

Kansas Administrative Regulations

State Fire Marshal

Article 26.—Commercial Industrial Hemp Processing

22-26-14. Chain of custody for transportation of distillate.

(a) No processor shall supply or release distillate to any person or individual in Kansas who does not possess one of the credentials specified in K.S.A. 2020 Supp. 2-3908 and amendments thereto or who is not an employee of a person having one of those credentials, except that, if not otherwise prohibited by state or federal law, any processor may release distillate to an employee of a commercial shipping or delivery company for transport to a licensed hemp producer in Kansas, a registered hemp processor in Kansas, or another lawful recipient.

(b) Each processor shall package all distillate leaving a hemp processing facility in a container that is sealed with tamper-evident tape. The processor shall take a digital photo of the seals on the containers after sealing the containers.

(c) Each sealed container shall be placed in a locked compartment within the transport vehicle or secured in accordance with the policies of a commercial shipping or delivery company. Acceptable compartments shall include a trunk in a car, a locking cargo box in a truck, a safe, and a lockbox.

(d) When distillate leaves a hemp processing facility, the processor shall record the following information on a form provided by the state fire marshal:

- (1) Number of containers in the shipment;
- (2) batch identification numbers for the distillate in each container;
- (3) weight of each container;
- (4) date and time of transfer;
- (5) delivery address, recipient name, and any other identifying information about the recipient required by the state fire marshal; and
- (6) if the transportation is not being performed by a commercial shipping or delivery company, the signature, name, and driver's license or state-issued identification card number of each individual in the transport vehicle.

(e)(1) If the transportation is not being performed by a commercial shipping or delivery company, a copy of the form specified in subsection (d) shall be retained by the driver and shall be shown to any law enforcement officer upon demand, to demonstrate that the driver is authorized to transport distillate.

(2) If the transportation is being performed by a commercial shipping or delivery company, each processor shall include in the package a copy of the form specified in subsection (d).

(f)(1) If transportation is not being performed by a commercial shipping or delivery company, upon delivery of the distillate, each individual in the transport vehicle shall sign the form; record the date, time, and place of delivery; and record the name and title of the person taking delivery and any other identifying information requested by the state fire marshal.

(2) If transportation is being performed by a commercial shipping or delivery company, each processor shall use a delivery service that provides for delivery restricted to identified recipients, requires a recipient signature at the time of delivery, and provides for delivery confirmation.

(g) The recipient shall record the date and time of delivery, take a digital photo of each seal, and inspect each container and seal for any indication of tampering.

(1) If a container or a seal shows any sign of tampering, the recipient shall take possession of the delivery and shall immediately notify the processor and the state fire marshal.

(2) If the recipient detects no tampering, the recipient shall sign the delivery form acknowledging that each seal and container was intact upon delivery and shall return a copy of the delivery form to the processor by physical or electronic means.

(h) The recipient shall retain the information and photos required by this regulation for three years and shall make the information and photos available to the state fire marshal upon request.

(Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by L. 2021, ch. 76, sec. 5, K.S.A. 2020 Supp. 2-3908, as amended by L. 2021, ch. 76, sec. 6; 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 *****