

As Amended by House Committee

Session of 2022

HOUSE BILL No. 2563

By Committee on Agriculture

1-27

1 AN ACT concerning agriculture; relating to plants and seeds; seeds treated  
2 with certain substances; definitions; labeling; unlawful actions; certain  
3 registrations; inspections; live plant dealers; relating to industrial hemp;  
4 testing services; creating an advisory board; amending K.S.A. 2-1415,  
5 2-1417, 2-1421, 2-1422, 2-1422a and 2-1424 and K.S.A. 2021 Supp. 2-  
6 1421a, 2-1423, 2-1427, 2-2113, 2-2118, 2-2120, 2-3901, 2-3902, 2-  
7 3903 and 2-3906 and repealing the existing sections; also repealing  
8 K.S.A. 2021 Supp. 2-2135, 2-2136, 2-2137, 2-2138, 2-2139, 2-2140  
9 and 2-2141.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) The Kansas department of agriculture may  
13 provide industrial hemp testing services to non-licensed persons or  
14 governmental entities, including law enforcement agencies, when such  
15 capacity is available and not required for testing industrial hemp produced  
16 by licensees subject to this act.

17 (b) The secretary may establish a fee schedule for any testing services  
18 by rules and regulations and shall remit all moneys received from fees  
19 collected under this section to the state treasurer in accordance with the  
20 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
21 each such remittance, the state treasurer shall deposit the entire amount in  
22 the state treasury to the credit of the laboratory testing services fee fund.

23 (c) The results of any tests performed under this section shall be  
24 made available to the Kansas bureau of investigation upon request. The  
25 Kansas department of agriculture shall coordinate any testing services  
26 provided under this section with the Kansas bureau of investigation in  
27 order to provide excess testing capacity without displacing any services  
28 that may also be provided by the Kansas bureau of investigation.

29 (d) Nothing in this section shall limit the secretary's authority to  
30 refuse to provide testing services to any non-licensee.

31 (e) This section shall be a part of and supplemental to the commercial  
32 industrial hemp act, K.S.A. 2021 Supp. 2-3901 et seq., and amendments  
33 thereto.

34 New Sec. 2. (a) Seed that has been treated with an irritating or  
35 poisonous substance that is harmful to humans or other vertebrate animals  
36 shall be colored or dyed a color that clearly identifies that the seed has

1 been treated and shall be labeled with the following information:

2 (1) A warning statement that the seed has been treated;

3 (2) the common, coined, chemical or abbreviated chemical name of  
4 the substance applied to the seed; and

5 (3) a caution statement that reads "treated seed—do not use for food,  
6 feed, or oil purposes" and for mercurial and similarly toxic substances also  
7 includes the word "poison" and a skull-and-crossbones.

8 (b) If seed has been treated with a substance that is not irritating,  
9 poisonous or harmful to humans or other vertebrate animals, the seed shall  
10 be labeled with a statement describing the applied substance.

11 (c) If seed has been treated with an inoculant, the date beyond which  
12 the inoculant is not considered effective or the date of the inoculant's  
13 expiration shall be included on the label.

14 (d) A separate label may be used for the information required by this  
15 section, or such information may be a component of the main label.

16 (e) This section shall be a part of and supplemental to the Kansas  
17 seed law.

18 Sec. 3. K.S.A. 2-1415 is hereby amended to read as follows: 2-1415.  
19 As used in this act:

20 (a) "Agricultural seed" means the seed of grass, legume, forage,  
21 cereal ~~and~~ fiber crops, *oil seed, food plot seed and any cannabis sativa*  
22 *crop authorized by state law, or mixtures thereof, but shall. "Agricultural*  
23 *seed" does not include horticultural seeds those seeds generally classified*  
24 *as vegetable, fruit, flower, tree or shrub and grown for personal use or*  
25 *commercial sale, except that cover crop seed shall be considered*  
26 *agricultural seed.*

27 (b) "Person" means any individual, member of a partnership,  
28 corporation, agents, brokers, company, association or society.

29 (c) "Conditioned" means cleaned, or cleaned and blended, to meet the  
30 requirements of agricultural seed for the purpose of being planted or  
31 seeded.

32 (d) "Kind" means one or more related species or subspecies ~~which~~  
33 *that* singly or collectively is known by one common name, and includes,  
34 among others, wheat, oat, vetch, sweet clover and alfalfa.

35 (e) "Variety" means a subdivision of a kind, ~~which~~ *that* is  
36 characterized by growth, yield, plant, fruit, seed or other characteristics by  
37 which it can be differentiated from other plants of the same kind.

38 (f) "Hard seed" means ~~the seeds which~~ *that* because of hardness or  
39 impermeability do not absorb moisture or germinate under seed testing  
40 procedure.

41 (g) "Label" means the statements written, printed, stenciled or  
42 otherwise displayed upon, or attached to, ~~the~~ *a* container of agricultural  
43 seed, and includes other written, printed, stenciled or graphic

1 representations, in any form whatsoever, pertaining to any agricultural  
2 seed, whether in bulk or in containers, and includes declarations and  
3 affidavits.

4 (h) "Secretary" means the secretary of *the Kansas department of*  
5 *agriculture or the secretary's authorized representative.*

6 (i) "Weed seed" means the seeds of plants considered weeds in this  
7 state and includes noxious weed seed, *prohibited weed seed* and restricted  
8 weed seed, *as determined by the methods established by ~~rule~~ rules and*  
9 *regulation under this act regulations adopted by the secretary.*

10 (j) (1) "Noxious weed seed" means the seed of ~~Kudzu (Pueraria~~  
11 ~~lobata), field bindweed (Convolvulus arvensis), Russian knapweed~~  
12 ~~(Centaurea repens), hoary cress (Cardaria draba), Canada thistle (Cirsium~~  
13 ~~arvense), leafy spurge (Euphorbia esula), quackgrass (Agropyron repens),~~  
14 ~~bur ragweed (Ambrosia grayii), pignut (Indian rushpea) (Hoffmannspeggia~~  
15 ~~densiflora), Texas blueweed (Helianthus ciliaris), Johnson grass (Sorghum~~  
16 ~~halapense), sorghum alnum, and any plant the seed of which cannot be~~  
17 ~~distinguished from Johnson grass, musk (nodding) thistle (Carduus nutans~~  
18 ~~L.) and sericea lespedeza (Lespedeza cuneata) any species of plant~~  
19 ~~declared to be a noxious weed by the secretary pursuant to K.S.A. 2-~~  
20 ~~1314(a), and amendments thereto, and any rules and regulations adopted~~  
21 ~~thereunder.~~

22 (2) "Noxious weed seed" does not include the seed of any weed  
23 species:

24 (A) Listed as a noxious weed by a board of county commissioners  
25 pursuant to K.S.A. 2-1314(d), and amendments thereto, or designated as a  
26 noxious weed by an emergency declaration of the secretary pursuant to  
27 K.S.A. 2-1314c, and amendments thereto; and

28 (B) not subsequently declared a statewide noxious weed by the  
29 secretary pursuant to K.S.A. 2-1314(a), and amendments thereto, and  
30 rules and regulations adopted thereunder.

31 (k) "Prohibited weed seed" means the seeds or bulblets of plant  
32 species that are highly destructive and are difficult to control with cultural  
33 practices that are commonly accepted as effective and with the use of  
34 herbicides. "Prohibited weed seed" includes the seeds of any species of  
35 plant designated as prohibited weed seed in any rules and regulations  
36 adopted by the secretary in consultation with landowner organizations,  
37 seed industry organizations and programs within the college of agriculture  
38 at Kansas state university.

39 (l) "Restricted weed seed" means weed seeds or bulblets ~~which shall~~  
40 ~~not be present in agricultural seed at a rate per pound in excess of the~~  
41 ~~number shown following the name of each weed seed: Silverleaf~~  
42 ~~nightshade (Solanum elaeagnifolium) 45, horsenettle, bullnettle (Solanum~~  
43 ~~carolinense) 45, dock (Rumex spp.) 45, oxeye daisy (Chrysanthemum~~

1 leucanthemum) 45, perennial sowthistle (*Sonchum arvensis*) 45, giant  
 2 foxtail (*Setaria faberi*) 45, cheat (*Bromus secalinus*) 45, hairy chess-  
 3 (*Bromus commutatus*) 45, buckthorn plantain (*Plantago lanceolata*) 45,  
 4 wild onion or garlic (*Allium* spp.) 18, charlock (*Sinapsis arvensis*) 18, wild  
 5 mustards (*Brassica* spp.) 18, treacle (*Erysimum* spp.) 18, wild carrot  
 6 (*Daucus carota*) 18, morning glory and purple moonflower (*Ipomoea* spp.)  
 7 18, hedge bindweed (*Calystegia* spp., syn. *Convolvulus sepium*) 18,  
 8 dodder (*Cuscuta* spp.) 18, except lespedeza seed, other than sericea  
 9 lespedeza (*Lespedeza cuneata*), which may contain 45 dodder per pound,  
 10 pennyress, fanweed (*Thlaspi arvense*) 18, wild oats (*Avena fatua*) 9,  
 11 climbing milkweed, sandvine (*Cynanchum laeve*, syn. *Gonolobus laevis*)  
 12 9, jointed goatgrass (*Aegilops cylindrica*) 9, black nightshade complex  
 13 (*Solanum ptycanthum*, *S. americanum*, *S. sarrachoides*, *S. nigrum*, and *S.*  
 14 *interius*) 9, wild buckwheat, black bindweed (*Polygonum convolvulus*) 9,  
 15 velvetleaf, butterprint (*Abutilon theophrasti*) 9, and cocklebur (*Xanthium*  
 16 spp.) 9. The total number of the restricted weed seed shall not exceed 90  
 17 per pound except native grass, smooth bromegrass, tall fescue,  
 18 wheatgrasses and lespedeza, other than sericea lespedeza (*Lespedeza*  
 19 *cuneata*), shall not exceed 150 per pound. In smooth bromegrass, fescues,  
 20 orchard grass, wheatgrasses, and chaffy range grasses, hairy chess or cheat  
 21 shall not exceed 2,500 per pound. For the purposes of this section the  
 22 following weedy *Bromus* spp. shall be considered as common weeds and  
 23 collectively referred to as "chess": Japanese chess (*Bromus japonicus*), soft  
 24 chess (*Bromus mollis*) and field chess (*Bromus arvensis*) that are:

25 (1) *Objectionable in agricultural crops, lawns and gardens of this*  
 26 *state and that can be controlled with cultural practices that are commonly*  
 27 *accepted as effective or with the use of herbicides; and*

28 (2) *designated as restricted weed seeds pursuant to rules and*  
 29 *regulations adopted by the secretary in consultation with landowner*  
 30 *organizations, seed industry organizations and programs within the*  
 31 *college of agriculture of Kansas state university.*

32 (h)(m) "Advertisement" means all representations, other than those on  
 33 the label, disseminated in any manner, or by any means, relating to  
 34 agricultural seed.

35 (h)(n) "Record" means all information relating to any shipment of  
 36 agricultural seed and includes a file sample of each lot of such seed.

37 (h)(o) "Stop sale order" means an administrative order, authorized by  
 38 law, restraining the sale, use, disposition and movement of a definite  
 39 amount of agricultural seed.

40 (h)(p) "Seizure" means a legal process, *including an order* issued by  
 41 *a court order, against* of competent jurisdiction, that allows the secretary  
 42 *to take possession of* a definite amount of agricultural seed and undertake  
 43 *or order the disposition of the seed as the court may direct pursuant to*

1 *K.S.A. 2-1422a, and amendments thereto.*

2 ~~(p)~~(q) "Lot" means a definite quantity of agricultural seed, identified  
3 by a lot number or other mark, every portion or bag of which is uniform,  
4 within recognized tolerances for the factors which appear in the labeling.

5 ~~(q)~~(r) "Germination *rate*" means the percentage of seeds capable of  
6 producing normal seedlings under ordinarily favorable conditions, in  
7 accordance with the methods established by ~~rule rules and regulation-~~  
8 ~~under regulations adopted pursuant to~~ this act.

9 ~~(r)~~(s) "Pure seed" means the kind of seed declared on the label,  
10 exclusive of inert matter, ~~other~~ agricultural or other crop seeds and weed  
11 seeds.

12 ~~(s)~~(t) "Inert matter" means all matter *that is* not seeds, ~~and as~~  
13 ~~otherwise determined by rules and regulations under this act as determined~~  
14 ~~by the secretary.~~

15 ~~(t)~~(u) "Other agricultural seeds or other crop seeds" means seeds of  
16 agricultural seeds other than those included in the percentage or  
17 percentages of kind or variety and includes collectively all kinds and  
18 varieties not named on the label.

19 ~~(u)~~(v) (1) "Hybrid" means the first generation seed of a cross  
20 produced by ~~controlling the pollination a method of hybridization that will~~  
21 ~~produce pure seed of which 75% or more contains the genetic material of~~  
22 ~~each of the parent plants and by combining:~~

23 ~~(1)~~(A) Two or more inbred lines;:

24 ~~(2)~~(B) one inbred or a single cross with an open pollinated variety;:  
25 or

26 ~~(3)~~(C) two varieties or species, other than open pollinated varieties of  
27 corn (*Zea mays*).

28 (2) "Hybrid ~~shall~~" *does* not include the second generation or  
29 subsequent generations *resulting* from such crosses. ~~Hybrid designations~~  
30 ~~shall be treated as variety names. Controlling the pollination means to use~~  
31 ~~a method of hybridization which will produce pure seed which is 75% or~~  
32 ~~more hybrid.~~

33 ~~(v)~~(w) "Type" means a group of varieties ~~so nearly that are so~~ similar  
34 that the individual varieties cannot be clearly differentiated except under  
35 special conditions.

36 ~~(w)~~(x) "Treated" means that the seed has ~~received an application of a~~  
37 ~~substance or process which had a substance applied to such seed that is~~  
38 designed to reduce, control or repel certain disease organisms, insects or  
39 other pests ~~attacking such seeds or seedlings growing therefrom~~ and  
40 includes an application of a substance ~~or process~~ designed to increase  
41 seedling vigor.

42 ~~(x)~~(y) "Tested seed" means that a representative sample of the lot of  
43 agricultural seed in question has been subjected to examination and ~~its~~

1 ~~character as to~~ *such sample's* purity and germination rate has been  
2 determined.

3 ~~(y)~~(z) "Native grass seed" means the seeds of aboriginal or native  
4 prairie grasses.

5 ~~(z)~~(aa) "Chaffy range grasses"—~~shall include~~ *means* Bluestems,  
6 Gramas, Yellow Indian grass, ~~wild rye grasses wildryes, buffalo grass~~  
7 ~~buffalograss~~ and ~~prairie cord~~ *any other grass that has seeds that tend to*  
8 *bind together because of attached husks, hulls, brans or other plant parts*  
9 *that do not readily separate from the seeds during conditioning and*  
10 *prevent the seeds from moving independently of each other.*

11 ~~(aa)~~(bb) "Certified seed" means any class of pedigreed seed or plant  
12 parts for which a certificate of inspection has been issued by an official  
13 seed certifying agency.

14 ~~(bb)~~(cc) "Certifying agency" means:

15 (1) An agency ~~which that~~ is authorized under the laws of a state,  
16 territory or possession to officially certify seed and ~~which~~ has standards  
17 and procedures approved by the secretary of agriculture of the United  
18 States department of agriculture to assure the genetic purity and identity of  
19 the seed certified; or

20 (2) an agency of a foreign country ~~which that~~ is determined by the  
21 secretary of agriculture of the United States department of agriculture to be  
22 an agency ~~which that~~ adheres to procedures and standards for seed  
23 certification comparable to those adhered to generally by seed certifying  
24 agencies under ~~clause paragraph (1) of this subsection.~~

25 ~~(ee)~~(dd) "Blend" means a combination of two or more varieties of the  
26 same kind of agricultural seed in which each ~~in excess of 5% variety~~  
27 *comprises more than 5% of the whole.*

28 ~~(dd)~~(ee) "Mixture" means a combination of *two or more kinds of*  
29 *agricultural seed consisting of more than one kind each in excess of in*  
30 *which each kind comprises more than 5% of the whole.*

31 ~~(ee)~~(ff) "Brand" means a term or mark that is proprietary in nature,  
32 whether or not it is a registered or copyrighted term or mark.

33 ~~(ff)~~(gg) "Commercial means"—~~shall include~~ *includes* all forms of  
34 advertising for which a person must pay another for the dissemination or  
35 distribution of the advertisement.

36 ~~(gg)~~ "Horticultural seeds" means those seeds generally classified as  
37 vegetable, fruit, flowers, tree and shrub and grown in gardens or on truck  
38 farms.

39 (hh) "Grower of agricultural seed" means an individual whose  
40 primary occupation is farming and *who sells or offers; or exposes or sells*  
41 *for sale* agricultural seed ~~of such individual's own growing that the~~  
42 *individual has grown* without the use of a common carrier or a third party  
43 as an agent or broker. ~~Seed shall be in compliance with noxious and~~

1 ~~restricted weed seed requirements and may advertise if the advertisement~~  
 2 ~~specifically states variety, bin run and if tested.~~

3 (ii) "Wholesaler" means any person who is in the business of selling  
 4 agricultural seed ~~at wholesale~~ to any person other than the end user.

5 (jj) "Retailer" means any person who sells agricultural seed to the end  
 6 user.

7 (kk) "Seed conditioner" means any person who is in the business of  
 8 cleaning seed for a fee or compensation.

9 (ll) "*Wild mustard (Brassica spp.)*" means Indian mustard (*Brassica*  
 10 *juncea*), Sahara mustard (*B. tournefortii*), field mustard (*B. rapa*), black  
 11 mustard (*B. nigra*), bird rape (*B. campestris*) and all other members of the  
 12 wild mustard (*Brassica spp.*) genus when occurring incidentally in  
 13 agricultural seeds.

14 (mm) "*Cover crop seed*" means the seed of any plant that is planted  
 15 to provide seasonal soil cover for the purpose of protecting or enriching  
 16 the soil, whether harvested or not. "*Cover crop seed*" does not include the  
 17 seeds of any plant of the genus *cannabis*.

18 (nn) "*Food plot*" means a planted area set aside for the purpose of  
 19 providing a supplementary source of nutrition to wildlife or other non-  
 20 domesticated animals and that is not intended to be harvested for sale.

21 (oo) "*Feminized seed*" means seeds produced by a *cannabis sativa*  
 22 plant that are specially bred, treated or genetically engineered to eliminate  
 23 male chromosomes to produce only female plants.

24 (pp) "*Oil seed*" means the seeds of any species that is grown as a  
 25 crop primarily for the oil contained within the grain.

26 (qq) "*Seed*" means a plant's dormant unit of sexual reproduction  
 27 intended to be planted for germination.

28 (rr) "*Act*" or "*Kansas seed law*" means the statutes contained in  
 29 article 14 of chapter 2 of the Kansas Statutes Annotated, and amendments  
 30 thereto.

31 Sec. 4. K.S.A. 2-1417 is hereby amended to read as follows: 2-1417.

32 (a) Each bulk quantity, package or parcel of agricultural seed offered for  
 33 sale, exposed for sale or exchanged for planting or seeding purposes shall  
 34 have a label ~~which~~ that shall be affixed thereto or printed or stenciled  
 35 thereon ~~or in, for bulk quantity which agricultural seed,~~ shall be furnished  
 36 with the invoice;. *Each agricultural seed label shall be printed in the*  
 37 *English language giving and shall contain the following information,*  
 38 *which shall be legible and shall not be modified or, defaced, falsified or*  
 39 *misleading and shall not be denied on the label; or on another label*  
 40 *attached to the container, and in bulk quantity shall be furnished with the*  
 41 *invoice:*

42 (a)(1) The commonly accepted ~~name of the~~ kind and variety *or*  
 43 *hybrid designation,* or the kind and the words "variety not stated", of each

1 agricultural seed component ~~in excess of~~ *that comprises more than 5%* of  
 2 the whole and the percentage by weight of each in order of its  
 3 predominance, except for the annual grain crops wheat, oats, barley, and  
 4 soybeans, for which the label shall include *the* kind and variety. ~~For blends~~  
 5 ~~of wheat, oats, barley or soybeans, the label shall include the kind~~  
 6 ~~followed by the word "blend."~~ For brands of wheat, oats, barley, and  
 7 soybeans, the brand mark or term must precede the word "brand."  
 8 Components of blends and brands of wheat, oats, barley and soybeans  
 9 shall be registered with the secretary unless all varieties and the percentage  
 10 thereof are listed on the label. Blends and brands so registered may be  
 11 labeled by kind and the words "variety (varieties) not stated." The  
 12 composition of registered blends and brands shall remain consistent from  
 13 year to year. Where more than one component is required to be named, the  
 14 word "mixture" or the word "mixed" shall be shown conspicuously on the  
 15 label;

16 (b)(2) the percentage by weight of pure seed;

17 (c)(3) the percentage by weight of all weed seeds;

18 (d)(4) the percentage by weight of inert matter;

19 (e) for each named agricultural seed: (1) The percentage of  
 20 germination, exclusive of hard seed; (2) the percentage of hard seeds, if  
 21 present; (3) total germination percentage including hard seed may be  
 22 shown; (4) the calendar month and year the test was completed to  
 23 determine such percentages;

24 (f)(5) the percentage by weight of agricultural seeds ~~(, which may be~~  
 25 designated as "crop seeds"), other than those required to be named on the  
 26 label;

27 (g)(6) the lot number or other lot identification, *which shall remain*  
 28 *visible and legible and shall be placed so as not to obscure any lot number*  
 29 *or other lot identification that was previously placed on the bulk quantity,*  
 30 *package or parcel;*

31 (h)(7) the origin: *i.e. of the seed, including the state or foreign*  
 32 *country where the seed was grown, or a declaration that the origin of the*  
 33 *seed is unknown to the seller, except in the case of grass seeds in quantities*  
 34 *of less than 10 pounds intended for lawn seeding purposes, or a declaration*  
 35 *that origin of seed is unknown to seller;*

36 (i)(8) the name and rate of occurrence per pound of each kind of  
 37 restricted weed seed present, which shall not be more than the number per  
 38 pound of restricted weed seed in agricultural seed, as provided in  
 39 subsection (k) of K.S.A. 2-1415 *exceed the applicable limitations*  
 40 *prescribed in rules and regulations adopted by the secretary;*

41 (j)(9) the name and address of *the* person responsible for the label;  
 42 *and*

43 (k) ~~agricultural seed which has been treated with chemicals for insect~~



1 or disease control, shall be labeled to show the following:

2 (1) A word or statement indicating that the seed has been treated;

3 (2) ~~the commonly accepted, coined, chemical or abbreviated chemical~~  
4 ~~(generic) name of the applied substance;~~

5 (3) ~~if the substance in the amount applied is harmful to human or~~  
6 ~~other vertebrate animals, a caution statement, such as: "Do not use for~~  
7 ~~food, feed or oil purposes." The caution for mercurials and similarly toxic~~  
8 ~~substances must include in a contrasting color the word "poison" and skull~~  
9 ~~and crossbones; and~~

10 (4) ~~a separate label may be used to show this information, or it may~~  
11 ~~be a component part of the main label~~

12 (10) *for any label that makes claims that a bulk quantity, package or*  
13 *parcel of cannabis sativa contains feminized seeds, the percentage by*  
14 *weight of feminized seed.*

15 (b) *For each kind of agricultural seed identified on the label, the*  
16 *label shall also include:*

17 (1) *The germination rate, excluding the hard seed;*

18 (2) *the percentage of hard seed, if present;*

19 (3) *the month and year that the test to determine the germination rate*  
20 *was conducted; and*

21 (4) *for seed that is sold for lawn and turf purposes, a statement of the*  
22 *month and year by which the seed shall be sold that includes the phrase*  
23 *"sell by".*

24 (c) *Any label may also include the total germination rate, including*  
25 *hard seed.*

26 (d) *Any label may include a statement of the month and year by*  
27 *which the seed shall be sold that includes the phrase "sell by".*

28 (e) *The "sell by" month and year on each label shall be not more than*  
29 *nine months after the date that the test to determine the germination rate*  
30 *was conducted, excluding the calendar month in which the test was*  
31 *conducted.*

32 (f) *For blends of wheat, oats, barley or soybeans, the label shall*  
33 *include a statement of the seed kind followed by the word "blend". For*  
34 *brands of wheat, oats, barley and soybeans, the brand mark or term shall*  
35 *precede the word "brand". Components of blends and brands of wheat,*  
36 *oats, barley and soybeans shall be registered with the secretary unless all*  
37 *varieties and the percentage thereof are listed on the label. Blends and*  
38 *brands so registered may be labeled by kind and the words "variety*  
39 *(varieties) not stated". The composition of registered blends and brands*  
40 *shall remain consistent from year to year. When more than one component*  
41 *is required to be named, the word "mixture" or "mixed" shall be shown*  
42 *conspicuously on the label.*

43 Sec. 5. K.S.A. 2-1421 is hereby amended to read as follows: 2-1421.

1 (a) It is *shall be* unlawful for any person to sell, offer for sale, expose for  
 2 sale or advertise by commercial means any agricultural seed for seeding  
 3 purposes:

4 ~~(1) Unless a test has been made to determine the percentage of~~  
 5 ~~germination and it shall have been completed within a nine-month period~~  
 6 ~~(exclusive of the calendar month in which the test was completed)~~  
 7 ~~immediately prior to sale, exposure for sale or offering for sale That was~~  
 8 ~~not tested to determine the germination rate within the nine-month period~~  
 9 ~~immediately prior to being sold or offered or exposed for sale, excluding~~  
 10 ~~the calendar month in which the test was completed;~~

11 (2) ~~which~~that is not labeled in accordance with the provisions of this  
 12 act;

13 (3) ~~which~~that has a false, misleading or incomplete label;

14 (4) ~~which~~that contains noxious weed-seeds *seed or prohibited weed*  
 15 *seed*;

16 (5) ~~which~~that contains restricted weed seeds in excess of the quantity  
 17 prescribed by subsection (k) of K.S.A. 2-1415, and amendments thereto  
 18 pursuant to rules and regulations adopted by the secretary;

19 (6) ~~which~~that contains more than 1% of weed seeds by weight,  
 20 except:

21 (A) 2% of weed seed by weight if the agricultural seed is smooth  
 22 bromegrass, fescues, orchard grass, wheatgrasses, and or lespedeza which  
 23 contain more than 2% weed seed by weight and other than *sericea*  
 24 *lespedeza*;

25 (B) 4% weed seed by weight if the agricultural seed is any chaffy  
 26 range-grasses which contain more than 4% by weight grass; or

27 (C) 1% of weed seed by weight for any other agricultural seed;

28 (7) if any label, advertisement or other media represents such  
 29 agricultural seed to be certified or registered, unless: (A) Such certification  
 30 or registration has been determined by an official seed certifying agency;  
 31 and (B) such seed bears an official label issued for such seed by such  
 32 agency stating that the seed is certified or registered;

33 (8) by variety name not certified by an official seed certifying agency  
 34 when it is a variety for which a certificate of plant variety protection has  
 35 been issued under the plant variety protection act, as amended, and as in  
 36 effect on July 1, 1997, specifying sale only as a class of certified seed,  
 37 except that seed from a certified lot may be labeled as to variety name  
 38 when used in a mixture by, or with the approval of, the owner of the  
 39 variety;

40 ~~(9)~~(8) without having registered with the secretary as required by  
 41 K.S.A. 2-1421a, and amendments thereto; and

42 (9) if any label, advertisement or other media represents such  
 43 agricultural seed to be certified or registered, unless:

1 (A) *Such certification or registration has been determined by an*  
 2 *official seed-certifying agency; and*

3 (B) *such seed bears an official label issued for such seed by such*  
 4 *agency stating that the seed is certified or registered.*

5 (b) ~~It is~~ *shall be* unlawful for any person to:

6 (1) ~~To~~ Alter or deface any label so that the information is false or  
 7 misleading or to mutilate any label;

8 (2) ~~to~~ disseminate any false or misleading advertisements concerning  
 9 agricultural seed;

10 (3) ~~to~~ issue any statement, invoice or declaration as to the variety of  
 11 any agricultural seed ~~which~~ *that* is false or misleading;

12 (4) ~~to~~ hinder or obstruct the secretary ~~or an authorized representative~~  
 13 ~~of the secretary~~ in the performance of official duties;

14 (5) ~~to~~ fail to comply with a stop sale order, or to move or otherwise  
 15 handle or dispose of any quantity of seed *that is* held under a stop sale  
 16 order; or *that has* a stop sale tag attached thereto, except with *the* express  
 17 permission of the enforcing officer in writing and ~~except for the purpose~~  
 18 ~~specified therein~~ *subject to any conditions established by the enforcing*  
 19 *officer;*

20 (6) ~~to~~ use the word "trace" as a substitute for any statement ~~which~~  
 21 *that* is required; or

22 (7) ~~to~~ use the word "type" in any labeling in connection with the  
 23 name of any agricultural seed variety.

24 (c) (1) Except as provided in subsection ~~(a)(8)~~ (a)(7), it shall not be a  
 25 violation of this act for the grower of agricultural seed to sell; or offer or  
 26 expose for sale for planting or seeding purposes agricultural seed ~~which~~  
 27 *that* has not been tested and labeled when the agricultural seed:

28 ~~(1)(A)~~ ~~Has been~~ *Was* grown on the grower's premises;

29 ~~(2)(B)~~ is free from noxious weed seed *and prohibited weed seed;* ~~and~~

30 ~~(3)(C)~~ does not contain ~~any~~ restricted weed seed in excess of the  
 31 quantity ~~prescribed by subsection (k) of K.S.A. 2-1415, and amendments~~  
 32 ~~thereto~~ *established in rules and regulations adopted by the secretary; and*

33 (D) *is of a variety that is not prohibited from being sold or offered or*  
 34 *exposed for sale by any legal, contractual or other protection.*

35 (2) Agricultural seed sold pursuant to this exemption shall not be  
 36 advertised by commercial means unless ~~such~~ *the* advertisement  
 37 specifically states ~~such that the~~ agricultural seed is bin run or *states*  
 38 whether ~~such the~~ agricultural seed has been tested.

39 Sec. 6. K.S.A. 2021 Supp. 2-1421a is hereby amended to read as  
 40 follows: 2-1421a. (a) (1) Each wholesaler shall register with the secretary  
 41 and shall pay a registration fee not to exceed \$300. ~~The current wholesale~~  
 42 ~~registration fee is hereby set at \$175 and shall remain at that amount until~~  
 43 ~~changed by rules and regulations of the secretary.~~ *A wholesaler shall not*

1 *offer or expose the seed for sale to any person, business, wholesaler,*  
2 *retailer or facility when the wholesaler knows or has reason to know that*  
3 *the buyer or potential buyer is not actively registered with the secretary as*  
4 *provided by this section.*

5 (2) Each retailer shall register with the secretary and shall pay a  
6 registration fee not to exceed \$30. ~~The current retailer registration fee is~~  
7 ~~hereby set at \$10 and shall remain at that amount until changed by rules~~  
8 ~~and regulations of the secretary.~~

9 (3) Registration shall be required for each place of business at which  
10 agricultural seed is sold, offered or exposed for sale by the wholesaler or  
11 retailer.

12 (4) An individual who conducts a wholesaler and retailer business at  
13 the same location shall be required to register as both a wholesaler and  
14 retailer.

15 (b) Application for registration *as a wholesaler or retailer, or both,*  
16 shall be made on a form provided by the secretary. Each registration for a  
17 wholesaler or retailer shall expire on August 31 following the date of  
18 issuance unless such registration is renewed annually.

19 ~~(c) Each seed conditioner shall register with the secretary. Such seed~~  
20 ~~conditioner registration shall require no registration fee and shall be a~~  
21 ~~biennial registration. Any seed conditioner who is ceasing to do business~~  
22 ~~as a seed conditioner shall notify the Kansas department of agriculture~~  
23 ~~within 30 days of ceasing to do business.~~

24 (d) As used in this section, "agricultural seed" ~~shall include~~ *includes*  
25 grain when sold as such, or when sold according to grain standards and the  
26 seller knows, or has reason to know, that the grain is to be used for seeding  
27 or planting purposes.

28 ~~(e)~~(d) The secretary shall remit all moneys received under this section  
29 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
30 and amendments thereto. Upon receipt of each such remittance, the state  
31 treasurer shall deposit the entire amount in the state treasury to the credit  
32 of the agricultural seed fee fund which is hereby created. All expenditures  
33 from such fund shall be made in accordance with appropriation acts upon  
34 warrants of the director of accounts and reports issued pursuant to  
35 vouchers approved by the secretary or a person or persons designated by  
36 the secretary.

37 ~~(f)~~(e) All moneys credited to the agricultural seed fee fund shall be  
38 expended for any purpose consistent with the Kansas seed law.

39 ~~(g)~~(f) The secretary may adopt rules and regulations necessary to  
40 administer the provisions of this act.

41 (g) *The secretary, after providing notice and an opportunity for a*  
42 *hearing in accordance with the provisions of the Kansas administrative*  
43 *procedure act, may deny any application or revoke, suspend, modify or*

1 *refuse to renew any registration issued pursuant to this act if such*  
 2 *applicant or the holder of such registration has:*

3 (1) *Failed to comply with any provision or requirement of this act or*  
 4 *any rule or regulation adopted hereunder;*

5 (2) *failed to comply with any laws, rules or regulations of any other*  
 6 *state, or the United States, related to the registration of agricultural seed*  
 7 *dealers, the testing of seed, the labeling of seed or seed certification; or*

8 (3) *had any license, certificate, registration or permit issued by*  
 9 *Kansas or any other state, or the United States, related to the registration*  
 10 *of agricultural seed dealers, the testing of seed, the labeling of seed or*  
 11 *seed certification revoked, suspended or modified.*

12 (h) This section shall be a part of and supplemental to the Kansas  
 13 seed law, K.S.A. 2-1415 et seq., and amendments thereto.

14 Sec. 7. K.S.A. 2-1422 is hereby amended to read as follows: 2-1422.

15 (a) Any person who ~~shall violate~~ *violates* any of the provisions of this act  
 16 shall be deemed guilty of ~~a~~ *an unclassified* misdemeanor and upon  
 17 conviction thereof shall be punished by a fine of not ~~less than twenty-five~~  
 18 ~~dollars (\$25) nor more than five hundred dollars (\$500)~~ *more than \$500.*

19 (b) *The secretary, after providing notice and an opportunity for a*  
 20 *hearing, in accordance with the Kansas administrative procedure act, may*  
 21 *suspend, revoke or deny any registration and assess a civil penalty against*  
 22 *any person who violates or fails to comply with the requirements of this*  
 23 *act, or any rules or regulations adopted hereunder, of not less than \$100*  
 24 *nor more than \$1,000 **\$3,000** per violation. ~~In the case of a continuing~~*  
 25 *violation, each day such violation continues may be deemed a separate*  
 26 *violation. Such civil penalty may be assessed in addition to any other*  
 27 *penalty provided by law.*

28 (c) *All moneys collected pursuant to this section shall be deposited in*  
 29 *the state treasury in accordance with K.S.A. 75-4215, and amendments*  
 30 *thereto, and shall be credited to the state general fund.*

31 Sec. 8. K.S.A. 2-1422a is hereby amended to read as follows: 2-  
 32 1422a. (a) *Agricultural seed ~~which~~ that is mislabeled shall be considered a*  
 33 *common nuisance and shall be subject to seizure and injunction in the*  
 34 *manner as provided by law. ~~In the event the~~*

35 (b) (1) *When a court of competent jurisdiction finds ~~the~~ any seed to*  
 36 *be in violation of this act; and orders the condemnation of ~~said~~ such seed,*  
 37 *it ~~the~~ seed may be denatured, reprocessed, destroyed, relabeled; or*  
 38 *otherwise disposed of as the court may direct. ~~Provided, That in no~~*  
 39 *instance shall the court order a disposition of said seed without first having*  
 40 *given directs.*

41 (2) *Before a court orders a disposition of any seed, the defendant*  
 42 *shall have an opportunity to be heard and to apply to the court ~~(a)~~ for:*

43 (A) *Permission to reprocess or relabel ~~it~~ the seed in order to bring it*

1 ~~such seed~~ into compliance with ~~law this act~~ and any rules or regulations  
2 applicable thereto; and ~~(b) for~~

3 ~~(B) a release of said such seed.~~

4 ~~(3) When, in the performance of duties, the secretary or a duly~~  
5 ~~authorized representative of the secretary, applies to any court for a~~  
6 ~~temporary restraining order or a temporary or permanent injunction,~~  
7 ~~restraining to prevent any person from violating or continuing to violate~~  
8 ~~any of the provisions of this act; or any rule rules and regulation under this~~  
9 ~~act, said regulations adopted pursuant thereto, an order granting or~~  
10 ~~denying the secretary's request shall be issued without bond; and said~~  
11 ~~order shall be issued without regard to whether any criminal proceeding~~  
12 ~~has been instituted.~~

13 Sec. 9. K.S.A. 2021 Supp. 2-1423 is hereby amended to read as  
14 follows: 2-1423. (a) *Inspection.* The secretary ~~or a duly authorized~~  
15 ~~representative of the secretary~~ shall inspect, sample and determine the  
16 purity and germination *rate* of agricultural seed at such time, ~~and~~ in such  
17 places; and to such extent as the secretary ~~or representatives of the~~  
18 ~~secretary consider~~ *considers* advisable. The secretary ~~or an authorized~~  
19 ~~representative of the secretary~~ may stop further sale or movement of any  
20 lot or lots of agricultural seed found to be in violation of any of the  
21 provisions of this act *or any rules or regulations adopted pursuant thereto*  
22 until compliance with ~~the law this act~~ has been satisfied ~~or other another~~  
23 disposition *has been* made. It shall be the duty of the secretary ~~or a duly~~  
24 ~~authorized representative of the secretary~~ to:

25 (1) Enforce and administer this act;

26 (2) sample, inspect, make analysis of and test agricultural seeds  
27 transported, sold, offered for sale or exposed for sale within the state for  
28 planting and seeding purposes at such time and place and to such extent as  
29 considered necessary to determine whether the agricultural seeds are in  
30 compliance with provisions of this act; and

31 (3) cooperate *and enter into agreements* with the United States  
32 department of agriculture and other agencies in seed law enforcement.

33 (b) (1) *Access.* The secretary ~~or authorized representatives of the~~  
34 ~~secretary~~ shall have free access, during *reasonable customary business*  
35 hours, to all places of business, buildings, vehicles, cars and vessels, of  
36 whatsoever kind, used in the sale, transportation, *processing, packaging,*  
37 importation or storage of agricultural seed and shall have the authority to:

38 ~~(1)-(A)~~ Inspect the records concerning the place of origin, or  
39 concerning the sale, of any agricultural seed;

40 ~~(2)-(B)~~ open any package containing or suspected of containing any  
41 agricultural seed that is exposed or offered for sale; and

42 ~~(3)-(C)~~ take therefrom samples of contents for examination.

43 (2) *This section shall also apply to any seed that the secretary has*

1 *reason to believe is or may be exposed for sale, except for lots of*  
2 *agricultural seed that are clearly and permanently marked as not for sale*  
3 *and stored separately from seed that is or may be offered for sale.*

4 (3) The owner of the seed shall be paid the retail price of the sample  
5 so procured if the owner so requests.

6 (c) *Stop sale orders.* The secretary or authorized representatives of  
7 the secretary shall have the authority to: ~~(1) issue and enforce a written or~~  
8 ~~printed "stop sale" order to the owner or custodian of any quantity of~~  
9 ~~agricultural seed which that the secretary or duly authorized~~  
10 ~~representatives of the secretary determine~~ *determines* to be in violation of  
11 ~~any of the provisions~~ *provision* of this act or rules and regulations adopted  
12 hereunder, ~~which.~~ *Such an order shall prohibit further sale, processing and*  
13 *or movement of such seed, except on with the approval of the enforcing*  
14 *officer, until such officer has evidence that the law has this act and all*  
15 *rules and regulations adopted hereunder have been complied with and*  
16 *issues a release from the "stop sale" order of such seed.* Any stop sale  
17 order issued pursuant to this subsection is subject to review in accordance  
18 with the Kansas judicial review act. The provisions of this subsection shall  
19 not be construed as limiting the right of the enforcement officer to proceed  
20 as authorized by other sections of this act.

21 Sec. 10. K.S.A. 2-1424 is hereby amended to read as follows: 2-1424.  
22 When the ~~said secretary decides~~ *determines* that prosecution for a  
23 violation of this act or rules and regulations adopted pursuant hereunder  
24 is warranted, ~~he or she~~ *the secretary* shall:

25 (a) Report the facts *supporting such determination* to the prosecuting  
26 attorney of the county in which the violation was committed; and

27 (b) furnish that ~~officer~~ *prosecuting attorney* with a copy of the results  
28 of ~~the any~~ analysis or other examination of such agricultural seed. *Such*  
29 *results shall be* duly attested to by the analyst or other representative  
30 ~~making~~ *of the secretary who performed the analysis or made the*  
31 *examination.*

32 Sec. 11. K.S.A. 2021 Supp. 2-1427 is hereby amended to read as  
33 follows: 2-1427. The secretary ~~of agriculture~~ is hereby empowered to  
34 ~~make and publish~~ *adopt* such rules and regulations ~~after public hearing~~ as  
35 ~~it may deem~~ *the secretary deems* necessary to carry ~~into effect~~ *out* the full  
36 intent and meaning of chapter 2, article 14, of the Kansas Statutes  
37 Annotated, and amendments thereto, ~~and.~~ The secretary is hereby  
38 empowered to enforce the provisions of this act and the rules and  
39 regulations ~~promulgated by the secretary of agriculture~~ *adopted hereunder.*

40 Sec. 12. K.S.A. 2021 Supp. 2-2113 is hereby amended to read as  
41 follows: 2-2113. As used in this act:

42 (a) "Plant pests" includes any stage of development of any insect,  
43 nematode, arachnid, or any other invertebrate animal, or any bacteria,

- 1 fungus, virus, weed or any other parasitic plant or microorganism, or any  
2 toxicant, ~~which~~ *that* can:
- 3 (1) Injure plants or plant products; ~~or which can~~  
4 (2) cause a threat to public health.
- 5 (b) "Secretary" means the secretary of the Kansas department of  
6 agriculture, or the authorized representative of the secretary.
- 7 (c) "Plants" means trees, shrubs, grasses, vines, forage and cereal  
8 plants and all other plants including growing crops; cuttings, grafts, scions,  
9 buds and all other parts of plants.
- 10 (d) "Plant products" means fruit, vegetables, roots, bulbs, seeds,  
11 wood, lumber, grains and all other plant products.
- 12 (e) "Location" means any grounds or premises on or in which live  
13 plants are propagated, or grown, or from which live plants are removed for  
14 sale, or any grounds or premises on or in which live plants are being  
15 fumigated, treated, packed, stored or offered for sale.
- 16 (f) "Live plant dealer" means any person, unless excluded by rules  
17 and regulations adopted hereunder, who engages in business in the  
18 following manner:
- 19 (1) Grows live plants for sale or distribution;  
20 (2) buys or obtains live plants for the purpose of reselling or  
21 reshipping within this state; *or*  
22 (3) plants, transplants or moves live plants from place to place within  
23 the state with the intent to plant such live plants for others and receives  
24 compensation for the live plants, for the planting of such live plants or for  
25 both live plants and plantings; ~~or~~  
26 ~~(4) gives live plants as a premium or for advertising purposes.~~
- 27 (g) "Person" means a corporation, company, society, association,  
28 partnership, governmental agency and any individual or combination of  
29 individuals.
- 30 (h) "Permit" means a document issued or authorized by the secretary  
31 to provide for the movement of regulated articles to restricted destinations  
32 for limited handling, utilization or processing.
- 33 (i) "Host" means any plant or plant product upon which a plant pest is  
34 dependent for completion of any portion of its life cycle.
- 35 (j) "Regulated article" means any host or any article of any character  
36 as described in a quarantine or regulation carrying or being capable of  
37 carrying the plant pest against which the quarantine or regulation is  
38 directed.
- 39 (k) "Live plant" means any living plant, cultivated or wild, or any part  
40 thereof that can be planted or propagated unless specifically exempted by  
41 the rules or regulations of the secretary.
- 42 (l) "Quarantine pest" means a pest of potential economic importance  
43 to the area endangered thereby and not yet present there, or present but not



1 widely distributed and being officially controlled.

2 (m) "Regulated nonquarantine pest" means a nonquarantine pest  
3 whose presence in plants for planting affects the intended use of those  
4 plants with an economically unacceptable impact and which is therefore  
5 regulated.

6 (n) "Official control" means the active enforcement of mandatory  
7 phytosanitary regulations and the application of mandatory phytosanitary  
8 procedures with the objective of eradication or containment of quarantine  
9 pests or for the management of regulated nonquarantine pest.

10 (o) "Regulated area" means an area into which, within which or from  
11 which plants, plant products and other regulated articles are subjected to  
12 phytosanitary regulations or procedures in order to prevent the  
13 introduction or spread of quarantine pests or to limit the economic impact  
14 of regulated nonquarantine pests.

15 (p) "Bee" means a honey-producing insect of the genus *Apis*  
16 including all life stages of the insect.

17 (q) "Beekeeping equipment" means all hives, supers, frames or other  
18 devices used in the rearing or manipulation of bees or their brood.

19 (r) "Toxicant" means any chemical, including an agricultural  
20 chemical as defined in K.S.A. 2-2202, and amendments thereto, or any  
21 biological substance ~~which~~ *that*, if present in unsafe levels, can render a  
22 plant or plant product unsafe for human or animal consumption.

23 (s) "*Temporary location*" means an auxiliary or secondary location  
24 where live plants are offered for sale but without the infrastructure for the  
25 production or maintenance of live plants, such as a farmers market,  
26 garden show or festival.

27 (t) "*Special event live plant dealer*" means a person:

28 (1) *Intending to sell, offer for sale or distribute live plants for five or*  
29 *fewer days in a calendar year as a nonprofit, charitable, educational or*  
30 *religious organization; or*

31 (2) *who gives live plants as a premium or for advertising purposes*  
32 *without selling live plants as part of such person's business.*

33 Sec. 13. K.S.A. 2021 Supp. 2-2118 is hereby amended to read as  
34 follows: 2-2118. Upon request the secretary may provide inspection  
35 services for any person who owns or possesses plants or plant products or  
36 for certification purposes of regulated articles intended for shipment. Upon  
37 payment of the appropriate fee as established by rule and regulation and as  
38 inspection personnel are available, the inspection shall be conducted and a  
39 report or certificate setting forth the inspection results shall be issued if  
40 requested. Inspection fees shall not exceed ~~\$30~~ \$45 per hour. The secretary  
41 may assess reasonable diagnostic and identification fees as established by  
42 rules and regulations adopted by the secretary. Mileage incurred shall also  
43 be paid by the person requesting the inspection at the rate established by

1 rules and regulations. If certificate is requested an additional fee not to  
2 exceed \$50, as established by rules and regulations, plus any fee amount  
3 charged by the United States government for the acquisition of federal  
4 certificates shall be assessed. The fees for such inspection and certificate in  
5 effect on the day preceding the effective date of this act shall continue in  
6 effect until the secretary adopts rules and regulations fixing a different fee  
7 therefor under this subsection. In any case where any intended receiving  
8 state or country requires or authorizes the certification of plants or plant  
9 products, bees or beekeeping equipment or other regulated articles to be  
10 based on origin, special handling, treatment or any other procedure in  
11 addition to or in lieu of actual visual inspection of such articles, the  
12 secretary may provide such certification. The secretary may refuse to  
13 perform any inspection if the regulated article to be inspected is found to  
14 be in such condition that it cannot be adequately inspected or the environs  
15 in which the regulated article is located present a danger to the health and  
16 safety of the inspection personnel.

17 Sec. 14. K.S.A. 2021 Supp. 2-2120 is hereby amended to read as  
18 follows: 2-2120. (a) Every live plant dealer, before *advertising for sale*,  
19 ~~selling or~~, offering for sale or delivering any live plants in this state, shall  
20 procure from the secretary a live plant dealer's license for each location  
21 from which such live plant dealer engages in business as a live plant  
22 dealer, *except for temporary locations that are registered with the*  
23 *secretary*.

24 (b) Application for such license shall be made on a form furnished by  
25 the secretary. The fee for each application shall be fixed by rules and  
26 regulations adopted by the secretary, except that such fee shall not exceed  
27 ~~\$80~~ *\$100*, excluding the plant pest emergency fee, authorized pursuant to  
28 K.S.A. 2021 Supp. 2-2129, and amendments thereto.

29 (c) ~~A live plant dealer shall not be required to obtain a license if such~~  
30 ~~live plant dealer does not import or export plants into or from the state and~~  
31 ~~the annual gross receipts of such live plant dealer's business is less than~~  
32 ~~\$10,000 who does not export live plants from the state, has annual gross~~  
33 ~~receipts under \$5,000 and has only one location, other than temporary~~  
34 ~~locations, may apply for a reduced license fee. The reduced fee shall not~~  
35 ~~exceed \$50, excluding the plant pest emergency fee. Application for the~~  
36 ~~reduced license fee shall be made on the license application form provided~~  
37 ~~by the secretary.~~

38 (d) ~~Such~~ *All live plant dealer's license dealer licenses* shall expire on  
39 January 31, following *the date of issue. Renewal of a license on or after*  
40 *such date of expiration shall result in a \$25 late fee, except that if a*  
41 *license is renewed after the March 1 immediately following such date of*  
42 *expiration, such late fee shall be \$50. A live plant dealer license shall not*  
43 *be issued until all fees are paid to the secretary.*

1 (e) *Any person who conducts business as a special event live plant*  
2 *dealer shall not be required to obtain a live plant dealer's license but shall*  
3 *register with the secretary in such form and manner as prescribed by the*  
4 *secretary.*

5 (f) A live plant dealer may only engage in the live plant business with  
6 live plants ~~which~~ *that* are:

7 (1) In compliance with all quarantines and regulated nonquarantine  
8 pest freedom standards established by the secretary; or

9 (2) accompanied by a valid certificate of inspection of a federal  
10 inspector or inspector of another state stating that such live plants comply  
11 with all applicable quarantines and regulated nonquarantine pest freedom  
12 standards.

13 Sec. 15. K.S.A. 2021 Supp. 2-3901 is hereby amended to read as  
14 follows: 2-3901. (a) K.S.A. 2021 Supp. 2-3901 et seq., and amendments  
15 thereto, shall be known and may be cited as the commercial industrial  
16 hemp act.

17 (b) As used in the commercial industrial hemp act:

18 (1) "Commercial" means the cultivation or production of industrial  
19 hemp ~~for purposes other than research~~ *as any purpose* authorized under  
20 K.S.A. 2021 Supp. 2-3906, and amendments thereto.

21 (2) "Delta-9 tetrahydrocannabinol concentration" means the  
22 combined percentage of delta-9 tetrahydrocannabinol and its optical  
23 isomers, their salts and acids, and salts of their acids, reported as free  
24 THC:

25 (A) On a dry weight basis, of any part of the plant *cannabis sativa* L.;  
26 or

27 (B) on a percentage by weight basis in hemp products, waste or  
28 substances resulting from the production or processing of industrial hemp.

29 (3) "Effective disposal" includes, but is not limited to:

30 (A) Destruction; or

31 (B) any other method of disposing of industrial hemp or hemp  
32 products found to be in violation of this act that is permitted under the  
33 provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations  
34 adopted thereunder.

35 (4) "Hemp products" means all products made from industrial hemp,  
36 including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper,  
37 particleboard, plastics, seed, seed meal and seed oil for consumption and  
38 any extract from industrial hemp intended for further processing. Final  
39 "hemp products" may contain a tetrahydrocannabinol concentration of not  
40 more than 0.3%. As used in this paragraph, "tetrahydrocannabinol  
41 concentration" means the same as in K.S.A. 65-6235(b)(3), and  
42 amendments thereto.

43 (5) "Hemp producer" means any individual, licensed or otherwise,

1 engaging in the cultivation or production of industrial hemp for  
2 commercial purposes pursuant to K.S.A. 2021 Supp. 2-3906, and  
3 amendments thereto.

4 (6) "Hemp processor" means a person registered under K.S.A. 2021  
5 Supp. 2-3907, and amendments thereto, to process and manufacture  
6 industrial hemp and hemp products.

7 (7) "Industrial hemp" means all parts and varieties of the plant  
8 cannabis sativa L., whether growing or not, that contain a delta-9  
9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight  
10 basis.

11 (8) "Person" means an individual, corporation, partnership,  
12 association, joint stock company, trust, unincorporated organization or any  
13 similar entity or any combination of the foregoing acting in concert.

14 ~~(9) "Seed research" means research conducted to develop or recreate  
15 better strains of industrial hemp, particularly for the purpose of seed  
16 production.~~

17 ~~(H)~~ "State educational institution" means the university of Kansas,  
18 Kansas state university, Wichita state university, Emporia state university,  
19 Pittsburg state university ~~and~~, Fort Hays state university, *or any other*  
20 *accredited college, university, technical college or community college*  
21 *within Kansas.*

22 ~~(H)~~(I) "Authorized seed or clone plants" means a source of  
23 industrial hemp seeds or clone plants that:

24 (A) Has been certified by a certifying agency, as defined by K.S.A. 2-  
25 1415, and amendments thereto;

26 (B) has been produced from plants that were tested during the active  
27 growing season and were found to produce industrial hemp having a  
28 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry  
29 weight basis and has been certified in writing by the grower or distributor  
30 of such seeds or clone plants to possess such qualities; or

31 (C) meets any other authorized standards approved by the Kansas  
32 department of agriculture through rules and regulations, except that no  
33 seed or clone plants shall be considered authorized seed or clone plants if  
34 they do not meet any standard adopted by the United States department of  
35 agriculture pursuant to 7 U.S.C. § 1621 et seq., and amendments thereto.

36 Sec. 16. K.S.A. 2021 Supp. 2-3902 is hereby amended to read as  
37 follows: 2-3902. (a) The Kansas department of agriculture, ~~alone or in~~  
38 ~~coordination with a state educational institution, may cultivate industrial~~  
39 ~~hemp grown from authorized seed or clone plants and promote the~~  
40 ~~research and development of industrial hemp, in accordance with 7 U.S.C.~~  
41 ~~§ 5940. This research may include:~~

42 ~~(1) Oversight and analysis of growth of industrial hemp to conduct~~  
43 ~~agronomy research and analysis of required soils, growing conditions and~~

1 harvest methods relating to the production of various varieties of industrial  
2 hemp that may be suitable for various commercial hemp products;

3 (2) ~~seed research on various types of industrial hemp that are best~~  
4 ~~suited to be grown in Kansas, including seed availability, creation of~~  
5 ~~hybrid types, in-the-ground variety trials and seed production;~~

6 (3) ~~analysis on the economic feasibility of developing an industrial~~  
7 ~~hemp market in various types of industrial hemp that can be grown in~~  
8 ~~Kansas;~~

9 (4) ~~analysis on the estimated value-added benefits, including~~  
10 ~~environmental benefits, that Kansas businesses would reap by having an~~  
11 ~~industrial hemp market of Kansas-grown industrial hemp varieties;~~

12 (5) ~~a study on the agronomy research conducted worldwide relating~~  
13 ~~to industrial hemp varieties, production and utilization;~~

14 (6) ~~a study on the feasibility of attracting federal and private funding~~  
15 ~~for industrial hemp research; and~~

16 (7) ~~a pilot program in Russell county, and other counties as~~  
17 ~~determined by the department, for the purpose of economic development,~~  
18 ~~research, cultivation, market analysis, manufacturing and transportation of~~  
19 ~~industrial hemp and industrial hemp products.~~

20 (b) ~~In the event that the department acts alone to cultivate industrial~~  
21 ~~hemp grown from authorized seed or clone plants and to promote the~~  
22 ~~research and development of industrial hemp, the secretary of agriculture~~  
23 ~~shall establish an advisory board within the department to review and~~  
24 ~~recommend applications for pilot projects and research proposals to the~~  
25 ~~secretary. The secretary shall not approve any such project or proposal~~  
26 ~~without the recommendation of the advisory board.~~

27 (c) ~~The department shall oversee and annually license all individuals~~  
28 ~~participating in the cultivation, growth, research, oversight, study, analysis,~~  
29 ~~transportation, processing or distribution of authorized seed or clone plants~~  
30 ~~or industrial hemp pursuant to this section. The department shall establish~~  
31 ~~fees for licenses, license renewals and other necessary expenses to defray~~  
32 ~~the cost of implementing and operating the provisions of this section in~~  
33 ~~this state on an ongoing basis. Any modification fee established by the~~  
34 ~~department for any requested change to a license that was previously~~  
35 ~~issued by the department under this section shall not exceed \$50 shall, by~~  
36 ~~the adoption of rules and regulations, establish an advisory board within~~  
37 ~~the department to provide input and information regarding the regulation~~  
38 ~~and development of industrial hemp in the state of Kansas and any~~  
39 ~~programs proposed or operated by the department. Such board shall~~  
40 ~~include a minimum of six members, including members that represent the~~  
41 ~~following:~~

42 (1) ~~The Kansas legislature;~~

43 (2) ~~crop research;~~

1 (3) *industrial hemp production or processing;*

2 (4) *law enforcement;*

3 (5) *seed certification; and*

4 (6) *the state entity designated to regulate hemp processors.*

5 (b) *The state advisory board shall meet at least annually. Members*  
6 *shall receive no compensation but shall be paid subsistence allowances,*  
7 *mileage and other expenses as provided in K.S.A. 75-3223, and*  
8 *amendments thereto.*

9 ~~(d) (1)(c) The department shall~~ *secretary of agriculture may require,*  
10 *as a qualification for initial or continuing* ~~license~~ *employment with the*  
11 *Kansas department of agriculture, all individuals seeking a license or*  
12 *license renewal under the research program established under this section*  
13 *overseeing or regulating industrial hemp to be fingerprinted and to submit*  
14 *to a state and national criminal history record check. The fingerprints shall*  
15 *be used to identify the individual and to determine whether the individual*  
16 *has a record of criminal history in this state or any other jurisdiction. The*  
17 *department is authorized to submit the fingerprints to the Kansas bureau of*  
18 *investigation and the federal bureau of investigation for a state and*  
19 *national criminal history record check. The department may use the*  
20 *information obtained from fingerprinting and the criminal history record*  
21 *check for purposes of verifying the identification of the individual and for*  
22 *making an official determination of the qualifications for initial or*  
23 *continuing* ~~license~~ **employment** *pursuant to this section and rules and*  
24 *regulations promulgated hereunder. Disclosure or use of any information*  
25 *received by the department for any purpose other than the purposes*  
26 *provided for in this section shall be a class A misdemeanor and shall*  
27 *constitute grounds for removal from office or termination of employment.*

28 (2) *An individual who has been convicted of a felony violation of*  
29 *article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments*  
30 *thereto, or a substantially similar offense in another jurisdiction, within the*  
31 *immediately preceding 10 years, shall be disqualified from initial or*  
32 *continuing* ~~license~~ **employment** *under this section.*

33 (3) *The Kansas bureau of investigation may charge a reasonable fee*  
34 *for conducting a criminal history record check.*

35 (4) *The individual seeking a license or license renewal* **initial or**  
36 **continuing employment** *under this section shall pay the costs of*  
37 *fingerprinting and the state and national criminal history record checks.*

38 ~~(e) The secretary of agriculture shall promulgate rules and regulations~~  
39 ~~to carry out the provisions of this section on or before December 31, 2019,~~  
40 ~~except that no such promulgated rule or regulation shall concern the~~  
41 ~~recording of license plates. Such rules and regulations shall include, but~~  
42 ~~not be limited to, a requirement that license holders shall have a current~~  
43 ~~license in their possession at all times that they are engaged in the~~

1 cultivation, growth, research, oversight, study, analysis, transportation,  
2 processing or distribution of authorized seed or clone plants or industrial  
3 hemp pursuant to this section.

4 (f) ~~The department shall submit a report to the legislature outlining~~  
5 ~~the steps and timeline to implement a process that would allow individuals~~  
6 ~~and business entities to grow and process industrial hemp in Kansas and to~~  
7 ~~sell industrial hemp in other states. Such report shall be submitted to the~~  
8 ~~senate standing committee on agriculture and natural resources and the~~  
9 ~~house standing committee on agriculture on or before January 14, 2019.~~  
10 ~~The department shall send such committees an annual supplemental report~~  
11 ~~on the continued progress of such process at the beginning of each regular~~  
12 ~~legislative session for the following three years.~~

13 (g) ~~Nothing in this section shall be construed to authorize any~~  
14 ~~individual to violate any state or federal law.~~

15 (h) ~~The legislature shall review the provisions of this section prior to~~  
16 ~~July 1, 2022.~~

17 Sec. 17. K.S.A. 2021 Supp. 2-3903 is hereby amended to read as  
18 follows: 2-3903. (a) ~~The alternative crop research act licensing fee fund~~  
19 ~~created in the state treasury shall be renamed the commercial industrial~~  
20 ~~hemp act licensing fee fund and continue to shall be administered by the~~  
21 ~~secretary of agriculture. All expenditures from the commercial industrial~~  
22 ~~hemp act licensing fee fund shall be made in accordance with~~  
23 ~~appropriation acts upon warrants of the director of accounts and reports~~  
24 ~~issued pursuant to vouchers signed by the secretary of agriculture or the~~  
25 ~~secretary's designee.~~

26 (b) Except as provided in K.S.A. 2021 Supp. 2-3907, and  
27 amendments thereto, licensing and renewal fees shall be established  
28 pursuant to rules and regulations adopted by the secretary under the  
29 commercial industrial hemp act. The amounts received for such fees shall  
30 be deposited in the state treasury in accordance with K.S.A. 75-4215, and  
31 amendments thereto, and shall be credited to the commercial industrial  
32 hemp act licensing fee fund.

33 Sec. 18. K.S.A. 2021 Supp. 2-3906 is hereby amended to read as  
34 follows: 2-3906. (a) The Kansas department of agriculture, in consultation  
35 with the governor and attorney general, shall submit a plan to the United  
36 States department of agriculture under which the Kansas department of  
37 agriculture will monitor and regulate the commercial production of  
38 industrial hemp within the state in accordance with 7 U.S.C. § 1621 et seq.  
39 and any rules and regulations adopted thereunder.

40 (b) Such plan shall include the following:

41 (1) A procedure to maintain relevant information regarding land on  
42 which industrial hemp is produced, including a legal description of the  
43 land, for a period of not less than three calendar years;

1 (2) a procedure for testing, using post-decarboxylation or other  
2 similarly reliable methods, the delta-9 tetrahydrocannabinol concentration  
3 levels of industrial hemp produced;

4 (3) a procedure for the effective disposal of industrial hemp and hemp  
5 products that are found to be in violation of this act;

6 (4) any licensing requirements or other rules and regulations deemed  
7 necessary by the Kansas department of agriculture for the proper  
8 monitoring and regulation of industrial hemp cultivation and production  
9 for commercial purposes, including, but not limited to,;

10 (A) Fees for licenses, license renewals and other necessary expenses  
11 to defray the cost of implementing and operating the plan on an ongoing  
12 basis; *and*

13 (B) *standards for authorized seed or clone plants;*

14 (5) a procedure for the creation of documentation that any person in  
15 possession of unprocessed industrial hemp may use to prove to any law  
16 enforcement officer that such industrial hemp was lawfully grown under  
17 this section;

18 (6) a procedure for conducting annual inspections of, at a minimum, a  
19 random sample of hemp producers to verify that industrial hemp is not  
20 produced in violation of this act; and

21 (7) any other procedures necessary to meet the requirements set forth  
22 in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted  
23 thereunder.

24 (c) (1) A hemp producer who negligently violates this section or any  
25 rules and regulations adopted hereunder shall not be subject to any state or  
26 local criminal enforcement action, but shall comply with the following  
27 corrective actions as applicable:

28 (A) A reasonable date by which the hemp producer shall correct the  
29 negligent violation; and

30 (B) a requirement that the hemp producer shall periodically report to  
31 the Kansas department of agriculture on the hemp producer's compliance  
32 with this section and rules and regulations adopted hereunder, for a period  
33 of not less than the next two calendar years.

34 (2) A hemp producer who negligently violates this section or any  
35 rules and regulations adopted hereunder three times in a five-year period  
36 shall be ineligible to produce industrial hemp for a period of five years  
37 beginning on the date of the third violation.

38 (3) The Kansas department of agriculture shall immediately report  
39 any violation by a hemp producer with a greater culpable mental state than  
40 negligence to the attorney general and such hemp producer shall not be  
41 subject to the exemption in subsection (c)(1).

42 (d) Any individual otherwise eligible to become a licensed hemp  
43 producer shall not be eligible to produce industrial hemp if such individual



1 has submitted any materially false information in any application to  
2 become a licensed hemp producer.

3 (e) (1) The department shall require, as a qualification for initial or  
4 continuing licensure, all individuals seeking a license or license renewal as  
5 a hemp producer under this section to be fingerprinted and to submit to a  
6 state and national criminal history record check. The fingerprints shall be  
7 used to identify the individual and to determine whether the individual has  
8 a record of criminal history in this state or any other jurisdiction. The  
9 department is authorized to submit the fingerprints to the Kansas bureau of  
10 investigation and the federal bureau of investigation for a state and  
11 national criminal history record check. The department may use the  
12 information obtained from fingerprinting and the criminal history record  
13 check for purposes of verifying the identification of the individual and for  
14 making an official determination of the qualifications for initial or  
15 continuing licensure as a hemp producer pursuant to this section and rules  
16 and regulations promulgated hereunder. Disclosure or use of any  
17 information received by the department for any purpose other than the  
18 purposes provided for in the commercial industrial hemp act shall be a  
19 class A misdemeanor and shall constitute grounds for removal from office  
20 or termination of employment.

21 (2) An individual who has been convicted of a felony violation of  
22 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments  
23 thereto, or a substantially similar offense in another jurisdiction, within the  
24 immediately preceding 10 years, shall be disqualified from initial or  
25 continuing licensure as a hemp producer under this section.

26 (3) The Kansas bureau of investigation may charge a reasonable fee  
27 for conducting a criminal history record check.

28 (4) The individual seeking a license or license renewal as a hemp  
29 producer under this section shall pay the costs of fingerprinting and the  
30 state and national criminal history record checks.

31 (f) The secretary of agriculture shall promulgate rules and regulations  
32 to implement the plan submitted to the United States department of  
33 agriculture and to otherwise effectuate the provisions of this section.

34 (g) Upon the repeal of 7 U.S.C. § 5940 or either the adoption of a  
35 federal plan by the United States department of agriculture that allows for  
36 the cultivation and production of industrial hemp for commercial purposes  
37 within the state or upon the adoption of rules and regulations by the  
38 Kansas secretary of agriculture that establish the cultivation and  
39 production of industrial hemp for commercial purposes within the state,  
40 the Kansas department of agriculture may discontinue the industrial hemp  
41 research program established pursuant to K.S.A. 2021 Supp. 2-3902, and  
42 amendments thereto.

43 (h) Any modification fee established by the department for any

1 requested change to a license that was previously issued by the department  
2 under this section shall not exceed \$50.

3 (i) Any licensing or other fees collected pursuant to this section and  
4 any rules and regulations adopted hereunder shall be deposited in the  
5 commercial industrial hemp act licensing fee fund established by K.S.A.  
6 2021 Supp. 2-3903, and amendments thereto, for all costs of the  
7 administration of the commercial production of industrial hemp.

8 (j) This section shall be a part of and supplemental to the commercial  
9 industrial hemp act, K.S.A. 2021 Supp. 2-3901 et seq., and amendments  
10 thereto.

11 Sec. 19. K.S.A. 2-1415, 2-1417, 2-1421, 2-1422, 2-1422a and 2-1424  
12 and K.S.A. 2021 Supp. 2-1421a, 2-1423, 2-1427, 2-2113, 2-2118, 2-2120,  
13 2-2135, 2-2136, 2-2137, 2-2138, 2-2139, 2-2140, 2-2141, 2-3901, 2-3902,  
14 2-3903 and 2-3906 are hereby repealed.

15 Sec. 20. This act shall take effect and be in force from and after its  
16 publication in the statute book.