

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

HOUSE BILL NO. 1428
(Representatives Monson, R. Kelsch, Nichols)
(Senators Heitkamp, D. Mathern, Thane)

AN ACT to authorize the production of industrial hemp; to amend and reenact subsection 13 of section 4-09-01 of the North Dakota Century Code, relating to the definition of noxious weed seeds; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Industrial hemp (cannabis sativa L.) - Oilseed. Industrial hemp (cannabis sativa L.), having no more than three-tenths of one percent tetrahydrocannabinol, is recognized as an oilseed. Upon meeting the requirements of section 2 of this Act, any person in this state may plant, grow, harvest, possess, process, sell, and buy industrial hemp (cannabis sativa L.) having no more than three-tenths of one percent tetrahydrocannabinol.

SECTION 2. Industrial hemp - Licensure - Reporting requirements - Continuing appropriation.

1. Any person desiring to grow industrial hemp for commercial purposes shall apply to the commissioner of agriculture for a license on a form prescribed by the commissioner. The application for a license must include the name and address of the applicant and the legal description of the land area to be used for the production of industrial hemp. Except for employees of the agricultural experiment station or the North Dakota state university extension service involved in research and extension related activities, the commissioner shall require each applicant for initial licensure to file a set of the applicant's fingerprints, taken by a law enforcement officer, and any other information necessary to complete a statewide and nationwide criminal history check with the bureau of criminal investigation for state processing and with the federal bureau of investigation for federal processing. All costs associated with the background check are the responsibility of the applicant. Criminal history records provided to the commissioner under this section are confidential. The commissioner may use the records only in determining an applicant's eligibility for licensure. Any person with a prior criminal conviction is not eligible for licensure. If the applicant has completed the application process to the satisfaction of the commissioner, the commissioner shall issue the license, which is valid for a period of one year. Any person licensed under this section is presumed to be growing industrial hemp for commercial purposes.
2. Each licensee must file with the commissioner documentation indicating that the seeds planted were of a type and variety certified to have no more than three-tenths of one percent tetrahydrocannabinol and a copy of any contract to grow industrial hemp. Each licensee shall notify the commissioner of the sale or distribution of any industrial hemp grown by the licensee, and the names of the persons to whom the hemp was sold or distributed.
3. The commissioner shall adopt rules to allow the industrial hemp to be tested during growth for tetrahydrocannabinol levels and to allow for supervision of the industrial hemp during its growth and harvest. To provide sufficient funds to pay costs associated with monitoring and testing industrial hemp in the state, the commissioner shall assess each applicant a fee of five dollars per acre. The minimum fee assessed must be one hundred fifty dollars per applicant. Collections from this fee must be deposited in the attorney general's operating fund and are hereby appropriated to the attorney general to be used to enforce sections 1 and 2 of this Act.

SECTION 3. AMENDMENT. Subsection 13 of section 4-09-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

13. "Noxious weed seeds" means the seeds of either of the following classifications:
 - a. "Prohibited noxious weed seeds" means the seeds of perennial weeds which reproduce by seed or spread by underground roots, stems, and other reproductive parts and which, when established, are highly destructive and difficult to control by ordinary good cultural practice including the seeds of leafy spurge (*euphorbia esula* 4- L.), field bindweed (*convolvulus arvensis* 4- L.), Canada thistle (*cirsium arvense* 4- (L.) scop.), perennial sow thistle (*sonchus arvensis* 4- L.), Russian knapweed (*centaurea ~~pieris~~ ~~pall~~ repens* L.), absinth wormwood (*artemisia ~~absinthum~~ absinthium* L.), hemp (*cannabis sativa* L.) having more than three-tenths of one percent tetrahydrocannabinol, musk thistle (*carduus nutans* L.), spotted knapweed (*centaurea ~~maculosalam~~ maculosa* lam.), and hoary cress (*cardaria draba* 4- (L.) desv.), and yellow starthistle (*centaurea solstitialis* L.).
 - b. "Restricted noxious weed seeds" means the seeds of weeds which are highly objectionable in fields, lawns, and gardens, but which can be controlled by good cultural practices or other means, including the seeds of dodder (*cuscuta* species), hedge bindweed (*convolvulus sepium* L.), wild oats (*avena fatua* L.), and quackgrass (*agropyron repens* 4- (L.) beauv.).

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1428.

House Vote: Yeas 86 Nays 7 Absent 5

Senate Vote: Yeas 44 Nays 3 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,
at _____ o'clock _____ M.

Secretary of State