

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1359

(Representatives M. Ruby, Christensen, Cory, Dobervich, B. Koppelman, M. Nelson, O'Brien, Vetter)  
(Senators Hogan, O. Larsen, Meyer, K. Roers)

AN ACT to create and enact a new subsection to section 19-24.1-05 of the North Dakota Century Code, relating to medical marijuana designated caregivers; to amend and reenact subsection 2 of section 19-24.1-04 and section 19-24.1-38 of the North Dakota Century Code, relating to medical marijuana designated caregivers and the medical marijuana advisory board; and to provide for application.

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

**SECTION 1. AMENDMENT.** Subsection 2 of section 19-24.1-04 of the North Dakota Century Code is amended and reenacted as follows:

2. A designated caregiver application is complete and eligible for review if an applicant submits to the department all of the following:
  - a. ~~A nonrefundable annual application fee in the amount of fifty dollars.~~
  - b. An original designated caregiver application for a registry identification card form established by the department which must include all of the following:
    - (1) A photographic copy of the applicant's North Dakota identification. The North Dakota identification must be available for inspection and verification upon request of the department.
    - (2) The name, address, telephone number, and date of birth of the qualifying patient.
    - (3) The name, address, and telephone number of the applicant.
    - (4) The applicant's signature and the date.
    - (5) A disclosure that possession of a firearm by a person who possesses marijuana may be a violation of federal law.
  - e.b. An original designated caregiver authorization form established by the department which must be executed by a registered qualifying patient providing the designated caregiver applicant with the responsibility of managing the well-being of the registered qualifying patient with respect to the registered qualifying patient's medical use of marijuana. The form must include:
    - (1) The name and date of birth of the designated caregiver applicant; and
    - (2) The registered qualifying patient's signature and the date.
  - d.c. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the applicant.
  - e.d. Any other information or material required by the department by rule.

**SECTION 2.** A new subsection to section 19-24.1-05 of the North Dakota Century Code is created and enacted as follows:

A registered qualifying patient may have no more than five registered designated caregivers.

**SECTION 3. AMENDMENT.** Section 19-24.1-38 of the North Dakota Century Code is amended and reenacted as follows:

**19-24.1-38. Advisory board.**

1. The governor shall appoint six members to serve on an advisory board ~~that~~ as follows:
  - a. One health care provider;
  - b. One representative of the department;
  - c. One representative of the manufacturing facilities;
  - d. One representative of the dispensaries;
  - e. One registered qualifying patient; and
  - f. One licensed pharmacist.
2. The chairman of the legislative management shall appoint two members of the legislative assembly to serve on the advisory board, one member from each chamber. The legislative council shall pay the compensation and expense reimbursement for the legislative members. The terms of members of the appointed advisory board are for two years and members may be reappointed by the appointing entity. The state health officer shall serve as an ex officio voting member and as chairman of the advisory board.
3. The advisory board:
  - a. Shall advise the department in implementation of the medical marijuana program.
  - b. May receive reports from the department on the status and activities of the medical marijuana program.
  - c. May provide recommendations to the department and the legislative management on the medical marijuana program.
2. ~~The state health officer shall serve as an ex officio voting member and as chairman of the advisory board.~~

**SECTION 4. APPLICATION.** The governor shall implement the membership of the medical marijuana advisory board on the effective date of this Act.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1359.

House Vote:    Yeas 80            Nays 13            Absent 1

Senate Vote:    Yeas 45            Nays 2            Absent 0

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2021,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State