

13A.2251 Information required in administrative regulation when incorporating material by reference.

- (1) An administrative body shall incorporate material by reference in the last section of an administrative regulation. This section shall include:
 - (a) The title of the material incorporated by reference placed in quotation marks, followed by the edition date of the material;
 - (b) Information on how the material may be obtained; and
 - (c) A statement that the material is available for public inspection and copying, subject to copyright law, at the main, regional, or branch offices of the administrative body, and the address and office hours of each. Following the required statement, the administrative body shall include information that states the administrative body's Web site address or telephone number or that provides contact information for other sources that may have the material available to the public.
- (2) The section incorporating material by reference shall be titled "Incorporation by Reference".
 - (a) If only one (1) item is incorporated by reference, the first subsection of the section incorporating material by reference shall contain the following statement: "(name and edition date of material incorporated) is incorporated by reference."
 - (b) If more than one (1) item is incorporated by reference, the first subsection of the section incorporating material by reference shall contain the following statement: "The following material is incorporated by reference: (a) (name and edition date of first item incorporated); and (b) (name and edition date of second item incorporated)."
 - (c) The second subsection of the section incorporating material by reference shall include the following statement: "This material may be inspected, copied, or obtained, subject to applicable copyright law, at (name of administrative body, full address), Monday through Friday, (state the regular office hours)."
- (3) A summary of the incorporated material, in detail sufficient to identify the subject matter to which it pertains, shall be attached to an administrative regulation that incorporates material by reference. This summary shall include:
 - (a) Relevant programs, statutes, funds, rights, duties, and procedures affected by the material and the manner in which they are affected;
 - (b) A citation of the specific state or federal statutes or regulations authorizing or requiring the procedure or policy found in the material incorporated by reference; and
 - (c) The total number of pages incorporated by reference.
- (4)
 - (a)
 1. One (1) copy of the material incorporated by reference shall be filed with the regulations compiler when the administrative regulation is filed.
 2. For material incorporated by reference that was developed by the promulgating administrative body:
 - a. The material incorporated by reference shall be prominently

- displayed on the administrative body's Web site; and
- b. The Uniform Resource Locator (URL) of the address where the material may be directly viewed on the agency's Web site shall be included in the body of the administrative regulation.
3. For materials incorporated by reference that are subject to a valid copyright owned by a third party not controlled by the promulgating administrative body, the material shall be referenced by providing sufficient information to assist in locating the material from the third party.
- (b) Material incorporated by reference shall be placed in a binder, attached to the back of the administrative regulation, or filed on a CD-ROM or DVD.
1. If the material is placed in a binder, the administrative body shall indicate, on the front binder cover and on the first page of the material incorporated by reference, the:
 - a. Number of the administrative regulation to which the material incorporated by reference pertains;
 - b. Date on which it is filed; and
 - c. Citation of each item that is included in the binder.
 2. The material incorporated by reference may be attached to the back of the administrative regulation if it is:
 - a. No more than four (4) pages in length; and
 - b. Typewritten on white paper, size eight and one-half (8 1/2) by eleven (11) inches, and single-sided.
 3. The material incorporated by reference may be filed on a CD-ROM or DVD disc if the material is saved in Adobe Portable Document Format (PDF). The administrative body shall indicate on the disc and the disc's storage case the:
 - a. Number of the administrative regulation to which the material incorporated by reference pertains;
 - b. Date on which it is filed; and
 - c. Citation of each item that is included on the disc.
- (c) If the same material is incorporated by reference in more than one (1) administrative regulation, an administrative body may file one (1) copy of the material in a binder or on a CD-ROM or DVD disc. The numbers of the administrative regulations in which the material is incorporated by reference shall be indicated with the other information as required by paragraph (b) of this subsection.

Effective: February 2, 2021

History: Amended 2021 Ky. Acts ch. 7, sec. 6, effective February 2, 2021. -- Amended 2016 Ky. Acts ch. 82, sec. 18, effective July 15, 2016. -- Amended 2005 Ky. Acts ch. 100, sec. 9, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 406, sec. 12, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 38, sec. 5, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 180, sec. 10, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 14, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 516, sec. 7, effective July 13, 1990.