The following regulations have been adopted and published in the Kansas Register. They will become effective on the final date listed in the history section that follows each regulation. Regulations become effective 15 days after publication in the Kansas Register unless a later effective date is given in the body of the regulation.

State of Kansas
Department of Wildlife, Parks and Tourism
Permanent Administrative Regulations

Article 2.—FEES, REGISTRATIONS AND OTHER CHARGES

115-2-1. Amount of fees. The following fees and discounts shall be in effect for the following licenses, permits, and other issues of the department: (a) Hunting licenses and permits.

Resident hunting license (valid for one year from date of purchase) ............................................................... $25.00
Resident disabled hunting license (valid for one year from date of purchase) ...................................................... 100.00
Resident senior hunting license (valid for one year from date of purchase, 65 years of age through 74 years of age) ................................................................................................................................. 12.50
Resident youth hunting license (one-time purchase, valid from 16 years of age through 20 years of age, expiring at the end of that calendar year) ................................................................. 40.00
Nonresident junior hunting license (under 16 years of age) .................................................................................. 40.00
Resident big game hunting permit:
General resident: either-sex elk permit .................................................. 300.00
General resident: antlerless-only elk permit ........................................... 150.00
General resident youth (under 16 years of age): antlerless-only elk permit .......................................................... 125.00
General resident youth (under 16 years of age): antlerless-only deer permit ...................................................... 7.50
Landowner/tenant: either-sex elk permit ................................................ 150.00
Landowner/tenant: antlerless-only elk permit ...................................... 75.00
Hunt-on-your-own-own-land: either-sex elk permit .............................. 150.00
Hunt-on-your-own-land: antlerless-only elk permit ............................ 75.00
General resident: deer permit ............................................................... 40.00
General resident youth (under 16 years of age): deer permit ............... 20.00
General resident: antlerless-only deer permit ....................................... 20.00
General resident youth (under 16 years of age): antlerless-only deer permit .......................................................... 7.50
Landowner/tenant: deer permit ......................................................... 20.00
Special hunt-on-your-own-land: deer permit ........................................ 20.00
General resident: elk permit ................................................................. 10.00
General resident youth (under 16 years of age): elk permit .................. 10.00
Landowner/tenant: elk permit ............................................................. 25.00
Antelope preference point service charge ............................................. 10.00
Any-deer preference point service charge .......................................... 10.00
Application fee for elk permit ............................................................. 10.00

Wild turkey permit:
General resident: turkey permit (1-bird limit) ..................................... 25.00
General resident youth (under 16 years of age):
turkey permit (1-bird limit) ............................................................... 5.00
Resident landowner/tenant: turkey permit (1-Bird limit) ...................... 12.50
Nonresident: fall turkey permit (1-bird limit) ...................................... 50.00
Nonresident tenant: fall turkey permit (1-bird limit) ............................ 50.00
Nonresident: spring turkey permit (1-bird limit) ................................. 60.00
Nonresident tenant: spring turkey permit (1-bird limit) ....................... 60.00
Nonresident youth (under 16 years of age):
turkey permit (1-bird limit) ............................................................... 10.00
Any-deer preference point service charge .......................................... 5.00

Wild turkey game tag:
Resident: turkey game tag (1-bird limit) ............................................ 15.00
Resident youth (under 16 years of age):
turkey game tag (1-bird limit) ........................................................... 5.00
Nonresident: turkey game tag (1-bird limit) ........................................ 30.00
Nonresident youth (under 16 years of age):
turkey game tag (1-bird limit) ........................................................... 10.00

Spring wild turkey permit and game tag combination (2-bird limit, must be purchased before April 1 of year of use):
General resident: turkey permit and game tag combination (2-bird limit) ................................................................. 35.00
General resident youth (under 16 years of age):
turkey permit and game tag combination (2-bird limit) ....................... 10.00
Resident landowner/tenant: turkey permit and game tag combination (2-bird limit) ............................................... 17.50
Nonresident: turkey permit and game tag combination (2-bird limit) .......... 85.00
Nonresident tenant: turkey permit and game tag combination (2-bird limit) ......................................................... 42.50
Nonresident youth (under 16 years of age): turkey permit and game tag combination (2-bird limit) ........................ 20.00

Nonresident big game hunting permit:
Nonresident-hunt-on-your-own-land: deer permit ................................ 85.00
Nonresident tenant: deer permit ....................................................... 85.00
Nonresident: deer permit (antlered deer) ........................................... 400.00
Nonresident youth (under 16 years of age):
derm permit (antlered deer) ............................................................... 75.00
Nonresident: deer permit (antlerless-only) ......................................... 50.00
Nonresident: combination 2-deer permit (antlered and antlerless-white-tailed deer) .................................................. 415.00
Nonresident youth (under 16 years of age):
combination 2-deer permit (antlered and antlerless-white-tailed deer) ................................................................ 90.00
Nonresident: antelope permit (archery only) ....................................... 300.00
Nonresident tenant: antelope permit .................................................. 85.00
Nonresident youth (under 16 years of age):
antelope (archery only) ..................................................................... 100.00
Nonresident tenant: either-sex elk permit .......................................... 300.00
Nonresident tenant: antlerless-only elk permit .................................... 150.00
Nonresident tenant: deer permit application fee ................................ 25.00
Nonresident: mule deer stamp ............................................................ 150.00
Field trial permit: game birds .............................................................. 20.00
Lifetime hunting license ................................................................. 500.00
or eight quarterly installment payments of ........................................ 67.50
Migratory waterfowl habitat stamp .................................................... 8.00
Sandhill crane hunting permit: validation fee ..................................... 5.00
Disabled person hunt-from-a-vehicle permit ....................................... 0

(b) Fishing licenses and permits.

Resident fishing license (valid for one year from date of purchase) ..................... 25.00
Resident fishing license (valid for five years from date of purchase) .................. 100.00
Resident disabled veteran fishing license (valid for one year from date of purchase, 30 percent or more service-connected disabled) ................................................................. 12.50
Resident senior fishing license (valid for one year from date of purchase, 65 years of age through 74 years of age) 12.50
Resident youth fishing license (one-time purchase, valid from 16 years of age through 20 years of age, expiring at the end of that calendar year) ................................................................. 40.00
Nonresident fishing license (valid for one year from date of purchase) ........... 25.00
Resident disabled veteran fishing license (valid for one year from date of purchase, 30 percent or more service-connected disabled) ................................................................. 12.50
Resident senior fishing license (valid for one year from date of purchase, 65 years of age through 74 years of age) 12.50
Resident youth fishing license (one-time purchase, valid from 16 years of age through 20 years of age, expiring at the end of that calendar year) ................................................................. 40.00
Nonresident fishing license (valid for one year from date of purchase) ........... 25.00
Resident calendar day fishing license ................................................. 3.50
Nonresident calendar day fishing license ........................................... 7.50
Three-pole permit (valid for one year from date of purchase) ..................... 6.00
Tourament bass pass (valid for one year from date of purchase) ................... 12.00
Paddlefish permit (six carcass tags) ..................................................... 10.00
Paddlefish permit youth (under 16 years of age) (six carcass tags) ............. 5.00
Hand fishing permit .................................................. 25.00
Lifetime fishing license ....................................... 500.00
or eight quarterly installment payments of .......... 67.50
Five-day nonresident fishing license ................. 25.00
Institutional group fishing license ..................... 100.00
Special nonprofit group fishing license ............... 50.00
Trot (valid for one year from date of purchase) .... 12.00
Youth trout permit (under 16 years of age, valid for one year from date of purchase) ............. 4.50

(c) Combination hunting and fishing licenses and permits.
Resident combination hunting and fishing license (valid for one year from date of purchase) ........ 45.00
Resident combination hunting and fishing license (valid for five years from date of purchase) ... 180.00
Resident disabled veteran combination hunting and fishing license (valid for one year from date of purchase, 30 percent or more service-connected disabled) .... 22.50
Resident senior combination hunting and fishing license (valid for one year from date of purchase, 65 years of age through 74 years of age) ............. 25.00
Resident combination youth hunting and fishing license (one-time purchase, valid from 16 years of age through 20 years of age, expiring at the end of that calendar year) .... 70.00
Resident lifetime combination hunting and fishing license ..................... 960.00
or eight quarterly installment payments of .......... 130.00
Resident senior lifetime combination hunting and fishing license (one-time purchase, valid 65 years of age and older) .... 40.00
Nonresident combination hunting and fishing license (valid for one year from date of purchase) .... 135.00

(d) Furharvester licenses.
Resident furharvester license (valid for one year from date of purchase) ..................... 25.00
Resident junior furharvester license (valid for one year from date of purchase)............... 12.50
Lifetime furharvester license ..................... 500.00
or eight quarterly installment payments of .......... 67.50
Nonresident furharvester license (valid for one year from date of purchase) ................. 250.00
Nonresident bobcat permit (1-bobcat limit per permit) ........... 100.00
Resident fur dealer license ..................... 100.00
Nonresident fur dealer license ............. 400.00
Field trial permit: furbearing animals ............. 20.00

(e) Commercial licenses and permits.
Controlled shooting area hunting license (valid for one year from date of purchase) .......... 25.00
Resident mussel fishing license ..................... 75.00
Nonresident mussel fishing license ................. 1,000.00
Mussel dealer permit ................................ 200.00
Missouri river fishing permit ..................... 25.00
Game breeder permit ................................ 10.00
Controlled shooting area operator license ........ 200.00
Commercial dog training permit ..................... 20.00
Commercial fish bait permit (three-year permit) ...... 25.00
Commercial prairie rattlesnake harvest permit (without a valid Kansas hunting license) .... 20.00
Commercial prairie rattlesnake harvest permit (with a valid Kansas hunting license or exempt from this license requirement) .................. 5.00
Commercial prairie rattlesnake dealer permit ........ 50.00
Prairie rattlesnake round-up event permit ........ 25.00

(f) Collection, scientific, importation, rehabilitation, and damage-control permits.
Scientific, educational, or exhibition permit ............... 10.00
Raptor propagation permit .................................. 0
Rehabilitation permit ....................................... 0
Wildlife damage-control permit ....................... 0
Wildlife importation permit ............................... 10.00
Threatened or endangered species: special permits .......... 0

(g) Falconry.

(h) Miscellaneous fees.
Duplicate license, permit, stamp, and other issues of the department ........................................... 0
Special departmental services, materials, or supplies At cost
For bond amounts of $5,000.00 and less ..................... 50.00
For bond amounts of more than $5,000.00 and less plus $25.00 plus $6.00 per additional $1,000.00 coverage or any fraction thereof.

(i) Discounts.
Discount for five or more licenses, permits, stamps, or other issues of the department purchased by an individual at the same time ........................................ five percent of the total price


Article 7.—FISH AND FROGS

115-7-3. Fish; taking and use of baitfish or minnows.
(a) Baitfish may be taken for noncommercial purposes by any of the following means:
(1) A seine not longer than 15 feet and four feet deep with mesh not larger than ⅛ inch;
(2) a fish trap with mesh not larger than ⅛ inch and a throat not larger than one inch in diameter;
(3) a dip or cast net with mesh not larger than one inch; or
(4) a fishing line.
(b) Each fish trap shall be tagged with the operator’s name and address when the fish trap is in use.
(c) Baitfish taken, except gizzard shad, silver carp, and bighead carp, shall not exceed 12 inches in total length. Silver carp and bighead carp shall not be transported from the water alive.
(d) The possession limit shall be 500 baitfish.
(e) For the species specified in this subsection, the department’s applicable creel and possession limits shall apply.
Live baitfish, crayfish, leeches, amphibians, and mollusks, except for bluegill and green sunfish from non-designated aquatic nuisance waters and baitfish, crayfish, leeches, amphibians, and mollusks from designated aquatic nuisance waters, may be caught and used as live bait only within the common drainage where caught. However, live baitfish, crayfish, leeches, amphibians,
and mussels shall not be transported and used above any upstream dam or barrier that prohibits the normal passage of fish. Bluegill and green sunfish collected from non-designated aquatic nuisance waters may be possessed or used as live bait anywhere in the state. Live baitfish, crayfish, leeches, amphibians, and mussels collected from designated aquatic nuisance waters shall be possessed or used as live bait only while on that water and shall not be transported from the water alive.

(f) No person shall import live baitfish that does not meet the requirements of K.A.R. 115-17-2 and K.A.R. 115-17-2a.


Article 18.—SPECIAL PERMITS


Brad Loveless
Secretary

State of Kansas
Department of Wildlife, Parks and Tourism
Permanent Administrative Regulations

Article 14.—FALCONRY

115-14-12. Falconry; permits, applications, and examinations. (a) Except as provided in this regulation, any individual engaged in falconry who possesses a current Kansas falconry permit or a current falconry permit from another state may engage in falconry activities as authorized by law or regulation. The permittee shall be in the immediate possession of the permit while trapping, transporting, working with, or flying a falconry raptor. Each falconer wanting to capture a raptor from the wild shall comply with K.A.R. 115-14-14. The permittee shall not be required to have immediate possession of the falconry permit while the raptor is located on the permitted premises of the falconry facility but shall produce the permit upon request for inspection by any law enforcement officer authorized to enforce the provisions of this regulation.

(b) Each individual wanting to engage in falconry shall submit an application to the secretary for the appropriate permit, on forms provided by the department. The application shall require at least the following information to be provided:

(1) The applicant’s name;
(2) the applicant’s address;
(3) the address of the facilities where the raptors are to be kept;
(4) the species and number of raptors to be permitted in accordance with the limitations specified in this regulation;
(5) the applicant’s date of birth;
(6) the applicant’s social security number;
(7) the level of falconry permit being applied for; and
(8) any additional relevant information that may be required for the type of permit as described within this regulation.

(c) Each falconry permit shall be valid from the date of issuance through December 31 in the third calendar year after issuance. A falconry permit may be renewed without the examination otherwise required by this regulation if the permit is renewed before the current permit expires.

(d) Each individual holding a current valid falconry permit from another state, moving to Kansas with the intent to establish residency, and wanting to bring that individual’s legally permitted raptors into the state shall meet the following requirements:

(1) The individual shall apply for the appropriate level of Kansas falconry permit within 30 days after moving into the state. The determination of which level of falconry permit is appropriate for the applicant shall be based on the requirements of subsections (j), (k), and (l).

(2) The individual shall not be required to take the department’s falconry examination specified in paragraph (j)(3).

(3) The individual shall notify the state where the individual formerly resided of the individual’s move, within 30 days of moving to Kansas.

(4) Any falconry birds held by the individual under the former permit may be retained during the permit application and issuance process in Kansas if the birds are kept in an appropriate facility as specified in K.A.R. 115-14-13.

Each permanent facility to house falconry birds possessed under this subsection shall be constructed, inspected, and approved in accordance with K.A.R. 115-14-13 before the issuance of the Kansas falconry permit.

(e) Each individual whose permit has lapsed shall be allowed to reinstate that individual’s permit in accordance with this subsection.

(1) Any individual whose Kansas falconry permit has lapsed for fewer than five years may be reinstated at the level previously held if the individual submits a complete application and provides proof of the previous level of certification. Each of the individual’s facilities shall pass the inspection requirements in K.A.R. 115-14-13 before the individual may be allowed to possess a falconry raptor.

(2) Each individual whose Kansas falconry permit has lapsed for five years or more shall be required to correctly answer at least 80 percent of the questions on the department’s falconry examination specified in paragraph (j)(3). Upon passing the examination, the individual’s
falconry permit shall be reinstated at the level previously held. Each of the individual’s facilities shall pass the inspection requirements in K.A.R. 115-14-13 before the individual may be allowed to possess a falconry raptor.

(f) Any individual whose falconry permit has been revoked or suspended may apply for that individual’s permit to be reinstated after the suspension period or revocation. In addition to submitting a completed application to the department, the individual shall be required to correctly answer at least 80 percent of the questions on the department’s falconry examination specified in paragraph (j)(3). Upon passing the examination, the individual’s falconry permit shall be reinstated at the level previously held. Each of the individual’s facilities shall pass the inspection requirements in K.A.R. 115-14-13 before the individual may be allowed to possess a falconry raptor.

(g) Any individual residing in Kansas who is not a citizen of the United States, has practiced falconry in the individual’s home country, and has not been previously permitted for falconry in another state may apply for a temporary falconry permit. Each temporary falconry permit shall be valid from the date of issuance through December 31 in the third calendar year after issuance. The level of permit issued shall be consistent with the level of permit types specified in subsections (j), (k), and (l). In addition, the applicant shall meet the following provisions:

(1) Any individual covered under this subsection may apply for and receive a temporary falconry permit in accordance with the following provisions:

(A) The individual applying for the temporary permit shall be required to correctly answer at least 80 percent of the questions on the department’s falconry examination specified in paragraph (j)(3).

(B) Upon passing the examination, a temporary permit for the appropriate level shall be issued by the department, based on the individual’s documentation of experience and training.

(C) The individual holding the temporary permit may possess raptors for falconry purposes if the individual has falconry facilities approved in accordance with K.A.R. 115-14-13. The individual holding a temporary permit may fly raptors held for falconry by another permitted falconer. The individual holding a temporary permit shall not take raptors from the wild for falconry purposes.

(2) Any individual holding a temporary permit in accordance with this subsection may use any bird for falconry that the individual legally possessed in the individual’s country of origin for falconry purposes if the importation of that species of bird into the United States is not prohibited and the individual has met all permitting requirements of the individual’s country of origin.

(A) The individual shall comply with all requirements for practicing falconry in the state. The individual shall acquire all permits and comply with all federal laws concerning the importation, exportation, and transportation of falconry birds; the wild bird conservation act; the endangered species act; migratory bird import and export permits; and the endangered species convention.

(B) Each falconry bird imported into the state under this subsection shall be exported from the state by the temporary permittee when the permittee leaves the state, unless a permit is issued allowing the bird to remain in Kansas. If the bird dies while in the state, the permittee shall report the loss to the department before leaving the state.

(C) When flown free, each bird brought into the state under the provisions of this subsection shall have attached to the bird two radio transmitters that allow the permittee to locate the bird.

(h) Each individual who holds a current, valid Kansas falconry permit and resides in another state, territory, or tribal land different from the individual’s primary Kansas residence for more than 120 consecutive days shall provide the location of the individual’s falconry facilities in the other jurisdiction to the department. This information shall be listed on the individual’s Kansas falconry permit.

(i) Falconry permits shall be issued for the following levels of permittees: apprentice falconer, general falconer, and master falconer. Each applicant for a specific level shall meet the requirements of subsection (j), (k), or (l).

(j) An “apprentice falconer” shall mean an individual who is beginning falconry at an entry level, has no prior permitted falconry experience, and meets the following requirements:

(1) The applicant shall be at least 12 years of age. The application of any applicant under 18 years of age shall be signed by a parent or legal guardian, who shall be legally responsible for the applicant’s activities.

(2) The applicant shall have secured a written sponsor agreement either from a general falconer with at least two years of falconry experience as a general falconer or from a master falconer, stating that the falconer has agreed to mentor the applicant for the duration of the apprentice permit.

(A) The sponsor agreement shall include a statement from the general falconer or master falconer specifying that the sponsor shall mentor the applicant in learning the husbandry and training of raptors for falconry, learning relevant wildlife laws and regulations concerning the practice of falconry, and deciding what species of raptor is appropriate for the applicant to possess while practicing falconry at the apprentice level.

(B) If the general falconer or master falconer is not able to fulfill the sponsor agreement to mentor the apprentice falconer, the apprentice shall secure a sponsor agreement from another falconer with the necessary qualifications and notify the department within 30 days of the change. The falconer sponsoring the apprentice falconer shall notify the department in writing within 30 days of withdrawing the falconer’s mentorship.

(3) Each applicant for an apprentice falconry permit shall be required to correctly answer at least 80 percent of the questions on the department’s falconry examination. The examination shall cover the following topics:

(A) The care and handling of falconry raptors;

(B) federal and state laws and regulations relating to falconry; and

(C) other relevant subject matter relating to falconry, including diseases and general health.

(4) Any applicant failing the examination may reapply after 90 days.
(5) An apprentice falconer shall not possess more than one raptor. Each apprentice falconer shall be restricted to taking or possessing not more than one wild-caught raptor from one of the following species:
(A) American kestrel (*Falco sparverius*);
(B) red-tailed hawk (*Buteo jamaicensis*); or
(C) red-shouldered hawk (*Buteo lineatus*).

(6) A raptor acquired by an apprentice falconer shall not have been taken from the wild as an eyas or have become imprinted on humans. Any wild-caught raptor species specified in paragraph (j)(5) may be transferred to the apprentice falconer by another properly permitted falconry permittee.

An apprentice falconer shall not acquire more than one replacement raptor during any 12-month period.

(7) The facilities used to house and keep the raptor shall meet the requirements in K.A.R. 115-14-13.

(k) A “general falconer” shall mean an individual who has been previously permitted as an apprentice falconer and meets the following requirements:

(1) The applicant shall be at least 16 years of age. The application of any applicant under 18 years of age shall be signed by a parent or legal guardian, who shall be legally responsible for the applicant’s activities.

(2) Each application shall be accompanied by a letter from the general falconer or a master falconer stating that the applicant has practiced falconry with wild raptors at the level of apprentice falconer, or its equivalent, for at least two years, including maintaining, training, flying, and hunting the raptor for at least four months in each year. This time may include the capture and release of falconry raptors. A school or education program in falconry shall not be substituted to shorten the required two years of experience at the level of apprentice falconer.

(3) A general falconer may take and use any species of Accipitriform, Falconiform, or Strigiform, including wild or captive-bred raptors and hybrid raptors, as defined in K.A.R. 115-14-11, for falconry, with the following exceptions:

(A) Golden eagle (*Aquila chrysaetos*);
(B) bald eagle (*Haliaeetus leucocephalus*);
(C) white-tailed eagle (*Haliaeetus albicilla*); and
(D) Steller’s sea eagle (*Haliaeetus pelagicus*).

(4) A general falconer shall possess no more than three raptors at any one time, regardless of the number of state, tribal, or territorial falconry permits the general falconer possesses.

(l) A “master falconer” shall mean an individual who has been previously permitted at the level of general falconer and meets the following requirements:

(1) The applicant shall have practiced falconry with that individual’s own raptor as a general falconer for at least five years.

(2) A master falconer may take and use any species of Accipitriform, Falconiform, or Strigiform, including wild or captive-bred raptors and hybrid raptors for falconry, with the following exceptions:

(A) A bald eagle (*Haliaeetus leucocephalus*) shall not be possessed.

(B) Golden eagles (*Aquila chrysaetos*), white-tailed eagles (*Haliaeetus albicilla*), or Steller’s sea eagles (*Haliaeetus pelagicus*) may be possessed if the permittee meets the following requirements:

(i) The permittee shall not possess more than three raptors of the species listed in paragraph (l)(2)(B).

(ii) The permittee shall provide documentation to the department of the permittee’s experience in handling large raptors, including information about the species handled and the type and duration of the activity in which the experience was gained.

(iii) The permittee shall provide the department with at least two letters of reference from people with experience in handling or flying large raptors including eagles, ferruginous hawks (*Buteo regalis*), goshawks (*Accipiter gentilis*), or great horned owls (*Bubo virginianus*). Each letter shall contain a concise history of the author’s experience with large raptors, which may include the handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter shall also assess the permittee’s ability to care for eagles and fly them for falconry purposes.

(C) The possession of a golden eagle, white-tailed eagle, or Steller’s sea eagle shall count as one of the wild raptors that the permittee is allowed to possess.

(D) A master falconer may possess wild or captive-bred raptors or hybrid raptors of the species allowed by this subsection.

(E) A master falconer shall possess no more than five wild-caught raptors, including golden eagles, regardless of the number of state, tribal, or territorial falconry permits the falconer possesses.

(F) A master falconer may possess any number of captive-bred raptors. However, the raptors shall be trained to pursue wild game and shall be used for hunting.

(m) A falconry permit may be denied, suspended, or revoked by the secretary for any of the following reasons:

(1) The application is incomplete or contains false information.

(2) The applicant does not meet the qualifications specified in this regulation.

(3) The applicant has failed to maintain or to submit required reports.

(4) The applicant has been convicted of violating department laws or regulations relating to hunting or the practice of falconry or has had any other department license or permit denied, suspended, or revoked.

(5) Issuance of the permit would not be in the best interests of the public, for reasons including complaints or inappropriate conduct while holding a previous falconry permit.


115-14-13. Falconry; facilities, equipment, care requirements, and inspections. (a) Each individual keeping raptors shall maintain the facilities in accordance with this regulation.

(1) “Primary facility” shall mean the principal place and structures where the raptor is normally provided care and housing. This term shall include indoor facilities and outdoor facilities.

(2) “Temporary facility” shall mean a place and structure where a raptor is kept during the raptor’s time away
Each outdoor area of the primary facility shall be large enough to ensure that all the raptors held inside cannot strike the enclosure when flying from the perch.

(12) Any new design of primary facility may be used if the primary facility meets the requirements of this subsection.

(c) Falconry raptors may be kept outside, including in a weathering yard at a falconry meet, if the raptors are under watch by the permittee or a designated individual.

(d) The permittee may transport any permitted raptor if the bird is provided with a suitable perch and is protected from extreme temperatures, wind, and excessive disturbance. A giant hood or similar container may be used for transporting the bird or for housing it while away from the primary facility.

(e) The permittee shall inform the department of any change of location of the primary facility within five business days of the move to the new location.

(f) The property where the primary facility is located may be owned by the permittee or another person and may be at the residence of the permittee or at a different location.

The permittee shall submit to the department a signed and dated statement showing that the permittee agrees that the primary facility, equipment, all falconry-related facilities, equipment, records, and raptors may be inspected without advance notice by department authorities at any reasonable time on any day of the week if the inspections are in the presence of the permittee. If the property is not owned by the permittee, the actual property owner shall also sign the statement acknowledging the inspection allowance.

(g) The permittee shall provide and maintain the following equipment during the term of the permit:

(1) At least one pair of Aylmeri jesses, or jesses of a similar type, constructed of pliable, high-quality leather or a suitable synthetic material. The jesses shall be used when any raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown;

(2) at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

(3) at least one suitable bath container for each raptor.

(4) a reliable scale or balance that is suitable for weighing the raptors and is graduated to increments of not more than ½ ounce (15 grams).

(h) A permittee may house a raptor in temporary facilities for no more than 120 consecutive days if the bird is provided with a suitable perch and protection from predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

(i) A permittee may allow a raptor to be temporarily cared for and possessed by another falconry permittee in accordance with the following requirements:

(1) The raptor shall be kept at the permittee’s primary facility or at the permitted primary facility of the other permittee.

(2) The raptor shall be cared for by the other permittee for no more than 120 consecutive days, unless the department provides a written extension of time for extenuating circumstances that may include illness, military service, or a family emergency. Extenuating circumstances may
be considered by the secretary on a case-by-case basis.

(3) The permittee shall provide the other permittee with a signed, dated statement authorizing the temporary possession. The statement shall include information specifying the time period during which the temporary care and possession are allowed and what activity is allowed. The permittee providing the temporary care may fly the raptor as authorized in the statement, including hunting, if the permittee providing the temporary care holds the appropriate level of falconry permit. The raptors being provided temporary care shall not count against the possession limit of the permittee providing the care.

(4) The permittee shall provide a copy of the United States fish and wildlife service form 3-186A showing that permittee as the possessor of the raptor to the other permittee providing the temporary care.

(i) Any permittee may allow a raptor to be temporarily cared for by an individual who does not possess a falconry permit in accordance with the following provisions:

(1) The raptor shall not be removed from the permittee’s facility during the time of temporary care. The person caring for the raptor shall not fly the raptor for any reason.

(2) The raptor may be cared for by another person for no more than 45 consecutive days, unless the department provides a written extension of time for extenuating circumstances that may include illness, military service, or a family emergency. Extenuating circumstances may be considered by the secretary on a case-by-case basis.

(3) The raptor shall remain on the permittee’s falconry permit.

(k) Falconry raptors may be trained or conditioned in accordance with the following provisions:

(1) Equipment or techniques acceptable for falconry practices including or similar to any of the following may be used:

(A) Tethered flying, which is also known as flying with a creance;
(B) lures made from animal parts;
(C) balloons;
(D) kites; or
(E) remote-control airplanes.

(2) The following species of live wildlife may be used:

(A) Rock dove or domestic pigeon;
(B) European starling;
(C) house sparrow;
(D) Hungarian partridge;
(E) Chukar partridge; and
(F) any small game, as defined by K.S.A. 32-701 and amendments thereto, during the established hunting seasons for the small game.

(l) All facilities and equipment shall be properly maintained and cleaned during the term of the permit.

(m) Mistreatment of any raptor shall be grounds for revocation of the falconer’s permit and for confiscation of any raptors in possession of the falconer. “Mistreatment” shall be defined as any of the following:

(1) Having physical custody of a raptor and failing to provide food, potable water, protection from the elements, opportunity for exercise, and other care as is needed for the health and well-being of the raptor;
(2) abandoning or leaving any raptor in any place without making provisions for its proper care; or
(3) failing to meet the requirements of this regulation.


115-14-14. Falconry; taking, banding, transporting, and possessing raptors. (a) For the purpose of this regulation, “falconer” shall be defined as a person taking or attempting to take a raptor from the wild for falconry purposes. Each falconer shall possess a current, valid hunting license pursuant to K.S.A. 32-919, and amendments thereto, and meet the requirements for hunter education certification pursuant to K.S.A. 32-920, and amendments thereto.

(b) Each nonresident falconer shall apply for and receive a take permit from the department before attempting to take a raptor from the wild in Kansas. Each nonresident falconer shall submit a raptor acquisition report within 10 days of leaving Kansas, regardless of whether the falconer was successful in taking a raptor.

(c) Each resident falconer shall apply for and receive a take permit from the department before attempting to take a peregrine falcon from the wild in Kansas.

(d) Each capture device used to capture raptors shall have a tag attached showing the falconer’s name, address, and current falconry permit number.

(e) The falconer shall acquire permission from the landowner or the person controlling any private land before taking or attempting to take any wild raptor for falconry purposes.

(f) Wild raptors may be taken for falconry purposes if the species is approved by the department to be taken by the falconer and is allowed under the level of falconry permit possessed by the falconer in accordance with K.A.R. 115-14-12.

(1) A falconer shall not intentionally take a raptor species that the falconer is prohibited from possessing by the falconer’s classification level.

(2) If a falconer captures a prohibited bird, the falconer shall immediately release it.

(g) A falconer shall take no more than two raptors from the wild each year to use in falconry in accordance with the permit level limitations specified in K.A.R. 115-14-12. The take shall be further restricted by the following provisions:

(1) Passage and haggard raptors may be taken by apprentice falconers, general falconers, and master falconers year-round.

(2) Eyases may be taken only by a general falconer or master falconer and may be taken year-round.

(3) No more than two eyases may be taken by a general falconer or a master falconer per calendar year. At least one eyas shall be left in the nest when an eyas is taken.

An apprentice falconer shall not take an eyas raptor from the wild.

(4) The following raptors may be taken from the wild, but only during the specified stages of development:

(A) Red-tailed hawk (Buteo jamaicensis) in the eyas and passage stages;
(B) American kestrel (Falco sparverius) in all stages; and
(C) great horned owl (Bubo virginianus) in all stages.
(5) Any other species of raptor in the eyas or passage stage of development may be taken by general falconers and master falconers.

(6) The recapture of a falconry bird that has been lost by a falconer shall not be considered to be the capture of a wild raptor to be counted against the annual limit.

(h) Except as provided by this subsection, no species designated by the United States or in K.A.R. 115-15-1 as endangered or threatened shall be taken from the wild.

(l) A general falconer or master falconer may obtain a permit to take one wild raptor listed by federal law as threatened for falconry purposes.

(2)(A) The falconer shall submit an application and receive a federal endangered species permit before taking the bird.

(B) The falconer shall submit an application and receive approval and a permit from the department before taking the bird.

(i) Each raptor taken from the wild shall always be considered a wild bird.

(j) Each raptor taken from the wild in a calendar year by a falconer and then transferred to a second falconer shall count as one of the raptors allowed to be taken by the first falconer who took the raptor from the wild. The raptor transferred to the receiving falconer shall not count against the limit of wild raptors that may be taken in the calendar year by the receiving falconer.

(k) Each raptor taken from the wild shall be reported as follows:

(1) The falconer who is present and takes possession of a wild raptor at the capture site shall file the required report information within 10 calendar days of the capture by submitting the information to the electronic database of the United States fish and wildlife service.

(2) Any falconer may enlist the assistance of another person to take a wild raptor if the falconer is at the exact location of the capture and takes immediate possession of the bird.

(3) Any falconer who does not take immediate possession of a wild raptor at the exact location of the capture may acquire a wild raptor from a general falconer or master falconer, as defined in K.A.R. 115-14-12, in accordance with the following reporting requirements:

(A) The general falconer or master falconer who takes the raptor from the wild shall report the capture in accordance with paragraph (k)(1).

(B) The falconer receiving the wild raptor from the general falconer or master falconer shall report the transfer of the bird within 10 calendar days of the transfer by submitting the information to the electronic database of the United States fish and wildlife service.

(4) Any falconer who has a long-term or permanent physical impairment that prevents the individual from being present at the exact location of the capture and taking immediate possession of a wild raptor that may be used by the falconer for falconry purposes may acquire a bird by the following means:

(A) Any general falconer or master falconer, as defined by K.A.R. 115-14-12, may capture the wild raptor.

This capture shall not count against the general falconer’s or master falconer’s calendar-year limit for the take of wild raptors. However, this capture shall count against the calendar-year limit for wild raptors of the falconer with the long-term or permanent physical impairment.

(B) The falconer with the long-term or permanent physical impairment shall file the capture report in accordance with paragraph (k)(1).

(C) The falconer with the long-term or permanent physical impairment shall confirm the presence of the impairment and the need to report in accordance with this subsection at the time of application for the capture permit.

(l) A master falconer may be authorized by permit to possess not more than three eagles, including golden eagles, white-tailed eagles, or Steller’s sea eagles, for falconry in accordance with the following provisions:

(1) Each eagle possessed shall count against the possession limit for the falconer.

(2) A golden eagle may be taken in a location declared by the wildlife services of the United States department of agriculture or in an area within a state that has been established as a livestock depredation area in accordance with the following provisions:

(A) An immature or a subadult golden eagle may be taken in a livestock depredation area while the depredation area is in effect.

(B) A nesting adult golden eagle, or an eyas from its nest, may be taken in a livestock depredation area if a biologist that represents the agency responsible for establishing the depredation area has determined that the adult eagle is preying on livestock.

(C) The falconer shall notify the regional law enforcement office of the United States fish and wildlife service of the capture plan before any trapping activity begins. Notification shall be submitted in person, in writing, or by facsimile or electronic mail at least three business days before the start of trapping.

(m) Any raptor wearing falconry equipment or any captive-bred raptor may be recaptured at any time by any falconer in accordance with the following provisions:

(1) The falconer may recapture the raptor whether or not the falconer is allowed to possess that species.

(2) The recaptured bird shall not count against the falconer’s possession limit. This take from the wild shall not count against the capture limit for the calendar year.

(3) The falconer shall report the recapture to the department within five working days of the recapture.

(4) The disposition of any recaptured bird shall be as follows:

(A) The bird shall be returned to the person who lost it, if that person may legally possess the bird and chooses to do so. If the person who lost the bird either is prohibited from taking or chooses not to take the bird, the falconer who captured the bird may take possession of the bird if the falconer holds the necessary qualifications for the species and does not exceed the falconer’s possession limit.

(B) The disposition of a recaptured bird whose legal ownership cannot be ascertained shall be determined by the department.

(n) Each goshawk (Accipiter gentilis), Harris’s hawk (Parabuteo unicinctus), peregrine falcon (Falco peregrinus), or gyrfalcon (Falco rusticolus) taken from the wild or acquired from a rehabilitator by a falconer shall be identi
fied by one or more of the following means:

(1) The bird shall be banded with a black nylon, permanent, nonreusable, numbered falconry registration leg band from the United States fish and wildlife service. The bands shall be made available through the department. Any falconer may request an appropriate band before any effort to capture a raptor.

(2) In addition to the band specified in paragraph (n) (1), the falconer may purchase and have implanted in the bird a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization. All costs associated with the implantation of a microchip shall be the responsibility of the falconer.

(3) The falconer shall report the take of any bird within 10 days of the take by submitting the required information, including the band number or the microchip information, or both, to the electronic database of the United States fish and wildlife service.

(4) The falconer shall report to the department the loss or removal of any black nylon, nonreusable leg band within five days of the removal or notice of loss.

(A)(i) When submitting the report, the falconer shall submit a request for a black, nylon, nonreusable leg band to the United States fish and wildlife service.

(ii) The falconer may purchase and implant a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization, in addition to using the black, nylon, nonreusable leg band for rebanding.

(B) The falconer shall immediately submit the required information relating to the re-banding or the implanting of a microchip by submitting the information to the electronic database of the United States fish and wildlife service.

(o) Each raptor bred in captivity shall be banded with a seamless metal falconry registration band provided by the United States fish and wildlife service. In addition, any such raptor may have implanted a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization.

The falconer shall report to the department the loss or removal of any seamless band within 10 days of the removal or notice of loss.

(1) When submitting the report, the falconer shall submit a request for a yellow, nylon, nonreusable leg band to the United States fish and wildlife service.

(B) The falconer may purchase and implant a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization, in addition to using the seamless leg band for rebanding.

(2) The falconer shall immediately submit the required information relating to the re-banding or the implanting of a microchip by submitting the information to the electronic database of the United States fish and wildlife service.

(p) A falconry registration band shall not be altered, defaced, or counterfeited. However, the rear tab on a falconry registration band used to identify a raptor taken from the wild may be removed and any imperfect surface may be smoothed if the integrity of the band and the numbering on the band are not affected.

(q) The falconry registration band requirement may be waived by the secretary and the removal of a registration band may be allowed in order to address a documented health or injury problem caused to a raptor by the registration band in accordance with the following provisions:

(1) The falconer shall be required to carry a copy of the exemption paperwork at all times while transporting or flying the raptor.

(2) A microchip compliant with the requirements of an international organization for standardization and provided by the United States fish and wildlife service shall be used to replace the registration band causing the health or injury problem on a wild-caught goshawk, Harris’s hawk, peregrine falcon, or gyrfalcon.

(r) A wild-caught falcon shall not be banded with a seamless numbered band.

(s) Any falconer, with prior authorization, may take a wild raptor, including a wild raptor that has been banded with an aluminum band from the federal bird-banding laboratory of the United States fish and wildlife service, during the legal season using legal methods and equipment, in accordance with the following provisions:

(1) Each captured raptor that has any band, research marker, or transmitter attached to it shall be immediately reported to the federal bird-banding laboratory of the United States fish and wildlife service. The reported information shall include any identifying numbers, the date and location of capture, and any other relevant information.

(2) A peregrine falcon that is banded with a research band or has a research marking attached to the bird shall not be taken from the wild and shall be immediately released.

(3) A captured peregrine falcon that has a research transmitter attached to the bird may be kept by the falconer not more than 30 days if the federal bird-banding laboratory of the United States fish and wildlife service is immediately contacted after the capture. The disposition of the captured peregrine falcon shall be in accordance with the directions provided by the federal bird-banding laboratory or its designee.

(4) Any raptor, other than a peregrine falcon, that has a transmitter attached to it may be possessed by the falconer who captured the bird for not more than 30 days in order to contact the researcher, or the researcher’s designee, to determine if the transmitter should be replaced.

(A) The temporary, 30-day possession of the bird shall not count against the falconer’s possession limit for falconry raptors.

(B) If the falconer who captured the raptor wishes to possess the bird for falconry purposes, the disposition of the bird shall be at the discretion of the researcher and the secretary if the species of the bird is allowable under the classification level of the falconer and the falconer’s possession of the captured bird does not exceed the established possession limit.

(t) Each raptor, including a peregrine falcon, that is captured and found with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird attached to it shall be reported to the department within five days of capture.

(1) Each such falconry raptor shall be returned to the person who lost the raptor.
(2) If the person who lost the bird is prohibited from possessing the bird or does not wish to possess the bird, the falconer who captured the bird may keep the bird if the falconer holds the necessary qualifications for the species and does not exceed the falconer’s possession limit.

(3) If the falconer who captured the bird is prohibited from possessing the bird, the disposition of the bird shall be at the discretion of the secretary.

(4) The recaptured falconry bird shall not count against the possession limit or the calendar-year limit of wild birds that may be taken by the falconer during the time the recaptured bird is being held pending final disposition.

(u) Each raptor that is injured during trapping activities shall be handled in accordance with the provisions of this subsection. It shall be the falconer’s responsibility to address any injury occurring to a raptor during trapping activities in one of the following ways:

(1) The falconer may take the raptor into possession and apply it to the falconer’s possession limit if the raptor is of a species allowed to be possessed and the falconer’s possession limit is not exceeded.

(A) The take shall be reported in accordance with subsection (k).

(B) The raptor shall be treated by a veterinarian or a permitted wildlife rehabilitator. The cost for the care and treatment of the raptor shall be the responsibility of the falconer.

(2) The raptor may be turned over directly to a veterinarian, a permitted wildlife rehabilitator, or a department employee, and the raptor shall not be counted against the falconer’s allowable take or possession limit. The falconer shall be responsible for the costs relating to the care and rehabilitation of the bird.

(v)(1) The falconer shall report each raptor that dies or is acquired, transferred, rebanded, implanted with a microchip, lost to the wild and not recovered within 30 calendar days, or stolen by submitting the information to the electronic database of the United States fish and wildlife service.

(2) In addition to submitting the report required in paragraph (v)(1), the falconer shall file a report of the theft of a raptor with the department and the appropriate regional law enforcement office of the United States fish and wildlife service within 10 calendar days of the theft.

(3) The falconer shall keep copies of all electronic database submissions documenting the take, transfer, loss, theft, rebanding, or implanting of microchips of each falconry raptor for at least five years after the bird has been transferred, released to the wild, or lost, or has died.

(w) The intentional release to the wild of any falconry raptor shall be in accordance with the following requirements:

(1) A species of raptor that is not native to Kansas shall not be released to the wild. Any such bird may be transferred to another falconer if the falconer receiving the bird is authorized to possess the age and species of raptor and the transfer does not exceed the possession limit of the falconer receiving the bird.

(2) Any species of raptor that is native to Kansas and is captive-bred may be released to the wild according to the following requirements:

(A) The falconer shall obtain the department’s permission to release the bird to the wild before the actual release. The time of year and the location where the release shall take place shall be specified by the department.

(i) The release of a raptor on department lands or waters shall meet the requirements of K.A.R. 115-8-12.

(ii) The falconer shall acquire verbal permission from the landowner or person in control of the private land before the release of the raptor.

(B) The falconer shall remove any tag, transmitter, or nonreusable falconry band, if present, before release. All falconry identification bands, tags, or markers shall then be surrendered to the department within 10 calendar days of the release.

(C) The falconer shall report the release of the bird within 10 calendar days of the release by submitting the required information to the electronic database of the United States fish and wildlife service.

(3) Any species of raptor that is native to Kansas and was taken from the wild may be released to the wild according to the following requirements:

(A) The falconer may release the bird to the wild year-round.

(i) Each release of a raptor on department lands or waters shall meet the requirements of K.A.R. 115-8-12.

(ii) The falconer shall acquire verbal permission from the landowner or person in control of the private land before the release of the raptor.

(B) The falconer shall remove any tag, transmitter, or nonreusable falconry band, if present, before the release. All falconry identification bands, tags, or markers shall then be surrendered to the department within 10 calendar days of the release.

(C) The falconer shall report the release of the bird within 10 calendar days of the release by submitting the required information to the electronic database of the United States fish and wildlife service.

(4) No hybrid raptor, as defined in K.A.R. 115-14-11, shall be intentionally released to the wild permanently.

(5) Hacking, which means temporarily releasing a falconry raptor to the wild for conditioning, shall be permissible.

(x) In addition to any other requirements regarding the take of peregrine falcons, each falconer shall immediately notify the department when a peregrine falcon is taken, as specified on the take permit. If the quota for the take of peregrine falcons has been met and the take season is closed, the falconer shall immediately release the peregrine falcon upon notification by the department.


Brad Loveless
Secretary

Doc. No. 048509
Article 6.—MEDICAL ASSISTANCE PROGRAM—CLIENTS’ ELIGIBILITY FOR PARTICIPATION

129-6-103. Determined eligibles; income standards. (a) Independent living arrangements.

(1) The income standard for each person in an independent living arrangement shall be based on the total number of persons in the assistance plan as defined in K.A.R. 129-6-41 or 129-6-42.

(2) The income standards for independent living may also be used if an applicant or recipient meets either of the following conditions:

(A) Enters a medicaid-approved facility, except that this paragraph shall not apply if only one spouse in a married couple enters an institutional living arrangement; or

(B) is absent from the home for medical care for a period not to exceed the month in which the person left the home and the two months following to allow for maintaining the applicant’s or recipient’s independent living arrangements.

(3) Except as specified in paragraphs (a)(4) through (13), the following table shall be used to determine the income standard for persons in an independent living arrangement.

<table>
<thead>
<tr>
<th>Persons in Independent Living</th>
<th>(per month)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$475</td>
</tr>
<tr>
<td>2</td>
<td>$475</td>
</tr>
<tr>
<td>3</td>
<td>$480</td>
</tr>
</tbody>
</table>

The income standard for additional persons shall be the sum of the basic standard for a similar public assistance family and the maximum state shelter standard in accordance with K.A.R. 30-4-101.

(4) In determining eligibility for pregnant women under K.A.R. 129-6-71 and for infants under K.A.R. 129-6-72(b), the income standard shall be 166 percent of the official federal poverty-level income guidelines.

(5) In determining eligibility for young children under K.A.R. 129-6-72(c), the income standard shall be 149 percent of the official federal poverty-level income guidelines.

(6) In determining eligibility for older children under K.A.R. 129-6-72(d), the income standard shall be 133 percent of the official federal poverty-level income guidelines.

(7) In determining eligibility for poverty-level medicare beneficiaries under K.A.R. 129-6-86, the income standard shall be 100 percent of the official federal poverty-level income guidelines.

(8) In determining eligibility for working disabled individuals under K.A.R. 129-6-87, the income standard shall be 200 percent of the official federal poverty-level income guidelines.

(9) In determining eligibility for low-income medicare beneficiaries under K.A.R. 129-6-86, the income standard shall be 120 percent of the official federal poverty-level income guidelines.

(10) In determining eligibility for expanded low-income medicare beneficiaries under K.A.R. 129-6-86, the income standard shall be 120 to 135 percent of the official federal poverty-level income guidelines, subject to available federal funding.

(11) In determining eligibility for disabled individuals with earned income under K.A.R. 129-6-88, the income standard shall be 300 percent of the official federal poverty-level income guidelines.

(12) In determining eligibility for persons in the medicaid program under K.A.R. 129-6-95, the income standard shall be $250 for a single individual and $325 for a married couple.

(13) In determining eligibility for persons in long-term care arrangements in accordance with K.A.R. 129-6-54(d)

(1), the income standard shall be 300 percent of the payment standard for one person in the SSI program. For calendar year 2013, the income standard shall be $2,130, and this amount shall be increased at the beginning of each calendar year by any cost-of-living adjustment made to the SSI payment standard.

(b) Institutional living arrangements. For each person residing in an institutional setting, the monthly income standard for purposes of determining the client obligation shall be $62, except as specified in paragraph (a)(2).

(13) In determining eligibility for persons in long-term care arrangements in accordance with K.A.R. 129-6-83(b), the monthly income standard for purposes of determining the client obligation shall be $1,177. (Authorized by and implementing K.S.A. 65-1,254 and 75-7403; effective, T-129-10-31-13, Nov. 1, 2013; effective Feb. 28, 2014; amended Jan. 1, 2021.)

Lee A. Norman, M.D.
Secretary

State of Kansas
Department of Agriculture
Permanent Administrative Regulations

Article 34.—INDUSTRIAL HEMP

4-34-22. License required to cultivate or produce industrial hemp for commercial purposes. (a) K.A.R. 4-34-22 through 4-34-30 shall apply only to the commercial production of industrial hemp pursuant to K.S.A. 2-3901 et seq., and amendments thereto, and, unless otherwise stated, shall not apply to research conducted as part of the pilot program pursuant to K.S.A. 2-3902, and amendments thereto, and regulated by K.A.R. 4-34-2 through 4-34-21.

(b) No individual may cultivate or produce industrial hemp for commercial purposes without a license issued by the secretary. A license shall not be required for employees, agents, contractors, or volunteers of a licensee.
(c) Only individuals shall be eligible to apply for licenses to cultivate or produce industrial hemp.

(d) Each individual who applies for a license to cultivate or produce industrial hemp shall be required to submit to a fingerprint-based state and national criminal history record check to verify that the individual has not been convicted of a felony violation of K.S.A. 2019 Supp. 21-5701 et seq., and amendments thereto, or a substantially similar offense in another jurisdiction, within the 10 years immediately preceding submission of that individual’s application.

(e)(1) Each individual submitting a license application shall submit the application on a form provided by the secretary, which shall include the following:
   (A) The individual’s full legal name and date of birth;
   (B) the individual’s current mailing address, telephone number, and electronic-mail address;
   (C) the legal description and global positioning system coordinates of the entrance to the proposed licensed growing area and the entrance to each lot that will be used to cultivate or produce industrial hemp and a map of the proposed licensed growing area and each lot;
   (D) the total number of acres or square feet that will be used to cultivate or produce industrial hemp;
   (E) the number of acres or square feet that will be used to cultivate or produce industrial hemp in each lot;
   (F) the variety of industrial hemp to be cultivated or produced in each lot;
   (G) a completed fingerprint card for submission to the Kansas bureau of investigation; and
   (H) any other relevant information requested by the secretary.

(2) Each individual submitting a license application shall include with the application a $100 application fee and the fee established by the Kansas bureau of investigation for performing a state and national criminal history record check. A single criminal history record check conducted in accordance with the act may be used to satisfy the act’s criminal history record check requirement for multiple licenses in a single license year.

(f) All license applications shall be submitted no later than March 15 of each year in which an applicant intends to grow industrial hemp. Any individual who submits a license application after March 15, 2020 may be granted a license if good cause is shown and the secretary determines that granting the license is necessary to assist with the transition from the pilot program to the commercial industrial hemp program during 2020.

(g) Each license shall allow the cultivation and production of industrial hemp within one licensed growing area.

(h) Upon approval of a license application by the secretary, the applicant shall submit a license fee of $1,200 to the secretary within 15 days of notice of the approval.

(i) All licenses shall expire annually on December 31.

(j) In addition to providing the department with the information required by this regulation, each individual who is issued a license shall report the following directly to the United States department of agriculture farm service agency for each license:
   (1) The street address and, to the extent practicable, the global positioning system coordinates for each growing area and for each lot or greenhouse where industrial hemp will be produced;
   (2) the number of acres that will be used to cultivate or produce industrial hemp;
   (3) the assigned license number; and
   (4) any other information required by the United States department of agriculture.

(k) Acceptance of a license shall constitute a grant of authority by each licensee allowing the secretary to supply information to the United States department of agriculture and post information on the department’s web site, including the industrial hemp producer license number, the full legal name of the licensee, the licensee’s contact information, descriptions of all locations identified for cultivating or producing industrial hemp, and any information related to modifications to ensure that the information remains accurate.

(l) Each licensee shall be held responsible for any plant cultivated or produced in violation of the act and for the actions of all employees, agents, contractors, and volunteers engaged in the cultivation or production of industrial hemp under the supervision or direction of, or otherwise in conjunction with, the licensee. Each licensee shall be subject to the same disciplinary actions for a violation of the act committed by any employee, agent, contractor, or volunteer of that licensee as if the licensee had committed the violation.

(m) Each licensee requesting a license modification after issuance of a license shall submit the modification request to the secretary on a form provided by the secretary. Each modification request form shall be accompanied by a $50 fee. Upon the secretary’s review and approval of the modification request, a modified license shall be issued and may include any additional terms and conditions that the secretary deems necessary to implement the requested modification and to protect the public health, safety, and welfare. If the secretary denies the modification request, the licensee shall remain subject to the terms of the original license.

(n) Each license shall be nontransferable, unless the secretary determines that a transfer is necessary because the licensee dies or becomes disabled or because an individual who is an employee or agent of a bank, financial institution, or other creditor that has a legal right to take possession of industrial hemp for the purposes of settling a debt is required to obtain a license to do so. A license that is transferable may be transferred to the individual requesting the transfer upon that individual’s submission of a modification request, a $50 modification fee, the fee established by the Kansas bureau of investigation for performing a state and national criminal history record check, and satisfactory completion of a fingerprint-based state and national criminal history record check. A modification request shall be submitted within 60 days of the licensee’s death or within 60 days of the date that the right of the bank, financial institution, or other creditor to take possession of the industrial hemp arises. If a modification request is not submitted within the time frame required by this regulation, all industrial hemp being cultivated or produced pursuant to the license shall be subject to an order to be destroyed. The individual applying for the transfer shall assume the full
liability for all of the previous licensee’s actions related to the cultivation or production of hemp.

(o) Each individual who materially falsifies any information in a license application or modification request shall be ineligible to receive a license to cultivate or produce industrial hemp pursuant to the act. (Authorized by K.S.A. 2019 Supp. 2-3906; implementing K.S.A. 2019 Supp. 2-3903 and 2-3906; effective Jan. 8, 2021.)

4-34-23. Planting and pre-harvest requirements. (a) All industrial hemp cultivated or produced shall have originated from authorized seed or clone plants.

(b) Each licensee shall maintain written certification for all authorized seed or clone plants cultivated or produced, which shall consist of either of the following:

(1) A certificate of analysis, or a similar document, stating that the source of the authorized seed or clone plants was cultivated or produced with a delta-9 tetrahydrocannabinol concentration less than 0.3 percent on a dry-weight basis during the most recent growing season; or

(2) documentation that the authorized seed or clone plants are certified pursuant to K.S.A. 2-1415 et seq., and amendments thereto.

(c) All industrial hemp seed shall be considered agricultural seed. Before selling agricultural seed in Kansas, each individual shall obtain a license pursuant to K.S.A. 2-1415 et seq., and amendments thereto.

(d) Each licensee shall submit a planting report to the department within 15 days after each planting, including replanting seeds or propagules or establishing plants. Each planting report shall identify the following:

(1) The official name of the industrial hemp variety that was cultivated or produced in each lot;

(2) the total number of acres planted in each lot subject to harvest;

(3) the total number of acres planted in the licensed growing area; and

(4) the number of acres planted in each lot; and

(5) a statement of the intended end-use for all industrial hemp plants, plant parts, grain, or seeds being cultivated or produced.

(e) Before harvesting industrial hemp, each licensee shall provide the secretary at least 30 days’ notice of the intended harvest date on a form provided by the secretary and, if the harvest does not begin on that date, shall provide an updated notice of the anticipated harvest date before harvesting any industrial hemp. Failure to provide notice of the harvest may result in the revocation of an existing hemp producer license and the denial of future hemp producer licenses. Each pre-harvest report shall identify the following:

(1) The global positioning system coordinates of the entrance to the licensed growing area and each lot where industrial hemp plants are intended for harvest;

(2) the total number of acres planted in the licensed growing area subject to harvest;

(3) the number of acres planted in each lot subject to harvest;

(4) the planting date for each lot;

(5) the total number of acres intended for harvest in the licensed growing area, if different from the number of acres intended for harvest in the lot;

(6) the number of acres intended for harvest in each lot;

(7) the intended harvest date for each lot;

(8) the official name of the industrial hemp variety that is intended for harvest from each lot; and

(9) a statement of the intended end-use for all industrial hemp plants, plant parts, grain, or seeds that will be harvested from each lot.

(f) If two or more harvests will be conducted within a licensed growing area or lot within a license year, the licensee shall notify the department of each intended harvest date at least 30 days before the intended harvest date. The primary licensee shall pay the subsequent sampling fees and testing fees for each harvest conducted after the initial harvest of a lot.

(g) Each licensee shall maintain records regarding the source of all industrial hemp cultivated or produced and records regarding the disposition of all industrial hemp cultivated or produced for three years and shall present those records to the secretary upon request. (Authorized by and implementing K.S.A. 2019 Supp. 2-3906; effective Jan. 8, 2021.)

4-34-24. Sampling, testing, and harvest requirements. (a) No more than 15 days before any industrial hemp cultivated or produced pursuant to the act is harvested, each licensee shall allow a sample to be collected by the secretary for testing, using post-decarboxylation or any other similarly reliable method, to determine the delta-9 tetrahydrocannabinol concentration of industrial hemp cultivated or produced. A licensee shall not harvest any industrial hemp before receiving notice that testing of the samples has shown a delta-9 tetrahydrocannabinol concentration of less than 0.3 percent on a dry-weight basis and that the licensee may harvest the industrial hemp.

(b) Each licensee shall complete each harvest of industrial hemp plants, plant parts, grain, or seeds within the time frame established by the passing report of analysis.

(c) If a licensee fails to harvest all of the industrial hemp plants, plant parts, grain, or seeds within the allotted time frame as indicated in subsection (b), the licensee shall perform one of the following:

(1) Notify the department within seven days after the expiration of the time frame, request that the department collect a subsequent pre-harvest sample, and pay the required sampling and testing fees; or

(2) notify the department within seven days after the expiration of the time frame by which the licensee shall voluntarily effectively dispose of the industrial hemp plants, plant parts, grain, or seeds. The licensee shall notify the department of any change in the effective disposal date. Effective disposal of industrial hemp plants, plant parts, grain, or seeds shall occur by the licensee and at the licensee’s expense. All volunteer plants shall be effectively disposed of during the current license year and for at least three years after the last reported date of planting. If effective disposal of industrial hemp plants, plant parts, grain, or seeds occurs, no refund shall be issued for any fees paid by a licensee, the cost of effective disposal, or the value of the crop.

(d) Each licensee shall submit a harvest report to the department no more than 15 days after each harvest of
industrial hemp plants, plant parts, grain, or seeds is completed for each lot. Each harvest report shall identify the following:

1. The global positioning system coordinates of the entrance to the licensed growing area and each lot where industrial hemp plants were harvested;
2. the total number of acres planted in the licensed growing area;
3. the number of acres planted in each lot;
4. the planting date for each lot;
5. the total number of acres harvested from the licensed growing area;
6. the number of acres harvested from each lot;
7. the harvest date for each lot;
8. the official name of the industrial hemp variety harvested from each lot; and
9. a statement of intended end-use for all industrial hemp plants, plant parts, grain, or seeds harvested from each lot.

(e) Industrial hemp shall be subject to post-harvest sampling and testing by the secretary. Each licensee shall agree to provide the secretary access to any harvested industrial hemp or to provide the secretary with a copy of the bill of lading and, if available, a certificate of analysis or similar document provided for any industrial hemp already sold or transferred to another person. All samples collected by the secretary shall be subject to testing, using post-decarboxylation or any other similarly reliable method, of delta-9 tetrahydrocannabinol concentration of industrial hemp produced. A licensee whose industrial hemp is sampled after it is harvested shall not sell, transfer, or transport any industrial hemp harvested from the licensed growing area where samples were collected until that licensee has received notice from the department that testing of the samples has shown a delta-9 tetrahydrocannabinol content of less than 0.3 percent on a dry-weight basis.

(f) Each licensee shall be assessed a $225 fee for the required pre-harvest sample collected and tested by the secretary.

(g) At any time other than at the time of the required pre-harvest sample collected and tested by the secretary, a licensee may request that the secretary collect a sample and test the delta-9 tetrahydrocannabinol concentration, subject to a testing fee of $225 for each test and additional costs assessed for the secretary’s travel time and mileage.

(h) All samples collected by the secretary shall become the property of the secretary, and no compensation shall be owed to any licensee.

(i) Any licensee may request a test from a private laboratory at any time. However, test results from private laboratories shall not be considered official and shall not be substituted for a sample collected and tested by the secretary, and each licensee shall be responsible for the costs of testing by a private laboratory.

(j) Each sample collected and tested by the secretary and found to contain a delta-9 tetrahydrocannabinol concentration greater than 0.3 percent on a dry-weight basis shall be deemed to have been cultivated or produced in violation of the act and shall result in a failing report of analysis.

(k) Within seven days of notice of the failing report of analysis, any licensee may request, on a form provided by the secretary, an additional test by the secretary. The request shall include payment of a retesting fee of $225 and any additional costs assessed for the secretary’s travel time and mileage. If a licensee requests an additional test and the sample collected and tested pursuant to this subsection is found to contain a delta-9 tetrahydrocannabinol concentration greater than 0.3 percent on a dry-weight basis, then all plants in the licensed growing area shall be effectively disposed of as required by K.A.R. 4-34-25.

(l) For each licensee who is issued an order to effectively dispose of plants, one of the following requirements shall apply:

1. The licensee shall be subject to a corrective action plan as specified in K.A.R. 4-34-29 and reported to the appropriate state or local law enforcement agency if the violation is deemed negligent.

2. The licensee shall be reported to the United States department of agriculture, the office of the Kansas attorney general, the office of the United States attorney for the district of Kansas, and the appropriate state or local law enforcement agency if the violation is the result of a culpable mental state greater than negligence. If any plants are tested by the secretary and found to contain a delta-9 tetrahydrocannabinol concentration of greater than 2.0 percent, the licensee responsible for those plants shall be presumed to have acted with a culpable mental state greater than negligence.

(m) Except as provided in K.A.R. 4-34-28, each licensee or an authorized representative of each licensee shall be present whenever the secretary collects a sample of industrial hemp cultivated or produced pursuant to the act and whenever a compliance inspection is conducted pursuant to this regulation. (Authorized by K.S.A. 2019 Supp. 2-3906; implementing K.S.A. 2019 Supp. 2-3903 and 2-3906; effective Jan. 8, 2021.)

4-34-25. Effective disposal; violations. (a) Each plant or plant part deemed to be in violation of the act for any reason, including containing a delta-9 tetrahydrocannabinol concentration greater than 0.3 percent on a dry-weight basis shall, by order of the secretary, be subject to effective disposal.

(b) If required pursuant to federal law, all plants or plant parts that require effective disposal shall be destroyed or disposed of as required by the controlled substances act, 21 U.S.C. 801 et seq., and in compliance with requirements of the United States drug enforcement agency.

(c) If allowed pursuant to federal law, each licensee shall conduct effective disposal at the licensee’s expense within 10 days of notice. Each licensee shall effectively dispose of all volunteer plants within and adjacent to the licensed growing area during the current license year and for at least three years after the last date of planting. Each licensee shall allow representatives of the secretary to be present during the effective disposal of plants or plant parts, or proof of the effective disposal may be required by the secretary. Each licensee who conducts effective disposal shall, within 14 days of conducting the effective disposal, report the number of acres effectively disposed of to the department. A licensee who conducts effective disposal shall not be eligible for a refund of any
fees paid, the cost of effective disposal, or the value of the crop.

(d) Each licensee whose plants are effectively disposed of shall be responsible for reimbursing any law enforcement agency whose officers or agents are required to participate in or be present during the effective disposal for all of the law enforcement agency’s costs associated with the effective disposal.

(e) Failure of a licensee to conduct effective disposal as required by the secretary within 10 days shall result in the secretary’s conducting effective disposal at the expense of the licensee, unless an extension is granted by the secretary.

(f) A licensee’s failure to conduct effective disposal as required by the secretary, failure to reimburse the secretary for any costs incurred as a result of the secretary’s conducting effective disposal, or failure to reimburse any law enforcement agency for any costs associated with effective disposal shall be grounds for denial of any future hemp producer license application.

(g) Each licensee who violates the act with a culpable mental state of negligence shall be subject to a corrective action plan as specified in K.A.R. 4-34-29 and reported to the appropriate state or local law enforcement agency. Each licensee who violates the act with a culpable mental state greater than negligence shall be reported to the United States attorney’s office and the Kansas attorney general’s office, in addition to the appropriate state or local law enforcement agency. (Authorized by and implementing K.S.A. 2019 Supp. 2-3906; effective Jan. 8, 2021.)

4-34-26. Transportation of industrial hemp. (a) Each licensee who sells, trades, barters, gives away, or otherwise transfers any unprocessed industrial hemp to any other person shall ensure that the unprocessed industrial hemp is accompanied by a signed bill of lading that includes the licensee’s license number, the total quantity of industrial hemp transferred, the date the transfer occurred, and the name of the person acquiring the industrial hemp. A certificate of analysis or other similar document shall be attached to the bill of lading.

(b) Each person who sells, trades, barters, gives away, or otherwise transfers unprocessed industrial hemp subsequent to an initial transfer involving unprocessed industrial hemp as specified in subsection (a) shall record the transfer and shall amend the bill of lading or attach the information regarding the subsequent transfer to the original bill of lading and shall include the name of the person acquiring possession of the industrial hemp, the amount of industrial hemp transferred, and the date of the transfer. Any individual in possession of unprocessed industrial hemp plants, plant parts, grain, or seeds without a valid hemp producer’s license or a bill of lading may be presumed to have unlawfully cultivated or produced hemp in violation of the act or gained possession of industrial hemp plants, plant parts, grain, or seeds that were cultivated or produced in violation of the act.

(c) Each licensee shall comply with all local, state, and federal laws and regulations related to the transportation of industrial hemp and with the act. (Authorized by and implementing K.S.A. 2019 Supp. 2-3906; effective Jan. 8, 2021.)

4-34-27. Planting restrictions; signage requirements; volunteer plants. (a) A licensee shall not cultivate, plant, grow, or harvest industrial hemp plants, plant parts, grain, or seeds at any location not included on the license.

(b) A licensee shall not cultivate, plant, grow, or harvest industrial hemp plants, plant parts, grain, or seeds in a residential structure, within 50 feet of a residential structure, or within one-quarter mile of any public or private K-12 school or public recreational area, except with the secretary’s written permission.

(c) A licensee shall not interplant any other crop with industrial hemp, except that any state educational institution licensee may do so upon authorization by the secretary. This subsection shall not prohibit the use of ground cover, but ground cover shall not be harvested.

(d) A licensee shall not interplant different varieties of industrial hemp within a lot.

(e) Harvested lots of industrial hemp plants shall not be commingled with other harvested lots or other material.

(f) Each licensee shall post and maintain at least one sign at each licensed growing area listed on the license. A sign shall be posted along each licensed growing area boundary adjacent to a public road, except that if the licensed growing area is adjacent to an intersection of two or more public roads, a sign shall be posted at the intersection. If a licensed growing area is not adjacent to any public road, a sign shall be posted at the point of access to the licensed growing area. Each sign shall measure at least 36 inches per side, shall be clearly visible and legible from the adjacent public road, intersection of public roads, or access point, and shall include the following information:

(1) The following text: “Kansas Department of Agriculture Industrial Hemp Program”;

(2) the licensee’s name;

(3) the licensee’s license number; and

(4) the department’s telephone number.

(g) Each licensee shall allow the secretary to inspect, for volunteer plants, ditches, fence lines, or other unmanaged land areas adjacent to any licensed growing area. Each licensee shall destroy any volunteer plants for at least three years after the last date of planting. (Authorized by and implementing K.S.A. 2019 Supp. 2-3906; effective Jan. 8, 2021.)

4-34-28. Access to records and property. (a) Acceptance of a license shall constitute a grant of authority by each licensee allowing the secretary to inspect all records related to the cultivation or production of industrial hemp.

(b) Each licensee shall grant the secretary access to all land identified for the cultivation or production of industrial hemp for purposes of inspection to determine compliance with the act and the implementing regulations. In addition to pre-harvest sampling and testing of all industrial hemp plants being cultivated or produced pursuant to the act as specified in K.A.R. 4-34-24, in accordance with federal law, each licensee’s premises and records related to the cultivation or production of industrial hemp shall be subject to annual inspection to ensure compliance with the act and the implementing regulations.

(c) Each licensee shall consent to the secretary’s providing information to the United States department of agri-
Negligent violations; corrective action plans. (a) Negligent violations of the act may include failure to provide a legal description of land on which a licensee produces industrial hemp, producing plants with a delta-9 tetrahydrocannabinol concentration greater than 0.5 percent on a dry-weight basis, or producing plants with a delta-9 tetrahydrocannabinol concentration greater than 0.3 percent on a dry-weight basis if the licensee did not make reasonable efforts to cultivate or produce industrial hemp. It shall not be a negligent violation of the act if a licensee produces plants with a delta-9 tetrahydrocannabinol concentration of 0.5 percent or less on a dry-weight basis and the licensee has made reasonable efforts to cultivate or produce industrial hemp. Each licensee who negligently violates the act or the implementing regulations shall be subject to inspection by the secretary. The secretary shall have complete, unrestricted, and immediate access to all industrial hemp plants, plant parts, grain, and seeds, whether growing or not, including access to all land, buildings, facilities, motor vehicles, and other structures used for industrial hemp-related activities. Access shall be granted at reasonable times, without interference or obstruction, with or without cause, and with or without advance notice. The secretary’s right of access specified in this regulation shall include the unrestricted right to inspect or take samples of any industrial hemp plants, plant parts, grain, or seeds, whether growing or not, present at the location being accessed, as well as the right to inspect any reports or records pertaining to industrial hemp plants, plant parts, grain, or seeds. (Authorized by and implementing K.S.A. 2019 Supp. 2-3906; effective Jan. 8, 2021.)

4-34-29. Negligent violations; corrective action plans. (a) Each licensee shall consent to the secretary’s providing information about any licensed growing area, including global positioning system coordinates, to representatives of the United States department of agriculture, Kansas bureau of investigation, United States drug enforcement agency, and other law enforcement agencies.

(b) Each state educational institution shall be subject to inspection by the secretary. The secretary shall have complete, unrestricted, and immediate access to all industrial hemp-related activities. Access shall be granted at reasonable times, without interference or obstruction, with or without cause, and with or without advance notice. The secretary’s right of access specified in this regulation shall include the unrestricted right to inspect or take samples of any industrial hemp plants, plant parts, grain, or seeds, whether growing or not, including access to all land, buildings, facilities, motor vehicles, and other structures used for industrial hemp-related activities. Access shall be granted at reasonable times, without interference or obstruction, with or without cause, and with or without advance notice. The secretary’s right of access specified in this regulation shall include the unrestricted right to inspect or take samples of any industrial hemp plants, plant parts, grain, or seeds, whether growing or not, present at the location being accessed, as well as the right to inspect any reports or records pertaining to industrial hemp plants, plant parts, grain, or seeds. (Authorized by and implementing K.S.A. 2019 Supp. 2-3906; effective Jan. 8, 2021.)

4-34-30. State educational institutions. (a) Each state educational institution shall obtain a license before cultivating or producing industrial hemp for research purposes.

(b) Each state educational institution shall be exempt from all application and licensing fees if the state educational institution’s license application is accompanied by a written summary of the research to be performed, except as provided in subsection (f).

(c) Each state educational institution shall be subject to all other requirements applicable to a hemp producer, except that a state educational institution may request the waiver of any requirement in K.A.R. 4-34-1 through K.A.R. 4-34-30 by submitting a written request to the secretary that explains why the waiver of an existing regulation is necessary for the proposed research.

(d) In spite of subsection (c), a state educational institution shall not request a waiver of the fingerprint-based state and national criminal history record check or corrective action plan requirements.

(e) Each state educational institution seeking licensure shall designate an individual as the primary licensee for any license. The primary licensee shall be responsible for all employees, agents, students, and volunteers of the institution, and any activities that the institution undertakes, related to industrial hemp at the locations identified in each application. The costs associated with fingerprinting and the required state and national criminal history record check shall be the responsibility of the individual designated as the primary licensee.

The head of a department of the state educational institution, or a similar person with supervisory authority, shall submit a written letter designating the responsible individual as the primary licensee along with the application.

(f) Upon written request, a state educational institution may be granted a multiyear license that is valid for up to five years for completion of a multiyear research project. (Authorized by and implementing K.S.A. 2019 Supp. 2-3906; effective Jan. 8, 2021.)

Mike Beam
Secretary

Doc. No. 048715
69-3-8. Curricula and credits. (a) The document titled “cosmetology school course curricula,” as approved by the board on July 24, 2020, is hereby adopted by reference.

(b) Among other teaching tools used to provide a course of training, each cosmetology school shall use a textbook that substantially covers the curriculum areas.

(c) Any instructional classroom may be a place where theory instruction is provided in a traditional classroom setting or in a distance education format.


Laura Gloeckner
Executive Director

Doc. No. 048716