

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 34.—Industrial Hemp

4-34-5. Licenses issued by the department; general requirements for licensees.

(a) Each license issued by the department shall establish the requirements governing each licensee's participation in the pilot program. Any violation of the terms and conditions specified in a license may result in the revocation of any license held by the licensee and denial of future applications. Each licensee shall comply with all instructions from representatives of the department and local, state, and federal law enforcement agencies pertaining to the licensee's involvement in the pilot program.

(b) Before cultivating, planting, growing, handling, harvesting, conditioning, storing, distributing, transporting, processing, researching, overseeing, studying, or analyzing industrial hemp plants, plant parts, grain, or seeds for research purposes at any location in Kansas, each individual shall obtain a license issued by the department.

(c) Before a license is issued by the department, license fees shall be paid as required by K.A.R. 4-34-12. Failure by the individual wanting to be the primary licensee to pay the license fees within 15 days of receipt of notice of conditional approval shall terminate the approval process of the research license application, and the requested licenses shall not be issued by the department.

(d) Except in the case of the death of the primary licensee, a license issued by the department shall not be sold or transferred. If the primary licensee dies, any individual listed on the research license application that has also been issued a license may request that the department modify the license as required by K.A.R. 4-34-13.

(e)(1) Each licensee shall use or allow to be used as part of the pilot program only industrial hemp plants, plant parts, grain, or seeds from varieties currently designated by the department as approved varieties of industrial hemp. The department's document titled "approved varieties of industrial hemp for planting," dated October 15, 2018, is hereby adopted by reference.

(2) Upon request of the individual wanting to be the primary licensee, any licensees listed on that individual's research license application may be authorized by the secretary to cultivate, plant, grow, handle, harvest, condition, store, distribute, transport, or process varieties of industrial hemp other than those varieties identified under paragraph (e)(1), if doing so is appropriate and consistent with the individual's research proposal.

(f) At all times while a licensee is engaged in cultivating, planting, growing, handling, harvesting, conditioning, storing, distributing, transporting, processing, researching, overseeing, studying, or analyzing industrial hemp plants, plant parts, grain or seeds pursuant to the pilot program, the licensee shall have that individual's current license authorizing the activity in possession.

(g) Each license issued by the department shall be valid from the date of issuance until the expiration date unless the license is revoked by the department. Each license shall expire on January 31, following the date of issuance. An individual may apply for a license in successive years by completing a research license application, state and national criminal history records check, fingerprinting, and paying the application and license fees. Issuance of a license in one year shall not guarantee issuance of a license in any subsequent year.

(h) A license shall not be issued by the department to an individual if the individual's research license application includes a location approved by the department as a research area in a license previously issued by the department in the same license year. Any individual may request that the department approve multiple licensed research sections. However, each request shall require a separate research license application, application fees, and license fees.

(i) Any primary licensee may be approved by the department to cultivate, plant, or grow industrial hemp plants, plant parts, grain, or seeds on an acreage or square footage that is equal to or less than the acreage or square footage stated in the research license application. Industrial hemp plants, plant parts, grain, or seeds may be cultivated, planted, or grown on an acreage or square footage that is equal to or less than the approved acreage or square footage. Completion of a modification request form shall not be required if a primary licensee elects to cultivate, plant, or grow

industrial hemp plants, plant parts, grain, or seeds on an acreage or square footage that is less than the acreage or square footage authorized in the license.

(j) Licensees shall use only approved varieties of industrial hemp when engaged in cultivating, planting, growing, handling, harvesting, conditioning, storing, distributing, transporting, or processing industrial hemp plants, plant parts, grain, or seeds, except that any primary licensee may request that the secretary approve varieties of industrial hemp pursuant to paragraph (e)(2).

(k) Each licensee growing seed for seed certification shall meet the requirements specified in the Kansas agricultural seed act, K.S.A. 2-1415 et seq. amendments thereto, and the implementing regulations.

(l)(1) Each licensee shall consent to the department's providing information to law enforcement, fire, and rescue agencies and the public regarding each research area. Additionally, each licensee shall consent to the department's providing information about any licensed research section or research area, including global positioning system coordinates, to representatives of the Kansas bureau of investigation, United States drug enforcement agency, and other law enforcement agencies if representatives of any of these agencies request the information.

(2) Each licensee shall consent to the department's providing appropriate law enforcement agencies in each county with copies of the licensee's license.

(m) Each research area shall be subject to inspection by the department. Each representative of the department shall have complete, unrestricted, and immediate access to all industrial hemp plants, plant parts, grain, and seeds, whether growing or not, including access to all land, buildings, facilities, motor vehicles, and other structures listed on the license issued by the department. Access shall be granted whether the licensee is present or not, at reasonable times, without interference or obstruction, with or without cause, and with or without advance notice. The right of access shall include the unrestricted right to inspect or take samples of any industrial hemp plants, plant parts, grain, or seeds present at the location being accessed, as well as the right to inspect any reports or records pertaining to the licensee's research.

(n) Each licensee shall permit the department to perform any inspections and to collect any samples of any industrial hemp plants, plant parts, grain, or seeds at any time.

(o) Each licensee shall submit all reports required by the department on or before the specified deadlines.

(p) Each primary licensee shall retain, for at least five years, all records created as a result of the primary licensee's participation in the pilot program unless otherwise ordered by the secretary. The records shall be made available for inspection by the department, the Kansas bureau of investigation, and any other law enforcement agencies upon request.

(q) Each licensee shall ensure that any individual applying pesticides to industrial hemp plants or plant parts complies with the Kansas pesticide act, K.S.A. 2-2438a et seq. amendments thereto, and the implementing regulations.

(r) Each licensee shall be solely responsible for that licensee's risk of financial or other loss as a result of participating in the pilot program.

(s) A licensee shall not allow industrial hemp plants, plant parts, grain, or seeds to be cultivated, planted, grown, handled, harvested, conditioned, stored, distributed, transported, or processed at any location other than the locations included on the license issued by the department.

(t)(1) Each licensee shall immediately notify the department of any interaction with law enforcement related to the licensee's participation in the pilot program, as well as any contact with law enforcement related to criminal charges or a criminal investigation involving any crime specified in K.S.A. 2018 Supp. 2-3902, and amendments thereto, or a violation of any law of another jurisdiction that is in substantial conformity with the offenses listed in that statute. The licensee shall provide a written follow-up summarizing the interaction and its outcome to the department within three calendar days of the interaction.

(2) Each primary licensee shall notify the department and appropriate law enforcement agencies of the theft of any industrial hemp plants, plant parts, grain, or seeds within three calendar days of the theft.

(u) A primary licensee shall not permit any individual to participate in the pilot program pursuant to the primary licensee's research license application if that individual's license was revoked by the department or that individual was denied admission to participate in the pilot program. Except when conducting educational activities, a licensee shall not allow access to any research area listed on the license, industrial hemp plants, plant parts, grain, or seeds by an individual whose license was revoked by the department or who was denied admission to participate in the pilot program.

(v) A primary licensee shall not rent or lease land, buildings, facilities, motor vehicles, or other structures that will be used to conduct research as part of the pilot program from any individual whose license was revoked by the department or who was denied admission to participate in the pilot program.

(w) Any licensee may host or engage in educational activities as authorized by the license issued by the department. Any licensee hosting or engaging in educational activities may allow members of the public access to each research area for the sole purpose of participating in educational activities. Any licensee may set up a public display booth showcasing the individual's research relating to industrial hemp plants, plant parts, grain, or seeds at trade shows, county fairs, or other similar events. Licensees shall not allow any members of the public to have physical contact with or possess any industrial hemp plants, plant parts, grain, or seeds and shall not transfer, distribute, trade, sell, give away, barter, or exchange for value any industrial hemp plants, plant parts, grain, or seeds to any member of the public.

(x) A licensee shall not conduct activities that involve industrial hemp plants, plant parts, grain, or seeds that are unrelated to the licensee's approved research proposal, license, or educational activities at any location listed on the license, including industrial hemp-related activities involving an industrial hemp maze.

(y) A licensee shall not distribute industrial hemp plants, plant parts, grain, or seeds at any location that is not identified on the license, including trade shows, county fairs, educational or other events, and any other address not listed on the license.

(Authorized by and implementing K.S.A. 2018 Supp. 2-3902; effective Feb. 8, 2019.)

***** Authenticated Kansas Administrative Regulation *****