

Baldwin's Kentucky Revised Statutes Annotated [Currentness](#)

Title XVIII. Public Health

▢ [Chapter 211. State Health Programs \(Refs & Annos\)](#)

→ Radiation Control

→ **211.840 Short title**

[KRS 211.842 to 211.852](#) may be cited as the “Kentucky Radiation Control Act of 1978”.

[211.842 Duties of Cabinet for Health and Family Services; right of entry upon property](#)

- (1) The Cabinet for Health and Family Services is the radiation control agency of the State of Kentucky.
- (2) The Cabinet for Health and Family Services shall issue licenses pertaining to radioactive materials and require registration of other sources of ionizing radiation.
- (3) The Cabinet for Health and Family Services shall develop and conduct programs for evaluation and control of hazards associated with the use of sources of ionizing, nonionizing, and electronic product radiation.
- (4) The cabinet or its duly authorized representative may enter at a reasonable time upon the property of a licensee, registrant, or other person where sources of ionizing, nonionizing, or electronic product radiation are reasonably believed to be located for the purpose of determining whether or not such licensee, registrant, or other person is in compliance with or in violation of the provisions of [KRS 211.842 to 211.852](#) and administrative regulations promulgated hereunder, and the owner, occupant, or person in charge of the property shall permit entry and inspection; provided, that entry into areas under the jurisdiction of an agency of the federal government or its duly designated representative shall be only upon permission of the agency or its representative.

[211.843 Licensees of radioactive materials to provide sureties; revocation of license](#)

The secretary for health and family services may, by administrative regulation, require licensees of radioactive materials to provide an adequate surety or other financial arrangement, in such amount as the secretary deems reasonably appropriate to cover potential cleanup costs in the event of abandonment, insolvency, or other inability of the licensee to meet the requirements of the secretary regarding a radioactive material accident or other public health hazard created by the presence of radioactive material at a site occupied by the licensee or formerly under its possession, ownership, or control. Acceptable sureties include bonds issued by fidelity or surety companies authorized or eligible to do business in Kentucky, cash deposits, certificates of deposit, de-

posits of government securities, irrevocable letters or lines of credit, trust funds, escrow accounts or such other types of arrangements, but shall not include any arrangement which essentially constitutes self-insurance. The secretary shall be the obligee of the surety and the proceeds of the surety shall be used by the secretary for defraying the cost of cleaning up and decontaminating the area of property involved. Failure to comply with any regulation promulgated to carry out this section by any licensee shall result in automatic revocation of such license by operation of law.

211.844 Regulatory authority of cabinet

(1) The Cabinet for Health and Family Services shall provide by administrative regulation for the registration and licensing of the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. The cabinet may prescribe specific conditions or means for the disposal and volume and source reduction of radioactive materials including radioactive waste. These administrative regulations shall include but need not be limited to specification of the form of applications for registration and licenses, the qualifications therefor, grounds for revocation, appeal pursuant to KRS Chapter 13B, and other matters necessary to carry out the intent of [KRS 211.842 to 211.852](#) and to protect the public from unnecessary radiation exposure.

(2) All administrative regulations adopted prior to June 17, 1978, by the Cabinet for Human Resources and on file with the Legislative Research Commission shall continue in full force and effect unless subsequently amended or repealed pursuant to the provisions of [KRS 211.842 to 211.852](#).

211.848 Fees and charges for registration and licensing; disposition

(1) The secretary of the Cabinet for Health and Family Services shall fix a reasonable schedule of fees and charges, by regulation, to be paid by applicants for registration of radiation-producing machines and radioactive material licenses and for renewal of the certificates and licenses. The secretary shall also prescribe, by regulation, a reasonable schedule of fees to be paid by registrants and licensees for inspections and environmental surveillance activities conducted by the cabinet.

(2) All fees and charges collected by the Cabinet for Health and Family Services under the provisions of [KRS 211.842 to 211.852](#) or the administrative regulations adopted pursuant to [KRS 211.844](#) shall be paid into the State Treasury and credited to a trust and agency fund to be used by the Cabinet for Health and Family Services in carrying out the provisions of [KRS 211.842 to 211.852](#).

211.850 Injunction against violations

Whenever, in the opinion of the Attorney General or the secretary of the Cabinet for Health and Family Services, the person is violating or is about to violate any of the provisions of [KRS 211.842 to 211.852](#), or any

regulation lawfully promulgated pursuant thereto, the Attorney General or the secretary may apply to the appropriate court for an order enjoining the person from engaging or continuing to engage in the violative act, and upon a showing that such person has engaged or is about to engage in such activity, a restraining order or permanent or temporary injunction, or any other appropriate order shall be granted.

211.852 Prerequisites to approval of nuclear waste disposal facility; procedure; exception

(1) The location of a nuclear waste disposal facility in the Commonwealth of Kentucky shall require prior approval by a majority of the members of the Kentucky House of Representatives, a majority of the members of the Kentucky Senate, and the approval of the Governor of Kentucky.

(2) Before an application to locate a nuclear waste disposal facility in Kentucky can be submitted for approval to the Kentucky General Assembly, it must first receive the approval of the secretary of the Cabinet for Health and Family Services and the secretary of the Environmental and Public Protection Cabinet. It shall be the responsibility of the Cabinet for Health and Family Services and the Environmental and Public Protection Cabinet to ensure that a comprehensive environmental impact statement is submitted and that public hearings are held in the county in which it is proposed to locate a nuclear waste disposal facility.

(3) This section shall not apply to nuclear waste disposal facilities in existence prior to June 17, 1978.

211.855 Cabinet's role as radon control agency for Commonwealth

(1) The Cabinet for Health and Family Services shall be the regulatory agency for the control of radon in the Commonwealth of Kentucky.

(2) The Cabinet for Health and Family Services shall develop and conduct programs for evaluation and control of activities related to radon including laboratory analyses, mitigation, and measurements.

211.856 Certification of persons engaged in radon analysis, mitigation, or testing; fees

(1) No person shall engage in radon analysis, mitigation, or testing activities without obtaining certification from the Cabinet for Health and Family Services. The Cabinet for Health and Family Services shall promulgate administrative regulations pursuant to KRS Chapter 13A, which shall include, but not be limited to, specifications of the form of applications for certification, the qualifications for certification, grounds for revocation of certification, and other matters as may be necessary to protect the public from unnecessary radiation exposure from radon.

(2) The secretary of health and family services shall fix a reasonable schedule of fees, by administrative regu-

lation promulgated pursuant to KRS Chapter 13A, to be paid by applicants for certification and renewal of radon mitigators, testers, and laboratories. The secretary shall also prescribe, by administrative regulation promulgated pursuant to KRS Chapter 13A, a reasonable schedule of fees to be paid by certified radon mitigators, testers, and laboratories for inspections and environmental surveillance activities conducted by the Cabinet for Health and Family Services.

(3) All fees and fines collected by the Cabinet for Health and Family Services under the provisions of [KRS 211.855 to 211.858](#) or the administrative regulations promulgated pursuant to [KRS 211.855 to 211.858](#) shall be paid into the State Treasury and credited to a trust and agency fund to be used by the Cabinet for Health and Family Services in carrying out the provisions of [KRS 211.855 to 211.858](#).

(4) State and local governmental agencies shall be exempt from the payment of fees but shall otherwise comply with [KRS 211.855 to 211.858](#).

211.857 Injunctive relief against violators

The Cabinet for Health and Family Services may institute proceedings in Circuit Court for an order enjoining a person from engaging or attempting to engage in activities which violate the provisions of [KRS 211.855 to 211.858](#) or administrative regulations promulgated pursuant to [KRS 211.855 to 211.858](#). Upon a showing that a person has engaged in or is about to engage in this activity, a restraining order, permanent injunction, temporary injunction, or other appropriate order shall be granted.

211.858 Penalty for violations of KRS 211.855 to 211.858

Any person who violates [KRS 211.855 to 211.858](#) or any administrative regulation promulgated pursuant to [KRS 211.855 to 211.858](#) or who fails to comply with an order of the Cabinet for Health and Family Services issued pursuant to [KRS 211.855 to 211.858](#) shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each day the violation or noncompliance continues.

END OF DOCUMENT