

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 34.—Industrial Hemp

4-34-21. Violations; disciplinary sanctions.

(a) Each of the following acts and omissions shall constitute a violation for which disciplinary sanctions, including revocation of any license and denial of future applications, may be imposed by the department:

(1) Failure to cooperate with the department and law enforcement agencies in administration and enforcement of the act, and amendments thereto, and the implementing regulations;

(2) failure to provide any information relating to the administration of the pilot program that the department requests;

(3) providing false, misleading, or incorrect information relating to the licensee's participation in the pilot program to the department;

(4) failure to submit any forms or reports as required;

(5) cultivating, planting, growing, or otherwise possessing plants of the genus cannabis with a delta-9 tetrahydrocannabinol concentration greater than 0.3 percent on a dry-weight basis;

(6) failure to pay any fees assessed by the department;

(7) submitting a pre-harvest report or destruction report and harvesting or destroying industrial hemp plants, plant parts, grain, or seeds before sampling by the department;

(8) harvesting any industrial hemp plants, plant parts, grain, seeds without being issued a passing report of analysis;

(9) failure to destroy any industrial hemp plants, plant parts, grain, seeds, volunteer plants, or plants of the genus cannabis with a delta-9 tetrahydrocannabinol concentration greater than 0.3 percent on a dry-weight basis as required by this article of the department's regulations;

(10) harvesting any industrial hemp plants, plant parts, grain, or seeds after being issued a failing report of analysis; and

(11) any other violation of the act, and amendments thereto, or the implementing regulations.

(b) If a licensee cultivates, plants, grows, handles, harvests, conditions, stores, distributes, transports, or processes any industrial hemp plants, plant parts, grain, or seeds as part of the pilot program at any location not listed on the license, the industrial hemp plants, plant parts, grain, or seeds at that location shall be destroyed by any licensee that received a license issued pursuant to the primary licensee's research license application. The destruction shall be at the primary licensee's expense, and any license may be revoked.

(c)(1) Each licensee whose license is revoked shall destroy any industrial hemp plants, plant parts, grain, or seeds in that individual's possession at that individual's own expense, no more than 15 business days after the department directs the individual to do so. The licensee shall not be eligible to reapply or otherwise participate in the pilot program for at least five years from the date of revocation. If a primary licensee's research license is revoked, all industrial hemp plants, plant parts, grain, or seeds that are subject to the primary licensee's license shall be destroyed by a licensee listed on the research license application and at the primary licensee's expense.

(2) Each licensee that will destroy industrial hemp plants, plant parts, grain, or seeds pursuant to paragraph (c)(1) shall notify the department of the date and time of destruction within five days of issuance of the notification that destruction is required. Each licensee shall notify the department of any change in the destruction date or time. Additional sampling and testing may be required by the department for a change of five or more days. Representatives of the department or law enforcement may be present during the destruction, or proof of the destruction may be required by the department.

(3) All volunteer plants shall be destroyed during the current license year and for at least three years after the last reported date of planting.

(4) No refund shall be issued for any fees paid by the primary licensee.

(d) If a licensee violates any provision of the act, and amendments thereto, or the implementing regulations, any license may be revoked, in whole or in part, by the secretary, as deemed appropriate.

(e) Any prior violations of the act, and amendments thereto, the implementing regulations or previous revocations of a license may be considered when reviewing new research license applications.

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

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