

Kansas Administrative Regulations

Kansas Department of Agriculture

Article 34.—Industrial Hemp

4-34-9. State educational institution research license.

(a) Each state educational institution wanting to allow individuals to conduct research pursuant to the pilot program shall authorize this participation and shall be directly responsible for any volunteer, student, employee, or research and extension employee conducting the research.

(b) Each volunteer, student, employee, or research and extension employee of a state educational institution that wants to conduct research pursuant to the pilot program shall submit a completed, accurate, and legible research license application for a state educational institution research license. Each research license application shall designate the individual wanting to be a primary licensee and list all proposed licensees. Each research license application shall include a research proposal and the required state and national criminal history record check.

No application fees or license fees shall be assessed to any individuals wanting a state educational institution research license. However, the costs associated with fingerprinting and the state and national criminal history record check shall be the responsibility of any individual wanting a state educational institution research license.

(c) Volunteers, students, employees, and research and extension employees of a state educational institution shall not apply for a license or conduct research without first obtaining written approval from the head of any applicable department stating that the individual wanting to be a primary licensee and the proposed licensees are part of a sanctioned state educational institution research proposal, which shall be submitted with the research license application. Each individual wanting to be the primary licensee on a state educational institution research license shall apply for and obtain that license before conducting research or having industrial hemp plants, plant parts, grain, or seeds at any location in Kansas.

(d) Each individual wanting to be the primary licensee on a state educational institution research license shall identify the following on the research license application:

(1) Each owner of all land, structures, and buildings where any proposed research will be conducted;

(2) each owner of any motor vehicle that will be used to distribute or transport industrial hemp plants, plant parts, grain, or seeds;

(3) each individual that will own 10 percent or more of the industrial hemp plants, plant parts, grain, or seeds being cultivated, planted, or grown;

(4) each individual that will otherwise be involved in the research proposal, including volunteers, students, employees, research and extension employees, and any other individuals that will be engaged in the purchasing, researching, cultivating, planting, growing, handling, harvesting, conditioning, storing, distributing, transporting, processing, studying, analyzing, or selling of industrial hemp plants, plant parts, grain, or seeds; and

(5) all individuals that will have access to any proposed research area.

(e) Any state educational institution licensee may cultivate, plant, grow, handle, harvest, condition, store, distribute, transport, or process industrial hemp plants, plant parts, grain, or seeds pursuant to the license.

(f)(1) The requirements for research license applications specified in K.A.R. 4-34-4 (b) through (f) and the requirements for the state and national criminal history record check specified in K.A.R. 4-34-3 shall apply to state educational institution licensees. Each state educational institution licensee shall comply with the requirements of K.A.R. 4-34-5, the requirements for a research grower license pursuant to K.A.R. 4-34-6, the requirements for a research distributor license pursuant to K.A.R. 4-34-7, and the requirements for a research processor license pursuant to K.A.R. 4-34-8, except that a state educational institution licensee shall not be required to pay any application fees, license fees, modification fees, sampling fees, or testing fees.

(2) Any individual wanting to be primary licensee on a state educational institution license may include a location on the individual's research license application that has

previously been approved by the department as a research area in the same license year.

(3) A state educational institutional licensee shall be prohibited from the following:

(A) Storing or distributing industrial hemp plants, plant parts, grain, or seeds cultivated or grown under another's license, except with the secretary's written permission; and

(B) operating a mobile processing facility.

(g) A state educational institution licensee shall not conduct research as part of the pilot program on any research area not owned by the state educational institution. A state educational institution licensee shall not enter into any agreement or otherwise subcontract with an individual or business entity to permit the licensee to conduct research on any land, structures, or buildings not owned by the state educational institution.

(h) A primary licensee on a state educational institution license shall not permit any individual to participate in the pilot program pursuant to the primary licensee's research license application or otherwise have access to the licensee's research area, industrial hemp plants, plant parts, grain, or seeds if that individual's license was revoked by the department or that individual was denied admission to participate in the pilot program.

(i) Any individual wanting to be a primary licensee on a state educational institution license may request that the department authorize the licensee to interplant industrial hemp plants, plant parts, grain, or seeds with other crops in a research area.

(j) Each state educational institution licensee that is no longer affiliated with the state educational institution shall notify the department and withdraw from the pilot program pursuant to K.A.R. 4-34-16.

(Authorized by K.S.A. 2018 Supp. 2-3902; implementing K.S.A. 2018 Supp. 2-3902 and 2-3903; effective Feb. 8, 2019.)

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