

**217.145 When additives deemed unsafe.**

- (1) A food additive shall with respect to any particular use or intended use of such additive, be deemed to be unsafe within the meaning of KRS 217.025(1)(b) and 217.045, unless it and its use or intended use conform to the terms of an exemption as provided under the federal act, or, a regulation issued under the federal act prescribing the conditions under which such additive may be safely used.
- (2) Any poisonous or deleterious pesticide chemical, or any pesticide chemical which is not recognized by the cabinet as safe for use, added to a raw agricultural commodity, shall be deemed unsafe within the meaning of KRS 217.025(1)(b), unless a tolerance for such pesticide chemical in or on the raw agricultural commodity has been prescribed under the federal act or the Federal Environmental Pesticide Control Act of 1972 and the quantity of such pesticide chemical in or on the raw agricultural commodity is within the tolerance so prescribed or the pesticide chemical has been exempted from the requirement of a tolerance under provisions of the federal act or the Federal Environmental Pesticide Control Act of 1972.
- (3) A color additive shall with respect to any particular use (for which it is being used or intended to be used or is represented as suitable) in or on food or drugs or cosmetics, be deemed unsafe for the purposes of the application of KRS 217.025(4), 217.055(1)(d), or 217.085(5), as the case may be, unless there is in effect, and such color additive and such use are in conformity with a regulation as provided under the federal act, or such color additive and such use conform to the terms of an exception under the federal act.

**Effective:** June 17, 1978

**History:** Amended 1978 Ky. Acts ch. 292, sec. 8, effective June 17, 1978. -- Created 1960 Ky. Acts ch. 247, sec. 15.