

2023 Kansas Statutes

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 brome grass, fescues, orchard grass, wheatgrasses 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; L. 2022, ch. 69, § 13; July 1.