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Sixty-seventh
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1045

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

A BILL for an Act to create and enact ~~two~~three new sections to chapter 4.1-18.1 of the North Dakota Century Code, relating to prohibited acts and the commissioner's authority to charge fees for industrial hemp testing and to set the tetrahydrocannabinol concentration level; to amend and reenact section 4.1-18.1-01 and subsection 1 of section 4.1-18.1-05 of the North Dakota Century Code, relating to industrial hemp; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-18.1-01 of the North Dakota Century Code is amended and reenacted as follows:

4.1-18.1-01. ~~Hemp (cannabis sativa L.)~~Definitions.

1. "Hemp" means the plant cannabis sativa L. and any part of the plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a ~~delta-9~~total tetrahydrocannabinol concentration ~~of not more than three-tenths of one percent on a dry weight basis~~in an amount determined by the commissioner. The term does not include any commodity or product using hemp which exceeds the allowable amount of total tetrahydrocannabinol determined by the commissioner.

2. "Tetrahydrocannabinol" means delta-9 tetrahydrocannabinol and any structural, optical, or geometric isomers of tetrahydrocannabinol, including:

   a. Delta-7 tetrahydrocannabinol;

   b. Delta-8 tetrahydrocannabinol; and

   c. Delta-10 tetrahydrocannabinol.

3. "Total tetrahydrocannabinol" means the sum of the percentage, by weight, of tetrahydrocannabinolic acid multiplied by eight hundred seventy-seven thousandths plus the percentage of weight of tetrahydrocannabinol.

SECTION 2. A new section to chapter 4.1-18.1 of the North Dakota Century Code is created and enacted as follows:

Commissioner - Authority - Tetrahydrocannabinol concentration.

The commissioner shall determine the total tetrahydrocannabinol concentration under this chapter up to an amount ~~in compliance with~~not to exceed the federal Agriculture Improvement Act of 2018 [Pub. L. 115-334; 132 Stat. 4490] and federal domestic hemp production program regulations under title 7, Code of Federal Regulations, part 990.

SECTION 3. A new section to chapter 4.1-18.1 of the North Dakota Century Code is created and enacted as follows:

Hemp testing - Fee - Exemption.

1. The commissioner may charge a fee of up to one hundred twenty-five dollars to inspect, sample, and test hemp under this chapter.
2. The commissioner shall deposit fees collected under this section in the commissioner's operating fund.
3. The provisions of chapter 54-44.4 do not apply to hemp testing under this section.

SECTION 4. A new section to chapter 4.1-18.1 of the North Dakota Century Code is created and enacted as follows:

Prohibited acts.

A licensee may not:

1. Engage in the isomerization of cannabinoids to create isomers of tetrahydrocannabinol, including delta-8, delta-9, and delta-10 tetrahydrocannabinol; and
2. Sell hemp or hemp products that were created using the isomerization of cannabinoids to create isomers of tetrahydrocannabinol, including delta-8, delta-9, and delta-10 tetrahydrocannabinol.

SECTION 5. AMENDMENT. Subsection 1 of section 4.1-18.1-05 of the North Dakota Century Code is amended and reenacted as follows:

1. A producer found in violation of this chapter for negligently failing to provide the legal description of the land where the producer is growing hemp, failing to obtain a license, or by producing hemp with a ~~delta-9~~total tetrahydrocannabinol concentration ~~of more~~

~~than three-tenths of one percent on a dry weight basis~~greater than the amount determined by the commissioner is subject to:

a. Meeting a deadline set by the commissioner to come into compliance with this chapter; and

b. Additional reporting requirements set by the commissioner for a period of no less than two years.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure.