

## 2023 Kansas Statutes

**2-2113. Definitions.** As used in this act:

- (a) "Plant pests" includes any stage of development of any insect, nematode, arachnid, or any other invertebrate animal, or any bacteria, fungus, virus, weed or any other parasitic plant or microorganism, or any toxicant, that can:
  - (1) Injure plants or plant products; or
  - (2) cause a threat to public health.
- (b) "Secretary" means the secretary of the Kansas department of agriculture, or the authorized representative of the secretary.
- (c) "Plants" means trees, shrubs, grasses, vines, forage and cereal plants and all other plants including growing crops; cuttings, grafts, scions, buds and all other parts of plants.
- (d) "Plant products" means fruit, vegetables, roots, bulbs, seeds, wood, lumber, grains and all other plant products.
- (e) "Location" means any grounds or premises on or in which live plants are propagated, or grown, or from which live plants are removed for sale, or any grounds or premises on or in which live plants are being fumigated, treated, packed, stored or offered for sale.
- (f) "Live plant dealer" means any person, unless excluded by rules and regulations adopted hereunder, who engages in business in the following manner:
  - (1) Grows live plants for sale or distribution;
  - (2) buys or obtains live plants for the purpose of reselling or reshipping within this state; or
  - (3) plants, transplants or moves live plants from place to place within the state with the intent to plant such live plants for others and receives compensation for the live plants, for the planting of such live plants or for both live plants and plantings.
- (g) "Person" means a corporation, company, society, association, partnership, governmental agency and any individual or combination of individuals.
- (h) "Permit" means a document issued or authorized by the secretary to provide for the movement of regulated articles to restricted destinations for limited handling, utilization or processing.
- (i) "Host" means any plant or plant product upon which a plant pest is dependent for completion of any portion of its life cycle.
- (j) "Regulated article" means any host or any article of any character as described in a quarantine or regulation carrying or being capable of carrying the plant pest against which the quarantine or regulation is directed.
- (k) "Live plant" means any living plant, cultivated or wild, or any part thereof that can be planted or propagated unless specifically exempted by the rules or regulations of the secretary.
- (l) "Quarantine pest" means a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.
- (m) "Regulated nonquarantine pest" means a nonquarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated.
- (n) "Official control" means the active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated nonquarantine pest.
- (o) "Regulated area" means an area into which, within which or from which plants, plant products and other regulated articles are subjected to phytosanitary regulations or procedures in order to prevent the introduction or spread of quarantine pests or to limit the economic impact of regulated nonquarantine pests.
- (p) "Bee" means a honey-producing insect of the genus *Apis* including all life stages of the insect.
- (q) "Beekeeping equipment" means all hives, supers, frames or other devices used in the rearing or manipulation of bees or their brood.
- (r) "Toxicant" means any chemical, including an agricultural chemical as defined in

K.S.A. 2-2202, and amendments thereto, or any biological substance that, if present in unsafe levels, can render a plant or plant product unsafe for human or animal consumption.

(s) "Temporary location" means an auxiliary or secondary location where live plants are offered for sale but without the infrastructure for the production or maintenance of live plants, such as a farmers market, garden show or festival.

(t) "Special event live plant dealer" means a person:

(1) Intending to sell, offer for sale or distribute live plants for five or fewer days in a calendar year as a nonprofit, charitable, educational or religious organization; or

(2) who gives live plants as a premium or for advertising purposes without selling live plants as part of such person's business.

**History:** L. 1965, ch. 6, § 2; L. 1988, ch. 5, § 1; L. 2002, ch. 91, § 2; L. 2011, ch. 72, § 1; L. 2016, ch. 101, § 1; L. 2022, ch. 69, § 20; July 1.