

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1428

Introduced by

Representatives Monson, R. Kelsch, Nichols

Senators Heitkamp, D. Mathern, Thane

1 A BILL for an Act to authorize the production of industrial hemp; and to amend and reenact
2 subsection 13 of section 4-09-01 of the North Dakota Century Code, relating to the definition of
3 noxious weed seeds.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. Industrial hemp (cannabis sativa L.) - Oilseed.** Industrial hemp
6 (cannabis sativa L.), having no more than three-tenths of one percent tetrahydrocannabinol, is
7 recognized as an oilseed. Upon meeting the requirements of section 2 of this Act, any person
8 in this state may plant, grow, harvest, possess, process, sell, and buy industrial hemp
9 (cannabis sativa L.) having no more than three-tenths of one percent tetrahydrocannabinol.

10 **SECTION 2. Industrial hemp - Licensure - Reporting requirements.**

11 1. Any person desiring to grow industrial hemp for commercial purposes shall apply
12 to the commissioner of agriculture for a license on a form prescribed by the
13 commissioner. The application for a license must include the name and address of
14 the applicant and the legal description of the land area to be used for the
15 production of industrial hemp. The commissioner shall require each applicant for
16 initial licensure to file a set of the applicant's fingerprints, taken by a law
17 enforcement officer, and any other information necessary to complete a statewide
18 and nationwide criminal history check with the bureau of criminal investigation for
19 state processing and with the federal bureau of investigation for federal
20 processing. All costs associated with the background check are the responsibility
21 of the applicant. Criminal history records provided to the commissioner under this
22 section are confidential. The commissioner may use the records only in
23 determining an applicant's eligibility for licensure. Any person with a prior criminal
24 conviction is not eligible for licensure. If the applicant has completed the

1 application process to the satisfaction of the commissioner, the commissioner shall
2 issue the license, which is valid for a period of one year. Any person licensed
3 under this section is presumed to be growing industrial hemp for commercial
4 purposes.

5 2. Each licensee must file with the commissioner documentation indicating that the
6 seeds planted were of a type and variety certified to have no more than
7 three-tenths of one percent tetrahydrocannabinol and a copy of any contract to
8 grow industrial hemp. Each licensee shall notify the commissioner of the sale or
9 distribution of any industrial hemp grown by the licensee, and the names of the
10 persons to whom the hemp was sold or distributed.

11 3. The commissioner shall adopt rules to allow the industrial hemp to be tested during
12 growth for tetrahydrocannabinol levels and to allow for supervision of the industrial
13 hemp during its growth and harvest.

14 **SECTION 3. AMENDMENT.** Subsection 13 of section 4-09-01 of the 1997

15 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 16 13. "Noxious weed seeds" means the seeds of either of the following classifications:
- 17 a. "Prohibited noxious weed seeds" means the seeds of perennial weeds which
- 18 reproduce by seed or spread by underground roots, stems, and other
- 19 reproductive parts and which, when established, are highly destructive and
- 20 difficult to control by ordinary good cultural practice including the seeds of
- 21 leafy spurge (*euphorbia esula* 4- *l.*), field bindweed (*convolvulus arvensis* 4-
- 22 *l.*), Canada thistle (*cirsium arvense* 4- *(l.) scop.*), perennial sow thistle
- 23 (*sonchus arvensis* 4- *l.*), Russian knapweed (*centaurea ~~pieris-pall~~ repens* *l.*),
- 24 absinth wormwood (*artemisia absinthim* *l.*), hemp (*cannabis sativa* *l.*) having
- 25 more than three-tenths of one percent tetrahydrocannabinol, musk thistle
- 26 (*carduus nutans* *l.*), spotted knapweed (*centaurea ~~maculosalam~~ maculosa*
- 27 *lam.*), ~~and~~ hoary cress (*cardaria draba* 4- *(l.) desv.*), and yellow starthistle
- 28 (*centaurea solstitialis* *l.*).
- 29 b. "Restricted noxious weed seeds" means the seeds of weeds which are highly
- 30 objectionable in fields, lawns, and gardens, but which can be controlled by
- 31 good cultural practices or other means, including the seeds of dodder

- 1 (cuscuta species), hedge bindweed (convolvulus sepium L.), wild oats (avena
- 2 fatua L.), and quackgrass (agropyron repens ~~L.~~ (L.) beaurv.).