

217.700 Duty of cabinet as to misbranded hazardous substance -- Procedure -- Costs -- Bond.

- (1) Whenever a duly authorized agent of the cabinet finds or has probable cause to believe that any hazardous substance is misbranded, within the meaning of KRS 217.650 to 217.710, or is dangerous to public health he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, misbranded or dangerous to public health and has been detained or quarantined and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or quarantined article by sale or otherwise without such permission.
- (2) When an article detained or quarantined under subsection (1) has been found by such agent to be misbranded or dangerous to public health, he shall petition the judge of the District Court in whose jurisdiction the article is detained or quarantined for an order for condemnation of such article; provided, however, that nothing in this section shall require that the cabinet or its agent shall go to court if destruction of the quarantined article is accomplished by agreement made in writing with the owner of the property. When such agent has found that an article so detained or quarantined is not misbranded or dangerous to public health, he shall remove the tag or other marking.
- (3) If the court finds that a detained or quarantined article is misbranded or dangerous to public health, such article shall, after entry of the order, be destroyed at the expense of the claimant thereof under the supervision of such agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent; provided, however, that if the quarantining of the article is due only to misbranding which can be corrected by proper labeling of the article, the court, after entry of the order and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling under the supervision of an agent of the cabinet. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article on representation to the court by the cabinet that the article is no longer in violation of KRS 217.650 to 217.710, and that the expenses of such supervision have been paid.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 208, effective January 2, 1978. -- Created 1960 Ky. Acts ch. 244, sec. 6, effective June 16, 1960.