

217.992 Penalties for violation of KRS 217.005 to 217.215.

- (1) Any person who violates any of the provisions of KRS 217.175 shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment for not more than thirty (30) days, or both; but if the violation is committed after a conviction of the person under this section has become final, the person shall be subject to a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or by imprisonment for not more than ninety (90) days, or both.
- (2) No person shall be subject to the penalties of subsection (1) of this section, for having violated KRS 217.175(1) or (3) if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the article, to the effect that the article is not adulterated or misbranded within the meaning of KRS 217.005 to 217.215, designating KRS 217.005 to 217.215.
- (3) No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section by reason of the dissemination by him of the false advertisement, unless he has refused, on the request of the cabinet to furnish the cabinet the name and post office address of the manufacturer, packer, distributor, seller, or advertising agency, residing in the United States who causes him to disseminate the advertisement.
- (4) Any person who operates a retail food establishment, food processing establishment, food storage warehouse, salvage distributor, or salvage processing plant, without a permit as provided in KRS 217.005 to 217.215 or who fails to comply with any regulation adopted thereto shall be guilty of a misdemeanor and shall on conviction be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or by imprisonment for not more than thirty (30) days, or both, but if the violation is committed after a conviction of the person under this section has become final, the person shall be subject to a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or by imprisonment for not more than ninety (90) days, or both.
- (5) Any person who violates any provision of KRS 217.005 to 217.215, for which a specific penalty is not otherwise provided, or any regulation adopted under the provision of KRS 217.005 to 217.215, or who fails to comply with an order of the cabinet issued pursuant thereto, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Each day of violation or noncompliance shall constitute a separate offense.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 297, sec. 3, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 458, sec. 8, effective July 13, 1990. -- Created 1960 Ky. Acts ch. 247, sec. 23, effective June 16, 1960.