

**FIRST ENGROSSMENT  
with Conference Committee Amendments****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; 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; and to provide a continuing appropriation.

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 - Continuing**  
11 **appropriation.**

12 1. Any person desiring to grow industrial hemp for commercial purposes shall apply  
13 to the commissioner of agriculture for a license on a form prescribed by the  
14 commissioner. The application for a license must include the name and address of  
15 the applicant and the legal description of the land area to be used for the  
16 production of industrial hemp. Except for employees of the agricultural experiment  
17 station or the North Dakota state university extension service involved in research  
18 and extension related activities, the commissioner shall require each applicant for  
19 initial licensure to file a set of the applicant's fingerprints, taken by a law  
20 enforcement officer, and any other information necessary to complete a statewide  
21 and nationwide criminal history check with the bureau of criminal investigation for  
22 state processing and with the federal bureau of investigation for federal  
23 processing. All costs associated with the background check are the responsibility  
24 of the applicant. Criminal history records provided to the commissioner under this

1           section are confidential. The commissioner may use the records only in  
2           determining an applicant's eligibility for licensure. Any person with a prior criminal  
3           conviction is not eligible for licensure. If the applicant has completed the  
4           application process to the satisfaction of the commissioner, the commissioner shall  
5           issue the license, which is valid for a period of one year. Any person licensed  
6           under this section is presumed to be growing industrial hemp for commercial  
7           purposes.

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

14           3. The commissioner shall adopt rules to allow the industrial hemp to be tested during  
15           growth for tetrahydrocannabinol levels and to allow for supervision of the industrial  
16           hemp during its growth and harvest. To provide sufficient funds to pay costs  
17           associated with monitoring and testing industrial hemp in the state, the  
18           commissioner shall assess each applicant a fee of five dollars per acre. The  
19           minimum fee assessed must be one hundred fifty dollars per applicant.  
20           Collections from this fee must be deposited in the attorney general's operating fund  
21           and are hereby appropriated to the attorney general to be used to enforce  
22           sections 1 and 2 of this Act.

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

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

- 25           13. "Noxious weed seeds" means the seeds of either of the following classifications:
- 26               a. "Prohibited noxious weed seeds" means the seeds of perennial weeds which
- 27               reproduce by seed or spread by underground roots, stems, and other
- 28               reproductive parts and which, when established, are highly destructive and
- 29               difficult to control by ordinary good cultural practice including the seeds of
- 30               leafy spurge (*euphorbia esula* 4- l.), field bindweed (*convolvulus arvensis* 4-
- 31               l.), Canada thistle (*cirsium arvense* 4- (l.) scop.), perennial sow thistle

(*sonchus arvensis* L.), Russian knapweed (*centaurea ~~pieris~~ pall repens* L.),  
absinth wormwood (*artemisia ~~absinthim~~ absinthium* L.), hemp (*cannabis*  
*sativa* L.) having more than three-tenths of one percent tetrahydrocannabinol,  
musk thistle (*carduus nutans* L.), spotted knapweed (*centaurea ~~maculosalam~~*  
*maculosa lam.*), ~~and~~ hoary cress (*cardaria draba* L. (L.) desv.), and yellow  
starthistle (*centaurea solstitialis* L.).

- b. "Restricted noxious weed seeds" means the seeds of weeds which are highly  
objectionable in fields, lawns, and gardens, but which can be controlled by  
good cultural practices or other means, including the seeds of dodder  
(*cuscuta* species), hedge bindweed (*convolvulus sepium* L.), wild oats (*avena*  
*fatua* L.), and quackgrass (*agropyron repens* L. (L.) beauv.).