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MEMORANDUM

TO: Stephen McMurry, Executive Director, Director of Fertilizer and Seed Programs

FROM: Emily Caudill, Regulations Compiler

RE: Proposed Amendment and New Regulation – 012 KAR 001:134, 012 KAR 001:144, 012 KAR 001:149, and 012 KAR 001:164.

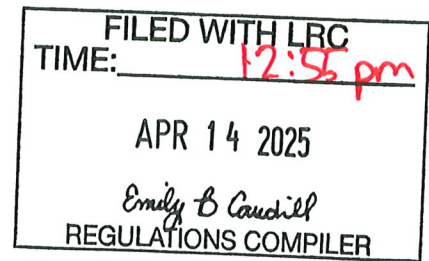
DATE: April 14, 2025

A copy of each administrative regulation listed above is enclosed for your files. These regulations are tentatively scheduled for review by the Administrative Regulation Review Subcommittee at its **JULY 2025** meeting. We will notify you of the date and time of this meeting once it has been scheduled.

Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration or a one-month extension request for these regulations is due **by noon on July 15, 2025**. Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment period and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

Enclosures



1 AGRICULTURAL EXPERIMENT STATION

2 (New Administrative Regulation)

3 12 KAR 1:149. Stop sale orders.

4 RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071,
5 250.081, 250.091, 250.101, 250.111

6 STATUTORY AUTHORITY: KRS 250.081

7 CERTIFICATION STATEMENT: This is to certify that this administrative
8 regulation complies with the requirements of 2025 RS HB 6, Section 8.

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(2)(d) authorizes
10 the director to issue and enforce a stop sale order for seed in violation of KRS 250.021
11 to 250.111 or 12 KAR Chapter 1. This administrative regulation establishes procedures
12 to obtain the release of a stop sale order.

13 Section 1. A stop sale order shall be released if:

14 (1) The deficiencies for which the stop sale order was issued have been
15 corrected; and

16 (2) The person who was issued the stop sale order makes a request:

17 (a) In writing; or

18 (b) By email; or

19 (c) By phone and follows it with a written request.

APPROVED: 4-9-2025

A handwritten signature in cursive script that reads "James C. Matthews". The signature is written in black ink and is positioned above a horizontal line.

Dr. James C. Matthews, Associate Dean for Research
Agricultural Experiment Station

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on June 26, 2025, at 1:30 pm EST, at the Division of Regulatory Services, 1600 University Ct. Lexington, KY 40546. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen McMurry, Executive Director, division of Regulatory Services, 103 Regulatory Services Building, Lexington, KY 40546-0275, phone 859-257-2785, fax 859-323-9931.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

12 KAR 1:149

Contact Person: Stephen McMurry

Phone: 859-257-2785

Email: smcmurry@uky.edu

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures to issue and release seed stop sales which are issued for label violations of the Kentucky Seed Law.

(b) The necessity of this administrative regulation: Pursuant to KRS 250.081, the director establishes procedures for issuing and releasing stop sales and for handling seed which has been seized.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the procedures for issuing and releasing stop sale orders.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The stop sale form is an internal form issued when violations occur and should not be incorporated by reference in the regulations.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All firms which sell agricultural seed will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will see no additional actions to comply with the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost will be associated to the industry.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This will enable us to work together to resolve stop sale orders.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

- (a) Initially: No cost
- (b) On a continuing basis: No continuing costs

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Division of Regulatory Services' regular annual budget is the source funding

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No, everyone is treated the same.

FISCAL IMPACT STATEMENT

12 KAR 1:149

Contact Person: Stephen McMurry

Phone: 859-257-2785

Email: smcmurry@uky.edu

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 250.081

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 250.021 to 250.111

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: University of Kentucky, Division of Regulatory Services

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No other affected entities

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other affected entities

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: Only entities which sell seed in KY could have a fiscal impact due to this regulation.

(b) Methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as defined by KRS 13A.010(13)

(b) The methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.