

2023 Kansas Statutes

2-1423. Inspections; stop sale orders; judicial review. (a) Inspection. The secretary shall inspect, sample and determine the purity and germination rate of agricultural seed at such time, in such places and to such extent as the secretary considers advisable. The secretary may stop further sale or movement of any lot or lots of agricultural seed found to be in violation of any of the provisions of this act or any rules or regulations adopted pursuant thereto until compliance with this act has been satisfied or another disposition has been made. It shall be the duty of the secretary to:

- (1) Enforce and administer this act;
- (2) sample, inspect, make analysis of and test agricultural seeds transported, sold, offered for sale or exposed for sale within the state for planting and seeding purposes at such time and place and to such extent as considered necessary to determine whether the agricultural seeds are in compliance with provisions of this act; and
- (3) cooperate and enter into agreements with the United States department of agriculture and other agencies in seed law enforcement.

(b) (1) Access. The secretary shall have free access, during customary business hours, to all places of business, buildings, vehicles, cars and vessels, of whatsoever kind, used in the sale, transportation, processing, packaging, importation or storage of agricultural seed and shall have the authority to:

- (A) Inspect the records concerning the place of origin, or concerning the sale, of any agricultural seed;
- (B) open any package containing or suspected of containing any agricultural seed that is exposed or offered for sale; and
- (C) take therefrom samples of contents for examination.

(2) This section shall also apply to any seed that the secretary has reason to believe is or may be exposed for sale, except for lots of agricultural seed that are clearly and permanently marked as not for sale and stored separately from seed that is or may be offered for sale.

(3) The owner of the seed shall be paid the retail price of the sample so procured if the owner so requests.

(c) Stop sale orders. The secretary or authorized representatives of the secretary shall have the authority to issue and enforce a written or printed "stop sale" order to the owner or custodian of any quantity of agricultural seed that the secretary determines to be in violation of any provision of this act or rules and regulations adopted hereunder. Such an order shall prohibit further sale, processing or movement of such seed, except with the approval of the enforcing officer, until such officer has evidence that this act and all rules and regulations adopted hereunder have been complied with and issues a release from the "stop sale" order. Any stop sale order issued pursuant to this subsection is subject to review in accordance with the Kansas judicial review act. The provisions of this subsection shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this act.

History: L. 1935, ch. 4, § 9; L. 1961, ch. 5, § 7; L. 1986, ch. 318, § 12; L. 2010, ch. 17, § 9; L. 2022, ch. 69, § 17; July 1.