

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1045

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to create and enact two new sections to chapter 4.1-18.1 of the North Dakota
2 Century Code, relating to the commissioner's authority to charge fees for industrial hemp testing
3 and to set the tetrahydrocannabinol concentration level; to amend and reenact section
4 4.1-18.1-01 and subsection 1 of section 4.1-18.1-05 of the North Dakota Century Code, relating
5 to industrial hemp; and to declare an emergency.

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

7 **SECTION 1. AMENDMENT.** Section 4.1-18.1-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **4.1-18.1-01. Hemp (cannabis sativa L.).**

10 "Hemp" means the plant cannabis sativa L. and any part of the plant, including the seeds
11 and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether
12 growing or not, with a ~~delta-9~~ total tetrahydrocannabinol concentration of ~~not more than~~
13 ~~three-tenths of one percent on a dry weight basis,~~ as defined under title 7, Code of Federal
14 Regulations, part 990, in an amount determined by the commissioner.

15 **SECTION 2.** A new section to chapter 4.1-18.1 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Commissioner - Authority - Tetrahydrocannabinol concentration.**

18 The commissioner shall determine the total tetrahydrocannabinol concentration under this
19 chapter up to an amount in compliance with the federal Agriculture Improvement Act of 2018
20 [Pub. L. 115-334; 132 Stat. 4490] and federal domestic hemp production program regulations
21 under title 7, Code of Federal Regulations, part 990.

22 **SECTION 3.** A new section to chapter 4.1-18.1 of the North Dakota Century Code is created
23 and enacted as follows:

1 **Hemp testing - Fee - Exemption.**

2 1. The commissioner may charge a fee of up to one hundred twenty-five dollars to
3 inspect, sample, and test hemp under this chapter.

4 2. The commissioner shall deposit fees collected under this section in the
5 commissioner's operating fund.

6 3. The provisions of chapter 54-44.4 do not apply to hemp testing under this section.

7 **SECTION 4. AMENDMENT.** Subsection 1 of section 4.1-18.1-05 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 1. A producer found in violation of this chapter for negligently failing to provide the legal
10 description of the land where the producer is growing hemp, failing to obtain a license,
11 or by producing hemp with a ~~delta-9~~ total tetrahydrocannabinol concentration of ~~more-~~
12 ~~than three-tenths of one percent on a dry weight basis~~ greater than the amount
13 determined by the commissioner is subject to:

- 14 a. Meeting a deadline set by the commissioner to come into compliance with this
15 chapter; and
- 16 b. Additional reporting requirements set by the commissioner for a period of no less
17 than two years.

18 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.