

**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 4-41 North Dakota Century Code.
2. Agriculture commissioner will license applicants to import and produce industrial hemp and will collect all license fees.

***History:***

General Authority: NDCC 4-41-01

Law Implemented: NDCC 4-41-01

## ARTICLE XX-02

### INDUSTRIAL HEMP PRODUCTION

#### Chapter

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#### **XX-02-01. Definitions.**

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 non-psychoactive compound.
3. “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.
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, 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.
6. “Industrial hemp” means the plant *Cannabis sativa L* with no more than three-tenths of one percent tetrahydrocannabinol (THC) in a mature seed or in a growing plant with a THC level above 0.3 percent if the CBL:THC ratio is not less than 2:1.
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.

**XX-02-02. Application for a License.**

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 prescribed by the statute by January 1 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. Applicant must list all individuals who will be involved in any manner in handling or producing industrial hemp.
  - d. 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. Applicant must pay all costs associated with conducting each criminal history background check.
  - e. Applicant must provide to the commissioner field locations using geopositioning capability instrumentation along with an official aerial USDA farm service agency map or any other method approved by the commissioner.
2. Licenses expire on December 31 of each year.

**XX-02-02.1. License renewal.**

1. Licensees wishing to renew their license must submit to the commissioner a completed license renewal application on such forms as prescribed by the commissioner by January 1 of each year following the initial year of production.
2. All crop not marketed during the licensed year, the licensee must apply for and receive a new license the following year.

3. Licensee must submit the fee prescribed by statute with the renewal application for a license.

**XX-02-03                      Producing and handling requirements.**

1.
  - a. 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 DEA 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.

**XX-02-04.                      Reporting requirements.**

1. The following information must be supplied to the commissioner by July 1 of each year.
  - a. Licensee shall certify to the commissioner the final planted acreages of industrial hemp on a form prescribed by the commissioner.
  - b. 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 a competent laboratory certifying that the seed has no more than three-tenths of one percent tetrahydrocannabinol.
  - c. 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.

2. Licensee must report to the commissioner the name, address and phone number of any purchaser of industrial hemp seed and non-exempt plant parts at the time of the sale.
3. The holder of a license shall notify the commissioner of the following changes, within 15 days after:
  - a) a change to the name, address or phone number of the license holder; or
  - b) a change in the ownership of the land used to cultivate industrial hemp.
4. 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. Licensee must notify the commissioner of the intended location of all storage facilities using geopositioning instrumentation.

***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 requirements.**

1. The North Dakota state university research center and the agricultural experiment stations must comply with all licensing requirements except for the criminal background check.
4. 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 31 of each year.

**XX-02-06. 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.
2. Licensee must receive approval to harvest from the commissioner prior to harvest.

***History:***

General Authority: NDCC 4-41-01

Law Implemented: NDCC 4-41-01

**XX-02-07. Non compliance.**

1. 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.
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:***

General Authority: NDCC 4-41-01

Law Implemented: NDCC 4-41-01

**XX-02-08. Prohibition**

1. No person shall advertise in any fashion that would indicate that industrial hemp, its derivatives, or any product made from those derivative is psychoactive;
2. No person may possess, transport, distribute, grow or deal in any plant parts of industrial hemp without first having obtained a license according to section XX-02-02;
3. No person shall plant “bin-run” or non-certified seed;

***History:***

General Authority: NDCC 4-41-01

Law Implemented: NDCC 4-41-01