

## 2023 Kansas Statutes

**2-1422a. Seizure of mislabeled seed; disposition; court hearing; 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 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; L. 2022, ch. 69, § 16; July 1.