

HOUSE BILL NO. 1519

Introduced by

Representatives B. Koppelman, Beadle, Ertelt, Marschall, Mock, Steiner, Vetter

1 A BILL for an Act to amend and reenact subsections 15, 38, and 40 of section 19-24.1-01,
2 subsection 5 of section 19-24.1-05, subsection 4 of section 19-24.1-20, and subdivision a of
3 subsection 4 of section 19-24.1-21 of the North Dakota Century Code, relating to debilitating
4 medical conditions and usable marijuana for minors under the medical marijuana program.

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

6 **SECTION 1. AMENDMENT.** Subsections 15, 38, and 40 of section 19-24.1-01 of the North
7 Dakota Century Code are amended and reenacted as follows:

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

- 9 a. Cancer;
- 10 b. Positive status for human immunodeficiency virus;
- 11 c. Acquired immune deficiency syndrome;
- 12 d. Decompensated cirrhosis caused by hepatitis C;
- 13 e. Amyotrophic lateral sclerosis;
- 14 f. Posttraumatic stress disorder;
- 15 g. Agitation of Alzheimer's disease or related dementia;
- 16 h. Crohn's disease;
- 17 i. Fibromyalgia;
- 18 j. Spinal stenosis or chronic back pain, including neuropathy or damage to the
19 nervous tissue of the spinal cord with objective neurological indication of
20 intractable spasticity;
- 21 k. Glaucoma;
- 22 l. Epilepsy;
- 23 m. Autism spectrum disorder;
- 24 n. A terminal illness; and

1 n.o. A chronic or debilitating disease or medical condition or treatment for such
2 disease or medical condition that produces one or more of the following:
3 (1) Cachexia or wasting syndrome;
4 (2) Severe debilitating pain that has not responded to previously prescribed
5 medication or surgical measures for more than three months or for which
6 other treatment options produced serious side effects;
7 (3) Intractable nausea;
8 (4) Seizures; or
9 (5) Severe and persistent muscle spasms, including those characteristic of
10 multiple sclerosis.

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

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 debilitating medical condition. A health care provider may
23 authorize the use of dried leaves or flowers of the plant of the genus cannabis in a
24 combustible delivery form to treat or alleviate the patient's debilitating medical
25 condition. A health care provider may expressly authorize a minor to use a form of
26 usable marijuana which is not limited to pediatric medical marijuana. A written
27 certification may not be made except in the course of a bona fide provider-patient
28 relationship.

29 **SECTION 2. AMENDMENT.** Subsection 5 of section 19-24.1-05 of the North Dakota
30 Century Code is amended and reenacted as follows:

- 1 5. The department may not issue a registry identification card to a qualifying patient who
2 is a minor unless:
- 3 a. The department receives documentation the minor's health care provider has
4 explained to the parent or legal guardian with responsibility for health care
5 decisions for the minor the potential risks and benefits of the use of pediatric
6 medical marijuana or other form of authorized usable marijuana to treat or
7 alleviate the debilitating medical condition; and
- 8 b. The department receives documentation the parent or legal guardian with
9 responsibility for health care decisions for the minor consents in writing to:
- 10 (1) Allow the minor's use of pediatric medical marijuana or other form of
11 authorized usable marijuana to treat or alleviate the debilitating medical
12 condition;
- 13 (2) Serve as the minor's designated caregiver or identifies a registered
14 designated caregiver to act as the minor's designated caregiver;
- 15 (3) Control the acquisition of usable marijuana and control the dosage and
16 frequency of the use of usable marijuana by the minor; and
- 17 (4) If serving as the minor's designated caregiver, prevent the minor from
18 accessing the usable marijuana by storing the usable marijuana in an
19 enclosed, locked facility.

20 **SECTION 3. AMENDMENT.** Subsection 4 of section 19-24.1-20 of the North Dakota
21 Century Code is amended and reenacted as follows:

- 22 4. In addition to any other penalty applicable in law, except as otherwise expressly
23 authorized in a written certification, a dispensary or a dispensary agent is guilty of a
24 class B felony for intentionally selling or otherwise transferring usable marijuana, in a
25 form other than pediatric medical marijuana, to a registered designated caregiver, for
26 use by a registered qualifying patient who is a minor. A person convicted under this
27 subsection may not continue to be affiliated with a compassion center and is
28 disqualified from further participation under this chapter.

29 **SECTION 4. AMENDMENT.** Subdivision a of subsection 4 of section 19-24.1-21 of the
30 North Dakota Century Code is amended and reenacted as follows:

- 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~~Except as otherwise expressly authorized in a written certification, the
7 usable marijuana dispensed to the minor's designated caregiver must be in
8 the form of pediatric medical marijuana.