

2021 HOUSE AGRICULTURE

HB 1045

2021 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee Room JW327C, State Capitol

HB1045
1/7/2021
a.m.

Relating to industrial hemp

Chair D. Johnson called the meeting to order at 10:15 a.m.
All members were present.

Attendance	P or Ab
Chair D. Johnson	P
Vice Chair Trottier	P
Representative Beltz	P
Representative Buffalo	P
Representative Dobervich	P
Representative Fisher	P
Representative Headland	P
Representative Kiefert	P
Representative Richter	P
Representative Satrom	P
Representative Schreiber-Beck	P
Representative Skroch	P
Representative Thomas	P
Representative Tveit	P

Discussion Topics:

- USDA hemp rule
- Requesting flexibility in the definition of hemp

Samantha Brunner, Plant Industries Director, ND Dept. of Agriculture: Attachment #192
(10:16)

Representative Monson: Submitted Amendment #21.8006.01001
Attachment #262

Fiscal note will be coming after the amendment.

Chair D. Johnson closed the hearing at 10:25 a.m.

House Agriculture Committee
HB 1045 a.m.
January 7, 2021
Page 2

Representative Satrom moved to adopt amendment #21.8006.01001

Representative Dobervich second the motion

Voice Vote motion passed

ReMae Kuehn, Committee Clerk

lot 2
50 1/8/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1045

Page 1, line 1, after "to" insert "create and enact two new sections to chapter 4.1-18.1 of the North Dakota Century Code, relating to the commissioner's authority to charge fees for industrial hemp testing and to set the tetrahydrocannabinol concentration level; to"

Page 1, line 2, after "hemp" insert "; and to declare an emergency"

Page 1, line 9, remove "decarboxylated"

Page 1, line 9, overstrike "delta-9"

Page 1, line 9, overstrike "of not more"

Page 1, line 10, overstrike "than three-tenths of one percent on a dry weight basis" and insert immediately thereafter "in an amount determined by the commissioner"

Page 1, after line 10, insert:

"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 tetrahydrocannabinol concentration under this chapter up to an amount in compliance with 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."

Page 1, line 15, remove "decarboxylated"

Page 1, line 15, overstrike "delta-9"

Page 1, line 16, overstrike "of more than three-tenths of one percent on a dry weight basis" and insert immediately thereafter "greater than the amount determined by the commissioner"

Page 1, after line 21, insert:

2 of 2
SP 1/8/21

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

COMMISSIONER
DOUG GOEHRING



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**Testimony of Samantha Brunner
Plant Industries Division Director
North Dakota Department of Agriculture
HB 1045
House Agriculture Committee
January 7, 2021**

Chairman Johnson and members of the House Agriculture Committee, I am Samantha Brunner, the Plant Industries Division Director for the North Dakota Department of Agriculture (NDDA), and I am representing Agriculture Commissioner Doug Goehring. I am here today in support of HB 1045, with the attached amendments.

Currently NDDA is operating under a pilot program sanctioned by the 2014 Farm Bill. The 2018 Farm Bill placed additional requirements and regulations on the hemp industry and by January 2022 North Dakota will need to comply with the federal regulations and operate under a USDA approved State Plan. The USDA has not yet published the Final Hemp Rule but it is expected to be released in the next few months. Given the uncertainty of what the final rule may contain, and the constantly changing knowledge about hemp THC levels and components we are asking for flexibility in the definition of hemp. This flexibility will allow us to quickly adapt to changing definitions released federally and allow us to continue to operate under a USDA approved state plan.

Since starting the pilot program, hemp production in North Dakota has moved from mainly grain producers with 1-2 fields to both grain producers and cannabinoid producers with multiple smaller fields and varieties. Each field and variety must be tested separately according to the USDA regulations. The increase in sampling and lab testing fees along with an increased

demand for retests has impacted our ability to cover the operating expenses of the program with the fees collected. The ability to charge producers based on the number of tests taken will balance out all those factors.

We also have concerns about going through the procurement process when determining a lab then getting locked into using a specific lab without being able to quickly move on if we run into issues that could have severe consequences for our producers.

Chairman Johnson and committee members, thank you for your consideration of HB 1045 with the attached amendments. I would be happy to answer any questions you may have.

21.8006.01001
Title.

Prepared by the Legislative Council staff for
Representative Monson
January 6, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1045

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Page 1, line 2, after "hemp" insert "; and to declare an emergency"

Page 1, line 9, remove "decarboxylated"

Page 1, line 9, overstrike "delta-9"

Page 1, line 9, overstrike "of not more"

Page 1, line 10, overstrike "than three-tenths of one percent on a dry weight basis" and insert immediately thereafter "in an amount determined by the commissioner"

Page 1, after line 10, insert:

"**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 tetrahydrocannabinol concentration under this chapter up to an amount in compliance with 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.

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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."

Page 1, after line 21, insert:

"**SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

2021 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

HB 1045--Committee Work
1/8/2021
a.m.

Relating to industrial hemp

Chair D. Johnson called the meeting to order at 9:00 a.m.
All members were present except Representative Schreiber-Beck

Attendance	P or Ab
Chair D. Johnson	P
Vice Chair Trottier	P
Representative Beltz	P
Representative Buffalo	P
Representative Dobervich	P
Representative Fisher	P
Representative Headland	P
Representative Kiefert	P
Representative Richter	P
Representative Satrom	P
Representative Schreiber-Beck	AB
Representative Skroch	P
Representative Thomas	P
Representative Tveit	P

Discussion Topics:

- Fiscal note coming after amendment for HB 1045
- Next week's schedule
- Updates on upcoming bills

Chair D. Johnson closed the hearing at 9:10 a.m.

ReMae Kuehn, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

HB1045—Committee Work
1/15/2021
a.m.

Relating to industrial hemp

Chair D. Johnson called the meeting to order at 10:00 a.m.
All members were present.

Attendance	P or Ab
Chair D. Johnson	P
Vice Chair Trottier	P
Representative Beltz	P
Representative Buffalo	P
Representative Dobervich	P
Representative Fisher	P
Representative Headland	P
Representative Kiefert	P
Representative Richter	P
Representative Satrom	P
Representative Schreiber-Beck	P
Representative Skroch	P
Representative Thomas	P
Representative Tveit	P

Discussion Topics:

- License fees
- Revenue neutral
- Sample within 15 days of harvest

Samantha Brunner, Plant Industries Director, ND Dept. of Agriculture
Provided additional information

Representative Schreiber-Beck moved Do Pass as amended

Representative Satrom seconded the motion

Vote	
Chair D. Johnson	Y
Vice Chair Trottier	Y
Representative Beltz	Y
Representative Fisher	Y
Representative Headland	Y
Representative Kiefert	Y
Representative Richter	Y
Representative Satrom	Y
Representative Schreiber-Beck	Y
Representative Skroch	Y
Representative Thomas	Y
Representative Tveit	Y
Representative Buffalo	Y
Representative Dobervich	AB

Roll call vote. Motion passed 13-0-1. **Representative Skroch** is the carrier.

Chair D. Johnson closed at 10:11 a.m.

ReMae Kuehn, Committee Clerk

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1045

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Page 1, line 2, after "hemp" insert "; and to declare an emergency"

Page 1, line 9, remove "decarboxylated"

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Page 1, line 16, overstrike "of more than three-tenths of one percent on a dry weight basis" and insert immediately thereafter "greater than the amount determined by the commissioner"

Page 1, after line 21, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2 of 2
SA 1/8/21

REPORT OF STANDING COMMITTEE

HB 1045: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1045 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact two new sections to chapter 4.1-18.1 of the North Dakota Century Code, relating to the commissioner's authority to charge fees for industrial hemp testing and to set the tetrahydrocannabinol concentration level; to"

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Page 1, after line 21, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2021 SENATE AGRICULTURE

HB 1045

2021 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee Fort Union Room, State Capitol

HB 1045
2/11/2021

Relating to the commissioner's authority to charge fees for industrial hemp testing and to set the tetrahydrocannabinol concentration level and declare an emergency

Chair Luick called the committee to order at 9:30 AM. Roll call was taken. All members were present: Chair Luick, Vice Chair Myrdal, Senator Klein, Senator Lemm, Senator O. Larsen, Senator Hogan.

Discussion Topics:

- Geographical location of Hemp production
- NDSU Branches
- CBD production
- Manufacturing of Hemp in ND
- Hemp Seed availability and planting
- Fiber Processing Center in ND
- Following Federal standards (the potency & transplanting product)
- Investments to produce Hemp
- Pride of Dakota
- Testing frequency
- Amendments
- FDA approval prescription medicine with Hemp products

(9:29 AM) John Mortenson ND Dept. of Agriculture in favor #6253

(9:45 AM) Veronica Michael CEO Prairie Products LLC in favor #6285

(10:03 AM) Mark J. Hardy, PharmD, Executive Director of the ND State Board of Pharmacy in Neutral #6296

(10:16 AM) Vice Chair Myrdal moved Amendment # 21.8006.02001

(10:17 AM) Senator Klein 2nd the motion

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	Y
Senator Jerry Klein	Y
Senator Oley Larsen	Y
Senator Randy D. Lemm	Y

(10:18 AM) Roll call vote on Proposed Amendment 6-0-0

10:24 AM Vice Chair Myrdal moved Do Pass as Amended on HB

10:25 AM Senator Oley Larsen 2nd the motion

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	Y
Senator Jerry Klein	Y
Senator Oley Larsen	Y
Senator Randy D. Lemm	Y

(10:26 AM) Roll call vote on a Do Pass as Amended 6-0-0 on HB 1045

(10:27 AM) Vice Chair Myrdal will carry the bill

(10:28 AM) Chair Luick closed the hearing

Alice Delzer, Committee Clerk

February 11, 2021

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2
1
8

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1045

Page 1, line 12, after "~~delta-9~~" insert "total"

Page 1, line 13, after "~~basis~~" insert ", as defined under title 7, Code of Federal Regulations, part 990,"

Page 1, line 17, after "the" insert "total"

Page 2, line 11, after "~~delta-9~~" insert "total"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1045, as engrossed: Agriculture Committee (Sen. Luick, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1045 was placed on the Sixth order on the calendar.

Page 1, line 12, after "delta-9" insert "total"

Page 1, line 13, after "basis" insert ", as defined under title 7, Code of Federal Regulations, part 990."

Page 1, line 17, after "the" insert "total"

Page 2, line 11, after "delta-9" insert "total"

Renumber accordingly

COMMISSIONER
DOUG GOEHRING



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www.agdepartment.com

**Testimony of John Mortenson
Hemp Program Coordinator
North Dakota Department of Agriculture
HB 1045
Senate Agriculture Committee
February 11, 2021**

Chairman Luick and members of the Senate Agriculture Committee, I am John Mortenson, the Hemp Program Coordinator for the North Dakota Department of Agriculture (NDDA), and I am representing Agriculture Commissioner Doug Goehring. I am here today in support of HB 1045.

Currently NDDA is operating under a pilot program sanctioned by the 2014 Farm Bill. The 2018 Farm Bill placed additional requirements and regulations on the hemp industry and by January 2022 North Dakota will need to comply with the federal regulations and operate under a USDA approved State Plan. Given the speed and uncertainty of how federal regulations can change, and the constantly changing knowledge about hemp THC levels and components we are asking for flexibility in the definition of hemp. This flexibility will allow us to quickly adapt to changing definitions released federally and allow us to continue to operate under a USDA approved state plan.

Lab testing fees and costs associated with collecting samples is our largest operating expense. Over the years hemp production in North Dakota has moved from mainly grain producers with 1-2 fields to both grain producers and cannabinoid producers with multiple smaller fields and varieties. Each field and variety must be tested separately according to the USDA regulations. The increase in sampling along with an increased demand for retests has

impacted our ability to cover the operating expenses of the program with the fees collected. The ability to charge producers based on the number of tests taken will balance out all those factors.

We also have concerns about going through the procurement process when determining a lab then getting locked into using a specific lab without being able to quickly move on if we run into issues that could have severe consequences for our producers.

Chairman Luick and committee members, thank you for your consideration of HB 1045. I would be happy to answer any questions you may have.

Veronica Michael, resident of Fargo ND and CEO of Prairie Products LLC, we use cold ethanol to extract agricultural hemp in Fargo, ND, and a DRC member.

Mr Chairman and Committee members we at the Dakota Resource Council would like to submit testimony in support of HB1045. I am testifying on behalf of myself and as a member of the Dakota Resource Council. DRC is an organization that supports sustainable agriculture and new industries; DRC and it's 600+ active members have supported the hemp industry since the late 1990s. Thank you for taking time to consider how HB1045 can benefit North Dakota's hemp industry.

In North Dakota, we have approximately 70 licensed hemp farmers growing approximately 4,000 acres. The federal government has passed and introduced acts like the MORE Act and Senator Rand Paul's hemp bill. These bills are being passed faster than we can address them in the current North Dakota Legislative session structure. I encourage you to allow our North Dakota Department of Agriculture the ability to remain agile enough to not stifle the hemp industry in this emerging market.

This bill as amended would give the Ag Commissioner and the ND Department of Agriculture the ability to set laws for hemp to match federal regulation. Note that this bill does not give the ability to exceed federal standards, just the ability to change standards to match federal regulations as they change.

Hemp farming regulation was standardized by the federal government through the 2018 US Farm Bill allowing for the growth of agricultural hemp with a THC level of .3%. North Dakota has historically always been a national leader in agricultural innovation and now participates in the federal agricultural hemp production program for the growth and research of hemp for seed, fiber, and cannabinoids.

Because THC is considered a Schedule 1 Drug that is present in industrial hemp, the crop is currently monitored by the North Dakota Department of Agriculture and various other federal agencies. The rules are simple; a licensed grower of hemp needs to undergo an extensive criminal background check to apply for a license. When the process is approved, hemp farmers have to monitor and test their crop for THC potency to ensure compliance. Fifteen days before harvest the farmer is required to notify the state and a state employee randomly samples the hemp, testing by a third party to confirm that the farmer has not to exceed .3%THC concentration.

***If the hemp crop fails to meet compliance even by .1%, growers must destroy their crops.**

Several North Dakota farmers have been impacted by these slight percentage changes that in some cases are beyond their control. It is important to note agricultural hemp is

not just grown for extraction of its compounds. Hemp can be grown for fiber and grain production. Some research suggests North Dakota is an ideal location for this type of hemp production. Others question the validity of THC potency testing of grain and fiber growth.

If passed HB1045, would give our Ag Commissioner the ability to set the THC levels in hemp to levels he deems necessary, or to match any changes in federal regulation. The Ag Commissioner and the ND Department of Agricultural are currently regulatory experts. I am not advocating for a change in regulation, but instead an increase in their authority for the state of North Dakota. The North Dakota Department of Agriculture remains our best method for overseeing and maintaining high quality, safety, and other regulation in our agricultural sector.

We urge you to concur with the ND House and Vote "Yes" on this legislation. I would urge you to support HB1045 not just for the people of North Dakota, but hemp processors, farmers and ranchers. I stand for questions.

**OFFICE OF THE EXECUTIVE DIRECTOR**

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STATE BOARD OF PHARMACY

State of North Dakota
Doug Burgum, Governor

Mhardy@ndboard.pharmacy
www.nodakpharmacy.com

Mark J. Hardy, PharmD, R.Ph.
Executive Director

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.

2021 CONFERENCE COMMITTEE

HB 1045

2021 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

HB1045
4/8/2021
Conference Committee

Relating to industrial hemp

Representative Beltz, Chairman called the committee to order at 10:00 a.m.

Attendance	P or AB	Attendance	P or AB
Representative Beltz	P	Senator Myrdal	P
Representative Dobervich	P	Senator O. Larsen	P
Representative Richter	P	Senator Lemm	P

Discussion Topics:

- Hemp abuse and misuse
- Amendment to provide penalties

Tara Brandner, Assistant Attorney General explained Amendment #21.8006.02003 Attachment #11488

Charlene Rittenback, ND Crime Lab provided explanation of misuse

Senator Myrdal moved the Senate recede from Senate amendments and amend as follows with Amendment #21.8006.02003.

Senator O. Larsen seconded the motion.

Roll call vote. Motion carried. 6-0-0.

Representative Beltz and Senator Myrdal are the carriers.

Representative Beltz adjourned.

ReMae Kuehn, Committee Clerk

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1045

That the Senate recede from its amendments as printed on page 1073 of the House Journal and pages 743 and 744 of the Senate Journal and that Engrossed House Bill No. 1045 be amended as follows:

Page 1, line 1, replace "two" with "three"

Page 1, line 2, after "to" insert "prohibited acts and"

Page 1, line 9, overstrike "**Hemp (cannabis sativa L.)**" and insert immediately thereafter "**Definitions**"

Page 1, after line 9, insert:

"1."

Page 1, line 12, after "delta-9" insert "total"

Page 1, line 13, after the period insert "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."

Page 1, line 17, after "the" insert "total"

Page 1, line 18, replace "in compliance with" with "not to exceed"

Page 2, after line 6, insert:

"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

01-11-21
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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.

Page 2, line 11, after "delta-9" insert "total"

Renumber accordingly

Date: 4/8/2021
Roll Call Vote #: 1

**2021 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1045 as engrossed

House Agriculture Committee

- Action Taken ☐ HOUSE accede to Senate Amendments
☐ HOUSE accede to Senate Amendments and further amend
☐ SENATE recede from Senate amendments
☒ SENATE recede from Senate amendments and amend as follows
 #21.8006.02003
☐ **Unable to agree**, recommends that the committee be discharged and a new
 committee be appointed

Motion Made by: Senator Myrdal Seconded by: Senator O. Larsen

Representatives	4/8			Yes	No		Senators	4/8			Yes	No
Rep. Beltz	P			X			Sen. Myrdal	P			X	
Rep. Dobervich	P			X			Sen. O. Larsen	P			X	
Rep. Richter	P			X			Sen. Lemm	P			X	
Total Rep. Vote				3			Total Senate Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Representative Beltz Senate Carrier Senator Myrdal

LC Number 21.8006 . 02003 of amendment

LC Number 21.8006 . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1045, as engrossed: Your conference committee (Sens. Myrdal, O. Larsen, Lemm and Reps. Beltz, Dobervich, Richter) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1073, adopt amendments as follows, and place HB 1045 on the Seventh order:

That the Senate recede from its amendments as printed on page 1073 of the House Journal and pages 743 and 744 of the Senate Journal and that Engrossed House Bill No. 1045 be amended as follows:

Page 1, line 1, replace "two" with "three"

Page 1, line 2, after "to" insert "prohibited acts and"

Page 1, line 9, overstrike "**Hemp (cannabis sativa L.)**" and insert immediately thereafter "**Definitions**"

Page 1, after line 9, insert:

"1."

Page 1, line 12, after "delta-9" insert "total"

Page 1, line 13, after the period insert "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."

Page 1, line 17, after "the" insert "total"

Page 1, line 18, replace "in compliance with" with "not to exceed"

Page 2, after line 6, insert:

"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

Insert LC: 21.8006.02003
House Carrier: Beltz
Senate Carrier: Myrdal

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."

Page 2, line 11, after "delta-9" insert "total"

Renumber accordingly

Engrossed HB 1045 was placed on the Seventh order of business on the calendar.

21.8006.02003
Title.

Prepared by the Legislative Council staff for
Representative D. Johnson
March 23, 2021

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1045

That the Senate recede from its amendments as printed on page 1073 of the House Journal and pages 743 and 744 of the Senate Journal and that Engrossed House Bill No. 1045 be amended as follows:

Page 1, line 1, replace "two" with "three"

Page 1, line 2, after "testing" insert ", prohibited acts,"

Page 1, line 9, overstrike "**Hemp (cannabis sativa L.)**" and insert immediately thereafter "**Definitions**"

Page 1, after line 9, insert:

"1."

Page 1, line 12, after "~~delta-9~~" insert "total"

Page 1, line 13, after the period insert "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."

Page 1, line 17, after "the" insert "total"

Page 1, line 18, replace "in compliance with" with "not to exceed"

Page 2, after line 6, insert:

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

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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."

Page 2, line 11, after "~~delta-9~~" insert "total"

Renumber accordingly