

12 KAR 5:060. Purchases from farm bulk tanks.

RELATES TO: KRS 260.775-260.845, 260.992

STATUTORY AUTHORITY: KRS 260.825(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 260.825(1) authorizes the Director of the Kentucky Agricultural Experiment Station to promulgate administrative regulations necessary for the effective enforcement of KRS 260.775 to 260.845 regarding milk. This administrative regulation establishes criteria for recordkeeping and reporting practices to ensure that bulk farm milk is fairly and accurately marketed.

Section 1. A licensed bulk milk handler or licensed transfer station shall review bulk milk delivery tickets to ensure compliance with KRS 260.775 to 260.845.

(1) A bulk-milk delivery ticket representing a load of milk for a permitted Kentucky producer shall be examined to ensure that a licensed sampler-weigher sampled and weighed the milk.

(2) A bulk-milk delivery ticket representing a shipment of milk from a producer shall be examined for compliance with 12 KAR 5:040, Section 4(3).

(3) Discrepancies shall be reported to the director.

Section 2. Personnel at a licensed laboratory who test permitted producers' samples for pay purposes shall review the information recorded on sample containers to ensure compliance with 12 KAR 5:040, Section 5(1). An agent of the laboratory shall report discrepancies to the director.

Section 3. Licensed Milk Handler Reporting Requirements. (1) Each licensed milk handler shall submit to the director an accurately-completed Kentucky Farm Milk Handlers Report each quarter with payment of inspection fee as required by KRS 260.821. The Kentucky Farm Milk Handlers Report form shall be provided to handlers by the director.

(2) Each licensed milk handler who issues payments to permitted producers shall submit to the director a current list of these permitted producers to whom payments are being issued. The list shall be submitted with the handler's annual license application and shall be updated when the handler submits its quarterly Kentucky Farm Milk Handlers Report. The listing shall include the following information about each permitted producer:

(a) Name;

(b) Identification number issued by the handler if different from permit number; and

(c) Mailing address.

Section 4. A licensed milk handler who issues payments to permitted producers shall submit to the director, upon request, a copy of each permitted producer's bulk-tank conversion chart(s) to whom they issue payments. These charts may be reviewed by the director to determine if a permitted producer's bulk milk has been accurately weighed by sampler-weighers.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference: "Kentucky Farm Milk Handlers Report", October 2000, Division of Regulatory Services.

(2) This material may be inspected, copied or obtained, subject to copyright law, at the Division of Regulatory Services, College of Agriculture, 103 Regulatory Services Building, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (AES-CL-24; 1 Ky.R. 1235; eff. 7-2-75; Am. 15 Ky.R. 1124; eff. 11-23-88; 27 Ky.R. 1858; 2421; eff. 3-19-2001.)