

## NOTICE

Amendment to 803 KAR 2:310, Medical services and first aid, was filed with the Legislative Research Commission on April 27, 2021.

The amendment is posted at <https://legislature.ky.gov>. Select the Kentucky Law Tab, Kentucky Administrative Regulations, KAR List by Title, then Title 803 Labor Cabinet and scroll down to the regulation under Chapter 2 Occupational Safety and Health.

Changes to the regulation and public hearing information is available at the aforementioned website or in the pages below following this notice.

FILED WITH LRC  
TIME: 9:39 am  
APR 27 2021  
*Emily B. Caudill*  
REGULATIONS COMPILER

1 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 (Amendment)

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

7 RELATES TO: KRS 338[.051(3)]

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 ~~[adopt and]~~ promulgate occupational safety

11 and health administrative regulations and authorizes the chairman to reference federal standards

12 without board approval if necessary to meet federal time requirements. This administrative

13 regulation establishes ~~[the]~~ medical services and first aid standards that are [to be] enforced by

14 the Department of Workplace Standards in [Division of Occupational Safety and Health in the

15 ~~area of]~~ general industry.

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

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

18 Section 2. (1) The employer shall ensure the ready availability of medical personnel for advice

19 and consultation on matters of occupational health.

20 (2) ~~[(+)]~~ Employers with eight (8) or more employees within the establishment shall have

21 persons adequately trained to render first aid and adequate first aid supplies shall be readily

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18 Section 2. (1) The employer shall ensure the ready availability of medical personnel for advice  
19 and consultation on matters of occupational health.

20 (2) [(4)] Employers with eight (8) or more employees within the establishment shall have  
21 persons adequately trained to render first aid and adequate first aid supplies shall be readily

1 available.

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

5 (4)(a) [~~(2)~~] All other employers shall, in the absence of an infirmary, clinic, or hospital in near  
6 proximity to the workplace which is used for the treatment of all injured employees, have a  
7 person or persons adequately trained to render first aid.

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

9 Section 3. (1) [~~2.~~] If the eyes or body of any person may be exposed to injurious corrosive  
10 material, suitable facilities for quick drenching or flushing of the eyes and body shall be provided  
11 within the work area for immediate emergency use.

12 (2) The facilities shall comply with the provisions of the ANSI/ISEA Z358.1-2014 "American  
13 National Standard for Emergency Eyewash and Shower Equipment" [~~American National~~  
14 ~~Standards Institute (ANSI) Z 358.1-1990, "Standard for Emergency Eyewash and Shower~~  
15 ~~Equipment"~~], which is incorporated by reference, with the following exceptions:

16 (a) [~~(1)~~] In a remote area if a person is visibly or audibly separated from coworkers, an audible or  
17 visible alarm shall activate to alert appropriate personnel when the unit is in use, or in the  
18 alternative, a two (2) way communication device shall be used.

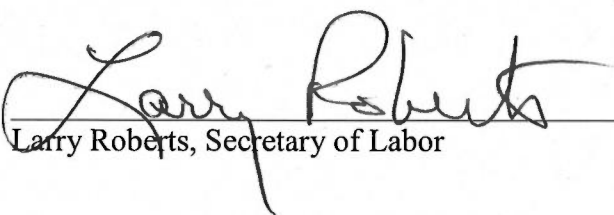
19 (b) The alarm shall continue until the unit is no longer in use.

20 (c) [~~(2)~~] A facility shall be tested according to the standard monthly.

21 Section 4 [3]. Incorporation by reference. (1) ANSI/ISEA Z358.1-2014 "American National  
22 Standard for Emergency Eyewash and Shower Equipment" [~~ANSI Z 358.1-1990, "Standards for~~  
23 ~~Emergency Eyewash and Shower Equipment"~~], is incorporated by reference.

- 1 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at  
2 the Kentucky Labor Cabinet, Mayo-Underwood Building, 3rd Floor [~~Division of Occupational~~  
3 ~~Safety and Health, 1047 U.S. 127 South~~], Frankfort, Kentucky 40601, Monday through Friday  
4 8:00 a.m. to 4:30 p.m. EST. The Labor Cabinet website is [www.labor.ky.gov](http://www.labor.ky.gov).
- 5 (3) The ANSI website is [www.ansi.org](http://www.ansi.org).

As approved by

  
Larry Roberts, Secretary of Labor

Date April 26, 2021

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on July 21, 2021 at 10:00 am (ET). The meeting will be conducted by live videoconference (ZOOM) pursuant to Senate Bill 150, Section 1, subparagraph (8) b (2020) and the continuing state of emergency. Public access to the meeting will be available at

<https://us02web.zoom.us/j/86731399141?pwd=Q2VOcDQ3ZkVBaUtoNERCMDNlKzZlZz09>, password 446261; or by telephone at (713) 353-0212, (888) 822-7517 toll free, conference code 194378.

Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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 attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Robin Maples, OSH Standards Specialist, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3<sup>rd</sup> Floor, Frankfort, Kentucky 40601, Telephone: (502) 564-4107, Facsimile: (502) 564-4769, Email: Robin.Maples@ky.gov.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 803 KAR 2:310

Contact person: Robin Maples (502) 564-4107, [Robin.Maples@ky.gov](mailto:Robin.Maples@ky.gov), Facsimile: (502) 564-4769

(1) Provide a brief summary of:

(a) What this administrative regulation does: Section 1 of this administrative regulation, effective since January 1, 1975, defines terms. Section 2 reflects the federal requirement and maintains language addressing first aid and first aid supplies. Section 3 maintains and updates language addressing quick drenching or flushing of the eyes and body for emergency use. Section 4 updates the incorporation by reference of ANSI Z358.1-1990 “Standard for Emergency Eyewash and Shower Equipment” to ANSI/ISEA Z358.1-2014 “American National Standard for Emergency Eyewash and Shower Equipment.” A comparison of the ANSI documents is provided after the FISCAL NOTE ON STATE OR LOCAL GOVERNMENT. This amendment also updates this administrative regulation to meet KRS Chapter 13A considerations and was reviewed in accordance with House Bill (HB) 50 from the Regular Session of the 2017 General Assembly.

(b) The necessity of this administrative regulation: This administrative regulation was reviewed in accordance with HB 50 from the Regular Session of the 2017 General Assembly. This regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 CFR 1902.3(c), 29 CFR 1902.3(d), 29 CFR 1953.1(a), 29 CFR 1953.1(b), and 29 CFR 1956.2(a), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation is equivalent.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations. This regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 CFR 1902.3(c), 29 CFR 1902.3(d), 29 CFR 1953.1(a), 29 CFR 1953.1(b), and 29 CFR 1956.2(a), which all require Kentucky OSH regulations to be as effective as the federal requirements. This regulation complies and conforms with the authorizing statutes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation promotes worker safety and health throughout Kentucky and ensures the state is as effective as the federal requirement. This regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590 Section 18 (OSH Act of 1970), 29 CFR 1902.3(c), 29 CFR 1902.3(d), 29 CFR 1953.1(a), 29 CFR 1953.1(b), and 29 CFR 1956.2(a), 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: