

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 34.—Industrial Hemp

4-34-17. Pre-harvest and harvest requirements; harvest certificates.

(a) Each primary licensee shall notify the department of every intended harvest date in a pre-harvest report at least 30 days before each intended harvest date. Each primary licensee shall immediately notify the department regarding a change to any date previously reported to the department if the change to the harvest date is five or more days. Additional sampling and testing may be required by the department as a result of any change to the harvest date of five or more days.

(b) If two or more harvests will be conducted from the same research area within a license year, the primary licensee shall notify the department of each intended harvest date at least 30 days before each intended harvest date. The primary licensee shall pay a subsequent sampling fee and testing fee for each harvest conducted after the initial harvest of a research area.

(c) No more than 15 days before any industrial hemp plants, plant parts, grain, or seeds are cut, picked, collected, or otherwise harvested, each licensee shall allow a sample to be collected by the department for testing as specified in K.A.R. 4-34-18. The initial pre-harvest sample shall not require an additional sampling fee or testing fee.

(d) Before harvesting any industrial hemp plants, plant parts, grain, or seeds, the licensee shall be required to receive a passing report of analysis from the department. After issuance of a passing report of analysis from the department, the licensee shall have 10 days to fully harvest the industrial hemp plants, plant parts, grain, or seeds, unless otherwise authorized in writing by the secretary.

(e) If a licensee fails to fully harvest the industrial hemp plants, plant parts, grain, or seeds within 10 days after issuance of the passing report of analysis, the primary licensee shall perform one of the following:

(1) Notify the department within seven days after the expiration of the 10-day harvest period of the intended second harvest date, request that the department collect a subsequent pre-harvest sample, and pay the required sampling and testing fees; or

(2) notify the department within seven days after the expiration of the 10-day harvest period of the intended date by which the licensee shall destroy the industrial hemp plants, plant parts, grain, or seeds. The primary licensee shall notify the department of any change in the destruction date.

Destruction of industrial hemp plants, plant parts, grain, or seeds shall occur by an individual listed on the primary licensee's research license application and 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. If destruction of industrial hemp plants, plant parts, grain, or seeds occurs, no refund shall be issued for any fees paid by a primary licensee.

(f) No more than five days after the harvest of industrial hemp plants, plant parts, grain, or seeds is completed, the primary licensee shall notify the department that the harvest has been completed and request issuance of a harvest certificate. A harvest certificate shall not be issued by the department until the following information is provided for inclusion in the harvest certificate:

(1) The official name of the industrial hemp variety that was cultivated, planted, or grown;

(2) each date on which the licensee harvested the industrial hemp plants, plant parts, grain, or seeds;

(3) the global positioning system coordinates for each research area where the industrial hemp plants, plant parts, grain, or seeds were harvested; and

(4) a statement of intended end-use for all industrial hemp plants, plant parts, grain, or seeds that were harvested.

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