

## HOUSE BILL No. 2490

By Committee on Agriculture and Natural Resources

1-20

AN ACT concerning the plant pest and agriculture commodity certification act, relating to certain definitions; relating to plant pest containment; amending K.S.A. 2015 Supp. 2-2113, 2-2114, 2-2116 and 2-2117 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2015 Supp. 2-2113 is hereby amended to read as follows: 2-2113. As used in this act:

(a) "Plant pests" ~~includes~~ 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, which can injure plants or plant products, or which can 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;

(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; or

(4) gives live plants as a premium or for advertising purposes.

(E) "Person" means a corporation, company, society, association,

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1 partnership, governmental agency and any individual or combination of  
2 individuals.

3 (h) "Permit" means a document issued or authorized by the secretary  
4 to provide for the movement of regulated articles to restricted destinations  
5 for limited handling, utilization or processing.

6 (i) "Host" means any plant or plant product upon which a plant pest is  
7 dependent for completion of any portion of its life cycle.

8 (j) "Regulated article" means any host or any article of any character  
9 as described in a quarantine or regulation carrying or being capable of  
10 carrying the plant pest against which the quarantine or regulation is  
11 directed.

12 (k) "Live plant" means any living plant, cultivated or wild, or any part  
13 thereof that can be planted or propagated unless specifically exempted by  
14 the rules or regulations of the secretary.

15 (l) "Quarantine pest" means a pest of potential economic importance  
16 to the area endangered thereby and not yet present there, or present but not  
17 widely distributed and being officially controlled.

18 (m) "Regulated nonquarantine pest" means a nonquarantine pest  
19 whose presence in plants for planting affects the intended use of those  
20 plants with an economically unacceptable impact and which is therefore  
21 regulated.

22 (n) "Official control" means the active enforcement of mandatory  
23 phytosanitary regulations and the application of mandatory phytosanitary  
24 procedures with the objective of eradication or containment of quarantine  
25 pests or for the management of regulated nonquarantine pest.

26 (o) "Regulated area" means an area into which, within which or from  
27 which plants, plant products and other regulated articles are subjected to  
28 phytosanitary regulations or procedures in order to prevent the  
29 introduction or spread of quarantine pests or to limit the economic impact  
30 of regulated nonquarantine pests.

31 (p) "Bee" means a honey-producing insect of the genus *Apis*  
32 including all life stages of the insect.

33 (q) "Beekeeping equipment" means all hives, supers, frames or other  
34 devices used in the rearing or manipulation of bees or their brood.

35 (r) "Toxicant" means any chemical, including an agricultural  
36 chemical as defined in K.S.A. 2-2202, and amendments thereto, for any  
37 biological substance which, if present in unsafe levels, can render a plant  
38 or plant product unsafe for human or animal consumption.

39 Sec. 2. K.S.A. 2015 Supp. 2-2114 is hereby amended to read as  
40 follows: 2-2114. The secretary, either independently, or in cooperation  
41 with counties, cities, other political subdivisions of the state, federal  
42 agencies, agencies of other states or private entities may enter into  
43 contracts and agreements and may carry out official control operations or