

65-690. Same; temporary suspension of license. (a) If the secretary finds that the public health or safety is endangered by the continued operation of a food processing plant or food establishment, the secretary may temporarily suspend the license of such establishment or order the temporary closure of such establishment without notice or hearing in accordance with the emergency provisions of the Kansas administrative procedure act.

(b) In no case shall a temporary suspension of a license or temporary closure under this section be in effect for a period of time in excess of 90 days. At the end of such period of time, the licensee shall be reinstated to full licensure or allowed to reopen unless the secretary has denied, suspended or revoked the license, obtained an injunction against such licensee, or the license has expired as otherwise provided under the Kansas food, drug and cosmetic act, and amendments thereto, or any rules and regulations or orders issued thereunder.

(c) The secretary, after providing notice and opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act, may deny, suspend, modify, revoke or refuse to renew any license as provided in the food, drug and cosmetic act or rules and regulations adopted thereunder, if the secretary determines that such applicant or licensee has:

- (1) Been convicted of or pleaded guilty to a criminal violation of any provision of the food, drug and cosmetic act;
- (2) failed to comply with any provision or requirement of the act or any rule and regulation or order adopted or issued thereunder;
- (3) interfered with the secretary's ability to carry out inspections or the administration of the act, or any rule and regulation adopted thereunder; or
- (4) denied the secretary access to any premises required to be inspected under the provisions of the act or any rule and regulation adopted thereunder.

History: L. 2009, ch. 59, § 4; L. 2012, ch. 145, § 25; July 1.