

Introduced by

Representative M. Nelson

1 A BILL for an Act to create and enact section 19-24.1-09.1 of the North Dakota Century Code,
2 relating to out-of-state medical marijuana cardholders; and to amend and reenact subsection 15
3 of section 19-24.1-01 and sections 19-24.1-03.1 and 19-24.1-22 of the North Dakota Century
4 Code, relating to qualifications for medical marijuana debilitating medical conditions and
5 dispensary inspections.

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

7 **SECTION 1. AMENDMENT.** Subsection 15 of section 19-24.1-01 of the North Dakota
8 Century Code is amended and reenacted as follows:

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

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

- 1 n. Bulimia nervosa;
- 2 o. Anxiety disorder;
- 3 p. Tourette syndrome;
- 4 q. Ehlers-Danlos syndrome;
- 5 r. Endometriosis;
- 6 s. Interstitial cystitis;
- 7 t. Neuropathy;
- 8 u. Migraine;
- 9 v. Rheumatoid arthritis;
- 10 w. Autism spectrum disorder;
- 11 x. A brain injury;
- 12 y. A terminal illness; or
- 13 z. A chronic or debilitating disease or medical condition or treatment for such
- 14 disease or medical condition that produces one or more of the following:
- 15 (1) Cachexia or wasting syndrome;
- 16 (2) Severe debilitating pain that has not responded to previously prescribed
- 17 medication or surgical measures for more than three months or for which
- 18 other treatment options produced serious side effects;
- 19 (3) Intractable nausea;
- 20 (4) Seizures; or
- 21 (5) Severe and persistent muscle spasms, including those characteristic of
- 22 multiple sclerosis; or
- 23 aa. A medical condition a health care provider determines is appropriately treated by
- 24 the medical use of marijuana.

25 **SECTION 2. AMENDMENT.** Section 19-24.1-03.1 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **19-24.1-03.1. Qualifying patients - ~~Veterans~~Alternative.**

28 In lieu of the written certification required under section 19-24.1-03, ~~a veteran receiving~~
29 ~~treatment from a federal veterans' affairs entity~~ an individual may submit to the department a
30 copy of the ~~veterans' affairs~~ individual's medical records identifying a diagnosis of a debilitating
31 medical condition ~~and a copy of military discharge documents~~. The department may use the

1 medical records and discharge documents in place of a written certification to approve or deny
2 the application under section 19-24.1-05. The department shall issue a registry identification
3 card within thirty calendar days of approving an application under this section.

4 **SECTION 3.** Section 19-24.1-09.1 of the North Dakota Century Code is created and
5 enacted as follows:

6 **19-24.1-09.1. Cardholders - Out-of-state.**

7 Notwithstanding contrary law under this chapter, the department shall establish a process
8 under which the department issues a temporary card to a qualifying patient from another state.
9 The department may charge a fee to an applicant, not to exceed fifty dollars.

10 **SECTION 4. AMENDMENT.** Section 19-24.1-22 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **19-24.1-22. Compassion centers - Inspections.**

- 13 1. A compassion center is subject to random inspection by the department. During an
14 inspection, the department may review the compassion center's records, including the
15 compassion center's financial and dispensing records, which may track transactions
16 according to registered qualifying patient and registered designated caregiver registry
17 identification numbers.
- 18 2. The department shall conduct inspections of compassion centers to ensure
19 compliance with this chapter. The department shall conduct inspections of
20 manufacturing facilities for the presence of contaminants. The department shall select
21 a certified laboratory to conduct random quality sampling testing, in accordance with
22 rules adopted under this chapter. A compassion center shall pay the cost of all random
23 quality sampling testing.
- 24 3. The department shall conduct a program of unannounced sampling at a dispensary to
25 test whether retail product is as advertised. Under this program a qualified cardholder
26 may act as a secret shopper.