

HOUSE BILL NO. 1119

Introduced by

Representatives Westlind, B. Anderson, P. Anderson, Devlin, Dobervich, M. Ruby

1 A BILL for an Act to amend and reenact section 19-24.1-03, subsection 2 of section 19-24.1-04,
2 subsection 1 of section 19-24.1-15, subsection 2 of section 19-24.1-18, subsection 13 of section
3 19-24.1-32, and section 19-24.1-37 of the North Dakota Century Code, relating to the medical
4 marijuana program; to provide for the destroying or redacting of social security numbers in the
5 department's possession; and to declare an emergency.

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

7 **SECTION 1. AMENDMENT.** Section 19-24.1-03 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **19-24.1-03. Qualifying patients - Registration.**

- 10 1. A qualifying patient is not eligible to purchase, use, or possess usable marijuana under
11 the medical marijuana program unless the qualifying patient has a valid registry
12 identification card.
- 13 2. A qualifying patient application for a registry identification card is complete and eligible
14 for review if an applicant submits to the department:
- 15 a. A nonrefundable annual application fee in the amount of fifty dollars, ~~with a~~
16 ~~personal check or cashier's check payable to "North Dakota State Department of~~
17 ~~Health, Medical Marijuana Program".~~
- 18 b. An original written certification, which must include:
- 19 (1) The name, address, and telephone number of the practice location of the
20 applicant's health care provider;
- 21 (2) The health care provider's North Dakota license number;
- 22 (3) The health care provider's medical or nursing specialty;
- 23 (4) The applicant's name and date of birth;

- 1 (5) The applicant's debilitating medical condition and the medical justification
2 for the health care provider's certification of the patient's debilitating medical
3 condition;
- 4 (6) Attestation the written certification is made in the course of a bona fide
5 provider-patient relationship and that in the provider's professional opinion
6 the applicant is likely to receive therapeutic or palliative benefit from the
7 medical use of marijuana to treat or alleviate the applicant's debilitating
8 medical condition;
- 9 (7) Whether the health care provider authorizes the patient to use the dried
10 leaves or flowers of the plant of the genus cannabis in a combustible
11 delivery form; and
- 12 (8) The health care provider's signature and the date.
- 13 c. An original qualifying patient application for a registry identification card form
14 established by the department which must include all of the following:
- 15 (1) The applicant's name, address, and date of birth.
- 16 (2) ~~The applicant's social security number.~~
- 17 (3) The name, address, and date of birth of the applicant's proposed
18 designated caregiver, if any.
- 19 (4)(3) A photographic copy of the applicant's North Dakota identification. The
20 North Dakota identification must be available for inspection and verification
21 upon request of the department. If the applicant is a minor, a
22 certificatedcertified copy of a birth record or a photographic copy of the
23 minor's North Dakota identification is required.
- 24 (5)(4) The applicant's or guardian's signature and the date, or in the case of a
25 minor, the signature of the minor's parent or legal guardian with
26 responsibility for health care decisions and the date.
- 27 d. A signed consent for release of medical information related to the applicant's
28 debilitating medical condition, on a form provided by the department.
- 29 e. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the applicant.
- 30 f. Any other information or material required by rule adopted under this chapter.

- 1 3. If the applicant is unable to submit the required application information due to age or
2 medical condition, the individual responsible for making medical decisions for the
3 applicant may submit the application on behalf of the applicant. The individual
4 responsible for making medical decisions:
- 5 a. Must be identified on the qualifying patient application for a registry identification
6 card; and
- 7 b. Shall provide a ~~copy of the individual's North Dakota~~photographic copy of the
8 individual's department-approved identification. The ~~North Dakota~~ identification
9 must be available for inspection and verification upon the request of the
10 department.
- 11 4. If the applicant is a minor, the department may waive the application or renewal fee if:
- 12 a. The parent or legal guardian of the applicant is the applicant's registered
13 designated caregiver; and
- 14 b. The applicant resides with the applicant's registered designated caregiver.

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

- 17 2. A designated caregiver application is complete and eligible for review if an applicant
18 submits to the department all of the following:
- 19 a. A nonrefundable annual application fee in the amount of fifty dollars, ~~with a~~
20 ~~personal check or cashier's check made payable to "North Dakota State~~
21 ~~Department of Health, Medical Marijuana Program".~~
- 22 b. An original designated caregiver application for a registry identification card form
23 established by the department which must include all of the following:
- 24 (1) ~~A certified copy of a birth record verifying the applicant is at least twenty-one~~
25 ~~years of age.~~
- 26 (2) A photographic copy of the applicant's North Dakota identification. The
27 North Dakota identification must be available for inspection and verification
28 upon request of the department.
- 29 (3)(2) The name, address, telephone number, and date of birth of the qualifying
30 patient.

- 1 (4) ~~The name, address, and telephone number for the qualifying patient's~~
- 2 ~~health care provider.~~
- 3 (5)(3) The name, address, and telephone number of the applicant.
- 4 (6) ~~The applicant's social security number.~~
- 5 (7)(4) The applicant's signature and the date.
- 6 c. An original designated caregiver authorization form established by the
- 7 department which must be executed by a registered qualifying patient providing
- 8 the designated caregiver applicant with the responsibility of managing the
- 9 well-being of the registered qualifying patient with respect to the registered
- 10 qualifying patient's medical use of marijuana. The form must include:
- 11 (1) The name and date of birth of the designated caregiver applicant; and
- 12 (2) The registered qualifying patient's signature and the date.
- 13 d. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the applicant.
- 14 e. Any other information or material required by the department by rule.

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

- 17 1. Upon receipt of notification by the department a compassion center application is
- 18 eligible for registration, the applicant shall submit all of the following additional items to
- 19 the department to qualify for registration:
- 20 a. A certification fee, made payable to the "North Dakota State Department of
- 21 Health, Medical Marijuana Program", in the amount of ninety thousand dollars for
- 22 a dispensary and one hundred ten thousand dollars for a manufacturing facility.
- 23 b. A financial assurance or security bond to ensure the protection of the public
- 24 health and safety and the environment in the event of abandonment, default, or
- 25 other inability or unwillingness to meet the requirements of this chapter.
- 26 c. ~~The legal name, articles of incorporation or articles of organization, and bylaws or~~
- 27 ~~operating agreement, of the proposed compassion center applicant.~~
- 28 d. The physical address of the proposed compassion center; confirmation the
- 29 information in the application regarding the physical location of the proposed
- 30 compassion center has not changed, and if the information has changed the
- 31 department shall determine whether the new information meets the requirements

1 of this chapter; and a current certificate of occupancy, or equivalent document, to
2 demonstrate compliance with the provisions of state and local fire code for the
3 physical address of the proposed compassion center. It is not necessary for an
4 applicant to resubmit any information provided in the initial application unless
5 there has been a change in that information.

6 e-d. An update to previously submitted information, including information about
7 compassion center agents and compliance with section 19-24.1-18.

8 **SECTION 4. AMENDMENT.** Subsection 2 of section 19-24.1-18 of the North Dakota
9 Century Code is amended and reenacted as follows:

10 2. To qualify to be issued a registry identification card, each compassion center agent
11 must be at least twenty-one years of age and shall submit all of the following registry
12 identification card application material to the department:

13 a. A photographic copy of the agent's department-approved identification. The agent
14 shall make the identification available for inspection and verification by the
15 department.

16 b. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the agent.

17 c. A written and signed statement from an officer or executive staff member of the
18 compassion center stating the applicant is associated with the compassion center
19 and the capacity of the association.

20 d. The name, address, and telephone number of the agent.

21 e. ~~The agent's social security number.~~

22 f. The name, address, and telephone number of the compassion center with which
23 the agent is associated.

24 g-f. The agent's signature and the date.

25 h-g. A nonrefundable application or renewal fee in the amount of two hundred dollars,
26 ~~in the form of a check made out to "North Dakota State Department of Health,~~
27 ~~Medical Marijuana Program".~~

28 **SECTION 5. AMENDMENT.** Subsection 13 of section 19-24.1-32 of the North Dakota
29 Century Code is amended and reenacted as follows:

30 13. A person in possession of marijuana, usable marijuana, or medical marijuana waste in
31 the course of performing laboratory tests as provided under this chapter and rules

1 adopted under this chapter may not be subject to arrest or prosecution for that
2 possession or testing.

3 **SECTION 6. AMENDMENT.** Section 19-24.1-37 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **19-24.1-37. Confidentiality.**

6 1. DataInformation in a registration application or renewal and supporting datainformation
7 submitted by a qualifying patient, designated caregiver, compassion center, proposed
8 compassion center, or compassion center agent, including datainformation on
9 designated caregivers and health care providers, is confidential.

10 2. DataInformation kept or maintained by the department may be disclosed for:

- 11 a. The verification of registration certificates and registry identification cards under
12 this chapter;
- 13 b. Submission of the annual report required by this chapter;
- 14 c. Submission to the North Dakota prescription drug monitoring program;
- 15 d. Notification of state or local law enforcement of apparent criminal violation of this
16 chapter;
- 17 e. Notification of state and local law enforcement about falsified or fraudulent
18 information submitted for purposes of obtaining or renewing a registry
19 identification card; or
- 20 f. Notification of the North Dakota board of medicine or North Dakota board of
21 nursing if there is a reason to believe a health care provider provided a written
22 certification and the department has reason to believe the health care provider
23 otherwise violated this chapter.

24 3. Upon a cardholder's written request, the department may confirm the cardholder's
25 status as a registered qualifying patient or a registered designated caregiver to a third
26 party, such as a landlord, school, medical professional, or court.

27 4. DataInformation submitted to a local government to demonstrate compliance with any
28 security requirements required by local zoning ordinances or regulations is
29 confidential.

30 **SECTION 7. SOCIAL SECURITY NUMBERS.** For any social security numbers obtained by
31 the State Department of Health as part of an application under chapter 19-24.1, the department

1 shall destroy the documents containing social security numbers or redact the social security
2 numbers from the documents.

3 **SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure.