

6 V.S.A. §568

- (b) To enforce the provisions of this subchapter, the Secretary, upon presenting appropriate credentials, may:
- (1) Enter upon any premises where hemp is grown or processed and may inspect premises, machinery, equipment and facilities, any crop during any growth phase or any hemp product or hemp-infused product during processing or storage. This inspection may include the taking of samples, inspection of records, and inspection of equipment or vehicles used in the growing, processing or transport of hemp crops, hemp products or hemp-infused products; and
  - (2) inspect any retail location offering hemp products or hemp-infused products. This inspection may include the taking of samples of such products.
  - (3) Issue and enforce a written or printed "stop sale" order to the owner or custodian of any hemp crop, hemp product or hemp-infused product subject to the provisions of this chapter or rules which the Secretary finds is in violation of any of the provisions of this chapter or rules. The order shall prohibit further sale, processing, and movement of the hemp crop, hemp product or hemp-infused product, except on approval of the Secretary, until the Secretary has issued a release from the "stop sale" order.

(c)...

(d) ...

6 V.S.A. §571 Administrative penalties

- (a) The Secretary may assess an administrative penalty, not to exceed \$1,000.00 per violation for any violation of this chapter or rules adopted by the Secretary under 6 V.S.A. §566, except as provided for in 6 V.S.A. §568(b), including but not limited to
- (1) failing to provide a location of the land on which the grower grows hemp crops or the processor processes hemp crops into hemp products or hemp-infused products;
  - (2) failing to obtain a registration in accordance with 6 V.S.A. §569.
- (b) The Secretary may assess an administrative penalty, not to exceed \$5,000.00 per violation in any case in which he or she determines that a grower or processor
- (1) failed to follow a corrective action plan to correct a negligent violation;
  - (2) has grown or processed hemp in violation of Chapter 34 or rules, three times in a five-year period; or
  - (3) has produced hemp has violated Chapter 34 or the rules with a culpable mental state greater than negligence.
- (c) In determining the amount of the penalty assessed under this section, the Secretary may give consideration to the appropriateness of the penalty with respect to the size of the business being assessed, the gravity of the violation, the good faith of the person, and the overall history of prior violations.
- (d) The Secretary shall use the following procedure in assessing penalties:
- (1) he or she shall issue a written notice of violation setting forth facts that would establish probable cause that a violation has occurred;

- (2) the notice shall be served by personal service or by certified mail, return receipt requested;
  - (3) the notice shall advise the person of the right to a hearing. If a hearing is requested, it shall be conducted pursuant to 3 V.S.A. chapter 25;
  - (4) the notice shall also state the proposed penalty and that if no hearing is requested, the decision shall become final and the penalty shall be imposed; and
  - (5) the recipient of the notice shall have 15 days from the date on which notice is received to request a hearing.
- (e) Any party aggrieved by a final decision of the Secretary may appeal to a Superior Court within 30 days of the final decision of the Secretary. The Secretary may enforce a final administrative penalty by filing a civil collection action in any District or Superior Court.