

**211.180 Functions of cabinet in the regulation of certain health matters --
Inspection fees -- Hearing.**

- (1) The cabinet shall enforce the administrative regulations promulgated by the secretary of the Cabinet for Health and Family Services for the regulation and control of the matters set out below and shall formulate, promote, establish, and execute policies, plans, and programs relating to all matters of public health, including but not limited to the following matters:
 - (a) Detection, prevention, and control of communicable diseases, chronic and degenerative diseases, dental diseases and abnormalities, occupational diseases and health hazards peculiar to industry, home accidents and health hazards, animal diseases which are transmissible to man, and other diseases and health hazards that may be controlled;
 - (b) The adoption of regulations specifying the information required in and a minimum time period for reporting a sexually transmitted disease. In adopting the regulations the cabinet shall consider the need for information, protection for the privacy and confidentiality of the patient, and the practical ability of persons and laboratories to report in a reasonable fashion. The cabinet shall require reporting of physician-diagnosed cases of acquired immunodeficiency syndrome based upon diagnostic criteria from the Centers for Disease Control and Prevention of the United States Public Health Service. No later than October 1, 2004, the cabinet shall require reporting of cases of human immunodeficiency virus infection by reporting of the name and other relevant data as requested by the Centers for Disease Control and Prevention and as further specified in KRS 214.645. Nothing in this section shall be construed to prohibit the cabinet from identifying infected patients when and if an effective cure for human immunodeficiency virus infection or any immunosuppression caused by human immunodeficiency virus is found or a treatment which would render a person noninfectious is found, for the purposes of offering or making the cure or treatment known to the patient;
 - (c) The control of insects, rodents, and other vectors of disease; the safe handling of food and food products; the safety of cosmetics; the control of narcotics, barbiturates, and other drugs as provided by law; the sanitation of schools, industrial establishments, and other public and semipublic buildings; the sanitation of state and county fairs and other similar public gatherings; the sanitation of public and semipublic recreational areas; the sanitation of public rest rooms, trailer courts, hotels, tourist courts, and other establishments furnishing public sleeping accommodations; the review, approval, or disapproval of plans for construction, modification, or extension of equipment related to food-handling in food-handling establishments; the licensure of hospitals; and the control of such other factors, not assigned by law to another agency, as may be necessary to insure a safe and sanitary environment;
 - (d) The construction, installation, and alteration of any on-site sewage disposal system, except for a system with a surface discharge;

- (e) Protection and improvement of the health of expectant mothers, infants, preschool, and school-age children;
 - (f) The practice of midwifery, including the issuance of permits to and supervision of women who practice midwifery; and
 - (g) Protection and improvement of the health of the people through better nutrition.
- (2) The secretary shall have authority to establish by regulation a schedule of reasonable fees, not to exceed twenty dollars (\$20) per inspector hour plus travel costs pursuant to state regulations for travel reimbursement, to cover the costs of inspections of manufacturers, retailers, and distributors of consumer products as defined in the Federal Consumer Product Safety Act, 15 U.S.C. secs. 2051 et seq.; 86 Stat. 1207 et seq. or amendments thereto, and of youth camps for the purpose of determining compliance with the provisions of this section and the regulations adopted by the secretary pursuant thereto. Fees collected by the secretary shall be deposited in the State Treasury and credited to a revolving fund account for the purpose of carrying out the provisions of this section. The balance of the account shall lapse to the general fund at the end of each biennium.
- (3) Any administrative hearing conducted under authority of this section shall be conducted in accordance with KRS Chapter 13B.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 345, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 102, sec. 1, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 432, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 426, sec. 289, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 104, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 443, sec. 44, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 247, sec. 9, effective July 15, 1982; and ch. 392, sec. 5, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 117, sec. 18, effective February 28, 1980. -- Amended 1976 Ky. Acts ch. 299, sec. 42. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(17). -- Amended 1972 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 29. -- Created 1954 Ky. Acts ch. 157, sec. 12, effective June 17, 1954.