

INDUSTRIAL HEMP

K.A.R. 4-34-1. Definitions.

- (a) “Act” means the Alternative Crop Research Act, authorized by 2018 SB 263.
- (b) “Approved industrial hemp variety” means a variety or strain of industrial hemp authorized for use in the department’s pilot program.
- (c) “Certifying agency” means:
 - (1) An agency which is authorized under the laws of a state, territory or possession to officially certify seed and which has standards and procedures approved by the secretary of agriculture of the United States department of agriculture to assure the genetic purity and identity of the seed certified; or
 - (2) An agency of a foreign country which is determined by the secretary of agriculture of the United States department of agriculture to be an agency which adheres to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under clause (1) of this subsection.
- (d) “Conditioned” as used in these regulations, means to clean, or clean and blend industrial hemp grain or seed, to meet the requirements of agricultural seed for the purpose of being planted or seeded.
- (e) “Destroyed” means made incapable of being harvested or processed by means of being incinerated, tilled under the soil, made into compost, or another manner approved by the department.
- (f) “Devitalize” means rendering incapable of germinating.
- (g) “Handle” means any movement of industrial hemp plants, plant parts, grain or seeds on or within a research area in a licensed research section or between research areas within the same licensed research section.
- (h) “Harvest” means to remove industrial hemp plants, plant parts, grain or seeds from a research area in which it was cultivated or grown.
- (i) “Individual” means a natural person over the age of 18.
- (j) “Licensee” means any individual who possesses a valid, current license issued by the department.
- (k) “Licensed research distributor” means an individual authorized and licensed by the department to distribute, transport, handle and store raw, harvested industrial hemp plants, plant parts, grain, seeds or certified seed in the state.
- (l) “Licensed research grower” means an individual authorized and licensed by the department to cultivate, grow, handle, harvest, store and transport industrial hemp plants, plant parts, grain or seeds in the state.
- (m) “Licensed research processor” means an individual authorized and licensed by the department to store and handle industrial hemp plants, plant parts, grain or seeds and take part in any aspect of turning raw, harvested industrial hemp into a separate industrial hemp product in the state.
- (n) “Licensed research section” means a section legally designated under the public land survey system which is licensed by the department and where a licensee may conduct industrial hemp research. A licensed research section may include land and buildings that are not used for industrial hemp research.
- (o) “Pilot program” means the Industrial Hemp Research Program administered by the department pursuant to 2018 SB 263.

(p) “Plant part” means any portion of a plant in the genus cannabis with a delta-9-tetrahydrocannabinol concentration of no more than 0.3% on a dry weight basis, including:

(1) Whole or partial unprocessed plants, including stalks leaf, seed, floral and root materials;

(2) Hemp seed, cleaned or uncleaned, certified or non-certified, devitalized or not;

(3) Raw roots;

(4) Fresh, unprocessed, dried, ground leaves or floral material;

(5) Raw or otherwise unprocessed grain; or

(6) Rooted plants, cuttings, propagules or clones.

(q) “Research area” means a location within a licensed research section used for the cultivation, growth, harvesting, handling, storage, distribution, transporting or processing of industrial hemp plants, plant parts, grain or seeds.

(r) “Secretary” means the secretary of the Kansas Department of Agriculture.

(s) “Variety” means a subdivision of a species that is:

(1) Uniform, in the sense that the variations in essential and distinctive characteristics are describable;

(2) Stable, in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity if reproduced or reconstituted as required by the different categories of varieties; and

(3) Distinct, in the sense that the variety can be differentiated by one or more identifiable morphological, physiological, other characteristics from all other publicly known varieties.

(t) “Volunteer plant” means any plant of the genus cannabis that grows of its own accord from seeds or roots and is not intentionally planted.

K.A.R. 4-34-2. Industrial hemp varieties.

(a) Each individual shall cultivate, grow, handle, harvest, store, distribute, transport or process, or allow to be cultivated, grown, handled, harvested, stored, distributed, transported or processed, industrial hemp plants, plant parts, grain or seeds from varieties that are currently designated by the department as approved industrial hemp varieties.

(b) The department’s document titled “Approved Varieties for Planting,” dated _____, 2018, is hereby adopted by reference.

K.A.R. 4-34-3. Certified seed.

(a) All certified industrial hemp seed shall be considered to be agricultural seed and therefore subject to the Kansas agricultural seed act as set forth at K.S.A. 2-1415 *et seq.* as amended and all rules and regulations adopted thereunder.

(b) The department shall authorize an agency within the state of Kansas as the designated certifying agency that shall be responsible for setting certain standards, making requirements and forms of and for the certification of industrial hemp seeds and plant parts intended for propagation or sale or to be sold or offered for sale within the state.

(c) No certification within the provisions of these regulations shall be made except by or on the authority of the designated certifying agency.

(d) The designated certifying agency shall make each licensee’s certification records available to the department.

(e) Any individual desiring to sell, offer for sale, expose for sale, distribute or advertise by commercial means certified seed in Kansas shall be licensed by the department as provided in K.S.A. 2-1421a prior to exchanging, distributing, selling or reselling certified seed in Kansas.

(f) Any individual engaged in the distribution of certified seed shall have a current research distributor license in their possession at all times that they are engaged in the distribution of certified seed.

K.A.R. 4-34-4. License approval process.

(a) Any individual desiring to participate in the department's pilot program shall first submit a signed, completed, accurate, and legible research license application that includes the individual's research proposal, required criminal history record check, and all required fees.

(b) Following the department's receipt of the completed research license application, a report verifying the individual passed the criminal history records check, and all required fees, each individual's application shall be reviewed by the state advisory board and either rejected or recommended for approval and forwarded to the secretary for review and approval.

(c) Following review by the secretary, each research license application shall either be denied or conditionally approved. The department shall notify each individual in writing of the denial or conditional acceptance of the individual's research proposal contained in the research license application.

(d) Upon conditional approval of an individual's research license application, the individual shall remit the applicable license fees for each license category that has been approved by the secretary within 15 days of receipt of the department's written notice informing that the research license application has been conditionally approved.

(e) Once the department receives the applicable license fees, the individual's research license application shall be officially approved by the department, and the department shall issue the research license. Upon receipt of the license, the individual may begin carrying out the proposed research. Prior to cultivating, growing, handling, harvesting, storing, distributing, transporting or processing industrial hemp plants, plant parts, grain or seeds, the individual shall have their license in their possession.

(f) A copy of each license issued by the department may be forwarded by the department to appropriate law enforcement agencies in each county where a licensee is approved to cultivate, grow, handle, harvest, store, distribute, transport, or process industrial hemp plants, plant parts, grain or seeds.

K.A.R. 4-34-5. Research license applications.

(a) Any individual who desires to cultivate, grow, handle, harvest, store, distribute, transport or process industrial hemp plants, plant parts, grain or seeds for research purposes at any location in the state shall submit to the department a signed, complete, accurate, and legible research license application and required fees.

(b) Each individual shall apply for licenses for all cultivating, growing, handling, harvesting, storage, distribution, transport and processing locations, and shall receive a license issued by the department that approves those locations prior to having industrial hemp plants, plant parts, grain or seeds at those locations. Individuals who do not hold a license issued by the department shall not cultivate, grow, handle, harvest, store, distribute, transport or process

industrial hemp plants, plant parts, grain or seeds. Individuals under 18 years of age shall not be included on, apply for or hold any license issued by the department.

(c) Each individual applying to participate in the department's pilot program shall identify on their research license application:

(1) Each owner of all land and structures where industrial hemp plants, plant parts, grain or seeds may be cultivated, grown, handled, harvested, stored, distributed, transported or processed;

(2) Each individual that may own no less than 10% of the industrial hemp commodity being cultivate or grown; and

(3) Each individual that may otherwise be involved in the licensee's research proposal, including those individuals engaged in the purchase, research, cultivation, growing, handling, harvesting, storing, distribution, transport, processing, study, analysis or selling of industrial hemp plants, plant parts, grain or seeds.

(d) Each research license application shall include:

(1) A research proposal submitted on a form provided by the department, that includes, at a minimum:

(A) A statement of the type of research to be conducted;

(B) The purpose of the research;

(C) The data that will be collected;

(D) The location of the research, including the number of acres or square feet that will be used to conduct the research;

(E) The methods to be used in conducting the research;

(F) The intended duration of the research;

(G) The anticipated results of the research; and

(H) Other parts as assigned.

(2) Legal descriptions and maps depicting each location where industrial hemp plants, plant parts, grain or seeds will be cultivated, grown, handled, harvested, stored, distributed, transported or processed, including appropriate designations for field boundaries and specific locations corresponding to the global positioning system coordinates;

(3) A list and description of each vehicle, including the make, model, license plate number and color of the vehicles, that will be used in the transport or distribution of industrial hemp plants, plant parts, grain or seeds; and

(4) A list of any individuals who may transport any industrial hemp plants, plant parts, grain or seeds in said vehicles, along with a copy of each individual's current driver's license.

(e) Each research license application shall be submitted to the department on an annual basis, on the form provided by the department. Each research license application shall be submitted to the department no later than December 31, except that for 2019, each research license application shall be submitted no later than March 1.

(f) Incomplete or illegible research license applications shall not be considered for participation in the department's pilot program and required fees shall not be refunded. Individuals may be granted a time period of up to 30 days to complete or resubmit an incomplete or illegible research license application; however, the revisions shall be submitted to the department no later than December 31, except that for 2019, the revisions shall be submitted no later than March 1.

- (g) A research license application may be denied and the required fees shall not be refunded if:
- (1) The research license application is not submitted by the established deadline;
 - (2) The research license application does not include the required fees;
 - (3) Any individual identified on the research license application fails to submit to a state and national criminal history records check as required;
 - (4) A criminal history record check reveals that any individual identified on the research license application has been convicted of any crime specified in 2018 SB 263, New Section 2(d)(2);
 - (5) The research license application does not include a research proposal; or
 - (6) The research license application includes an individual's home or residence as a location to cultivate, grow, handle, harvest, store, distribute, transport or process industrial hemp plants, plant parts, grain or seeds.

K.A.R. 4-34-6. Criminal history record check.

- (a) Each individual applying to participate in the department's pilot program and each individual identified on a research license application shall:
- (1) Be fingerprinted and submit to a state and national criminal history record check to be performed by the Kansas bureau of investigation no more than 30 days prior to submitting their research license application to the department;
 - (2) Submit payment for the fingerprint-based criminal history record check to the Kansas bureau of investigation; and
 - (3) Submit payment for the costs of fingerprinting to the law enforcement agency that provided the fingerprinting services.
- (b) All reports generated from the fingerprint-based criminal history record checks shall be provided to the department by the Kansas bureau of investigation within 30 days of the date of fingerprinting.
- (c) All reports generated from the fingerprint-based criminal history record checks shall be used by the department to verify the identification of the individual and to make an official determination of their qualifications for initial or continuing licensure.

K.A.R. 4-34-7. State advisory board.

- (a) The board established by the secretary pursuant to 2018 SB 263, New Section 2(b) shall be recognized as the state advisory board. Members shall be appointed by the secretary. The board shall consist of no less than five and no more than nine members. Membership shall reflect the different geographic areas of the state equally to the greatest extent possible. Members of the state advisory board shall receive no compensation for serving on the board, but shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. Each member appointed to the state advisory board shall be recognized for knowledge and leadership in at least one of the following sectors: crop research, industrial hemp production or processing, law enforcement, seed certification, membership in the Kansas Legislature or any other sector deemed to be important by the secretary.
- (b) Each member appointed to the state advisory board shall be issued a license by the department to fulfill their duties authorized by the secretary. Each member appointed to the state advisory board shall undergo and pass the criminal history record checks as required by

K.A.R. 4-34-6. No license fee shall be assessed for a license issued to a member of the state advisory board pursuant to this regulation. Each member of the state advisory board shall have their current license in their possession at all times the member is engaged in duties authorized by the secretary.

(c) Of the members first appointed to the board, the secretary shall designate four members whose terms shall expire June 30, 2021, and the remaining members' terms shall expire on June 30, 2023. After the expiration of the initial terms, the secretary shall appoint each member to serve for a term of four years until a successor is duly appointed. Each member shall be limited to serving a total of two full terms and shall hold office until the expiration of the term for which the member is appointed or until a successor has been duly appointed and qualified.

(d) The secretary may remove any member of the state advisory board for misconduct, incompetence or neglect of duty.

(e) The secretary may appoint a member to fill an unexpired term of any member due to a vacancy on the state advisory board.

(f) A quorum of the state advisory board shall be a majority of the members duly appointed to the state advisory board.

(1) A quorum of the state advisory board shall organize by election of a chairperson, vice-chairperson and other officers as the board deems appropriate.

(2) The board shall advise the secretary on reviewing and recommending applications for pilot projects and research proposals to the secretary. Other duties may include the review of rules and regulations and recommendation of potential changes as well as any additional duties assigned to the board by the secretary relating to industrial hemp research.

(g) The state advisory board shall only make recommendations to the secretary if the recommendations are approved by a majority vote of a quorum of the board's members.

K.A.R. 4-34-8. Licenses issued by the department; requirements for licensees.

(a) A license issued by the department shall establish the terms and conditions governing each individual's participation in the department's pilot program. A violation of the license may result in the license being revoked and denial of future applications.

(b) Prior to cultivating, growing, handling, harvesting, storing, distributing, transporting, processing, researching, overseeing, studying, or analyzing industrial hemp plants, plant parts, grain or seeds for research purposes at any location in the state, each individual shall obtain a license issued by the department.

(c) Prior to a license being issued by the department, each individual shall pay licensing fees in the amounts specified in K.A.R. 4-34-15. Failure to pay the licensing fees when requested by the department shall terminate the approval process of the research license application and the department shall not issue a license.

(d) Except in the case of the death of a licensee, any license issued by the department shall not be transferrable, and a licensee shall not sell or transfer any license issued by the department. In the event of a licensee's death, an individual listed on the research license application may request the department modify the license as required by K.A.R. 4-34-14.

(e) At all times a licensee is engaged in cultivating, growing, handling, harvesting, storing, distributing, transporting, processing, researching, overseeing, studying, or analyzing industrial hemp plants, plant parts, grain or seeds pursuant to the department's pilot program, the licensee shall have their current license in their possession.

(f) An individual may apply to conduct industrial hemp research in more than one license category. The department may issue multiple licenses to an individual.

(g) All licenses issued by the department shall be valid for one year from the date of issuance unless revoked by the department. An individual may apply for a license in successive years by completing a research license application, criminal history record checks, fingerprinting, and paying required fees. Issuance of a license in one year does not guarantee issuance of a license in the following or subsequent years.

(h) The department shall not issue a license to an individual if their research license application includes a location previously approved by the department as a research area in a license previously issued by the department in the same licensure year. Individuals may request the department approve multiple locations as licensed research sections on one research license application and each licensed research section approved by the department shall require separate license fees.

(i) The department may approve a licensee to grow an acreage or square footage that is equal to or less than the acreage or square footage stated in the research license application. A licensee may elect to grow an acreage or square footage that is equal to or less than the acreage or square footage authorized in the license issued by the department. Completion of a modification request form is not required if a licensee elects to grow an acreage or square footage that is less than the acreage or square footage authorized in the license issued by the department.

(j) Licensees shall only use approved varieties of industrial hemp plants, plant parts, grain or seeds when engaged in cultivating, growing, handling, harvesting, storing, distributing, transporting or processing industrial hemp plants, plant parts, grain or seeds for research purposes.

(k) Licensees growing industrial hemp seed for seed certification shall also follow the requirements established in the Kansas agricultural seed act, K.S.A. 2-1415 *et seq.* and rules and regulations adopted thereunder.

(l) Each licensee shall comply with instructions from representatives of the department and local, state and federal law enforcement agencies.

(m) Each licensee shall permit the department to perform any number of inspections and collect any number of samples of any industrial hemp plants, plant parts, grain or seeds at any time.

(n) Each licensee shall submit all reports required by the department on or before the deadlines established.

(o) Each licensee shall ensure that any person applying pesticides to industrial hemp plants or plant parts complies with the Kansas pesticide act, K.S.A. 2-2438a *et seq.* and amendments thereto and rules and regulations adopted thereunder.

(p) Each licensee shall be solely responsible for the risk of financial or other loss as a result of participating in the department's pilot program.

(q) Each licensee shall not permit or allow industrial hemp plants, plant parts, grain and seeds to be cultivated, grown, handled, harvested, conditioned, stored, distributed, transported or processed in any location other than the location or locations that are included in the license issued by the department.

(r) Each licensee shall immediately notify the department of any interaction with law enforcement related to the licensee's participation in the department's pilot program, as well as any contact with law enforcement related to criminal charges or a criminal investigation

involving the possession or use of drugs or drug paraphernalia and shall provide a written follow-up to the department within three calendar days of the interaction.

(s) Each licensee shall notify the department and appropriate law enforcement agencies of any theft of industrial hemp plants, plant parts, grain or seeds, whether growing or not.

(t) Each licensee shall not employ any individual whose license was revoked by the department or was denied admission to participate in the department's pilot program.

(u) Each licensee shall not rent land to cultivate, grow, handle, harvest, store, distribute, transport or process industrial hemp plants, plant parts, grain or seeds from any individual whose license was revoked by the department or was denied admission to participate in the department's pilot program.

(v) Each licensee shall not sell or transfer, or permit the sale or transfer, of industrial hemp plants, plant parts, grain or seeds to any individual who does not hold a current license issued by the department for the industrial hemp-related activity that the individual desires to conduct.

(w) Licensees shall not conduct activities that involve industrial hemp plants, plant parts, grain or seeds that are unrelated to research or educational activities at any location or locations listed on the license issued by the department, including industrial hemp related activities such as an industrial hemp maze.

(x) Licensees shall not distribute industrial hemp plants, plant parts, grain or seeds at locations that are not identified in the license issued by the department, including trade shows, county fairs, educational or other events, or any other address not listed in the license.

(y) Each licensee shall at all times ensure that no aspect of their participation in the department's pilot program endangers the public health, safety or welfare.

K.A.R. 4-34-9. Research grower license.

(a) In addition to the licensing requirements of K.A.R. 4-34-8, licensees that are issued a research grower license by the department shall:

(1) Have a primary Kansas residence;

(2) Ensure that their industrial hemp plants, plant parts, grain or seeds are not interplanted with any other crop; and

(3) Scout and monitor unlicensed growing areas, whether inactive or previously licensed as part of a research area, including any ditches, fence lines and other unmanaged land areas adjacent to said research areas, for volunteer plants and destroy any volunteer plants during the current license year and for a minimum of three years after the last date of planting reported to the department.

(b) A licensed research grower may cultivate, grow, condition, handle, harvest, store or transport industrial hemp plants, plant parts, grain or seeds pursuant to the license issued by the department.

(c) A licensed research grower may sell or exchange industrial hemp plants, plant parts or grain cultivated or grown under its license to any licensed research processor or licensed research distributor. A licensed research grower may sell or exchange industrial hemp seed cultivated or grown under its license to any licensed research processor or licensed research distributor only if done in compliance with the Kansas agricultural seed act, K.S.A. 2-1415 *et seq.* and rules and regulations adopted thereunder.

(d) A licensed research grower may only condition, handle, harvest, store or transport industrial hemp plants, plant parts, grain or seeds cultivated or grown in its research area or areas pursuant to the license issued by the department.

(e) A licensed research grower shall not condition, handle, store, distribute, transport or process industrial hemp plants, plant parts, grain or seeds cultivated or grown under any other licensed research grower's license without first obtaining a research distributor license or a research processor license.

K.A.R. 4-34-10. Research distributor license.

(a) In addition to the licensing requirements of K.A.R. 4-34-8, licensees that are issued a research distributor license by the department shall:

- (1) Have a primary Kansas residence;
- (2) Obtain industrial hemp plants, plant parts, grain or seeds from a Kansas licensed research grower or from legally imported sources of industrial hemp;
- (3) Obtain a copy of the research grower license and harvest certificate from any licensed research grower with whom the licensee conducts business before conditioning, storing, handling, distributing or transporting the industrial hemp plants, plant parts, grain or seeds;
- (4) Ensure that a copy of the harvest certificate pertaining to the industrial hemp plants, plant parts, grain or seeds that were harvested accompanies the industrial hemp plants, plant parts, grain or seeds being distributed or transported; and
- (5) Ensure that industrial hemp plants, plant parts, grain or seeds are not distributed or transported with any other commodity or other items being transported.

(b) A licensed research distributor may condition, handle, store, distribute or transport industrial hemp plants, plant parts, grain or seeds pursuant to the license issued by the department.

(c) A licensed research distributor that stores, handles, distributes or transports industrial hemp plants, plant parts, grain or seeds which were obtained from outside of Kansas shall maintain a bill of lading or other proper documentation demonstrating that the industrial hemp plants, plant parts, grain or seeds were legally imported into the state.

(d) A licensed research distributor shall not process industrial hemp plants, plant parts, grains or seeds grown under any other licensed research distributor's license without first obtaining a research processor license from the department.

K.A.R. 4-34-11. Research processor license.

(a) In addition to the licensing requirements of K.A.R. 4-34-8, licensees that are issued a research processor license by the department shall:

- (1) Devitalize any industrial hemp seed within 10 days of receipt and shall take appropriate security measures to ensure the seeds cannot be stolen before they are devitalized;
- (2) Obtain a copy of the research grower license and harvest certificate from any licensed research grower with whom the licensee conducts business before conditioning, storing, handling, or processing the industrial hemp plants, plant parts, grain or seeds;
- (3) Ensure that a copy of the harvest certificate pertaining to the industrial hemp plants, plant parts, grain or seeds that were harvested accompanies the industrial hemp plants, plant parts, grain or seeds being processed; and

(4) Obtain a copy of the research distributor license from any licensed research distributor with whom the licensee conducts business before conditioning, storing, handling, processing the industrial hemp plants, plant parts, grain or seeds.

(b) A licensed research processor may condition, handle, store, or process industrial hemp plants, plant parts, grain or seeds pursuant to the license issued by the department.

(c) A licensed research processor shall obtain industrial hemp plants, plant parts, grain or seeds from a Kansas licensed research grower or from legally imported sources of industrial hemp.

(d) A licensed research processor that processes industrial hemp plants, plant parts, grain or seeds which were obtained from outside of Kansas shall maintain a bill of lading or other proper documentation demonstrating that the industrial hemp plants, plant parts, grain or seeds were legally imported into the state.

(e) Any licensed research processor that is processing industrial hemp plants, plant parts, grain or seeds into industrial hemp products in a mobile processing facility shall:

(1) Notify the department of the mobile processing facility's planned processing locations no more than five days in advance of the first day of processing in each location. The licensee shall immediately notify the department of any changes to a submitted schedule;

(2) At all times, operate in compliance with all state, county and local laws, regulations and ordinances;

(3) All mobile processing facilities shall be operated and supervised by a licensed research processor. The licensee shall be present at all times the mobile processing facility is operating. All individuals involved in the operation of the mobile processing facility or processing of the industrial hemp plants, plant parts, grain or seeds shall be listed on the license issued by the department; and

(4) The licensed research processor operating and supervising the mobile processing facility shall have their current license in their possession at all times that they are engaged in the processing of certified seed or industrial hemp plants, plant parts, grain or seeds.

(f) Possession of a current research processor license shall not guarantee a licensee access to the premises of any private landowner. Permission for a licensee to enter the premises of any landowner shall be established contractually or otherwise by agreement of the licensee and landowner.

K.A.R. 4-34-12. Licenses for employees of the designated certifying agency.

(a) All employees of the designated certifying agency involved in the administration of the designated certifying agency's responsibilities in the normal course of their employment duties, including the handling, inspecting, sampling, testing, or transporting of industrial hemp seeds and plant parts, shall be issued a license by the department that identifies the activities that the employee is authorized to undertake.

(b) Prior to being issued a license, employees of the designated certifying agency shall undergo and pass the criminal history record checks as required by K.A.R. 4-34-6.

(c) No license fee shall be assessed for a license issued to an employee of the designated certifying agency pursuant to this regulation.

(d) Employees of the designated certifying agency shall have their current license authorizing them to administer the designated certifying agency's responsibilities in their possession at all times the employee is handling, inspecting, sampling, testing, or transporting industrial hemp seeds and plant parts.

K.A.R. 4-34-13. Licenses for department employees.

(a) All department employees involved in the oversight or administration of the department's pilot program in the normal course of their employment duties, including the handling, inspecting, sampling, testing, or transporting of industrial hemp plants, plant parts, grain or seeds, shall be issued a license by the department that identifies the activities that employee is authorized to undertake related to the administration of the department's pilot program.

(b) Prior to being issued a license, department employees shall undergo and pass the criminal history record checks as required by K.A.R. 4-34-6.

(c) No license fee shall be assessed for a license issued to a department employee involved in the handling, inspecting, sampling, testing, or transporting of industrial hemp plants, plant parts, grain or seeds pursuant to this regulation.

(d) Department employees shall have their current license authorizing them to be involved in the administration of the department's pilot program in their possession at all times the employee is handling, inspecting, sampling, testing, or transporting industrial hemp plants, plant parts, grain or seeds.

K.A.R. 4-34-14. Modification of license.

(a) A licensee who desires a modification to a license previously issued by the department shall submit a completed modification request form and required modification fee to the department.

(b) A licensee shall comply with the terms and conditions of the license as originally issued by the department unless the license is modified by the department, in writing.

(c) A licensee may request multiple modifications to a license by submitting one modification request form, however, a separate modification fee is required for each requested change to a license that was previously issued by the department.

(d) Any modification request relating to a licensed research section shall comply with the land use restrictions for licensees as required by K.A.R. 4-34-22.

(e) In the event of a licensee's death, an individual listed on the research license application may request the department modify the license. The department may modify the license previously issued to name the requesting individual as the new licensee if the requesting individual:

(1) Notifies the department of the licensee's death within 15 business days;

(2) Submits a license modification request form to the department within 45 days of the licensee's death;

(3) Submits a copy of the licensee's death certificate to the department within 45 days of the licensee's death;

(4) The department shall not charge or collect a modification fee to modify the license previously issued to name the requesting individual as the new licensee, except for modification request forms received more than 45 days after the death of the licensee. Requests for modification of a license received by the department more than 45 days after the death of a licensee shall require a modification request form and modification fee, unless the department extends the 45-day time period in writing; and

(5) Any other modification requested in the modification request form shall be subject to the modification fee required by this regulation.

K.A.R. 4-34-15. Schedule of fees.

(a) An application fee shall be \$200 for each license sought, regardless of the category of the license.

(b) Each individual conditionally approved for a research grower license shall pay a license fee of \$1,000 for the initial licensed research section approved by the department and an additional license fee of \$1,000 for each additional licensed research section approved by the department.

(c) Each individual conditionally approved for a research distributor license shall pay a license fee of \$2,000 for each licensed research section approved by the department.

(d) Each individual conditionally approved for a research processor license to process fiber or grain shall pay a license fee of \$3,000 for each processing facility or mobile processing facility approved by the department.

(e) Each individual conditionally approved for a research processor license to process floral material shall pay a license fee of \$6,000 for each processing facility or mobile processing facility approved by the department.

(f) Each licensee shall pay a second pre-harvest sample fee of \$45 per hour, plus transportation time and mileage for representatives of the department, every time:

(1) The department collects a second pre-harvest sample;

(2) A licensee requests that the department collect a second pre-harvest sample; or

(3) A licensee harvests more than one industrial hemp crop in a license year.

(g) Each licensee shall pay a testing fee of \$250 for every laboratory test determining the delta-9 tetrahydrocannabinol concentration for each sample that is:

(1) Collected by the department during a second pre-harvest sample;

(2) Collected by the department upon a licensee's request; or

(3) A licensee harvests more than one industrial hemp crop in a license year.

(h) Each licensee shall pay a modification fee of \$750 for each requested change to a license that was previously issued by the department.

(i) Each licensee shall pay an educational program fee of \$50 for each day the licensee desires to conduct educational activities.

K.A.R. 4-34-16. Voluntary withdrawal.

(a) A licensee shall be allowed to voluntarily withdraw from the department's pilot program if they desire to do so, after providing the department with written notice of their intent to withdraw. Notice of intent to withdraw shall be provided to the department at least 30 days before the licensee's intended date of withdrawal from the department's pilot program, unless prior written approval from the department is obtained.

(b) In the case of a licensee's voluntary withdrawal from the department's pilot program, all industrial hemp plants, plant parts, grain or seeds being cultivated, grown, handled, harvested, stored, distributed, transported, or processed pursuant to the licensee's license shall be destroyed.

(c) Each licensee who voluntarily withdraws from the department's pilot program shall notify the department of the date and time the licensee intends to destroy their industrial hemp plants, plant parts, grain or seeds at least 15 days before destroying their industrial hemp plants, plant parts, grain or seeds and shall notify the department of any change in the destruction date or time. The department may require additional sampling and testing as a result of any change of five or more days in the destruction date or dates.

(d) Upon voluntary withdrawal from the department's pilot program, any and all volunteer plants shall also be destroyed during the current license year and for a minimum of three years after the last date of planting reported to the department.

(e) Representatives of the department or law enforcement may be present during the destruction or the department may require proof of the destruction.

(f) The department shall not issue a refund for any fee paid by the licensee if the licensee elects to voluntarily withdraw from the department's pilot program.

(g) A licensee who notifies the department of their intent to withdraw from the department's pilot program but fails to voluntarily destroy all industrial hemp plants, plant parts, grain or seeds being cultivated, grown, handled, harvested, stored, distributed, transported or processed pursuant to their license may be subject to having their license revoked and any industrial hemp plants, plant parts, grain or seeds being cultivated, grown, handled, harvested, stored, distributed, transported or processed pursuant to the license shall be destroyed at the licensee's expense.

K.A.R. 4-34-17. Pre-harvest requirements of licensees.

(a) Each licensee shall notify the department of their intended harvest date or dates in a pre-harvest report at least 30 days before harvesting their industrial hemp plants, plant parts, grain or seeds.

(b) Each licensee shall immediately notify the department regarding changes in the date or dates previously reported to the department if the changes may result in a harvest date change of five or more days. The department may require additional sampling and testing as a result of any change of five or more days in the harvest date or dates.

(c) Prior to harvesting any industrial hemp plants, plant parts, grain or seeds, a licensee shall obtain a positive report of analysis from the department. After receipt of a positive report of analysis from the department, a licensee shall have 10 days to fully harvest its industrial hemp plants, plant parts, grain or seeds, unless otherwise authorized in writing by the department.

(d) If a licensee fails to fully harvest its industrial hemp plants, plant parts, grain or seeds within 10 days after issuance of the positive report of analysis, the licensee shall either:

(1) Notify the department within seven days after the expiration of the 10-day harvest period of the licensee's intended second harvest date, request the department collect a second pre-harvest sample and pay the required sample and testing fees; or

(2) Notify the department within seven days after the expiration of the 10-day harvest period of the licensee's intended date by which the licensee shall destroy its industrial hemp plants, plant parts, grain, or seeds.

K.A.R. 4-34-18. Pre-harvest inspection, collection of samples, testing, and post-testing actions.

(a) No more than 15 days before any industrial hemp plants, plant parts, grain or seeds are cut, picked, collected or otherwise harvested by a licensee, the department shall collect a sample of the industrial hemp plants, plant parts, grain or seeds for testing by a laboratory designated by the department. The initial pre-harvest sample collected by the department shall not require payment of any additional fee by the licensee.

(b) A licensee may be present during the department's inspection and pre-harvest sample collection. A licensee, whether present or not, shall permit representatives of the department complete, unrestricted and immediate access to all industrial hemp plants, plant parts, grain and seeds, whether growing or not, including access to all locations, buildings, facilities, other structures, and motor vehicles listed in the license issued by the department. Access shall be granted at reasonable times, without interference or obstruction, with or without cause, and with or without advance notice.

(c) The samples collected by the department shall be prepared for testing using protocols approved by the department.

(d) Quantitative laboratory determination of the delta-9 tetrahydrocannabinol concentration on a dry weight basis of all samples collected shall be performed according to protocols approved by the department.

(e) Based on the results of the testing:

(1) If the sample is found to contain a delta-9 tetrahydrocannabinol concentration of 0.3% or less on a dry weight basis, a positive report of analysis shall be issued. Each positive report of analysis shall list the research area or areas in which the industrial hemp plants, plant parts, grain or seeds were grown and from which it was sampled. If the industrial hemp plants, plant parts, grain or seeds are being distributed, transported or processed, each positive report of analysis shall identify the industrial hemp plants, plant parts, grain or seeds listed on the harvest certificate or bill of lading that have accompanied the industrial hemp plants, plant parts, grain or seeds from the research area or areas in which the industrial hemp plants, plant parts, grain or seeds were grown and from which it was sampled or from an out of state source.

(2) If the sample is found to contain a delta-9 tetrahydrocannabinol concentration of higher than 0.3% on a dry weight basis, a negative report of analysis shall be issued and the department may provide the testing results and the location of the licensed research area or areas to the Kansas bureau of investigation or other appropriate law enforcement agencies. Each negative report of analysis shall list the research area or areas that were sampled or identify the industrial hemp plants, plant parts, grain or seeds listed on the harvest certificate or bill of lading. A licensee may, within seven days, either request the department collect a second pre-harvest sample or destroy all the licensee's plants, plant parts, grain or seeds in each of the research areas that were sampled and listed in the negative report of analysis; and

(3) If the licensee requested the department collect a second pre-harvest sample and that sample is found to contain a delta-9 tetrahydrocannabinol concentration of higher than 0.3% on a dry weight basis, a negative report of analysis shall be issued. The licensee shall, within seven days of receipt of the negative report, destroy all of the licensee's plants, plant parts, grain or seeds in each of the research areas that were sampled and listed in the negative report of analysis. If a second pre-harvest sample contains a delta-9 tetrahydrocannabinol concentration of higher than 0.3% on a dry weight basis, the department may provide the testing results and the location of the research area or areas to the Kansas bureau of investigation or other appropriate law enforcement agencies.

(f) If any sample collected by the department is found to contain a delta-9 tetrahydrocannabinol concentration of 2.0% or higher on a dry weight basis, the department shall provide the testing results and the location of the research area or areas to the Kansas bureau of investigation or other appropriate law enforcement agencies.

(g) All samples collected by the department shall become the property of the department and shall not be returned to the licensee. Compensation shall not be owed by the department.

(h) If the laboratory designated by the department for testing is not able to provide adequate testing services as required, the department may identify and contract with third-party laboratories to perform testing services.

K.A.R. 4-34-19. Post-harvest requirements of licensees.

(a) No more than five days after the licensee completes its harvest of industrial hemp plants, plant parts, grain or seeds the licensee shall notify the department that harvest has been completed. The department shall then issue a harvest certificate. The harvest certificate may include, at a minimum:

(1) Identification, including the specific location as approved in the license, of all research areas that were sampled and found to contain a delta-9 tetrahydrocannabinol concentration of 0.3% or less on a dry weight basis during the current harvest cycle;

(2) Identification of where the harvested industrial hemp plants, plant parts, grain or seeds will be transported for processing and the intended end use of the harvested industrial hemp plants, plant parts, grain or seeds;

(3) The date or dates the industrial hemp plants, plant parts, grain or seeds were harvested; and

(4) The approved industrial hemp variety name cultivated or grown by the licensed research grower.

(b) If a licensee conducts two or more harvests from the same research area within a licensure period, the licensee shall notify the department of each intended harvest date or dates at least 30 days before harvesting their industrial hemp plants, plant parts, grain or seeds. The licensee shall pay a second pre-harvest sample fee and testing fee for each harvest conducted after the licensee's initial harvest of the research area.

(c) A licensee shall be in violation of the license issued by the department and the licensee's license may be subject to revocation and any future applications by the licensee may be denied if a licensee:

(1) Fails to submit a harvest report or destruction report;

(2) Submits a harvest report or destruction report and proceeds to harvest or destroy their industrial hemp plants, plant parts, grain or seeds prior to a sample being collected by the department;

(3) Harvest of any industrial hemp plants, plant parts, grain or seeds before obtaining a positive report of analysis from the department; or

(4) Fails to pay the second pre-harvest sample fees or testing fees within 15 days of invoice by the department.

K.A.R. 4-34-20. Required reports of licensees.

(a) All reports required by the department shall be on forms provided by the department. Each licensee shall submit to the department current, signed, complete, accurate, and legible reports on or before the date required.

(b) A licensed research grower whose licensed research section consists completely or partially of outdoor locations shall submit a field planting report to the department, within 15

days after every planting, including replanting of seeds or propagules. Each field planting report shall identify the following for each research area:

- (1) The approved industrial hemp variety name that was cultivated or grown by the licensed research grower;
 - (2) The specific locations corresponding to the global positioning system coordinates for each research area listed in the license issued by the department; and
 - (3) A statement of intended end-use for all parts of any industrial hemp plants, plant parts, grain or seeds being grown in each research area.
- (c) A licensed research grower that does not plant industrial hemp plants, plant parts, grain or seeds in any research area listed in the license issued by the department shall submit a field planting report, on or before June 1, stating that industrial hemp plants, plant parts, grain or seeds have not and will not be planted at that research area during the current licensure year.
- (d) A licensed research grower whose licensed research section consists completely or partially of indoor locations or a greenhouse shall submit a greenhouse planting report to the department, within 15 days after every planting, including establishing plants. Each greenhouse planting report shall identify the following for each research area:
- (1) The approved industrial hemp variety name that was cultivated or grown by the licensed research grower;
 - (2) The specific locations corresponding to the global positioning system coordinates for each research area listed in the license issued by the department; and
 - (3) A statement of intended end-use for all parts of any industrial hemp plants, plant parts, grain or seeds being grown in each research area.
- (e) Each licensed research grower whose licensed research section consists of completely or partially indoor locations or a greenhouse shall submit quarterly reports for each research area. Quarterly reports shall be due no later than March 31, June 30, September 30 and December 31. A licensed research grower that does not plant industrial hemp plants, plant parts, grain or seeds in any research area listed in the license issued by the department shall state in each quarterly report that industrial hemp plants, plant parts, grain or seeds have not and shall not be planted at that research area.
- (f) Each licensed research grower shall submit a pre-harvest report to the department at least 30 days prior to their intended harvest date or dates, for each licensed research section. The pre-harvest report shall include:
- (1) The number of acres planted in each research area;
 - (2) The intended harvest date of each research area; and
 - (3) A statement of intended end-use for all parts of any industrial hemp plants, plant parts, grain or seeds that shall be harvested from each research area.
- (g) Each licensed research grower shall annually submit a production report to the department after the last harvest date included in the pre-harvest report, but no later than November 30. Each production report shall include, at a minimum:
- (1) The amount of industrial hemp plants, plant parts, grain or seeds harvested, per research area, provided in the form of:
 - (A) If the industrial hemp crop was grown for the production of fiber, the number of bales and the size and shape of the bales;
 - (B) If the industrial hemp crop was grown for the production of grain or seed, the quantity by weight;

(C) If the industrial hemp crop was grown for the production of floral material, the quantity by weight; and

(D) If the industrial hemp crop was grown for the production of more than one commodity, the licensee shall provide the information for each commodity as required by this regulation.

(2) The name, address and license number of each licensed research distributor used to distribute or transport the industrial hemp plants, plant parts, grain or seeds harvested to a licensed research processor; and

(3) The name, address and license number of each licensed research processor to which the industrial hemp plants, plant parts, grain or seeds were distributed for processing.

(h) Each licensed research distributor shall annually submit a completed distribution report to the department no later than November 30. Each distribution report shall include, at a minimum:

(1) The amount of industrial hemp plants, plant parts, grain or seeds distributed, per load, provided in the form of:

(A) If the industrial hemp crop was grown for the production of fiber and was distributed, the number of bales and the size and shape of the bales;

(B) If the industrial hemp crop was grown for the production of grain or seed and was distributed, the quantity by weight;

(C) If the industrial hemp crop was grown for the production of floral material and was distributed, the quantity by weight; and

(D) If the industrial hemp crop was grown for the production of more than one commodity and was distributed, the licensee shall provide the information for each commodity as required by this regulation.

(2) The name, address and license number of each licensed research grower that cultivated, grew, handled, harvested, stored or transported each load of industrial hemp plants, plant parts, grain or seeds that the licensee distributed or transported; and

(3) The name, address and license number of each licensed research processor that processed each load of industrial hemp plants, plant parts, grain or seeds that the licensee distributed or transported.

(i) Each licensed research processor shall annually submit a completed processing report no later than November 30. Each processing report shall include, at a minimum:

(1) The amount of industrial hemp plants, plant parts, grain or seeds processed by the licensee, provided in the form of:

(A) If the industrial hemp crop was grown for the production of fiber and was processed, the number of bales and the size and shape of the bales;

(B) If the industrial hemp crop was grown for the production of grain or seed and was processed, the quantity by weight;

(C) If the industrial hemp crop was grown for the production of floral material and was processed, the quantity by weight; and

(D) If the industrial hemp crop was grown for the production of more than one commodity and was processed, the licensee shall provide the information for each commodity as required by this regulation.

(2) The name, address and license number of each licensed research grower that cultivated, grew, handled, harvested, stored or transported each load of industrial hemp plants, plant parts, grain or seeds that the licensee processed; and

(3) The name, address and license number of each licensed research distributor that distributed or transported each load of industrial hemp plants, plant parts, grain or seeds that the licensee processed.

(j) Beginning in 2019, each licensee shall prepare and submit a research report to the department by December 31. Each research report shall include, at a minimum:

- (1) A summary of the research proposal;
- (2) A description of the methods and materials used in conducting the research;
- (3) The results of the research; and
- (4) A discussion of the results, including the potential economic and environmental implications for growing industrial hemp plants, plant parts, grain or seeds on a commercial basis.

(k) With the exception of research conducted and reports submitted by state educational institutions, all research conducted and all reports submitted to the department as part of the department's pilot program shall become the property of the department and no compensation shall be due from the department to any individual who conducted research or submitted a report as part of their participation in the department's pilot program.

(l) A licensee's failure to submit any accurate and complete report that is required before the deadline specified by the department is a violation of the license issued by the department. The licensee's license may be subject to revocation and the future applications by the licensee may be denied.

K.A.R. 4-34-21. Records retention.

Any and all records required and created as a result of a licensee's participation in the department's pilot program shall be retained by the licensee for no less than five years unless otherwise declared by the secretary. Records shall be made available for inspection by the department, the Kansas bureau of investigation and any other law enforcement agencies upon request.

K.A.R. 4-34-22. Land use restrictions for licensees.

(a) A licensee shall not cultivate, grow, handle, harvest, store, distribute, transport or process any plants, plant parts, grain or seeds of the genus cannabis that is not industrial hemp.

(b) A licensee shall not cultivate, grow, handle, harvest, store, distribute, transport or process industrial hemp plants, plant parts, grain or seeds on any site not included on their license issued by the department.

(c) A licensee shall not cultivate, grow, handle, harvest, store, distribute, transport or process industrial hemp plants, plant parts, grain or seeds in or within 50 feet of any structure that is used for residential purposes, except with the express written permission of the secretary.

(d) No crop other than industrial hemp plants, plant parts, grain or seeds shall be grown in any research area.

(e) No licensee shall cultivate, grow, handle, harvest, store or process industrial hemp plants, plant parts, grain or seeds on more than 80 acres in calendar year 2019 and shall not cultivate, grow, handle, harvest, store or process industrial hemp plants, plant parts, grain or seeds on more than 320 acres in calendar year 2020. There will be no acreage limitations beginning in calendar year 2021.

(f) A licensee shall not cultivate, grow, handle, harvest, store, distribute, transport or process more than one variety of industrial hemp plants, plant parts, grain or seeds in any one research area without first receiving the department's written approval.

(g) Industrial hemp plants, plant parts, grain or seeds shall not be cultivated, grown, handled, harvested, stored, distributed, transported or processed within one quarter mile of any public or private K-12 school or public recreational area, except with the express written permission of the secretary. For calculation purposes, for outdoor fields, one quarter mile means from any field border of any licensed land area, and for indoor facilities, one quarter mile means from any exterior or interior border wall.

(h) A licensee shall not cultivate, grow, handle, harvest, store, distribute, transport or process industrial hemp plants, plant parts, grain or seeds on property owned by, leased from, or previously submitted in a research license application by any individual whose license was revoked by the department or was denied admission to participate in the department's pilot program.

(i) Licensees are required to post signage at all locations listed in the license issued by the department. The signage shall be clearly visible and legible and shall include the following information:

(1) The statement, "Kansas Department of Agriculture Industrial Hemp Research Program";

(2) License holder's name;

(3) License holder's license number; and

(4) The department's telephone number.

(j) Licensees shall allow representatives of the department to inspect unlicensed growing areas, whether inactive or previously licensed as part of a research area, including any ditches, fence lines and other unmanaged land areas adjacent to said research areas for volunteer plants, and the licensee or landowner shall be required to destroy any volunteer plants for a minimum of three years after the last date of planting reported to the department.

K.A.R. 4-34-23. Information and Access.

(a) The department may provide information to law enforcement, fire and rescue agencies, and the public regarding a licensee's research area or areas without providing further notice to the licensee.

(b) The department shall provide information about all conditionally approved locations and locations listed in the license issued by the department where individuals may cultivate, grow, handle, harvest, store, distribute, transport or process industrial hemp plants, plant parts, grain or seeds to representatives of the Kansas bureau of investigation, United States drug enforcement agency, and other law enforcement agencies if officials of any such agencies request the information, including global positioning system coordinates.

(c) A licensee, whether present or not, shall permit representatives of the department complete, unrestricted and immediate access to all industrial hemp plants, plant parts, grain and seeds, whether growing or not, including access to all locations, buildings, facilities other structures, and motor vehicles listed in the license issued by the department. Access shall be granted at reasonable times, without interference or obstruction, with or without cause, and with or without advance notice. The right to access as set out in this regulation shall include the unrestricted right to inspect or take samples of any industrial hemp plants, plant parts, grain or

seeds present at the location being accessed, as well as the right to inspect any reports or records pertaining to the licensee's research.

K.A.R. 4-34-24. Educational activities.

(a) Licensees may be permitted to host or otherwise engage in educational activities with members of the public, if the licensee:

- (1) Submits an educational program application to the department;
- (2) Pays the educational program fee required by K.A.R. 4-34-15 for each day the licensee desires to conduct an educational activity; and
- (3) Obtains written approval from the department.

(b) Each educational program application submitted by a licensee shall be on a form provided by the department and shall be submitted to the department with the required fee at least 30 days prior to the date or dates the educational activity is scheduled to occur. The application shall specify, at a minimum:

- (1) The date and time of the educational activity;
- (2) The street address or location of the research area or areas where the educational activity will be conducted;
- (3) A statement of the purpose of the educational activity; and
- (4) The name of the group or organization participating in the educational activity, if applicable.

(c) If approved by the department, a licensee may allow members of the public to access the licensee's research areas for the sole purpose of participating in educational activities as set forth in the educational program application.

(d) If approved by the department, licensees shall be allowed to set up a public display booth showcasing their research relating to industrial hemp plants, plant parts, grain or seeds at a trade show, county fair or other similar event.

(e) Licensees who host an educational activity or set up a public display booth as provided for in this regulation may display industrial hemp plants, plant parts, grain or seeds and explain their research to members of the public, but shall not allow members of the public to have physical contact with or otherwise possess any industrial hemp plants, plant parts, grain or seeds and shall not trade, sell, give away, barter for or otherwise exchange for value any industrial hemp plants, plant parts, grain or seeds to any member of the public.

(f) No licensee shall conduct an educational activity at any location without receiving prior written approval from the department.

(g) All educational activities, with the exception of public display booths at trade shows, county fairs, or similar events, in which any child under the age of 18 is participating shall include in the educational activity, a statement, presentation or activity regarding the impacts of drug abuse.

(h) This regulation shall not authorize any licensee to give away, sell, trade, barter or otherwise exchange for value any industrial hemp plants, plant parts, grain or seeds, conduct non-educational activities such as a hemp maze, or conduct any for-profit activities.

K.A.R. 4-34-25. State educational institution research license.

(a) Each individual employed by or otherwise affiliated with a state educational institution that desires to conduct industrial hemp research including cultivating, growing, handling, harvesting, storing, distributing, transporting or processing industrial hemp plants,

plant parts, grain or seeds at any location in the state shall submit to the department a signed, complete, accurate, and legible research license application. No application fee or license fee shall be assessed to individuals applying for a state educational institution research license.

(b) Each individual who desires to obtain a state educational institution research license shall apply for a state educational institution research license prior to cultivating, growing, handling, harvesting, storing, distributing, transporting or processing any industrial hemp plants, plant parts, grain or seeds in this state. Volunteers, students, employees or research and extension employees of a state educational institution shall not apply for a license or conduct industrial hemp research without first obtaining written approval from the head of their department stating that the individual applying for participation in the department's pilot program is doing so as part of a sanctioned state educational institution research proposal. The written approval from the head of the department shall be submitted to the department with the research license application.

(c) Each individual, including a volunteer, student, employee or research and extension employee, that is applying to obtain a state educational institution research license shall identify on their research license application:

(1) Each individual that may be involved in the licensee's research proposal, including those individuals engaged in the purchase, research, cultivation, growing, handling, harvesting, storing, distribution, transport, processing, study, analysis or selling of industrial hemp plants, plant parts, grain or seeds; and

(2) All individuals that have access to the proposed research area or areas.

(d) Prior to cultivating, growing, handling, harvesting, storing, distributing, transporting, processing, researching, studying, or analyzing industrial hemp plants, plant parts, grain or seeds for research purposes as part of the department's pilot program at any location in the state, each individual shall obtain a license issued by the department. Individuals who do not hold a license issued by the department shall not cultivate, grow, handle, harvest, store, distribute, transport, or process industrial hemp plants, plant parts, grain or seeds. Individuals under 18 years of age shall not be included on, apply for or hold any state educational institution license issued by the department.

(e) The requirements for research license applications established in K.A.R. 4-34-5 subsections (d) – (g) are applicable to all individuals applying for a state educational institution research license. The requirements for criminal history record checks established in K.A.R. 4-34-6 are applicable to all individuals applying for a state educational institution research license and all individuals listed on the research license application.

(f) A license issued by the department shall establish the terms and conditions governing each individual's participation in the department's pilot program. A violation of the license may result in the license being revoked and denial of future applications.

(g) Except in the case of the death of a licensee, any license issued by the department shall not be transferrable, and a licensee shall not sell or transfer any license issued by the department. In the event of a licensee's death, an individual listed on the research license application may request the department modify the license as required by K.A.R. 4-34-14.

(h) At all times a licensee is engaged in cultivating, growing, handling, harvesting, storing, distributing, transporting, processing, researching, overseeing, studying, or analyzing industrial hemp plants, plant parts, grain or seeds pursuant to the department's pilot program, the licensee shall have their current license in their possession.

(i) Each state educational institution research license issued by the department shall be valid for one year from the date of issuance unless revoked by the department. An individual may apply for a license in successive years by completing a research license application, criminal history record checks and fingerprinting. Issuance of a license in one year does not guarantee the issuance of a license in the following or subsequent years.

(j) A licensee shall not cultivate, grow, handle, harvest, store, distribute, transport or process industrial hemp plants, plant parts, grain or seeds on any licensed research sections that are not owned by the state educational institution conducting the research. A licensee shall not enter into any agreement or otherwise subcontract with an individual to permit the licensee to conduct research on land not owned by the state educational institution.

(k) The department may approve a licensee to grow an acreage or square footage that is equal to or less than the acreage or square footage stated in the research license application. A licensee may elect to grow an acreage or square footage that is equal to or less than the acreage or square footage authorized in the license issued by the department. Completion of a modification request form is not required if a licensee elects to grow an acreage or square footage that is less than the acreage or square footage authorized in the license issued by the department.

(l) Licensees shall only use approved varieties of industrial hemp plants, plant parts, grain or seeds when engaged in cultivating, growing, handling, harvesting, storing, distributing, transporting or processing industrial hemp plants, plant parts, grain or seeds for research purposes except the department may authorize state educational institution licensees to conduct research regarding industrial hemp varieties not currently approved by the department.

(m) Licensees growing industrial hemp seed for seed certification shall also follow the requirements established in the Kansas agricultural seed act, K.S.A. 2-1415 *et seq.* and rules and regulations adopted thereunder.

(n) Each licensee shall only store or distribute industrial hemp plants, plant parts, grain or seeds grown under their own license, except with the express written permission of the secretary.

(o) Each licensee shall comply with instructions from representatives of the department and local, state and federal law enforcement agencies.

(p) Each licensee shall permit the department to perform any number of inspections and collect any number of samples of any industrial hemp plants, plant parts, grain or seeds at any time.

(q) Each licensee shall submit all reports required by the department on or before the deadlines established.

(r) Each licensee shall ensure that any person applying pesticides to industrial hemp plants or plant parts complies with the Kansas pesticide act, K.S.A. 2-2438a *et seq.* and amendments thereto and rules and regulations adopted thereunder.

(s) Each licensee shall be solely responsible for the risk of financial or other loss as a result of participating in the department's pilot program.

(t) Each licensee shall not permit or allow industrial hemp plants, plant parts, grain and seeds to be cultivated, grown, handled, harvested, conditioned, stored, distributed, transported or processed in any location other than the location or locations that are included in the license issued by the department.

(u) Each licensee shall immediately notify the department of any interaction with law enforcement related to the licensee's participation in the department's pilot program, as well as

any contact with law enforcement related to criminal charges or a criminal investigation involving the possession or use of drugs or drug paraphernalia and shall provide a written follow-up to the department within three calendar days of the interaction.

(v) Each licensee shall notify the department and appropriate law enforcement agencies of any theft of industrial hemp plants, plant parts, grain or seeds, whether growing or not.

(w) Each licensee shall not permit any individual to participate in their research proposal or otherwise have access to the licensee's research area, industrial hemp plants, plant parts, grain or seeds if that individual's license was revoked by the department or that individual was denied admission to participate in the department's pilot program.

(x) Each licensee shall not sell or transfer, or permit the sale or transfer, of industrial hemp plants, plant parts, grain or seeds to any individual who does not hold a current license issued by the department for the hemp-related activity that the individual desires to conduct.

(y) Licensees shall not conduct activities that involve industrial hemp plants, plant parts, grain or seeds that are unrelated to research or educational activities at any location or locations listed on the license issued by the department, including industrial hemp related activities such as an industrial hemp maze.

(z) Licensees shall not distribute industrial hemp plants, plant parts, grain or seeds at locations that are not identified in the license issued by the department, including trade shows, county fairs, educational or other events, or any other address not listed in the license.

(aa) Licensees shall not distribute industrial hemp plants, plant parts, grain or seeds at locations that are not identified in the license issued by the department, including trade shows, county fairs, educational or other events, or any other address not listed in the license.

(bb) Licensees shall be permitted to host or otherwise engage in educational activities if the licensee complies with the requirements of K.A.R. 4-34-24.

(cc) A licensee who desires a modification to a license previously issued by the department shall comply with requirements of K.A.R. 4-34-14, relating to the modification of a license, except the department shall not charge or collect a modification fee to licensees requesting modifications to their state educational institution license.

(dd) Each licensee shall at all times ensure that no aspect of their participation in the department's pilot program endangers the public health, safety or welfare.

(ee) In addition to other licensing requirements, licensees that are issued a state educational institution research license shall:

(1) Ensure that their industrial hemp plants, plant parts, grain or seeds are not interplanted with any other crop, unless prior written approval from the department has been obtained;

(2) Scout and monitor unlicensed growing areas, whether inactive or previously licensed as part of a research area, including any ditches, fence lines and other unmanaged land areas adjacent to said research areas, for volunteer plants and destroy any volunteer plants during the current license year and for a minimum of three years after the last date of planting reported to the department;

(3) Obtain industrial hemp plants, plant parts, grain or seeds from a Kansas licensed research grower or from legally imported sources of industrial hemp;

(4) Obtain a copy of the research grower license and harvest certificate from any licensed research grower or licensed research distributor with whom the licensee conducts

business before conditioning, storing, handling, distributing, transporting or processing the industrial hemp plants, plant parts, grain or seeds;

(5) Ensure that industrial hemp plants, plant parts, grain or seeds are not distributed or transported with any other commodity or other items being transported;

(6) Ensure that a copy of the harvest certificate pertaining to the industrial hemp plants, plant parts, grain or seeds that were harvested accompanies the industrial hemp plants, plant parts, grain or seeds being distributed, transported or processed;

(7) Devitalize any industrial hemp seed within 10 days of receipt and shall take appropriate security measures to ensure the seeds cannot be stolen before they are devitalized;

(8) Submit the required reports of licensees as required by K.A.R. 4-34-20;

(9) Comply with the records retention requirements as required by K.A.R. 4-34-21;

(10) Comply with the land use restrictions for licensees as required by K.A.R. 4-34-22;

and

(11) Comply with the information and access requirements as required by K.A.R. 4-34-23.

(ff) A state educational institution licensee that is no longer affiliated with the state educational institution shall notify the department and withdraw from the department's pilot program in writing.

(gg) A licensee may cultivate, grow, condition, handle, harvest, store, distribute, transport or process industrial hemp plants, plant parts, grain or seeds pursuant to the license issued by the department.

(hh) A licensee that stores, handles, distributes transports or processes industrial hemp plants, plant parts, grain or seeds which were obtained from outside of Kansas shall maintain a bill of lading or other proper documentation demonstrating that the industrial hemp plants, plant parts, grain or seeds were legally imported into the state.

(ii) A licensee shall not be permitted to operate a mobile processing facility.

(jj) Prior to a licensee harvesting any industrial hemp plants, plant parts, grain or seeds from a research area, the licensee shall comply with the pre-harvest requirements of K.A.R. 4-34-17, the requirements relating to pre-harvest inspection, collection of samples, testing, and post-testing actions as required by K.A.R. 4-34-18 and the post-harvest requirements of licenses as required by K.A.R. 4-34-19. The department shall not charge or collect a fee for collecting samples or testing.

K.A.R. 4-34-26. Movement of industrial hemp, restrictions on sale or transfer of industrial hemp, compliance with applicable law and liability of the department.

(a) The movement into, out of, or within the state of Kansas, of all industrial hemp plants, plant parts, grain or seeds, shall be made and conducted by a licensed research grower, licensed research distributor or licensed research processor at the licensee's expense and risk.

(b) A licensee shall not sell or transfer industrial hemp plants, plant parts, grain or seeds to any individual outside the state who is not authorized by an institution of higher education or state department of agriculture under the authority of 7 U.S.C. 5940 and the laws of that state. A licensee also shall not purchase or receive industrial hemp plants, plant parts, grain or seeds from an individual, or permit any transfer of industrial hemp plants, plant parts, grain or seeds to or from any individual outside the state who is not authorized by an institution of higher education or state department of agriculture under the authority of 7 U.S.C. 5940 and the laws of

that state. Each licensee shall ensure that any sale or transfer of industrial hemp plants, plant parts, grain or seeds is lawful in the state in which the transaction is undertaken.

(c) Each licensee shall comply with all local, state and federal laws and regulations related to participation in the department's pilot program, whether or not a law or regulation is referenced in the Act or in these regulations. The department shall not be responsible for informing or advising a licensee of any local, state or federal law or regulation that may be applicable as a result of the licensee's participation in the department's pilot program.

(d) The department shall bear no liability for any loss or obligation a licensee incurs as a result of the licensee's involvement in the department's pilot program.

K.A.R. 4-34-27. Violations and disciplinary sanctions.

(a) In addition to any other violations of the Act or regulations adopted pursuant thereto, the following acts and omissions by an individual or licensee shall constitute violations for which disciplinary sanctions, including revocation of a license or denial of future applications, may be imposed:

(1) Refusal or failure by an individual or licensee to fully cooperate and assist the department and law enforcement agencies with all aspects of the administration and enforcement of the Act and rules and regulations adopted thereunder, including the application, harvest, destruction, reporting, inspection and sampling processes;

(2) Failure to provide any information required or requested by the department for purposes relating to the administration of the department's pilot program;

(3) Providing false, misleading, or incorrect information to the department by any means, as it pertains to the licensee's cultivation, growth, handling, harvest, storage, distribution, transporting or processing of industrial hemp plants, plant parts, grain or seeds, including information provided in any application, form, report, record or inspection required or maintained in accordance with the department's pilot program;

(4) Failure to submit any required applications or reports;

(5) Growing plants of the genus cannabis that, when tested, is shown to have a delta-9 tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis; and

(6) Failure to pay any fees assessed by the department.

(b) If any licensee cultivates, grows, handles, harvests, stores, distributes, transports or processes any industrial hemp plants, plant parts, grain or seeds on any location not listed in the license issued by the department, the industrial hemp plants, plant parts, grain or seeds shall be destroyed by the licensee at the licensee's expense and the licensee's license may be revoked. Destruction of the licensee's industrial hemp plants, plant parts, grain or seeds being cultivated, grown, handled, harvested, stored, distributed, transported, or processed pursuant to the licensee's license shall be conducted by the licensee at the licensee's expense and shall occur no later than 15 business days after the licensee is notified of their obligation to destroy the industrial hemp plants, plant parts, grain or seeds by the department. The licensee shall notify the department within five days of receipt of the notification to destroy as to the date and time the destruction shall occur. Representatives of the department or law enforcement may be present during the destruction or the department may require proof of the destruction.

(c) Any licensee whose research license is revoked shall have their industrial hemp plants, plant parts, grain or seeds destroyed by the licensee at the licensee's expense and shall not be eligible to reapply or otherwise participate in the department's pilot program for at least five years from the date of revocation. Destruction of the licensee's industrial hemp plants, plant

parts, grain or seeds being cultivated, grown, handled, harvested, stored, distributed, transported, or processed pursuant to the licensee's license shall be conducted by the licensee at the licensee's expense and shall occur no later than 15 business days after the licensee is notified of the need to destroy the industrial hemp plants, plant parts, grain or seeds by the department. The licensee shall notify the department within five days of receipt of the notification to destroy as to the date and time the destruction shall occur. Representatives of the department or law enforcement may be present during the destruction or the department may require proof of the destruction.

(d) If a licensee violates any provision of the Act or regulations adopted pursuant thereto, the department may revoke a licensee's license in whole or in part. The department has discretion to revoke a license in whole or in part, including revocation as to a specific licensed research section, research area, a specific individual approved in the license, or any other aspect of the licensee's research proposal as the department deems appropriate.

(e) Prior violations of the Act or previous revocations of a licensee's license may be taken into consideration by the department and the state advisory board when reviewing new research license applications.

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