

1 AN ACT relating to poultry sales.

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

3 ➔Section 1. KRS 217.125 is amended to read as follows:

4 (1) The authority to promulgate regulations for the efficient administration and
5 enforcement of KRS 217.005 to 217.215 is hereby vested in the secretary. The
6 secretary may make the regulations promulgated under KRS 217.005 to 217.215
7 consistent with those promulgated under the federal act and the Fair Packaging and
8 Labeling Act. Regulations promulgated may require permits to operate and include
9 provisions for regulating the issuance, suspension, and reinstatement of permits.
10 The authority to promulgate regulations pursuant to KRS 217.005 to 217.205 is
11 restricted to the Cabinet for Health and Family Services.

12 (2) No person shall operate a food processing establishment, food storage warehouse,
13 salvage distributor, or salvage processing plant without having obtained an annual
14 permit to operate from the cabinet. An application for the permit to operate shall be
15 made to the cabinet upon forms provided by it and shall be accompanied by the
16 required fee as shall be provided by regulation. The secretary shall promulgate
17 administrative regulations to establish a fee schedule not to exceed costs of the
18 program to the cabinet. Fees collected by the cabinet shall be deposited in the State
19 Treasury and credited to a revolving fund account for use by the cabinet in carrying
20 out the provisions of KRS 217.025 to 217.390 and the regulations adopted by the
21 secretary pursuant thereto. The balance of the account shall lapse to the general
22 fund at the end of each biennium.

23 (3) No person shall operate a retail food establishment without having obtained a
24 permit to operate from the cabinet. An application for a permit to operate any retail
25 food establishment shall be made to the cabinet upon forms provided by it and shall
26 contain the information the cabinet may reasonably require.

27 (4) (a) Except as otherwise provided in subsection (11) of this section, each

1 application for a temporary food service establishment or for an annual permit
2 to operate a retail food establishment shall be accompanied by the required
3 fee. The secretary shall promulgate administrative regulations to establish a
4 fee schedule not to exceed costs to the cabinet.

5 (b) The total fees for permitting and inspection:

6 1. Shall be the total of the operational and administrative costs of the
7 programs to the cabinet and to agencies as defined in KRS 211.185;

8 2. Beginning on March 17, 2020, until December 31, 2020, shall not
9 increase more than twenty-five percent (25%) of the fee amount on
10 March 17, 2020; and

11 3. Beginning on or after January 1, 2021, shall not increase more than five
12 percent (5%) for each year thereafter.

13 (5) Except as otherwise provided in subsection (11) of this section, each application for
14 a farmers market temporary food service establishment shall be accompanied by the
15 required fee of at least fifty dollars (\$50). The secretary shall establish a fee
16 schedule by promulgation of administrative regulation. Fees collected by the
17 cabinet shall be used to carry out duties related to farmers market temporary food
18 service establishments, including but not limited to inspections and the issuance of
19 permits.

20 (6) An applicant for a permit to operate a farmers market temporary food service
21 establishment must provide documentation of successful completion of a food
22 safety training program offered by either the state, a local health department, or
23 other entity approved by the cabinet to conduct food safety training. Each
24 certification of food safety training shall expire after a period of twenty-four (24)
25 months from the date of issuance. Permits issued shall be posted in a conspicuous
26 place in the establishment, and a person who has completed the food safety training
27 for farmers market temporary food service establishments shall be present at all

- 1 times during the operation of the establishment.
- 2 (7) Upon expiration of a temporary food service establishment permit, any subsequent
3 permits shall not be issued to the same operator to operate at the same location until
4 a period of thirty (30) days has elapsed.
- 5 (8) Upon receipt of an application for a permit to operate a food processing
6 establishment, food storage warehouse, salvage distributor, or salvage processing
7 plant or a retail food establishment accompanied by the required fee, the cabinet
8 shall issue a permit if the establishment meets the requirements of KRS 217.005 to
9 217.215 and regulations adopted by the cabinet. Retail food establishments holding
10 a valid and effective permit on January 1, 1973, even though not fully meeting the
11 construction requirements of KRS 217.005 to 217.215 and the regulations adopted
12 pursuant thereto, may continue to be eligible for permit renewal if in good repair
13 and capable of being maintained in a safe and sanitary manner.
- 14 (9) Permits shall not be issued to operate a temporary food service establishment and a
15 farmers market temporary food service establishment simultaneously at the same
16 location and by the same operator.
- 17 (10) In all instances of permit issuance for either a temporary food service establishment
18 permit or a farmers market temporary food service establishment permit, any
19 subsequent permits shall not be issued until a period of thirty (30) days has elapsed.
- 20 (11) Private, parochial, and public school cafeterias or lunchroom facilities through the
21 twelfth grade, charitable food kitchens, and all facilities operated by the Cabinet for
22 Health and Family Services or Department of Corrections shall be exempt from the
23 payment of fees, but shall comply with all other provisions of KRS 217.005 to
24 217.215 and the state retail food establishment code. For this subsection, the term
25 "charitable food kitchens" means a not-for-profit, benevolent food service
26 establishment where more than one-half (1/2) of the employees are volunteers.
- 27 (12) Each annual permit to operate a food processing establishment, food storage

1 warehouse, salvage distributor, or salvage processing plant or a retail food
2 establishment, unless previously suspended or revoked, shall expire on December
3 31 following its date of issuance, and be renewable annually upon application
4 accompanied by the required fee, except as otherwise provided in subsection (11) of
5 this section, and if the establishment is in compliance with KRS 217.005 to 217.215
6 and regulations of the cabinet.

7 (13) Each permit to operate a food processing establishment, food storage warehouse,
8 salvage distributor, salvage processing plant, or a retail food establishment shall be
9 issued only for the premises and person named in the application and shall not be
10 transferable. Permits issued shall be posted in a conspicuous place in the
11 establishment.

12 **(14) Notwithstanding any other provision of law to the contrary, any poultry producer**
13 **that slaughters and processes less than twenty thousand (20,000) birds in a**
14 **calendar year on his or her own premises, raised by him or her, for distribution**
15 **for human consumption shall not be required to obtain a permit from the cabinet**
16 **or required to comply with any other provisions of this chapter or the**
17 **administrative regulations promulgated hereunder.**