



THE GOOD

THE BAD

& THE UGLY

**2025 KENTUCKY
GENERAL ASSEMBLY
REGULAR SESSION
IN RETROSPECT**



**Kentucky
Resources
Council**



STANDING STRONG IN FRANKFORT: The Kentucky Capitol in summer.

Each year, the Kentucky General Assembly considers hundreds of bills that shape our environment, economy, and communities – sometimes for the better, often for the worse.

And each year, Kentucky Resources Council (KRC) is there throughout the session to track these bills, provide comprehensive legal analysis on bills and issues of concern, and advocate for policies that support healthy communities and a healthy environment for all Kentuckians.

We've broken down the outcomes of the 2025 Kentucky General Assembly regular session into *The Good, The Bad, and The Ugly*. **In this report, you'll find the highlights of what passed, what failed, and what it means for Kentucky's people and environment.**

THE GOOD includes bills that advance public health, the environment, and responsible energy and land use policies. Although there were few wins in Frankfort this year, we stood strong and built momentum for future policies supporting a cleaner and healthier Kentucky.

THE BAD captures legislation that weakens environmental protections, limits local authority, or undermines justice and equity.

THE UGLY is reserved for the worst of the worst — laws that not only take us backwards, but may violate constitutional rights or jeopardize the health and safety of Kentuckians.

Since 1984, KRC has shown up at the Capitol — reading bills, meeting legislators, testifying, and rallying Kentuckians. This session was no different. **Your support helped us fight for better policies and defend communities statewide.**

THE GOOD



Rallying for clean water in the fight against SB 89

For over 40 years, KRC has reported on each legislative session, reserving “The Good” for bills that advance public health, the environment, and responsible land use. This year, there were no such bills — but there was a good outcome: **the incredible public opposition to SB 89.**

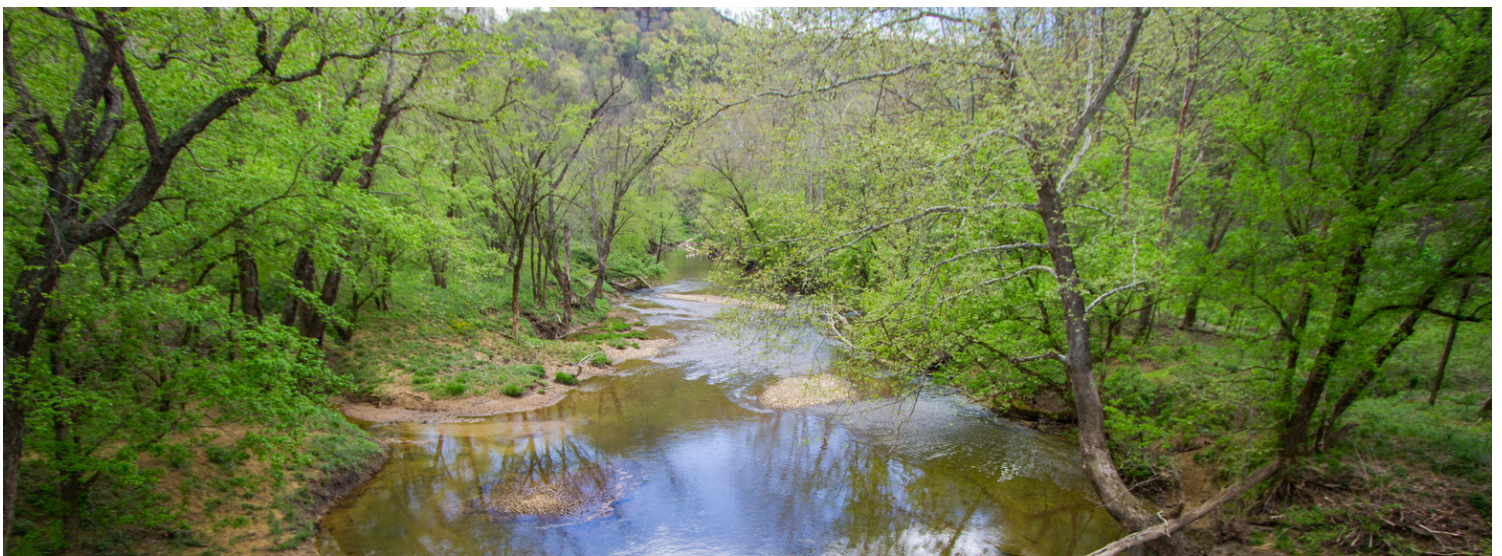
While the passage of SB 89 was a setback for Kentucky’s waters, the citizen response was nothing short of inspiring. Despite the override of Governor Beshear’s veto, **Kentuckians sent a resounding message on the importance of clean water, healthy ecosystems, and thriving communities.** From countless calls, to more than 100,000 emails delivered to lawmakers, to impassioned testimonies, **your voices resonated loudly at the Capitol, challenging lawmakers to listen to their constituents.**

Though SB 89 became law, it sparked momentum and brought people together. This fight reaffirmed the power of a united community demanding a cleaner environment. **The road is long — but together, we’ll keep up the fight for a healthier Kentucky.**



COMING TOGETHER (ABOVE): Environmentalists, experts, and concerned citizens attended a rally in Frankfort in opposition of SB 89.

WE ALL LIVE DOWNSTREAM (BELOW): A stream flows peacefully through the Daniel Boone National Forest.



THE BAD



Many bills were passed this session that take Kentucky backwards – laws not meant to make Kentuckians safer or healthier, but instead that prioritized polluters over people, that silenced voices, ignored science, and weakened protections for our most vulnerable citizens.

Below, we highlight many of the “lows” of the session, which weaken environmental laws and standards, or impact other facets of social justice and general governance.

New limits on the adoption of administrative regulations

HB 6 establishes new limits on adopting administrative regulations. With limited exceptions, it bars new regulations with a “major economic impact” — defined as \$500,000 in compliance costs over two years. The law focuses selectively on combined implementation and compliance costs and ignores the benefits of new regulations to protect public health, safety, and the environment. In practice, it will prevent the Energy and Environment Cabinet from adopting new regulations related to air pollution, waste disposal, water pollution, and mining that are essential for maintaining Kentucky’s delegated authority to implement federal environmental laws and protect Kentuckians. The bill was enacted over the Governor’s veto.

Some credible evidence now prohibited in air pollution enforcement

The Clean Air Act allows violations to be found and penalties assessed based on **any credible evidence** of the violation. **HB 137 conflicts with this rule and requires that any enforcement action by the Energy and Environment Cabinet or Louisville Metro Air Pollution Control District be based only on EPA-approved data collection methods or those that produce scientifically defensible and quality-assured data accepted by the EPA.** It prohibits enforcement actions based on any other type evidence, including photos, videos, or other information gathered by citizens, or data from alternative monitoring methods.

The law risks undermining Kentucky’s delegated authority and undermines the value of citizen-led air monitoring, which plays a crucial role in supplementing government enforcement, deterring polluters, and encouraging accountability.



POLLUTERS OVER PEOPLE: Lawmakers largely ignored public health and safety this session, instead prioritizing polluters over the people they were elected to protect. Pictured: An oil refinery in eastern Kentucky processes crude oil.

Mine emergency technician requirement reduced for small shifts at coal mining operations, raising safety concerns

HB 196 reduces the number of mine emergency technicians (METs) required on coal mining shifts with 10 or fewer miners from two to one, retains two METs for shifts with between 10 and 50 miners working, and requires that for every shift with more than 50 miners working, there shall be 1 additional MET for each additional 50 miners.

Requiring only one MET on smaller shifts compromises miner safety if that technician is unable to render care, as happened when Bud Morris was fatally injured in an underground coal mine accident in Harlan County in December 2005.

New limitations on the right to judicial review of planning and zoning decisions

HB 321 began as an uncontroversial bill mandating training for planning and zoning officials. However, at the final hour, a bill substitute imposed new restrictions on the right to judicial review of planning and zoning matters under KRS § 100.347.

KRS Chapter 100 involves many government decisions that can dramatically affect the quality of life in local communities with planning and zoning. It covers final actions of planning commissions, boards of adjustment, counties and cities with zoning authority, and landmark commissions. It covers a broad range of decisions including the grant or denial of a rezoning, a variance, a conditional use permit, a cell tower, a subdivision, and revisions to a comprehensive plan or zoning regulations. Before HB 321, any person claiming to be injured or aggrieved by that final action could bring a suit in circuit court within thirty days, seeking review of whether that action complied with the law. This new law limits that statutory right to appeal to "owners of real property within the zone where the property that is the subject of the final action is located."

This restriction undermines the rights of other affected parties, such as tenants, neighborhood associations, and civic groups, and it unnecessarily complicates the appeal process, as there is an inherent right to judicial review of arbitrary government actions.

Pollution control costs shifted onto other sources

HB 346 exempts emergency stationary internal combustion engine emissions from consideration in emissions fees, allowing up to 100 hours of non-emergency use while retaining the exempt status. Distilleries are the primary users of stationary emergency combustion engines and this law shifts the burden of their emission fees onto other industry sources, such as utilities. Additionally, the bill removes caps on emission fees for utilities, which could lead to higher rates for consumers. It also fails to include restrictions on the extended use of emergency engines.

Workplace safety protections weakened

HB 398 prohibits the Kentucky Occupational Safety and Health Standards Board and the Secretary of the Education Labor Cabinet from enforcing any occupational safety and health regulation more protective than federal minimum standards. It also restricts who can request workplace inspections and requires more specificity in complaints. As noted in the Governor's veto, Kentucky workers will lose important safeguards related to fall protection, exposure to toxic and hazardous materials, high voltage electrical lines, and bulk hazardous liquid unloading. These changes ultimately reduce workplace safety and hinder the ability to address unsafe conditions promptly. The bill was enacted over the veto.

“Disruptive behavior” in legislative buildings criminalized

HB 399 creates the crime of interference with a legislative proceeding for “disrupting,” “impeding,” or preventing the General Assembly or any committee of the body from doing business, or engaging in disruptive or disorderly conduct within any “legislative building.” **Due to its vagueness, this law may unnecessarily criminalize constitutionally protected activities, such as the right to free speech, assembly, and to petition the government.** The lack of clear definitions for terms like “disrupt,” “impede,” or “disruptive conduct” raises concerns that legitimate protests or public engagement could be wrongfully penalized. The bill was enacted over the Governor's veto.

Nuclear power declared “clean”

HCR 22, a concurrent resolution adopted by the General Assembly, “declared” that nuclear power generation is a clean and dispatchable means of providing baseload electricity to the residents and businesses of the Commonwealth, and that adding nuclear power to Kentucky's energy portfolio would result in a more resilient and reliable electric grid. Concurrent resolutions are formal statements passed by both chambers of the legislature, but they do not carry the force of law or change policy.

The General Assembly could declare that “up is down,” but that would not make it so. Likewise, **declaring nuclear energy to be clean does not address the significant environmental and human health costs associated with the mining, milling, and beneficiation of nuclear fuel, or the legacy of nuclear wastes with no permanent storage strategy.** It also fails to address that the cost of nuclear power generation, even with the substantial subsidies provided to cap liability and spur development, is still far more expensive than renewables-plus-storage strategies that are, in fact, dispatchable and reliable for meeting baseload needs.

Judicial deference to agency interpretations of law prohibited

SB 84 bars courts from according deference to agency interpretations of law, regulations, or orders, and mandates that any ambiguity in statutory construction be resolved against agencies. This law is an unconstitutional infringement on the judicial function, violating Kentucky's separation of powers by allowing the legislature to dictate judicial review standards and limiting judicial independence. The bill was enacted over the Governor's veto.

Costly nuclear energy projects subsidized

SB 179, establishes the Nuclear Energy Development Grant Program administered by the Kentucky Nuclear Energy Development Authority. The bill provides grants for a wide range of nuclear-related projects, including reactor design, nuclear fuel cycle activities, facility siting and development, and decommissioning waste management. **It does not, however, include provisions for recouping grant funds or requiring matching investments from applicants,** meaning it effectively subsidizes an industry that has struggled to prove economic competitiveness. The lack of financial safeguards raises concerns about the long-term return on these investments.

Bill results in gutting of Louisville's lead ordinance

HB173 didn't pass, but it's listed here because it was used to gut a local lead ordinance. After extensive public input, Louisville's Metro Council adopted an ordinance in 2022 — effective December 2024 — **requiring rental properties to be screened for lead hazards and creating a compliance registry.** HB173 targeted that ordinance and would have barred local governments from creating rental property registries for any purpose, including lead safety. In response, Metro Council rolled back key provisions, eliminating the requirement for proactive testing in pre-1978 homes and shifting the burden to tenants to request inspections by code enforcement officers.

Lead poisoning is highly preventable, yet even low levels of exposure can cause serious developmental and behavioral issues in children. This rollback not only endangers youth in Louisville but also sets a troubling precedent for future efforts to block local governments from protecting public health.

Lost opportunities to improve health of Kentucky's environment and communities

Several promising bills were introduced this year to support Kentucky's environment and communities. HB 102, led by Rep. Kulkarni, aimed to tackle PFAS contamination — harmful "forever chemicals" found in water — by forming a PFAS working group and creating a PFAS consumer product registry to improve transparency and public health protections. **HB 326 would have stopped gas and electric companies from cutting off service during extreme weather months** and offered more flexible repayment options for those in need of assistance. **HB 371 focused on closing a legal loophole that allows a captive industrial landfill to be located remotely from where the waste is generated,** proposing that the captive landfill instead be adjacent to the source, which helps keep jobs and tax benefits local. Collectively, these bills, which did not pass, represent lost opportunities to move Kentucky forward and improve the health of our environment and communities.



WE ALL LIVE DOWNSTREAM: A polluted stream flows downhill from a mountaintop removal mine in Magoffin, County.

THE UGLY



One bill was worse than all the others: SB89. This dangerous bill prioritizes polluters over people and is a betrayal of Kentucky's most precious resource – **OUR WATER.**

Kentucky's waterways — the most expansive in the nation aside from Alaska — are essential to both the state's environment and economy.

Recognizing Kentucky's unique water system and karst topography, we have long defined our "waters of the Commonwealth" broadly, covering both surface and groundwater. SB 89 narrows this definition, limiting protections against pollution to only those waters that are defined as "navigable waters," or "waters of the United States," under the federal Clean Water Act.

Although the final version of SB 89 clawed back protection for a small subset of state waters – sinkholes with open throat drains, certain springs, and wellhead protection areas – the law strips

away protections for critical groundwater sources and headwater streams that sustain our communities, farms, and ecosystems. It leaves tens of thousands of private wells and drinking water sources unprotected from pollution.

65% of Kentucky's streams are ephemeral or intermittent—and are essential to slowing floodwaters and filtering pollution before it reaches major waterways. Without protections for our headwater streams, downstream communities will suffer greater flood risks and water quality degradation. Weakening these safeguards will also increase wastewater treatment costs for already strained local governments and ratepayers.

This new law will not bring regulatory “clarity.” Rather, it will slow and confuse the regulatory process, relying on a shifting federal definition that will likely be narrowed again under the Trump Administration. SB89 recklessly dismantles Kentucky's water protections, prioritizing polluters over the people and industries that rely on clean, safe water. It undermines decades of progress in safeguarding our drinking water, agricultural resources, and public health.

This move comes at a time when many of Kentucky's rivers and streams are already under pressure from pollution, industrial runoff, and habitat destruction. The repercussions will be felt across Kentucky's economy, from farmers relying on clean water for crops and livestock, to communities dependent on rivers for drinking water and recreational tourism.

Ultimately, SB 89 sets a dangerous precedent by weakening Kentucky's role in protecting its own natural resources. The law may benefit certain industries in the short term, but it does so at the expense of the state's long-term environmental health. It is a betrayal to Kentucky's most precious resource — its water. The bill was enacted over the Governor's veto.

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