



State of North Dakota
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House Bill No 1045 – Industrial Hemp Testing
Senate Agriculture Committee – Fort Union Room
9:30 AM - Thursday – February 11th, 2021

Chairman Luick, members of the Senate Agriculture Committee, for the record I am Mark J. Hardy, PharmD, Executive Director of the North Dakota State Board of Pharmacy.

The Board of Pharmacy is supportive of this legislation, including the amendments made on the House side. We stand today to provide amendments for the committee's consideration based on rules released by the United States Department of Agriculture on January 19, 2021. These highly anticipated rules outline further implementation of the Domestic Hemp Production Program. Given the Board of Pharmacy's role in control and enforcement of NDCC 19-03.1, which is the State Controlled Substance Act, our definition of "Marijuana" specifically references, and exempts, Hemp which is defined in this bill. Specific to the USDA rules, they identified two important considerations for the legislature relating to this bill. It built on the definition of "hemp" to reference a "total" tetrahydrocannabinol concentration and further defined the term "total tetrahydrocannabinol". The definition of "total tetrahydrocannabinol" takes into account the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA to be included in the overall concentration limit.

As our Controlled Substance Act, North Dakota Century Code 19-03.1 refers to the definition of hemp, chapter 4.1, our policy suggestion is for the State law to refer to the "total" THC definition in the USDA final rules.

Therefore, we propose the following amendments.

- Page 1, Line 12 add total before tetrahydrocannabinol concentration
- Page 1, Line 12 after tetrahydrocannabinol concentration, add, as defined under title 7, Code of Federal Regulations, part 990.
- Page 1, Line 17 add total before tetrahydrocannabinol concentration
- Page 2, Line 11 add total before tetrahydrocannabinol concentration

We will certainly respect the committees wishes on these amendments and appreciate the working relationship with the Agriculture Commissioner's Office on these to ensure that we have a uniform regulatory model on the definition of hemp in North Dakota.

Thank you for your considerations and I will be happy to answer any questions.