

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 34.—Industrial Hemp

4-34-19. Post-harvest inspection; sample collection; testing and post-testing actions.

(a) Each licensee shall allow the department to inspect and sample industrial hemp plants, plant parts, grain, or seeds any time after the industrial hemp plants, plant parts, grain, or seeds have been harvested. The initial post-harvest sample shall not require an additional sampling fee or testing fee.

(b) A licensee, whether present or not, shall permit representatives of the department complete, unrestricted, and immediate access to all industrial hemp plants, plant parts, grain, and seeds and all locations, buildings, and motor vehicles listed on the license. Access shall be granted at reasonable times, without interference or obstruction, with or without cause, and with or without advance notice.

(c) Any primary licensee may request collection of a sample from each research area listed on the license. Each sample collected shall be subject to the sampling and testing fees required by K.A.R. 4-34-12.

(d) Based on the results of the testing, one of the following shall apply:

(1) A sample containing a delta-9 tetrahydrocannabinol concentration of 0.3 percent or less on a dry-weight basis shall result in the issuance of a passing report of analysis and shall list each research area from which the sample was taken. Each passing report of analysis shall identify the harvest certificate or bill of lading that accompanied the industrial hemp plants, plant parts, grain, or seeds sampled.

(2) A sample containing a delta-9 tetrahydrocannabinol concentration of higher than 0.3 percent on a dry-weight basis shall result in the issuance of a failing report of analysis and shall list each research area from which the sample was taken.

(A) Within seven days of issuance of a failing report of analysis, the primary licensee may request that the department either collect a subsequent post-harvest sample or

destroy all plants, plant parts, grain, or seeds located in each research area that was sampled and identified on the failing report of analysis.

(B) A subsequent post-harvest sample requested by the primary licensee and found to contain a delta-9 tetrahydrocannabinol concentration of higher than 0.3 percent on a dry-weight basis shall result in the issuance of a failing report of analysis. Within seven days of issuance of the failing report of analysis, a licensee listed on the primary licensee's research license application licensee shall destroy all plants, plant parts, grain, or seeds that are located in each research area that was sampled and identified in the failing report of analysis.

(C) If any sample is found to contain a delta-9 tetrahydrocannabinol concentration of higher than 0.3 percent on a dry-weight basis, the testing results and the location of each sampled research area may be referred to the Kansas bureau of investigation and other appropriate law enforcement agencies for further investigation.

(D) If any sample is found to contain a delta-9 tetrahydrocannabinol concentration of 2.0 percent or higher on a dry-weight basis, the testing results and the location of each sampled research area shall be referred to the Kansas bureau of investigation and other appropriate law enforcement agencies for further investigation.

(e) After the collection of a sample, no licensee shall handle, condition, distribute, transport, or process the sampled industrial hemp plants, plant parts, grain, or seeds until the primary licensee is issued a passing report of analysis. The sampled industrial hemp plants, plant parts, grain, or seeds shall not be processed, exchanged for value, or otherwise allowed to come into the possession of anyone other than a licensee listed on the primary licensee's research license application until a passing report of analysis is issued.

(f) Destruction of industrial hemp plants, plant parts, grain, or seeds shall occur by a licensee listed on the primary licensee's research license application at the primary licensee's expense. All volunteer plants shall be destroyed during the current license year and for at least three years after the last reported date of planting. Each licensee shall allow representatives of the department or law enforcement to be present during the destruction of industrial hemp plants, plant parts, grain, or seeds, or proof of the destruction may be required by the department. If the destruction of industrial hemp

plants, plant parts, grain, or seeds occurs, the primary licensee shall not be eligible for a refund of any fees paid.

(g) All samples collected by the department shall become the property of the department, and no compensation shall be owed to the licensee.

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

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