

RELATES TO: KRS 250.501, 250.511(3), 250.521(2), 250.561(3)

STATUTORY AUTHORITY: KRS 250.571(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631, regarding commercial feeds. KRS 250.511(1) and (2) require a manufacturer or distributor of commercial feed in Kentucky to register with the director each facility that manufactures customer-formula feed and each commercial feed except customer-formula feed. This administrative regulation establishes the procedure for the registration of commercial feed and manufacturers of customer-formula feed and the requirements for an exemption.

Section 1. (1) Except as provided in subsection (2) of this section, a manufacturer shall submit a completed Application for Registration of Commercial Feeds to register each feed other than a customer-formula feed.

(2) The director shall grant an exemption to the registration requirement if the owner or other responsible individual with authority to register feed for the manufacturer:

(a) Has a record of satisfactory compliance with the labeling requirements established in KRS 250.521 and 12 KAR 2:011; and

(b) Submits to the director a notarized affidavit certifying the following:

1.a. Name and mailing address of the manufacturer; and

b. A statement acknowledging the manufacturer's responsibility to comply with KRS 250.491 to 250.631 including payment of the inspection fee required by KRS 250.561(1);

2.a. That the person requesting the exemption has knowledge of the labeling requirements of KRS 250.521 and 12 KAR 2:011; or

b. That a qualified individual is employed to ensure that commercial feed is labeled according to KRS 250.521 and 12 KAR 2:011. The name and address of the person responsible for product labeling shall be provided, if different than the affiant;

3. A commercial feed distributed in Kentucky is suitable for its intended purpose in accordance with the requirements established in 12 KAR 2:066, Sections 1, 2, and 6;

4. Within thirty (30) days of notification the affiant agrees to provide a label for each commercial feed, a specifically designated feed or feed type distributed in Kentucky for the purpose of determining compliance with the labeling requirements established in KRS 250.521 and 12 KAR 2:011. The request and compliance with the request shall not be construed as a registration process; and

5. That the affiant agrees to resume registration of each commercial feed if notified by the director of unsatisfactory compliance with the labeling requirements of KRS 250.521 and 12 KAR 2:011 or of the failure to provide a requested label within thirty (30) days. The manufacturer shall have thirty (30) days from receipt of the notice to complete registration of a commercial feed product offered for sale in Kentucky. During this period the affiant may request a meeting with the director to resolve a labeling violation or seek reinstatement or modification of registration exemption.

Section 2. A registration exemption shall not prevent the enforcement of KRS 250.491 to 250.631. A manufacturer granted a registration exemption shall be considered registered for a commercial feed, other than a customer-formula feed.

Section 3. A distributor of customer-formula feed shall register as a customer-formula feed distributor by submitting a completed Registration of Customer-Formula Feed Distributor Form.

Registration as a customer-formula feed distributor shall be dependent upon agreement by the manufacturer to:

- (1) Abide by the labeling requirements of KRS 250.521(2); and
- (2) Maintain at the facility where customer-formula feed is manufactured, a file of customer-formula mixes.

Section 4. Registration of a customer-formula feed distributor shall be subject to cancellation under the same conditions established for registered feeds under KRS 250.511(3) and 250.561(3).

Section 5. For commercial feed that is distributed to the final purchaser exclusively in an immediate container package weight of ten (10) pounds or less, the person whose name appears on the label as the guarantor or distributor shall provide the director with:

- (1) The name of each product by submitting a completed Application for Registration of Commercial Feeds before distribution within Kentucky; and
- (2) Pay the fee required by KRS 250.561(1)(d).

Section 6. Incorporation by Reference. (1) "Application for Registration of Commercial Feeds", 2018, Division of Regulatory Services, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, University of Kentucky, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (AES-2 (1973)-12; 1 Ky.R. 1001; eff. 6-11-1975; Am. 23 Ky.R. 1612; eff. 1-10-1997; 25 Ky.R. 895; 2357; eff. 4-14-1999; 45 Ky.R. 400; eff. 10-11-2018.)