

Authorized Seed or Clone Plants of Industrial Hemp Fact Sheet

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What is industrial hemp?

In Kansas, industrial hemp is defined as all parts and varieties of the plant *Cannabis sativa* L., whether growing or not, that contains a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3% on a dry weight basis [K.S.A. 2-3901(b)(7)]. Only *authorized seed or clone plants* of industrial hemp may be utilized by program licensees [K.S.A. 2-3901(b)(11)]. Furthermore, all industrial hemp seed is considered agricultural seed, and before selling agricultural seed in Kansas, each individual must first obtain a seed registration pursuant the Kansas Seed Law K.S.A. 2-1415 et. seq. and amendments thereto.

What are authorized seed or clone plants of industrial hemp?

- A. Certified seed which has been certified by a certifying agency as defined in K.S.A. 2-1415;
- B. Industrial hemp which has been produced from plants that were tested during the active growing season and were found to produce industrial hemp having a THC 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 KDA 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.

What documentation is required for each?

- A. Certified seed: An Association of Official Seed Certifying Agencies (AOSCA) certified seed label (blue tag), as defined in K.S.A. 2-1415(aa), issued by an official seed certifying agency as defined in K.S.A. 2-1415(bb) is required.
- B. A certificate of analysis showing the variety was produced from a source that did not exceed a THC concentration of 0.3% on a dry weight basis and a letter from the grower or distributor that indicating the variety possesses such qualities as industrial hemp as defined in K.S.A. 2-3901(b)(7). Additionally, a valid seed label is required if the source was seed.
- C. No other authorized standards approved by the KDA currently exist in rule and regulation.

What additional documentation is required?

Each individual who sells, trades, barter, gives away, or otherwise transfers any unprocessed industrial hemp to any other person shall ensure that the unprocessed industrial hemp is accompanied by a signed bill of lading that includes the licensee's license number from which the industrial hemp was produced, the total quantity of industrial hemp transferred, the date the transfer occurred, and the name of the person acquiring the industrial hemp. Additionally, KDA will request to be provided an invoice or receipt of the transaction that occurred with industrial hemp.

It is unlawful for any person to sell, offer for sale, expose for sale or advertise by commercial means any agricultural seed, including industrial hemp, certified or otherwise, unless that person is registered as a seed dealer and that seed is labeled according to the Kansas Seed Law K.S.A. 2-1415 et. seq. and amendments thereto. The information presented does not constitute legal advice or a legal opinion and does not provide an endorsement by KDA of any industrial hemp variety or of any individual who purchases, cultivates, plants, grows, handles, harvests, conditions, stores, distributes, transports, processes, sells, trades, barter, gives away, transfers or otherwise conducts activities with industrial hemp.

For more information about a commercial industrial hemp producer license, please contact the KDA at kda.industrialhemp@ks.gov, 785-564-6789 or visit agriculture.ks.gov/industrialhemp. For more information about a seed dealer registration and seed labeling, please contact KDA.PPWC@ks.gov, 785-564-6698 or visit agriculture.ks.gov/seed.