Legislative Session and Public Health

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Dr. Jeffrey D. Howard, Commissioner
Administrative Regulations
What is an Administrative Regulation?
KRS 13A.010(2)

Procedures developed (promulgated) by the cabinet to:

- Implement, interpret, or prescribe law or policy; or

- Describe the organization, procedure, or practice requirements
Administrative Regulations & Statutes
What are the differences?

KRS
“Kentucky Revised Statutes”

- Current laws passed by the Kentucky General Assembly during a legislative session

- “Bill” is proposed legislation sponsored by a legislator that has not yet become law (statute)

- Where a reg derives its authority
Administrative Regulations & Statutes
What are the differences?

KAR
“Kentucky Administrative Regulation”

- KRS 13A.010(2)

- Derives its authority from KRS

- “Proposed administrative regulation” is a reg filed by an agency, yet to complete the KRS Chapter 13A process, that has not yet become effective or been withdrawn (KRS 13A.010(11))
Statutes

Delegation to Agencies

Admin Regs

Broad

Specific
Regulation Timeline
Pre-Filing

- Starts with a review by program staff
- Internal cabinet review (a.k.a. “formal review”)
- Pre-filing review (1 month prior to filing) by:
  - OLRA
  - OLS
  - Secretary’s Office
  - Governor’s Office
  - LRC

- Monthly filing deadline is NOON on the 15th of each month, or noon on the last work day that immediately precedes the 15th of the month
Regulation Timeline: Post-Filing

- **Public Comment Period**
  - From filing date through the end of the following month

- **Completion of the AAC/SOC**
  - Due to LRC by the 15th of the month following the public comment period, unless an extension is requested
  - To OLRA AT LEAST 10 days prior to the filing deadline
    - Same process is completed as the pre-filing review
# Regulation Timeline: Legislative Review (2 Committees)

<table>
<thead>
<tr>
<th>1st-ARRS</th>
<th>2nd-Subject matter Committee</th>
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<tr>
<td>Usually meets the 2nd Tuesday of the month</td>
<td>LRC-Referral usually the 1st Wednesday of the month following the ARRS meeting</td>
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<td>Schedule can change by co-chair agreement</td>
<td><strong>Examples:</strong></td>
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<tr>
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<td>Health and Family Services</td>
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<td>Health and Welfare</td>
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<td>Appropriations and Revenue</td>
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**If 2nd committee meets:** If regulation is on the agenda and there was a quorum, effective upon adjournment of the meeting

**If 2nd committee does not meet:** Effective 30 days after referral to the committee
Legislative Process

https://legislature.ky.gov/Pages/index.aspx
How a Bill Becomes Law

- As introduced
- As amended in committee
- As amended on second reading
- As enacted
- As funded by joint budget committee
- As implemented by the state agency
- As reported by the media
- As understood by the public
- What was actually needed
What goes on outside of session

- **Interim Committee Meeting**
  - KRS 7.103 Interim joint committees -- Monthly meeting schedule -- Commission authorized to adopt new interim joint committee structure.

- **Pre-filed Legislation**

- **Cabinet Legislation**
2019 Legislative Session

• Part I convened January 8\textsuperscript{th}

• Part II convened February 5\textsuperscript{th}
  • February 8\textsuperscript{th} – Last day for Bill Requests
  • February 15\textsuperscript{th} – Last day for new Senate bills
  • February 19\textsuperscript{th} – Last day for new House bills
2019 Legislative Session

• March 12th and 13th are Concurrence days

• March 14th – 25th are Governor veto days

• March 29th – Session ends
2019 Regular Session Record

- Current bills that may be of interest:
  - KDVA/KHEAA, nurse loan repayment program, creation of
    - House Bill 296
  - Certified professional midwife, certification and regulations for
    - Senate Bill 84
    - Senate Bill 84: Senate Committee Substitute (1)
    - House Bill 308
  - Sexually transmitted disease, expedited partner therapy, permitting
    - Senate Bill 96
    - Senate Bill 96: Senate Committee Substitute (1)
    - House Bill 237
Legislative Notes

- Filed legislation does not need to be the same as pre-filed legislation.

- There are 2 types of legislation:
  - Bills
  - Resolutions

- Legislation takes affect 90 days after session unless a special effective date is in the bill language.
Thank you!
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