

**RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE
ADMINISTRATION**

**CHAPTER 0080-1-3
CIVIL PENALTIES**

TABLE OF CONTENTS

0080-1-3--.01 Civil Penalties

0080—1—3—.01 CIVIL PENALITITES.

- (1) The Department, any Board or Commission attached to the Department may, in a lawful proceeding respecting licensing, as defined in the Administrative Procedures Act, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty of not more than five hundred dollars (\$500) for each violation of statute, rule or order enforceable by the Department, Board, or Commission in accordance with the following schedule:

*Agriculture and Horticulture - Title 43
Pest Control - (Chapter 6)
Plant Pest Act - (Part 1)*

Violations	Penalties
43-6--106	0-500
43-6--109	0-500
43-6--110	0-500
43-6--111	0-500
43-6--112	0-500

*Agriculture and Horticulture - Title 43
Agricultural Seeds - (Chapter 10)
Seed Law (Part 1)
Violations*

Violations	Penalties
43-10-104	0-500
43-10-105	0-500
43-10-106	0-500
43-10-108	0-500
43-10-109(1)	0-500
43-10-109(2)	0-500
43-10-109(3)	0-500
43-10-109(4)	0-500
43-10-109(5)	0-500
43-10-109(6)	0-500
43-10-109(7)	0-500
43-10-109(8)	0-500
43-10-109(9)	0-500
43-10-10(10)	0-500
43-10-109(11)	0-500
43-10-109(12)	0-500
43-10-111	0-500
43-10-118(a)	0-500
43-10-118(b)	0-500
43-10-118(c)	0-500
43-10-118(c)	0-500

(Rule 0080-1-3-.01, continued)

Fertilizers and Liming Materials (Chapter 11)
Commercial Fertilizers (Part 1)

Violations	Penalties
43-10-104(a)	0-500
43-10-105(a)	0-500
43-10-105(b)	0-500
43-10-105(c)	0-500
43-10-106(a)	0-500
43-10-106(b)	0-500
43-10-107(a)	0-500
43-10-107(b)	0-500
43-10-109	0-500
43-10-111	0-500
43-10-112	0-500
43-10-114	0-500
43-10-115	0-500
43-10-124	0-500

Fertilizers and Liming Materials (Chapter 11)
Liming Materials (Part 2)

Violations	Penalties
43-11-203	0-500
43-11-204	0-500
43-11-205	0-500
43-11-206	0-500

Fertilizers and Liming Materials (Chapter 11)
Anhydrous Ammonia (Part 3)

Violations	Penalties
43-11-302	0-500
43-11-304(a)	0-500
43-11-304(b)	0-500
43-11-304(c)	0-500
43-11-304(d)	0-500

Tobacco Sales (Chapter 19)
Tobacco Inspectors - Inspections - Violations (Part 2)

Violations	Penalties
43-19-205	0-500
43-19-206	0-500

(Rule 0080-1-3-.01, continued)

Inspections (Part 2) Continued

Violations	Penalties
43-19-207	0-500
43-19-209	0-500
43-19-212	0-500
43-19-213	0-500
43-19-214	0-500

Sale of Tobacco (Part 3)

Violations	Penalties
43-19-302	0-500
43-19-304	0-500

Schedule of Fees (Part 4)

Violations	Penalties
43-19-207	0-500
43-19-209	0-500
43-19-212	0-500
43-19-213	0-500
43-19-214	0-500

Animals and Animal Husbandry- Title 44
Prevention and Treatment of Diseases- Chapter 2
General Provisions (Part 1)

Violations	Penalties
44-2-101	0-500
44-2-102	0-500
44-2-103	0-500
44-2-104	0-500
44-2-105	0-500
44-2-106	0-500
44-2-109	0-500
44-2-110	0-500
44-2-112	0-500
44-2-113	0-500
44-2-115	0-500
44-2-117	0-500
44-2-119	0-500
44-2-122	0-500

(Rule 0080-1-3-.01, continued)

*Prevention and Treatment of Disease- Chapter 2
Import Restrictions (Part 2)*

Violations	Penalties
44-2-201	0-500
44-2-202	0-500
44-2-203	0-500

*Disease Control- (Chapter 2)
Serums (Part 3)*

Violations	Penalties
44-2-301	0-500

*Disease Control- (Chapter2)
Feeding Garbage to Swine (Part 4)*

Violations	Penalties
44-2-404	0-500
44-2-406	0-500

*Disease Control- (Chapter 2)
Brucellosis (Part 10)*

Violations	Penalties
44-2-1006	0-500
44-2-1007	0-500
44-2-1008	0-500
44-2-1009	0-500
44-2-1010	0-500
44-2-1013	0-500

*Disease Control- (Chapter 2)
Hog Cholera (Part 2)*

Violations	Penalties
44-2-1102	0-500
44-2-1103(a)	0-500
44-2-1103(b)	0-500
44-2-1103 (c)	0-500
44-2-1105	0-500

*Disease Control- (Chapter 2)
Tuberculosis (Part 2)*

Violations	Penalties
44-2-1206	0-500
44-2-1207	0-500
44-2-1208	0-500
44-2-1215	0-500
44-2-1217	0-500

(Rule 0080-1-3-.01, continued)

Commercial Feed Law (Chapter 6)

Violations	Penalties
44-6-104	0-500
44-6-105	0-500
44-6-106(1)	0-500
44-6-106(2)	0-500
44-6-106(3)	0-500
44-6-106(4)	0-500
44-6-106(5)	0-500
44-6-107(1)	0-500
44-6-107(2)	0-500
44-6-107(3)	0-500
44-6-107(4)	0-500
44-6-107(5)	0-500
44-6-108(1)	0-500
44-6-108(2)	0-500
44-6-108(3)	0-500
44-6-108(4)	0-500
44-6-108(5)	0-500
44-6-108(6)	0-500
44-6-109(a)	0-500
44-6-109(b)	0-500
44-6-109(c)	0-500
44-6-111(c)	0-500
44-6-112(a)	0-500
44-6-112(b)	0-500

Dealers and Purchasers of Poultry, Livestock, and Hides (Chapter 10)
General Provision- (Part 1)

Violations	Penalties
44-10-101	0-500
44-10-103	0-500
44-10-106	0-500
44-10-108	0-500

Livestock Dealers- (Part 2)

Violations	Penalties
44-10-203	0-500
44-10-206(1)	0-500
44-10-206(2)	0-500
44-10-206(3)	0-500
44-10-206(4)	0-500
44-10-206(5)	0-500

(Rule 0080-1-3-.01, continued)

Livestock Sales (Chapter 11)

Violations	Penalties
44-11-102	0-500
44-11-103	0-500
44-11-105	0-500
44-11-106(a)	0-500
44-11-107	0-500
44-11-108	0-500
44-11-109	0-500
44-11-113	0-500

Public Livestock Market Chapters (Chapter 12)

Violations	Penalties
44-12-103	0-500
44-12-108	0-500

Apiaries Law (Chapter 15)

Violations	Penalties
44-15-106	0-500
44-15-107	0-500
44-15-108	0-500
44-15-109	0-500
44-15-110	0-500
44-15-112	0-500
44-15-113	0-500
44-15-115	0-500

Baby Chicks (Chapter 16)
Custom Hatching or Producing For Sale (Part 2)

Violations	Penalties
44-16-201	0-500
44-16-203(1)	0-500
44-16-203(2)	0-500
44-16-203(3)	0-500
44-16-203(4)	0-500
44-15-204	0-500

(Rule 0080-1-3-.01, continued)

Dogs and Cats (Chapter 17)
Dog and Cat Dealers (Part 1)

Violations	Penalties
44-17-104	0-500
44-17-107(1)	0-500
44-17-107(2)	0-500
44-17-107(3)	0-500
44-17-107(4)	0-500
44-17-108	0-500
44-17-109	0-500
44-17-110	0-500
44-17-111	0-500
44-17-112	0-500
44-17-113	0-500
44-17-114	0-500
44-17-115	0-500
44-17-117	0-500
44-17-118	0-500

Dogs and Cats Humane Death Act - (Part 3)

Violations	Penalties
44-17-303	0-500
44-17-304	0-500

Commercial Instruments and Transactions - Title 47
Weights and Measures (Chapter 26)
Testing and Sealing - Use of Weights and Measures (Part 2)

Violations	Penalties
47-26-211 (c)	0-500
47-26-212 (c)	0-500
47-26-221(a)	0-500
47-26-221(b)	0-500
47-26-221(c)	0-500
47-26-223(a)	0-500
47-26-223(b)	0-500
47-26-224	0-500
47-26-225	0-500
47-26-226	0-500
47-26-227	0-500
47-26-228	0-500
47-26-229	0-500
47-26-230	0-500
47-26-232(a)	0-500
47-26-232(b)	0-500
47-26-233(a)	0-500
47-26-233(c)	0-500
47-26-236	0-500

Testing and Sealing - Use of Weights and Measures (Part 2), continued

(Rule 0080-1-3-.01, continued)

<i>Violations</i>	<i>Penalties</i>
47-26-238(b)(1)	0-500
47-26-238(b)(2)	0-500
47-26-238(b)(3)	0-500
47-26-238(b)(4)	0-500
47-26-238(b)(5)	0-500
47-26-238(b)(6)	0-500
47-26-238(b)(7)	0-500
47-26-238(b)(8)	0-500
47-26-238(b)(9)	0-500

Weighmasters (Part 4)

<i>Violations</i>	<i>Penalties</i>
47-26-408	0-500
47-26-413	0-500
47-26-414(a)	0-500
47-26-414(b)	0-500
47-26-414(c)	0-500
47-26-414(d)	0-500
47-26-415	0-500
47-26-416(a)	0-500
47-26-416(b)	0-500
47-26-416(c)	0-500
47-26-417	0-500
47-26-418	0-500
47-26-420	0-500
47-26-422	0-500
47-26-423	0-500

Scale Repairmen (Part -5)

<i>Violations</i>	<i>Penalties</i>
47-26-502	0-500
47-26-508	0-500
47-26-509	0-500

Moisture - Measuring Devices (Part 7)

<i>Violations</i>	<i>Penalties</i>
47-26-704	0-500
47-26-705(a)	0-500
47-26-705(b)	0-500
47-26-706	0-500
47-26-707	0-500

Food, Drugs and Cosmetics - Title 53
Food, Drug and Cosmetic Act (Chapter 1)

(Rule 0080-1-3-.01, continued)

General Provisions (Part 1)

<i>Violations</i>	<i>Penalties</i>
53-1-103(a)(1)	0-500
53-1-103(a)(2)	0-500
53-1-103(a)(3)	0-500
53-1-103(a)(4)	0-500
53-1-103(a)(5)	0-500
53-1-103(a)(6)	0-500
53-1-103(a)(7)	0-500
53-1-103(a)(8)	0-500
53-1-103(a)(9)	0-500
53-1-103(a)(10)	0-500
53-1-103(a)(I 1)	0-500
53-1-103(a)(12)	0-500
53-1-103(a)(13)	0-500
53-1-103(a)(14)	0-500
53-1-103(a)(15)	0-500
53-1-110(a)	0-500
53-1-113	0-500
53-1-202(a)	0-500
53-1-202(b)	0-500
53-1-202(d)	0-500
53-1-206	0-500
53-1-208	0-500
53-1-209	0-500

Dairy Law - (Chapter 3)
General Provisions (Part 1)

<i>Violations</i>	<i>Penalties</i>
53-3-105(a)	0-500
53-3-105(a)	0-500
53-3-106(a)	0-500
53-3-106(b)	0-500
53-3-107(a)	0-500
53-3-107(b)	0-500
53-3-107(c)	0-500
53-3-107(d)	0-500
53-3-109	0-500
53-3-110	0-500
53-3-112	0-500
53-3-114	0-500

(Rule 0080-1-3-.01, continued)

Unfair Trade Practices (Part 2)

<i>Violations</i>	<i>Penalties</i>
53-3-202(a)(1)	0-500
53-3-202(a)(2)	0-500
53-3-202(a)(3)	0-500
53-3-202(a)(4)	0-500
53-3-202(a)(5)	0-500
53-3-202(a)(6)	0-500
53-3-202(b)(1)	0-500
53-3-202(b)(2)	0-500
53-3-202(b)(3)	0-500
53-3-202(b)(4)	0-500
53-3-202(c)	0-500
53-3-202(d)	0-500

Frozen Desserts (Part 3)

<i>Violations</i>	<i>Penalties</i>
53-3-304(1)	0-500
53-3-304(2)	0-500
53-3-304(3)	0-500
53-3-304(4)	0-500
53-3-304(5)	0-500
53-3-304(6)	0-500
53-3-304(7)	0-500
53-3-304(8)	0-500

Meat Inspection and Regulations (Chapter 7)
Horsemeat (Part 1)

<i>Violations</i>	<i>Penalties</i>
53-7-101	0-500

Meat and Poultry Inspection (Part 2)

<i>Violations</i>	<i>Penalties</i>
53-7-204(a)	0-500
53-7-204(b)	0-500
53-7-204(c)	0-500
53-7-204(d)	0-500
53-7-205(a)	0-500
53-7-205(c)	0-500
53-7-206(l)	0-500
53-7-206(2)	0-500
53-7-206(3)	0-500
53-7-206(4)	0-500
53-7-206(5)	0-500
53-7-206(6)	0-500

Meat and Poultry Inspection (Part 2), continued

(Rule 0080-1-3-.01, continued)

<i>Violations</i>	<i>Penalties</i>
53-7-206(7)	0-500
53-7-206(8)	0-500
53-7-206(9)	0-500
53-7-206(10)	0-500
53-7-206(11)	0-500
53-7-206(12)	0-500
53-7-206(13)	0-500
53-7-206(14)	0-500
53-7-206(15)	0-500
53-7-206(16)	0-500
53-7-206(17)	0-500
53-7-207	0-500
53-7-208	0-500
53-7-212	0-500
53-7-216	0-500
53-7-219(a)	0-500
53-7-220	0-500

Biological Residue (Part 3)

<i>Violations</i>	<i>Penalties</i>
53-7-304	0-500

Food Establishments (Chapter 8)
Retail Food Store Inspections (Part 2)

<i>Violations</i>	<i>Penalties</i>
53-8-207(a)	0-500
53-8-207(b)	0-500
53-8-207(d)	0-500
53-8-207(e)	0-500
53-8-208(a)	0-500
53-8-210(b)	0-500
53-8-214	0-500
53-8-216	0-500
53-8-217(a)	0-500
53-8-217(c)	0-500
53-8-218	0-500
53-8-219	0-500
53-8-220	0-500

Vending Machines and Commissaries (Chapter 12)

<i>Violations</i>	<i>Penalties</i>
53-12-102(d)	0-500
53-12-103(a)	0-500
53-12-103(b)	0-500

Vending Machines and Commissaries (Chapter 12)

(Rule 0080-1-3-.01, continued)

<i>Violations</i>	<i>Penalties</i>
53-12-104(a)	0-500
53-12-104(b)	0-500
53-12-104(c)	0-500
53-12-104(d)	0-500

Safety and Health - Title 68
Hazardous Substances Act (Chapter 27) (Part 1)

<i>Violations</i>	<i>Penalties</i>
68-27-104(1)	0-500
68-27-104(2)	0-500
68-27-104(3)	0-500
68-27-104(4)	0-500
68-27-104(5)	0-500
68-27-104(6)	0-500
68-27-104(7)	0-500
68-27-104(8)	0-500
68-27-107(a)	0-500
68-27-110	0-500
68-27-111	0-500

- (2) In determining the amount of any penalty to be assessed pursuant to this rule, the Department, any board or commission may consider such factors as the following:

- (a) Willfulness or wantonness of the violation. (b) Repetitions of the violations. (c) Magnitude of the risk or harm caused by the violation.

Authority: T.C.A. §§4-3-203 and 4-3-204. **Administrative History:** Original chapter filed November 22, 1978; effective January 8, 1979. Repealed by Public Chapter 261; effective July 1, 1983. New chapter filed October 6, 1989; effective November 20, 1989. Amendment filed March 12, 1993; effective June 29, 1993.