

2023 Kansas Statutes

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 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 non-domesticated 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; L. 2022, ch. 69, § 11; July 1.