

HOUSE BILL NO. 1213
with Senate Amendments
HOUSE BILL NO. 1213

Introduced by

Representatives Westlind, Dobervich, Hanson, M. Ruby, Skroch

Senator K. Roers

1 A BILL for an Act to create and enact section 19-24.1-04.1 of the North Dakota Century Code,
2 relating to medical marijuana designated caregivers; to amend and reenact section 19-03.1-01,
3 subsection 5 of section 19-03.1-05, subsection 1 of section 19-03.1-22.2, section 19-03.1-22.3,
4 subsections 1, 7, and 9 of section 19-03.1-23, subsection 12 of section 19-03.4-01, sections
5 19-03.4-03, 19-03.4-04, and 19-24.1-01, subdivision a of subsection 2 of section 19-24.1-03,
6 subsection 3 of section 19-24.1-04, sections 19-24.1-10 and 19-24.1-13, paragraph 2 of
7 subdivision d of subsection 1 of section 19-24.1-14, subdivision a of subsection 1 of section
8 19-24.1-15, subdivision a of subsection 2 of section 19-24.1-16, section 19-24.1-17,
9 subsection 4 of section 19-24.1-18, subsection 2 of section 19-24.1-20, subsection 3 of section
10 19-24.1-26, subsection 2 of section 19-24.1-37, section 19-24.1-39, subsection 1 of section
11 39-20-01, and section 39-20-14 of the North Dakota Century Code, relating to the medical
12 marijuana program; to provide for a legislative management report; to provide a penalty; and to
13 declare an emergency.

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

15 **SECTION 1. AMENDMENT.** Section 19-03.1-01 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **19-03.1-01. Definitions.**

18 As used in this chapter and in chapters 19-03.2 and 19-03.4, unless the context otherwise
19 requires:

- 20 1. "Administer" means to apply a controlled substance, whether by injection, inhalation,
21 ingestion, or any other means, directly to the body of a patient or research subject by:
22 a. A practitioner or, in the practitioner's presence, by the practitioner's authorized
23 agent; or

- 1 b. The patient or research subject at the direction and in the presence of the
2 practitioner.
- 3 2. "Agent" means an authorized person who acts on behalf of or at the direction of a
4 manufacturer, distributor, or dispenser. It does not include a common or contract
5 carrier, public warehouseman, or employee of the carrier or warehouseman.
- 6 3. "Anabolic steroids" means any drug or hormonal substance, chemically and
7 pharmacologically related to testosterone, other than estrogens, progestins, and
8 corticosteroids.
- 9 4. "Board" means the state board of pharmacy.
- 10 5. "Bureau" means the drug enforcement administration in the United States department
11 of justice or its successor agency.
- 12 6. "Controlled substance" means a drug, substance, or immediate precursor in schedules
13 I through V as set out in this chapter.
- 14 7. "Controlled substance analog":
- 15 a. Means a substance the chemical structure of which is substantially similar to the
16 chemical structure of a controlled substance in a schedule I or II and:
- 17 (1) Which has a stimulant, depressant, or hallucinogenic effect on the central
18 nervous system which is substantially similar to or greater than the
19 stimulant, depressant, or hallucinogenic effect on the central nervous
20 system of a controlled substance in schedule I or II; or
- 21 (2) With respect to a particular individual, which the individual represents or
22 intends to have a stimulant, depressant, or hallucinogenic effect on the
23 central nervous system substantially similar to or greater than the stimulant,
24 depressant, or hallucinogenic effect on the central nervous system of a
25 controlled substance in schedule I or II.
- 26 b. Does not include:
- 27 (1) A controlled substance;
- 28 (2) Any substance for which there is an approved new drug application; or
- 29 (3) With respect to a particular individual, any substance, if an exemption is in
30 effect for investigational use, for that individual, under section 505 of the

1 Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355] to the extent conduct
2 with respect to the substance is pursuant to the exemption.

3 8. "Counterfeit substance" means a controlled substance which, or the container or
4 labeling of which, without authorization, bears the trademark, trade name, or other
5 identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer,
6 distributor, or dispenser other than the person who in fact manufactured, distributed, or
7 dispensed the substance.

8 9. "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one
9 person to another of a controlled substance whether or not there is an agency
10 relationship.

11 10. "Dispense" means to deliver a controlled substance to an ultimate user or research
12 subject by or pursuant to the lawful order of a practitioner, including the prescribing,
13 administering, packaging, labeling, or compounding necessary to prepare the
14 substance for that delivery.

15 11. "Dispenser" means a practitioner who dispenses.

16 12. "Distribute" means to deliver other than by administering or dispensing a controlled
17 substance.

18 13. "Distributor" means a person who distributes.

19 14. "Drug" means:

20 a. Substances recognized as drugs in the official United States pharmacopeia
21 national formulary, or the official homeopathic pharmacopeia of the United States,
22 or any supplement to any of them;

23 b. Substances intended for use in the diagnosis, cure, mitigation, treatment, or
24 prevention of disease in individuals or animals;

25 c. Substances, other than food, intended to affect the structure or any function of
26 the body of individuals or animals; and

27 d. Substances intended for use as a component of any article specified in
28 subdivision a, b, or c. The term does not include devices or their components,
29 parts, or accessories.

1 15. ~~"Hashish" means the resin extracted from any part of the plant cannabis with or~~
2 ~~without its adhering plant parts, whether growing or not, and every compound,~~
3 ~~manufacture, salt, derivative, mixture, or preparation of the resin.~~

4 ~~16.~~ "Immediate precursor" means a substance:

- 5 a. That the board has found to be and by rule designates as being the principal
6 compound commonly used or produced primarily for use in the manufacture of a
7 controlled substance;
- 8 b. That is an immediate chemical intermediary used or likely to be used in the
9 manufacture of the controlled substance; and
- 10 c. The control of which is necessary to prevent, curtail, or limit the manufacture of
11 the controlled substance.

12 ~~17.~~16. "Manufacture" means the production, preparation, propagation, compounding,
13 conversion, or processing of a controlled substance, either directly or indirectly by
14 extraction from substances of natural origin, or independently by means of chemical
15 synthesis, or by a combination of extraction and chemical synthesis and includes any
16 packaging or repackaging of the substance or labeling or relabeling of its container.
17 The term does not include the preparation or compounding of a controlled substance
18 by an individual for the individual's own use or the preparation, compounding,
19 packaging, or labeling of a controlled substance:

- 20 a. By a practitioner as an incident to the practitioner's administering or dispensing of
21 a controlled substance in the course of the practitioner's professional practice; or
- 22 b. By a practitioner, or by the practitioner's authorized agent under the practitioner's
23 supervision, for the purpose of, or as an incident to, research, teaching, or
24 chemical analysis and not for sale.

25 ~~18.~~17. "Marijuana" means all parts of the plant of the genus cannabis sativa L., whether
26 growing or not; the seeds thereof; ~~the resin extracted from any part of the plant;~~ and
27 every compound, manufacture, salt, derivative, mixture, or preparation of the plant, ~~its~~
28 ~~seeds, or resin.~~ The term does not include the:

- 29 a. The tetrahydrocannabinol extracted or isolated from the plant;
- 30 b. The mature stalks of the plant, fiber produced from the stalks, oil or cake made
31 from the seeds of the plant, any other compound, manufacture, salt, derivative,

1 mixture, or preparation of mature stalks, except the resin extracted therefrom,
2 fiber, oil, or cake, or the sterilized seed of the plant which is incapable of
3 germination. ~~The term marijuana does not include hemp as defined in title 4.1.1;~~

4 c. Hemp as defined in chapter 4.1-18.1; or

5 d. A prescription drug approved by the United States food and drug administration
6 under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].

7 ~~19.18.~~ "Narcotic drug" means any of the following, whether produced directly or indirectly by
8 extraction from substances of vegetable origin, or independently by means of chemical
9 synthesis, or by a combination of extraction and chemical synthesis:

10 a. Opium and opiate and any salt, compound, derivative, or preparation of opium or
11 opiate.

12 b. Any salt, compound, isomer, derivative, or preparation thereof which is
13 chemically equivalent or identical with any of the substances referred to in
14 subdivision a, but not including the isoquinoline alkaloids of opium.

15 c. Opium poppy and poppy straw.

16 d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves,
17 any salt, compound, isomer, derivative, or preparation thereof which is chemically
18 equivalent or identical with any of these substances, but not including
19 decocainized coca leaves or extractions of coca leaves which do not contain
20 cocaine or ecgonine.

21 ~~20.19.~~ "Opiate" means any substance having an addiction-forming or addiction-sustaining
22 liability similar to morphine or being capable of conversion into a drug having
23 addiction-forming or addiction-sustaining liability. The term does not include, unless
24 specifically designated as controlled under section 19-03.1-02, the dextrorotatory
25 isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term
26 includes its racemic and levorotatory forms.

27 ~~21.20.~~ "Opium poppy" means the plant of the species *papaver somniferum* L., except its
28 seeds.

29 ~~22.21.~~ "Over-the-counter sale" means a retail sale of a drug or product other than a
30 controlled, or imitation controlled, substance.

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- 1 ~~23-22.~~ "Person" means individual, corporation, limited liability company, government or
2 governmental subdivision or agency, business trust, estate, trust, partnership or
3 association, or any other legal entity.
- 4 ~~24-23.~~ "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- 5 ~~25-24.~~ "Practitioner" means:
- 6 a. A physician, dentist, veterinarian, pharmacist, scientific investigator, or other
7 person licensed, registered, or otherwise permitted by the jurisdiction in which the
8 individual is practicing to distribute, dispense, conduct research with respect to,
9 or to administer a controlled substance in the course of professional practice or
10 research.
- 11 b. A pharmacy, hospital, or other institution licensed, registered, or otherwise
12 permitted to distribute, dispense, conduct research with respect to, or to
13 administer a controlled substance in the course of professional practice or
14 research in this state.
- 15 ~~26-25.~~ "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of
16 a controlled substance.
- 17 ~~27-26.~~ "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction
18 made by a person, whether as principal, proprietor, agent, servant, or employee.
- 19 ~~28-27.~~ "Scheduled listed chemical product" means a product that contains ephedrine,
20 pseudoephedrin, or phenylpropanolamine, or each of the salts, optical isomers, and
21 salts of optical isomers of each chemical, and that may be marketed or distributed in
22 the United States under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301
23 et seq.] as a nonprescription drug unless prescribed by a licensed physician.
- 24 ~~29-28.~~ "State" when applied to a part of the United States includes any state, district,
25 commonwealth, territory, insular possession thereof, and any area subject to the legal
26 authority of the United States.
- 27 ~~30-29.~~ "Ultimate user" means an individual who lawfully possesses a controlled substance for
28 the individual's own use or for the use of a member of the individual's household or for
29 administering to an animal owned by the individual or by a member of the individual's
30 household.

1 **SECTION 2. AMENDMENT.** Subsection 5 of section 19-03.1-05 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 5. Hallucinogenic substances. Unless specifically excepted or unless listed in another
4 schedule, any material, compound, mixture, or preparation containing any quantity of
5 the following hallucinogenic substances, including their salts, isomers, and salts of
6 isomers whenever the existence of those salts, isomers, and salts of isomers is
7 possible within the specific chemical designation (for purposes of this subsection only,
8 the term "isomer" includes the optical, position, and geometric isomers):

9 a. Alpha-ethyltryptamine, its optical isomers, salts, and salts of isomers (also known
10 as etryptamine; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole).

11 b. Alpha-methyltryptamine.

12 c. 4-methoxyamphetamine (also known as 4-methoxy-a-methylphenethylamine;
13 paramethoxyamphetamine; PMA).

14 d. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-
15 methyl-3,4(methylenedioxy)phenylamine, and N-hydroxy MDA.

16 e. ~~Hashish.~~

17 f. Ibogaine (also known as 7-Ethyl-6, 6B, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-
18 6, 9-methano-5 H-pyrido [1', 2':1,2] azepino (5,4-b) indole; Tabernanthe iboga).

19 ~~g-f.~~ Lysergic acid diethylamide.

20 ~~h-g.~~ Marijuana.

21 ~~i-h.~~ Parahexyl (also known as 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro- 6,6,9-trimethyl-
22 6H-dibenzol[b,d]pyran; Synhexyl).

23 ~~j-i.~~ Peyote (all parts of the plant presently classified botanically as Lophophora
24 williamsii Lemaire, whether growing or not, the seeds thereof, any extract from
25 any part of such plant, and every compound, manufacture, salts, derivative,
26 mixture, or preparation of such plant, its seeds, or its extracts).

27 ~~k-j.~~ N-ethyl-3-piperidyl benzilate.

28 ~~l-k.~~ N-methyl-3-piperidyl benzilate.

29 ~~m-l.~~ Psilocybin.

30 ~~n-m.~~ (1) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained
31 in a plant of the genus Cannabis (cannabis plant), as well as synthetic

1 equivalents of the substances contained in the cannabis plant, or in the
2 resinous extractives of such plant, including synthetic substances,
3 derivatives, and their isomers with similar chemical structure and
4 pharmacological activity to those substances contained in the plant;
5 ~~excluding tetrahydrocannabinols found in hemp as defined in title 4.1;~~ such
6 as the following:

7 ~~(1)~~(a) Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers.

8 Other names: Delta-9-tetrahydrocannabinol.

9 ~~(2)~~(b) Delta-6 cis or trans tetrahydrocannabinol, and their optical isomers.

10 Other names: Delta-8-tetrahydrocannabinol.

11 ~~(3)~~(c) Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers.

12 (Since nomenclature of these substances is not internationally standardized,
13 compounds of these structures, regardless of numerical designation of atomic
14 positions covered.)

15 (2) Tetrahydrocannabinols do not include:

16 (a) The allowable amount of total tetrahydrocannabinol found in hemp as
17 defined in chapter 4.1-18.1; or

18 (b) A prescription drug approved by the United States food and drug
19 administration under section 505 of the Federal Food, Drug, and
20 Cosmetic Act [21 U.S.C. 355].

21 o.n. Cannabinoids, synthetic. It includes the chemicals and chemical groups listed
22 below, including their homologues, salts, isomers, and salts of isomers. The term
23 "isomer" includes the optical, position, and geometric isomers.

24 (1) Indole carboxaldehydes. Any compound structurally derived from 1H-indole-
25 3-carboxaldehyde or 1H-2-carboxaldehyde substituted in both of the
26 following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
27 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
28 piperidiny)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidiny)methyl,
29 1-(N-methyl-3- morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo
30 benzyl group; and, at the hydrogen of the carboxaldehyde by a phenyl,
31 benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidiny, piperaziny, or

- 1 propionaldehyde group whether or not the compound is further modified to
2 any extent in the following ways:
- 3 (a) Substitution to the indole ring to any extent; or
4 (b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl,
5 cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group to any
6 extent; or
7 (c) A nitrogen heterocyclic analog of the indole ring; or
8 (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl,
9 adamantyl, or cyclopropyl ring.
10 (e) Examples include:
- 11 [1] 1-Pentyl-3-(1-naphthoyl)indole - Other names: JWH-018 and
12 AM-678.
13 [2] 1-Butyl-3-(1-naphthoyl)indole - Other names: JWH-073.
14 [3] 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole - Other names:
15 JWH-081.
16 [4] 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole - Other names:
17 JWH-200.
18 [5] 1-Propyl-2-methyl-3-(1-naphthoyl)indole - Other names:
19 JWH-015.
20 [6] 1-Hexyl-3-(1-naphthoyl)indole - Other names: JWH-019.
21 [7] 1-Pentyl-3-(4-methyl-1-naphthoyl)indole - Other names:
22 JWH-122.
23 [8] 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole - Other names: JWH-210.
24 [9] 1-Pentyl-3-(4-chloro-1-naphthoyl)indole - Other names:
25 JWH-398.
26 [10] 1-(5-fluoropentyl)-3-(1-naphthoyl)indole - Other names:
27 AM-2201.
28 [11] 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole - Other
29 names: RCS-8.
30 [12] 1-Pentyl-3-(2-methoxyphenylacetyl)indole - Other names:
31 JWH-250.

- 1 [13] 1-Pentyl-3-(2-methylphenylacetyl)indole - Other names:
2 JWH-251.
- 3 [14] 1-Pentyl-3-(2-chlorophenylacetyl)indole - Other names: JWH-
4 203.
- 5 [15] 1-Pentyl-3-(4-methoxybenzoyl)indole - Other names: RCS-4.
- 6 [16] (1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole) - Other names:
7 AM-694.
- 8 [17] (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-
9 yl]methanone - Other names: WIN 48,098 and Pravadoline.
- 10 [18] (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone --
11 Other names: UR-144.
- 12 [19] (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-
13 tetramethylcyclopropyl)methanone - Other names: XLR-11.
- 14 [20] (1-(2-morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-
15 tetramethylcyclopropyl)methanone - Other names: A-796,260.
- 16 [21] (1-(5-fluoropentyl)-1H-indazol-3-yl)(naphthalen-1-yl)methanone --
17 Other names: THJ-2201.
- 18 [22] 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone -- Other
19 names: THJ-018.
- 20 [23] (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-
21 yl)methanone - Other names: FUBIMINA.
- 22 [24] 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl) indole -
23 Other names: AM-1248.
- 24 [25] 1-Pentyl-3-(1-adamantoyl)indole - Other names: AB-001 and
25 JWH-018 adamantyl analog.
- 26 (2) Indole carboxamides. Any compound structurally derived from 1H-indole-3-
27 carboxamide or 1H-2-carboxamide substituted in both of the following ways:
28 at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,
29 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
30 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
31 morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group;

- 1 and, at the nitrogen of the carboxamide by a phenyl, benzyl, cumyl,
2 naphthyl, adamantyl, cyclopropyl, or propionaldehyde group whether or not
3 the compound is further modified to any extent in the following ways:
- 4 (a) Substitution to the indole ring to any extent; or
 - 5 (b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl,
6 cyclopropyl, or propionaldehyde group to any extent; or
 - 7 (c) A nitrogen heterocyclic analog of the indole ring; or
 - 8 (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl,
9 adamantyl, or cyclopropyl ring.
 - 10 (e) Examples include:
 - 11 [1] N-Adamantyl-1-pentyl-1H-indole-3-carboxamide - Other names:
12 JWH-018 adamantyl carboxamide, APICA, SDB-001, and 2NE1.
 - 13 [2] N-Adamantyl-1-fluoropentylindole-3-carboxamide - Other names:
14 STS-135.
 - 15 [3] N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide - Other
16 names: AKB 48 and APINACA.
 - 17 [4] N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide - Other
18 names: NNEI and MN-24.
 - 19 [5] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-
20 carboxamide - Other names: ADBICA.
 - 21 [6] (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-
22 3-carboxamide - Other names: AB-PINACA.
 - 23 [7] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-
24 fluorophenyl)methyl]-1H-indazole-3-carboxamide - Other names:
25 AB-FUBINACA.
 - 26 [8] N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-
27 indazole-3-carboxamide - Other names: 5-Fluoro AB-PINACA
28 and 5F-AB-PINACA.
 - 29 [9] N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-
30 3-carboxamide - Other names: ADB-PINACA.

- 1 [10] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-
2 1H-indazole-3-carboxamide - Other names: AB-CHMINACA.
- 3 [11] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-
4 indazole-3-carboxamide - Other names: ADB-FUBINACA.
- 5 [12] N-((3s,5s,7s)-adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
6 carboxamide - Other names: FUB-AKB48 and AKB48 N-(4-
7 fluorobenzyl) analog.
- 8 [13] 1-(5-fluoropentyl)-N-(quinolin-8-yl)-1H-indazole-3-carboxamide -
9 Other names: 5-fluoro-THJ.
- 10 [14] methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-
11 methylbutanoate - Other names: 5-fluoro AMB and 5F-AMB.
- 12 [15] methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-
13 methylbutanoate - Other names: FUB-AMB, MMB-FUBINACA,
14 and AMB-FUBINACA.
- 15 [16] N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-(cyclohexylmethyl)-1
16 H-indazole-3-carboxamide - Other names: MAB-CHMINACA and
17 ADB-CHMINACA.
- 18 [17] Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-
19 dimethylbutanoate - Other names: 5F-ADB and
20 5F-MDMB-PINACA.
- 21 [18] N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-
22 carboxamide - Other names: 5F-APINACA and 5F-AKB48.
- 23 [19] Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-
24 dimethylbutanoate - Other names: MDMB-CHMICA and
25 MMB-CHMINACA.
- 26 [20] Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-
27 dimethylbutanoate - Other names: MDMB-FUBINACA.
- 28 [21] 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxa
29 mide - Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-
30 CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN
31 -BINACA; SGT-78.

- 1 [22] methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-
2 3-methylbutanoate - Other names: MMB-CHMICA, AMB-
3 CHMICA.
- 4 [23] 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridi
5 ne-3-carboxamide - Other names: 5F-CUMYL-P7AICA.
- 6 (3) Indole carboxylic acids. Any compound structurally derived from 1H-indole-
7 3-carboxylic acid or 1H-2-carboxylic acid substituted in both of the following
8 ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
9 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
10 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,
11 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo
12 benzyl group; and, at the hydroxyl group of the carboxylic acid by a phenyl,
13 benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group
14 whether or not the compound is further modified to any extent in the
15 following ways:
- 16 (a) Substitution to the indole ring to any extent; or
17 (b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl,
18 cyclopropyl, propionaldehyde group to any extent; or
19 (c) A nitrogen heterocyclic analog of the indole ring; or
20 (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl,
21 adamantyl, or cyclopropyl ring.
- 22 (e) Examples include:
- 23 [1] 1-(cyclohexylmethyl)-1H-indole-3-carboxylic acid 8-quinolinyl
24 ester - Other names: BB-22 and QUCHIC.
- 25 [2] naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate -
26 Other names: FDU-PB-22.
- 27 [3] 1-pentyl-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other
28 names: PB-22 and QUPIC.
- 29 [4] 1-(5-Fluoropentyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester -
30 Other names: 5-Fluoro PB-22 and 5F-PB-22.

1 [5] quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate - Other
2 names: FUB-PB-22.

3 [6] naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate -
4 Other names: NM2201 and CBL2201.

5 (4) Naphthylmethylindoles. Any compound containing a 1H-indol-3-yl-(1-
6 naphthyl)methane structure with substitution at the nitrogen atom of the
7 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
8 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-
9 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
10 (tetrahydropyran-4-yl)methyl group whether or not further substituted in the
11 indole ring to any extent and whether or not substituted in the naphthyl ring
12 to any extent. Examples include:

13 (a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane - Other names: JWH-175.

14 (b) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane - Other names:
15 JWH-184.

16 (5) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole
17 structure with substitution at the nitrogen atom of the pyrrole ring by an
18 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
19 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
20 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-
21 yl)methyl group whether or not further substituted in the pyrrole ring to any
22 extent, whether or not substituted in the naphthyl ring to any extent.

23 Examples include: (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-
24 ylmethanone - Other names: JWH-307.

25 (6) Naphthylmethylindenes. Any compound containing a naphthylideneindene
26 structure with substitution at the 3-position of the indene ring by an alkyl,
27 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-
28 2-piperidinyl)methyl, 2 (4 morpholinyl)ethyl, 1-(N-methyl-2-
29 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-
30 yl)methyl group whether or not further substituted in the indene ring to any
31 extent, whether or not substituted in the naphthyl ring to any extent.

1 Examples include: E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane
2 - Other names: JWH-176.

3 (7) Cyclohexylphenols. Any compound containing a 2-(3-
4 hydroxycyclohexyl)phenol structure with substitution at the 5-position of the
5 phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
6 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-
7 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
8 (tetrahydropyran-4-yl)methyl group whether or not substituted in the
9 cyclohexyl ring to any extent. Examples include:

10 (a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other
11 names: CP 47,497.

12 (b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other
13 names: Cannabicyclohexanol and CP 47,497 C8 homologue.

14 (c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-
15 hydroxypropyl)cyclohexyl]-phenol - Other names: CP 55,940.

16 (8) Others specifically named:

17 (a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-
18 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: HU-210.

19 (b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-
20 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names:
21 Dexanabinol and HU-211.

22 (c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-
23 benzoxazin-6-yl]-1-naphthalenylmethanone - Other names:
24 WIN 55,212-2.

25 (d) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone - Other
26 names: CB-13.

27 p-o. Substituted phenethylamines. This includes any compound, unless specifically
28 excepted, specifically named in this schedule, or listed under a different
29 schedule, structurally derived from phenylethan-2-amine by substitution on the
30 phenyl ring in any of the following ways, that is to say, by substitution with a fused
31 methylenedioxy ring, fused furan ring, or fused tetrahydrofuran ring; by

1 substitution with two alkoxy groups; by substitution with one alkoxy and either
2 one fused furan, tetrahydrofuran, or tetrahydropyran ring system; or by
3 substitution with two fused ring systems from any combination of the furan,
4 tetrahydrofuran, or tetrahydropyran ring systems.

5 (1) Whether or not the compound is further modified in any of the following
6 ways, that is to say:

- 7 (a) By substitution of phenyl ring by any halo, hydroxyl, alkyl,
8 trifluoromethyl, alkoxy, or alkylthio groups;
9 (b) By substitution at the 2-position by any alkyl groups; or
10 (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl,
11 hydroxybenzyl, methylenedioxybenzyl, or methoxybenzyl groups.

12 (2) Examples include:

- 13 (a) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (also known as 2C-C or
14 2,5-Dimethoxy-4-chlorophenethylamine).
15 (b) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (also known as 2C-D or
16 2,5-Dimethoxy-4-methylphenethylamine).
17 (c) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (also known as 2C-E or
18 2,5-Dimethoxy-4-ethylphenethylamine).
19 (d) 2-(2,5-Dimethoxyphenyl)ethanamine (also known as 2C-H or 2,5-
20 Dimethoxyphenethylamine).
21 (e) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-I or
22 2,5-Dimethoxy-4-iodophenethylamine).
23 (f) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (also known as 2C-N or
24 2,5-Dimethoxy-4-nitrophenethylamine).
25 (g) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (also known as 2C-
26 P or 2,5-Dimethoxy-4-propylphenethylamine).
27 (h) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-
28 T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine).
29 (i) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (also known as
30 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine).

- 1 (j) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-B or
2 2,5-Dimethoxy-4-bromophenethylamine).
- 3 (k) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine (also known as
4 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine).
- 5 (l) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine (also known as DOI
6 or 2,5-Dimethoxy-4-iodoamphetamine).
- 7 (m) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane (also known as
8 DOB or 2,5-Dimethoxy-4-bromoamphetamine).
- 9 (n) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (also known as
10 DOC or 2,5-Dimethoxy-4-chloroamphetamine).
- 11 (o) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
12 methoxyphenyl)methyl]ethanamine (also known as 2C-B-NBOMe;
13 2,5B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-
14 methoxybenzyl)phenethylamine).
- 15 (p) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2 -
16 methoxyphenyl)methyl]ethanamine (also known as 2C-I-NBOMe; 2,5I-
17 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-
18 methoxybenzyl)phenethylamine).
- 19 (q) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine (also
20 known as mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-
21 methoxybenzyl)phenethylamine).
- 22 (r) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
23 methoxyphenyl)methyl]ethanamine (also known as 2C-C-NBOMe;
24 2,5C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-
25 methoxybenzyl)phenethylamine).
- 26 (s) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine
27 (also known as 2CB-5-hemiFLY).
- 28 (t) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-
29 yl)ethanamine (also known as 2C-B-FLY).
- 30 (u) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-
31 yl)ethanamine (also known as 2C-B-butterFLY).

- 1 (v) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-
2 b']difuran-4-yl)-2-aminoethane (also known as 2C-B-FLY-NBOMe).
- 3 (w) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (also known
4 as bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY).
- 5 (x) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (also
6 known as 2C-I-NBOH or 2,5I-NBOH).
- 7 (y) 5-(2-Aminopropyl)benzofuran (also known as 5-APB).
- 8 (z) 6-(2-Aminopropyl)benzofuran (also known as 6-APB).
- 9 (aa) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (also known as 5-APDB).
- 10 (bb) 6-(2-Aminopropyl)-2,3,-dihydrobenzofuran (also known as 6-APDB).
- 11 (cc) 2,5-dimethoxy-amphetamine (also known as 2,5-dimethoxy-a-
12 methylphenethylamine; 2,5-DMA).
- 13 (dd) 2,5-dimethoxy-4-ethylamphetamine (also known as DOET).
- 14 (ee) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (also known as 2C-T-
15 7).
- 16 (ff) 5-methoxy-3,4-methylenedioxy-amphetamine.
- 17 (gg) 4-methyl-2,5-dimethoxy-amphetamine (also known as 4-methyl-2,5-
18 dimethoxy-a-methylphenethylamine; DOM and STP).
- 19 (hh) 3,4-methylenedioxy amphetamine (also known as MDA).
- 20 (ii) 3,4-methylenedioxymethamphetamine (also known as MDMA).
- 21 (jj) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-
22 alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA).
- 23 (kk) 3,4,5-trimethoxy amphetamine.
- 24 (ll) Mescaline (also known as 3,4,5-trimethoxyphenethylamine).
- 25 q-p. Substituted tryptamines. This includes any compound, unless specifically
26 excepted, specifically named in this schedule, or listed under a different
27 schedule, structurally derived from 2-(1H-indol-3-yl)ethanamine (i.e., tryptamine)
28 by mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups or
29 by inclusion of the amino nitrogen atom in a cyclic structure whether or not the
30 compound is further substituted at the alpha-position with an alkyl group or

- 1 whether or not further substituted on the indole ring to any extent with any alkyl,
2 alkoxy, halo, hydroxyl, or acetoxy groups. Examples include:
- 3 (1) 5-methoxy-N,N-diallyltryptamine (also known as 5-MeO-DALT).
4 (2) 4-acetoxy-N,N-dimethyltryptamine (also known as 4-AcO-DMT or O-
5 Acetylpsilocin).
6 (3) 4-hydroxy-N-methyl-N-ethyltryptamine (also known as 4-HO-MET).
7 (4) 4-hydroxy-N,N-diisopropyltryptamine (also known as 4-HO-DIPT).
8 (5) 5-methoxy-N-methyl-N-isopropyltryptamine (also known as 5-MeO-MiPT).
9 (6) 5-methoxy-N,N-dimethyltryptamine (also known as 5-MeO-DMT).
10 (7) Bufotenine (also known as 3-(Beta-Dimethyl-aminoethyl)-5-hydroxyindole;
11 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-
12 dimethyltryptamine; mappine).
13 (8) 5-methoxy-N,N-diisopropyltryptamine (also known as 5-MeO-DiPT).
14 (9) Diethyltryptamine (also known as N,N-Diethyltryptamine; DET).
15 (10) Dimethyltryptamine (also known as DMT).
16 (11) Psilocyn.
- 17 r-q. 1-[3-(trifluoromethylphenyl)]piperazine (also known as TMPPP).
18 s-r. 1-[4-(trifluoromethylphenyl)]piperazine.
19 t-s. 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (also known as 5,6-
20 Methylenedioxy-2-aminoindane or MDAI).
21 u-t. 2-(Ethylamino)-2-(3-methoxyphenyl)cyclohexanone (also known as
22 Methoxetamine or MXE).
23 v-u. Ethylamine analog of phencyclidine (also known as N-ethyl-1-
24 phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)
25 ethylamine, cyclohexamine, PCE).
26 w-v. Pyrrolidine analog of phencyclidine (also known as 1-(1-phenylcyclohexyl)-
27 pyrrolidine, PCPy, PHP).
28 x-w. Thiophene analog of phencyclidine (also known as (1-[1-(2-thienyl) cyclohexyl]
29 piperidine; 2-Thienyl analog of phencyclidine; TPCP, TCP).
30 y-x. 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (also known as TCPy).
31 z-y. Salvia divinorum, salvinorin A, or any of the active ingredients of salvia divinorum.

1 **SECTION 3. AMENDMENT.** Subsection 1 of section 19-03.1-22.2 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 1. For purposes of this section:

4 a. "Chemical substance" means a substance intended to be used as a precursor in
5 the manufacture of a controlled substance or any other chemical intended to be
6 used in the manufacture of a controlled substance. Intent under this subsection
7 may be demonstrated by the substance's use, quantity, manner of storage, or
8 proximity to other precursors or to manufacturing equipment.

9 b. "Child" means an individual who is under the age of eighteen years.

10 c. "Controlled substance" means the same as that term is defined in section
11 19-03.1-01, except the term does not include less than one-half ounce [14.175
12 grams] of marijuana or less than two grams of tetrahydrocannabinol.

13 d. "Drug paraphernalia" means the same as that term is defined in section
14 19-03.4-01.

15 e. "Prescription" means the same as that term is described in section 19-03.1-22.

16 f. "Vulnerable adult" means a vulnerable adult as the term is defined in section
17 50-25.2-01.

18 **SECTION 4. AMENDMENT.** Section 19-03.1-22.3 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **19-03.1-22.3. Ingesting a controlled substance - Venue for violation - Penalty.**

21 1. Except as provided in subsection 2, a person who intentionally ingests, inhales,
22 injects, or otherwise takes into the body a controlled substance, unless the substance
23 was obtained directly from a practitioner or pursuant to a valid prescription or order of
24 a practitioner while acting in the course of the practitioner's professional practice, is
25 guilty of a class A misdemeanor. This subsection does not apply to ingesting, inhaling,
26 injecting, or otherwise taking into the body marijuana or tetrahydrocannabinol.

27 2. A person who is under twenty-one years of age and intentionally ingests, inhales,
28 injects, or otherwise takes into the body a controlled substance that is marijuana or
29 tetrahydrocannabinol, unless the substance was medical marijuana obtained in
30 accordance with chapter 19-24.1, is guilty of a class B misdemeanor.

- 1 3. The venue for a violation of this section exists in either the jurisdiction in which the
2 controlled substance was ingested, inhaled, injected, or otherwise taken into the body
3 or the jurisdiction in which the controlled substance was detected in the body of the
4 accused.

5 **SECTION 5. AMENDMENT.** Subsections 1, 7, and 9 of section 19-03.1-23 of the North
6 Dakota Century Code are amended and reenacted as follows:

- 7 1. Except as authorized by this chapter, it is unlawful for a person to willfully, as defined
8 in section 12.1-02-02, manufacture, deliver, or possess with intent to manufacture or
9 deliver, a controlled substance, or to deliver, distribute, or dispense a controlled
10 substance by means of the internet, but a person who violates section 12-46-24 or
11 12-47-21 may not be prosecuted under this subsection. A person who violates this
12 subsection with respect to:
- 13 a. A controlled substance classified in schedule I or II which is a narcotic drug, or
14 methamphetamine, is guilty of a class B felony.
 - 15 b. Any other controlled substance classified in schedule I, II, or III, or a controlled
16 substance analog, except marijuana or tetrahydrocannabinol is guilty of a class B
17 felony.
 - 18 c. AMarijuana, tetrahydrocannabinol, or a substance classified in schedule IV, is
19 guilty of a class C felony.
 - 20 d. A substance classified in schedule V, is guilty of a class A misdemeanor.
- 21 7. a. It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess
22 a controlled substance or a controlled substance analog unless the substance
23 was obtained directly from, or pursuant to, a valid prescription or order of a
24 practitioner while acting in the course of the practitioner's professional practice, or
25 except as otherwise authorized by this chapter, but any person who violates
26 section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.
- 27 b. Except as otherwise provided in this subsection, any person who violates this
28 subsection is guilty of a class A misdemeanor for the first offense under this
29 subsection and a class C felony for a second or subsequent offense under this
30 subsection.

- 1 c. If, at the time of the offense the person is in or on the real property comprising a
2 public or private elementary or secondary school or a public career and technical
3 education school, the person is guilty of a class B felony, unless the offense
4 involves marijuana or tetrahydrocannabinol.
- 5 d. A person who violates this subsection by possessing:
- 6 (1) Marijuana is:
- 7 (a) In an amount of less than one-half ounce [14.175 grams] is guilty of
8 an infraction.
- 9 (2)(b) At least one-half ounce [14.175 grams] but not more than 500 grams
10 of marijuana is guilty of a class B misdemeanor.
- 11 (3)(c) More than 500 grams of marijuana is guilty of a class A misdemeanor.
- 12 (2) Tetrahydrocannabinol:
- 13 (a) In an amount less than two grams is guilty of an infraction.
- 14 (b) At least two grams but not more than six grams of
15 tetrahydrocannabinol is guilty of a class B misdemeanor.
- 16 (c) More than six grams of tetrahydrocannabinol is guilty of a class A
17 misdemeanor.
- 18 e. If an individual is sentenced to the legal and physical custody of the department
19 of corrections and rehabilitation under this subsection, the department may place
20 the individual in a drug and alcohol treatment program designated by the
21 department. Upon the successful completion of the drug and alcohol treatment
22 program, the department shall release the individual from imprisonment to begin
23 any court-ordered period of probation.
- 24 f. If the individual is not subject to any court-ordered probation, the court shall order
25 the individual to serve the remainder of the sentence of imprisonment on
26 supervised probation subject to the terms and conditions imposed by the court.
- 27 g. Probation under this subsection may include placement in another facility,
28 treatment program, or drug court. If an individual is placed in another facility or
29 treatment program upon release from imprisonment, the remainder of the
30 sentence must be considered as time spent in custody.

- 1 h. An individual incarcerated under this subsection as a result of a second probation
2 revocation is not eligible for release from imprisonment upon the successful
3 completion of treatment.
- 4 i. A person who violates this subsection regarding possession of five or fewer
5 capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or
6 controlled substance analog is guilty of a class A misdemeanor.
- 7 9. If a person pleads guilty or is found guilty of a first offense regarding possession of
8 one ounce [28.35 grams] or less of marijuana or two grams or less of
9 tetrahydrocannabinol and a judgment of guilt is entered, a court, upon motion, shall
10 seal the court record of that conviction if the person is not subsequently convicted
11 within two years of a further violation of this chapter. Once sealed, the court record
12 may not be opened even by order of the court.

13 **SECTION 6. AMENDMENT.** Subsection 12 of section 19-03.4-01 of the North Dakota
14 Century Code is amended and reenacted as follows:

- 15 12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
16 introducing marijuana, cocaine, ~~hashish, or hashish oil~~ tetrahydrocannabinol into the
17 human body, including:
- 18 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without
19 screens, permanent screens, ~~hashish heads~~, or punctured metal bowls.
- 20 b. Water pipes.
- 21 c. Carburetion tubes and devices.
- 22 d. Smoking and carburetion masks.
- 23 e. Objects, sometimes commonly referred to as roach clips, used to hold burning
24 material, for example, a marijuana cigarette, that has become too small or too
25 short to be held in the hand.
- 26 f. Miniature cocaine spoons and cocaine vials.
- 27 g. Chamber pipes.
- 28 h. Carburetor pipes.
- 29 i. Electric pipes.
- 30 j. Air-driven pipes.
- 31 k. Chillums.

1 I. Bongs.

2 m. Ice pipes or chillers.

3 **SECTION 7. AMENDMENT.** Section 19-03.4-03 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **19-03.4-03. Unlawful possession of drug paraphernalia - Penalty.**

- 6 1. A person may not use or possess with intent to use drug paraphernalia to plant,
7 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,
8 process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled
9 substance in violation of chapter 19-03.1. A person violating this subsection is guilty of
10 a class C felony if the drug paraphernalia is used, or possessed with intent to be used,
11 to manufacture, compound, convert, produce, process, prepare, test, or analyze a
12 controlled substance, other than marijuana or tetrahydrocannabinol, classified in
13 schedule I, II, or III of chapter 19-03.1.
- 14 2. A person may not use or possess with the intent to use drug paraphernalia to inject,
15 ingest, inhale, or otherwise induce into the human body a controlled substance, other
16 than marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of
17 chapter 19-03.1. A person violating this subsection is guilty of a class A misdemeanor.
18 If a person previously has been convicted of an offense under this title, other than an
19 offense related to marijuana or tetrahydrocannabinol, or an equivalent offense from
20 another court in the United States, a violation of this subsection is a class C felony.
- 21 3. A person may not use or possess with intent to use drug paraphernalia to plant,
22 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,
23 process, prepare, test, analyze, pack, or repack marijuana or tetrahydrocannabinol in
24 violation of chapter 19-03.1. A person violating this subsection is guilty of a class A
25 misdemeanor.
- 26 4. A person may not use or possess with the intent to use drug paraphernalia to ingest,
27 inhale, or otherwise introduce into the human body marijuana or tetrahydrocannabinol
28 or possess with the intent to use drug paraphernalia to store or contain marijuana or
29 tetrahydrocannabinol in violation of chapter 19-03.1. A person violating this subsection
30 is guilty of an infraction.

1 5. A person sentenced to the legal and physical custody of the department of corrections
2 and rehabilitation under this section may be placed in a drug and alcohol treatment
3 program as designated by the department. Upon the successful completion of the drug
4 and alcohol treatment program, the department shall release the person from
5 imprisonment to begin any court-ordered period of probation. If the person is not
6 subject to court-ordered probation, the court may order the person to serve the
7 remainder of the sentence of imprisonment on supervised probation subject to the
8 terms and conditions imposed by the court.

9 6. Probation under this section may include placement in another facility, treatment
10 program, or drug court. If the person is placed in another facility or treatment program
11 upon release from imprisonment, the remainder of the sentence must be considered
12 as time spent in custody.

13 **SECTION 8. AMENDMENT.** Section 19-03.4-04 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **19-03.4-04. Unlawful manufacture or delivery of drug paraphernalia - Penalty.**

16 A person may not deliver, possess with intent to deliver, or manufacture with intent to
17 deliver, drug paraphernalia, if that person knows or should reasonably know that the drug
18 paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture,
19 compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain,
20 conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled
21 substance in violation of chapter 19-03.1. Any person violating this section is guilty of a class C
22 felony if the drug paraphernalia will be used to manufacture, compound, convert, produce,
23 process, prepare, test, inject, ingest, inhale, or analyze a controlled substance, other than
24 marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of chapter 19-03.1.
25 Otherwise, a violation of this section is a class A misdemeanor.

26 **SECTION 9. AMENDMENT.** Section 19-24.1-01 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **19-24.1-01. Definitions.**

29 As used in this chapter, unless the context indicates otherwise:

30 1. "Advanced practice registered nurse" means an advanced practice registered nurse
31 defined under section 43-12.1-02.

- 1 2. "Allowable amount of usable marijuana" means the amount of usable marijuana a
2 registered qualifying patient or registered designated caregiver may purchase in a
3 thirty-day period under this chapter.
- 4 a. Except as provided under subdivision b:
- 5 (1) During a thirty-day period, a registered qualifying patient may not purchase
6 or have purchased by a registered designated caregiver more than two and
7 one-half ounces [70.87 grams] of dried leaves or flowers of the plant of
8 genus cannabis in a combustible delivery form.
- 9 (2) At any time a registered qualifying patient, or a registered designated
10 caregiver on behalf of a registered qualifying patient, may not possess more
11 than three ounces [85.05 grams] of dried leaves or flowers of the plant of
12 the genus cannabis in a combustible delivery form.
- 13 b. Notwithstanding subdivision a, if a registered qualifying patient has a registry
14 identification card authorizing an enhanced allowable amount:
- 15 (1) During a thirty-day period a registered qualifying patient may not purchase
16 or have purchased by a registered designated caregiver more than six
17 ounces [170.01 grams] of dried leaves or flowers of the plant of genus
18 cannabis in a combustible delivery form.
- 19 (2) At any time a registered qualifying patient, or a registered designated
20 caregiver on behalf of a registered qualifying patient, may not possess more
21 than seven and one-half ounces [212.62 grams] of dried leaves or flowers of
22 the plant of the genus cannabis in a combustible delivery form.
- 23 c. A registered qualifying patient may not purchase or have purchased by a
24 registered designated caregiver more than the maximum concentration or
25 amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum
26 concentration or amount of tetrahydrocannabinol permitted in a thirty-day period
27 for a cannabinoid concentrate or medical cannabinoid product, or the cumulative
28 total of both, is four thousand milligrams.
- 29 3. "Bona fide provider-patient relationship" means a treatment or counseling relationship
30 between a health care provider and patient in which all the following are present:

- 1 a. The health care provider has reviewed the patient's relevant medical records and
2 completed a full assessment of the patient's medical history and current medical
3 condition, including a relevant, in-person, medical evaluation of the patient.
- 4 b. The health care provider has created and maintained records of the patient's
5 condition in accordance with medically accepted standards.
- 6 c. The patient is under the health care provider's continued care for the debilitating
7 medical condition that qualifies the patient for the medical use of marijuana.
- 8 d. The health care provider has a reasonable expectation that provider will continue
9 to provide followup care to the patient to monitor the medical use of marijuana as
10 a treatment of the patient's debilitating medical condition.
- 11 e. The relationship is not for the sole purpose of providing written certification for the
12 medical use of marijuana.
- 13 4. "Cannabinoid" means a chemical compound that is one of the active constituents of
14 marijuana.
- 15 5. "Cannabinoid capsule" means a small, soluble container, usually made of gelatin,
16 which encloses a dose of a cannabinoid product or a cannabinoid concentrate
17 intended for consumption. The maximum concentration of amount of
18 tetrahydrocannabinol permitted in a serving of a cannabinoid capsule is fifty
19 milligrams.
- 20 6. "Cannabinoid concentrate" means a concentrate or extract obtained by separating
21 cannabinoids from marijuana by a mechanical, chemical, or other process.
- 22 7. "Cannabinoid edible product" means a food or potable liquid into which a cannabinoid
23 concentrate or the dried leaves or flowers of the plant of the genus cannabis is
24 incorporated.
- 25 8. "Cannabinoid solution" means a solution consisting of a mixture created from
26 cannabinoid concentrate and other ingredients. A container holding a cannabinoid
27 solution for dispensing may not exceed thirty milliliters.
- 28 9. "Cannabinoid topical" means a cannabinoid product intended to be applied to the skin
29 or hair. The maximum concentration or amount of tetrahydrocannabinol permitted in a
30 cannabinoid topical is six percent.

- 1 10. "Cannabinoid transdermal patch" means an adhesive substance applied to the skin
2 which contains a cannabinoid product or cannabinoid concentrate for absorption into
3 the bloodstream. The maximum concentration or amount of tetrahydrocannabinol
4 permitted in a serving of a cannabinoid transdermal patch is fifty milligrams.
- 5 11. "Cardholder" means a qualifying patient, designated caregiver, or compassion center
6 agent who has been issued and possesses a valid registry identification card.
- 7 12. "Compassion center" means a manufacturing facility or dispensary.
- 8 13. "Compassion center agent" means a principal officer, board member, member,
9 manager, governor, employee, volunteer, or agent of a compassion center. The term
10 does not include a lawyer representing a compassion center in civil or criminal
11 litigation or in an adversarial administrative proceeding.
- 12 14. "Contaminated" means made impure or inferior by extraneous substances.
- 13 15. "Debilitating medical condition" means one of the following:
- 14 a. Cancer;
- 15 b. Positive status for human immunodeficiency virus;
- 16 c. Acquired immune deficiency syndrome;
- 17 d. Decompensated cirrhosis caused by hepatitis C;
- 18 e. Amyotrophic lateral sclerosis;
- 19 f. Posttraumatic stress disorder;
- 20 g. Agitation of Alzheimer's disease or related dementia;
- 21 h. Crohn's disease;
- 22 i. Fibromyalgia;
- 23 j. Spinal stenosis or chronic back pain, including neuropathy or damage to the
24 nervous tissue of the spinal cord with objective neurological indication of
25 intractable spasticity;
- 26 k. Glaucoma;
- 27 l. Epilepsy;
- 28 m. Anorexia nervosa;
- 29 n. Bulimia nervosa;
- 30 o. Anxiety disorder;
- 31 p. Tourette syndrome;

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- 1 q. Ehlers-Danlos syndrome;
- 2 r. Endometriosis;
- 3 s. Interstitial cystitis;
- 4 t. Neuropathy;
- 5 u. Migraine;
- 6 v. Rheumatoid arthritis;
- 7 w. Autism spectrum disorder;
- 8 x. A brain injury;
- 9 y. A terminal illness; or
- 10 z. A chronic or debilitating disease or medical condition or treatment for such
- 11 disease or medical condition that produces one or more of the following:
- 12 (1) Cachexia or wasting syndrome;
- 13 (2) Severe debilitating pain that has not responded to previously prescribed
- 14 medication or surgical measures for more than three months or for which
- 15 other treatment options produced serious side effects;
- 16 (3) Intractable nausea;
- 17 (4) Seizures; or
- 18 (5) Severe and persistent muscle spasms, including those characteristic of
- 19 multiple sclerosis.
- 20 16. "Department" means the state department of health.
- 21 17. "Designated caregiver" means an individual who agrees to manage the well-being of a
- 22 registered qualifying patient with respect to the qualifying patient's medical use of
- 23 marijuana.
- 24 18. "Dispensary" means an entity registered by the department as a compassion center
- 25 authorized to dispense usable marijuana to a registered qualifying patient and a
- 26 registered designated caregiver.
- 27 19. "Enclosed, locked facility" means a closet, room, greenhouse, building, or other
- 28 enclosed area equipped with locks or other security devices that permit access limited
- 29 to individuals authorized under this chapter or rules adopted under this chapter.
- 30 20. "Health care provider" means a physician, a physician assistant, or an advanced
- 31 practice registered nurse.

- 1 21. "Manufacturing facility" means an entity registered by the department as a compassion
2 center authorized to produce and process and to sell usable marijuana to a
3 dispensary.
- 4 22. "Marijuana" means all parts of the plant of the genus cannabis; the seeds of the plant;
5 the resin extracted from any part of the plant; and every compound, manufacture, salt,
6 derivative, mixture, or preparation of the plant, the seeds of the plant, or the resin
7 extracted from any part of the plant. The term marijuana does not include hemp;
8 a. Hemp as defined in regulated under section 4.1-18.1-01; or
9 b. A prescription drug approved by the United States food and drug administration
10 under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].
- 11 23. "Maximum concentration or amount of tetrahydrocannabinol" means the total amount
12 of tetrahydrocannabinol and tetrahydrocannabinolic acid in a medical cannabinoid
13 product or a cannabinoid concentrate.
- 14 24. "Medical cannabinoid product" means a product intended for human consumption or
15 use which contains cannabinoids.
- 16 a. Medical cannabinoid products are limited to the following forms:
17 (1) Cannabinoid solution;
18 (2) Cannabinoid capsule;
19 (3) Cannabinoid transdermal patch; and
20 (4) Cannabinoid topical.
- 21 b. "Medical cannabinoid product" does not include:
22 (1) A cannabinoid edible product;
23 (2) A cannabinoid concentrate by itself; or
24 (3) The dried leaves or flowers of the plant of the genus cannabis by itself.
- 25 25. "Medical marijuana product" means a cannabinoid concentrate or a medical
26 cannabinoid product.
- 27 26. "Medical marijuana waste" means unused, surplus, returned, or out-of-date usable
28 marijuana; recalled usable marijuana; unused marijuana; or plant debris of the plant of
29 the genus cannabis, including dead plants and all unused plant parts and roots.
- 30 27. "Medical use of marijuana" means the acquisition, use, and possession of usable
31 marijuana to treat or alleviate a qualifying patient's debilitating medical condition.

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- 1 28. "Minor" means an individual under the age of nineteen.
- 2 29. "North Dakota identification" means a North Dakota driver's license or comparable
3 state of North Dakota or federal issued photo identification card verifying North Dakota
4 residence.
- 5 30. "Owner" means an individual or an organization with an ownership interest in a
6 compassion center.
- 7 31. "Ownership interest" means an aggregate ownership interest of five percent or more in
8 a compassion center, unless the interest is solely a security, lien, or encumbrance, or
9 an individual who will be participating in the direction, control, or management of the
10 compassion center.
- 11 32. "Pediatric medical marijuana" means a medical marijuana product containing
12 cannabidiol which may not contain a maximum concentration or amount of
13 tetrahydrocannabinol of more than six percent.
- 14 ~~31-33.~~ "Physician" means a physician licensed under chapter 43-17 to practice medicine in
15 the state of North Dakota.
- 16 ~~32-34.~~ "Physician assistant" means an individual licensed under chapter 43-17 to practice as
17 a physician assistant in the state.
- 18 ~~33-35.~~ "Posttraumatic stress disorder" means a patient meets the diagnostic criteria for
19 posttraumatic stress disorder under the "Diagnostic and Statistical Manual of Mental
20 Disorders", American psychiatric association, fifth edition, text revision (2013).
- 21 ~~34-36.~~ "Processing" or "process" means the compounding or conversion of marijuana into a
22 medical marijuana product.
- 23 ~~35-37.~~ "Producing", "produce", or "production" mean the planting, cultivating, growing,
24 trimming, or harvesting of the plant of the genus cannabis or the drying of the leaves
25 or flowers of the plant of the genus cannabis.
- 26 ~~36-38.~~ "Qualifying patient" means an individual who has been diagnosed by a health care
27 provider as having a debilitating medical condition.
- 28 ~~37-39.~~ "Registry identification card" means a document issued by the department which
29 identifies an individual as a registered qualifying patient, registered designated
30 caregiver, or registered compassion center agent.
- 31 ~~38-40.~~ "Substantial corporate change" means:

- 1 a. For a corporation, a change of ten percent or more of the officers or directors, or
2 a transfer of ten percent or more of the stock of the corporation, or an existing
3 stockholder obtaining ten percent or more of the stock of the corporation;
- 4 b. For a limited liability company, a change of ten percent or more of the managing
5 members of the company, or a transfer of ten percent or more of the ownership
6 interest in the company, or an existing member obtaining a cumulative of ten
7 percent or more of the ownership interest in the company; or
- 8 c. For a partnership, a change of ten percent or more of the managing partners of
9 the company, or a transfer of ten percent or more of the ownership interest in the
10 company, or an existing member obtaining a cumulative of ten percent or more of
11 the ownership interest in the company.
- 12 41. "Terminal illness" means a disease, illness, or condition of a patient:
- 13 a. For which there is not a reasonable medical expectation of recovery;
- 14 b. Which as a medical probability, will result in the death of the patient, regardless of
15 the use or discontinuance of medical treatment implemented for the purpose of
16 sustaining life or the life processes; and
- 17 c. As a result of which, the patient's health care provider would not be surprised if
18 death were to occur within six months.
- 19 39-42. "Tetrahydrocannabinol" means tetrahydrocannabinols naturally contained in a plant of
20 the genus Cannabis, and synthetic equivalents of the substances contained in the
21 cannabis plant, or in the resinous extractives of the plant, including synthetic
22 substances, derivatives, and their isomers with similar chemical structure and
23 pharmacological activity to those substances contained in the plant, including:
- 24 a. Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers. Other names:
25 Delta-9-tetrahydrocannabinol.
- 26 b. Delta-6 or trans tetrahydrocannabinol, and their optical isomers. Other names:
27 Delta-8 tetrahydrocannabinol.
- 28 c. Delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers.
- 29 (Since nomenclature of these substances is not intentionally standardized, compounds
30 of these structures, regardless of numerical designation or atomic positions covered.)
31 Tetrahydrocannabinol does not include:

1 a. The allowable amount of total tetrahydrocannabinol found in hemp as defined in
2 chapter 4.1-18.1; or

3 b. A prescription drug approved by the United States food and drug administration
4 under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].

5 43. "Total tetrahydrocannabinol" means the sum of the percentage by weight of
6 tetrahydrocannabinolic acid multiplied by eight hundred seventy-seven thousandths
7 plus the percentage of weight of tetrahydrocannabinol.

8 44. "Usable marijuana" means a medical marijuana product or the dried leaves or flowers
9 of the plant of the genus cannabis in a combustible delivery form. However, the term
10 does not include a cannabinoid edible product. In the case of a registered qualifying
11 patient who is a minor, "usable marijuana" is limited to pediatric medical marijuana.

12 40.45. "Verification system" means the system maintained by the department under section
13 19-24.1-31 for verification of registry identification cards.

14 41.46. "Written certification" means a form established by the department which is executed,
15 dated, and signed by a health care provider within ninety calendar days of the date of
16 application, stating the patient has a debilitating medical condition. A health care
17 provider may authorize an enhanced amount of dried leaves or flowers of the plant of
18 the genus cannabis in a combustible delivery form to treat or alleviate the patient's
19 debilitating medical condition of cancer. A written certification may not be made except
20 in the course of a bona fide provider-patient relationship.

21 **SECTION 10. AMENDMENT.** Subdivision a of subsection 2 of section 19-24.1-03 of the
22 North Dakota Century Code is amended and reenacted as follows:

23 a. A nonrefundable ~~annual~~ application fee in ~~the an~~ amount ~~of not to exceed~~ fifty
24 dollars.

25 **SECTION 11. AMENDMENT.** Subsection 3 of section 19-24.1-04 of the North Dakota
26 Century Code is amended and reenacted as follows:

27 3. ~~A~~Except as provided in section 19-24.1-04.1, a criminal history record check
28 conducted under section 12-60-24 must be performed upon initial application and
29 biennially thereafter and at any other time upon the request of the department. All fees
30 associated with the criminal history record check must be paid by the applicant.

1 **SECTION 12.** Section 19-24.1-04.1 of the North Dakota Century Code is created and
2 enacted as follows:

3 **19-24.1-04.1. Designated caregivers - Criminal history record check exemption.**

4 The department may waive the requirement for a registered designated caregiver to obtain
5 a criminal history record check under section 12-60-24 if the registered designated caregiver is
6 solely assisting a registered qualifying patient whose debilitating medical condition is a terminal
7 illness. A registered designated caregiver seeking a waiver under this section shall provide the
8 department with a written statement attesting the caregiver has not been convicted of a drug-
9 related misdemeanor offense within the five years preceding the date of application or a felony
10 offense. If a waiver is issued under this section, the registered designated caregiver's registry
11 identification card is valid for a period not to exceed six months.

12 **SECTION 13. AMENDMENT.** Section 19-24.1-10 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **19-24.1-10. Cardholders - Notification of change.**

- 15 1. Within ten calendar days of the change, in a manner prescribed by the department, a
16 registered qualifying patient or registered designated caregiver shall notify the
17 department of any of the following:
- 18 a. A change in the cardholder's name or address;
 - 19 b. Knowledge of a change that would render the registered qualifying patient no
20 longer eligible to participate in the medical marijuana program;
 - 21 c. Knowledge of a change that results in the registered qualifying patient's health
22 care provider no longer meeting the definition of the term "health care provider"
23 as defined under section 19-24.1-01; or
 - 24 d. Knowledge of a change that renders the registered qualifying patient's registered
25 designated caregiver no longer eligible to participate in the medical marijuana
26 program.
- 27 2. If a registered qualifying patient seeks to change the patient's designated caregiver,
28 the registered qualifying patient shall notify the department in writing of this change.
- 29 3. If a cardholder loses the cardholder's registry identification card, the cardholder shall
30 notify the department in writing within twenty-four hours of becoming aware of the loss.

- 1 4. If a registered qualifying patient is unable to make a notification required under this
2 section due to age or medical condition, that patient's registered designated caregiver
3 or the individual responsible for making medical decisions for that patient shall provide
4 the notification.
- 5 5. If the department receives notification of an item listed in this section and the nature of
6 the item reported does not affect a cardholder's eligibility, the department ~~shall~~may
7 issue the cardholder a new registry identification card ~~with a new random ten-digit~~
8 ~~alphanumeric identification number~~ within twenty calendar days of approving the
9 updated information and the cardholder ~~shall~~may pay a fee, not to exceed twenty-five
10 dollars. If a cardholder notifying the department is a registered qualifying patient who
11 has a registered designated caregiver, the department shall issue the patient's
12 registered designated caregiver a new registry identification card within twenty
13 calendar days of approving the updated information.
- 14 6. If the department receives notification of an item listed in this section and the nature of
15 the item reported makes the cardholder ineligible, the cardholder's registry
16 identification card becomes void immediately upon notification of the department and
17 the registered cardholder shall dispose of any usable marijuana in the cardholder's
18 possession within fifteen calendar days, in accordance with rules adopted under this
19 chapter.
- 20 7. A registered qualifying patient's certifying health care provider may notify the
21 department in writing if the health care provider's registered qualifying patient no
22 longer has a debilitating medical condition. The health care provider may notify the
23 department if a bona fide provider-patient relationship ceases to exist. ~~The~~Except if
24 the bona fide provider-patient relationship is terminating due to the health care
25 provider moving to a location where it is not suitable to continue the bona fide
26 provider-patient relationship, the qualifying patient's registry identification card
27 becomes void immediately upon the health care provider's notification of the
28 department ~~and~~. If the bona fide provider-patient relationship is terminating due to the
29 health care provider moving to a location where it is not suitable to continue the bona
30 fide provider-patient relationship, the qualifying patient's registry identification card is
31 void if the registered qualifying patient fails to establish a new bona fide provider-

1 patient relationship within sixty days of the department receiving notice from the
2 original health care provider. If the registry identification card is voided under this
3 subsection, the registered qualifying patient shall dispose of any usable marijuana in
4 the cardholder's possession within fifteen calendar days, in accordance with rules
5 adopted under this chapter.

6 **SECTION 14. AMENDMENT.** Section 19-24.1-13 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **19-24.1-13. Compassion centers - Authority.**

- 9 1. The activities of a manufacturing facility are limited to producing and processing and to
10 related activities, including acquiring, possessing, storing, transferring, and
11 transporting marijuana and usable marijuana, for the sole purpose of selling usable
12 marijuana to a dispensary.
- 13 2. The activities of a dispensary are limited to purchasing usable marijuana from a
14 manufacturing facility, and related activities, including storing, delivering, transferring,
15 and transporting usable marijuana, for the sole purpose of dispensing usable
16 marijuana to a registered qualifying patient, directly or through the registered qualifying
17 patient's registered designated caregiver. The activities of a dispensary include
18 providing educational material and selling usable marijuana related supplies to a
19 registered qualifying patient or a registered designated caregiver.
- 20 3. An individual or organization may not hold an ownership interest in:
 - 21 a. More than one manufacturing facility.
 - 22 b. More than four dispensaries.
 - 23 c. More than one dispensary within a twenty-mile [32.19 kilometer] radius of another
24 dispensary.
- 25 4. An agreement may not be entered between a manufacturing facility and dispensary
26 whereby a dispensary agrees to limit purchases or sales of usable marijuana to one
27 manufacturing facility.

28 **SECTION 15. AMENDMENT.** Paragraph 2 of subdivision d of subsection 1 of section
29 19-24.1-14 of the North Dakota Century Code is amended and reenacted as follows:

- 1 (2) Evidence the physical address of the proposed compassion center is not
2 located within one thousand feet [~~604.80~~304.80 meters] of a property line of
3 a pre-existing public or private school.

4 **SECTION 16. AMENDMENT.** Subdivision a of subsection 1 of section 19-24.1-15 of the
5 North Dakota Century Code is amended and reenacted as follows:

- 6 a. A certification fee, made payable to the "North Dakota State Department of
7 Health, Medical Marijuana Program", in ~~the~~an amount ~~of not to exceed~~
8 thousand dollars for a dispensary and one hundred ten thousand dollars for a
9 manufacturing facility.

10 **SECTION 17. AMENDMENT.** Subdivision a of subsection 2 of section 19-24.1-16 of the
11 North Dakota Century Code is amended and reenacted as follows:

- 12 a. The compassion center submits a renewal fee, in ~~the~~an amount ~~of not to exceed~~
13 ninety thousand dollars for a dispensary and one hundred ten thousand dollars
14 for a manufacturing facility, which the department shall refund if the department
15 rejects the renewal application;

16 **SECTION 18. AMENDMENT.** Section 19-24.1-17 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **19-24.1-17. Compassion centers - Registration certificates nontransferable -**
19 **Notification of changes.**

- 20 1. ~~A registration certificate authorizing operation of a compassion center may not be~~
21 ~~transferred to another person. Unless a compassion center applies for and receives an~~
22 ~~amended registration certificate authorizing operation of a compassion center, the~~
23 ~~registration certificate is void if there is a change in ownership of the compassion~~
24 ~~center, there is a change in the authorized physical location of the compassion center,~~
25 ~~or if the compassion center discontinues operation.~~Upon application of a compassion
26 center to the department, a registration certificate of a compassion center may be
27 amended to authorize a change in the authorized physical location of the compassion
28 center, or to amend the ownership or organizational structure of the compassion
29 center with the registration certificate. A compassion center shall provide the
30 department written notice of any change described under this section at least sixty
31 calendar days before the proposed effective date of the change.

1 2. ~~A compassion center shall provide the department a written notice of any change~~
2 ~~described under this section at least sixty calendar days before the proposed effective~~
3 ~~date of the change. The department shall authorize the use of additional structures~~
4 ~~located within five hundred feet [152.40 meters] of the location described in the~~
5 ~~original application, unless the department makes an affirmative finding the use of~~
6 ~~additional structures would jeopardize public health or safety or would result in the~~
7 ~~compassion center being within one thousand feet [304.80 meters] of a property line of~~
8 ~~a pre-existing public or private school. The department may waive all or part of the~~
9 ~~required advance notice to address emergent or emergency situations.~~
10 A registration
11 certificate authorizing the operation of a compassion center is void by a change in
12 ownership, substantial corporate change, change in location, or discontinued
13 operation, without prior approval of the department. The department may adopt rules
14 allowing for certain types of changes in ownership without the need for prior written
15 approval from the department.

15 3. The department shall authorize the use of additional structures located within five
16 hundred feet [152.40 meters] of the location described in the original application,
17 unless the department makes an affirmative finding the use of additional structures
18 would jeopardize public health or safety or would result in the cannabis business being
19 within one thousand feet [304.80 meters] of a property line of a pre-existing public or
20 private school. The department may waive all or part of the required advance notice to
21 address emergent or emergency situations.

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

24 4. The department shall notify the compassion center in writing of the purpose for
25 denying a compassion center agent application for a registry identification card. The
26 department shall deny an application if the agentapplicant fails to meet the registration
27 requirements or to provide the information required, if the applicant previously had a
28 registry identification card revoked, or if the department determines the information
29 provided is false. The cardholder may appeal a denial or revocation of a registry
30 identification card to the district court of Burleigh County for hearing. The court may
31 authorize the cardholder to appear by reliable electronic means.

1 **SECTION 20. AMENDMENT.** Subsection 2 of section 19-24.1-20 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 2. In addition to any other penalty applicable in law, a manufacturing facility or a
4 manufacturing facility agent is guilty of a class B felony for intentionally selling or
5 otherwise transferring marijuana or usable marijuana in any form, to a person other
6 than a dispensary, or for ~~internationally~~intentionally selling or otherwise transferring
7 marijuana in any form other than usable marijuana, to a dispensary. A person
8 convicted under this subsection may not continue to be affiliated with a compassion
9 center and is disqualified from further participation under this chapter.

10 **SECTION 21. AMENDMENT.** Subsection 3 of section 19-24.1-26 of the North Dakota
11 Century Code is amended and reenacted as follows:

12 3. A compassion center shall conduct inventories of marijuana and usable marijuana at
13 the authorized location at the frequency and in the manner provided by rules adopted
14 under this chapter. If an inventory results in the identification of a discrepancy, the
15 compassion center shall notify the department immediately and appropriate law
16 enforcement authorities ~~immediately~~within seventy-two hours. A compassion center
17 shall document each inventory conducted by the compassion center.

18 **SECTION 22. AMENDMENT.** Subsection 2 of section 19-24.1-37 of the North Dakota
19 Century Code is amended and reenacted as follows:

20 2. Information kept or maintained by the department may be disclosed as necessary for:
21 a. The verification of registration certificates and registry identification cards under
22 this chapter;
23 b. Submission of the annual report required by this chapter;
24 c. Submission to the North Dakota prescription drug monitoring program;
25 d. Notification of state or local law enforcement of apparent criminal violation ~~of this-~~
26 ~~chapter;~~
27 e. Notification of state and local law enforcement about falsified or fraudulent
28 information submitted for purposes of obtaining or renewing a registry
29 identification card; ~~or~~
30 f. Notification of the North Dakota board of medicine or North Dakota board of
31 nursing if there is a reason to believe a health care provider provided a written

1 certification and the department has reason to believe the health care provider
2 otherwise violated this chapter; or
3 g. Data for statistical purposes in a manner such that an individual or compassion
4 center is not identified.

5 **SECTION 23. AMENDMENT.** Section 19-24.1-39 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **19-24.1-39. Report to legislative management.**

8 Annually, the department shall submit to the legislative management a report that does not
9 disclose any identifying information about registered cardholders, compassion centers, or health
10 care providers, but contains the following information:

- 11 1. The number of registry identification card applications and renewals;
- 12 2. The number of registered qualifying patients and, registered designated caregivers,
13 and registered compassion center agents;
- 14 3. The nature of the debilitating medical conditions of the registered qualifying patients;
- 15 4. The number of registry identification cards revoked;
- 16 5. The number of health care providers providing written certifications for qualifying
17 patients;
- 18 6. The number of ~~compassionate care~~compassion centers; ~~and~~
- 19 7. Any expenses incurred and revenues generated by the department from the medical
20 marijuana program; and
- 21 8. Data for statistical purposes in a manner so that an individual person is not
22 identifiable.

23 **SECTION 24. AMENDMENT.** Subsection 1 of section 39-20-01 of the North Dakota
24 Century Code is amended and reenacted as follows:

- 25 1. Any individual who operates a motor vehicle on a highway or on public or private
26 areas to which the public has a right of access for vehicular use in this state is deemed
27 to have given consent, and shall consent, subject to the provisions of this chapter, to a
28 chemical test, or tests, of the blood, breath, ~~saliva~~oral fluid, or urine for the purpose of
29 determining the alcohol concentration or presence of other drugs, or combination
30 thereof, in the individual's blood, breath, ~~saliva~~oral fluid, or urine. As used in this
31 chapter, the word "drug" means any drug or substance or combination of drugs or

1 substances which renders an individual incapable of safely driving, and the words
2 "chemical test" or "chemical analysis" mean any test to determine the alcohol
3 concentration or presence of other drugs, or combination thereof, in the individual's
4 blood, breath, or urine, approved by the director of the state crime laboratory or the
5 director's designee under this chapter.

6 **SECTION 25. AMENDMENT.** Section 39-20-14 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-20-14. Screening tests.**

- 9 1. Any individual who operates a motor vehicle upon the public highways of this state is
10 deemed to have given consent to submit to an onsite screening test or tests of the
11 individual's breath or oral fluid for the purpose of estimating the alcohol concentration
12 or presence of drugs or substances in the individual's breath or oral fluid upon the
13 request of a law enforcement officer who has reason to believe that the individual
14 committed a moving traffic violation or a violation under section 39-08-01 or an
15 equivalent offense, or was involved in a traffic accident as a driver, and in conjunction
16 with the violation or the accident the officer has, through the officer's observations,
17 formulated an opinion that the individual's body contains alcohol or other drugs or
18 substances that render the individual incapable of safely operating a motor vehicle.
- 19 2. An individual may not be required to submit to a screening test or tests of breath or
20 oral fluid while at a hospital as a patient if the medical practitioner in immediate charge
21 of the individual's case is not first notified of the proposal to make the requirement, or
22 objects to the test or tests on the ground that such would be prejudicial to the proper
23 care or treatment of the patient.
- 24 3. The screening test or tests must be performed by an enforcement officer certified as a
25 chemical test operator by the director of the state crime laboratory or the director's
26 designee and according to methods and with devices approved by the director of the
27 state crime laboratory or the director's designee. The results of such screening test
28 must be used only for determining whether or not a further test shall be given under
29 the provisions of section 39-20-01. The officer shall inform the individual that North
30 Dakota law requires the individual to take the screening test to determine whether the
31 individual is under the influence of alcohol or other drugs or substances and that

1 refusal of the individual to submit to a screening test may result in a revocation for at
2 least one hundred eighty days and up to three years of that individual's driving
3 privileges. If such individual refuses to submit to such screening test or tests, none
4 may be given, but such refusal is admissible in a court proceeding if the individual was
5 arrested in violation of section 39-08-01 and did not take any additional chemical tests
6 requested by the law enforcement officer. Such refusal is sufficient cause to revoke
7 such individual's license or permit to drive in the same manner as provided in section
8 39-20-04, and a hearing as provided in section 39-20-05 and a judicial review as
9 provided in section 39-20-06 must be available.

- 10 4. The director must not revoke an individual's driving privileges for refusing to submit to
11 a screening test requested under this section if the individual provides a sufficient
12 breath, oral fluid, blood, or urine sample for a chemical test requested under section
13 39-20-01 for the same incident.
- 14 5. No provisions of this section may supersede any provisions of chapter 39-20, nor may
15 any provision of chapter 39-20 be construed to supersede this section except as
16 provided herein.
- 17 6. For the purposes of this section, "chemical test operator" means an individual certified
18 by the director of the state crime laboratory or the director's designee as qualified to
19 perform analysis for alcohol or other drugs or substances in an individual's blood,
20 breath, oral fluid, or urine.

21 **SECTION 26. EMERGENCY.** This Act is declared to be an emergency measure.