

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

New Rule No.: 80-13-9-.06

Rule Title: Penalty for Violation.

x New;        Amend;        Repeal;        Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?        No

Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare?        Yes

Is there another less restrictive method of regulation available that could adequately protect the public?        No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? Minimum        No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?        No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?        Yes

\*\*\*\*\*  
Does the proposed rule have any economic impact?        No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*  
Certification of Authorized Official  
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer John Miller

Date: 3-17-2014

(DATE FILED)  
(STAMP)

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
DIVISION OF MARKETING

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-13-9-.06 Penalty for Violation.


Intended Action: To Create rule.

Substance of Proposed Action: To update rule with the latest publications of the National Institute of Standards and Technology and remove repetitive language in the rules.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on the meeting date May 13, 2014 in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: May 13, 2014,

Contact Person at Agency: Patrick B. Moody, Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. 240-7117.

3-17-2014   
Date \_\_\_\_\_  
John McMillan  
Commissioner of Agriculture  
And Industries

**80-13-9-.06 Penalty for Violation.**

All individuals required to comply with the requirements of this chapter shall be subject to the penalties contained in §8-16-123 of Code of Ala. 1975, as amended.

Any individual or entity found to be in violation of this chapter or any portion of Title 8, Chapter 16 of the Code of Ala. 1975, as amended, shall be subject to a fine of \$500.00 per occurrence for the first violation within a twelve (12) month period. Subsequent violations during the same twelve (12) month period shall result in a fine of twice the amount of the previous fine, not to exceed \$8,000.00 per twelve (12) month period.

**Author:** Patrick B. Moody

**Statutory Authority:** Code of Ala. 1975, §8-16-121, §8-16-7, §8-16-18.

**History: Filed:**