

# **Kansas Administrative Regulations**

## **Kansas Department of Agriculture**

### **Article 34.—Industrial Hemp**

#### **4-34-16. Voluntary withdrawal; voluntary partial destruction.**

(a) Any licensee may voluntarily withdraw from the pilot program after providing the department with written notice of the intent to do so. Notice shall be provided at least 30 days before the intended withdrawal date, except with prior written approval from the department. If a licensee listed on a primary licensee's research license application withdraws from the pilot program, the primary licensee shall modify each license as specified in K.A.R. 4-34-13.

(b) If a primary licensee voluntarily withdraws from the pilot program, all industrial hemp plants, plant parts, grain, or seeds being cultivated, planted, grown, handled, harvested, conditioned, stored, distributed, transported, or processed pursuant to the licensee's license shall be destroyed and all licenses issued pursuant to the research license application shall be surrendered. Each primary licensee who voluntarily withdraws from the pilot program shall provide the department at least 15 days' notice of the date and time the primary licensee intends to destroy the industrial hemp plants, plant parts, grain, or seeds pursuant to that individual's license and shall notify the department of any change in the destruction date or time.

(c) If a primary licensee notifies the department of the intent to withdraw from the pilot program but fails to destroy all industrial hemp plants, plant parts, grain, or seeds being cultivated, planted, grown, handled, harvested, conditioned, stored, distributed, transported, or processed pursuant to that individual's license within 15 days of the intended destruction date, the license of the primary licensee and each license issued pursuant to the research license application may be revoked and all industrial hemp plants, plant parts, grain, or seeds being cultivated, planted, grown, handled, harvested, conditioned, stored, distributed, transported, or processed as part of the primary licensee's research shall be destroyed at the primary licensee's expense.

(d) Any primary licensee conducting research pursuant to a research grower license may voluntarily destroy any industrial hemp plants being cultivated, planted, or grown in a portion of any research area without withdrawing from the pilot program. Each primary licensee conducting research pursuant to a research grower license who intends to destroy the industrial hemp plants being cultivated, planted, or grown in any research area listed on that individual's license shall provide the department at least 15 days' notice of the date and time of destruction and shall notify the department of any change in the destruction date or time.

(e) Each primary licensee that has been issued a failing report of analysis shall comply with the destruction requirements in K.A.R. 4-34-18 and K.A.R. 4-34-19, as applicable.

(f) Representatives of the department or law enforcement may be present during any destruction of industrial hemp plants, plant parts, grain, or seeds, or proof of the destruction may be required by the department.

(g) Each primary licensee who destroys any industrial hemp plants being cultivated, planted, grown, handled, harvested, conditioned, stored, distributed, transported, or processed pursuant to that individual's license shall, within 15 days after the destruction, notify the department in writing of the number of acres of industrial hemp plants, plant parts, grain, or seeds that were planted in each research area and the number of acres destroyed in each research area.

(h) Upon destruction of any industrial hemp plants, plant parts, grain, or seeds, all volunteer plants shall also be destroyed during the current license year and for at least three years after the last date of planting reported to the department.

(i) Voluntary destruction of industrial hemp plants, plant parts, grain, or seeds shall be performed by a licensee listed on the research license application of the primary licensee and shall be at the primary licensee's expense. If the destruction of industrial hemp plants, plant parts, grain, or seeds occurs, the licensee shall not be eligible for a refund of any fees paid by a primary licensee.

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