

**TITLE XX
INDUSTRIAL HEMP**

Article

XX-01 General Administration

XX-02 Industrial Hemp Production

Article XX-01

GENERAL ADMINISTRATION

Section

XX-01-01-01. Industrial hemp (cannabis sativa) production.

XX-01-01-01. Industrial hemp production.

1. History. The legislative assembly defined industrial hemp as an oilseed and legalized the production in the state of North Dakota under sections 1 and 2 of chapter 4.
2. Authority. License, monitor and test industrial hemp.
 - a. Agriculture commissioner will license applicants to import, produce, and process industrial hemp and will collect and deposit license fees into the attorney general's operating fund.
 - b. Attorney general will monitor and test and otherwise enforce this chapter.

History:

General Authority: NDCC 4-41-01

Law Implemented: NDCC 4-41-01

**ARTICLE XX-02
INDUSTRIAL HEMP PRODUCTION**

Chapter

XX-02-01	Definitions
XX-02-02	Licensing
XX-02-03	Enforcement
XX-02-04	Non compliance

XX-02-01. Definitions.

1. "Certify" means to declare the number of acres of industrial hemp planted either to the local USDA farm service agency or by a signed notarized form developed by the commissioner.
2. "Commissioner" means the agriculture commissioner.
3. "Criminal conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of nolo contendere, a judgment of conviction even though the court may have suspended execution of a sentence in accordance of subsection 3 of N.D.C.C. § 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of N.D.C.C. § 12.1-32-02 or an equivalent statute.
4. "Industrial hemp" means the plant cannabis sativa with no more than three-tenths of one percent tetrahydrocannabinol (THC)

XX-02-02. Licensing.

1. Any individual or entity desiring to obtain a state license to grow industrial hemp for commercial purposes shall submit to the commissioner the following:
 - a. A completed license application submitted on such forms as supplied by the commissioner or otherwise approved by the commissioner and the proper fee of five dollars per acre with a minimum of one hundred fifty dollars by January 1 of the first year of production.
 - b. Applicant must submit a written consent granting a state and national criminal history check, two sets of fingerprints from a law enforcement agency or other local agency authorized to take fingerprints and a statement indicating whether

the applicant has ever been convicted of a crime along with the proper fee to conduct the criminal history background check.

- c. Applicants who are acting entities must list all individuals who will be involved in any manner in importing, producing or processing of industrial hemp. The applicant must provide for each individual, a written consent to conduct a state and national criminal history check signed by each individual, two sets of fingerprints from a law enforcement agency or other local agency authorized to take fingerprints and a statement indicating whether the individual has ever been convicted of a crime along with the proper fee to conduct the criminal history background check for each listed individual. No person who is not licensed as an individual or listed on the license application for a licensed entity may be involved in any manner in the importing, production or processing of industrial hemp.
 - d. Applicant must provide to the commissioner field locations using geopositioning capability instrumentation along with an official aerial USDA farm service agency map.
2. A license issued by the commissioner shall not be effective until the licensee receives a permit from the United States Drug Enforcement Administration to import, produce or process industrial hemp.

XX-02-03. License renewal.

1. All licenses expire after a period of one year. Licensees wishing to renew their license must submit to the commissioner a completed license renewal application on such forms as are supplied by the commissioner or otherwise approved by the commissioner by January 1 of each year following the initial year of production.

XX-02-04. Reporting requirements.

1. Licensee shall certify the final acreages of industrial hemp planted to the commissioner by July 1 of each year along with information indicating the type, and variety of seed.
2. Licensee shall file with the commissioner documentation indicating that the seed planted was of a type and variety certified to have no more than three-tenths of one percent tetrahydrocannabinol. The documentation must include lab test results from the North Dakota state university research center or a United States Drug Enforcement Administration certified laboratory certifying that the seed was no more than three-tenths of one percent tetrahydrocannabinol.

3. Licensee shall report to the commissioner the name, address and phone number of the persons from whom all seed used in the production of industrial hemp was purchased.
4. Licensee shall submit to the commissioner a report on such forms as are supplied by the commissioner or otherwise approved by the commissioner outlining each sale or distribution and quantities of all industrial hemp seed and fiber material. The report must contain the name, address and phone number of the persons to whom the industrial hemp was sold or distributed. The report shall be submitted to the commissioner within 30 days of each sale or distribution.

History:**General Authority:** NDCC 4-41-01**Law Implemented:** NDCC 4-41-01**XX-02-05. North Dakota state university research center and agricultural experiment station reporting requirements.**

1. The North Dakota state university research center and the agricultural experiment stations must report all research plot locations using geopositioning instrumentation to the commissioner by July 1 of each year.
2. The North Dakota state university research center and the agricultural experiment stations must report all storage facilities containing industrial hemp seed using geopositioning instrumentation to the commissioner by December 1 of each year.

XX-02-03. Enforcement

1. Licensees shall allow enforcement officials to enter industrial hemp fields at any time to monitor and test the hemp crop. Industrial hemp fields must be readily accessible for monitoring and testing purposes and must have open access at a minimum of one side of the field.

History:**General Authority:** NDCC 4-41-01**Law Implemented:** NDCC 4-41-01**XX-02-04. Non compliance.**

Licensees who do not comply with all the requirements of this chapter and N.D.C.C. 4-41 will forfeit their right to grow industrial hemp for a period of up to five years.

History:

General Authority: NDCC 4-41-01

Law Implemented: NDCC 4-41-01