

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1428

Introduced by

Representatives Monson, R. Kelsch, Nichols

Senators Heitkamp, D. Mathern, Thane

1 A BILL for an Act to authorize the production of industrial hemp; and to amend and reenact
2 subsection 13 of section 4-09-01 of the North Dakota Century Code, relating to the definition of
3 noxious weed seeds.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

10 **SECTION 2. Industrial hemp - Licensure - Reporting requirements.**

11 1. Any person desiring to grow industrial hemp for commercial purposes shall apply
12 to the commissioner of agriculture for a license on a form prescribed by the
13 commissioner. The application for a license must include the name and address of
14 the applicant and the legal description of the land area to be used for the
15 production of industrial hemp. Except for employees of the agricultural experiment
16 station or the North Dakota state university extension service involved in research
17 and extension related activities, the commissioner shall require each applicant for
18 initial licensure to file a set of the applicant's fingerprints, taken by a law
19 enforcement officer, and any other information necessary to complete a statewide
20 and nationwide criminal history check with the bureau of criminal investigation for
21 state processing and with the federal bureau of investigation for federal
22 processing. All costs associated with the background check are the responsibility
23 of the applicant. Criminal history records provided to the commissioner under this
24 section are confidential. The commissioner may use the records only in

1 determining an applicant's eligibility for licensure. Any person with a prior criminal
2 conviction is not eligible for licensure. If the applicant has completed the
3 application process to the satisfaction of the commissioner, the commissioner shall
4 issue the license, which is valid for a period of one year. Any person licensed
5 under this section is presumed to be growing industrial hemp for commercial
6 purposes.

7 2. Each licensee must file with the commissioner documentation indicating that the
8 seeds planted were of a type and variety certified to have no more than
9 three-tenths of one percent tetrahydrocannabinol and a copy of any contract to
10 grow industrial hemp. Each licensee shall notify the commissioner of the sale or
11 distribution of any industrial hemp grown by the licensee, and the names of the
12 persons to whom the hemp was sold or distributed.

13 3. The commissioner shall adopt rules to allow the industrial hemp to be tested during
14 growth for tetrahydrocannabinol levels and to allow for supervision of the industrial
15 hemp during its growth and harvest. The commissioner shall establish a fee that
16 must be paid by each licensee to provide sufficient funds to pay costs associated
17 with monitoring and testing industrial hemp in the state. Collections from this fee
18 must be deposited in the attorney general's operating fund.

19 **SECTION 3. AMENDMENT.** Subsection 13 of section 4-09-01 of the 1997

20 Supplement to the North Dakota Century Code is amended and reenacted as follows:

21 13. "Noxious weed seeds" means the seeds of either of the following classifications:
22 a. "Prohibited noxious weed seeds" means the seeds of perennial weeds which
23 reproduce by seed or spread by underground roots, stems, and other
24 reproductive parts and which, when established, are highly destructive and
25 difficult to control by ordinary good cultural practice including the seeds of
26 leafy spurge (*euphorbia esula* 4- l.), field bindweed (*convolvulus arvensis* 4-
27 l.), Canada thistle (*cirsium arvense* 4- (l.) scop.), perennial sow thistle
28 (*sonchus arvensis* 4- l.), Russian knapweed (*centaurea ~~pietris-pall~~ repens* l.),
29 absinth wormwood (*artemisia ~~absinthim~~ absinthium* l.), hemp (*cannabis sativa*
30 l.) having more than three-tenths of one percent tetrahydrocannabinol, musk
31 thistle (*carduus nutans* l.), spotted knapweed (*centaurea ~~maculosalam~~*

- 1 maculosa lam.), ~~and~~ hoary cress (*cardaria draba* ~~+~~ (l.) desv.), and yellow
2 starthistle (*centaurea solstitialis* l.).
- 3 b. "Restricted noxious weed seeds" means the seeds of weeds which are highly
4 objectionable in fields, lawns, and gardens, but which can be controlled by
5 good cultural practices or other means, including the seeds of dodder
6 (*cuscuta* species), hedge bindweed (*convolvulus sepium* l.), wild oats (*avena*
7 *fatua* l.), and quackgrass (*agropyron repens* ~~+~~ (l.) beauv.).