

13A.2255 Amendment of material previously incorporated by reference.

- (1) When an administrative body amends material that had been previously incorporated by reference, the amendment shall be accomplished by submission of:
 - (a) An amendment to the administrative regulation with a new edition date for the material incorporated by reference. The amendment shall be filed in accordance with:
 1. KRS 13A.220 to initiate a change in an existing administrative regulation;
 2. KRS 13A.280 to amend a proposed administrative regulation as a result of the hearing or written comments received; or
 3. KRS 13A.320 to amend a proposed administrative regulation at a legislative committee meeting;
 - (b)
 1. An entire new document in which the amendments have been made but are not reflected in the manner specified in KRS 13A.222(2).
 2. If the new document has been developed by the promulgating administrative body, the entire document shall be displayed prominently on the administrative body's Web site and 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. If any materials incorporated by reference 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;
 - (c) A detailed summary of the changes and their effect. This summary shall:
 1.
 - a. Describe changes that are being made in the material incorporated by reference, in sufficient detail that a person reading the summary will know the differences between the material previously incorporated by reference and the new material; or
 - b. List each change in the manner required by KRS 13A.320(2)(c) and (d); and
 2. Be attached to the back of the administrative regulation or, if part of an amendment pursuant to KRS 13A.320, to the amendment submitted for the legislative committee meeting; and
 - (d) The page or pages of any document developed by the promulgating administrative body in which changes have been made, with the changes accomplished in the manner specified in KRS 13A.222(2). Notwithstanding KRS 13A.040(6), the regulations compiler shall not be required to keep these marked copies once the administrative regulation has been adopted or withdrawn.
- (2) (a) If the changes to the material incorporated by reference are technical in nature and authorized by KRS 13A.040(10) or 13A.312, the administrative

body may submit to the regulations compiler a copy of the revised material incorporated by reference and a detailed letter explaining what changes are made and the reason for the changes.

- (b) If the regulations compiler determines that the requested change does not affect the substance of the material incorporated by reference and that the change is authorized by KRS 13A.040(10) or 13A.312, the edition date stated in the administrative regulation shall be changed to match the edition date on the revised material and the history line of that administrative regulation shall note that a technical amendment was made.
- (c) If the requested change affects the substance of the material incorporated by reference or is not authorized by KRS 13A.040(10) or 13A.312, the administrative body shall comply with subsection (1) of this section.

Effective: February 2, 2021

History: Amended 2021 Ky. Acts ch. 7, sec. 7, effective February 2, 2021. -- Amended 2016 Ky. Acts ch. 82, sec. 19, effective July 15, 2016. -- Amended 2012 Ky. Acts ch. 138, sec. 7, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 100, sec. 10, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 406, sec. 13, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 410, sec. 15, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 516, sec. 8, effective July 13, 1990.