

1 AN ACT relating to radon gas certifications.

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

3 ➔Section 1. KRS 211.9101 is amended to read as follows:

4 As used in KRS 211.9101 to 211.9135, unless the context requires otherwise:

5 (1) "Alter" means to change or modify a building or building design, or to revise, rather
6 than repair, a mitigation system or mitigation system design;

7 (2) "Analytical analysis" means the act of analyzing the radon or radon progeny
8 concentrations with active measurement devices;

9 (3) ~~["Applicant" means a radon laboratory or a person who applies for certification as a
10 radon measurement contractor or radon mitigation contractor;~~

11 ~~(4)~~ "Building" means any structure used or intended to be used for supporting or
12 sheltering any use or occupancy;

13 ~~(4)~~~~(5)~~ "Cabinet" means Cabinet for Health and Family Services;

14 ~~(5)~~~~(6)~~ "Certified" means meeting the certification requirements of a proficiency
15 program for~~[KRS 211.9109, 211.9111, or 211.9115 in order to perform]~~ radon
16 measurement, radon mitigation, or radon laboratory analysis;

17 ~~(6)~~~~(7)~~ "Commercial building" means any building other than a residential building,
18 including those buildings intended for public purposes;

19 ~~(7)~~~~(8)~~ "Commissioner" means the commissioner of the Department for Public
20 Health;

21 ~~(8)~~~~(9)~~ "Committee" means the Kentucky Radon Program Advisory Committee;

22 ~~(9)~~~~(10)~~ "Compensation" means something of value given or received in exchange for
23 radon measurement, radon mitigation, or laboratory analysis;

24 ~~(10)~~~~(11)~~ "Contractor" means a person or business entity that provides goods or services
25 to another person under the terms specified in a contract or verbal agreement, and
26 who is not an agent or employee of that person;

27 ~~(11)~~~~(12)~~ "Direct supervision" means constant onsite supervision by a certified person;

1 ~~(12)~~~~(13)~~ "General supervision" means intermittent onsite supervision by a certified
2 person who accepts responsibility for ensuring compliance by his or her employees
3 or subcontractors with all applicable requirements under KRS 211.9101 to
4 211.9135;

5 ~~(13)~~~~(14)~~ "Government agency" means the Commonwealth of Kentucky, a state agency,
6 a political subdivision, or any entity of local government;

7 ~~(14)~~~~(15)~~ "Laboratory analysis" means the act of analyzing the radon or radon progeny
8 concentrations with passive measurement devices, or the act of calibrating radon or
9 radon progeny measurement devices, or the act of exposing radon or radon progeny
10 devices to controlled concentrations of radon or radon progeny;

11 ~~(15)~~~~(16)~~ "Measurement" means the act of testing the air, water, or soil using an active
12 or passive measurement device for the presence of radon or radon progeny in the
13 indoor environment of a building;

14 ~~(16)~~~~(17)~~ "Measurement device" means any ~~cabinet approved~~ active or passive device
15 approved by a proficiency program and used for the measurement of radon or
16 radon progeny in air, water, or soil in the indoor environment of a building;

17 ~~(17)~~~~(18)~~ "Measurement contractor" means a person certified by a proficiency program
18 who provides~~meets the requirements of KRS 211.9109 and is certified by the~~
19 ~~cabinet to conduct~~ radon measurement for compensation and who meets the
20 requirements of Section 4 of this Act;

21 ~~(18)~~~~(19)~~ "Mitigation" means the act of installing, repairing, or altering an active or
22 passive system, for the purpose in whole or in part of reducing the concentration of
23 radon or radon progeny in the indoor environment of a building;

24 ~~(19)~~~~(20)~~ "Mitigation contractor" means a person certified by a proficiency program
25 who provides~~meets the requirements of KRS 211.9111 and is certified by the~~
26 ~~cabinet to conduct~~ radon mitigation for compensation and who meets the
27 requirements of Section 5 of this Act;

- 1 ~~(20)~~~~(21)~~ "Mitigation system" means any active or passive system designed to reduce
2 radon concentrations in the indoor environment of a building;
- 3 ~~(21)~~~~(22)~~ "Person" has the same meaning as in KRS 446.010;
- 4 **(22) "Proficiency program" means either the National Radon Proficiency Program or**
5 **the National Radon Safety Board;**
- 6 (23) "Radon" means a naturally occurring radioactive element that exists as a colorless,
7 odorless, and tasteless inert gas;
- 8 (24) "Radon decay products" means the four (4) short-lived radioactive elements
9 polonium (Po-218), lead (Pb-214), bismuth (Bi-214), and polonium (Po-214) which
10 exist as solids and immediately follow radon (Rn-222) in the decay chain;
- 11 (25) "Radon laboratory" means a business entity **certified by a proficiency program** that
12 ~~provides~~~~meets the requirements of KRS 211.9115 and is certified by the cabinet to~~
13 ~~conduct~~ laboratory analysis for compensation **and meets the requirements of**
14 **Section 7 of this Act;**
- 15 (26) "Radon progeny" means any combination of the radioactive decay products of
16 radon;
- 17 (27) **Registrant" means a person or business entity registered with the cabinet as a**
18 **measurement contractor, mitigation contractor, or radon laboratory;**
- 19 **(28)** "Research" means cabinet-approved scientific investigation that includes radon
20 measurement, radon mitigation, or laboratory analysis;
- 21 ~~(29)~~~~(28)~~ "Residential building" means detached one (1) to four (4) family dwellings not
22 more than three (3) stories in height where occupants are primarily permanent in
23 nature; and
- 24 ~~(30)~~~~(29)~~ "Standard operating procedure" means a written document **established by an**
25 **accredited American National Standards Institute development organization** that
26 describes in detail commonly accepted methods for the performance of certain tasks
27 **associated with radon measurement, mitigation, or laboratory analysis.**

1 ➔Section 2. KRS 211.9105 is amended to read as follows:

2 The committee shall:

- 3 (1) Advise the cabinet with the review, development, and maintenance of standard
4 operating procedures for radon measurement, radon mitigation, laboratory analysis,
5 and quality control;
- 6 (2) Advise the cabinet with preparing an annual budget for the use of moneys received
7 by the cabinet from the collection of fees and fines, receipt of grants, and all other
8 radon-related activities;
- 9 (3) Review and comment on relevant administrative regulations that are promulgated
10 pursuant to KRS 211.9101 to 211.9135 and make recommendations to and
11 otherwise advise the cabinet on these matters;
- 12 (4) **Record**~~Keep~~ minutes of committee meetings and ~~fa record of all~~ proceedings
13 **which shall be documented and maintained for the committee by the cabinet in a**
14 **public forum**;
- 15 (5) Make recommendations to the cabinet provided that the final determination rests
16 with the cabinet;
- 17 (6) Hold the first meeting of the committee no later than October 1, 2011, to be
18 convened by the commissioner; and
- 19 (7) Perform any other duties and responsibilities relating to the topic of radon that may
20 be assigned by the cabinet.

21 ➔Section 3. KRS 211.9107 is amended to read as follows:

22 No person or business entity shall conduct radon measurement, mitigation, or laboratory
23 analysis in this Commonwealth after January 1, 2013, without the appropriate
24 certification pursuant to KRS 211.9101 to 211.9135. No person or business entity shall
25 advertise or claim to be a "certified measurement contractor," "certified mitigation
26 contractor," or "certified radon laboratory," unless certified pursuant to KRS 211.9101 to
27 211.9135. Certification requirements under KRS 211.9101 to 211.9135 shall apply to a

1 radon measurement contractor, radon mitigation contractor, or radon laboratory, but shall
2 not apply to:

3 (1) A person performing measurement or mitigation on a single-family residential
4 building that he or she owns and occupies;

5 (2) A person performing measurement on a residential or commercial building that he
6 or she owns **and occupies**;

7 (3) **A person performing measurement who assists, and is under the general**
8 **supervision of, a measurement contractor**~~[An apprentice in the process of learning~~
9 ~~radon measurement, mitigation, or laboratory analysis who assists and is under the~~
10 ~~general supervision of a measurement or mitigation contractor];~~

11 (4) **A person performing mitigation who assists, and is under the direct supervision**
12 **of, a mitigation contractor**;

13 **(5)** An agent of the federal, state, or local government agency acting within an official
14 capacity~~[who shall make payment of certification fees but who shall not otherwise~~
15 ~~be required to comply with KRS 211.9101 to 211.9135];~~

16 ~~**(6)**~~~~[(5)]~~ A person performing measurement or mitigation as part of a scientific
17 research project approved by the cabinet;

18 ~~**(7)**~~~~[(6)]~~ A retail store or any other organization that sells or distributes radon
19 measurement devices and is not engaged in a relationship with the client for other
20 services, such as home inspection or real estate brokerage, and that does not conduct
21 measurement, mitigation, or laboratory analysis;

22 ~~**(8)**~~~~[(7)]~~ A person performing measurement or mitigation as part of radon training
23 approved by **a proficiency program**~~[the cabinet];~~ or

24 ~~**(9)**~~~~[(8)]~~ A building contractor installing vent pipes during the construction of a
25 commercial building or home.

26 ➔Section 4. KRS 211.9109 is amended to read as follows:

27 (1) The cabinet shall issue a ~~[certification as a]~~radon measurement contractor

1 registration certificate to any person certified for measurement who:

2 (a) Completes a registration process prescribed by the cabinet through
 3 promulgation of an administrative regulation~~[Submits a complete and~~
 4 ~~accurate application for certification on a form prescribed by the cabinet~~
 5 ~~through promulgation of an administrative regulation];~~ and

6 (b) Furnishes evidence of a general liability insurance policy that satisfies the
 7 requirements of Section 6 of this Act~~[Pays the certification fee established by~~
 8 ~~the cabinet through promulgation of an administrative regulation within the~~
 9 ~~following restrictions:~~

10 1. ~~An initial certification fee shall not exceed two hundred fifty dollars~~
 11 ~~(\$250);~~

12 2. ~~An annual renewal fee shall not exceed two hundred fifty dollars (\$250);~~

13 3. ~~A duplicate certificate fee shall not exceed twenty dollars (\$20); and~~

14 4. ~~A late renewal fee shall not exceed one hundred dollars (\$100);~~

15 (c) ~~Provides the cabinet with documentation of successful completion of a~~
 16 ~~cabinet approved radon measurement course and exam;~~

17 (d) ~~For renewal of certification, provides proof of completion of at least eight (8)~~
 18 ~~hours of continuing education per year;~~

19 (e) ~~Submits a quality control program plan that meets the minimum standard~~
 20 ~~operating procedures requirements as established by the cabinet through~~
 21 ~~promulgation of an administrative regulation; and~~

22 (f) ~~Furnishes evidence of financial responsibility to the cabinet consisting of a~~
 23 ~~liability insurance policy that satisfies the requirements of KRS 211.9113].~~

24 (2) The cabinet shall renew the radon measurement contractor registration
 25 certificate of any person who:

26 (a) Presents proof of compliance with a cabinet approved proficiency program;
 27 and

1 (b) Who furnishes evidence of a general liability insurance policy that satisfies
 2 the requirements of Section 6 of this Act;

3 **(3)** A measurement contractor shall:

- 4 (a) Ensure all measurements are conducted in accordance with the applicable
 5 ~~[measurement]~~ standard operating procedures ~~[established by the cabinet~~
 6 ~~through promulgation of an administrative regulation]~~;
- 7 (b) Maintain a quality control program plan in accordance with the standard
 8 operating procedures for measurement quality assurance and control ~~[that~~
 9 ~~meets the minimum standard operating procedures requirements established~~
 10 ~~by the cabinet through promulgation of an administrative regulation]~~;
- 11 (c) Ensure all measurements ~~[measurement activities]~~ are conducted under the
 12 general supervision of a ~~[an individual certified to conduct radon~~
 13 ~~]measurement~~ contractor;
- 14 (d) Use or sell only measurement ~~[cabinet approved]~~ devices approved by the
 15 proficiency program that certifies the person ~~[to conduct radon~~
 16 ~~measurement]~~; and
- 17 (e) Ensure all ~~[services procured from a radon]~~ laboratory analysis is ~~[are]~~
 18 procured through ~~[from]~~ a radon laboratory ~~[certified by the cabinet]~~.

19 ➔ Section 5. KRS 211.9111 is amended to read as follows:

- 20 (1) The cabinet shall issue a ~~[certification as a]~~ mitigation contractor registration
 21 certificate to any person certified for mitigation who:
- 22 (a) Completes a registration process prescribed by the cabinet through
 23 promulgation of an administrative regulation ~~[Submits a complete and~~
 24 ~~accurate application for certification on a form prescribed by the cabinet~~
 25 ~~through promulgation of an administrative regulation]~~; and
- 26 (b) Furnishes evidence of a general liability insurance policy that satisfies the
 27 requirements of Section 6 of this Act ~~[Pays the certification fee established by~~

1 ~~the cabinet through promulgation of an administrative regulation within the~~
2 ~~following restrictions:~~

3 ~~1.— An initial certification fee shall not exceed two hundred fifty dollars~~
4 ~~(\$250);~~

5 ~~2.— An annual renewal fee shall not exceed two hundred fifty dollars (\$250);~~

6 ~~3.— A duplicate certificate fee shall not exceed twenty dollars (\$20); and~~

7 ~~4.— A late renewal fee shall not exceed one hundred dollars (\$100);~~

8 ~~(c) Provides the cabinet with documentation of successful completion of a~~
9 ~~cabinet approved radon mitigation course and exam;~~

10 ~~(d) For renewal of certification, provides proof of completion of at least eight (8)~~
11 ~~hours of continuing education credit per year;~~

12 ~~(e) Submits a quality control program plan that meets the minimum standard~~
13 ~~operating procedures requirements established by the cabinet through~~
14 ~~promulgation of an administrative regulation; and~~

15 ~~(f) Furnishes evidence of financial responsibility to the cabinet consisting of a~~
16 ~~liability insurance policy that satisfies the requirements of KRS 211.9113].~~

17 (2) **The cabinet shall renew the mitigation contractor registration certificate of any**
18 **person who:**

19 **(a) Presents proof of compliance with a cabinet-approved proficiency program;**
20 **and**

21 **(b) Who furnishes evidence of a general liability insurance policy that satisfies**
22 **the requirements of Section 6 of this Act.**

23 **(3)** A mitigation contractor shall:

24 (a) Ensure all mitigations are conducted in accordance with **the applicable**
25 mitigation standard operating procedures~~[established by an administrative~~
26 ~~regulation promulgated by the cabinet];~~

27 (b) Maintain a quality control program plan **in accordance with the**

- 1 applicable~~[that meets the minimum]~~ standard operating procedures for
 2 mitigation quality assurance and control~~[requirements established by the~~
 3 cabinet through promulgation of an administrative regulation];
- 4 (c) Ensure all mitigation is~~[activities are]~~ conducted under the direct~~[general]~~
 5 supervision of a~~[an individual certified to conduct radon]~~ mitigation
 6 contractor;
- 7 (d) Ensure all post-mitigation measurement is conducted by a ~~[person certified to~~
 8 ~~conduct]~~ measurement contractor; and
- 9 (e) Ensure all radon mitigation systems repaired or altered on or after January 1,
 10 2013, meet the applicable mitigation standard operating procedures
 11 ~~[established by an administrative regulation promulgated by the cabinet].~~

12 ➔Section 6. KRS 211.9113 is amended to read as follows:

13 Each mitigation or measurement contractor shall maintain an insurance policy that:

- 14 (1) Is issued by an insurance company or other legal entity permitted to transact
 15 insurance business in the Commonwealth of Kentucky;
- 16 (2) Provides for general liability coverage for measurement contractors in an amount
 17 of at least two hundred fifty thousand dollars (\$250,000)~~[five hundred thousand~~
 18 ~~dollars (\$500,000)]~~ that is maintained in effect at all times during the
 19 registration~~[certification]~~ period;
- 20 (3) Provides for general liability coverage for mitigation contractors and radon
 21 laboratories in an amount of at least five hundred thousand dollars (\$500,000)
 22 that is maintained in effect at all times during the registration period;
- 23 (4) Lists the cabinet as a certificate holder of any insurance policy issued under
 24 subsection (1) of this section; and
- 25 (5)~~(4)~~ States that cancellation or nonrenewal of the underlying liability insurance
 26 policy is not effective until the cabinet receives at least ten (10) days' written notice
 27 of the cancellation or nonrenewal.

1 ➔ Section 7. KRS 211.9115 is amended to read as follows:

- 2 (1) The cabinet shall issue a ~~{certification as a}~~ radon laboratory **registration certificate**
 3 to any **business entity certified for radon laboratory analysis that completes a**
 4 **registration process prescribed by the cabinet through promulgation of an**
 5 **administrative regulation**~~{person or entity that:~~
- 6 ~~(a) Submits a complete and accurate application for certification on a form~~
 7 ~~prescribed by the cabinet through promulgation of an administrative~~
 8 ~~regulation that includes the name of at least one (1) measurement contractor~~
 9 ~~who is responsible for analytical activities;~~
- 10 ~~(b) Pays the certification fee as established by the cabinet through promulgation~~
 11 ~~of an administrative regulation within the following restrictions:~~
- 12 ~~1. An initial certification fee shall not exceed two hundred fifty dollars~~
 13 ~~(\$250);~~
- 14 ~~2. An annual renewal fee shall not exceed two hundred fifty dollars (\$250);~~
- 15 ~~3. A duplicate certificate fee shall not exceed twenty dollars (\$20); and~~
- 16 ~~4. A late renewal fee shall not exceed one hundred dollars (\$100);~~
- 17 ~~(c) Submits a quality control program plan that meets the minimum standard~~
 18 ~~operating procedures requirements established by the cabinet through~~
 19 ~~promulgation of an administrative regulation;~~
- 20 ~~(d) Utilizes only cabinet-approved measurement devices and analytical services,~~
 21 ~~and submits a description of each type of measurement device and analytical~~
 22 ~~service utilized; and~~
- 23 ~~(e) Provides documentation of enrollment and good standing within a cabinet-~~
 24 ~~approved independent laboratory accreditation program for each type of~~
 25 ~~measurement device and analytical service utilized}.~~
- 26 (2) **The cabinet shall renew the radon laboratory registration certificate of any**
 27 **business entity that:**

1 (a) Presents proof of compliance with a cabinet approved proficiency program;

2 and

3 (b) Who furnishes evidence of a general liability insurance policy that satisfies

4 the requirements of Section 6 of this Act;

5 **(3)** A radon laboratory shall:

6 (a) ~~Employ as a staff member at least one (1) measurement contractor who shall~~
7 ~~direct the analytical activities of the laboratory;~~

8 ~~(b) Ensure all laboratory analysis is~~~~activities are~~ conducted in accordance with
9 the applicable laboratory analysis~~minimum~~ standard operating procedures~~[~~
10 ~~requirements established by the cabinet through promulgation of an~~
11 ~~administrative regulation for each type of measurement device and analytical~~
12 ~~service utilized]; and~~

13 ~~(b)(c)~~ Maintain a quality control program plan in accordance with the
14 applicable standard operating procedures for laboratory analysis quality
15 assurance and control~~[Ensure all radon laboratory analyses are conducted in~~
16 ~~compliance with applicable state and federal regulations].~~

17 ➔Section 8. KRS 211.9119 is amended to read as follows:

18 A business entity may engage in ~~the business of~~ radon measurement, mitigation, or
19 laboratory analysis if the owner or an employee associated with the business entity is
20 ~~certified as~~ a measurement or mitigation contractor, or radon laboratory, as applicable.~~[~~
21 ~~A measurement or mitigation contractor directly in charge of measurement or mitigation~~
22 ~~activities within the business entity shall notify the cabinet in writing immediately upon~~
23 ~~termination of a relationship with the business entity.]~~

24 ➔Section 9. KRS 211.9121 is amended to read as follows:

25 (1) A person or business entity seeking biennial registration~~[annual renewal of~~
26 ~~certification]~~ shall complete the registration process and pay the fee prescribed by
27 the cabinet through the promulgation of administrative regulations~~[pay the~~

1 renewal fee not to exceed two hundred fifty dollars (\$250) as promulgated by the
 2 cabinet in an administrative regulation and shall submit an application for renewal
 3 on a form prescribed by the cabinet. An application for renewal is deemed filed on
 4 the date that it is received by the cabinet].

5 (2) **Registrations**[Certificates] not renewed within thirty (30) days after the renewal
 6 date shall **lapse and may only be reinstated upon the completion of the**
 7 **registration process as prescribed by the cabinet through the promulgation of**
 8 **administrative regulations**[pay a late renewal fee not to exceed one hundred
 9 dollars (\$100) as promulgated by the cabinet in administrative regulation].

10 (3) **A registrant shall report any change of information submitted during the**
 11 **registration process in writing to the cabinet within ten (10) days of such change**
 12 **taking place. The cabinet shall not be responsible for a registrant not receiving**
 13 **notices, communications, or other correspondence caused by a failure of the**
 14 **registrant to report changes**[Certificates not renewed within ninety (90) days of the
 15 renewal date shall lapse and may only be reinstated upon payment of a late renewal
 16 fee and initial certificate fee as promulgated by the cabinet in an administrative
 17 regulation and providing proof of insurance as required under KRS 211.9113.

18 (4) ~~A certified person shall report any change of information submitted in applying for~~
 19 ~~certification in writing to the cabinet within ten (10) days of such change taking~~
 20 ~~place. The cabinet shall not be responsible for a certified person not receiving~~
 21 ~~notices, communications, and other correspondence caused by failure of the~~
 22 ~~certified person to report changes.~~

23 (5) ~~The cabinet shall promulgate administrative regulations for establishing an inactive~~
 24 ~~certification status].~~

25 ➔ Section 10. KRS 211.9125 is amended to read as follows:

26 (1) Subject to an administrative hearing conducted in accordance with KRS Chapter
 27 13B, the cabinet may revoke, suspend, or restrict the **registration**[certificate] of a

- 1 **registrant**~~[certificate holder]~~, refuse to issue or renew **registration**~~[certification]~~,
2 reprimand, censure, place on probation, or impose a fine not to exceed five hundred
3 dollars (\$500) **per occurrence** on a **certified** person **or business entity** who:
- 4 (a) Has been convicted of a felony under the laws of the Commonwealth of any
5 crime that involves theft or dishonesty, or is a sex crime as defined by KRS
6 17.500~~[, if in accordance with KRS Chapter 335B]~~;
 - 7 (b) Has had disciplinary action taken against a professional license, certification,
8 registration, or permit held by the person **or business entity** seeking
9 **registration**~~[certification]~~;
 - 10 (c) Engaged in fraud or deceit in obtaining certification **or registration**;
 - 11 (d) Attempts to transfer the authority granted by the **registration**~~[certificate]~~ to
12 another person **or business entity**;
 - 13 (e) Disregards or violates the building codes, electrical codes, or related laws of
14 this Commonwealth or ordinances of any city, county, urban-county
15 government, consolidated local government, charter county government, or
16 unified local government;
 - 17 (f) Aids or abets any person attempting to evade the provisions of KRS 211.9101
18 to 211.9135 or the administrative regulations promulgated thereunder by the
19 cabinet;
 - 20 (g) Uses unfair or deceptive trade practices; or
 - 21 (h) Knowingly violates any of the provisions of KRS 211.9101 to 211.9135 or
22 any administrative regulation promulgated thereunder by the cabinet~~[~~
23 ~~pertaining to radon measurement, mitigation, or laboratory analysis]~~.
- 24 (2) If an application for **registration**~~[certification]~~ or renewal of
25 **registration**~~[certification]~~ is denied, the person **or business entity** seeking
26 **registration**~~[certification]~~ shall not conduct radon measurement, mitigation, or
27 laboratory analysis within the Commonwealth of Kentucky.

1 (3) Notwithstanding the existence or pursuit of any other civil or criminal remedy, the
 2 cabinet may institute proceedings in the Circuit Court of the county where the
 3 person resides **or the business entity is located** for an order enjoining the person **or**
 4 **business entity** from engaging or attempting to engage in activities that violate any
 5 provisions of KRS 211.9101 to 211.9135 or any administrative regulation
 6 promulgated thereunder by the cabinet~~[pertaining to radon measurement,~~
 7 ~~mitigation, or laboratory analysis].~~

8 (4) Any final order of the cabinet may be appealed to the Circuit Court of the county in
 9 which the person resides **or the business entity is located** after a written decision is
 10 rendered in accordance with KRS Chapter 13B.

11 ➔Section 11. KRS 211.9129 is amended to read as follows:

12 (1) The cabinet may examine records of mitigation contractors, measurement
 13 contractors, and radon laboratories, **including but not limited to conducting** ~~[and~~
 14 ~~conduct]~~ inspections of mitigation system installations **and measurement locations**
 15 in order to ensure **that radon measurement, mitigation, and laboratory analysis**
 16 **are conducted in accordance with the applicable**~~[radon mitigation systems are~~
 17 ~~installed in compliance with mitigation]~~ standard operating procedures~~[established~~
 18 ~~by the cabinet through promulgation of an administrative regulation].~~

19 ~~(2) [The cabinet may examine records of measurement contractors, mitigation~~
 20 ~~contractors, and radon laboratories to ensure radon measurements are conducted in~~
 21 ~~compliance with measurement standard operating procedures established by the~~
 22 ~~cabinet through promulgation of an administrative regulation.~~

23 ~~(3)]The cabinet may test any equipment used for measurement, [or] mitigation, **or**~~
 24 ~~**laboratory analysis;** photograph or sketch any portion of a site, building, or~~
 25 ~~equipment involved in measurement, [or] mitigation, **or laboratory analysis**[or~~
 26 ~~copy any documents or records pertaining to measurement or mitigation].~~

27 ~~(3)~~~~(4)~~ No person shall use or continue to use, or permit the use or continued use of,

1 any radon mitigation system if an agent or inspector of the cabinet finds that the
2 radon mitigation system was not constructed, installed, or altered in accordance
3 with the applicable mitigation standard operating procedures ~~established by the~~
4 ~~cabinet through promulgation of an administrative regulation~~.

5 ~~(4)~~~~(5)~~ For purposes of enforcing KRS 211.9101 to 211.9135 or any administrative
6 regulation promulgated by the cabinet pertaining to radon measurement, mitigation,
7 or laboratory analysis, an agent or inspector of the cabinet shall have the power to
8 enter upon premises at all reasonable times to make an inspection, question all
9 persons, and require the production of radon mitigation system plans, sketches,
10 diagnostic information, and other evidence.

11 ~~(5)~~~~(6)~~ Agents and inspectors of the cabinet shall be empowered to issue a stop order
12 to any owner, agent, or occupant of real property requiring that the radon mitigation
13 system thereon cease operation if that system has been found to be in violation of
14 KRS 211.9101 to 211.9135 or any administrative regulation promulgated
15 thereunder by the cabinet ~~pertaining to radon measurement, mitigation, or~~
16 ~~laboratory analysis~~.

17 ~~(6)~~~~(7)~~ A person shall not interfere with an inspection conducted by an agent or
18 inspector of the cabinet.

19 ➔Section 12. KRS 211.9131 is amended to read as follows:

20 (1) Any certified person or business entity shall report to the cabinet the discovery of
21 any apparent noncompliance with any provision of KRS 211.9101 to 211.9135 or
22 any administrative regulation promulgated thereunder by the cabinet pertaining to
23 radon measurement, mitigation, or laboratory analysis.

24 (2) Records required by this chapter or administrative regulations promulgated under
25 KRS 211.9101 to 211.9135, including but not limited to records of radon
26 measurement, mitigation, quality control program plans, calibration certifications,
27 laboratory analysis activities, worker health and safety plans, and equipment repairs

1 shall be retained by registrants~~[certificate holders]~~, as applicable, for a minimum
 2 period of five (5) years or the length of time of any warranty or guarantee,
 3 whichever is greater. Records obtained by the cabinet are exempt from the
 4 disclosure requirements of the KRS 61.870 to 61.884, except that the cabinet shall
 5 make the records available to the owner or occupant of a building upon request.

- 6 (3) Any measurement or mitigation contractor applying for registration~~[certification]~~
 7 or renewal of registration~~[certification]~~ shall specify, for approval by the cabinet,
 8 the location where records required under this section shall be maintained for
 9 inspection by the cabinet. This location shall be within the Commonwealth of
 10 Kentucky~~[or within fifty (50) miles of the border of the Commonwealth of~~
 11 ~~Kentucky and at the location where the certificate holder who supervises the quality~~
 12 ~~control program plan is located].~~

13 ➔Section 13. KRS 211.9135 is amended to read as follows:

- 14 (1) The Cabinet for Health and Family Services shall be the regulatory agency for the
 15 control of radon in the Commonwealth of Kentucky.
- 16 (2) The cabinet shall develop and conduct programs for evaluation and control of
 17 activities related to radon, including laboratory analyses, mitigation, and
 18 measurements.
- 19 (3) The cabinet shall:
- 20 (a) Promulgate administrative regulations in accordance with KRS Chapter 13A
 21 to administer, coordinate, and enforce KRS 211.9101 to 211.9135, including
 22 the establishment of fees not to exceed costs to the cabinet;
- 23 (b) Maintain a public list of all certified persons or business entities registered by
 24 the cabinet;
- 25 (c) Issue a registration certificate to certified persons or business entities
 26 registered by the cabinet~~[certificates and certificate renewals to qualified~~
 27 ~~persons];~~

- 1 (d) ~~[Promulgate administrative regulations establishing requirements for:~~
- 2 1. ~~A quality control program plan for certified persons, including what~~
- 3 ~~each certified person administering a plan shall submit and maintain;~~
- 4 ~~and~~
- 5 2. ~~Mitigation and measurement standard operating procedures;~~
- 6 ~~(e)]Promote the control of radon in the Commonwealth;~~
- 7 (e)~~[(f)]~~ Design and administer, or participate in the design and administration of
- 8 educational and research programs to ensure citizens of the Commonwealth
- 9 are informed about the health risks associated with radon;
- 10 (f)~~[(g)]~~ Appoint personnel to perform duties and fix their compensation;
- 11 (g)~~[(h)]~~ Issue subpoenas, administer oaths, examine witnesses, investigate
- 12 allegations of wrongdoing, and conduct administrative hearings in accordance
- 13 with KRS Chapter 13B to enforce KRS 211.9101 to 211.9135; and
- 14 (h)~~[(i)]~~ Collect or receive all fees, fines, and other moneys owed pursuant to
- 15 KRS 211.9101 to 211.9135, and deposit all those moneys into the radon
- 16 mitigation and control fund established by KRS 211.9133.
- 17 ➔Section 14. The following KRS sections are repealed:
- 18 211.9117 Display of certification number -- Limitation of activities of persons with dual
- 19 certifications.
- 20 211.9123 State certification by reciprocity.
- 21 211.9127 Continuing education requirements for certified persons.