipt. A
13 person who fails to complete the form, to sign the form, or to return the form
14 to the Department of Criminal Justice Training within the time frame
15 specified in this section or who, as a result of information on the returned
16 form, is determined by the Department of Criminal Justice Training,
17 following a hearing pursuant to KRS Chapter 13B, to not have received the
18 training required by law shall have his or her concealed deadly weapon
19 license revoked by the Department of Kentucky State Police, following a
20 hearing conducted by the Department of Criminal Justice Training pursuant to
21 KRS Chapter 13B, at which hearing the person is found to have violated the
22 provisions of this section or who has been found not to have received the
23 training required by law;

24 (h) The department shall annually, not later than December 31 of each year,
25 report to the Legislative Research Commission:

- 26 1. The number of firearms instructor trainers and certified firearms
27 instructors whose certifications were suspended, revoked, denied, or

- 1 who were otherwise disciplined;
- 2 2. The reasons for the imposition of suspensions, revocations, denials, or
- 3 other discipline; and
- 4 3. Suggestions for improvement of the concealed deadly weapon applicant
- 5 training program and instructor process;
- 6 (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to,
- 7 or enters an Alford plea to a felony offense, then his or her concealed deadly
- 8 weapon license shall be forthwith revoked by the Department of Kentucky
- 9 State Police as a matter of law;
- 10 (j) If a concealed deadly weapon instructor or instructor trainer is convicted of,
- 11 pleads guilty to, or enters an Alford plea to a felony offense, then his or her
- 12 concealed deadly weapon instructor certification or concealed deadly weapon
- 13 instructor trainer certification shall be revoked by the Department of Criminal
- 14 Justice Training as a matter of law; and
- 15 (k) The following shall be in effect:
- 16 1. Action to eliminate the firearms instructor trainer program is prohibited.
- 17 The program shall remain in effect, and no firearms instructor trainer
- 18 shall have his or her certification reduced to that of certified firearms
- 19 instructor;
- 20 2. The Department of Kentucky State Police shall revoke the concealed
- 21 deadly weapon license of any person who received no firearms training
- 22 as required by KRS 237.126 and administrative regulations, or who
- 23 received insufficient training as required by KRS 237.128 and
- 24 administrative regulations, if the person voluntarily admits nonreceipt of
- 25 training or admits receipt of insufficient training, or if either nonreceipt
- 26 of training or receipt of insufficient training is proven following a
- 27 hearing conducted by the Department of Criminal Justice Training

1 pursuant to KRS Chapter 13B.

2 ➔Section 17. KRS 311.645 is amended to read as follows:

3 As used in KRS 311.645 to 311.647:

- 4 (1) "Anaphylaxis" means an allergic reaction resulting from sensitization following
5 prior contact with an antigen which can be a life-threatening emergency, including
6 reactions triggered by, among other agents, foods, drugs, injections, insect stings,
7 and physical activity;
- 8 (2) "Administer" means to directly apply an injectable epinephrine device to the body
9 of an individual;
- 10 (3) "Asthma" means a respiratory condition marked by coughing, wheezing, or
11 shortness of breath often triggered by allergies, exercise, or irritants;
- 12 (4) "Authorized entity" means an entity that may at any time have allergens present that
13 are capable of causing a severe allergic reaction and has an individual who holds a
14 certificate issued under KRS 311.646 on the premises or officially associated with
15 the entity. The term includes but is not limited to licensed child-care centers and
16 certified family, friend, and neighbor child-care homes, restaurants, recreation
17 camps, youth sports leagues, theme parks and resorts, and sports arenas;
- 18 (5) "Bronchodilator rescue inhaler" means medication used to relieve asthma
19 symptoms or respiratory distress along with devices and device components needed
20 to appropriately administer the medication, including but not limited to disposable
21 spacers;
- 22 (6) "Certified individual" means an individual who successfully completes an approved
23 educational training program and obtains a certificate, as described in KRS
24 311.646;
- 25 (7) "Injectable epinephrine device" means a single-use device used to administer a
26 premeasured dose of epinephrine;
- 27 (8) "Health-care practitioner" means a physician or other health-care provider who has

- 1 prescriptive authority; and
- 2 (9) "Self-administration" means an individual's administration of an injectable
- 3 epinephrine device or bronchodilator rescue inhaler on herself or himself.