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## Kansas Seed Law

### Article 2. – AGRICULTURAL SEED

## Kansas Administrative Regulations

**4-2-1. Labeling prohibitions.** Agricultural seed shall be deemed mislabeled pursuant to the Kansas seed law if any language stating, or directly or indirectly implying that the agricultural seed is recommended or endorsed by the Kansas department of agriculture appears on the agricultural seed's label, container, or invoice, or in any literature or advertising media accompanying the agricultural seed. (Authorized by K.S.A. 2-1427; implementing K.S.A. 2-1421; effective Jan. 1, 1966; amended Jan. 1, 1989; amended Dec. 8, 2023.)

**4-2-2. Labeling treated seed.** Treated seed must be labeled. If seed has been chemically treated, each bag or container must be labeled bearing a true statement as follows: The required information shall be in type no smaller than eight point and may be on the tag bearing the analysis information or on a separate tag, or it may be printed in a conspicuous manner on a side or top of the container. (Authorized by K.S.A. 2-1427; effective Jan. 1, 1966.)

**4-2-3. Sampling procedure.** (a) Each of the following terms, as used in this regulation, shall have the meaning specified in this subsection:

(1) "Free-flowing seed" means any agricultural seed that readily sheds the husks, hulls, awns, bran, and other plant parts while being conditioned, allowing the seeds to move freely and independently of each other.

(2) "Non-free-flowing seed" means any agricultural seed that, because of attached husks, hulls, awns, bran, and other plant parts that do not readily separate from the seed while being conditioned, tends to bind together, preventing the seeds from moving independently of each other.

(3) "Seed" means agricultural seed as defined in K.S.A. 2-1415, and amendments thereto.

(b) To obtain a representative sample, equal portions shall be taken from evenly distributed parts of the lot to be sampled based on the type of seed and number of containers, unless the seed is stored or piled in a manner that makes taking a representative sample impossible or impractical.

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(c) For free-flowing seed in bags or bulk, a probe or trier long enough to sample all portions of the bag shall be used.

(d) All non-free-flowing seed, including uncleaned agricultural seed and chaffy range grasses that are difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions.

(e) The portions collected from a single lot shall be combined into one or more composite samples.

(f) As the seed is sampled, each portion shall be examined. If a lack of uniformity appears to exist, additional samples shall be taken to determine whether a lack of uniformity exists.

(Authorized by K.S.A. 2016 Supp. 2-1427; implementing K.S.A. 2-1416 and K.S.A. 2016 Supp. 2-1423; effective Jan. 1, 1966; amended Oct. 6, 2017.)

**4-2-8. Methods of analyses.** (a) Subject to the provisions of subsections (f), (g), and (h) of this regulation, the methods of analysis shall be those published by the association of official seed analysts in the following sections of volume 1 of the "AOSA rules for testing seeds," titled "principles and procedures," including all tables and charts, dated October 1, 2016 and hereby adopted by reference:

(1) Section 2, preparation of working samples, except page 2-60;

(2) section 3, the purity analysis, except page 3-30;

(3) section 4, uniform classification of weed and crop seeds;

(4) section 5, examinations;

(5) section 6, germination tests;

(6) section 8, tetrazolium testing;

(7) section 12, mechanical seed counts; and

(8) section 14, tolerances, except subsection 14.10.

(b) Volume 2 of the association of official seed analysts' "AOSA rules for testing seeds," titled "uniform blowing procedure," revised 2015, is hereby adopted by reference, except page ii, section 1, and section 8.

(c) Volume 3 of the association of official seed analysts' "AOSA rules for testing seeds," titled "uniform classification of weed and crop seeds," revised 2016, is hereby adopted by reference, except pages i-iii and viii-xiv.

(d) Volume 4 of the association of official seed analysts' "AOSA rules for testing seeds," titled "seedling evaluation," including illustrations, dated 2016, is hereby adopted by reference, except pages i-vi; page 18; the "references" sections on pages 22, 41, 46, 58, 62, 67, 98, 109, and 115; and pages 135-139.

(e) The "AOSA/SCST tetrazolium testing handbook," prepared by the tetrazolium subcommittee of the association of official seed analysts and the society of commercial seed technologists, including tables and illustrations, 2010 edition, is hereby adopted by reference, except pages i-viii; in part 1, subsections 1, 3, 7, and 15.2; part 4; and part 5.

(f) For the purpose of this regulation, the term "noxious-weed seed" used in the material adopted by reference in this regulation shall mean "restricted weed seed" as defined in K.S.A. 2-1415 and amendments thereto.

(g) For the purpose of this regulation, the term "purity tolerances" used in the material adopted by reference in this regulation shall mean "the greatest non-significant difference between two values, which may be two estimates or a specification and an estimate."

All other terms used in the material adopted by reference in this regulation shall have the meanings specified in the adopted portions of the "AOSA rules for testing seeds," unless a term is defined by K.S.A. 2-1415 and amendments thereto, in which case the term shall have the meaning specified in that statute.

(h) The following restrictions shall apply in addition to tolerances for the testing of seed in section 14 adopted by reference in paragraph (a)(8) of this regulation:

(1) Restricted weed seed tolerances shall not exceed the limitations specified in K.S.A. 2-

1415 and amendments thereto.

(2) No tolerance shall be applied to any seed component that is guaranteed as “none” on the label. (Authorized by K.S.A. 2016 Supp. 2-1427; implementing K.S.A. 2016 Supp. 2-1423; effective Jan. 1, 1966; amended May 1, 1983; amended Jan. 1, 1989; amended Dec. 12, 1994; amended Jan. 18, 2008; amended Oct. 6, 2017.)

**4-2-8a. Definition of noxious weed seed.** For the purpose of K.A.R. 4-2-8, the term "noxious-weed seed" used in the material adopted by reference in that regulation shall mean "prohibited weed seed," and "noxious weed seed" as defined in K.S.A. 2-1415 and amendments thereto, as well as "restricted weed seed" as defined in K.S.A. 2-1415 and amendments thereto. The definition for "noxious-weed seed" provided in this regulation shall supplant the definition for that term provided in K.A.R. 4-2-8(f). (Authorized by K.S.A. 2-1427; implementing K.S.A. 2-1423; effective Dec. 8, 2023.)

**4-2-8b. Official analysis.** For purposes of K.S.A. 2-1423, and amendments thereto, the analysis of agricultural seed conducted by the secretary or an authorized representative of the secretary shall serve as the official analysis of that seed. This official analysis shall be the basis upon which the secretary determines whether a violation of the act has occurred. An analysis conducted by any person other than the secretary or an authorized representative of the secretary may be considered as evidence pursuant to K.S.A. 2-1423(c) but shall not be considered an official analysis. (Authorized by K.S.A. 2-1427; implementing K.S.A. 2-1416, 2-1423, 2-1431, and 2-1437; effective Dec. 8, 2023.)

**4-2-9a. Restricted weed seeds.** (a) The seeds of the following plant species shall not be present in agricultural seed at a rate per pound in excess of the number shown in the below chart:

Common Name	Scientific Name	Seeds per Pound
silverleaf nightshade	<i>Solanum elaeagnifolium</i> Cav.	45
Carolina horsenettle	<i>Solanum carolinense</i> L.	45
dock	<i>Rumex</i> spp.	45
oxeye daisy	<i>Leucanthemum vulgare</i> Lam.	45
perennial sowthistle	<i>Sonchus arvensis</i> L.	45
giant foxtail	<i>Setaria faberi</i> R.A.W. Herrm.	45
hairy chess	<i>Bromus commutatus</i> L.	45
cheat	<i>Bromus secalinus</i> L.	45
buckhorn plantain	<i>Plantago lanceolata</i> L.	45
wild onion or garlic	<i>Allium</i> spp.	18
charlock	<i>Sinapsis arvensis</i> L.	18
wild mustards	<i>Brassica</i> spp.	18
treacle	<i>Erysimum</i> spp.	18
wild carrot	<i>Daucus carota</i> L.	18
morning glory	<i>Ipomoea</i> spp.	18
hedge bindweed	<i>Calystegia sepium</i> (L.) R. Br.	18
dodder*	<i>Cuscuta</i> spp.	18
field pennycress	<i>Thlaspi arvense</i> L.	18
wild oats	<i>Avena fatua</i> L.	9
climbing milkweed	<i>Cynanchum laeve</i> (Michx.) Pers.	9
jointed goatgrass	<i>Aegilops cylindrica</i> Host	9
black nightshade complex	<i>Solanum ptychanthum</i> Dunal	9
	<i>S. Americanum</i> Mill.	9

	S. sarrachoides Sendtn.	9
	S. nigrum L.	9
	S. interius Rydb.	9
wild buckwheat	Fallopia convolvulus L.	9
velvetleaf	Abutilon theophrasti Medik.	9
cocklebur	Xanthium spp.	9
Caucasian bluestem	Bothriochloa bladhii	2
yellow bluestem	Bothriochloa ischaemum	2
*except lespedeza seed other than sericea lespedeza (Lespedeza cuneata) which may contain 45 dodder seeds per pound		

(b) The total number of restricted weed seeds present per pound of agricultural seed shall not exceed 150 in the following agricultural seeds:

- (1) native grass;
- (2) smooth bromegrass;
- (3) tall fescue;
- (4) wheatgrasses; and
- (5) lespedeza other than sericea lespedeza (Lespedeza cuneata).

(c) The total number of hairy chess and cheat seeds present per pound of agricultural seed shall not exceed 2,500 in the following agricultural seeds:

- (1) smooth bromegrass;
- (2) fescues;
- (3) orchard grass;
- (4) wheatgrasses; and
- (5) chaffy range grasses.

(d) For all other agricultural seeds, the total number of restricted weed seeds present per pound of agricultural seed shall not exceed 90. (Authorized by [K.S.A. 2-1427](#); implementing K.S.A. 2-1421; effective; effective Dec. 8, 2023.)

**4-2-9b. Prohibited weed seeds.** (a) The seeds of the following plant species shall not be present in agricultural seed.

- (1) Texas blueweed (Helianthus ciliaris DC);
- (2) Columbus grass (Sorghum xalmum Parodi); and
- (3) any seeds that cannot be distinguished from Johnsongrass (Sorghum halepense (L.) Pers.) seed. (Authorized by K.S.A. 2-1427; implementing K.S.A. 2-1421; effective Dec. 8, 2023.)

**4-2-10. Indistinguishable seed.** When the identification of the kind, variety, or type of seed is not possible by seed characteristics, identification may be based upon the seeding, growing plant, or mature plant characteristics according to such authentic information as is available. (Authorized by K.S.A. 2-1427; effective Jan. 1, 1966.)

**4-2-11. Origin.** The presence of incidental weed seeds, foreign matter, or any other existing circumstances shall be considered in determining the origin of seed. (Authorized by K.S.A. 2-1427; effective Jan. 1, 1966.)

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**4-2-14. Seed offered for sale.** Agricultural seed, whether in bags, cartons, bins, or other containers exposed in salesrooms, storerooms, warehouses, or other places where seed is sold for sowing purposes, shall be considered to be offered or exposed for sale for planting purposes and shall be subject to the provisions of the act, unless clearly and permanently labeled to indicate that the agricultural seed is not for sale and stored separately from seed that is or may be offered for sale. (Authorized by K.S.A. 2-1427; implementing K.S.A. 2-1423; effective Jan. 1, 1966; amended Dec. 8, 2023.)

**4-2-18. Label requirements for seed delivered to wholesalers.** Seed delivered in bulk to a wholesaler after conditioning shall be completely labeled by an invoice or master label attached to the bulk container. Seed delivered to a wholesaler in bags or other containers may be labeled by an invoice or master label that bears a lot number and all other information required by law provided that each individual bag or other container is properly identified with the lot number shown on the invoice or master label clearly and readably stenciled on each individual bag or other container. Each bag or other container which does not bear a lot number that corresponds to an invoice or master label shall be completely labeled. This regulation shall become effective on January 1, 1989. (Authorized by K.S.A. 2-1427; implementing K.S.A. 1987 Supp. 2-1417; effective Jan. 1, 1989.)

**4-2-20. Adoption by reference.** The following sections of 7 C.F.R. part 201, as revised on January 1, 2007, are hereby adopted by reference:

- (a) 201.39;
- (b) 201.40;
- (c) 201.41;
- (d) 201.42; and
- (e) 201.43.

(Authorized by K.S.A. 2006 Supp. 2-1427; implementing K.S.A. 2-1423; effective Dec. 12, 1994; amended Jan. 18, 2008.)

**4-2-21. Registration fees for wholesalers and retailers.** (a) Each wholesaler shall pay a registration fee of \$250 for each location at which the wholesaler is doing business. (b) Each retailer shall pay a registration fee of \$30 for each location at which the retailer is doing business. (c) Each person registering as both a wholesaler and a retailer at the same location shall pay a registration fee of \$280 for each location at which the person is doing business. (Authorized by K.S.A. 2016 Supp. 2-1421a and 2-1427; implementing K.S.A. 2016 Supp. 2-1421a; effective Oct. 6, 2017.)

## FEDERAL REGULATIONS ADOPTED BY REFERENCE

**201.39 General Procedure.** (a) In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed or screenings to be sampled. Access shall be had to all parts of that quantity. When more than one trierful of seed is drawn from a bag, different paths shall be followed. When more than one handful is taken from a bag, the handfuls shall be taken from well-separated points.

(b) For free-flowing seed in bags or bulk, a probe or trier shall be used. For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag should be used.

(c) Non-free-flowing seed, such as certain grass seed, uncleaned seed, or screenings, difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions. The hand is inserted in an open position and the fingers are held closely together while the hand is being inserted and the portion withdrawn.

(d) As the seed or screenings are sampled, each portion shall be examined. If there appears to be a lack of uniformity, the portions shall not be combined into a composite sample but shall be retained as separate samples or combined to form individual-container samples to determine such lack of uniformity as may exist.

(e) When the portions appear to be uniform, they shall be combined to form a composite sample.

**201.40 Bulk.** Bulk seeds or screenings shall be sampled by inserting a long probe or thrusting the hand into the bulk as circumstances require in at least seven uniformly distributed parts of the quantity being sampled. At least as many trierfuls or handfuls shall be taken as the minimum which would be required for the same quantity of seed or screenings in bags of a size customarily used for such seed or screenings.

**201.41 Bags.** (a) For lots of six bags or less, each bag shall be sampled. A total of at least five trierfuls shall be taken.

(b) For lots of more than six bags, five bags plus at least 10 percent of the number of bags in the lot shall be sampled. (Round off numbers with decimals to the nearest whole number, raising 0.5 to the next whole number.) Regardless of the lot size it is not necessary that more than 30 bags be sampled.

(c) Samples shall be drawn from unopened bags except under circumstances where the identity of the seed has been preserved.

**201.42 Small Containers.** In sampling seed in small containers that it is not practical to sample as required in 201.41, a portion of one unopened container or one or more entire unopened containers may be taken to supply a minimum size sample, as required in 201.43.

**201.43 Size of Sample.** The following are minimum sizes of samples of agricultural seed, vegetable seed and screenings to be submitted for analysis, test, or examination:

(a) Two ounces of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these.

(b) Five ounces of red or crimson clover, alfalfa, lespedeza, ryegrass, bromegrass, millet, flax, rape, or seeds of similar size.

(c) One pound of Sudangrass, proso, hemp or seeds of similar size.

(d) Two pounds of cereals, sorghum, vetch, or seeds of similar or larger size.

(e) Two quarts of screenings.

(f) Vegetable seed samples shall consist of at least 400 seeds.