

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 7.—Milk and Dairy Products

4-7-902. Amount of civil penalty.

(a) A separate civil penalty shall be assessed for each violation of the Kansas dairy law, K.S.A. 65-771 *et seq.*, and amendments thereto, that results from each independent act or failure to act by any dairy manufacturing plant or agent or employee of the plant or agent. In determining whether a given violation is independent of and substantially distinguishable from any other violation for the purpose of assessing separate civil penalties, consideration shall be given to whether each violation requires an element of proof not required by another violation. If several violations require the same elements of proof and are not distinguishable, assessment of separate civil penalties shall be within the discretion of the secretary or the secretary's authorized representative.

(b) A penalty of not more than \$300 may be assessed by the secretary if a violation ultimately could result in harm or danger to the public health or is a repeat violation identified in subsection (c).

(c) For the second occurrence and for each subsequent occurrence of a violation for which a civil penalty has been assessed within a three-year period, the civil penalty assessed shall be the maximum amount allowed by law.

(Authorized by K.S.A. 2007 Supp. 65-772; implementing K.S.A. 65-788; effective Jan. 22, 1990; amended Dec. 20, 2002; amended July 18, 2008.)

***** Authenticated Kansas Administrative Regulation *****