

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2731. Definitions.

(a) Hemp. “Hemp” means the plant of the genus cannabis and any part of the plant, whether growing or not, with a delta9-tetrahydrocannabinol concentration that does not exceed three tenths percent (0.3%) on a dry weight basis for any part of the plant cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of moisture content.

(b) Secretary. “Secretary” means the Secretary of the Department of Lands and Natural resources.

(c) Department. “Department” means the Department of Lands and Natural resources.

Source: PL 21-25, § 3 (May 18, 2020); amended by PL 21-43 § 4 (Feb. 5, 2021).

Commission Comment: PL 21-25, § 3 added a new Subpart B. The Commission redesignated “Subpart” to “Sub-article” for the purpose of uniformity pursuant to 1 CMC § 3806(a), (g). In addition to severability and savings clause sections, PL 21-25 included the following Short Title and Findings and Purpose sections:

Section 1. Short Title. This Act shall be cited as the “CNMI Hemp Farming Industry Act of 2019”.

Section 2. Findings and Purpose. The Legislature finds that hemp, similar to Marijuana, is a strain of the *Cannabis Sativa* plant species that is grown specifically for industrial purposes. Furthermore, hemp can be diligently refined into variations of commercial products such as paper, clothing, textiles, biodegradable plastics, biofuel, oil, food, and so forth. Despite the similar classifications between hemp and marijuana, both respective strains contain different chemical make-up levels of the psychoactive component tetrahydrocannabinol (THC) in which hemp has a THC level of less than .3% and marijuana ranges between 5% and 35%. Given the various differences between both strains, the Legislature deems it appropriate that hemp must not be classified in the same category as marijuana and should be managed accordingly.

The Agriculture Improvement Act of 2018, was signed into law on December 20, 2018 (U.S. Public Law 115-334). The new law removes hemp as a Schedule 1 controlled substance and provides for regulation of the hemp industry at the state level. The federal law requires the state department responsible for agriculture to develop a regulatory structure following the federal requirements and submit their regulatory plan to the U.S. Department of Agriculture for approval. In the absence of an approved regulatory plan, the federal government would regulate the hemp industry at the federal level, preempting the Commonwealth’s ability to regulate the industry.

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DIVISION 2: EXECUTIVE BRANCH

The Bill provides for penalties for a violation of the Department of Agriculture's regulations patterned after the requirements of U.S. Public Law No. 115-334.

Furthermore, the legislation aims to allow hemp producers to be eligible for federal funding by certain federal agencies such as the United States Department of Agriculture (USDA). The Legislature finds that under the exceptional management and oversight of the Department of Lands and Natural Resources (DLNR), hemp will provide an exceptional opportunity that will allow for our islands to stimulate our economy. However, in order to grant DLNR complete oversight over hemp in CNMI, certain provisions of the Taulamwaar Sensible CNMI Cannabis Act of 2018, codified at 4 CMC § 53001, *et seq.* must be amended to exclude hemp from the regulation of the Cannabis Commission. These amendments are necessary to clarify the intent of this legislation and to avoid any confusion regarding the oversight of the cannabis and hemp industries in the CNMI.

The purpose of this Act is to allow for the Department of Lands and Natural Resources, Division of Agriculture to establish regulations for the hemp industry in the Commonwealth of the Northern Mariana Islands consistent with the federal requirements.

In codifying PL 21-43, the Commission renumbered this section pursuant to 1 CMC § 3806(a).