

2021 Kansas Statutes

2-1415. **Definitions.** As used in this act:

- (a) "Agricultural seed" means the seed of grass, legume, forage, cereal and fiber crops, or mixtures thereof, but shall not include horticultural seeds.
- (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 which 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, which 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 the seeds which 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, the 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 agriculture.
- (i) "Weed seed" means the seeds of plants considered weeds in this state and includes noxious weed seed and restricted weed seed, determined by methods established by rule and regulation under this act.
- (j) "Noxious weed seed" means the seed of Kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea repens*), hoary cress (*Cardaria draba*), Canada thistle (*Cirsium arvense*), leafy spurge (*Euphorbia esula*), quackgrass (*Agropyron repens*), bur ragweed (*Ambrosia grayii*), pignut (Indian rushpea) (*Hoffmannseggia densiflora*), Texas blueweed (*Helianthus ciliaris*), Johnson grass (*Sorghum halepense*), sorghum alnum, and any plant the seed of which cannot be distinguished from Johnson grass, musk (nodding) thistle (*Carduus nutans* L.) and sericea lespedeza (*Lespedeza cuneata*).
- (k) "Restricted weed seed" means weed seeds or bulblets which shall not be present in agricultural seed at a rate per pound in excess of the number shown following the name of each weed seed: Silverleaf nightshade (*Solanum elaeagnifolium*) 45, horsenettle, bullnettle (*Solanum carolinense*) 45, dock (*Rumex* spp.) 45, oxeye daisy (*Chrysanthemum leucanthemum*) 45, perennial sowthistle (*Sonchum arvensis*) 45, giant foxtail (*Setaria faberi*) 45, cheat (*Bromus secalinus*) 45, hairy chess (*Bromus commutatus*) 45, buckthorn plantain (*Plantago lanceolata*) 45, wild onion or garlic (*Allium* spp.) 18, charlock (*Sinapsis arvensis*) 18, wild mustards (*Brassica* spp.) 18, treacle (*Erysimum* spp.) 18, wild carrot (*Daucus carota*) 18, morning glory and purple moonflower (*Ipomoea* spp.) 18, hedge bindweed (*Calystegia* spp., syn. *Convolvulus sepium*) 18, dodder (*Cuscuta* spp.) 18, except lespedeza seed, other than sericea lespedeza (*Lespedeza cuneata*), which may contain 45 dodder per pound, pennycress, fanweed (*Thlaspi arvense*) 18, wild oats (*Avena fatua*) 9, climbing milkweed, sandvine (*Cynanchum laeve*, syn. *Gonolobus laevis*) 9, jointed goatgrass (*Aegilops cylindrica*) 9, black nightshade complex (*Solanum ptycanthum*, *S. americanum*, *S. sarrachoides*, *S. nigrum*, and *S. interius*) 9, wild buckwheat, black bindweed (*Polygonum convolvulus*) 9, velvetleaf, butterprint (*Abutilon theophrasti*) 9, and cocklebur (*Xanthium*

spp.) 9. The total number of the restricted weed seed shall not exceed 90 per pound except native grass, smooth brome grass, tall fescue, wheatgrasses and lespedeza, other than sericea lespedeza (*Lespedeza cuneata*), shall not exceed 150 per pound. In smooth brome grass, fescues, orchard grass, wheatgrasses, and chaffy range grasses, hairy chess or cheat shall not exceed 2,500 per pound. For the purposes of this section the following weedy *Bromus* spp. shall be considered as common weeds and collectively referred to as "chess": Japanese chess (*Bromus japonicus*), soft chess (*Bromus mollis*) and field chess (*Bromus arvensis*).

(l) "Advertisement" means all representations, other than those on the label, disseminated in any manner, or by any means, relating to agricultural seed.

(m) "Record" means all information relating to any shipment of agricultural seed and includes a file sample of each lot of such seed.

(n) "Stop sale order" means an administrative order, authorized by law, restraining the sale, use, disposition and movement of a definite amount of agricultural seed.

(o) "Seizure" means a legal process, issued by court order, against a definite amount of agricultural seed.

(p) "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.

(q) "Germination" means the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions, in accordance with the methods established by rule and regulation under this act.

(r) "Pure seed" means the kind of seed declared on the label, exclusive of inert matter, other agricultural or other crop seeds and weed seeds.

(s) "Inert matter" means all matter not seeds, and as otherwise determined by rules and regulations under this act.

(t) "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.

(u) "Hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines, (2) one inbred or a single cross with an open pollinated variety, or (3) two varieties or species, other than open pollinated varieties of corn (*Zea mays*). Hybrid shall not include the second generation or subsequent generations from such crosses. Hybrid designations shall be treated as variety names. Controlling the pollination means to use a method of hybridization which will produce pure seed which is 75% or more hybrid.

(v) "Type" means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.

(w) "Treated" means that the seed has received an application of a substance or process which is designed to reduce, control or repel certain disease organisms, insects or other pests attacking such seeds or seedlings growing therefrom and includes an application of a substance or process designed to increase seedling vigor.

(x) "Tested seed" means that a representative sample of the lot of agricultural seed in question has been subjected to examination and its character as to purity and germination has been determined.

(y) "Native grass seed" means the seeds of aboriginal or native prairie grasses.

(z) "Chaffy range grasses" shall include Bluestems, Gramas, Yellow Indian grass, wild rye grasses, buffalo grass and prairie cord grass.

(aa) "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.

(bb) "Certifying agency" means: (1) an agency which is authorized under the laws of a state, territory or possession to officially certify seed and which 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 which is determined by the secretary of agriculture of the United States department of agriculture to be an agency which adheres to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under clause (1) of this subsection.

(cc) "Blend" means two or more varieties of the same kind each in excess of 5% of the whole.

(dd) "Mixture" means a combination of seed consisting of more than one kind each in excess of 5% of the whole.

(ee) "Brand" means a term or mark that is proprietary in nature whether or not it is a registered or copyrighted term or mark.

(ff) "Commercial means" shall include all forms of advertising for which a person must pay another for the dissemination or distribution of the advertisement.

(gg) "Horticultural seeds" means those seeds generally classified as vegetable, fruit, flowers, tree and shrub and grown in gardens or on truck farms.

(hh) "Grower of agricultural seed" means an individual whose primary occupation is farming and offers, exposes or sells agricultural seed of such individual's own growing without the use of a common carrier or a third party as an agent or broker. Seed shall be in compliance with noxious and restricted weed seed requirements and may advertise if the advertisement specifically states variety, bin run and if tested.

(ii) "Wholesaler" means any person who is in the business selling agricultural seed at wholesale 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.

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; July 1, 2000.