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Kansas Department of Agriculture
Plant Protection & Weed Control Program
1320 Research Park Drive
Manhattan, KS 66502
Tel: (785) 564-6698
FAX: (785) 564-6779



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Commercial Industrial Hemp Act

Article 39. – INDUSTRIAL HEMP

Kansas Statutes Annotated

2-3901. Commercial industrial hemp act; citation; definitions. (a) K.S.A. 2-3901 et seq., and amendments thereto, shall be known and may be cited as the commercial industrial hemp act.

(b) As used in the commercial industrial hemp act:

(1) "Commercial" means the cultivation or production of industrial hemp for any purpose authorized under K.S.A. 2-3906, and amendments thereto.

(2) "Delta-9 tetrahydrocannabinol concentration" means the combined percentage of delta-9 tetrahydrocannabinol and its optical isomers, their salts and acids, and salts of their acids, reported as free THC:

(A) On a dry weight basis, of any part of the plant *cannabis sativa* L.; or

(B) on a percentage by weight basis in hemp products, waste or substances resulting from the production or processing of industrial hemp.

(3) "Effective disposal" includes, but is not limited to:

(A) Destruction; or

(B) any other method of disposing of industrial hemp or hemp products found to be in violation of this act that is permitted under the provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(4) "Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption and any extract from industrial hemp intended for further processing. Final "hemp products" may contain a tetrahydrocannabinol concentration of not more than 0.3%. As used in this paragraph, "tetrahydrocannabinol concentration" means the same as in K.S.A. 65-6235(b)(3), and amendments thereto.

(5) "Hemp producer" means any individual, licensed or otherwise, engaging in the cultivation or production of industrial hemp for commercial purposes pursuant to K.S.A. 2-3906, and amendments thereto.

(6) "Hemp processor" means a person registered under K.S.A. 2-3907, and amendments thereto, to process and manufacture industrial hemp and hemp products.

(7) "Industrial hemp" means all parts and varieties of the plant *cannabis sativa* L., whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

(8) "Person" means an individual, corporation, partnership, association, joint stock company, trust, unincorporated organization or any similar entity or any combination of the foregoing acting in concert.

(9) “State educational institution” means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university, Fort Hays state university, or any other accredited college, university, technical college or community college within Kansas.

(10) “Authorized seed or clone plants” means a source of industrial hemp seeds or clone plants that: (A) Has been certified by a certifying agency, as defined by K.S.A. 2-1415, and amendments thereto;

(B) has been produced from plants that were tested during the active growing season and were found to produce industrial hemp having a tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and has been certified in writing by the grower or distributor of such seeds or clone plants to possess such qualities; or

(C) meets any other authorized standards approved by the Kansas department of agriculture through rules and regulations, except that no seed or clone plants shall be considered authorized seed or clone plants if they do not meet any standard adopted by the United States department of agriculture pursuant to 7 U.S.C. § 1621 et seq., and amendments thereto.

(11) “Hemp employee” means a person who has applied for employment or is currently employed with the Kansas department of agriculture who oversees or regulates industrial hemp.

(12) “Applicant” means a person who has submitted an application for licensure as a hemp producer or registration as a hemp processor. (13) “Hemp destruction employee” means an employee or agent of the Kansas department of agriculture who participates in the effective disposal of industrial hemp.

History: L. 2018, ch. 62, § 1; L. 2019, ch. 37, § 7; L. 2021, ch. 76, § 3; April 29; L. 2022, ch. 69, § 23; July 1; L. 2024, ch. 15, § 4; July 1.

2-3902. Same; industrial hemp research and cultivation; licensure; criminal history record checks; rules and regulations; fees; reports to the legislature.

(a) The Kansas department of agriculture shall, by the adoption of rules and regulations, establish an advisory board within the department to provide input and information regarding the regulation and development of industrial hemp in the state of Kansas and any programs proposed or operated by the department. Such board shall include a minimum of six members, including members that represent the following:

- (1) The Kansas legislature;
- (2) crop research;
- (3) industrial hemp production or processing;
- (4) law enforcement;
- (5) seed certification; and
- (6) the state entity designated to regulate hemp processors.

(b) The state advisory board shall meet at least annually. Members shall receive no compensation but shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(c) The secretary of agriculture may require a hemp employee to be fingerprinted and to submit to a state and national criminal history record check in accordance with section 2, and amendments thereto.

(2) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from initial or continuing employment under this section.

(3) The individual seeking initial or continuing employment under this section shall pay the costs of fingerprinting and the state and national criminal history record checks.

History: L. 2018, ch. 62, § 2; L. 2019, ch. 37, § 8; July 1; L. 2022, ch. 69, § 24; July 1; L. 2024, ch. 15, § 5; July 1.

2-3903. Same; commercial industrial hemp act licensing fee fund. (a) The commercial industrial hemp act licensing fee fund shall be administered by the secretary of agriculture. All expenditures from the commercial industrial hemp act licensing fee fund shall be made in accordance with appropriation

acts upon warrants of the director of accounts and reports issued pursuant to vouchers signed by the secretary of agriculture or the secretary's designee.

(b) Except as provided in K.S.A. 2021 Supp. [2-3907](#), and amendments thereto, licensing and renewal fees shall be established pursuant to rules and regulations adopted by the secretary under the commercial industrial hemp act. The amounts received for such fees shall be deposited in the state treasury in accordance with K.S.A. [75-4215](#), and amendments thereto, and shall be credited to the commercial industrial hemp act licensing fee fund.

History: L. 2018, ch. 62, § 3; L. 2019, ch. 37, § 9; L. 2021, ch. 76, § 4; April 29; L. 2022, ch. 69, § 25; July 1.

2-3904. Research program licenses; application deadline extension for 2019 growing season.

The secretary of agriculture shall continue to accept any applications for licensure submitted under the provisions of K.S.A. 2018 Supp. 2-3902, and amendments thereto, for the 2019 growing season from March 1, 2019, through June 1, 2019.

History: L. 2019, ch. 37, § 3; April 18.

2-3905. Commercial industrial hemp act; legislative intent. (a) It is the intent of the legislature of the state of Kansas that the implementation of the commercial industrial hemp act by the Kansas department of agriculture shall be conducted in the least restrictive manner allowed under federal law. (b) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

History: L. 2019, ch. 37, § 1; April 18.

2-3906. Commercial industrial hemp plan; requirements for hemp producers; violations by hemp producers; criminal history record checks; license modification fee limit. (a) The Kansas department of agriculture, in consultation with the governor and attorney general, shall submit a plan to the United States department of agriculture under which the Kansas department of agriculture will monitor and regulate the commercial production of industrial hemp within the state in accordance with 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(b) Such plan shall include the following:

- (1) A procedure to maintain relevant information regarding land on which industrial hemp is produced, including a legal description of the land, for a period of not less than three calendar years;
- (2) a procedure for testing, using post-decarboxylation or other similarly reliable methods, the delta-9 tetrahydrocannabinol concentration levels of industrial hemp produced;
- (3) a procedure for the effective disposal of industrial hemp and hemp products that are found to be in violation of this act;
- (4) any licensing requirements or other rules and regulations deemed necessary by the Kansas department of agriculture for the proper monitoring and regulation of industrial hemp cultivation and production for commercial purposes, including, but not limited to:
 - (A) Fees for licenses, license renewals and other necessary expenses to defray the cost of implementing and operating the plan on an ongoing basis; and
 - (B) standards for authorized seed or clone plants;
- (5) a procedure for the creation of documentation that any person in possession of unprocessed industrial hemp may use to prove to any law enforcement officer that such industrial hemp was lawfully grown under this section;
- (6) a procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that industrial hemp is not produced in violation of this act; and
- (7) any other procedures necessary to meet the requirements set forth in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(c) (1) A hemp producer who negligently violates this section or any rules and regulations adopted hereunder shall not be subject to any state or local criminal enforcement action, but shall comply with the following corrective actions as applicable:

- (A) A reasonable date by which the hemp producer shall correct the negligent violation; and

(B) a requirement that the hemp producer shall periodically report to the Kansas department of agriculture on the hemp producer's compliance with this section and rules and regulations adopted hereunder, for a period of not less than the next two calendar years.

(2) A hemp producer who negligently violates this section or any rules and regulations adopted hereunder three times in a five-year period shall be ineligible to produce industrial hemp for a period of five years beginning on the date of the third violation.

(3) The Kansas department of agriculture shall immediately report any violation by a hemp producer with a greater culpable mental state than negligence to the attorney general and such hemp producer shall not be subject to the exemption in subsection (c)(1).

(d) Any individual otherwise eligible to become a licensed hemp producer shall not be eligible to produce industrial hemp if such individual has submitted any materially false information in any application to become a licensed hemp producer.

(e) (1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal as a hemp producer under this section to be fingerprinted and to submit to a state and national criminal history record check in accordance with section 2, and amendments thereto.

(2) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from initial or continuing licensure as a hemp producer under this section.

(3) The individual seeking a license or license renewal as a hemp producer under this section shall pay the costs of fingerprinting and the state and national criminal history record checks.

(f) The secretary of agriculture shall promulgate rules and regulations to implement the plan submitted to the United States department of agriculture and to otherwise effectuate the provisions of this section.

(g) Upon the repeal of 7 U.S.C. § 5940 or either the adoption of a federal plan by the United States department of agriculture that allows for the cultivation and production of industrial hemp for commercial purposes within the state or upon the adoption of rules and regulations by the Kansas secretary of agriculture that establish the cultivation and production of industrial hemp for commercial purposes within the state, the Kansas department of agriculture may discontinue the industrial hemp research program established pursuant to K.S.A. 2-3902, and amendments thereto.

(h) Any modification fee established by the department for any requested change to a license that was previously issued by the department under this section shall not exceed \$50.

(i) Any licensing or other fees collected pursuant to this section and any rules and regulations adopted hereunder shall be deposited in the commercial industrial hemp act licensing fee fund established by K.S.A. 2-3903, and amendments thereto, for all costs of the administration of the commercial production of industrial hemp.

(j) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2-3901 et seq., and amendments thereto.

History: L. 2019, ch. 37, § 2; April 18; L. 2022, ch. 69, § 26; July 1; L. 2024, ch. 15, § 6; July 1.

2-3907. Requirements for hemp processors; registration; penalties; criminal history record checks. (a) The state fire marshal shall create and maintain a registry of all hemp processors operating within the state of Kansas.

(b) Any person engaging in the processing of industrial hemp shall register annually with the state fire marshal prior to processing industrial hemp.

(c) Registration shall expire annually on June 30. Registration fees, not to exceed \$1,000, shall be established pursuant to rules and regulations adopted by the state fire marshal.

(d) Any person required to register as a hemp processor pursuant to this section shall submit an annual registration application on a form provided by the state fire marshal that shall include, at a minimum:

(1) The full legal name, date of birth, address and telephone number of the applicant. If the applicant is not an individual, the same information

shall also be provided for all owners and the individual responsible for all industrial hemp processing and related activities performed by the applicant;

(2) the physical location of any premises that will serve as a part of the applicant's industrial hemp processing operations;

(3) a brief description of the industrial hemp processing methods, activities and products planned for production; and

(4) certification that such applicant has fully complied with the fingerprinting and criminal history record check requirements contained in this section, if applicable. Any such applicant who provides a false statement of compliance with such requirements shall be guilty of a class C nonperson misdemeanor.

(e) The state fire marshal shall provide an updated list of all hemp processors to the Kansas bureau of investigation and to the county sheriff in each county where a hemp processor is located as often as is reasonably required or requested.

(f) Fees collected pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the fire marshal fee fund.

(g) It shall be unlawful for any person to operate as a hemp processor without valid registration. Upon a first conviction for a violation of this subsection, a person shall be guilty of a class A nonperson misdemeanor. On a second or subsequent conviction for a violation of this subsection, a person shall be guilty of a severity level 9, nonperson felony.

(h) (1) The state fire marshal shall require all individuals applying for a hemp processor registration who seek to engage in the extraction of cannabinoids from industrial hemp, including the disposal of such cannabinoids, pursuant to the commercial industrial hemp act to be fingerprinted and submit to a state and national criminal history record check in accordance with section 2, and amendments thereto.

(2) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from processing industrial hemp under this section.

(3) The state fire marshal may deny registration to any individual who has violated subsection (g) or any other provision of the commercial industrial hemp act.

(4) The individual seeking authorization to extract or dispose of cannabinoids from industrial hemp pursuant to this section shall pay the costs of fingerprinting and the state and national criminal history record check.

(i) (1) The state fire marshal shall promulgate rules and regulations to carry out the provisions of this section, including, but not limited to, rules and regulations on:

(A) The denial, conditioning, renewal or revocation of registration;

(B) the creation of multiple classes of registrations based upon the scope of hemp processing activities of an applicant;

(C) construction and safety standards for processing facilities;

(D) security measures;

(E) inventory control;

(F) maintenance of records;

(G) access to and inspection of records and processing facilities by the state fire marshal and law enforcement agencies;

(H) the collection and disposal of any cannabinoids extracted during the processing of industrial hemp that cannot be lawfully sold in this state; and

(I) the transportation of industrial hemp or hemp products.

(2) The state fire marshal may grant an exemption from the application of a specific requirement of rules and regulations promulgated under paragraph (1), unless the state fire marshal determines that the condition, structure or activity that is or would be in noncompliance with such requirement would constitute a distinct hazard to life or property. Any such exemption shall be granted only upon written request of a registrant or applicant for registration that clearly demonstrates that enforcement of a

specific requirement of a rule and regulation will cause unnecessary hardship as determined by the state fire marshal.

(j) The Kansas department of agriculture and the state fire marshal shall coordinate with one another, including providing any requested information from the other, regarding industrial hemp licensees, hemp processors and hemp processor applicants necessary for the enforcement of any laws or rules and regulations relating to industrial hemp.

(k) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2-3901 et seq., and amendments thereto.

History: L. 2019, ch. 37, § 4; L. 2021, ch. 76, § 5; April 29; L. 2024, ch. 15, § 7; July 1.

2-3908. Unlawful hemp products; penalties; exceptions. (a) (1) It shall be unlawful for any of the following hemp products to be manufactured, marketed, sold or distributed by any person in the state of Kansas:

(A) Cigarettes containing industrial hemp;
(B) cigars containing industrial hemp;
(C) chew, dip or other smokeless material containing industrial hemp;
(D) teas containing industrial hemp;
(E) liquids, solids or gases containing industrial hemp for use in vaporizing devices; and
(F) any other hemp product intended for human or animal consumption containing any ingredient derived from industrial hemp that is prohibited pursuant to the Kansas food, drug and cosmetic act, K.S.A. [65-636](#) et seq., and amendments thereto, and the commercial feeding stuffs act, K.S.A. [2-1001](#) et seq., and amendments thereto. This subparagraph shall not otherwise prohibit the use of any such ingredient, including cannabidiol oil, in such hemp products.

(2) As used in this subsection:

(A) "Human or animal consumption" means:

(i) Ingested orally; or
(ii) applied by any means such that an ingredient derived from industrial hemp enters the human or animal body.

(B) "Intended for human or animal consumption" means:

(i) Designed by the manufacturer for human or animal consumption;
(ii) marketed for human or animal consumption; or
(iii) distributed with the intent that it be used for human or animal consumption.

(b)(1) It shall be unlawful for any of the following hemp products to be marketed, sold or distributed to any person in Kansas who is not registered as a hemp processor pursuant to K.S.A. 2021 Supp. [2-3907](#), and amendments thereto, or who does not possess a license by the Kansas department of agriculture under any commercial plan established pursuant to K.S.A. 2021 Supp. [2-3906](#), and amendments thereto, or the research program established pursuant to K.S.A. 2021 Supp. [2-3902](#), and amendments thereto:

(A) Industrial hemp buds;
(B) ground industrial hemp floral material;
(C) ground industrial hemp leaf material; or
(D) any extract from industrial hemp with a delta-9 tetrahydrocannabinol concentration greater than 0.3% that will be further processed.

(2) No license or registration shall be required for the transport of hemp products described in paragraph (1) if such products are transported between hemp producers and hemp processors or between more than one hemp processor. Any such transportation of hemp products shall be subject to rules and regulations promulgated by the state fire marshal pursuant to this act.

(c)(1) Upon a first conviction for a violation of this section, a person shall be guilty of a class A nonperson misdemeanor.

(2) On a second or subsequent conviction for a violation of this section, a person shall be guilty of a severity level 9, nonperson felony.

(d) Nothing in this section shall prohibit:

(1) The use of any hemp product for research purposes by a state educational institution or affiliated entity; or

(2) the production, use or sale of any hemp product that is otherwise not prohibited by state or federal law.

(e) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2021 Supp. [2-3901](#) et seq., and amendments thereto.

History: L. 2019, ch. 37, § 5; L. 2021, ch. 76, § 6; April 29.

2-3909. Disposal of waste by-products. (a)(1) All solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and all hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, resulting from the cultivation, production or processing of industrial hemp under the commercial industrial hemp act shall be managed in accordance with all applicable solid and hazardous waste laws and regulations and the requirements of subsection (a)(2).

(2)(A) If any such waste can be used in the same manner as, or has the appearance of, a controlled substance, as defined in K.S.A. 65-4101, and amendments thereto, all such waste shall be rendered unusable and unrecognizable before the waste is transported or disposed.

(B) This requirement shall not apply to waste that is managed as a hazardous waste and sent to a hazardous waste facility, as defined in K.S.A. 65-3430, and amendments thereto.

(3) For the purposes of this section, “unusable and unrecognizable” means that such waste can not be used in the same manner as, and does not have the appearance of, a controlled substance, as defined in K.S.A. 65-4101, and amendments thereto.

(b) Any violation of this section shall be considered an unlawful act for the purposes of K.S.A. 65-3409, and amendments thereto.

(c) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

History: L. 2019, ch. 37, § 6; April 18.

2-3910. Stop sale, use or removal order for violations of act. In addition to any other remedy that the state fire marshal may exercise pursuant to the Kansas fire prevention code, K.S.A. [31-132](#) et seq., and amendments thereto, the state fire marshal may issue a stop sale, use or removal order whenever the state fire marshal reasonably believes that hemp products are being produced, sold or distributed in violation of the commercial industrial hemp act or any rules and regulations promulgated thereunder. No stop sale, use or removal order shall be valid for more than seven calendar days. No person who has been issued a stop sale, use or removal order shall process, sell, distribute, use or remove industrial hemp, hemp products or hemp waste until any such stop sale, use or removal order is revoked in writing by the state fire marshal.

History: L. 2021, ch. 76, § 2; April 29.

2-3911. Effective disposal of industrial hemp; requirements; criminal history record check. (a) Whenever a person licensed under the commercial industrial hemp act is required to conduct effective disposal of industrial hemp pursuant to standards established by the controlled substances act, 21 U.S.C. 13 et seq., or under regulations adopted by the United States drug enforcement administration, the Kansas department of agriculture shall notify state or local law enforcement agencies with jurisdiction in the area in which the industrial hemp was grown that effective disposal is required.

(b) The department shall develop a plan for effective disposal of industrial hemp in coordination with the state or local law enforcement agency notified pursuant to subsection (a).

(c) (1) In order to carry out the provisions of this section, the department is authorized to perform any action necessary to ensure that effective disposal of industrial hemp occurs, including, but not limited to:

(A) Taking temporary possession of the industrial hemp;

(B) destroying the industrial hemp; or

(C) supervising and directing any appropriate method of effective disposal.

(2) The state or local law enforcement agency shall approve in advance any such action taken by the department or any person under the department's direction or supervision.

(d) The secretary may require a hemp destruction employee to be fingerprinted and to submit to a state and national criminal history record check annually in accordance with section 2, and amendments thereto. The secretary may use the information obtained from fingerprinting and the criminal history record check to verify the identity of the employee or agent and determine whether the employee or agent has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the 10 years immediately preceding submission of such criminal history record check.

(e) The department and the appropriate state or local law enforcement agency may seek reimbursement from any individual licensed under the commercial industrial hemp act for any costs incurred in conducting effective disposal of industrial hemp.

(f) The department shall have no authority to conduct effective disposal for any industrial hemp or cannabis plant produced by individuals not licensed under the commercial industrial hemp act.

(g) Nothing in this section shall limit the jurisdiction or authority of state or local law enforcement to enforce article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

(h) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2-3901 et seq., and amendments thereto.

History: L. 2021, ch. 76, § 1; April 29; L. 2024, ch. 15, § 8; July 1.

2-3912. Industrial hemp testing for non-licensed persons or governmental entities; fees; test results made available to the Kansas bureau of investigation upon request.

(a) The Kansas department of agriculture may provide industrial hemp testing services to non-licensed persons or governmental entities, including law enforcement agencies, when such capacity is available and not required for testing industrial hemp produced by licensees subject to this act.

(b) The secretary may establish a fee schedule for any testing services by rules and regulations and shall remit all moneys received from fees collected under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the laboratory testing services fee fund.

(c) The results of any tests performed under this section shall be made available to the Kansas bureau of investigation upon request. The Kansas department of agriculture shall coordinate any testing services provided under this section with the Kansas bureau of investigation in order to provide excess testing capacity without displacing any services that may also be provided by the Kansas bureau of investigation.

(d) Nothing in this section shall limit the secretary's authority to refuse to provide testing services to any non-licensee.

(e) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2021 Supp. 2-3901 et seq., and amendments thereto.

History: L. 2022, ch. 69, § 9; July 1.