

## CHAPTER 23

## ( HB 56 )

AN ACT relating to programs administered by the Department of Agriculture.

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

➔Section 1. KRS 247.234 is amended to read as follows:

- (1) Every owner of an amusement ride or attraction business shall register the business with the department annually.
- (2) The business registration required by subsection (1) of this section shall be valid until December 31 of the calendar year in which the registration is filed and shall be issued upon payment of a registration fee, in accordance with administrative regulations promulgated by the department.
- (3)
  - (a) No amusement ride or attraction shall be operated in this state without a permit issued by the department to the owner of the amusement ride or attraction. The permit shall be kept on site during the operation of the amusement ride or attraction and viewable upon request.
  - (b) A permit shall be issued to each owner to operate the permitted amusement ride or attraction in this state. A permit fee, which shall be determined by administrative regulations promulgated by the department, shall be levied for each amusement ride or attraction permit issued.
  - (c) The registrant shall furnish proof of liability insurance in effect on the operation of each amusement ride or attraction providing coverage, with an insurer authorized to issue a policy in this state, in the amount of not less than one million dollars (\$1,000,000) due to all bodily injuries or deaths per occurrence, or in lieu thereof, if the applicant's amusement ride or amusement attraction is one that is permanently located or erected on a site in this state, the applicant shall be required only to provide proof of financial responsibility in the sum of one million dollars (\$1,000,000). Every **registrant and** insurance carrier of these policies shall notify the department at least thirty (30) days prior to cancellation of a policy for mobile amusement rides or attractions and at least ten (10) days prior to cancellation of a policy for permanent amusement rides or attractions.
  - (d) In addition to proof of adequate insurance coverage, the applicant shall furnish any other information the department may require, including but not limited to written notice of each intended operating site **that will be open to the general public** to be received by the department at least fourteen (14) days prior to operation at that site. In cases of emergency, notice of a change in future plans may be given to the department by telephone.
  - (e) The department shall require an **annual** inspection of each amusement ride or attraction before it may be operated in this state. Inspections performed by department employees shall be subject to a fee based on the complexity of the amusement ride or attraction and shall not be less than ten dollars (\$10) or more than five hundred dollars (\$500). The cost of all inspections performed by department employees shall be paid by the owner of the amusement ride or attraction and **shall**~~may~~ be prepaid~~, but shall be paid no later than the day of the inspection~~. The department shall designate persons qualified by education or experience, who are capable of determining amusement safety in accordance with administrative regulations promulgated under KRS 247.232 to 247.236, as amusement safety inspectors. Any person who is not an employee of the department and who is designated as an amusement safety inspector shall register with the department and pay an annual registration fee, which shall be determined by administrative regulations promulgated by the department.
  - (f) A Kentucky **inspection tag**~~permit seal~~ shall be affixed to every individual amusement ride or attraction, or other location as determined by the department, before it may be operated in this state. **A Kentucky inspection tag shall be valid for one (1) year from the date it was issued.**
- (4)
  - (a) In addition to the inspection required in subsection (3)(e) of this section, the department may inspect amusement rides and attractions without notice at any time while operating in this state. There shall not be any charge for additional inspections in which safety violations are not found. In regard to situations in which safety violations are found, the department may charge an inspection fee not to exceed five hundred dollars (\$500) for any future inspection necessary. The corrections of these safety violations

shall comply with accepted standards of safety, and shall be accomplished prior to operating the equipment in this state.

- (b) In regard to situations in which safety violations are found that cannot be corrected immediately, the amusement ride or attraction shall cease to operate in this state by order of the amusement safety inspector. ~~[In addition, the amusement safety inspector shall conspicuously post a public notice on or near the amusement ride or attraction. The notice shall adequately inform the public of the safety violation present.]~~
  - (c) Any owner who continues to operate an amusement ride or attraction after an order to cease operation has been issued shall have his or her business registration suspended and the amusement ride or attraction permit revoked, and may be subject to further penalties provided in KRS 247.233. In addition, the county attorney of each county and the department are hereby authorized to seek an injunction against the owner or operator of any amusement ride or attraction being operated in violation of KRS 247.232 to 247.236.
  - (d) Revenue generated by this section and KRS 247.233 shall be used for the implementation and administration of KRS 247.232 to 247.236; the balance, if any, shall not lapse but shall be carried forward to the next fiscal year.
- (5) (a) An owner of an amusement ride or attraction shall:
- 1. Conduct a pre-opening inspection and test of the ride or attraction prior to admitting the public each day the ride or attraction is intended to be used; and
  - 2. Maintain for at least the previous twelve (12) months a signed record of the required pre-opening inspections and tests and any other pertinent information as required by the department.
- (b) The department may revoke the registration of any owner who fails to conduct the required pre-opening inspections and tests or to maintain the required reports.
- (6) All unpaid civil penalties assessed upon a person for violations of KRS 247.232 to 247.236 shall remain in effect and shall permanently remain on record with the department regardless of whether the person:
- (a) Operates amusement rides or attractions under his or her name, another name, an assumed name, or as a sole proprietorship;
  - (b) Is employed by another person operating amusement rides individually, as a sole proprietorship, or as part of a partnership or corporation; or
  - (c) Operates amusement rides or attractions as a member of a partnership or corporation.

➔Section 2. KRS 251.355 is amended to read as follows:

- (1) No person shall be or act as a grain dealer in the Commonwealth without holding a valid grain dealer license issued by the department.
- (2) No person shall engage in the business of buying grain from producers for resale, milling, or processing in the Commonwealth without holding a valid grain dealer license issued by the department; provided, however, that no license shall be required in order to buy grain from sellers who are not producers of grain.
- (3) No person shall be or act as a grain warehouse operator in the Commonwealth without holding a valid grain warehouse operator license issued by the department.
- (4) No person shall own, control, operate, or manage any public warehouse in which grain is stored for compensation in the Commonwealth without holding a valid grain warehouse operator license issued by the department.
- (5) Any person who possesses unpaid-grain for more than thirty (30) days shall be deemed to be acting as a grain warehouse operator and shall be subject to the licensing and financial requirements for grain warehouse operators under the provisions of this chapter.
- (6) Licenses issued by the department shall be valid for a period of time not to exceed one (1) year and shall expire on June 30 each year.
- (7) A separate license shall be required for each facility in the Commonwealth.
- (8) The board, in conjunction with the department, shall promulgate administrative regulations setting forth a schedule of fees for licensed grain warehouse operators. Any changes to the schedule of fees shall be approved

by a majority vote of the board. The schedule of fees shall be reviewed by the board at least one (1) time every four (4) years. The annual increase in board-approved license fees shall be limited to five percent (5%) and shall not exceed twenty percent (20%) over any four (4) year period.

- (9) The board, in conjunction with the department, shall promulgate administrative regulations setting forth a schedule of fees for licensed grain dealers. Any changes to the schedule of fees shall be approved by a majority vote of the board. The schedule of fees shall be reviewed by the board at least one (1) time every four (4) years. The annual increase in board-approved license fees shall be limited to five percent (5%) and shall not exceed twenty percent (20%) over any four (4) year period.
- (10) The department shall have the authority to *issue a notice of violation and assess a civil fine pursuant to KRS 251.990, or* suspend or revoke a license if the board or department determines *any person*~~the licensee~~ has violated a provision of this chapter or any administrative regulation promulgated under this chapter.
- (11) *Any person receiving a notice of violation may contest the notice by submitting to the department a written request for a hearing in accordance with KRS Chapter 13B within thirty (30) days of receipt. Failure to request a hearing shall result in the recipient's failure to exhaust administrative remedies and render the notice final.*
- (12) *Any person aggrieved by any final order of the department may appeal to the Franklin Circuit Court or the Circuit Court of the county in which the respondent is located, in accordance with KRS 13B.140.*
- (13) *The department may enforce any final order by petitioning the Franklin Circuit Court or the Circuit Court of the county in which the respondent is located.*

➔Section 3. KRS 260.600 is amended to read as follows:

- (1) Any person requiring a license may obtain an application by calling the Kentucky Department of Agriculture, Division of Regulation and Inspection. A license may be renewed when accompanied by a renewal application and the required fees. A license for the current year shall not be issued if there are past due license fees and penalties pending for previous years. With regard to shell egg dealers, wholesalers, and packers, and specialty egg processors, dealers, and wholesalers, all of the previous year's assessment fees shall be current before licenses shall be renewed. Any person selling eggs without the required license will be subject to having the eggs removed from sale until a license has been acquired.
- (2) A license is required of each handler of eggs selling in the Commonwealth subject to the exceptions specified in KRS 260.550. The annual license fees are as follows, varying for dealers, distributors, wholesalers, producers, and packers, according to the average weekly volume of the month in which the licensee handled the most eggs during the preceding year:
  - (a) Retailers .....\$20.00
  - (b) Shell egg dealers, distributors, wholesalers, producers, and packers within
    - Kentucky or out-of-state:
      - 1-25 cases or 1-750 dozen .....\$20.00
      - 26-50 cases or 751-1500 dozen .....\$30.00
      - Over 50 cases or over 1500 dozen .....\$50.00
    - (c) Specialty egg processors, dealers, and wholesalers within
      - Kentucky or out-of-state .....\$50.00.
- (3) Any egg handler engaged in more than one (1) type of activity for which a license is provided shall pay that license fee which is the highest of the licenses prescribed for each type of activity in which he *or she* is engaged.
- (4) All eggs bought or sold within the Commonwealth of Kentucky shall bear a two cent (\$0.02) assessment fee for each fifteen (15) dozen shell egg lot or portion thereof. Pasteurized liquid and pasteurized frozen egg products shall be assessed a fee of one-half (1/2) cent (\$0.005) per ten (10) pound lot. Dried, dehydrated, hard-cooked, or specialty egg products shall be assessed a fee of one cent (\$0.01) per ten (10) pound lot. These assessment fees shall be assessed and paid one (1) time as agreed between responsible parties as the product moves through the distribution network. All reports and fees are due monthly and shall be received by the department prior to the fifteenth of the month following the month of activity, unless there is an agreement

with the department to report and pay these fees on a quarterly, semi-annual, or annual basis. In this event, the reports and fees shall be received prior to the fifteenth of the month following the period of activity.

- (5) All licenses shall expire on **January 31**~~[April 1]~~ of each year. Handlers having more than one (1) place of business shall hold a license for each location. Licenses shall not be transferred.
- (6) Those that are exempt from licensing under KRS 260.550 are not exempt from inspection, with the exception of consumers.~~[The shell eggs or egg products used by these persons are not exempt from the required assessment fee.]~~

➔Section 4. KRS 246.220 is amended to read as follows:

- (1) No person shall in any way hinder, refuse, or defeat entrance or inspection by an agent or employee of the department who is performing the duties of his **or her** office for the purpose of combating the European corn borer under subsection (1) of KRS 246.210.
- (2) No person shall interfere in any way with the department or any of its agents or employees in the inspection of premises and livestock, or in the testing of livestock on any premises when the object of the inspection or testing is to determine the existence of, or to combat in any way, communicable disease in livestock. No person shall interfere in any way with the department or any of its agents or employees in the removal from any premises of livestock found to be infected with a communicable disease.
- (3) No person shall hinder the efforts of the state entomologist or his **or her** agents in combating Japanese beetles under KRS 246.210.
- (4) No person shall hinder the entomologist in the performance of any of his **or her** duties.
- (5) No person shall interfere in any way with inspectors or assistants while they are discharging their duties under KRS 250.021 to 250.111.
- (6) No person shall hinder, prevent, or attempt to prevent any person from discharging his **or her** duties under KRS 250.491 to 250.631.
- (7) No person shall in any way impersonate, hinder, or obstruct the department or its inspectors in the performance of their official duties under KRS ~~[248.280 to 248.440 or]~~261.220.

➔Section 5. KRS 260.540 is amended to read as follows:

As used in KRS 260.540 to 260.650, unless the context otherwise requires:

- (1) "Ambient temperature" means the atmospheric temperature surrounding or encircling shell eggs;
- ~~(2) "Board" means the Egg Marketing Board;~~
- ~~(3) "Candle" means to determine the interior quality of a shell egg based on the use of a candling light as defined in the USDA Handbook 75(7 CFR Part 56);~~
- ~~(4) "Candled and graded" means candled and graded under state and federal standards and regulations;~~
- ~~(5) "Case" means a container of thirty (30) dozen shell eggs as used in commercial practice in the United States. The term "half-case" shall mean a container of fifteen (15) dozen eggs. Case also means any other quantity packaging which is considered a wholesale pack;~~
- ~~(6) "Check" means an egg that has a broken shell or a crack in the shell, but whose membranes are intact and whose contents are not leaking;~~
- ~~(7) "Commissioner" means the Commissioner of Agriculture;~~
- ~~(8) "Consumer" means all persons purchasing eggs for consumption and not resale;~~
- ~~(9) "Department" means the Department of Agriculture;~~
- ~~(10) "Dealer" means a person, organization, or cooperative engaged in the business of buying eggs from producers or other persons, either on his **or her** own account or as an agent, and selling or transferring eggs by the case or other quantity to a wholesaler, processor, retailer, specialty egg processor, or other persons or consumers;~~
- ~~(11) "Dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material, or prominent stains covering more than one-fourth (1/4) of the shell surface;~~

- ~~(11)~~~~(12)~~ "Distributor" means any person who sells, offers, or otherwise exposes shell eggs or egg products to a wholesaler, retailer, or food service facility. "Distributor" also means any person or producer who distributes shell eggs or egg products to his or her own retail outlet, store, or food service facility;
- ~~(12)~~~~(13)~~ "Egg product" means processed and convenience forms of eggs for home and commercial use, including hard-cooked, or specialty egg products and pasteurized liquid, pasteurized frozen, or pasteurized dried egg products;
- ~~(13)~~~~(14)~~ "FDA" means the Federal Food and Drug Administration;
- ~~(14)~~~~(15)~~ "Handler" means a dealer, packer, processor, wholesaler, distributor, or retailer;
- ~~(15)~~~~(16)~~ "Inedible" means an egg that is unfit for human food in whole or in part, addled or moldy, containing black rot, white rot, blood ring, adherent yolks, or bloody whites, incubated beyond the blood ring stage, or consisting to any extent of filthy decomposed substance. This also includes any eggs unfit for human consumption due to causes other than those listed in this subsection;
- ~~(16)~~~~(17)~~ "Leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell;
- ~~(17)~~~~(18)~~ "Loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or contains a bloody white, large meat spots, a large quantity of blood, or other foreign material;
- ~~(18)~~~~(19)~~ "Lot" means any given quantity of two (2) or more eggs of a named grade, billed on an invoice or inspected by the department;
- ~~(19)~~~~(20)~~ "Lot consolidation" means the removal of damaged eggs from consumer labeled cartons and replacement of the damaged eggs with eggs of the same grade, size, sell-by date, brand, lot, and source;
- ~~(20)~~~~(21)~~ "Packer" means any person who grades, sizes, candles, and packs eggs for purposes of sale;
- ~~(21)~~~~(22)~~ "Person" means any individual, firm, partnership, corporation, company, association, or any other type of business entity that traffics in, handles, or sells eggs, and shall include any trustee, receiver, or similar representative;
- ~~(22)~~~~(23)~~ "Producer" means any person who exercises control over the production of eggs and disposes of eggs from the output of his or her personally owned flock;
- ~~(23)~~~~(24)~~ "Registered lot consolidator" means a person who has successfully completed a training course in lot consolidation approved by the department and who is registered with the department;
- ~~(24)~~~~(25)~~ "Repacking" means changing the identity of a lot of shell eggs by removing them from the original container labeled by a packer and placing them into another container not labeled by the packer at the point of origin with the same grade, size, sell-by date, lot number, source, and brand;
- ~~(25)~~~~(26)~~ "Retailer" means any person selling or offering eggs for sale to consumers in this state;
- ~~(26)~~~~(27)~~ "Sell" means to offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade;
- ~~(27)~~~~(28)~~ "Shell eggs" means the product of the domesticated hen and any other egg from the avian species offered for human consumption in its shell form;
- ~~(28)~~~~(29)~~ "Specialty egg processor" means a person who operates a plant for the purpose of breaking eggs for freezing or drying or commercial food manufacturing, and includes a person distributing his or her products from out-of-state. A specialty egg processor may also be known as a breaker or breaking plant;
- ~~(29)~~~~(30)~~ (a) "Specialty egg products" means egg specialties processed for the food service industry including: wet-pack and dry-pack prepeeled hard-cooked eggs, either whole, wedged, sliced, chopped, or pickled; long rolls of hard-cooked eggs; frozen omelets; egg patties; quiche; quiche mix; frozen French toast; frozen scrambled egg mix in boilable pouches; frozen fried eggs; frozen precooked scrambled eggs; freeze-dried scrambled eggs; ultra-pasteurized liquid eggs; free-flowing frozen egg pellets; and specially coated shelf-stable hard-cooked eggs.
- (b) "Specialty egg products" does not include eggs that are combined with other products in a convenience pack such as a meal, if the total package weight cannot be fairly divided between all items in the package allowing the egg product to have a separate calculated weight;

- (30)~~(31)~~ "Stop order" means an order issued by an inspector or other authorized agent of the department removing the shell egg or egg products from sale until a release or change of order has been issued by an inspector or authorized agent of the department;
- (31)~~(32)~~ "Ungraded and candled" means the general run of edible eggs as they come from the producer, not sized or graded, but candled;
- (32)~~(33)~~ "USDA" means the United States Department of Agriculture;
- (33)~~(34)~~ "Wholesaler" means a handler who is engaged in the business of buying eggs from producers or other persons on the handler's own account and selling or transferring eggs to other dealers, wholesalers, processors, or retailers, or through other distribution channels; and
- (34)~~(35)~~ "Withdraw from sale order" means an order issued by an inspector or other authorized agent of the department, permanently removing shell eggs or egg products from sale or distribution.

➔Section 6. The following KRS sections are repealed:

- 248.005 Legislative finding and declaration on United States Department of Agriculture's Tobacco Price Support Program.
- 248.010 Definitions.
- 248.015 Tobacco boards of trade -- Powers.
- 248.025 Membership of boards -- Eligibility -- Participation.
- 248.035 Membership required to operate warehouse or purchase tobacco therein.
- 248.280 Storage warehouseman to grade and weigh tobacco -- Receipts.
- 248.290 Warehouse license -- Fees.
- 248.300 Department to supervise warehouses -- Inspectors and employees.
- 248.310 Duties and powers of inspectors.
- 248.320 Auctions to be free and open.
- 248.330 Combination to control or interfere with bidding prohibited.
- 248.340 Preventing persons from bidding or purchasing prohibited.
- 248.350 Discrimination prohibited.
- 248.353 Enforcement by Attorney General.
- 248.355 Class action suit -- Damages, computation and distribution.
- 248.370 Maximum basket sales per hour -- Hours and days of operation.
- 248.380 Sales of vocational education tobacco.
- 248.391 Height and weight requirements for baskets of tobacco.
- 248.400 Commingling of tobacco without grower's consent prohibited.
- 248.410 Weighmen must be bonded.
- 248.420 Inducement of false report by weighman prohibited.
- 248.430 Notice of sales and producers to be posted -- False notice prohibited.
- 248.440 Daily reports to be furnished by warehouses and released by department.
- 248.450 Equipment used for transporting tobacco during weighing operation to be of uniform weight -- Copy of section to be posted in scale office.
- 248.460 Liability of warehouseman for destruction of or damage to tobacco in storage.
- 248.990 Penalties.
- 260.570 Egg marketing board -- Functions -- Membership -- Appointment -- Terms -- Qualifications -- Meetings -- Compensation.

**Signed by Governor April 3, 2026.**