

1 AN ACT relating to coal mining.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 351.010 is amended to read as follows:

4 (1) As used in this chapter, unless the context requires otherwise:

5 (a) "Adulterated specimen" means a specimen containing a substance that is not a
6 normal constituent or containing an endogenous substance at a concentration
7 that is not a normal physiological concentration;

8 (b) "Approved" means that a device, apparatus, equipment, or machinery, or
9 practice employed in the mining of coal has been approved by the
10 commissioner of the Department for Natural Resources;

11 (c) "Assistant mine foreman" means a certified person designated to assist the
12 mine foreman in the supervision of a portion or the whole of a mine or of the
13 persons employed therein;

14 (d) "Commercial mine" means any coal mine from which coal is mined for sale,
15 commercial use, or exchange. This term shall in no instance be construed to
16 include a mine where coal is produced for own use;

17 (e) "Commission" means the Mine Safety Review Commission created by KRS
18 351.1041;

19 (f) "Commissioner" means commissioner of the Department for Natural
20 Resources;

21 (g) "Department" means the Department for Natural Resources;

22 (h) "Drift" means an opening through strata or coal seams with opening grades
23 sufficient to permit coal to be hauled therefrom or which is used for the
24 purpose of ventilation, drainage, ingress, egress, and other purposes in
25 connection with the mining of coal;

26 (i) "Excavations and workings" means the excavated portions of a mine;

27 (j) "Fire boss" (often referred to as mine examiner) means a person certified as a

- 1 mine foreman or assistant mine foreman who is designated by management to
2 examine a mine or part of a mine for explosive gas or other dangers before a
3 shift crew enters;
- 4 (k) "Gassy mine." All mines shall be classified as gassy or gaseous;
- 5 (l) "Illicit substances" includes prescription drugs used illegally or in excess of
6 therapeutic levels as well as illegal drugs;
- 7 (m) "Intake air" means air that has not passed through the last working place of
8 the split or by the unsealed entrances to abandoned workings and by analysis
9 contains not less than nineteen and one-half percent (19.5%) oxygen, no
10 dangerous quantities of flammable gas, and no harmful amounts of poisonous
11 gas or dust;
- 12 (n) "Licensee" means any owner, operator, lessee, corporation, partnership, or
13 other person who procures a license from the department to operate a coal
14 mine;
- 15 (o) "Medical review officer" or "MRO" means a licensed physician with
16 knowledge of substance abuse disorders, laboratory testing, chain of custody,
17 collection procedures, and the ability to verify positive, confirmed test results.
18 The MRO shall possess the necessary medical training to interpret and
19 evaluate a positive test result in relation to the person's medical history or any
20 other relevant biomedical information;
- 21 (p) "Mine" means any open pit or any underground workings from which coal is
22 produced for sale, exchange, or commercial use, and all shafts, slopes, drifts,
23 or inclines leading thereto, and includes all buildings and equipment, above or
24 below the surface of the ground, used in connection with the workings.
25 Workings that are adjacent to each other and under the same management, but
26 which are administered as distinct units, shall be considered a separate mine;
- 27 (q) "Mine foreman" means a certified person whom the licensee or superintendent

1 places in charge of the workings of the mine and of the persons employed
2 therein;

3 (r) "Mine manager" means a certified or noncertified person whom the licensee
4 places in charge of a mine or mines and whose duties include but are not
5 limited to operations at the mine or mines and supervision of personnel when
6 qualified to do so;

7 (s) "Open-pit mine" shall include open excavations and open-cut workings,
8 including but not limited to auger operations and highwall mining systems for
9 the extraction of coal. However, excavation of refuse from a coarse coal
10 refuse fill for reprocessing of the refuse, which is permitted and bonded under
11 KRS Chapter 350 and is regulated by the Mine Safety and Health
12 Administration, shall not be required to obtain a license under this chapter;

13 (t) "Operator" means the licensee, owner, lessee, or other person who operates or
14 controls a coal mine;

15 (u) "Permissible" refers to any equipment, device, or explosive that has been
16 approved by the United States Bureau of Mines, the Mining Enforcement and
17 Safety Administration, or the Mine Safety and Health Administration and that
18 meets all requirements, restrictions, exceptions, limitations, and conditions
19 attached to the classification by the approving agency;

20 (v) "Preshift examination" means the examination of a mine or any portion
21 thereof where miners are scheduled to work or travel, which shall be
22 conducted not more than three (3) hours before any oncoming shift;

23 (w) "Return air" means air that has passed through the last active working place
24 on each split, or air that has passed through abandoned, inaccessible, or
25 pillared workings;

26 (x) "Serious physical injury" means an injury which has a reasonable potential to
27 cause death;

- 1 (y) "Shaft" means a vertical opening through the strata that is used in connection
2 with the mining of coal, for the purpose of ventilation or drainage, or for
3 hoisting men, coal, or materials;
- 4 (z) "Slope" means an inclined opening used for the same purpose as a shaft;
- 5 (aa) "Superintendent" means the person who, on behalf of the licensee, has
6 immediate supervision of one (1) or more mines;
- 7 (ab) "Supervisory personnel" means a person certified under the provisions of this
8 chapter to assist in the supervision of a portion or the whole of the mine or of
9 the persons employed therein;
- 10 (ac) "Division" means the Division of Mine Safety;
- 11 (ad) "Director" means the director of the Division of Mine Safety;
- 12 (ae) "Probation" means the status of a certification or license issued by the
13 Division of Mine Safety that conditions the validity of the certification or
14 license upon compliance with orders of the Mine Safety Review Commission;
15 ~~{and}~~
- 16 (af) "Final order of the commission" means an order which has not been appealed
17 to the Franklin Circuit Court within thirty (30) days of entry, or an order
18 affirming the commission's order that has been entered by any court within
19 the Commonwealth and for which all appeals have been exhausted;
- 20 **(ag) "Emergency medical technician" has the same meaning as in KRS**
21 **311A.010; and**
- 22 **(ah) "Mine emergency technician" means a person that holds a current surface**
23 **or underground miner's certification in the Commonwealth and that has**
24 **been certified as having met all the requirements prescribed by the Division**
25 **of Mine Safety for that certification.**
- 26 (2) Except as the context otherwise requires, this chapter applies only to commercial
27 coal mines.

1 (3) The definitions in KRS 352.010 apply also to this chapter, unless the context
2 requires otherwise.

3 ➔Section 2. KRS 351.127 is amended to read as follows:

4 (1) Certified emergency medical technicians or mine emergency technicians shall be
5 employed at every licensed coal mine whose employees are actively engaged in the
6 extraction, production, or preparation of coal. Persons employed as mine
7 emergency technicians shall be trained in a manner established in an administrative
8 regulation promulgated by the department. Persons seeking certification as a mine
9 emergency medical technician or mine emergency technician shall be subject to the
10 following additional requirements:

11 (a) All persons seeking certification as a mine emergency technician shall
12 demonstrate drug- and alcohol-free status in accordance with KRS 351.182
13 and 351.183;

14 (b) The drug and alcohol testing for those seeking certification as mine
15 emergency technicians shall be administered prior to the examination for the
16 certification, in accordance with KRS 351.182 and 351.183; and

17 (c) Certification as a mine emergency technician shall not be issued until the
18 results of the drug and alcohol testing have been obtained. Notification shall
19 be given to the person in accordance with KRS 351.184.

20 (2) These emergency medical technicians or mine emergency technicians shall be
21 employed in the following manner:

22 (a) Except as otherwise provided in paragraph (b) of this subsection, for every
23 shift engaged in the production of coal at a surface or underground coal
24 mining operation, there shall be:

25 1. One (1) emergency medical or mine emergency technician employed
26 on every shift with fifteen (15) or fewer miners employed on the shift;
27 and

- 1 **2. Two (2) emergency medical or mine emergency technicians employed**
2 **on every shift with more than fifteen (15) but fewer than fifty-one (51)**
3 **miners employed on the shift; and**~~[At least two (2) emergency medical~~
4 ~~or mine emergency technicians shall be employed on every shift~~
5 ~~engaged in the production of coal, and at least one (1) emergency~~
6 ~~medical or mine emergency technician shall be employed on every~~
7 ~~nonproduction shift];~~
- 8 (b) **For underground mines only, on every shift with more than fifty (50)**
9 **miners working on the shift, there shall be one (1) additional emergency**
10 **medical technician or mine emergency technician for each additional fifty**
11 **(50) miners, or any portion thereof, engaged in the extraction, production,**
12 **or preparation of coal and**~~[For underground mines], at least one (1) [of the~~
13 ~~two (2)] emergency **medical** or mine emergency **technician**[technicians] shall~~
14 be underground at all times while miners are working in the mines **regardless**
15 **of how many miners are working on the shift.**~~[An additional emergency~~
16 ~~medical technician or mine emergency technician shall be employed for every~~
17 ~~additional fifty (50), or any portion thereof, employees per shift who are~~
18 ~~actively engaged in the extraction, production, or preparation of coal.]~~
- 19 (3) If these emergency medical technicians or mine emergency technicians are also
20 employed in other capacities at the coal mine, they shall be available for quick
21 response to emergencies and shall have available to them at all times the equipment
22 necessary to respond to emergencies, as prescribed by the commissioner.
- 23 (4) If the licensee selects existing employees to be trained as emergency medical
24 technicians or mine emergency technicians, the employees selected shall be paid
25 their regular wages during training.
- 26 (5) Certified emergency medical technicians and mine emergency technicians shall
27 receive annual retraining in the manner established in an administrative regulation

1 promulgated by the department, during which they shall receive their regular
2 wages.