

**FIRST ENGROSSMENT
with Conference Committee Amendments**

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; 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; and to provide a continuing appropriation.

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 - Continuing**
11 **appropriation.**

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

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

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

14 3. The commissioner shall adopt rules to allow the industrial hemp to be tested during
15 growth for tetrahydrocannabinol levels and to allow for supervision of the industrial
16 hemp during its growth and harvest. To provide sufficient funds to pay costs
17 associated with monitoring and testing industrial hemp in the state, the
18 commissioner shall assess each applicant a fee of five dollars per acre. The
19 minimum fee assessed must be one hundred fifty dollars per applicant.
20 Collections from this fee must be deposited in the attorney general's operating fund
21 and are hereby appropriated to the attorney general to be used to enforce
22 sections 1 and 2 of this Act.

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

25 13. "Noxious weed seeds" means the seeds of either of the following classifications:
26 a. "Prohibited noxious weed seeds" means the seeds of perennial weeds which
27 reproduce by seed or spread by underground roots, stems, and other
28 reproductive parts and which, when established, are highly destructive and
29 difficult to control by ordinary good cultural practice including the seeds of
30 leafy spurge (*euphorbia esula* 4- l.), field bindweed (*convolvulus arvensis* 4-
31 l.), Canada thistle (*cirsium arvense* 4- (l.) scop.), perennial sow thistle

1 (sonchus arvensis ~~4-~~ L.), Russian knapweed (~~centaurea pteris-pall~~ repens L.),
2 absinth wormwood (~~artemisia absinthim~~ absinthium L.), hemp (~~cannabis~~
3 sativa L.) having more than three-tenths of one percent tetrahydrocannabinol,
4 musk thistle (~~carduus nutans L.~~), spotted knapweed (~~centaurea maculosalam~~
5 maculosa lam.), ~~and~~ hoary cress (~~cardaria draba 4-~~ (L.) desv.), and yellow
6 starthistle (centaurea solstitialis L.).

7 b. "Restricted noxious weed seeds" means the seeds of weeds which are highly
8 objectionable in fields, lawns, and gardens, but which can be controlled by
9 good cultural practices or other means, including the seeds of dodder
10 (~~cuscuta species~~), hedge bindweed (~~convolvulus sepium L.~~), wild oats (~~avena~~
11 fatua L.), and quackgrass (~~agropyron repens 4-~~ (L.) beauv.).