

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: Senate Committee on Agriculture and Natural Resources  
From: Office of Revisor of Statutes  
Date: March 9, 2022  
Subject: HB 2563—Concerning the Kansas seed law, plant pest act and the commercial industrial hemp act.

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House Bill 2563 as amended by House Committee would amend the commercial industrial hemp act, Kansas seed law and the plant pest act and agriculture commodity certification act.

Commercial Industrial Hemp Act

New Section 1 would allow the Kansas department of agriculture to provide industrial hemp testing services to persons or governmental entities that are not licensed under the commercial industrial hemp act, including law enforcement agencies, when the department has the capacity to do so. The secretary would be authorized to establish a fee schedule in rules and regulations. Any fees collected would be credited to the laboratory testing services fee fund. Additionally, any results of such tests would be made available to the Kansas bureau of investigation upon request.

Section 15 would expand the definition of "state educational institution" to include accredited colleges, universities, technical colleges and community colleges. Under K.S.A. 2-3908, such institutions are allowed to use hemp products for research purposes. Section 16 would strike language concerning the now defunct research program and would allow the secretary to establish an advisory board through rules and regulations. Additionally, language requiring fingerprinting and a criminal history record check for persons licensed under the research program would be repurposed to apply to individuals employed or seeking employment with the department of agriculture who oversee or regulate commercial industrial hemp.

Sections 17 and 18 make additional technical changes.

### Kansas Seed Law

New Section 2 would create labeling and coloring requirements for seeds that have been treated with an irritating or poisonous substance that is harmful to humans or other vertebrate animals. This section would provide labeling requirements for seeds that have been treated with substances that are not harmful and seeds that have been treated with an inoculant.

Sections 3 through 11 would make various additional amendments to the Kansas seed law.

Currently, the definitions for "noxious weed seed" and "restricted weed seed" provide a list of individual plant species. Section 3 of HB 2563 would amend the definition of "noxious weed seed" to mean the seed of any species of plant declared to be a noxious weed by the secretary through rules and regulations, which is consistent with the definition of "noxious weed" in the noxious weed act. Similarly, "restricted weed seed" would be defined to mean seeds that are objectionable but controllable and designated as restricted weed seeds pursuant to rules and regulations adopted by the secretary in consultation with various industry organizations and programs within the Kansas state university college of agriculture. Section 3 would also add a new definition for the term, "prohibited weed seed" which would be seeds or bulblet of species that are highly destructive and difficult to control as designated by the secretary through rules and regulations in consultation with various industry organizations and programs within the Kansas state university college of agriculture. Additionally, the definition of "agricultural seed" would be amended to include industrial hemp seed.

Section 4 would amend labeling requirements for agricultural seed by including requirements for certain hemp seed labels, reorganizing existing provisions and making technical updates.

Section 5 would amend the unlawful actions contained in the act by reorganizing existing provisions and making technical updates.

Section 6 would amend provisions relating to wholesaler and retailer business registrations, including authorizing the secretary to revoke, suspend, modify or refuse to renew any such registration under certain circumstances.

Section 7 would amend the penalties for violations of the Kansas seed law, including authorizing the secretary to assess a civil fine of not less than \$100 and not more than \$3,000 per violation. Moneys collected from any civil fine would be credited to the state general fund.

Section 8 through 11 would make technical updates.

### Plant Pest Act

Sections 12 through 14 would make amendments to the plant pest act that relate to live plant dealers.<sup>1</sup> Live plant dealers are required to be licensed, however, there is currently an exception for those who do not import or export plants into or out of the state and have annual gross receipts of less than \$10,000. HB 2563 would remove such exemption and place it with a reduced license fee not to exceed \$50 for live plant dealers who do not export live plants out of the state, have annual gross receipts under \$5,000 and have a single location (other than temporary locations). Additionally, any person who conducts business as a special event live plant dealer would not be required to obtain a license but would be required to register with the secretary. A special event live plant dealer would be defined as a person who conducts business for five or fewer days in a calendar year as a nonprofit, charitable, educational or religious organization or gives live plants a premium for advertising purposes without selling live plants as part of such persons' business.

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<sup>1</sup> A live plant dealer is someone whose business includes growing live plants for sale or distribution; buying or obtaining live plants for reselling or reshipping within Kansas; or planting, transplanting or moving live plants within the state to plant for others.