

260.864 Disciplinary actions against hemp program licensees -- Monetary civil penalty authorized -- Exception.

- (1) The department may temporarily suspend a license up to sixty (60) days if the licensee is alleged to have:
 - (a) Violated any provision of KRS 260.850 to 260.869 or an administrative regulation promulgated under the authority of KRS 260.850 to 260.869;
 - (b) Made any false statement to the department or its representatives;
 - (c) Pled guilty to, or been convicted of, any felony or drug-related misdemeanor or violation;
 - (d) Failed to comply with only those instructions agreed upon in the contract signed by the licensee at the time the hemp license was issued; or
 - (e) Failed to comply with an order from a representative of the department, representative of the Department of Kentucky State Police, or any law enforcement officer.
- (2) The department may temporarily suspend a license up to sixty (60) days without giving the licensee advance notice of the charge against him or her or an opportunity to be heard.
- (3) The department shall not permanently revoke a license until the department has notified the licensee of the charge against him or her and given the licensee an opportunity for a hearing before a three (3) person panel whose members have been designated by the Commissioner. The three (3) person panel shall include:
 - (a) Two (2) members who are employees of the department; and
 - (b) One (1) member who is not an employee of the department.
- (4) The department may permanently revoke a license if the licensee admits, or is found in a hearing, to have:
 - (a) Violated any provision of KRS 260.850 to 260.869 or an administrative regulation promulgated under the authority of KRS 260.850 to 260.869;
 - (b) Made any false statement to the department or its representative;
 - (c) Pled guilty to, or been convicted of, any felony or drug-related misdemeanor or violation; or
 - (d) Failed to comply with any instruction or order from the department, a representative of the Department of Kentucky State Police, or any law enforcement officer.
- (5) The department may impose a monetary civil penalty, not to exceed two thousand five hundred dollars (\$2,500) per violation, on any person who violates KRS 260.850 to 260.869 or an administrative regulation promulgated under the authority of KRS 260.850 to 260.869.
- (6) The department shall not impose a monetary civil penalty against a person alleged to have violated KRS 260.850 to 260.869, or an administrative regulation promulgated under the authority of KRS 260.850 to 260.869, until the department has notified the person of the charge against him or her and given the person the

opportunity for a hearing before the three (3) person panel.

Effective: February 10, 2020

History: Amended 2020 Ky. Acts ch. 1, sec. 8, effective February 10, 2020. -- Created 2017 Ky. Acts ch. 45, sec. 9, effective March 20, 2017.

Legislative Research Commission Note (3/20/2017). 2017 Ky. Acts ch. 45 contained 13 sections. Sections 1 to 10 of that Act amended, repealed and reenacted, or created statutes relating to the industrial hemp research program found in the statutory range of KRS 260.850 to 260.869. Sections 11 and 12 amended or created statutes in other KRS chapters, and Section 13 repealed some statutes within KRS 260.850 to 260.869. The correct reference should have been to only Sections 1 to 10 of this Act, the relevant range affecting the industrial hemp research program, and in codification the Reviser of Statutes has codified that language in this statute accordingly under the authority of KRS 7.136(1)(h) to correct manifest clerical or typographical errors.