

CHAPTER 7-14-02 INDUSTRIAL HEMP PRODUCTION

Section

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7-14-02-01. Definitions.

For purposes of this chapter:

1. "Approved cultivar" means any variety of industrial hemp designated by the commissioner in a published list and may be amended from time to time.
2. "Competent laboratory" means a laboratory that is determined by the commissioner as a qualified laboratory with qualified staff to appropriately test for delta-9 tetrahydrocannabinol levels.
3. "Criminal conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of nolo contendere, or a judgment of conviction even though the court may have suspended execution of a sentence in accordance with subsection 3 of North Dakota Century Code section 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of North Dakota Century Code section 12.1-32-02, or an equivalent statute.
4. "Industrial hemp" means the plant *Cannabis sativa* L. and any part of such plant whether growing or not with a delta-9 THC concentration of not more than three-tenths of one percent THC on a dry-weight basis.
5. "Seed" means any part of an industrial hemp plant that is represented, sold, or used to grow a plant.
6. "THC" means delta-9 tetrahydrocannabinol.

History: Effective January 1, 2007; amended effective October 1, 2016.

General Authority: NDCC 4.1-18-01

Law Implemented: NDCC 4.1-18-01

7-14-02-02. Licensing.

1. Any person desiring to obtain a state license to grow industrial hemp for commercial purposes shall comply with the following:
 - a. A completed license application must be submitted to the agriculture commissioner on such forms as supplied by the commissioner or otherwise approved by the commissioner and the proper fee prescribed by the statute.
 - b. A minimum of one-half of an acre plot must be planted for each license granted except for North Dakota state university for research purposes.

- c. The applicant must list all individuals who will be involved in any manner in handling or growing industrial hemp.
 - d. The applicant, including each individual involved in the handling or production of industrial hemp, must submit written consent granting a state and national criminal history check, two sets of fingerprints from a law enforcement agency or other local agency authorized to take fingerprints, and a statement indicating whether the applicant or individual has ever been convicted of a crime. The applicant must pay all costs associated with conducting each criminal history background check.
 - e. The applicant must provide to the commissioner field locations using geopositioning capability instrumentation along with an official aerial United States department of agriculture farm service agency map or any other method approved by the commissioner.
2. Licenses expire on December thirty-first of each year.

History: Effective January 1, 2007; amended effective October 1, 2016.

General Authority: NDCC 4.1-18-01

Law Implemented: NDCC 4.1-18-01

7-14-02-03. License renewal.

- 1. Licensees wishing to renew their licenses must submit to the commissioner a completed license renewal application on such forms as prescribed by the commissioner.
- 2. For all crop not sold or removed from the site during the licensed year, the licensee must apply for and receive a new license the following year.
- 3. A licensee shall submit the fee prescribed by statute with the renewal application for a license.

History: Effective January 1, 2007; amended effective October 1, 2016.

General Authority: NDCC 4.1-18-01

Law Implemented: NDCC 4.1-18-01

7-14-02-04. Producing and handling requirements.

- 1. The licensee shall ensure that all equipment that is used to sow or harvest the hemp is thoroughly cleaned after each use in order to avoid the inadvertent dissemination of industrial hemp.
- 2. All industrial hemp seed must be covered during transport to avoid the inadvertent dissemination of industrial hemp.
- 3. All volunteer industrial hemp plants not located in a field licensed to produce must be destroyed before reaching the seed-producing stage.
- 4. All nonexempt plant material must be exported or sold to a United States drug enforcement administration registered reverse distributor for processing or fully incinerated onsite in a manner approved and supervised by the commissioner.

History: Effective January 1, 2007; amended effective October 1, 2016.

General Authority: NDCC 4.1-18-01

Law Implemented: NDCC 4.1-18-01

7-14-02-05. Reporting requirements.

- 1. The following information must be supplied to the commissioner by July first of each year.

- a. The licensee shall report to the commissioner the final planted acreages of industrial hemp.
 - b. The licensee shall file with the commissioner documentation indicating that the seed planted was produced from a type and variety that has been tested for delta-9 THC and contains less than three-tenths percent on a dry-weight basis.
 - c. The licensee shall report to the commissioner the name, address, and telephone number of any person from whom all seed used in the production of industrial hemp was purchased.
2. The licensee must report to the commissioner the name, address, and telephone number of any purchaser of industrial hemp seed and nonexempt plant parts at the time of the sale.
 3. The holder of a license shall notify the commissioner of the following changes within fifteen days after a change:
 - a. To the name, address, or telephone number of the licenseholder; or
 - b. In the ownership of the land used to cultivate industrial hemp.
 4. The licensee must notify the commissioner a minimum of thirty days prior to the intended harvest date. The commissioner, at any time, may take samples and submit them to a qualified laboratory for THC testing. The licensee must notify the commissioner of the intended or current location of all storage facilities using geopositioning capability instrumentation.
 5. The licensee must receive approval from the commissioner before selling or otherwise distributing any industrial hemp seed or other plant materials.

History: Effective January 1, 2007; amended effective October 1, 2016.

General Authority: NDCC 4.1-18-01

Law Implemented: NDCC 4.1-18-01

7-14-02-06. North Dakota state university research center and agricultural experiment station requirements.

1. The North Dakota state university research center and the agricultural experiment stations must comply with all licensing requirements except for the criminal history background check.
2. The North Dakota state university research center and the agricultural experiment stations must report all storage facilities containing industrial hemp seed using geopositioning capability instrumentation to the commissioner by December thirty-first of each year.

History: Effective January 1, 2007.

General Authority: NDCC 4.1-18-01

Law Implemented: NDCC 4.1-18-01

7-14-02-07. Enforcement.

1. The licensees shall allow enforcement officials to enter industrial hemp fields at any time to monitor and test the hemp crop. Industrial hemp fields must be readily accessible for monitoring and testing purposes and must have open access at a minimum of one side of the field.
2. The licensee must receive approval to harvest from the commissioner prior to harvest.

History: Effective January 1, 2007.

General Authority: NDCC 4.1-18-01

Law Implemented: NDCC 4.1-18-01

7-14-02-08. Noncompliance.

1. The commissioner may suspend or revoke a license for the failure of a licensee to comply with all the requirements of this chapter and North Dakota Century Code chapter 4-41. The commissioner may prohibit a person who does not comply with all the requirements of this chapter and North Dakota Century Code chapter 4-41 from obtaining a license to grow industrial hemp for a period of up to five years.
2. The commissioner may destroy all industrial hemp crop, grain, oil, plant parts, or fiber that was produced in a manner inconsistent with the requirements of this chapter. As a condition of licensure, the licensee agrees that no compensation will be paid by the state resulting from such destruction.

History: Effective January 1, 2007; amended effective October 1, 2016.

General Authority: NDCC 4.1-18-01

Law Implemented: NDCC 4.1-18-01

7-14-02-09. Prohibitions.

1. A person may not advertise in any fashion that would indicate that industrial hemp, its derivatives, or any product made from those derivatives is psychoactive.
2. A person may not possess, transport, distribute, grow, or deal in any plant parts of industrial hemp without first having obtained a license according to section 7-14-02-02.
3. A person may not plant bin-run seed or seed whose parent plant has not been tested for delta-9 THC.

History: Effective January 1, 2007; amended effective October 1, 2016.

General Authority: NDCC 4.1-18-01

Law Implemented: NDCC 4.1-18-01