ARTICLE 7-20
HEMP PRODUCTS

Chapter
7-20-01 General Provisions

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GENERAL PROVISIONS

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7-20-01-01. Definitions.

All terms have the same meaning as in North Dakota Century Code title 4.1 unless otherwise specified:

1. "Attractive to children" means manufactured in the shape of humans, cartoons, or animals; manufactured in a form that bears any reasonable resemblance to an existing product that is familiar to the public as a widely distributed or branded food product such that a product could be mistaken for the branded product, especially by children.

2. "Cannabinoid hemp" means any allowable hemp product that is:

   a. Produced from hemp flower that does not have generally recognized as safe (GRAS) status as defined by 21 CFR 170.30(c) and 170.3(f);

   b. Has a level of total tetrahydrocannabinol that does not exceed 5 milligrams per serving; and

   c. Has a total CBD: total tetrahydrocannabinol ratio greater than 15:1, if CBD is not the primary advertised cannabinoid, the sum of cannabinoids excluding tetrahydrocannabinol must have a ratio of 15:1 tetrahydrocannabinol or higher.

3. "Child-resistant" means packaging that is:

   a. Designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly as defined by 16 CFR 1700.15 (1995) and 16 CFR 1700.20 (1995);

   b. Resealable to maintain its child-resistant effectiveness for multiple openings for any product intended for more than a single use or containing multiple servings.

4. "COA" means certificate of analysis.

5. "Container" means a sealed, hard- or soft-bodied receptacle in which usable cannabinoid hemp is placed.

6. "Quick response code" or "QR code" means a two-dimensional bar code that encodes alphanumeric information such as a website address.

History: Effective July 1, 2024.
General Authority: NDCC 4.1-18.1-01
Law Implemented: NDCC 4.1-18.1-01, 4.1-18.1-07.1

7-20-01-02. Labeling.

Label information as required in North Dakota Century Code chapter 4.1-18.1 must be placed as follows:

1. Product labels must contain:

   a. A list of all ingredients;

   b. Any major allergens contained in the an edible cannabinoid hemp product in accordance with 21 U.S.C. 321(qq) (April 23, 2021), including milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans.

   c. A recommended serving suggestion that is easily identifiable and reasonable for the product size.

   d. A statement of net contents identifying the net weight or volume, expressed as follows:

      (1) If a solid, in both ounces and grams or milligrams; or

      (2) If a liquid or colloid, in both fluid ounces and milliliters.

   e. For any edible cannabinoid hemp product, except tinctures, oils, raw hemp, and capsules:

      (1) The amount of advertised cannabinoids and the maximum total tetrahydrocannabinol expressed milligrams that may be in each serving and the number of servings per container; and

      (2) A nutritional fact panel in accordance with 21 CFR part 101.9 (August 29, 2016).

   f. For tinctures, oils, and capsules, the size of one or more dosages, expressed in milliliters, number of drops, or number of capsules, along with the amount of advertised cannabinoids and the maximum total tetrahydrocannabinol, in milligrams, that may be in each dosage identified.

   g. For topical cannabinoid hemp products, the amount of advertised cannabinoids and the maximum total tetrahydrocannabinol expressed in milligrams that may be contained in the product.

   h. For hemp flower products, the concentration of advertised cannabinoids and total tetrahydrocannabinol expressed as a concentration on a dry weight basis.

   i. The expiration date.

   j. Consumer warnings that state:

      (1) "This product is not approved by the Food and Drug Administration to treat, cure, or prevent any disease."

      (2) "Keep out of reach of children."

      (3) "Consult your doctor before use."

      (4) For a product containing any detectable level of tetrahydrocannabinol: "This product may contain THC and users of this product may test positive for cannabinoids in a drug test. May cause drowsiness. Do not drive or operate heavy machinery after use."

(5) "This product is not for minors."

2. Product labels may not make any health claims.

History: Effective July 1, 2024.
General Authority: NDCC 4.1-18.1-01.1
Law Implemented: NDCC 4.1-18.1-01.1, 4.1-18.1-04.4, 4.1-18.1-07.1

7-20-01-03. Packaging - General requirements.

All usable cannabinoid hemp products intended for distribution in containers that are:

1. Plain;
2. Unique to the hemp product so as not to be easily mistaken for popular nonintoxicating products;
3. Tamper-evident;
4. Child-resistant;
5. Suitable to contain products for human consumption;
6. Not attractive to children; and
7. Compliant with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. 1471 et seq., without regard to provided exemptions.

History: Effective July 1, 2024.
General Authority: NDCC 4.1-18.1-01.1
Law Implemented: NDCC 4.1-18.1-01.1, 4.1-18.1-07.1

7-20-01-04. Distribution and retail sale of cannabinoid hemp.

Cannabinoid hemp products may be distributed and sold in the state if the product meets the requirements of this chapter and section.

1. The COA must be physically available in the retail location or available by a QR code on the product label.
2. The hemp extract must be the product of a batch tested by an independent testing laboratory, which does not contain contaminants unsafe for human consumption.
3. Retail locations and retailers may not:
    a. Market, entice, or encourage minors to purchase or use any hemp products;
    b. Make health claims when advertising for any hemp products; or
    c. Advertise with false, misleading, or deceptive statements about the hemp products.

History: Effective July 1, 2024.
General Authority: NDCC 4.1-18.1-01.1
Law Implemented: NDCC 4.1-18.1-01.1, 4.1-18.1-04.4, 4.1-18.1-07.1