

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 16.—Meat and Meat Products Inspection

4-16-302. Amount of civil penalty.

(a) A separate civil penalty shall be assessed for each violation of any provision of the Kansas meat and poultry inspection act or any implementing regulation that results from each independent act or failure to act by any person or the person's agent or employee. 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) For each violation, the amount of the civil penalty shall be within the following ranges:

(1) For each violation of K.S.A. 65-6a34 or K.S.A. 65-6a41, and amendments thereto, or any regulations implementing these statutes, the civil penalty shall be not less than \$100 and not more than \$1,000.

(2) For each violation of K.S.A. 65-6a22, K.S.A. 65-6a24, K.S.A. 65-6a25, K.S.A. 65-6a27(a), K.S.A. 65-6a29, K.S.A. 65-6a31, or K.S.A. 65-6a32, and amendments thereto, or any regulations implementing these statutes, the civil penalty shall be not less than \$100 and not more than \$2,500.

(3) For each violation of K.S.A. 65-6a20, K.S.A. 65-6a21, K.S.A. 65-6a23, K.S.A. 65-6a27(b), 65-6a28, or K.S.A. 65-6a33, and amendments thereto, or any regulations implementing these statutes, the civil penalty shall be not less than \$100 and not more than \$5,000.

(c) For the second or each subsequent occurrence of a violation within a three-year period for which a civil penalty has been assessed, the civil penalty assessed for the subsequent violation shall be not less than double the amount of the civil penalty

assessed for the original violation but not more than the maximum amount for the category listed.

(Authorized by K.S.A. 2007 Supp. 65-6a44; implementing K.S.A. 2007 Supp. 65-6a56; effective July 1, 1992; amended July 18, 2008.)

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