

CHAPTER 356
FORMERLY
HOUSE BILL NO. 403

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF AGRICULTURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1108(b), Chapter 11, Title 3 of the Delaware Code by deleting the section in its entirety and inserting in lieu thereof:

“No civil penalty shall be imposed until an administrative hearing is held before the Secretary of Agriculture or his or her designee. No civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing on such charge in accordance with Chapter 101 of Title 29. The Secretary or the Secretary's designee shall mail a written decision to the alleged violator within 30 days after the conclusion of the administrative hearing. Failure to comply with the 30 day period shall have no effect on the Secretary's decision.”.

Approved July 12, 2010