

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 34.—Industrial Hemp

4-34-1. Definitions.

Each of the following terms, as used in this article of the department's regulations, shall have the meaning specified in this regulation:

(a) "Act" means the commercial industrial hemp act, K.S.A. 2019 Supp. 2-3901 et seq. and amendments thereto.

(b) "Administrative license" means a license issued to any of the following:

(1) An individual appointed as a member of the state advisory board;

(2) an individual employed by the designated certifying agency who requires licensure as a result of the individual's assigned employment duties and is involved in the administration of the designated certifying agency's responsibilities pursuant to the pilot program;

(3) an individual employed by the department who is involved in the administration, regulation, or oversight of the pilot program or an individual employed by the department who requires licensure as a result of the individual's assigned employment duties; or

(4) an individual who is an employee or agent of a bank, financial institution, or other creditor that has a legal right to take possession of industrial hemp for the purposes of settling a debt.

(c) "Approved variety of industrial hemp" means a variety or strain of industrial hemp authorized for use in the pilot program.

(d) "Certifying agency" has the meaning specified in K.S.A. 2-1415, and amendments thereto.

(e) "Condition," as used in this article of the department's regulations, means to clean or to clean and blend seed within a licensed research section, in order to meet the requirements of agricultural seed for the purpose of being planted or seeded. Seed that has undergone this process is known as "conditioned."

(f) "Department" means Kansas department of agriculture.

(g) "Destroy" means to make incapable of being harvested or processed by means of being incinerated, tilled under the soil, or made into compost or by using another manner approved by the secretary. This process is known as "destruction," which is a type of "effective disposal" as defined in K.S.A. 2019 Supp. 2-3901 and amendments thereto.

(h) "Devitalize" means to render incapable of germinating.

(i) "Grain," as used in this article of the department's regulations, means an industrial hemp plant's unit of sexual reproduction intended to be consumed or processed into hemp products.

(j) "Ground cover" means any species of grass, legume, or forb that is planted to provide seasonal soil cover and is not intended to be harvested.

(k) "Handle" means to cause any movement of industrial hemp on or within a licensed research section.

(l) "Harvest" means to remove industrial hemp plants, plant parts, grain, or seeds from the research area where the industrial hemp plants, plant parts, grain, or seeds were cultivated, planted, or grown.

(m) "Harvest certificate" means a document issued by the department to the primary licensee, after the industrial hemp plants, plant parts, grain, or seeds are harvested, that includes information to assist in identifying the industrial hemp plants, plant parts, grain, or seeds that were harvested.

(n) "Individual" means a natural person.

(o) "Licensed growing area" means an area that is identified on an application or license for cultivating or producing industrial hemp for commercial purposes, can consist of a single primary section legally designated by the public land survey system, and may include an additional half mile in any direction beyond the primary section.

(p) "Licensed research distributor" means an individual licensed by the department to handle, condition, store, distribute, or transport raw, harvested industrial hemp plants, plant parts, grain, or seeds in Kansas.

(q) "Licensed research grower" means an individual licensed by the department to cultivate, plant, grow, handle, harvest, condition, store, distribute, or transport industrial hemp plants, plant parts, grain, or seeds in Kansas.

(r) "Licensed research processor" means an individual licensed by the department to handle, store, or process industrial hemp plants, plant parts, or grain and take part in any aspect of turning raw, harvested industrial hemp into a hemp product in Kansas.

(s) "Licensed research section" means a section legally designated by the public land survey system that is identified in the license issued by the department establishing where a licensee may cultivate, plant, grow, handle, harvest, condition, store, distribute, transport, or process industrial hemp plants, plant parts, grain, or seeds. A licensed research section may include land, structures, and buildings that are not used to cultivate, plant, grow, handle, harvest, condition, store, distribute, transport, or process industrial hemp plants, plant parts, grain, or seeds.

(t) "Licensee" means any individual who possesses a valid license issued by the department pursuant to the act.

(u) "Lot" means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout the area.

(v) "Pilot program" means the industrial hemp research program administered by the department pursuant to the act.

(w) "Plant part" means any portion of an industrial hemp plant, including any of the following:

(1) Whole or partial unprocessed plants, including stalk, leaf, seed, floral, and root materials;

(2) raw roots;

(3) fresh, unprocessed, dried, or ground leaves or floral material; or

(4) rooted plants, cuttings, propagules, or clones.

(x) "Primary licensee" means an individual at least 18 years of age who was issued a research license by the department and who shall be responsible for ensuring that all licensees listed on the research license application submitted by that individual comply with the requirements of the act and any implementing regulations.

(y) "Research area" means a location within a licensed research section used for the cultivation, planting, growth, handling, harvesting, conditioning, storage, distribution, transporting, or processing of industrial hemp plants, plant parts, grain, or seeds.

(z) "Secretary" means secretary of the Kansas department of agriculture or the secretary's designated representative.

(aa) "Seed," as used in this article of the department's regulations, means an industrial hemp plant's unit of sexual reproduction intended to be planted for germination.

(bb) "Variety" means a subdivision of a species that meets the following conditions:

(1) Is uniform, in the sense that the variations in essential and distinctive characteristics are describable;

(2) is stable, in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity if reproduced or reconstituted as required by the different categories of varieties; and

(3) is distinct, in that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other publicly known varieties.

(cc) "Volunteer plant" means any plant of the genus cannabis that grows of its own accord from seeds or roots and is not intentionally planted.

(Authorized by and implementing K.S.A. 2019 Supp. 2-3902; effective Feb. 8, 2019; amended Feb. 26, 2021.)

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