

Substitute for HOUSE BILL No. 2168

By Committee on Agriculture and Natural Resources

1-25

1 AN ACT concerning agriculture; relating to industrial hemp; reducing
2 maximum license and registration fee amounts to \$500; amending
3 K.S.A. 2-3906 and 2-3907 and repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2-3906 is hereby amended to read as follows: 2-
7 3906. (a) The Kansas department of agriculture, in consultation with the
8 governor and attorney general, shall submit a plan to the United States
9 department of agriculture under which the Kansas department of
10 agriculture will monitor and regulate the commercial production of
11 industrial hemp within the state in accordance with 7 U.S.C. § 1621 et seq.
12 and any rules and regulations adopted thereunder.
13

14 (b) Such plan shall include the following:

15 (1) A procedure to maintain relevant information regarding land on
16 which industrial hemp is produced, including a legal description of the
17 land, for a period of not less than three calendar years;

18 (2) a procedure for testing, using post-decarboxylation or other
19 similarly reliable methods, the delta-9 tetrahydrocannabinol concentration
20 levels of industrial hemp produced;

21 (3) a procedure for the effective disposal of industrial hemp and hemp
22 products that are found to be in violation of this act;

23 (4) any licensing requirements or other rules and regulations deemed
24 necessary by the Kansas department of agriculture for the proper
25 monitoring and regulation of industrial hemp cultivation and production
26 for commercial purposes, including, but not limited to:

27 (A) Fees for licenses, license renewals and other necessary expenses
28 to defray the cost of implementing and operating the plan on an ongoing
29 basis; and

30 (B) standards for authorized seed or clone plants;

31 (5) a procedure for the creation of documentation that any person in
32 possession of unprocessed industrial hemp may use to prove to any law
33 enforcement officer that such industrial hemp was lawfully grown under
34 this section;

35 (6) a procedure for conducting annual inspections of, at a minimum, a
36 random sample of hemp producers to verify that industrial hemp is not
produced in violation of this act; and

Proposed Amendments for Substitute for HB 2168

Senate Agriculture and Natural Resources

March 21, 2024

Re: Violation 3x in a 3 year period

Office of Revisor of Statutes

1 (7) any other procedures necessary to meet the requirements set forth
2 in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted
3 thereunder.

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

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

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

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

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

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

26 (e) (1) The department shall require, as a qualification for initial or
27 continuing licensure, all individuals seeking a license or license renewal as
28 a hemp producer under this section to be fingerprinted and to submit to a
29 state and national criminal history record check. The fingerprints shall be
30 used to identify the individual and to determine whether the individual has
31 a record of criminal history in this state or any other jurisdiction. The
32 department is authorized to submit the fingerprints to the Kansas bureau of
33 investigation and the federal bureau of investigation for a state and
34 national criminal history record check. The department may use the
35 information obtained from fingerprinting and the criminal history record
36 check for purposes of verifying the identification of the individual and for
37 making an official determination of the qualifications for initial or
38 continuing licensure as a hemp producer pursuant to this section and rules
39 and regulations promulgated hereunder. Disclosure or use of any
40 information received by the department for any purpose other than the
41 purposes provided for in the commercial industrial hemp act shall be a
42 class A misdemeanor and shall constitute grounds for removal from office
43 or termination of employment.