

**CHAPTER 7-14-02  
INDUSTRIAL HEMP PRODUCTION**

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**7-14-02-01. Definitions.** For purposes of this chapter:

1. "Approved cultivar" means any variety of industrial hemp designated by the commissioner in a published list and may be amended from time to time.
2. "CBL" means cannabinoid, a nonpsychotropic compound.
3. "Certify" means to declare the number of acres of industrial hemp planted either to the local United States department of agriculture farm service agency or by a signed notarized form developed by the commissioner.
4. "Competent laboratory" means a laboratory that is determined by the commissioner as a qualified laboratory with qualified staff to appropriately test for THC and CBL levels.
5. "Criminal conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of nolo contendere, or a judgment of conviction even though the court may have suspended execution of a sentence in accordance with subsection 3 of North Dakota Century Code section 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of North Dakota Century Code section 12.1-32-02, or an equivalent statute.
6. "Industrial hemp" means the plant *Cannabis sativa* L. with no more than three-tenths of one percent THC in a mature seed or in a growing plant with a THC level above three-tenths of one percent if the CBL to THC ratio is not less than two to one.
7. "Seed" means any part of an industrial hemp plant that is represented, sold, or used to grow a plant.

8. "THC" means tetrahydrocannabinol ((6aR, 10aR)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyran-1-ol), a psychotropic compound.

**History:** Effective January 1, 2007.

**General Authority:** NDCC 4-41-01

**Law Implemented:** NDCC 4-41-01

#### **7-14-02-02. Licensing.**

1. Any individual or entity desiring to obtain a state license to grow industrial hemp for commercial purposes shall comply with the following:
  - a. A completed license application must be submitted to the agriculture commissioner on such forms as supplied by the commissioner or otherwise approved by the commissioner and the proper fee prescribed by the statute by January first of each production year.
  - b. A minimum of ten acres must be planted for each license granted except for North Dakota state university for research purposes.
  - c. The applicant must list all individuals who will be involved in any manner in handling or producing industrial hemp.
  - d. The applicant, including each individual involved in the handling or production of industrial hemp, must submit 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 or individual has ever been convicted of a crime. The applicant must pay all costs associated with conducting each criminal history background check.
  - e. The applicant must provide to the commissioner field locations using geopositioning capability instrumentation along with an official aerial United States department of agriculture farm service agency map or any other method approved by the commissioner.
2. Licenses expire on December thirty-first of each year.

**History:** Effective January 1, 2007.

**General Authority:** NDCC 4-41-01

**Law Implemented:** NDCC 4-41-01

#### **7-14-02-03. License renewal.**

1. Licensees wishing to renew their licenses must submit to the commissioner a completed license renewal application on such forms as prescribed by the commissioner by January first of each year following the initial year of production.
2. For all crop not marketed during the licensed year, the licensee must apply for and receive a new license the following year.
3. A licensee shall submit the fee prescribed by statute with the renewal application for a license.

**History:** Effective January 1, 2007.

**General Authority:** NDCC 4-41-01

**Law Implemented:** NDCC 4-41-01

#### **7-14-02-04. Producing and handling requirements.**

1.
  - a. The licensee shall ensure that all equipment that is used to sow or harvest the hemp is thoroughly cleaned after each use in order to avoid the inadvertent dissemination of industrial hemp.
  - b. All industrial hemp seed must be covered during transport to avoid the inadvertent dissemination of industrial hemp.
  - c. All volunteer industrial hemp plants not located in a field licensed to produce must be destroyed before reaching the seed-producing stage.
  - d. All nonexempt plant material must be exported or sold to a United States drug enforcement administration registered processor.
2. All licenses granted by the commissioner must be submitted to the United States drug enforcement administration each year for approval.
3. A license issued by the commissioner shall not be effective until the licensee receives a registration from the United States drug enforcement administration to import, produce, or process industrial hemp.

**History:** Effective January 1, 2007.

**General Authority:** NDCC 4-41-01

**Law Implemented:** NDCC 4-41-01

#### **7-14-02-05. Reporting requirements.**

1. The following information must be supplied to the commissioner by July first of each year.

- a. The licensee shall certify to the commissioner the final planted acreages of industrial hemp on a form prescribed by the commissioner.
  - b. The 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 laboratory test results from a competent laboratory certifying that the seed has no more than three-tenths of one percent tetrahydrocannabinol.
  - c. The licensee shall report to the commissioner the name, address, and telephone number of any person from whom all seed used in the production of industrial hemp was purchased.
2. The licensee must report to the commissioner the name, address, and telephone number of any purchaser of industrial hemp seed and nonexempt plant parts at the time of the sale.
  3. The holder of a license shall notify the commissioner of the following changes within fifteen days after a change:
    - a. To the name, address, or telephone number of the licensee; or
    - b. In the ownership of the land used to cultivate industrial hemp.
  4. The licensee must notify the commissioner a minimum of two weeks prior to the intended harvest date to allow the commissioner to take and test samples. The licensee must notify the commissioner of the intended location of all storage facilities using geopositioning capability instrumentation.

**History:** Effective January 1, 2007.

**General Authority:** NDCC 4-41-01

**Law Implemented:** NDCC 4-41-01

**7-14-02-06. North Dakota state university research center and agricultural experiment station requirements.**

1. The North Dakota state university research center and the agricultural experiment stations must comply with all licensing requirements except for the criminal history background check.
2. The North Dakota state university research center and the agricultural experiment stations must report all storage facilities containing

industrial hemp seed using geopositioning capability instrumentation to the commissioner by December thirty-first of each year.

**History:** Effective January 1, 2007.

**General Authority:** NDCC 4-41-01

**Law Implemented:** NDCC 4-41-01

**7-14-02-07. Enforcement.**

1. The 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.
2. The licensee must receive approval to harvest from the commissioner prior to harvest.

**History:** Effective January 1, 2007.

**General Authority:** NDCC 4-41-01

**Law Implemented:** NDCC 4-41-01

**7-14-02-08. Noncompliance.**

1. A licensee who does not comply with all the requirements of this chapter and North Dakota Century Code chapter 4-41 will forfeit the right to grow industrial hemp for a period of up to five years.
2. The commissioner has the discretion to destroy all crop, grain, oil, or fiber that was produced in a manner inconsistent with the requirements of this chapter.

**History:** Effective January 1, 2007.

**General Authority:** NDCC 4-41-01

**Law Implemented:** NDCC 4-41-01

**7-14-02-09. Prohibitions.**

1. A person may not advertise in any fashion that would indicate that industrial hemp, its derivatives, or any product made from those derivatives is psychoactive.
2. A person may not possess, transport, distribute, grow, or deal in any plant parts of industrial hemp without first having obtained a license according to section 7-14-02-02.

3. A person may not plant bin-run or noncertified seed.

**History:** Effective January 1, 2007.

**General Authority:** NDCC 4-41-01

**Law Implemented:** NDCC 4-41-01