

HOUSE BILL NO. 1417

Introduced by

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

Senator Oban

1 A BILL for an Act to create and enact a new section to chapter 19-24.1 of the North Dakota
2 Century Code, relating to medical marijuana written certifications; and to amend and reenact
3 subsections 2, 3, 15, 38, and 40 of section 19-24.1-01, subsection 2 of section 19-24.1-03, and
4 subsection 3 of section 19-24.1-11 of the North Dakota Century Code, relating to access to
5 medical marijuana.

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 thousand milligrams.

15 **SECTION 2. AMENDMENT.** Subsection 3 of section 19-24.1-01 of the North Dakota
16 Century Code is amended and reenacted as follows:

- 17 3. "Bona fide provider-patient relationship" means a treatment or counseling relationship
18 between a health care provider and patient in which ~~all the following are present:~~
- 19 a. ~~The~~the health care provider has reviewed the patient's relevant medical records
20 and completed a full assessment of the patient's medical history and current
21 medical condition, including a relevant, in-person, medical evaluation of the
22 patient.
- 23 b. ~~The health care provider has created and maintained records of the patient's~~
24 ~~condition in accordance with medically accepted standards.~~
- 25 c. ~~The patient is under the health care provider's continued care for the debilitating~~
26 ~~medical condition that qualifies the patient for the medical use of marijuana.~~
- 27 d. ~~The health care provider has a reasonable expectation that provider will continue~~
28 ~~to provide followup care to the patient to monitor the medical use of marijuana as~~
29 ~~a treatment of the patient's debilitating medical condition.~~
- 30 e. ~~The relationship is not for the sole purpose of providing written certification for the~~
31 ~~medical use of marijuana.~~

1 **SECTION 3. AMENDMENT.** Subsection 15 of section 19-24.1-01 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 15. "Debilitating medical condition" means one of the following:

- 4 a. Cancer;
- 5 b. Positive status for human immunodeficiency virus;
- 6 c. Acquired immune deficiency syndrome;
- 7 d. Decompensated cirrhosis caused by hepatitis C;
- 8 e. Amyotrophic lateral sclerosis;
- 9 f. Posttraumatic stress disorder;
- 10 g. Agitation of Alzheimer's disease or related dementia;
- 11 h. Crohn's disease;
- 12 i. Fibromyalgia;
- 13 j. Spinal stenosis or chronic back pain, including ~~neuropathy~~ or damage to the
14 nervous tissue of the spinal cord with objective neurological indication of
15 intractable spasticity;
- 16 k. Glaucoma;
- 17 l. Epilepsy;
- 18 m. Endometriosis;
- 19 n. Interstitial cystitis;
- 20 o. Neuropathy;
- 21 p. Opioid use disorder;
- 22 q. Opioid withdrawal;
- 23 r. Migraine;
- 24 s. Rheumatoid arthritis;
- 25 t. Ehlers-Danlos syndrome;
- 26 u. A terminal illness; and
- 27 ~~n.v.~~ v. A chronic or debilitating disease or medical condition or treatment for such
28 disease or medical condition that produces one or more of the following:
29 (1) Cachexia or wasting syndrome;

- 1 (2) Severe debilitating pain that has not responded to previously prescribed
2 medication or surgical measures for more than three months or for which
3 other treatment options produced serious side effects;
4 (3) Intractable nausea;
5 (4) Seizures; or
6 (5) Severe and persistent muscle spasms, including those characteristic of
7 multiple sclerosis.

8 **SECTION 4. AMENDMENT.** Subsection 38 of section 19-24.1-01 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 38. "Usable marijuana" means a medical marijuana product or the dried leaves or flowers
11 of the plant of the genus cannabis in a combustible delivery form. However, the term
12 does not include ~~the dried leaves or flowers unless authorized through a written~~
13 ~~certification and does not include~~ a cannabinoid edible product. In the case of a
14 registered qualifying patient who is a minor, "usable marijuana" is limited to pediatric
15 medical marijuana.

16 **SECTION 5. AMENDMENT.** Subsection 40 of section 19-24.1-01 of the North Dakota
17 Century Code is amended and reenacted as follows:

- 18 40. "Written certification" means a form established by the department which is executed,
19 dated, and signed by a health care provider within ninety calendar days of the date of
20 application, ~~stating that in the health care provider's professional opinion the patient is~~
21 ~~likely to receive therapeutic or palliative benefit from the medical use of marijuana to~~
22 ~~treat or alleviate the patient's~~ the patient has a debilitating medical condition. A health
23 care provider may authorize ~~the use~~ an enhanced amount of dried leaves or flowers of
24 the plant of the genus cannabis in a combustible delivery form to treat or alleviate the
25 patient's debilitating medical condition of cancer. ~~A written certification may not be~~
26 ~~made except in the course of a bona fide provider-patient relationship.~~

27 **SECTION 6. AMENDMENT.** Subsection 2 of section 19-24.1-03 of the North Dakota
28 Century Code is amended and reenacted as follows:

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

- 1 a. A nonrefundable annual application fee in the amount of fifty dollars, with a
- 2 personal check or cashier's check payable to "North Dakota State Department of
- 3 Health, Medical Marijuana Program".
- 4 b. An original written certification, which must include:
- 5 (1) The name, address, and telephone number of the practice location of the
- 6 applicant's health care provider;
- 7 (2) The health care provider's North Dakota license number;
- 8 (3) The health care provider's medical or nursing specialty;
- 9 (4) The applicant's name and date of birth;
- 10 (5) The applicant's debilitating medical condition and the medical justification
- 11 for the health care provider's certification of the patient's debilitating medical
- 12 condition;
- 13 (6) Attestation the written certification is made in the course of a bona fide
- 14 provider-patient relationship ~~and that in the provider's professional opinion-~~
- 15 ~~the applicant is likely to receive therapeutic or palliative benefit from the~~
- 16 ~~medical use of marijuana to treat or alleviate the applicant's debilitating~~
- 17 ~~medical condition;~~
- 18 (7) Whether the health care provider authorizes the patient to use an enhanced
- 19 amount of the dried leaves or flowers of the plant of the genus cannabis in a
- 20 combustible delivery form to treat or alleviate the patient's debilitating
- 21 medical condition of cancer; and
- 22 (8) The health care provider's signature and the date.
- 23 c. An original qualifying patient application for a registry identification card form
- 24 established by the department which must include all of the following:
- 25 (1) The applicant's name, address, and date of birth.
- 26 (2) The applicant's social security number.
- 27 (3) The name, address, and date of birth of the applicant's proposed
- 28 designated caregiver, if any.
- 29 (4) A photographic copy of the applicant's North Dakota identification. The
- 30 North Dakota identification must be available for inspection and verification

1 upon request of the department. If the applicant is a minor, a certificated
2 copy of a birth record is required.

3 (5) The applicant's or guardian's signature and the date, or in the case of a
4 minor, the signature of the minor's parent or legal guardian with
5 responsibility for health care decisions and the date.

6 d. A signed consent for release of medical information related to the applicant's
7 debilitating medical condition, on a form provided by the department.

8 e. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the applicant.

9 f. Any other information or material required by rule adopted under this chapter.

10 **SECTION 7. AMENDMENT.** Subsection 3 of section 19-24.1-11 of the North Dakota
11 Century Code is amended and reenacted as follows:

12 3. If a health care provider ~~states in~~limits the written certification ~~that the qualifying~~
13 ~~patient would benefit from the medical use of marijuana~~ until a specified date, less
14 than one year, the registry identification card expires on that date.

15 **SECTION 8.** A new section to chapter 19-24.1 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Written certification.**

18 The department shall establish a written certification form and make this form available to
19 physicians and members of the public. A written certification may not be made except in the
20 course of a bona fide provider-patient relationship.