

**CHAPTER 74-03-16**  
**SPECIFIC CROP REQUIREMENTS - HEMP**

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**74-03-16-01. General requirements.**

All production of hemp, as defined in North Dakota Century Code section 4.1-18.1-01 is subject to license application approval that may be required by regulatory authorities. Only growers who possess a current license with the North Dakota department of agriculture are eligible to produce certified seed. Only varieties of hemp approved by regulatory authorities for seed production and which meet Federal Seed Act eligibility requirements are eligible for certification. Growers may be required by regulatory agencies to obtain tetrahydrocannabinol test results according to applicable regulations. Growers may be required to submit test results to the seed certifying agency before labels are issued. Upon meeting final certification requirements, eligible seed will be labeled in the licensee's name only.

**History:** Effective July 1, 2018; amended effective July 1, 2020.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-52-10, 4.1-53-42

**74-03-16-02. Land requirements.**

A crop of foundation or registered class hemp is not eligible for certification if planted on land on which the same kind of crop was grown the previous three years unless the previous crop was the same variety and passed field inspection for certification. A crop for certified class is not eligible for certification if planted on land on which the same kind of crop was grown the previous two years unless the previous crop was the same variety and passed field inspection for certification.

**History:** Effective July 1, 2018; amended effective July 1, 2020.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-52-10, 4.1-53-42

**74-03-16-03. Field inspection.**

It is the grower's responsibility to ensure fields are inspected prior to harvesting. A field harvested before inspection is not eligible for certification. All fields must be inspected at least once before harvest at a stage of growth when varietal purity is best determined. One inspection is required for registered and certified seed fields of dioecious varieties. Two inspections are required for all classes of monoecious varieties and foundation seed fields of dioecious varieties.

**History:** Effective July 1, 2018; amended effective July 1, 2020.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-52-10, 4.1-53-42

**74-03-16-04. Field standards.**

**1. Isolation.**

- a. Prior to flowering and inspection, the field must be isolated from fields of any other variety or fields of the same variety not meeting genetic purity requirements for certification.

- b. The minimum isolation distances required between inspected hemp and other hemp crops must be maintained as specified in the following table. There must be no hemp plants within three hundred feet [91.44 meters] of a seed field and no more than four plants per acre outside three hundred feet [91.44 meters]. Hemp crops must be isolated from other inseparable crops by a minimum of ten feet.

<b>Inspected Crop</b>	<b>Other Crops</b>	<b>Isolation Distance Required (feet)</b>
Dioecious type foundation	• Different varieties of hemp • Noncertified crop of hemp	15,748
	• Lower certified class of seed crop of same variety	6,460
	• Same class of certified seed crop of same variety	10
Dioecious type registered	• Different varieties of hemp • Noncertified crop of hemp	15,748
	• Seed crop of same variety that meets certified standards for varietal purity	5,249
	• Seed crop of same variety that meets registered standards for varietal purity	3
Dioecious type certified	• Different varieties of hemp • Noncertified crop of hemp	2,624
	• Planted with certified seed of the same variety that meets certified standards for varietal purity	656
	• Seed crop of same variety that meets certified standards for varietal purity	3
Monoecious type foundation	• Dioecious varieties of hemp • Noncertified crop of hemp	15,748
	• Other monoecious varieties • Lower certified class of seed crop of same variety	9,690
	• Same class of certified seed crop of same variety	16
Monoecious type registered	• Dioecious varieties of hemp • Noncertified crop of hemp	15,748
	• Different varieties of the same type of hemp (monoecious or female hybrid)	6,460
	• Seed crop of same variety that meets certified standards for varietal purity	3,320
	• Seed crop of same variety that meets registered standards for varietal purity	3
Monoecious type certified	• Dioecious varieties of hemp • Noncertified crop of hemp	3,230
	• Different varieties of the same type of hemp (monoecious or female hybrid) • Planted with certified seed of the same variety that meets certified standards for varietal purity	656
	• Seed crop of same variety that meets certified standards for varietal purity	3

**2. Specific field standards.**

- a. Roguing to remove undesirable plants must be done before field inspection. Rogued plants must be removed from the field to be harvested.

- b. Any combination of impurities may be reason for failing an inspection. Unless otherwise specified by the breeder, an industrial hemp crop for certification must not exceed the limits specified in the following table. Impurities may include harmful contaminants (species capable of cross pollinating with the inspected variety), plants of other varieties or distinct types foreign to the variety being inspected, weeds, or other inseparable crops.
- c. The table indicates the maximum number of impurities permitted in approximately ten thousand plants of the inspected crop.

	Maximum Impurity Standards per Ten Thousand Plants in Hemp Seed Crops	
	Maximum Number of Dioecious Male Plants Shedding Pollen	Maximum Number of Off-Types or Other Varieties
Dioecious type foundation	-	3
Dioecious type registered	-	10
Dioecious type certified	-	20
Monoecious type foundation	1	3
Monoecious type registered	2	10
Monoecious type certified	100	20

**History:** Effective July 1, 2018; amended effective July 1, 2020.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-52-10, 4.1-53-42

**74-03-16-05. Seed standards.**

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum)	98.0 percent	98.0 percent	98.0 percent
Total weed seeds (maximum)	0.10 percent	0.10 percent	0.10 percent
Other varieties	0.005 percent	0.01 percent	0.05 percent
Other crop seeds (maximum)	0.01 percent	0.03 percent	0.08 percent
Inert matter (maximum) *	2.0 percent	2.0 percent	2.0 percent
Prohibited noxious weed seeds	none	none	none
Other kinds **	0.10 percent	0.03 percent	0.07 percent
Germination	80.0 percent	80.0 percent	80.0 percent

\*Inert matter may not include more than 0.5 percent of material other than seed fragments of the variety under consideration.

\*\*Other kinds may not exceed 2 per pound for foundation, 6 for registered, and 10 for certified.

**History:** Effective July 1, 2018.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-52-10, 4.1-53-42