

260.017 Kentucky Proud Program -- Logo or statement labeling -- Licensing -- Penalty.

- (1) The Commissioner shall establish a Kentucky Proud Program to promote the sale of agricultural products and, if funds are available, shall develop a logo or labeling statement for use in identifying Kentucky-grown agricultural products that qualify for the program. The Commissioner may develop labeling statements that apply to specific marketing or promotional needs.
- (2) The logo or labeling statement shall not be used without a license from the Commissioner, except that wholesalers and retailers may use the logo or labeling statement for displaying and advertising products that qualify for the Kentucky Proud Program. The Commissioner may deny the use of the logo or labeling statements if they are used in a manner that does not meet the criteria of the program.
- (3) The logo or labeling statement shall not supersede or replace any federal or state label or grade statement that is required by law.
- (4) A person shall not use the logo or labeling statement without an annual license from the Commissioner.
- (5) In order to accomplish the purposes of this section, the Commissioner may participate jointly with persons in appropriate logo programs and projects and may enter into contracts necessary to carry out those programs and projects.
- (6) If funds are available, the Department of Agriculture may provide grants-in-aid and other assistance to those persons who wish to participate in the Kentucky Proud Program.
- (7) The Commissioner may promulgate administrative regulations necessary to carry out the provisions of KRS 260.016 to 260.019, and may establish a fee schedule for persons who process, manufacture, or distribute eligible agricultural products in Kentucky. Those persons may be required to pay a fee into the fund created by KRS 260.019 in order to participate in the Kentucky Proud Program.
- (8) It shall be the duty of the department, or upon the request of the Commissioner of Agriculture, of the Attorney General, to bring an action for the recovery of the penalties provided in this section, and to bring an action for an injunction against any person violating or threatening to violate any of the provisions of KRS 260.016 to 260.019 or the administrative regulations promulgated in accordance with KRS 260.016 to 260.019.
- (9) A person who is required to have a license to participate in the Kentucky Proud Program and uses the logo or labeling statement without a license after being notified by the Commissioner that a license is required shall be liable to a civil penalty not to exceed the sum of one hundred dollars (\$100) for the violation, and an additional civil penalty not to exceed one hundred dollars (\$100) for each day during which the violation continues. The penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the department or, upon the department's request, by the Attorney General.

Effective: July 15, 2008

History: Repealed, reenacted, and amended 2008 Ky. Acts ch. 154, sec. 4,

effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 239, sec. 1, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 43, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 169, sec. 1, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 407, sec. 1, effective July 13, 1990.

Formerly codified as KRS 260.015.