

CHAPTER 502**(HB 778)**

AN ACT relating to commercial feed.

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

Section 1. KRS 250.601 is amended to read as follows:

- (1) If the director has probable cause *to believe* that any of the provisions of KRS 250.491 to 250.631 have been violated, he shall notify the person involved of the alleged violations and designate a time and place for an informal hearing under administrative regulations promulgated by the director. If, after the informal hearing or without the hearing if the person fails to appear, the director determines that a violation has occurred, he may issue a letter of reprimand, *levy a fine for chronic violators*, or impose any other penalty or sanction authorized under KRS 250.491 to 250.631, *or under Section 2 of this Act*. Any penalty or sanction imposed may be appealed, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.
- (2) Nothing in KRS 250.491 to 250.631 shall be construed as requiring the director or his representative to impose a more extreme penalty or sanction as a result of minor violations of KRS 250.491 to 250.631 when he believes the public interest will best be served by the issuance of a letter of reprimand.
- (3) If, after completing the hearing procedure contained in subsection (1) of this section, the director has probable cause to believe that a criminal offense has occurred, he shall report it to the county attorney of the county in which the alleged offense occurred. It shall be the duty of each county attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.
- (4) The director may petition a court of competent jurisdiction to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of KRS 250.491 to 250.631 or any administrative regulation promulgated under KRS 250.491 to 250.631, notwithstanding the existence of other remedies at law. An injunction shall be issued without bond.
- (5) Any person adversely affected by a final order made *in accordance with* ~~pursuant to~~ subsection (1) of this section may bring action in Fayette Circuit Court for judicial review of the final order in accordance with KRS Chapter 13B.
- (6) It shall be unlawful for any person to use to his own advantage, or reveal to other than the director, or officers of the Kentucky agricultural experiment station, or to the courts when relevant in any judicial proceedings, any information acquired under the authority of KRS 250.491 to 250.631, concerning any method, records, formulations, or processes which as a trade secret is entitled to protection. ~~Provided, that~~ This prohibition shall not be deemed as prohibiting the director, or his duly authorized agent, from exchanging information of a regulatory nature with duly appointed officials of the United States government, or of other states, who are similarly prohibited by law from revealing this information.

Section 2. KRS 250.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 250.021 to 250.111 and KRS 250.361 to 250.461 shall be fined not less than one hundred dollars (\$100), nor more than seven hundred fifty dollars (\$750).
- (2) Any person who shall impede, hinder, or otherwise prevent, or attempt to prevent, the director or his duly authorized agent in the performance of his duty in connection with this chapter, shall be guilty of a Class A misdemeanor.
- (3) Any person who violates subsection (6) of KRS 250.601 shall be guilty of a Class B misdemeanor.
- (4) ***Except as provided by subsection (3) of this section, any person who violates any of the provisions of KRS 250.491 to 250.631 may be fined up to one thousand dollars (\$1,000) for the third and subsequent violations made within a twenty-four (24) month period.***
Approved April 21, 2000

