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Kansas Seed Law

Article 2 – AGRICULTURAL SEED

Kansas Statutes Annotated

2-1415. Definitions. As used in this act:

(a) "Agricultural seed" means the seed of grass, legume, forage, cereal, fiber crops, oil seed, food plot seed and any cannabis sativa crop authorized by state law, or mixtures thereof. "Agricultural seed" does not include those seeds generally classified as vegetable, fruit, flower, tree or shrub and grown for personal use or commercial sale, except that cover crop seed shall be considered agricultural seed.

(b) "Person" means any individual, member of a partnership, corporation, agents, brokers, company, association or society.

(c) "Conditioned" means cleaned, or cleaned and blended, to meet the requirements of agricultural seed for the purpose of being planted or seeded.

(d) "Kind" means one or more related species or subspecies that singly or collectively is known by one common name, and includes, among others, wheat, oat, vetch, sweet clover and alfalfa.

(e) "Variety" means a subdivision of a kind that is characterized by growth, yield, plant, fruit, seed or other characteristics by which it can be differentiated from other plants of the same kind.

(f) "Hard seed" means seeds that because of hardness or impermeability do not absorb moisture or germinate under seed testing procedure.

(g) "Label" means the statements written, printed, stenciled or otherwise displayed upon, or attached to, a container of agricultural seed, and includes other written, printed, stenciled or graphic representations, in any form whatsoever, pertaining to any agricultural seed, whether in bulk or in containers, and includes declarations and affidavits.

(h) "Secretary" means the secretary of the Kansas department of agriculture or the secretary's authorized representative.

(i) "Weed seed" means the seeds of plants considered weeds in this state and includes noxious weed seed, prohibited weed seed and restricted weed seed, as determined by the methods established by rules and regulations adopted by the secretary.

(j) (1) "Noxious weed seed" means the seed of any species of plant declared to be a noxious weed by the secretary pursuant to K.S.A. 2-1314(a), and amendments thereto, and any rules and regulations adopted thereunder.

(2) "Noxious weed seed" does not include the seed of any weed species:

(A) Listed as a noxious weed by a board of county commissioners pursuant to K.S.A. 2-1314(d), and amendments thereto, or designated as a noxious weed by an emergency declaration of the secretary pursuant to K.S.A. 2-1314c, and amendments thereto; and

(B) not subsequently declared a statewide noxious weed by the secretary pursuant to K.S.A. 2-1314(a), and amendments thereto, and rules and regulations adopted thereunder.

(k) "Prohibited weed seed" means the seeds or bulblets of plant species that are highly destructive and are difficult to control with cultural practices that are commonly accepted as effective and with the use of herbicides. "Prohibited weed seed" includes the seeds of any species of plant [Ch. 69 2022 Session Laws of Kansas 727 designated as prohibited weed seed in any rules and regulations adopted by the secretary in consultation with landowner organizations, seed industry organizations and programs within the college of agriculture at Kansas state university.

(l) "Restricted weed seed" means weed seeds or bulblets that are:

(1) Objectionable in agricultural crops, lawns and gardens of this state and that can be controlled with cultural practices that are commonly accepted as effective or with the use of herbicides; and

(2) designated as restricted weed seeds pursuant to rules and regulations adopted by the secretary in consultation with landowner organizations, seed industry organizations and programs within the college of agriculture of Kansas state university.

(m) "Advertisement" means all representations, other than those on the label, disseminated in any manner, or by any means, relating to agricultural seed.

(n) "Record" means all information relating to any shipment of agricultural seed and includes a file sample of each lot of such seed.

(o) "Stop sale order" means an administrative order, authorized by law, restraining the sale, use, disposition and movement of a definite amount of agricultural seed.

(p) "Seizure" means a legal process, including an order issued by a court of competent jurisdiction, that allows the secretary to take possession of a definite amount of agricultural seed and undertake or order the disposition of the seed as the court may direct pursuant to K.S.A. 2-1422a, and amendments thereto.

(q) "Lot" means a definite quantity of agricultural seed, identified by a lot number or other mark, every portion or bag of which is uniform, within recognized tolerances for the factors which appear in the labeling.

(r) "Germination rate" means the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions, in accordance with the methods established by rules and regulations adopted pursuant to this act.

(s) "Pure seed" means the kind of seed declared on the label, exclusive of inert matter, agricultural or other crop seeds and weed seeds.

(t) "Inert matter" means all matter that is not seeds as determined by the secretary.

(u) "Other agricultural seeds or other crop seeds" means seeds of agricultural seeds other than those included in the percentage or percentages of kind or variety and includes collectively all kinds and varieties not named on the label.

(v) (1) "Hybrid" means the first generation seed of a cross produced by a method of hybridization that will produce pure seed of which 75% or more contains the genetic material of each of the parent plants and by combining:

(A) Two or more inbred lines;

(B) one inbred or a single cross with an open pollinated variety; or

(C) two varieties or species, other than open pollinated varieties of corn (*Zea mays*).

(2) "Hybrid" does not include the second generation or subsequent generations resulting from such crosses.

(w) "Type" means a group of varieties that are so similar that the individual varieties cannot be clearly differentiated except under special conditions.

(x) "Treated" means that the seed has had a substance applied to such seed that is designed to reduce, control or repel certain disease organisms, insects or other pests and includes an application of a substance designed to increase seedling vigor.

(y) "Tested" means that a representative sample of the lot of agricultural seed in question has been subjected to examination and such sample's purity and germination rate has been determined.

(z) "Native grass seed" means the seeds of aboriginal or native prairie grasses.

(aa) “Chaffy range grasses” means Bluestems, Gramas, Yellow Indian grass, wildryes, buffalograss and any other grass that has seeds that tend to bind together because of attached husks, hulls, brans or other plant parts that do not readily separate from the seeds during conditioning and prevent the seeds from moving independently of each other.

(bb) “Certified seed” means any class of pedigreed seed or plant parts for which a certificate of inspection has been issued by an official seed certifying agency.

(cc) “Certifying agency” means:

(1) An agency that is authorized under the laws of a state, territory or possession to officially certify seed and 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 that is determined by the secretary of agriculture of the United States department of agriculture to be an agency that adheres to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under paragraph (1).

(dd) “Blend” means a combination of two or more varieties of the same kind of agricultural seed in which each variety comprises more than 5% of the whole.

(ee) “Mixture” means a combination of two or more kinds of agricultural seed in which each kind comprises more than 5% of the whole.

(ff) “Brand” means a term or mark that is proprietary in nature, whether or not it is a registered or copyrighted term or mark.

(gg) “Commercial means” includes all forms of advertising for which a person must pay another for the dissemination or distribution of the advertisement.

(hh) “Grower of agricultural seed” means an individual whose primary occupation is farming and who sells or offers or exposes for sale agricultural seed that the individual has grown without the use of a common carrier or a third party as an agent or broker.

(ii) “Wholesaler” means any person who is in the business of selling agricultural seed to any person other than the end user.

(jj) “Retailer” means any person who sells agricultural seed to the end user.

(kk) “Seed conditioner” means any person who is in the business of cleaning seed for a fee or compensation.

(ll) “Wild mustard (Brassica spp.)” means Indian mustard (Brassica juncea), Sahara mustard (B. tournefortii), field mustard (B. rapa), black mustard (B. nigra), bird rape (B. campestris) and all other members of the wild mustard (Brassica spp.) genus when occurring incidentally in agricultural seeds.

(mm) “Cover crop seed” means the seed of any plant that is planted to provide seasonal soil cover for the purpose of protecting or enriching the soil, whether harvested or not. “Cover crop seed” does not include the seeds of any plant of the genus cannabis.

(nn) “Food plot” means a planted area set aside for the purpose of providing a supplementary source of nutrition to wildlife or other nondomesticated animals and that is not intended to be harvested for sale.

(oo) “Feminized seed” means seeds produced by a cannabis sativa plant that are specially bred, treated or genetically engineered to eliminate male chromosomes to produce only female plants.

(pp) “Oil seed” means the seeds of any species that is grown as a crop primarily for the oil contained within the grain.

(qq) “Seed” means a plant’s dormant unit of sexual reproduction intended to be planted for germination.

(rr) “Act” or “Kansas seed law” means the statutes contained in article 14 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 1935, ch. 4, § 1; L. 1943, ch. 2, § 1; L. 1961, ch. 5, § 1; L. 1968, ch. 181, § 1; L. 1985, ch. 10, § 1; L. 1990, ch. 4, § 2; L. 1991, ch. 5, § 1; L. 1997, ch. 63, § 1; L. 1998, ch. 85, § 6; July 1, 2000; L. 2022, ch. 69, § 11, July 1.

2-1416. Testing and labeling required. Except as provided in subsection (c) of K.S.A. [2-1421](#), and amendments thereto, it shall be unlawful for any person to offer or expose for sale, sell or exchange

any agricultural seed for planting or seeding purposes that has not been tested and is not labeled. This provision shall apply to grain when sold as such or when sold according to grain standards and the seller knows, or has reason to know, it is to be used for seed.

History: L. 1935, ch. 4, § 2; L. 1961, ch. 5, § 2; L. 1985, ch. 10, § 2; July 1.

2-1417. Label requirements. (a) Each bulk quantity, package or parcel of agricultural seed offered for sale, exposed for sale or exchanged for planting or seeding purposes shall have a label that shall be affixed thereto or printed or stenciled thereon or, for bulk quantity agricultural seed, shall be furnished with the invoice. Each agricultural seed label shall be printed in the English language and shall contain the following information, which shall be legible and shall not be modified, defaced, falsified or misleading and shall not be denied on the label or on another label attached to the container:

(1) The commonly accepted kind and variety or hybrid designation, or the kind and the words “variety not stated”, of each agricultural seed component that comprises more than 5% of the whole and the percentage by weight of each in order of its predominance, except for the annual grain crops wheat, oats, barley, and soybeans, for which the label shall include the kind and variety;

(2) the percentage by weight of pure seed;

(3) the percentage by weight of all weed seeds;

(4) the percentage by weight of inert matter;

(5) the percentage by weight of agricultural seeds, which may be designated as “crop seeds”, other than those required to be named on the label;

(6) the lot number or other lot identification, which shall remain visible and legible and shall be placed so as not to obscure any lot number or other lot identification that was previously placed on the bulk quantity, package or parcel;

(7) the origin of the seed, including the state or foreign country where the seed was grown, or a declaration that the origin of the seed is unknown to the seller, except in the case of grass seeds in quantities of less than 10 pounds intended for lawn seeding purposes;

(8) the name and rate of occurrence per pound of each kind of restricted weed seed present, which shall not exceed the applicable limitations prescribed in rules and regulations adopted by the secretary;

(9) the name and address of the person responsible for the label; and

(10) for any label that makes claims that a bulk quantity, package or parcel of cannabis sativa contains feminized seeds, the percentage by weight of feminized seed.

(b) For each kind of agricultural seed identified on the label, the label shall also include:

(1) The germination rate, excluding the hard seed;

(2) the percentage of hard seed, if present;

(3) the month and year that the test to determine the germination rate was conducted; and

(4) for seed that is sold for lawn and turf purposes, a statement of the month and year by which the seed shall be sold that includes the phrase “sell by”.

(c) Any label may also include the total germination rate, including hard seed.

(d) Any label may include a statement of the month and year by which the seed shall be sold that includes the phrase “sell by”.

(e) The “sell by” month and year on each label shall be not more than nine months after the date that the test to determine the germination rate was conducted, excluding the calendar month in which the test was conducted.

(f) For blends of wheat, oats, barley or soybeans, the label shall include a statement of the seed kind followed by the word “blend”. For brands of wheat, oats, barley and soybeans, the brand mark or term shall precede the word “brand”. Components of blends and brands of wheat, oats, barley and soybeans shall be registered with the secretary unless all varieties and the percentage thereof are listed on the label. Blends and brands so registered may be labeled by kind and the words “variety (varieties) not stated”. The composition of registered blends and brands shall remain consistent from year to year. When more than one component is required to be named, the word “mixture” or “mixed” shall be shown conspicuously on the label.

History: L. 1935, ch. 4, § 3; L. 1961, ch. 5, § 3; L. 1985, ch. 10, § 3; July 1; L. 2022, ch. 69, § 12,

July 2022

July 1.

2-1421. Unlawful acts. (a) It shall be unlawful for any person to sell, offer for sale, expose for sale or advertise by commercial means any agricultural seed for seeding purposes:

(1) That was not tested to determine the germination rate within the nine-month period immediately prior to being sold or offered or exposed for sale, excluding the calendar month in which the test was completed;

(2) that is not labeled in accordance with the provisions of this act;

(3) that has a false, misleading or incomplete label;

(4) that contains noxious weed seed or prohibited weed seed;

(5) that contains restricted weed seeds in excess of the quantity prescribed pursuant to rules and regulations adopted by the secretary;

(6) that contains more than:

(A) 2% of weed seed by weight if the agricultural seed is smooth bromegrass, fescues, orchard grass, wheat grasses or lespedeza other than sericea lespedeza;

(B) 4% weed seed by weight if the agricultural seed is any chaffy range grass; or

(C) 1% of weed seed by weight for any other agricultural seed;

(7) by variety name not certified by an official seed certifying agency when it is a variety for which a certificate of plant variety protection has been issued under the plant variety protection act, specifying sale only as a class of certified seed, except that seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety;

(8) without having registered with the secretary as required by K.S.A. 2-1421a, and amendments thereto; and

(9) if any label, advertisement or other media represents such agricultural seed to be certified or registered, unless:

(A) Such certification or registration has been determined by an official seed-certifying agency; and

(B) such seed bears an official label issued for such seed by such agency stating that the seed is certified or registered.

(b) It shall be unlawful for any person to:

(1) Alter or deface any label so that the information is false or misleading or to mutilate any label;

(2) disseminate any false or misleading advertisements concerning agricultural seed;

(3) issue any statement, invoice or declaration as to the variety of any agricultural seed that is false or misleading;

(4) hinder or obstruct the secretary in the performance of official duties;

(5) fail to comply with a stop sale order, or to move or otherwise handle or dispose of any quantity of seed that is held under a stop sale order, or that has a stop sale tag attached thereto, except with the express permission of the enforcing officer in writing and subject to any conditions established by the enforcing officer;

(6) use the word "trace" as a substitute for any statement that is required; or

(7) use the word "type" in any labeling in connection with the name of any agricultural seed variety.

(c)(1) Except as provided in subsection (a)(7), it shall not be a violation of this act for the grower of agricultural seed to sell or offer or expose for sale for planting or seeding purposes agricultural seed that has not been tested and labeled when the agricultural seed:

(A) Was grown on the grower's premises;

(B) is free from noxious weed seed and prohibited weed seed;

(C) does not contain restricted weed seed in excess of the quantity established in rules and regulations adopted by the secretary; and

(D) is of a variety that is not prohibited from being sold or offered or exposed for sale by any legal, contractual or other protection.

(2) Agricultural seed sold pursuant to this exemption shall not be advertised by commercial means unless the advertisement specifically states that the agricultural seed is bin run or states whether the agricultural seed has been tested.

History: L. 1935, ch. 4, § 7; L. 1961, ch. 5, § 4; L. 1978, ch. 5, § 1; L. 1985, ch. 10, § 4; L. 1990, ch. 4, § 3; L. 1997, ch. 63, § 2; July 1; L. 2022, ch. 69, § 13; July 1.

2-1421a. Wholesaler and retailer business registration; seed conditioner registration; fees; agricultural seed fee fund; disposition of moneys received; rules and regulations authority. (a)

(1) Each wholesaler shall register with the secretary and shall pay a registration fee not to exceed \$300. A wholesaler shall not offer or expose the seed for sale to any person, business, wholesaler, retailer or facility when the wholesaler knows or has reason to know that the buyer or potential buyer is not actively registered with the secretary as provided by this section.

(2) Each retailer shall register with the secretary and shall pay a registration fee not to exceed \$30.

(3) Registration shall be required for each place of business at which agricultural seed is sold, offered or exposed for sale by the wholesaler or retailer.

(4) An individual who conducts a wholesaler and retailer business at the same location shall be required to register as both a wholesaler and retailer.

(b) Application for registration as a wholesaler or retailer, or both, shall be made on a form provided by the secretary. Each registration for a wholesaler or retailer shall expire on August 31 following the date of issuance unless such registration is renewed annually.

(c) As used in this section, "agricultural seed" includes grain when sold as such, or when sold according to grain standards and the seller knows, or has reason to know, that the grain is to be used for seeding or planting purposes.

(d) The secretary shall remit all moneys received 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 agricultural seed fee fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person or persons designated by the secretary.

(e) All moneys credited to the agricultural seed fee fund shall be expended for any purpose consistent with the Kansas seed law.

(f) The secretary may adopt rules and regulations necessary to administer the provisions of this act.

(g) The secretary, after providing notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act, may deny any application or revoke, suspend, modify or refuse to renew any registration issued pursuant to this act if such applicant or the holder of such registration has:

(1) Failed to comply with any provision or requirement of this act or any rule or regulation adopted hereunder;

(2) failed to comply with any laws, rules or regulations of any other state, or the United States, related to the registration of agricultural seed dealers, the testing of seed, the labeling of seed or seed certification; or

(3) had any license, certificate, registration or permit issued by Kansas or any other state, or the United States, related to the registration of agricultural seed dealers, the testing of seed, the labeling of seed or seed certification revoked, suspended or modified. (h) This section shall be a part of and supplemental to the Kansas seed law, K.S.A. 2-1415 et seq., and amendments thereto.

History: L. 1990, ch. 4, § 4; L. 1991, ch. 5, § 2; L. 1997, ch. 63, § 3; L. 2001, ch. 5, § 12; L. 2004, ch. 101, § 157; July 1; L. 2022, ch. 69, § 14; July 1.

2-1422. Penalties for violations. (a) Any person who violates any of the provisions of this act shall be deemed guilty of an unclassified misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.

(b) The secretary, after providing notice and an opportunity for a hearing, in accordance with the Kansas administrative procedure act, may suspend, revoke or deny any registration and assess a civil penalty against any person who violates or fails to comply with the requirements of this act, or any rules or regulations adopted hereunder, of not less than \$100 nor more than \$1,000 per violation. Such civil

penalty may be assessed in addition to any other penalty provided by law.

(c) All moneys collected pursuant to this section shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the state general fund.

History: L. 1935, ch. 4, § 8; L. 1943, ch. 2, § 3; L. 1961, ch. 5, § 5; July 1; L. 2022, ch. 69, § 15; July 1.

2-1422a. Seizure of mislabeled seed; disposition; injunction. (a) Agricultural seed that is mislabeled shall be considered a common nuisance and shall be subject to seizure and injunction in the manner provided by law.

(b) (1) When a court of competent jurisdiction finds any seed to be in violation of this act and orders the condemnation of such seed, the seed may be denatured, reprocessed, destroyed, relabeled or otherwise disposed of as the court Provided, directs.

(2) Before a court orders a disposition of any seed, the defendant shall have an opportunity to be heard and to apply to the court for:

(A) Permission to reprocess or relabel the seed in order to bring such seed into compliance with this act and any rules or regulations applicable thereto; and

(B) a release of such seed.

(3) When the secretary applies to any court for a temporary restraining order or a temporary or permanent injunction to prevent any person from violating or continuing to violate any of the provisions of this act or any rules and regulations adopted pursuant thereto, an order granting or denying the secretary's request shall be issued without bond and without regard to whether any criminal proceeding has been instituted. **History:** L. 1949, ch. 3, § 2; L. 1961, ch. 5, § 6; July 1; L. 2022, ch. 69, § 16; July 1.

2-1423. Inspections; stop sale orders; judicial review. (a) Inspection. The secretary shall inspect, sample and determine the purity and germination rate of agricultural seed at such time, in such places and to such extent as the secretary considers advisable. The secretary may stop further sale or movement of any lot or lots of agricultural seed found to be in violation of any of the provisions of this act or any rules or regulations adopted pursuant thereto until compliance with this act has been satisfied or another disposition has been made. It shall be the duty of the secretary to:

(1) Enforce and administer this act;

(2) sample, inspect, make analysis of and test agricultural seeds transported, sold, offered for sale or exposed for sale within the state for planting and seeding purposes at such time and place and to such extent as considered necessary to determine whether the agricultural seeds are in compliance with provisions of this act; and

(3) cooperate and enter into agreements with the United States department of agriculture and other agencies in seed law enforcement.

(b) (1) Access. The secretary shall have free access, during customary business hours, to all places of business, buildings, vehicles, cars and vessels, of whatsoever kind, used in the sale, transportation, processing, packaging, importation or storage of agricultural seed and shall have the authority to:

(A) Inspect the records concerning the place of origin, or concerning the sale, of any agricultural seed;

(B) open any package containing or suspected of containing any agricultural seed that is exposed or offered for sale; and

(C) take therefrom samples of contents for examination.

(2) This section shall also apply to any seed that the secretary has reason to believe is or may be exposed for sale, except for lots of agricultural seed that are clearly and permanently marked as not for sale and stored separately from seed that is or may be offered for sale.

(3) The owner of the seed shall be paid the retail price of the sample so procured if the owner so requests.

(c) Stop sale orders. The secretary or authorized representatives of the secretary shall have the authority to issue and enforce a written or printed "stop sale" order to the owner or custodian of any quantity of agricultural seed that the secretary determines to be in violation of any of the provisions provision of this act or rules and regulations adopted hereunder. Such an order shall prohibit further sale, processing or movement of such seed, except with the approval of the enforcing officer, until such officer has evidence that this act and all rules and regulations adopted hereunder have been complied with and issues a release from the "stop sale" order. Any stop sale order issued pursuant to this subsection is subject to review in accordance with the Kansas judicial review act. The provisions of this subsection shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this act.

History: L. 1935, ch. 4, § 9; L. 1961, ch. 5, § 7; L. 1986, ch. 318, § 12; L. 2010, ch. 17, § 9; July 1; L. 2022, ch. 69, § 17; July 1.

2-1424. Secretary to report violations of act; attested copies of analysis results. When the secretary determines that prosecution for a violation of this act or rules and regulations adopted pursuant hereunder is warranted, the secretary shall:

(a) Report the facts supporting such determination to the prosecuting attorney of the county in which the violation was committed; and

(b) furnish that prosecuting attorney with a copy of the results of any analysis or other examination of such agricultural seed. Such results shall be duly attested to by the analyst or other representative of the secretary who performed the analysis or made the examination.

History: L. 1935, ch. 4, § 10; L. 1961, ch. 5, § 8; July 1; L. 2022, ch. 69, § 18; July 1.

2-1426a. Records; seed samples. Each person whose name appears on the label as handling agricultural seeds subject to this act, shall keep for a period of three (3) years complete records of each lot of agricultural seed handled, and shall keep a file sample of each lot of seed for a period of one (1) year after final disposition of said lot of agricultural seed. All such records and samples pertaining to any shipment of agricultural seed shall be accessible during customary business hours, for inspection by the secretary, or a duly authorized representative of the secretary.

History: L. 1961, ch. 5, § 12; July 1.

2-1427. Rules and regulations; enforcement of act. The secretary is hereby empowered to adopt such rules and regulations as the secretary deems necessary to carry out the full intent and meaning of article 14 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto. The secretary is hereby empowered to enforce the provisions of this act and the rules and regulations adopted hereunder.

History: L. 1935, ch. 4, § 13; L. 1961, ch. 5, § 13; L. 2004, ch. 101, § 37; July 1; L. 2022, ch. 69, § 19; July 1.

2-1429. Designation of agencies. The Kansas state university of agriculture and applied science is hereby authorized to appoint and designate an agency or agencies within the state of Kansas for the purpose of setting certain standards, making requirements and forms of and for the certification of seeds and plant parts intended for propagation or sale or to be sold or offered for sale within the state.

History: L. 1937, ch. 3, § 1; February 19.

2-1430. Persons subject to 2-1429 to 2-1440; certification defined. Every person, firm, association, or corporation who shall issue, use or circulate, any certificate, advertisement, tag, seal, poster, letterhead, marking, circular, written or printed or otherwise reproduced presentation or description of or pertaining to seeds or plant parts intended for propagation or sale, or sold or offered for sale wherein the word "Kansas state certified," "state certified," "Kansas certified," "certified," "foundation," "pedigreed," or "registered," or similar words or phrases are used or employed, or wherein are used or employed signs, symbols, maps, diagrams, pictures, words or phrases expressly or impliedly stating or

representing that such seeds or plant parts comply with or conform to the standards or requirements recommended or approved by the agency or agencies designated by the Kansas state university of agriculture and applied science of the state of Kansas, shall be subject to the provisions of this act. Every issuance, use or circulation of any certificate or any other instrument, as in this section above described, shall be deemed to be "certification" as that term is employed in this act.

History: L. 1937, ch. 3, § 2; February 19.

2-1431. Agency for certification of specified crop. The Kansas state university of agriculture and applied science shall designate not more than one agency for the certification of any one specified crop within the state of Kansas. No certification, within the provisions of this act shall be made except by or on the authority of said Kansas state university of agriculture and applied science.

History: L. 1937, ch. 3, § 3; February 19.

2-1432. Certification in other states recognized. The agency or agencies designated by the Kansas state university of agriculture and applied science may recognize the certification of officially authorized certifying agencies in states and territories other than Kansas and in countries, provinces, and territories other than those under the jurisdiction of the United States government.

History: L. 1937, ch. 3, § 4; February 19.

2-1433. Annual permits. The authority of any agency or agencies to issue, make, use or circulate any certificate or evidence of certification as defined in this act shall be indicated by a permit signed by an authorized representative of the Kansas state university of agriculture and applied science. Such permit shall be issued annually and shall become null and void at the expiration of one year after date of issue. Renewal of the permit shall be at the discretion of the Kansas state university of agriculture and applied science.

History: L. 1937, ch. 3, § 5; February 19.

2-1434. Agencies to be self-supporting. Certification work, conducted by the agency or agencies designated by the Kansas state university of agriculture and applied science within the state of Kansas shall be on a financially self-supporting basis.

History: L. 1937, ch. 3, § 6; February 19.

2-1435. Same; financial responsibility. The Kansas state university of agriculture and applied science shall not be financially responsible for debts incurred by, damages inflicted by, or contracts broken by a certifying agency.

History: L. 1937, ch. 3, § 7; February 19.

2-1436. Withholding certification, when. The agency or agencies designated by the Kansas state university of agriculture and applied science may withhold certification from any grower of seeds or plant parts who is engaged in or attempting to engage in any dishonest practices for the purpose of evading the provisions of this act, including standards, rules and regulations laid down by the agency or agencies designated by the Kansas state university of agriculture and applied science to cover certification.

History: L. 1937, ch. 3, § 8; February 19.

2-1437. Investigations and prosecutions. The agency or agencies designated by the Kansas state university of agriculture and applied science may call upon the secretary of agriculture to investigate or aid in the investigation and prosecution of any violations of this act. The secretary of agriculture may on the secretary's own initiative investigate and prosecute any violations of the provisions of this act.

History: L. 1937, ch. 3, § 9; L. 2004, ch. 101, § 38; July 1.

2-1438. Unlawful acts; penalty. It shall be unlawful for any person, firm, association or corporation to issue, make, use or circulate any certification, or evidence of certification as defined in this act, without the authority and approval of the duly authorized agency or agencies of the Kansas state university of agriculture and applied science as herein provided. Every person, firm, association, or corporation who shall violate any of the provisions of this act, or any of the rules and regulations based hereon, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars or a jail sentence of not more than sixty days, or both.

History: L. 1937, ch. 3, § 10; February 19.

2-1439. 2-1415 to 2-1428 not affected. Nothing contained in this act shall be construed to affect any of the provisions of the Kansas seed law as set forth in K.S.A. [2-1415](#) to [2-1428](#), inclusive, and amendments thereto.

History: L. 1937, ch. 3, § 11; February 19.

2-1450. Uniformity of seed law; exclusive jurisdiction of state. (a) On and after the effective date of this section, the provisions of the Kansas seed law, and any rules and regulations promulgated thereunder relating to seed sale or use, including, but not limited to, planting, production, use, advertising, sale, distribution, storage, transportation, formulation, packaging, labeling, certification or registration of an agricultural seed within the state of Kansas, shall be applicable and uniform throughout this state and in all cities, counties and political subdivisions therein. No local authority shall enact or enforce any law, ordinance, rule, regulation or resolution in conflict with, in addition to, or supplemental to, the provisions of the Kansas seed law unless expressly authorized by law to do so. Any law, ordinance, rule, regulation or resolution in conflict with, in addition to, or supplemental to, the provisions of the Kansas seed law is hereby declared to be invalid and of no effect. Any amendment to the Kansas seed law or any amendment of the rules and regulations promulgated thereunder, shall supersede and preempt the conflicting, additional or supplemental provisions of any law, ordinance, rule, regulation or resolution enacted by any city, county or other political subdivision of this state. As used in this section, "Kansas seed law" means the statutes contained in article 14 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto.

(b) Nothing in this section shall be construed to preempt or otherwise limit the authority of any city, county or political subdivision therein to adopt and enforce zoning regulations, fire codes or hazardous waste disposal restrictions.

(c) The provisions of this section are part of and supplemental to the Kansas seed law.

History: L. 2005, ch. 105, § 2; July 1.

New Sec. 10. (a) Seed that has been treated with an irritating or poisonous substance that is harmful to humans or other vertebrate animals shall be colored or dyed a color that clearly identifies that the seed has been treated and shall be labeled with the following information:

(1) A warning statement that the seed has been treated;

(2) the common, coined, chemical or abbreviated chemical name of the substance applied to the seed; and

(3) a caution statement that reads "treated seed—do not use for food, feed or oil purposes" and for mercurial and similarly toxic substances also includes the word "poison" and a skull-and-crossbones.

(b) If seed has been treated with a substance that is not irritating, poisonous or harmful to humans or other vertebrate animals, the seed shall be labeled with a statement describing the applied substance.

(c) If seed has been treated with an inoculant, the date beyond which the inoculant is not considered effective or the date of the inoculant's expiration shall be included on the label.

(d) A separate label may be used for the information required by this section, or such information may be a component of the main label.

(e) This section shall be a part of and supplemental to the Kansas seed law.

History: L. 2022, ch. 69, §10; July 1.

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

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

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

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

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

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

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

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

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

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

History: L. 1995, ch. 236, § 9; May 4.