

Sixtieth  
Legislative Assembly  
of North Dakota

## REENGROSSED SENATE BILL NO. 2099

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to amend and reenact subsections 1 and 3 of section 4-41-02 of the North  
2 Dakota Century Code, relating to industrial hemp; to provide a continuing appropriation; and to  
3 declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subsections 1 and 3 of section 4-41-02 of the North  
6 Dakota Century Code are amended and reenacted as follows:

7 1. Any person desiring to grow or process industrial hemp for commercial purposes  
8 shall apply to the agriculture commissioner for a license on a form prescribed by  
9 the commissioner. The application for a license must include the name and  
10 address of the applicant and the legal description of the land area to be used to  
11 produce or process industrial hemp. Except for employees of the state seed  
12 department, the agricultural experiment station<sub>1</sub>, or the North Dakota state  
13 university extension service involved in research and extension related activities,  
14 the commissioner shall require each applicant for initial licensure to submit to a  
15 statewide and nationwide criminal history check. The nationwide criminal history  
16 check must be conducted in the manner provided in section 12-60-24. All costs  
17 associated with the background check are the responsibility of the applicant.  
18 Criminal history records provided to the commissioner under this section are  
19 confidential. The commissioner may use the records only in determining an  
20 applicant's eligibility for licensure. Any person with a prior criminal conviction is not  
21 eligible for licensure. If the applicant has completed the application process to the  
22 satisfaction of the commissioner, the commissioner shall issue the license, which  
23 is valid for a period of one year. Any person licensed under this section is  
24 presumed to be growing or processing industrial hemp for commercial purposes.

1           3.    The commissioner shall adopt rules to allow the industrial hemp to be tested during  
2                    growth for tetrahydrocannabinol levels and to allow for supervision of the industrial  
3                    hemp during its ~~growth and harvest~~ growing, harvesting, and processing. To  
4                    provide sufficient funds to pay costs associated with monitoring and testing  
5                    industrial hemp in the state, the commissioner shall assess each applicant a fee of  
6                    five dollars per acre. The minimum fee assessed must be one hundred fifty dollars  
7                    per applicant. Collections from this fee must be deposited in the ~~attorney general's~~  
8                    commissioner's operating fund and are ~~hereby~~ appropriated to the ~~attorney~~  
9                    ~~general~~ commissioner to be used to enforce this chapter.

10           **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.