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Emily B Caudill
REGULATIONS COMPILER

1 CABINET FOR HEALTH AND FAMILY SERVICES

2 Department for Public Health

3 Division of Public Health Protection and Safety

4 (Repealer)

5 902 KAR 10:122. Repeal of 902 KAR 10:121 and 902 KAR 10:190.

6 RELATES TO: KRS 211.180

7 STATUTORY AUTHORITY: KRS 13A.310

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 13A.310 allows a
9 promulgating agency to repeal an existing administrative regulation. This administrative
10 regulation repeals 902 KAR 10:121 as the fees for plan review, annual permitting and
11 inspection of public swimming and bathing facilities, including bathing beaches, have
12 been incorporated into new subject matter related administrative regulations. This
13 administrative regulation repeals 902 KAR 10:190 as the requirements for splash pads
14 have been incorporated into other administrative regulations.

15 Section 1. The following administrative regulations are hereby repealed:

16 (1) 902 KAR 10:121, Plan review, annual permitting, and inspection fees for public
17 swimming and bathing facilities, including splash pads operated by local governments; and

18 (2) 902 KAR 10:190, Splash pads operated by local governments.

902 KAR 10:122

REVIEWED:

DocuSigned by:
Steven J. Stack 7/2/2024
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Steven J. Stack, MD, MBA Date
Commissioner, Department for Public Health

APPROVED:

DocuSigned by:
Eric Friedlander 7/2/2024
DAEA1D6C15D6431

Eric C. Friedlander Date
Secretary, Cabinet for Health and Family Services

PUBLIC HEARING AND PUBLIC COMMENT PERIOD:

A public hearing on this administrative regulation shall, if requested, be held on September 23, 2024, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by September 16, 2024, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until September 30, 2024. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, KY 40621; Phone: 502-564-7476; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 902 KAR 10:122

Agency Contact: Julie Brooks

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Contact Person: Krista Quarles

Phone Number: (502) 564-7476

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(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 902 KAR 10:121, Plan review, annual permitting, and inspection fees for public swimming and bathing facilities, including splash pads operated by local governments, and 902 KAR 10:190, Splash pads operated by local governments.

(b) The necessity of this administrative regulation: The fee structure from 902 KAR 10:121 have been incorporated into new subject matter related administrative regulations; therefore, 902 KAR 10:121 is no longer necessary. The design, construction, and operational requirements of splash pads operated by local governments have been incorporated in other administrative regulations and 902 KAR 10:190 is no longer necessary.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 13A.310 allows a promulgating agency to repeal an existing administrative regulation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The repeal of 902 KAR 10:121 and 902 KAR 10:190 will help to eliminate any confusion regarding the fees necessary for the specific phase of swimming pool operation, and will eliminate any confusion regarding the requirements for splash pads operated by local governments.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are currently 2,254 public swimming pools, bathing facilities, and spas regulated by the department. The department receives approximately 115 requests for plan review each year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The only action required is to be aware of the new administrative regulations that contain the plan review, annual permit and inspection fees.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost to the regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Not applicable.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There are no initial cost to implement.

(b) On a continuing basis: There are no continuing cost to implement.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The public swimming and bathing facility program is funding through a mix of state general fund dollars and fees received for plan review, annual permitting and inspections.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Not applicable.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees established in this administrative regulation.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied as this administrative regulation repeals another administrative regulation.

FISCAL IMPACT STATEMENT

902 KAR 10:122: Repeal of 902 KAR 10:121 and 902 KAR 10:190.

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Contact Person: Krista Quarles

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(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 13A.310.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Division of Public Health Protection and Safety in the Department for Public Health is the promulgating agency. Other affected state offices include Kentucky state parks that have a swimming pool or beach available for guest.

(a) Estimate the following for the first year:

Expenditures: This administrative regulation does not impact expenditures.

Revenues: This administrative regulation does not generate revenue.

Cost Savings: This administrative regulation does not result in cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Not applicable.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Additional affective local entities include local health departments and local governments that operate a public swimming or bathing facility.

(a) Estimate the following for the first year:

Expenditures: This administrative regulation does not impact expenditures.

Revenues: This administrative regulation does not generate revenue.

Cost Savings: This administrative regulation does not result in cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Not applicable.

(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include hotels, recreational facilities such as water parks, health facilities and athletic clubs, schools including colleges and universities, swim clubs and country clubs, youth camps, and any other entity that provides a public swimming and bathing facility.

(a) Estimate the following for the first year:

Expenditures: This administrative regulation does not impact expenditures.

Revenues: This administrative regulation does not generate revenue.

Cost Savings: This administrative regulation does not result in cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Not applicable.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation will have no fiscal impact as it just repeals another administrative regulation.

(b) Methodology and resources used to determine the fiscal impact: Not applicable.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This administrative regulation will not have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion: Not applicable.

