

Kansas Administrative Regulations

State Fire Marshal

Article 26.—Commercial Industrial Hemp Processing

22-26-3. Compliance with laws; denial, revocation, or conditioning of a registration; appeals.

(a) Each processor shall comply with the act and the implementing regulations and with all local, state, and federal laws, regulations, and ordinances related to industrial hemp, hemp products, and materials containing THC. Each processor shall be responsible for the actions of its employees, contractors, and agents in their performance of any activities relating to the acquisition, possession, sale, distribution, processing, or transportation of hemp, distillate, seeds, and hemp waste.

(b) Each of the following shall constitute a basis for the state fire marshal to deny an initial or renewal application or to impose conditions on a registration or revoke a registration:

(1) Knowingly providing any false, misleading, or incorrect information on the registration application or to the state fire marshal;

(2) failure to provide any information that the state fire marshal requests;

(3) failure to cooperate with the state fire marshal or law enforcement agencies in administration and enforcement of the act and the implementing regulations;

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

(5) violation of any provision of the act or the implementing regulations;

(6) revocation of a registration, license, permit, or certificate to practice in the hemp industry by the state fire marshal, the Kansas department of agriculture, the United States department of agriculture, another state, or any Indian nation or U.S. territory within the three years preceding the application date;

(7) any conviction, other than a felony conviction, related to growing, cultivating, processing, or distributing hemp or marijuana within the five years preceding the application date;

(8) failure to ensure that fingerprint-based criminal history record checks are conducted as required by the act and the implementing regulations;

(9) conviction of an individual applicant, or an officer, proprietor, or partner of the applicant entity or an owner of more than a 10 percent interest in the processing operations, within the preceding five years of a felony or Class A misdemeanor violation involving homicide, assault, domestic violence, battery, fraud, theft, or misappropriation of another person's money or property, or offenses that are substantially similar to these offenses under the laws of another jurisdiction or federal law;

(10) conviction of an individual applicant, or an officer, proprietor, or partner of the applicant entity or an owner of more than a 10 percent interest in the processing operations within the preceding 10 years of a felony involving the unlawful use, possession, or distribution of drugs;

(11) knowingly employing any individual to engage in any activities related to the processing of hemp, distillate, seeds, or hemp waste if the individual has been convicted within the preceding five years of any of the crimes listed in paragraph (9) of this subsection or within the preceding 10 years of any of the crimes listed in paragraph (10) of this subsection; and

(12) failure to submit to the state fire marshal the name and the job title or job responsibilities of each new employee within 14 days of hiring.

(c) If a processor's Kansas registration is revoked, the person shall not be eligible to apply for a hemp processor registration for three years from the date of revocation.

(Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by L. 2021, ch. 76, sec. 5, and K.S.A. 74-120; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-22-5-26-21, May 28, 2021; effective Oct. 22, 2021.)

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