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## Kansas Soil Amendment Act

**K.S.A. 2-2801. Citation of act.** This act shall be known and may be cited as the Kansas soil amendment act.

**K.S.A. 2-2802. Administration of act.** This act shall be administered by the secretary of agriculture.

**K.S.A. 2-2803. Definitions.** As used in this act, unless the context otherwise requires:

(a) "Soil amendment" means and includes any substance which is intended to improve the physical, chemical or other characteristics of the soil or improve agriculture crop production, except that it shall not include the following: Commercial fertilizers, agricultural liming materials including ground and slaked lime, unmanipulated animal manures, vegetable compost and pesticides.

(b) "Name" means the specific designation under which the individual product is offered for sale.

(c) "Bulk" means in nonpackaged form.

(d) "Distribute" means to import, consign, offer for sale, sell, barter or to otherwise supply soil amendments to any person in this state.

(e) "Label" means the display of written, printed or graphic matter upon the immediate container of a soil amendment.

(f) "Unmanipulated animal manures" means the refuse of stables, barnyards or feedlots consisting of animal excreta with or without litter.

(g) "Secretary" means the secretary of agriculture.

(h) "Department" means the Kansas department of agriculture.

(i) "Active ingredient" means the ingredient or ingredients which affect the physical, chemical or other characteristics of the soil and thereby improve soil condition.

(j) "Inert ingredient" means the ingredients which do not have any beneficial effect but are present in the product.

(k) "Person" means individuals, partnerships, associations and corporations.

(l) "Percent" or "percentage" means by weight.

(m) "Registrant" means any person who registers a soil amendment under the provisions of this act.

(n) "Value" means that a product provides statistically established economic benefits to the end user of the product.

(o) "Usefulness" means that there exists data on a product that proves that the product has a beneficial contribution towards the improvement of the physical, chemical or other characteristics of the soil or that the product improves agricultural crop production.

(p) "Agricultural crop production" means the production of field crops commonly grown in Kansas as opposed to horticultural or landscaping stock.

**K.S.A. 2-2804. Labeling of containers, bulk lots; listing or guaranteeing active ingredients; data substantiating usefulness, when required.** (a) Each container of a soil amendment shall be labeled on the face or display side in a readable and conspicuous form to show the following information:

(1) The net weight of the contents;

(2) the name of the product;

(3) the guaranteed analysis, including the name and the percentage of each active ingredient and the percentage of inert ingredients;

(4) a statement as to the purpose of the product;

- (5) adequate directions for use; and
- (6) the name and address of the registrant.
- (b) Bulk lots shall be labeled by attaching a copy of the label to the invoice, which shall be furnished the purchaser.
- (c) No active ingredient may be listed or guaranteed on a label or labeling of a soil amendment without the secretary's approval. The secretary shall allow an active ingredient to be listed or guaranteed on the label or labeling if satisfactory supportive data is provided the secretary to substantiate the value and usefulness of the active ingredient. In any case where there are no active ingredients or there are no claims made for the product, the secretary may require supportive data or information to substantiate the value and usefulness of the product. The secretary may rely on outside sources such as the agricultural experiment stations established by K.S.A. 76-465 and amendments thereto for assistance in evaluation of the data submitted.
- (d) When an active ingredient is permitted to be listed or guaranteed, it must be determinable by laboratory methods and is subject to inspection and analysis. The secretary may prescribe methods and procedures of inspection and analysis of the active ingredient.
- (e) The provisions of this section shall not apply to any bulk lots of animal manures except that the quantity and name of any ingredients added thereto shall be specified.

**K.S.A. 2-2805. Registration of products; application; fee; requirements.** Each soil amendment product shall be registered with the secretary before it is distributed in this state. Application for registration shall be submitted to the secretary, on a form prepared for that purpose, showing the information required on the label, as provided in K.S.A. 2-2804, and amendments thereto, except net weight of product. The registration fee shall be fixed by rules and regulations adopted by the secretary of agriculture for each product, except that such fee shall not exceed \$100 for each product. The soil amendment product registration fee in effect on the day preceding the effective date of this act shall continue in effect until the secretary of agriculture adopts rules and regulations fixing a different fee therefor under this section. All registrations shall expire on December 31 of the year in which such soil amendment product is registered. The applicant shall submit with the application for registration a copy of the label and a copy of all advertisements, brochures, posters and television and radio announcements to be used in promoting the sale of the soil amendment.

**K.S.A. 2-2806. Same; inspection fee; records required; report;** Repealed 2005 session

**K.S.A. 2-2807. Unregistered, unlabeled or misbranded soil amendments; stop sale, use or removal orders.** The secretary may issue and enforce a written or printed "stop sale, use or removal" order to the owner or custodian of any lot of soil amendment, and to hold at a designated place when the secretary finds said soil amendment is being offered or exposed for sale which is not registered, is not labeled, is misbranded or is adulterated, until such time as the product or labeling complies with this act. The soil amendment may then be released in writing by the secretary.

**K.S.A. 2-2808. Violations of act.** It shall be a violation of this act for any person to:

- (a) Distribute a soil amendment that is not registered with the secretary;
- (b) distribute a soil amendment that is not labeled;
- (c) distribute a soil amendment that is misbranded;
- (d) distribute a soil amendment that is adulterated;
- (e) fail to comply with a stop sale, use or removal order; or

**K.S.A. 2-2809. Misbranded or adulterated, defined.** (a) for the purposes of this act, a soil amendment shall be deemed to be misbranded if:

- (1) It bears a label which is false or misleading in any particular;
- (2) it is distributed under the name of another soil amendment;
- (3) it is not labeled in accordance with K.S.A. 2-2804 or rules and regulations adopted under the provisions of this act; or
- (4) it purports to be or is represented as being or containing a soil amendment, and does not conform to the standards of identity prescribed by rules and regulations adopted under the provisions of this act.

(b) For the purposes of this act, a soil amendment shall be deemed to be adulterated if:

- (1) It contains any deleterious or harmful agent in sufficient amount to render it injurious to beneficial plant, animal or aquatic life when applied in accordance with the directions for use shown on the label, or if adequate warning statements and directions for use which may be necessary to protect plant, animal or aquatic life are not shown on the label;
- (2) its composition differs from that which it is purported to possess by its labeling; or
- (3) it contains any noxious weed seed.

**K.S.A. 2-2810. Inspection.** The secretary or his or her authorized agents may inspect, sample, analyze and test soil amendments distributed in this state at any time and place, and to such extent that he or she may deem necessary to determine whether such soil amendments are in compliance with this act.

**K.S.A. 2-2811. Rules and regulations.** The board is authorized to adopt such rules and regulations as may be necessary to administer this act, including methods of sampling, methods of analysis, designation of ingredient forms and standards of identity of products.

**K.S.A. 2-2812. Refusal to register products; revocation; hearing.** The secretary shall refuse to register any product that does not comply with this act and the rules and regulations promulgated under this act. The secretary is also authorized and empowered to revoke any registration upon satisfactory evidence that the registrant or any of his or her agents has used fraudulent or deceptive practices except that registration shall not be revoked until the registrant has been given an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

**K.S.A. 2-2813. Penalties; injunction.** (a) Any person convicted of violation of any provision of this act or the rules and regulations promulgated under this act shall be guilty of a class C misdemeanor. Nothing in this act shall be construed as requiring the secretary or his or her authorized agents to report for prosecution or for seizure of any product as a result of minor violations when he or she believes the public interest will best be served by a suitable written warning.

(b) The secretary is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this act or any rule or regulation promulgated under this act, notwithstanding the existence of other remedies at law. Said injunction shall be issued without bond.

**K.S.A. 2-2814. Disposition of moneys; soil amendment fee fund.** The secretary shall remit all moneys received by or for the secretary under this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the soil amendment fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by a person or persons designated by the secretary.

**K.S.A. 74-568. State board of agriculture and secretary of the state board of agriculture abolished; transfer of power and duties to the department of agriculture and secretary of agriculture.** (a) The state board of agriculture created by K.S.A. 74-503, and amendments thereto, and the office of the secretary of the state board of agriculture created by K.S.A. 74-503, and amendments thereto, are hereby abolished.

(b) Except as otherwise provided by this act, all of the powers, duties and functions of the existing state board of agriculture and the existing secretary of the state board of agriculture are hereby transferred to and conferred and imposed upon, the department of agriculture and the secretary of agriculture established by this act.

(c) Except as otherwise provided by this act, the department of agriculture and the secretary of agriculture established by this act shall be the successor in every way to the powers, duties and functions of the state board of agriculture and the secretary of agriculture in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department of agriculture or the secretary of agriculture established by this act shall be deemed to have the same force and effect as if performed by the state board of agriculture or the secretary of the state board of agriculture, respectively, in which such powers, duties and functions were vested prior to the effective date of this act.

(d) Except as otherwise provided by this act, whenever the state board of agriculture, or words of the like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of agriculture established by this act.

(e) Except as otherwise provided by this act, whenever the secretary of the state board of agriculture, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of agriculture established by this act.

(f) All rules and regulations of the state board of agriculture or the secretary of the state board of agriculture in existence on the effective date of this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of agriculture by this act until revised amended or nullified pursuant to law.

(g) All rules and regulations of the division of water resources of the state board of agriculture or the chief engineer of the division of water resources of the state board of agriculture in existence on the effective date of this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the chief engineer of the division of water resources of the department of agriculture established by this act until revised, amended, revoked or nullified pursuant to law.

(h) All orders and directives of the state board of agriculture or the secretary of the state board of agriculture in existence in the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the secretary of agriculture established by this act, until revised, amended or nullified pursuant to law.

(i) On the effective date of this act, the secretary of agriculture shall succeed to whatever right, title or interest the state board of agriculture has acquired in any real property in this state, and the secretary shall hold the same for and in the name of the state of Kansas. On and after the effective date of this act, whenever any statute, contract, deed or other document concerns the power or authority of the state board of agriculture or the secretary of the state board of agriculture to acquire, hold or dispose of real property or any interest therein, the secretary of agriculture shall succeed to such power or authority.

(j) The secretary of agriculture established by this act shall be continuations of the state board of agriculture and the secretary of the state board of agriculture.

## Administrative Regulations

**K.A.R. 4-19-1. Registration fee.** The registration fee for each soil amendment shall be \$100.00 for each product registered. (Authorized by K.S.A. 2005 Supp. 2-2805 and K.S.A. 2-2811; implementing K.S.A. 2005 Supp. 2-2805; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 23, 2007.)

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### GUIDELINES FOR CONSIDERING SOIL AMENDMENTS FOR REGISTRATION AND PROOF OF EFFICACY

- I. Submit research data only (no testimonials) from such groups as land-grant universities, USDA and other reputable research organizations.
- II. Research must be conducted on at least three soil types common to Kansas and two years of data for each location. At least one location should be in Kansas.
- III. Active ingredients of a product must be listed in the Chemical Abstracts or latest edition of Mercks Index. (Coined chemical names not acceptable.)
- IV. Research data submitted must be for crops commonly grown in Kansas.
- V. Submit Analytical Standards for active ingredients.
- VI. Research must be presented in the following format:
  - A. Title Page should include:
    1. The product tested and the crop with plant or nutrient response being measured.
    2. Dates and locations of trials.
    3. The financial link, if any, between the investigating agency and the product company.
    4. Investigators, including their credentials.
  - B. Introduction
    1. Identify each product claim (use the exact wording that appears on the product label).
    2. Include a brief statement about the nature and use of this product.
  - C. Materials and Methods (or Experimental Procedure)
    1. A minimum characterization of the experimental sites should include soil texture, soil classification, soil reaction (pH), soil organic matter and previous crop.
    2. Description of the pertinent details of the research procedure (i.e. planting date and rate, variety/hybrid, weed control method, tillage operations, fertilizer rate, method of application and source, etc.)
    3. The layout and design of the experiment should be given in enough detail for the reviewer to ascertain that treatment border effects were eliminated and plots were of sufficient size to assure unbiased samples. An experimental design procedures source such as "Agricultural Experimental Design and Analysis" by Little and Hill, published by John Wiley & Sons, New York should be consulted.
    4. Treatments should include:
      - a. A control or untreated area without any fertilizer or product application.
      - b. The product at the rate and method of application specified on the label.
      - c. The product at the rate and method of application specified on the label with fertilizer recommended if different than treatment b.
      - d. The fertilizer alone recommended in treatment c.
      - e. Other treatments as needed to verify claims.
    5. The treatments should be randomly assigned to individual plots and at least three replications should be used.