

Plant Toxicants; Plant Pests; Weights and Measures; HB 2490

HB 2490 amends various laws regarding plant toxicants, plant pests, and weights and measures.

Plant Toxicants and Plant Pests

The bill adds the definition of the term “toxicant” to the definitions of the Plant Pest Act. Under the bill, the term “toxicant” means any chemical, including agricultural chemicals which, if present in unsafe levels, can render a plant or plant product unsafe for human or animal consumption. The definition of the term “plant pest” is amended to include “toxicant” and to include anything “which can cause a threat to public health.”

The bill grants additional authority to the Secretary of Agriculture (Secretary) to quarantine the state or parts of the state when it is necessary to contain a plant pest for the protection of public health. New authority also is given to the Secretary to prevent the spread of a plant pest through quarantine into the state through its movement or transportation.

Weights and Measures

The bill establishes rates the Secretary may charge in conjunction with the testing and proving of weights, measures, and other devices. These rates will vary depending upon the service being provided and will be established in statute. The bill provides an out-of-state rate and an in-state rate for those licensed service companies that have licensed technical representatives performing service work in the state. The bill permits an additional fee for adjustment of any weight, measure, or other device.

The bill also permits the Secretary to charge additional fees for preparing items for shipment. For services not listed in the bill, the Secretary determines the fee to be charged. For any service provided, the bill permits the Secretary to charge a minimum fee of \$50 per invoice.

In addition, the bill establishes maximum license application fees for each person desiring to operate and perform weights and measures testing and other services as a company in Kansas. Beginning with the 2017 license year, the Secretary will be authorized, by order, to set those fees with the following maximum amounts:

- Commencing July 1, 2017, the maximum amount will be \$100;
- Commencing July 1, 2019, the maximum amount will be \$110;
- Commencing July 1, 2021, the maximum amount will be \$120; and
- Commencing July 1, 2023, the maximum amount will be \$130.

The fees for license renewals will be equal to the license application fees provided for each place of business.

With respect to technical representatives, beginning July 1, 2017, each technical representative who has had ten years of continuous licensure with no administrative

enforcement action adjudicated against that representative will be eligible to obtain a three-year license. The bill establishes the three-year license fee at an amount not to exceed \$300 and require those technical representatives to complete continuing education. The Secretary will be authorized to promulgate rules and regulations to require technical representatives who have been adjudicated in violation of this legislation or rules and regulations to seek renewal of a license on an annual basis, as well as establish criteria for reinstatement of eligibility for the three-year license. Authority is given to the Kansas Department of Agriculture to charge a fee to the attendees of continuing education seminars in an amount not more than is necessary to cover the expenses incurred by the agency.

Lastly, the bill makes the following changes:

- Eliminates language that had made it unlawful to dispose of any weight, measure, or weighing or measuring device that does not meet state standards;
- Eliminates language that had made it unlawful to possess a weight, measure, or weighing or measuring device that is used for or intended to be used for commercial purposes that does not meet tolerances and specifications; and
- Clarifies in the provisions relating to unlawful acts by service companies or technical representatives that the acts are done “knowingly.”