

12 KAR 5:010. Licenses.

RELATES TO: KRS 260.775-260.845, 260.992

STATUTORY AUTHORITY: KRS 260.825(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 260.825(1) requires the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 260.775 through 260.845 regarding milk. This administrative regulation establishes a procedure to license a person or entity who is qualified as a milk handler, laboratory, sampler-weigher, tester, or transfer station.

Section 1.

(1) License to Handle Milk, Laboratory License, and Transfer Station License. Upon receipt of an accurately completed application with fee as required by KRS 260.815, and if the applicant is deemed to be qualified, pursuant to this administrative regulation, and in compliance with KRS 260.775 through 260.845, the director shall issue a license to handle, laboratory license, or transfer station license. Each license shall be displayed as established in paragraphs (a) through (c) of this subsection.

(a) A current license to handle milk shall be prominently displayed at each handling location.

(b) A current laboratory license shall be prominently displayed at each laboratory location.

(c) A current transfer station license shall be prominently displayed at each transfer station location.

(2) Temporary license to sample and weigh milk. Upon receipt of an accurately completed application with fee as required by KRS 260.815, and if the applicant is deemed to be qualified, pursuant to this administrative regulation, and in compliance with KRS 260.775 through 260.845, the director shall issue a 120-day, temporary license to sample and weigh milk. A temporary license shall only be reissued if a person does not pass the written examination requirement of paragraph (b) of this subsection.

(a) A person issued a temporary license to sample and weigh milk shall be provided informational material by the director with proper sampling and weighing procedures. The person shall become familiar with the informational material and shall perform the procedures under the supervision of a licensed sampler-weigher until a supervisor believes he or she is competent of proper procedures. Once the person has become familiar with and complies with proper procedures, he or she may sample and weigh milk without immediate supervision. The person shall carry the temporary license to sample and weigh while sampling and weighing milk.

(b) A person issued a temporary license to sample and weigh milk shall be scheduled for and required to attend a one (1) day training school and take a written examination administered by the director. Upon scoring a minimum of seventy (70) percent on the written examination, a license to sample and weigh milk shall be issued. The person shall carry the license to sample and weigh while sampling and weighing milk.

(3) Temporary license to test milk. Upon receipt of an accurately completed application with fee as required by KRS 260.815, and if the applicant is deemed to be qualified, pursuant to this administrative regulation, competent, and in compliance with KRS 260.775 through 260.845, the director shall issue a 120-day temporary license to test milk. A temporary license shall only be reissued if a person does not pass the written examination requirement of paragraph (b) of this subsection.

(a) A person issued a temporary license to test milk shall be provided informational material by the director with proper testing procedures. The person shall become familiar with the informational material and shall perform the testing procedures for which he or she seeks approval under the supervision of a licensed tester until a

supervisor believes the person is competent of proper procedures. Once the person has become familiar with and complies with proper procedures, he or she may test milk without immediate supervision. A person shall conspicuously post the temporary license to test in the laboratory where testing is performed or carry the temporary license to test while he or she is testing milk.

(b) A person issued a temporary license to test milk shall demonstrate competency in milking procedures for which the person seeks approval to the director and shall take a written examination administered by the director. Upon demonstrating competency and scoring a minimum of seventy (70) percent on the written exam, a license to test milk shall be issued. The milk tester shall conspicuously post the license to test in the laboratory where testing is performed or carry the license to test while he or she is testing milk.

(4) Renewal for a license to sample and weigh and renewal for a license to test. Upon receipt of an accurately completed renewal application with fee as required by KRS 260.815, and if the applicant is deemed by the director, pursuant to this administrative regulation, to be in compliance with KRS 260.775 through 260.845, the director shall issue a renewed license to sample and weigh or a renewed license to test. An applicant may renew a lapsed license for up to three (3) years past the expiration date by paying back-fees for each year and one (1) penalty fee established in KRS 260.992(3).

(5) All licenses issued under the authority of KRS 260.775 through 260.845 shall expire on June 30 of each year. The licenses shall be renewed on or before July 1 by accurately completing and submitting an application with the appropriate fee to the director.

(6) Reciprocity. The director shall reciprocate with other states and issue a license to sample and weigh or a license to test upon submission of satisfactory evidence that the requirement for licensure in the other state is equivalent to the requirements of KRS 260.775 through 260.845. The director may require an applicant for reciprocity to pass an examination if necessary to establish his or her competency. Applicants for reciprocity shall be required to submit an accurately completed application with fee to the director.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for License to Handle Milk", October 2000, Division of Regulatory Services;

(b) "Application for Milk Laboratory License", October 2000, Division of Regulatory Services;

(c) "Application for Milk Transfer Station License", October 2000, Division of Regulatory Services;

(d) "Application for Temporary License to Sample and Weigh Milk", March 2015, Division of Regulatory Services;

(e) "Application for Temporary License to Test Milk", March 2015, Division of Regulatory Services;

(f) "Application for Renewal License to Sample and Weigh Milk", March 2015, Division of Regulatory Services; and

(g) "Application for Renewal License to Test Milk", March 2015, Division of Regulatory Services.

(2) These materials may be inspected, copied or obtained, subject to copyright law, at the Division of Regulatory Services, College of Agriculture, 103 Regulatory Services Building, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.

(AES-CL 14, 15, 16; 1 Ky.R. 1232; eff. 7-2-75; Am. 15 Ky.R. 1118; eff. 11-23-88; 27 Ky.R. 1849; 2417; eff. 3-19-2001; 47 Ky.R. 740, 1351; eff. 2-9-2021.)