

**SENATE BILL NO. 2099**

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to amend and reenact subsections 1 and 3 of section 4-41-02 of the North  
2 Dakota Century Code, relating to industrial hemp; to provide a continuing appropriation; and to  
3 declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subsections 1 and 3 of section 4-41-02 of the North  
6 Dakota Century Code are amended and reenacted as follows:

7 1. Any person desiring to grow or process industrial hemp for commercial purposes  
8 shall apply to the agriculture commissioner for a license on a form prescribed by  
9 the commissioner. The application for a license must include the name and  
10 address of the applicant and the legal description of the land area to be used to  
11 produce or process industrial hemp. Except for employees of the agricultural  
12 experiment station or the North Dakota state university extension service involved  
13 in research and extension related activities, the commissioner shall require each  
14 applicant for initial licensure to submit to a statewide and nationwide criminal  
15 history check. The nationwide criminal history check must be conducted in the  
16 manner provided in section 12-60-24. All costs associated with the background  
17 check are the responsibility of the applicant. Criminal history records provided to  
18 the commissioner under this section are confidential. The commissioner may use  
19 the records only in determining an applicant's eligibility for licensure. Any person  
20 with a prior criminal conviction is not eligible for licensure. If the applicant has  
21 completed the application process to the satisfaction of the commissioner, the  
22 commissioner shall issue the license, which is valid for a period of one year. Any  
23 person licensed under this section is presumed to be growing or processing  
24 industrial hemp for commercial purposes.

1           3.    The commissioner shall adopt rules to allow the industrial hemp to be tested during  
2                    growth for tetrahydrocannabinol levels and to allow for supervision of the industrial  
3                    hemp during its ~~growth and harvest~~ growing, harvesting, and processing. To  
4                    provide sufficient funds to pay costs associated with monitoring and testing  
5                    industrial hemp in the state, the commissioner shall assess each applicant a fee of  
6                    five dollars per acre. The minimum fee assessed must be one hundred fifty dollars  
7                    per applicant. Collections from this fee must be deposited in the ~~attorney general's~~  
8                    commissioner's operating fund and are ~~hereby~~ appropriated to the ~~attorney~~  
9                    ~~general~~ commissioner to be used to enforce this chapter.

10           **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.