

Introduced by

Representatives Vetter, Beadle, Becker, M. Johnson, Jones, Kading, McWilliams, Meier,  
O'Brien, Skroch

Senator Oban

1 A BILL for an Act to amend and reenact subsections 2, 38, and 40 of section 19-24.1-01, ~~and~~  
2 subsection 2 of section 19-24.1-03, subdivision a of subsection 5 of section 19-24.1-05,  
3 subsection 7 of section 19-24.1-10, section 19-24.1-11, subsection 4 of section 19-24.1-21, and  
4 subsection 10 of section 19-24.1-32 of the North Dakota Century Code, relating to access to  
5 medical marijuana; and to declare an emergency.

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

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 19-24.1-01 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9 2. "Allowable amount of usable marijuana" means the amount of usable marijuana a  
10 registered qualifying patient or registered designated caregiver may purchase in a  
11 thirty-day period under this chapter.

12 a. Except as provided under subdivision b:

13 (1) During a thirty-day period, a registered qualifying patient may not purchase  
14 or have purchased by a registered designated caregiver more than two and  
15 one-half ounces [70.87 grams] of dried leaves or flowers of the plant of  
16 genus cannabis in a combustible delivery form.

17 (2) At any time a registered qualifying patient, or a registered designated  
18 caregiver on behalf of a registered qualifying patient, may not possess more  
19 than three ounces [85.05 grams] of dried leaves or flowers of the plant of  
20 the genus cannabis in a combustible delivery form.

21 b. Notwithstanding subdivision a, if a registered qualifying patient has a registry  
22 identification card authorizing an enhanced allowable amount:

- 1           (1) During a thirty-day period a registered qualifying patient may not purchase  
2           or have purchased by a registered designated caregiver more than six  
3           ounces [170.01 grams] of dried leaves or flowers of the plant of genus  
4           cannabis in a combustible delivery form.
- 5           (2) At any time a registered qualifying patient, or a registered designated  
6           caregiver on behalf of a registered qualifying patient, may not possess more  
7           than seven and one-half ounces [212.62 grams] of dried leaves or flowers of  
8           the plant of the genus cannabis in a combustible delivery form.
- 9           c. A registered qualifying patient may not purchase or have purchased by a  
10           registered designated caregiver more than the maximum concentration or  
11           amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum  
12           concentration or amount of tetrahydrocannabinol permitted in a thirty-day period  
13           for a cannabinoid concentrate or medical cannabinoid product, or the cumulative  
14           total of both, is ~~two~~four thousand milligrams.

15           **SECTION 2. AMENDMENT.** Subsection 38 of section 19-24.1-01 of the North Dakota  
16           Century Code is amended and reenacted as follows:

17           38. "Usable marijuana" means a medical marijuana product or the dried leaves or flowers  
18           of the plant of the genus cannabis in a combustible delivery form. However, the term  
19           does not include ~~the dried leaves or flowers unless authorized through a written~~  
20           ~~certification and does not include~~ a cannabinoid edible product. In the case of a  
21           registered qualifying patient who is a minor, "usable marijuana" is limited to pediatric  
22           medical marijuana.

23           **SECTION 3. AMENDMENT.** Subsection 40 of section 19-24.1-01 of the North Dakota  
24           Century Code is amended and reenacted as follows:

25           40. "Written certification" means a form established by the department which is executed,  
26           dated, and signed by a health care provider within ninety calendar days of the date of  
27           application, stating that ~~in the health care provider's professional opinion the patient is~~  
28           ~~likely to receive therapeutic or palliative benefit from the medical use of marijuana to~~  
29           ~~treat or alleviate the patient's~~the patient has a debilitating medical condition. A health  
30           care provider may authorize ~~the use~~ an enhanced amount of dried leaves or flowers of  
31           the plant of the genus cannabis in a combustible delivery form to treat or alleviate the

1 patient's debilitating medical condition of cancer. A written certification may not be  
2 made except in the course of a bona fide provider-patient relationship.

3 **SECTION 4. AMENDMENT.** Subsection 2 of section 19-24.1-03 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5 2. A qualifying patient application for a registry identification card is complete and eligible  
6 for review if an applicant submits to the department:

7 a. A nonrefundable annual application fee in the amount of fifty dollars, with a  
8 personal check or cashier's check payable to "North Dakota State Department of  
9 Health, Medical Marijuana Program".

10 b. An original written certification, which must include:

11 (1) The name, address, and telephone number of the practice location of the  
12 applicant's health care provider;

13 (2) The health care provider's North Dakota license number;

14 (3) The health care provider's medical or nursing specialty;

15 (4) The applicant's name and date of birth;

16 (5) The applicant's debilitating medical condition and the medical justification  
17 for the health care provider's certification of the patient's debilitating medical  
18 condition;

19 (6) Attestation the written certification is made in the course of a bona fide  
20 provider-patient relationship ~~and that in the provider's professional opinion~~  
21 ~~the applicant is likely to receive therapeutic or palliative benefit from the~~  
22 ~~medical use of marijuana to treat or alleviate the applicant's debilitating~~  
23 ~~medical condition;~~

24 (7) Whether the health care provider authorizes the patient to use an enhanced  
25 amount of the dried leaves or flowers of the plant of the genus cannabis in a  
26 combustible delivery form to treat or alleviate the patient's debilitating  
27 medical condition of cancer; and

28 (8) The health care provider's signature and the date.

29 c. An original qualifying patient application for a registry identification card form  
30 established by the department which must include all of the following:

31 (1) The applicant's name, address, and date of birth.

- 1 (2) The applicant's social security number.
- 2 (3) The name, address, and date of birth of the applicant's proposed
- 3 designated caregiver, if any.
- 4 (4) A photographic copy of the applicant's North Dakota identification. The
- 5 North Dakota identification must be available for inspection and verification
- 6 upon request of the department. If the applicant is a minor, a certificated
- 7 copy of a birth record is required.
- 8 (5) The applicant's or guardian's signature and the date, or in the case of a
- 9 minor, the signature of the minor's parent or legal guardian with
- 10 responsibility for health care decisions and the date.
- 11 d. A signed consent for release of medical information related to the applicant's
- 12 debilitating medical condition, on a form provided by the department.
- 13 e. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the applicant.
- 14 f. Any other information or material required by rule adopted under this chapter.

15 **SECTION 5. AMENDMENT.** Subdivision a of subsection 5 of section 19-24.1-05 of the  
16 North Dakota Century Code is amended and reenacted as follows:

- 17 a. The department receives documentation the minor's health care provider has
- 18 explained to the parent or legal guardian with responsibility for health care
- 19 decisions for the minor the potential risks ~~and benefits~~ of the use of pediatric
- 20 medical marijuana ~~to treat or alleviate the debilitating medical condition~~; and

21 **SECTION 6. AMENDMENT.** Subsection 7 of section 19-24.1-10 of the North Dakota  
22 Century Code is amended and reenacted as follows:

- 23 7. A registered qualifying patient's certifying health care provider ~~shall~~may notify the
- 24 department in writing if the health care provider's registered qualifying patient no
- 25 longer has a debilitating medical condition ~~or if the~~. The health care provider ~~no longer~~
- 26 ~~believes the patient will receive therapeutic or palliative benefit from the medical use of~~
- 27 ~~marijuana~~may notify the department if a bona fide provider-patient relationship ceases
- 28 to exist. The qualifying patient's registry identification card becomes void immediately
- 29 upon the health care provider's notification of the department and the registered
- 30 qualifying patient shall dispose of any usable marijuana in the cardholder's possession
- 31 within fifteen calendar days, in accordance with rules adopted under this chapter.

1       **SECTION 7. AMENDMENT.** Section 19-24.1-11 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **19-24.1-11. Registry identification cards.**

- 4       1. The contents of a registry identification card must include:
- 5           a. The name of the cardholder;
  - 6           b. A designation as to whether the cardholder is a qualifying patient, designated  
7           caregiver, or compassion center agent;
  - 8           c. A designation as to whether a qualifying patient is a minor;
  - 9           d. A designation as to whether a qualifying patient or a designated caregiver's  
10           qualifying patient is authorized to use ~~the~~an enhanced amount of dried leaves or  
11           flowers of the plant of the genus cannabis to treat or alleviate the patient's  
12           debilitating medical condition of cancer;
  - 13           e. The date of issuance and expiration date;
  - 14           f. A random ten-digit alphanumeric identification number containing at least four  
15           numbers and at least four letters which is unique to the cardholder;
  - 16           g. If the cardholder is a designated caregiver, the random identification number of  
17           the qualifying patient the designated caregiver is authorized to assist;
  - 18           h. A photograph of the cardholder; and
  - 19           i. The phone number or website address at which the card can be verified.
- 20       2. Except as otherwise provided in this section or rule adopted under this chapter, a  
21       registry identification card expiration date must be one year after the date of issuance.
- 22       3. If a health care provider ~~states in the written~~limits certification ~~that the qualifying~~  
23       ~~patient would benefit from the medical use of marijuana~~ until a specified date, less  
24       than one year, the registry identification card expires on that date.

25       **SECTION 8. AMENDMENT.** Subsection 4 of section 19-24.1-21 of the North Dakota  
26 Century Code is amended and reenacted as follows:

- 27       4. A dispensary or agent of the dispensary may not dispense usable marijuana unless  
28       the dispensary first uses the verification system to confirm the registered qualifying  
29       patient or registered designated caregiver identification card is valid. A dispensary or  
30       agent of the dispensary:

1 a. May not dispense usable marijuana to a person other than a registered qualifying  
2 patient or a registered qualifying patient's registered designated caregiver. If a  
3 registered qualifying patient is a minor:

4 (1) The dispensary or agent of the dispensary may not dispense usable  
5 marijuana to a minor; and

6 (2) The usable marijuana dispensed to the minor's designated caregiver must  
7 be in the form of pediatric medical marijuana.

8 b. May not dispense to a registered qualifying patient or registered designated  
9 caregiver more than the allowable amount of usable marijuana and may not  
10 dispense an amount if it is known that amount would cause the recipient to  
11 purchase or possess more usable marijuana than is permitted under this chapter.

12 ~~c. May not dispense to a registered qualifying patient or registered designated~~  
13 ~~caregiver the dried leaves or flowers of the plant of the genus cannabis in a~~  
14 ~~combustible delivery form unless the registry identification card and verification~~  
15 ~~system authorize this form of usable marijuana.~~

16 **SECTION 9. AMENDMENT.** Subsection 10 of section 19-24.1-32 of the North Dakota  
17 Century Code is amended and reenacted as follows:

18 10. A health care provider is not subject to arrest or prosecution or the denial of any right  
19 or privilege, including a civil penalty or disciplinary action by a court or occupational or  
20 professional regulating entity, solely for providing a written certification or for ~~otherwise~~  
21 stating in the health care provider's professional opinion a patient is likely to receive  
22 therapeutic or palliative benefit from the medical use of usable marijuana to treat or  
23 alleviate the patient's debilitating medical condition or for refusing to provide written  
24 certification or a statement. This chapter does not release a health care provider from  
25 the duty to exercise a professional standard of care for evaluating or treating a  
26 patient's medical condition.

27 **SECTION 10. EMERGENCY.** This Act is declared to be an emergency measure.