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The following copy of selected statutes and regulations is being made available by the Kansas Department of Agriculture for the convenience of the public and is meant to be used only as a reference. While the Kansas Department of Agriculture has made every effort to accurately reproduce these statutes and regulations, they are not the official statutes and regulations of the State. The Kansas Statutes Annotated (K.S.A.), published by the Revisor of Kansas Statutes, and the Kansas Administrative Regulations (K.A.R.), published by the Secretary of State should be consulted for the text of the official statutes and administrative regulations of the State.

Certificate of Free Sale

K.S.A. 74-5,100. Certificate of free sale; fee; rules and regulations. (a) In addition to the specific powers and duties conferred upon the secretary of agriculture by the laws of this state, the secretary is authorized to issue certificates of free sale upon request that are necessary or incidental to the execution of the laws relating to the department of agriculture.

(b) The secretary may establish a fee schedule to cover the cost of issuing such certificates not to exceed \$25 per certificate.

(c) The secretary is hereby authorized to adopt rules and regulations necessary to carry out the provisions of this section.

REGULATIONS

K.A.R. 4-6-1. Certificate of free sale; definitions. (a)(1) "Certificate of free sale" and "certificate" shall mean a written document in English that states that the product described in the document was manufactured in Kansas by a business whose owner or operator meets the following requirements:

(A) Holds a license, registration, permit, or other authority issued by the Kansas department of agriculture for that business; and

(B) complies with the requirements of the Kansas laws for distribution of the product in Kansas and, where applicable, the United States.

(2) "Person" shall mean any individual, partnership, association of persons, corporation, or governmental agency.

(3) "Secretary" shall mean the secretary of agriculture or a designee of the secretary.

(b) When used in a certificate of free sale, "U.S. regulations" shall mean those regulations promulgated by agencies of the federal government as follows:

(1) Regulations that have been adopted by reference in regulations of the Kansas department of agriculture; or

(2) regulations administered by the Kansas department of agriculture pursuant to a cooperative agreement with a federal agency. (Authorized by and implementing K.S.A. 2008 Supp. 74-5,100; effective Jan. 1, 2009; amended Nov. 20, 2009.)

K.A.R. 4-6-2. Certificate of free sale. Any person may request one or more certificates of free sale by providing the following information to the secretary on a form provided by the Kansas department of agriculture:

- (a) The name, address, and telephone number of the person requesting each certificate;
- (b) the name of the licensed, registered, or permitted establishment where the product was manufactured;
- (c) the name and type of product for which each certificate is requested;
- (d) either an original label or an exact and unaltered photocopy of the label in English for the product;
- (e) the country or countries to which the product is to be shipped;
- (f) the number of certificates requested;
- (g) if more than one product is included in the request, specification of which products are to be listed on each certificate; and
- (h) the address to which each certificate is to be sent. (Authorized by and implementing K.S.A. 2008 Supp. 74-5,100; effective Jan. 1, 2009; amended Nov. 20, 2009.)

K.A.R. 4-6-3. Certificate of free sale; fees. (a) Each person requesting a certificate of free sale shall pay a \$20.00 fee for processing and a \$1.00 fee for each duplicate certificate.

(b) No additional fee shall be charged if the certificate of free sale is sent by first-class U.S. mail to an address in the continental United States. The person requesting the certificate of free sale shall pay the actual costs for delivery of the certificate in any other manner or to any other address.

(c) Except as specified in subsection (d), all fees and costs shall be due upon issuance of the certificate of free sale.

(d) Issuance of a certificate of free sale may be refused by the secretary until payment of all fees and costs is received.

(e) This regulation shall be effective on and after January 1, 2009. (Authorized by and implementing L. 2008, Ch. 48, §1; effective Jan. 1, 2009.)