

## Article 26. Commercial Industrial Hemp Processing

**K.A.R. 22-26-1. Definitions.** As used in this article of the state fire marshal's regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Act" means the commercial industrial hemp act, K.S.A. 2020 Supp. 2-3901 et seq. and amendments thereto.

(b) "Allowable THC content" means the legal level of THC concentration allowed under state and federal law.

(c) "Batch" means a quantity of hemp, by-products, intermediate substances, or seeds acquired on the same date from the same source.

(d) "Batch identification number" means a unique, sequential number that is assigned to each batch and corresponds to a record identifying the source of the material acquired and the date of acquisition.

(e) "By-product" means the spent biomass after the extraction of cannabinoids.

(f) "CBD" means cannabidiol.

(g) "Certificate of analysis" means a document from the Kansas department of agriculture or an independent testing laboratory stating the results of laboratory testing of a sample of hemp, by-products, intermediate substances, seeds, hemp waste, or finished products.

(h) "Devitalize" means to destroy the ability of a seed to germinate under otherwise acceptable growing conditions.

(i) "Finished product" means a product that has no greater than the allowable THC content and is made by processing industrial hemp or an intermediate substance into a form suitable for lawful sale, including cannabinoids, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed meal, and seed oil.

(j) “Hemp” means industrial hemp.

(k) “Hemp waste” means the materials resulting from hemp processing that contain THC and cannot be further processed into a finished product.

(l) “Industrial hemp” has the meaning specified in K.S.A. 2020 Supp. 2-3901, and amendments thereto.

(m) “Intermediate substance” means a substance resulting from the extraction of cannabinoids that contains greater than the allowable THC content and is subject to further processing to yield finished products and hemp waste.

(n) “KBI” means Kansas bureau of investigation.

(o) “Lot” means the quantity of hemp, by-products, intermediate substances, or seeds processed in one operation or in one continuous or semicontinuous process or cycle. A lot could consist of a single batch or batches from multiple producers.

(p) “Person” has the meaning specified in K.S.A. 2020 Supp. 2-3901, and amendments thereto.

(q) “Premises” means a hemp processing facility, the immediately surrounding areas controlled by a processor, waste receptacles, associated buildings, and parking areas.

(r) “Processor” means a person registered as a hemp processor in Kansas.

(s) “Producer” means a person lawfully engaged in the cultivation or production of industrial hemp for commercial purposes, whether inside or outside Kansas.

(t) “Stop sale, use, or removal order” means an administrative order of the state fire marshal to a processor restraining the sale, use, disposition, and movement of hemp, by-products,

intermediate substances, finished products, and hemp waste in a hemp processing facility or otherwise in the processor's possession.

(u) "THC concentration" means the combined percentage of delta-9 tetrahydrocannabinol and its optical isomers, their salts and acids, and salts of their acids, reported as free THC and measured on a dry-weight basis for any part of the plant *Cannabis sativa L.* and on a percentage-by-weight basis in intermediate substances, by-products, hemp waste, or other materials resulting from the processing of industrial hemp.

(v) "Treated hemp waste" means hemp waste that has been treated as required by K.S.A. 2020 Supp. 2-3909, and amendments thereto, and this article of the state fire marshal's regulations to render the hemp waste unusable and unrecognizable.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**K.A.R. 22-26-2. Hemp processor registration; renewal.** (a) No person shall process industrial hemp in Kansas without a valid registration issued by the state fire marshal or a valid research processor license issued by the secretary of the Kansas department of agriculture.

(b) Each individual wanting to register as a hemp processor shall submit an application on a form provided by the state fire marshal, which shall include the following information:

- (1) Full legal name;
- (2) telephone number;
- (3) electronic-mail address;
- (4) residential mailing address;
- (5) date of birth; and
- (6) any other identifying information required by the state fire marshal.

(c) If the applicant is not an individual, the applicant shall designate one or more individuals to be responsible for all activities relating to hemp processing and submit an application on a form provided by the state fire marshal, which shall include the information required in subsection (b) for the applicant and for the following individuals:

- (1) Each officer, proprietor, or partner of the entity; and
  - (2) each owner of more than a 10 percent interest in the processing operations.
- (d) The application shall also include the following:
- (1) The street address, or a legal description, and the global positioning system coordinates of any premises that will serve as a part of the applicant's processing operations;
  - (2) a brief description of the industrial hemp processing methods that will be used, activities that will be undertaken, and finished products planned for production;

(3) a policies and procedures manual, as specified in K.A.R. 22-26-5, for approval by the state fire marshal;

(4) a code footprint meeting the requirements of K.A.R. 22-1-7; and

(5) any other relevant information required by the state fire marshal.

(e) The application shall also include the information required in subsection (b) for the following persons:

(1) Each owner of land, structures, and buildings where any processing activities or storage of hemp will be conducted; and

(2) each owner of each motor vehicle that will be used to distribute or transport hemp or intermediate substances from the premises.

(f) Each applicant shall be fingerprinted and submit to a criminal history record check, and each processor shall ensure that each individual wanting to engage in the extraction of cannabinoids or the disposal of hemp waste is fingerprinted and submits to a criminal history record check.

(g) Each registration shall expire annually on June 30. Each renewal application shall be submitted on or before June 1.

(h) The annual registration fees shall be as follows:

(1) \$1,000 for each processor that performs the extraction of cannabinoids or processes extracted cannabinoids, or both; and

(2) \$500 for each processor that does not perform the extraction of cannabinoids and does not process extracted cannabinoids.

Each fee shall be nonrefundable.

(i) No registration shall be approved for hemp processing activities in or within an area zoned for residential use or within one-quarter mile of any public or private K-12 school or public recreational area, except with the state fire marshal's written permission.

(j) Acceptance of a hemp processor registration shall constitute a grant of authority by the processor allowing the state fire marshal to provide the registration number, full legal name of the processor, and descriptions of all locations and facilities identified for processing industrial hemp, including any later modifications, to the United States drug enforcement agency, the KBI, the sheriff of the county where the premises are located, and any other law enforcement agency.

(k) A registration issued pursuant to this article of the state fire marshal's regulations shall not relieve the processor from the responsibility to obtain any other registrations, licenses, or permits required by law.

(l) An application may be denied by the state fire marshal for any lawful reason, including any of the reasons stated in K.A.R. 22-26-3.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**K.A.R. 22-26-3. Compliance with laws; denial, revocation, or conditioning of a registration;**

**appeals.** (a) Each processor shall comply with all local, state, and federal laws and regulations related to industrial hemp and with the act and the implementing regulations. Each processor shall be responsible for the actions of its employees, contractors, and agents in their performance of any activities relating to the acquisition, possession, sale, distribution, processing, or transportation of hemp, by-products, intermediate substances, seeds, finished products, and hemp waste.

(b) Each of the following shall constitute a basis for the state fire marshal to deny an initial or renewal application or to impose conditions on a registration, revoke a registration, or deny future applications:

(1) Knowingly providing any false, misleading, or incorrect information on the registration application or to the state fire marshal;

(2) failure to provide any information that the state fire marshal requests;

(3) failure to cooperate with the state fire marshal or law enforcement agencies in administration and enforcement of the act and the implementing regulations;

(4) failure to maintain or submit any forms or reports as required;

(5) violation of any provision of the act or the implementing regulations;

(6) revocation of a registration, license, permit, or certificate to practice in the hemp industry by the state fire marshal, the Kansas department of agriculture, the United States department of agriculture, another state, or any Indian nation or U.S. territory within the three years preceding the application;

(7) any conviction related to growing, cultivating, processing, or distributing hemp or marijuana;

(8) failure to ensure that fingerprint-based criminal history record checks are conducted as required by the act or the implementing regulations;

(9) conviction of an individual applicant, or an officer, proprietor, or partner of the applicant entity or an owner of more than a 10 percent interest in the processing operations, within the preceding 10 years of a felony or Class A misdemeanor violation involving homicide, assault, domestic violence, or battery, or offenses that are substantially similar to these offenses under the laws of another jurisdiction or federal law, or the unlawful use, possession, or distribution of drugs;

(10) conviction of an individual applicant, or an officer, proprietor, or partner of the applicant entity or an owner of more than a 10 percent interest in the processing operations, within the preceding five years of a felony or Class A misdemeanor violation involving fraud, theft, or misappropriation of another person's money or property, or offenses that are substantially similar to these offenses under the laws of another jurisdiction or federal law; and

(11) allowing any individual to engage in any processing or transportation of hemp, by-products, intermediate substances, seeds, or hemp waste if the individual has been convicted of any of the crimes listed in paragraph (9) or (10) of this subsection.

(c) If a processor's Kansas registration is revoked, the person shall not be eligible to apply for a hemp processor registration for three years.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)



**K.A.R. 22-26-4. Adopted codes and standards.** (a) Each processor shall ensure compliance with the national fire protection association (NFPA) codes and standards adopted in this regulation.

(b) The following NFPA codes and standards are hereby adopted by reference, except as specified in this subsection, with the modifications specified in subsections (c) and (d):

(1) The following chapters, or portions of chapters, from NFPA 1, 2018 edition:

(A) In chapter 6, the following portions of section 6.1:

(i) Subsection 6.1.1.1;

(ii) subsection 6.1.12.1;

(iii) subsection 6.1.13.1; and

(iv) subsections 6.1.14 through 6.1.14.4.6;

(B) chapter 13, except for the following:

(i) Subsection 13.1.1.1;

(ii) subsections 13.2.2.4 and 13.2.2.4.1;

(iii) subsections 13.2.2.5 and 13.2.2.5.1;

(iv) subsection 13.3.2.3;

(v) subsections 13.3.2.7 through 13.3.2.24.2;

(vi) subsections 13.3.2.26 through 13.3.2.26.2.3;

(vii) subsection 13.3.2.28;

(viii) subsection 13.3.2.29;

(ix) subsection 13.3.3.5.1.2.2;

(x) subsections 13.6.2.6.1 and 13.6.2.6.2;

(xi) subsections 13.7.1.8.8 and 13.7.1.8.9;

- (xii) subsection 13.7.1.9.5.4;
- (xiii) subsections 13.7.2.3 through 13.7.2.26.4; and
- (xiv) subsections 13.7.2.29 through 13.7.2.29.2.2.2;
- (C) chapter 38, except for the following:
  - (i) Subsection 38.2;
  - (ii) subsections 38.5 through 38.5.2; and
  - (iii) subsections 38.5.4 through 38.5.4.3.4;
- (D) chapter 54; and
- (E) chapter 66, except for the following:
  - (i) Subsection 66.1.5; and
  - (ii) subsections 66.27.11 through 66.27.11.4;
- (2) NFPA 12, 2015 edition, except chapter 9;
- (3) NFPA 45, 2015 edition, except chapter 12;
- (4) NFPA 58, 2017 edition, except for the following:
  - (A) Chapter 9;
  - (B) chapter 10;
  - (C) chapter 12; and
  - (D) chapter 14;
- (5) NFPA 90A, 2018 edition;
- (6) NFPA 91, 2015 edition;
- (7) NFPA 701, 2015 edition;

(8) NFPA 704, 2017 edition; and

(9) NFPA 2001, 2015 edition, except chapter 8.

(c) The following modifications shall be made to all NFPA codes and standards adopted in this regulation:

(1) All material before the first chapter shall be excluded from adoption.

(2) All appendices and annexes shall be excluded from adoption unless otherwise specified.

(3) Chapter 2, “referenced publications,” shall be excluded from adoption.

(4) The last sentence of section 3.1 shall be excluded from adoption.

(5) All indexes and all material after the indexes shall be excluded from adoption.

(6) Each reference to “authority having jurisdiction” or “AHJ” shall be replaced with “the state fire marshal or designee,” except when the context indicates that the term is referring to a local fire department or local law enforcement agency.

(d) The following modifications shall be made to chapter 38 of NFPA 1:

(1) Each reference to “marijuana” shall be replaced with “industrial hemp.”

(2) In section 38.3, “Chapter 13” shall be replaced with “NFPA 10, NFPA 3, NFPA 17, NFPA 70, and NFPA 72, which are adopted in article 1 of the state fire marshal’s regulations.”

(3) In subsection 38.4, the phrase “Chapter 14” shall be replaced with “Chapter 7 of NFPA 101, which is adopted in article 1 of the state fire marshal’s regulations.”

(4) In subsection 38.5.3.1, the phrase “Sections 12.5 and 12.6” shall be replaced with “chapter 8 of the international building code, which is adopted in K.A.R. 22-1-3.”

(5) In subsection 38.6.1.5.2.3, the phrase “69.2.1” shall be replaced with “NFPA 58, which is adopted in K.A.R. 22-8-13.”

(6) In subsection 38.6.2.2.2, the phrase “or the mechanical code” shall be deleted.

(7) In subsection 38.7, the phrase “69.3.5, 69.4.2, and NFPA 58” shall be replaced with “NFPA 58, which is adopted in K.A.R. 22-8-13.”

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5, and K.S.A. 2020 Supp. 31-133; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**K.A.R. 22-26-5. Policies and procedures manual.** Each processor shall establish, maintain, and adhere to written policies and procedures for the processing, security, storage, inventory, distribution, and transportation of hemp, by-products, intermediate substances, seeds, finished products, and hemp waste. These policies and procedures shall be specified in a manual that includes the following topics:

(a) Ensuring that all of the hemp and intermediate substances in every stage of processing and distribution are used and stored in such a manner as to prevent diversion, theft, or loss and are accessible only to the minimum number of authorized personnel essential for efficient operation;

(b) ensuring that hemp waste is kept in a secure location in such a manner as to prevent diversion, theft, or loss and is accessible only to the minimum number of authorized personnel essential for hemp waste storage and disposal; and

(c) indicating the methods of disposal of hemp waste that will be used.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**K.A.R. 22-26-6. Processing records.** (a) For each lot, each processor shall make a processing record that shall include the following:

- (1) The date of processing;
- (2) the batch identification number of each batch processed in the lot;
- (3) the method used for processing and the type and name of any solvent or other compounds used in the processing of the lot;
- (4) the weight of the lot processed;
- (5) the weight of by-products and of intermediate substances from the lot that are not further processed;
- (6) the weight and types of finished products; and
- (7) the weight of hemp waste from the lot and the method of disposal.

(b) Each processor shall make or obtain, as applicable, and retain a copy of each document required by K.A.R. 22-26-10 concerning the acquisition of hemp, by-products, intermediate substances, or seeds.

(c) Each processor shall retain every document, record, and report required by this regulation for three years and make these materials available to the state fire marshal upon request.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**K.A.R. 22-26-7. Access to records and property.** (a) Acceptance of a hemp processor registration shall constitute a grant of consent to allow the state fire marshal, or designee, complete, unrestricted, and immediate access to the records, premises, motor vehicles on the premises, and motor vehicles used in the transportation of hemp or intermediate substances to determine compliance with the act and the implementing regulations. Access shall be granted at reasonable times, whether the processor is present or not, without interference or obstruction, with or without cause, and with or without advance notice.

(b) Each processor shall sign, and shall require each employee to sign, a form provided by the state fire marshal granting consent for the state fire marshal or designee to search the processor's or employee's vehicle, person, or personal effects while on the premises whenever an inventory discrepancy is detected or there is reason to believe that the processor or employee is in possession of hemp, intermediate substances, by-products, seeds, or hemp waste for a purpose other than the activities authorized by the act.

(c) If a processor denies the state fire marshal, or designee, the access required by subsection (a), any court of competent jurisdiction may issue a search warrant authorizing access to the records, premises, or motor vehicles, upon application and showing of cause by the state fire marshal.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**K.A.R. 22-26-8. Facilities.** (a) Each hemp processing facility shall be inspected by the state fire marshal before the issuance of a hemp processor registration. A hemp processor registration shall be valid only for the facility that was inspected at the time of registration.

Each hemp processing facility and premises shall continue to be subject to inspection by the state fire marshal, pursuant to K.S.A. 31-139 and amendments thereto.

(b) Each processor shall ensure that the hemp processing facility complies with the national codes and standards adopted in K.A.R. 22-26-4.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5, K.S.A. 2020 Supp. 31-133, and K.S.A. 2020 Supp. 31-136; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)



**K.A.R. 22-26-9. Security measures; reportable events; recordkeeping.** (a) Each processor shall keep all equipment and areas used for the processing of hemp, intermediate substances, or hemp waste securely locked and protected from entry by unauthorized individuals.

(b) Each processor shall store all hemp, intermediate substances, and hemp waste in an approved manner consistent with K.A.R. 22-26-5.

(c) Each hemp processing facility shall have adequate alarm and video surveillance security systems to prevent and detect diversion, theft, or loss of hemp, intermediate substances, or hemp waste, including the following:

(1) A perimeter alarm with motion detector providing coverage of all facility entrances and exits, rooms with exterior windows, roof hatches, skylights, and storage rooms; and

(2) a video surveillance system.

(d) The video surveillance system shall have video cameras in operation 24 hours each day, directed at and recording all areas that are used to contain hemp, intermediate substances, or hemp waste and all points of entry and exit. These cameras shall be angled to capture a clear and certain identification of any person within view. The date and time shall be embedded on all surveillance recordings without obscuring the picture.

(e) Each processor shall make available the video camera recordings for immediate viewing by the state fire marshal or law enforcement upon request.

(f) All alarm and video surveillance systems shall be designed to operate during power outages.

(g) All alarm and video surveillance systems shall be inspected at least annually by the vendors.

(h) Each processor shall notify the state fire marshal of any failure of the security alarm system or surveillance system due to a loss of electrical power or mechanical malfunction that is expected to last longer than eight hours and shall describe any corrective measures taken.

(i) Each processor shall maintain the following records:

- (1) Surveillance video camera recordings, for at least the preceding 30 days;
- (2) annual inspections of the alarm and video surveillance systems, for three years; and
- (3) records of any occurrence that is reportable under this regulation, for three years after the occurrence.

(j) Each processor shall immediately notify the state fire marshal of any interaction of the processor, or its employees, contractors, or agents, with law enforcement that is related to participation in the hemp processing industry. This requirement shall also apply to any contact with law enforcement related to a criminal charge or criminal investigation involving any of the offenses listed in K.A.R. 22-26-3(b)(9) or (10) or offenses in another jurisdiction that are substantially similar to the listed offenses. The processor shall provide a written follow-up statement summarizing the interaction and its outcome to the state fire marshal within three calendar days of the interaction.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**K.A.R. 22-26-10. Acquisition of hemp, by-products, intermediate substances, or seeds for processing.** (a) Each processor shall obtain hemp, by-products, intermediate substances, or

seeds only from legal sources.

(b) Each processor shall accept hemp, by-products, intermediate substances, or seeds only if the material is accompanied by a harvest certificate, a certificate of analysis, or a similar document and by a signed bill of lading that includes the weight of the material transferred, the date of the transfer, and the following information:

(1) The name, address, and registration, permit, or license number of the producer of the hemp;

(2) the name, address, and registration, permit, or license number of the person from whom the processor acquired the hemp, by-products, intermediate substances, or seeds; and

(3) the name, address, and registration, permit, or license number of any prior processor.

(c) Each processor shall assign a batch identification number to each batch at the time of acquisition.

(d) Each processor shall retain the records required by this regulation for at least three years and shall make the records available to the state fire marshal upon request.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**K.A.R. 22-26-11. Inventory control; reports.** (a) Each processor shall conduct an inventory each week and create an inventory report that shall include the locations and weights of each of the following materials:

- (1) The hemp, by-products, intermediate substances, seeds, finished products, hemp waste, and treated hemp waste on hand at the start of the week;
- (2) the hemp, by-products, intermediate substances, and seeds received;
- (3) the hemp, by-products, intermediate substances, and seeds processed, identified by batch identification numbers;
- (4) the finished products produced;
- (5) the hemp, by-products, seeds, finished products, and intermediate substances shipped from the facility;
- (6) the hemp waste produced from processing activities;
- (7) the hemp waste treated;
- (8) the hemp waste disposed of; and
- (9) the hemp, by-products, intermediate substances, seeds, finished products, hemp waste, and treated hemp waste on hand at the end of the week.

(b) Each processor shall notify the state fire marshal immediately upon discovering any inventory discrepancies, diversion, theft, or loss of any hemp, by-products, intermediate substances, or hemp waste or of any loss or unauthorized alteration of records related to hemp processing or business activities, including inventory, security, employment, and transportation. The processor shall submit to the state fire marshal a signed report detailing the location and circumstances of the event, the type and amount of material involved, and an accurate inventory.

(c) Each processor shall maintain the records required by this regulation for at least three years.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**K.A.R. 22-26-12. Disposal of hemp waste.** (a) For any hemp waste that is required by K.S.A. 2020 Supp. 2-3909 and amendments thereto to be rendered unusable and unrecognizable, the processor shall incorporate the hemp waste into one or more of the following nonconsumable solid waste materials, such that the resulting mixture is less than 50 percent hemp waste:

- (1) Paper waste materials;
- (2) cardboard waste materials;
- (3) food waste materials;
- (4) yard waste materials;
- (5) soil or other growth media; or
- (6) other materials approved by the state fire marshal.

(b) Each processor shall maintain and make available to the state fire marshal upon request a separate record of every disposal. The record shall contain the following:

- (1) The date and time of disposal;
- (2) the disposal method and procedures followed;
- (3) the volume and weight of the approved material used to render the hemp waste unusable;
- (4) the reason for disposal;
- (5) the volume and weight of hemp waste disposed of and the batch identification number of each batch from which the hemp waste was produced; and
- (6) the name, title, and signature of each person involved in the disposal.

(c) Any processor may use any other method approved by the state fire marshal for rendering hemp waste unusable and unrecognizable.

(d) No processor shall allow hemp waste that is required by K.S.A. 2020 Supp. 2-3909, and amendments thereto, to be rendered unusable and unrecognizable to leave the premises before the hemp waste is treated as required in subsections (a) and (c).

(e) Each processor shall dispose of all hazardous waste pursuant to K.S.A. 2020 Supp. 2-3909, and amendments thereto.

This regulation shall become effective on May 28, 2021. (Authorized by K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5, and K.S.A. 2020 Supp. 2-3909; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**K.A.R. 22-26-13. Transportation.** (a) Each processor that sells, trades, barter, gives away, or otherwise transfers any hemp, intermediate substances, by-products, seeds, or finished products to any other person shall ensure that the materials are accompanied by the following:

(1) A harvest certificate, a certificate of analysis, or a similar document from the producer; and

(2) a signed bill of lading that includes the following:

(A) The processor's registration number;

(B) the total weight of hemp, intermediate substances, by-products, seeds, or finished products transferred;

(C) the date of the transfer; and

(D) the name and other requested identifiers of the person acquiring the materials.

If the processor received these materials from a prior processor, the processor shall include a signed bill of lading from the prior processor.

(b) No processor, or contractor, employee, or agent of a processor, shall take from the premises or possess any hemp, intermediate substances, by-products, seeds, finished products, or hemp waste unless the individual's possession is for activities authorized by the act and is in accordance with state and federal law and this article of the state fire marshal's regulations.

(c) Any individual in possession of hemp, intermediate substances, seeds that have not been devitalized, or hemp waste without a valid hemp producer's license, a valid processor's registration, or an appropriate signed bill of lading or a similar document from the producer and any prior processor may be presumed to have gained possession of the material in violation of the act and the implementing regulations.



(d) Each processor shall comply with the act and the implementing regulations and with all local, state, and federal laws, regulations, and ordinances related to the possession and transportation of hemp, intermediate substances, by-products, seeds, finished products, and hemp waste.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**22-26-14. Chain of custody for transportation of intermediate substances.** (a) No material having greater than the allowable THC content shall leave a hemp processing facility.

(b) Each processor shall package all intermediate substances leaving a hemp processing facility in a container that is sealed with tamper-evident tape. The processor shall take a digital photo of the seals on the containers after sealing the containers and again after placing the containers in the transport vehicle.

(c) The doors of the cargo area of the transport vehicle shall be closed with a lock and a metal tamperproof seal, or other fastener approved by the state fire marshal, that can be removed only by cutting. The processor shall take a digital photo of the fastener on the doors after securing the doors.

(d) When intermediate substances leave a hemp processing facility, the processor shall record the following information on a form provided by the state fire marshal:

- (1) Number of containers in the shipment;
- (2) batch identification numbers for the intermediate substances in each container;
- (3) weight of each container;
- (4) date and time of transfer;
- (5) name and driver's license or state-issued identification card number of each individual in the transport vehicle;
- (6) signature of each individual in the transport vehicle; and
- (7) delivery address, recipient name, and any other identifying information about the recipient required by the state fire marshal.

(e) A copy of the form specified in subsection (d) shall be retained by the driver and shall be shown to any law enforcement officer upon demand, to demonstrate that the driver is authorized to transport intermediate substances.

(f) Upon delivery of the intermediate substances, each individual in the transport vehicle shall sign the form, record the date, time, and place of delivery, and record the name and title of the person taking delivery and any other identifying information requested by the state fire marshal.

(g) The recipient shall record the date and time of delivery, take a digital photo of the fastener on the doors, and take an inventory of the containers inside. The recipient shall take a digital photo of each seal and inspect each container and seal for any indication of tampering.

(1) If the fastener, a container, or a seal shows any sign of tampering, the recipient shall take possession of the delivery and shall immediately notify the processor and the state fire marshal.

(2) If the recipient detects no tampering, the recipient shall sign the delivery form acknowledging that both the fastener and each seal and container were intact upon delivery.

(h) Within three days of receipt, the recipient shall submit the information and photos required by this regulation to the state fire marshal in the manner specified by the state fire marshal. The recipient shall retain the originals for three years.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**K.A.R. 22-26-15. Stop sale, use, or removal order; cease and desist.** (a) For the purpose of allowing the state fire marshal to inventory and sample materials on the premises and review the inventory and security records whenever there is reason to believe that hemp, intermediate substances, by-products, seeds, finished products, or hemp waste is being produced, sold, or distributed in violation of the act or any implementing regulations, a stop sale, use, or removal order may be issued. No hemp, intermediate substances, by-products, seeds, finished products, or hemp waste shall be processed, sold, distributed, used, or relocated within or removed from the premises until the stop sale, use, or removal order is revoked in writing by the state fire marshal. No stop sale, use, or removal order shall be valid for more than seven days.

(b) A cease and desist order may be issued or a criminal complaint may be filed, pursuant to K.S.A. 31-139 and amendments thereto, for any violation of the Kansas fire prevention code.

This regulation shall become effective on May 28, 2021. (Authorized by K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5, and K.S.A. 2020 Supp. 31-133; implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5, and K.S.A. 31-139; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)

**K.A.R. 22-26-16. Testing.** (a) Each processor shall allow the state fire marshal or designee to inspect and take samples of any hemp, intermediate substances, by-products, seeds, or finished products on the premises to determine compliance with the act and implementing regulations.

(b) When requested by the state fire marshal, a processor shall provide a representative sample of any material specified in subsection (a) to a testing laboratory acceptable to the state fire marshal.

(c)(1) If testing is done pursuant to subsection (a) or (b), a certificate or analysis from the testing laboratory shall be provided directly to the state fire marshal.

(2) If testing is done at the processor's request, the processor shall retain a copy of the certificate of analysis for at least three years and shall make this copy available to the state fire marshal upon request.

This regulation shall become effective on May 28, 2021. (Authorized by and implementing K.S.A. 2020 Supp. 2-3907, as amended by 2021 HB 2244, sec. 5; effective, T-22-1-28-21, Jan. 28, 2021; effective, T-\_\_\_\_\_, \_\_\_\_\_.)