

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, and subsection 2 of section 19-24.1-03,
4 ~~and 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 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.~~ 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~~
7 ~~characteristic of 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 2. 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 3. 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.~~