2-2204. Registration; renewal; chemicals subject to federal registration may be exempted; fees and charges; reduction; cancellation of registration upon notice.

(a) Every agricultural chemical which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered by the secretary. The secretary shall have the authority to classify or designate as restricted-use any pesticide registered for sale, use or distribution in the state of Kansas, according to rules and regulations promulgated by the secretary. The secretary may adopt rules and regulations to allow products to be registered for a period not to exceed three years. All registration of products shall expire on December 31 of the year the registration is set to expire, unless such registration shall be renewed, in which event the expiration date shall be extended for each year of renewal registration, or until otherwise terminated. Products which have the same formula, and are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same agricultural chemical may be registered as a single product and additional names and labels shall be added by supplement statements during the current period of registration. Within the discretion of the secretary, or an authorized representative of the secretary, a change in the labeling or formulas of an agricultural chemical may be made within the current period of registration without requiring a reregistration of the product. Any agricultural chemical imported into this state which is subject to the provisions of any federal act providing for the registration and which has been duly registered under the provisions of such federal act, in the discretion of the secretary, may be exempted from registration under this act when such agricultural chemical is sold or distributed in the unbroken immediate container in which such agricultural chemical was originally shipped.

(b) The registrant shall file with the secretary, a statement including: (1) The name and address of the registrant and the name and address of the person whose name will appear on the label if other than the registrant; (2) the name of the agricultural chemical; (3) a complete copy of the labeling accompanying the agricultural chemical and a statement of all claims made and to be made for it and a statement of directions for use; and (4) if requested by the secretary, or an authorized representative of the secretary, a full description of the tests made and the results thereof upon which the claims are based.

(c) The secretary may require the registrant to submit a copy of the product label registered by the EPA under the provisions of FIFRA.

(d) Any time the registrant modifies the label, the modified label shall be submitted to the secretary for review and approval prior to implementing the new label in Kansas.

(e) On the date of registration, the registrant shall pay a fee fixed by rules and regulations adopted by the secretary of agriculture. Such fee shall equal an amount per registered agricultural chemical, not to exceed $150 per year. Such fee shall be deposited in the state treasury and credited as follows: (1) An amount equal to $100 for each year of registration shall be credited to the state water plan fund created by K.S.A. 82a-951, and amendments thereto;
and (2) the remainder shall be credited to the agricultural chemical fee fund
to be used for carrying out the provisions of this act. The annual fee for each
agricultural chemical registered which is in effect on the day preceding the
effective date of this act shall continue in effect until the secretary of
agriculture adopts rules and regulations fixing a different fee therefor under
this subsection. The secretary of agriculture shall reduce the fee imposed by
this subsection by adopting rules and regulations whenever the secretary
determines that the fee is yielding more revenue than is required for the
purposes to which such fee is devoted by law, but not for less than one year.
In the event that the secretary, after reducing such fee, finds that sufficient
revenues are not being produced by such reduced fee, the secretary may
increase the fee by adopting rules and regulations under this subsection, to
an amount which, in the judgment of the secretary, will produce sufficient
revenues for the purposes as provided in this section, but not exceeding the
maximum amount of the fee imposed by this subsection.

(f) The secretary, or an authorized representative of the secretary, whenever
it is deemed essential in the administration of this act, may require the
submission of the complete formula or any other data in support of the
registration for any pesticide. The complete formula and any other trade
secrets submitted to support the registration application shall be considered
as confidential. If it appears to the secretary, or an authorized representative
of the secretary, that the composition of the product is such as to warrant the
proposed claims for the product and if the product and its labeling and other
material required to be submitted comply with the requirements of this act,
the secretary shall register the product.

(g) If it does not appear to the secretary, or an authorized representative of
the secretary, that the product is such as to warrant the proposed claims for
it or if the product and its labeling and other material required to be
submitted do not comply with the provisions of this act, the secretary shall
notify the registrant of the manner in which the product, labeling, or other
material required to be submitted fail to comply with the act and rules and
regulations adopted pursuant thereto so as to afford the registrant an
opportunity to make the necessary corrections. If, upon receipt of such
notice, the registrant does not make the required changes within 30 days, the
secretary may deny registration of the product. In addition, the secretary
may deny registration of a product if the application for registration fails to
comply with this act or any rule or regulation adopted pursuant thereto. If
the secretary denies a registration, the registrant may request a hearing in
accordance with the provisions of the Kansas administrative procedure act.

(h) Any pesticide registration canceled or suspended under the provisions of
FIFRA shall be considered to be canceled or suspended under provisions of
the agricultural chemical act of 1947, unless such cancellation is due to the
nonpayment of registration fees required under FIFRA.

(i) If the secretary determines that a registered product fails to meet the
claims made on its label, the secretary may suspend or revoke the product
registration after a hearing in accordance with the provisions of the Kansas
administrative procedure act. In addition, if the secretary determines that a
registered product or its labeling fails to comply with this act, or a rule or
regulation adopted pursuant to this act, the secretary may suspend or revoke
the product registration after a hearing in accordance with the provisions of
the Kansas administrative procedure act.
(j) In order to protect the public, the secretary, or a duly authorized representative of the secretary, on the secretary's own motion, may at any time, after written notice to the registrant, suspend or revoke the registration of an agricultural chemical. Any person so notified shall be given an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act with regard to the secretary's contemplated action, before any registration is suspended or revoked.

(k) Notwithstanding any other provisions of this act, registration is not required in the case of an agricultural chemical shipped from one plant within this state to another plant within this state operated by the same person.

(l) Any information required to be filed pursuant to this section, may be filed electronically pursuant to rules and regulations promulgated by the secretary.