



## STATEMENT OF EMERGENCY

803 KAR 2:310E

This emergency amendment to an existing administrative regulation amends 803 KAR 2:310, First Aid. This amendment requires employers to comply with 29 C.F.R. Part 1910, Subpart K, Medical and First Aid.

It is necessary to promulgate this emergency amendment to an existing regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute ("KRS") 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health ("OSH") Act of 1970, 29 CFR 1902.3(c)(1), 29 CFR 1902.3(d)(1), 29 CFR 1902.3(d)(2), 29 CFR 1902.37(b)(3), 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1953.5(a)(1), 29 CFR 1953.(a)(2), 29 CFR 1956.2(a), and 29 CFR 1956.10(d)(1), which all require Kentucky OSH regulations to be as effective as the federal requirements.

This emergency amendment to an existing administrative regulation shall be replaced by an ordinary administrative regulation, which is being filed simultaneously with the Regulations Compiler. The ordinary administrative regulation is identical to this emergency amendment.

  
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ANDY BESHEAR, Governor  
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JAMIE LINK, Chair  
Occupational Safety and Health Standards Board

1 EDUCATION AND LABOR CABINET

2 Department of Workplace Standards

3 Division of Occupational Safety and Health Compliance

4 Division of Occupational Safety and Health Education and Training

5 (Emergency Amendment)

6 803 KAR 2:310 E. Medical services and first aid.

7 RELATES TO: KRS 338

8 STATUTORY AUTHORITY: KRS 338.051(3), 338.061

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky  
10 Occupational Safety and Health Standards Board to promulgate occupational safety and health  
11 administrative regulations and authorizes the chairman to reference federal standards without  
12 board approval if necessary to meet federal time requirements. This administrative regulation  
13 establishes medical services and first aid standards that are enforced by the Department of  
14 Workplace Standards in general industry.

15 Section 1. Definitions.

16 (1) "Employee" is defined by KRS 338.015(2).

17 (2) "Employer" is defined by KRS 338.015(1).

18 Section 2. Except as modified by the definitions in Section 1 of this administrative regulation,  
19 general industry shall comply with the federal requirements published by the Office of the  
20 Federal Register, National Archives and Records Services, General Services Administration; 29  
21 C.F.R. 1910 Subpart K, Medical and First Aid.

~~(1) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health.~~

~~(2) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and adequate first aid supplies shall be readily available.~~

~~(3) Outside salesmen, truck drivers, seasonal labor, and others who, while performing their duties, are away from the premises more than fifty (50) percent of the time shall not be included in determining the number of employees.~~

~~(4)~~

~~(a) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid.~~

~~(b) Adequate first aid supplies shall be readily available.~~

### ~~Section 3.~~

~~(1) If the eyes or body of any person may be exposed to injurious corrosive material, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.~~

~~(2) The facilities shall comply with the provisions of the ANSI/ISEA Z358.1 2014 "American National Standard for Emergency Eyewash and Shower Equipment", which is incorporated by reference, with the following exceptions:~~

~~(a) In a remote area if a person is visibly or audibly separated from coworkers, an audible or visible alarm shall activate to alert appropriate personnel when the unit is in use, or in the alternative, a two (2) way communication device shall be used.~~

~~(b) The alarm shall continue until the unit is no longer in use.~~

~~(c) A facility shall be tested according to the standard monthly.~~

~~Section 4. Incorporation by reference.~~

~~(1) ANSI/ISEA Z358.1 2014 "American National Standard for Emergency Eyewash and Shower Equipment" is incorporated by reference.~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Education and Labor Cabinet, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday 8:00 a.m. to 4:30 p.m. EST. The Labor Cabinet Web site is [www.labor.ky.gov](http://www.labor.ky.gov).~~

~~(3) The ANSI Web site is [www.ansi.org](http://www.ansi.org).]~~

As approved by



Jamie Link, Chair, Occupational Safety and Health Standards Board



Date

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held August 21, 2025, at 3:00 pm EDT via Zoom. Public access to the meeting is available at:

<https://us06web.zoom.us/j/84374411820>, or by telephone at (713) 353-0212 or (888) 822-7517 toll free, conference code 194378.

Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed emergency administrative regulation. Written comments shall be accepted through August 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed emergency administrative regulation to the contact person.

CONTACT PERSON: Robin Maples, OSH Standards Specialist, Education and Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email [robin.maples@ky.gov](mailto:robin.maples@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 803 KAR 2:310E

Contact person: Robin Maples

Phone: (502) 564-4107

Email: [Robin.Maples@ky.gov](mailto:Robin.Maples@ky.gov)

Facsimile: (502) 564-4769

(1) Provide a brief summary of:

(a) What this emergency administrative regulation does: Section 1 of this emergency administrative regulation defines terms not found in the federal standard. Section 2 requires employers in general industry to comply with the requirements of 29 C.F.R 1910, Subpart K, Medical and First Aid.

(b) The necessity of this emergency administrative regulation: This regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute ("KRS") 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health ("OSH") Act of 1970, 29 CFR 1902.3(c)(1), 29 CFR 1902.3(d)(1), 29 CFR 1902.3(d)(2), 29 CFR 1902.37(b)(3), 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1953.5(a)(1), 29 CFR 1953.5(a)(2), 29 CFR 1956.2(a), and 29 CFR 1956.10(d)(1), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.

(c) How this emergency administrative regulation conforms to the content of the authorizing statutes: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 CFR 1902.3(c)(1), 29 CFR 1902.3(d)(1), 29 CFR 1902.3(d)(2), 29 CFR 1902.37(b)(3), 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1953.5(a)(1), 29 CFR 1953.5(a)(2), 29 CFR 1956.2(a), and 29 CFR 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. This regulation complies and conforms with the authorizing statutes.

(d) How this emergency administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 CFR 1902.3(c)(1), 29 CFR 1902.3(d)(1), 29 CFR 1902.3(d)(2), 29 CFR 1902.37(b)(3), 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1953.5(a)(1), 29 CFR 1953.5(a)(2), 29 CFR 1956.2(a), and 29 CFR 1956.10(d)(1), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment requires employers in general industry to comply with the requirements of 29 C.F.R 1910, Subpart K, Medical and First Aid.

(b) The necessity of the amendment to this emergency administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes: Kentucky operates a State Plan approved by OSHA that provides employee OSH protections. OSHA approves, monitors, and provides funding to Kentucky. It is necessary to promulgate this regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of OSH Act of 1970, 29 CFR 1902.3(c)(1), 29 CFR 1902.3(d)(1), 29 CFR 1902.3(d)(2), 29 CFR 1902.37(b)(3), 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1953.5(a)(1), 29 CFR 1953.(a)(2), 29 CFR 1956.2(a), and 29 CFR 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. This regulation complies and conforms with the authorizing statutes.

(d) How the amendment will assist in the effective administration of the statutes: This amendment complies with the amendment to KRS 338.062, and ensures the state program is consistent and as effective as the federal program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this emergency administrative regulation: This emergency administrative regulation affects all employers in the Commonwealth covered by KRS Chapter 338.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this emergency administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this emergency administrative regulation or amendment: No additional compliance duties are imposed and no immediate action is required.

(b) In complying with this emergency administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to the OSH Program to implement this emergency administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment complies with the amendment to KRS 338.062 and ensures the state program is consistent and as effective as the federal program.

(5) Provide an estimate of how much it will cost to implement this emergency administrative regulation:



(a) Initially: There is no cost to the OSH Program to implement this emergency administrative regulation.

(b) On a continuing basis: There are no new costs associated with this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this emergency administrative regulation: Current state and federal funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this emergency administrative regulation, if new or by the change if it is an amendment: There is neither an increase in fees nor an increase in funding necessary to implement this emergency administrative regulation.

(8) State whether or not this emergency administrative regulation establishes any fees or directly or indirectly increases any fees: This emergency administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

## FISCAL IMPACT STATEMENT

803 KAR 2:310E

Contact Person: Robin Maples

Phone: (502) 564-4107

Email: robin.maples@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the emergency administrative regulation: KRS 338.061 authorizes the Kentucky Occupational Safety and Health Standards Board to adopt, modify, or repeal occupational safety and health administrative regulations. This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, and to meet the requirements established in KRS 338.051, KRS 338.061, Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 CFR 1902.3(c)(1), 29 CFR 1902.3(d)(1), 29 CFR 1902.3(d)(2), 29 CFR 1902.37(b)(3), 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1953.5(a)(1), 29 CFR 1953.(a)(2), 29 CFR 1956.2(a), and 29 CFR 1956.10(d)(1).

(2) State whether this emergency administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is necessary pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: This emergency administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This emergency administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): None

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this emergency administrative regulation: This emergency administrative regulation imposes no new direct cost burden on employers and does not require them to take any action to comply.

(b) Methodology and resources used to reach this conclusion: Not applicable.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this emergency administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This emergency administrative regulation will not have a “major economic impact” as defined by KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion: Not applicable.

## FEDERAL MANDATE ANALYSIS COMPARISON

Regulation Number: 803 KAR 2:310E

Agency Contact: Robin Maples

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1. Federal statute or regulation constituting the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 CFR 1902.3(c)(1), 29 CFR 1902.3(d)(1), 29 CFR 1902.3(d)(2), 29 CFR 1902.37(b)(3), 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1953.5(a)(1), 29 CFR 1953.5(a)(2), 29 CFR 1956.2(a), and 29 CFR 1956.10(d)(1).

2. State compliance standards. The Kentucky OSH Program is mandated to be at least as effective as the federal requirement. This regulation is equivalent.

3. Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590 Section 18 of the OSH Act of 1970, 29 CFR 1902.3(c)(1), 29 CFR 1902.3(d)(1), 29 CFR 1902.3(d)(2), 29 CFR 1902.37(b)(3), 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1953.5(a)(1), 29 CFR 1953.5(a)(2), 29 CFR 1956.2(a), and 29 CFR 1956.10(d)(1).

4. Will this emergency administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements: This amendment does not impose stricter requirements.

## EMERGENCY REGULATION DOCUMENTATION

It is necessary to promulgate this emergency regulation pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to Kentucky Revised Statute (“KRS”) 338.062, effective June 27, 2025, and to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 of the Occupational Safety and Health (“OSH”) Act of 1970, 29 CFR 1902.3(c)(1), 29 CFR 1902.3(d)(1), 29 CFR 1902.3(d)(2), 29 CFR 1902.37(b)(3), 29 CFR 1953.1(a), 29 CFR 1953.1(b), 29 CFR 1953.5(a)(1), 29 CFR 1953.5(a)(2), 29 CFR 1956.2(a), and 29 CFR 1956.10(d)(1), which all require Kentucky OSH regulations to be as effective as the federal requirements.