

2019 HOUSE HUMAN SERVICES COMMITTEE

HB 1119

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

HB1119
1/14/2019
30724

- Subcommittee
 Conference Committee

Committee Clerk: Elaine Stromme by Marjorie Conley

Explanation or reason for introduction of bill/resolution:

Relating to the medical marijuana program; to provide for the destroying or redacting of social security numbers in the department's possession; and to declare an emergency.

Minutes:

Attachment 1,2,3

Vice Chairman Rohr: Called the meeting to order on HB 1119.

Representative Westlind: Refer to (Attachment #1) #1119 will make changes to related specific operational areas. (1:52-3:49).

Representative Dobervich: Making electronic transfers available, does that violate any federal banking laws that we would need to be concerned about?

Representative Westlind: No it would not because we are not actually purchasing medical marijuana at this time. If we were actually purchasing medical marijuana then it would be illegal, being that this is only registration processes, it is fine.

Vice Chairman Rohr: Any further questions for **Rep. Westlind**?

Steven James Peterson: (Attachment #2) I am with the committee for compassionate care. We are a patient advocacy group here in the state of North Dakota. We do approve of what the language says in HB1119

Vice Chairman Rohr: Anyone else here in support of HB1119?

Chris Nolden: I am representing myself. I am standing in favor of this bill. I do agree with the declaration of emergency on this bill.

Vice Chairman Rohr: Anyone else here in support of HB1119?

Jason Wahl, Director of the Division of Medical Marijuana within the Department of Health: (Attachment #3) (7:37-9:41). In support of HB1119.

Vice Chairman Rohr: Any questions for Mr. Wahl?

Vice Chairman Rohr: Anyone else here in support of HB1119? Anyone in opposition?

Vice Chairman Rohr: Closed hearing on HB1119.

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

HB 1119
1/31/2019
31871

- Subcommittee
 Conference Committee

Committee Clerk: Elaine Stromme

Explanation or reason for introduction of bill/resolution:

Relating to the medical marijuana program; to provide for the destroying or redacting of Social security numbers in the department's possession; and to declare an emergency

Minutes:

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Rep. Ruby: Made a Do Pass motion for HB 1119.

Rep. Westlind: Seconded motion for Do Pass HB 1119.

Roll Call Vote Yes 12 No 0 Absent 2.

Rep. Westlind is the **Carrier**.

Date: 1-30-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1119**

House Human Services Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Ruby Seconded By Westlind

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	X		Gretchen Dobervich	X	
Karen M. Rohr - Vice Chairman	_____		Mary Schneider	X	
Dick Anderson	_____				
Chuck Damschen	X				
Bill Devlin	X				
Clayton Fegley	X				
Dwight Kiefert	X				
Todd Porter	X				
Matthew Ruby	X				
Bill Tveit	X				
Greg Westlind	X				
Kathy Skroch	X				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Westlind

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1119: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1119 was placed on the Eleventh order on the calendar.

2019 SENATE HUMAN SERVICES

HB 1119

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

HB 1119
3/6/2019
Job # 33266

- Subcommittee
 Conference Committee

Committee Clerk: Justin Velez/ Mary Jo Wocken

Explanation or reason for introduction of bill/resolution:

Relating to the medical marijuana program; to provide for the destroying or redacting of social security numbers in the department's possession; and to declare an emergency.

Minutes:

Written attachment #1: Rep. Greg Westlind
Written attachment #2: Jason Wahl

Vice Chair Ole Larsen opens the hearing on HB 1119.

Representative Greg Westlind, District 15, introduction of bill (**Attachment #1**) for the Division of Medical Marijuana (:36-2:51)

Senator Hogan: This is just the technical corrections bill from the medical marijuana.

Representative Westlind: Pretty much so. Actually it's going to make it easier to get an application in, just through payment with electronic funding. It is really going to shorten the time length between applicant and receiving the registration card.

Senator Hogan: It doesn't seem to be, none of this seems to be very controversial.

Representative Westlind: No it is not. It is probably the easiest of all the bills.

Senator Roers: The electronic payment is for what? **Representative Westlind**: That's for the payment for the \$50 payment for application fee, not for any product. **Senator Roers**: That's what I wanted to make sure.

Jason Wahl, Executive Director of Medical Marijuana for the Department of Human Services. Testifying in support of HB 1119. Please see **Attachment #2** for testimony (4:24-11:12)

Vice Chair Larsen: So is those rangers or sides by sides in there already or can it just be recreational vehicles that are put in there instead of just itemizing a snowmobile?

Mr. Jason Wahl: I asked that exact same question whether UTV's and ATV's are currently covered. Parks and Rec informed me that is covered under the definition of motor vehicle in

State law and legal counsel confirmed that. So the one gap that's missing is snowmobile, that is defined separately in state law.

Vice-Chair Larsen: Would a parasail be, where would that fit in because that is not a airplane?

Mr. Jason Wahl: I am going to look over at legal and say I don't believe that would be covered in there in regards to parasailing if they are impaired. Parasailing or kayaking or.

Vice-Chair Larsen: A kayak isn't motorized. A parasail is that little thing you strap on your back and then you fly around. So is that missing a well?

Mr. Jason Wahl: I will look to legal and we'll consider that when we draft that amendment, if that would work. If we are going to look at an amendment for that we want to make sure we get everything included. So we'll take a look at any additional items that should be included since we're looking at the snowmobile. So as we said we've learned things and it came as a surprise to me last week when it was brought up in that presentation.

Vice-Chair Larsen: Are they saying the motorized skate board is a motor vehicle?

Mr. Jason Wahl: I don't believe that came up, we would have to look at the definition of motor vehicle again to see what is all included.

Senator Clemens: So if this bill passes and I guess maybe if it doesn't, requirement to get a license the things are date of birth, residency, and then a physicians' authorization. Is that the only three things you really need and that's why we can change some of this stuff?

Mr. Jason Wahl: The law does require us to have a little bit more information than that, just the identifying information. Name, address, date of birth. They are required to submit to us a copy of their drivers' license with the electronic system. With the electronic system what we usually get is their taking a picture of it on their phone. Now we are able to use that drivers' license then to verify they are a North Dakota resident by then using what's on their drivers' license and verifying that information through the DOT's system. They have to provide us a recent pictures and we're getting a lot of selfies. That is usually what we get with their recent pictures then the law requires that picture to go on to their card rather than what's the picture that in the DOT system for example. They do need to identify if they plan on having a caregiver. We get their address, telephone number, e-mail in case we do need to contact them. There is a demographic section of the application not required by law but it is their decision whether or not they want to fill out that part of the application. They do need to check certain boxes that they understand certain provisions under the law, and that they are responsible for knowing what the law is in relation to position of marijuana. That's really the basic of the application for a qualifying patient similar to a designated care giver. The one aspect is the social security numbers. We just want that removed and would take that off of the application and then under the last section in this bill, we would have our IT vendor destroy all security numbers currently maintained in the system.

Senator Clemens: So once the person gets the license, then whenever he comes to the dispensary, he needs to have proof of who he is so that it matches up with that on-line application. Correct?

Mr. Jason Wahl: They are required to bring in their registry identification card. Most people refer to it as their Medical marijuana card. When they come into a dispensary they have to have that card with them, and the dispensaries that are open requires them to have another form of identification ID. So then they are matching that up to verify that a card didn't get doctored or somehow manipulated or somebody figured out a way to change the picture and I came in with your card, changed it to my pictures and so I match up to the card. They are required to not only look at the card but they have to take the number on the card and enter it into our system and then it tells them whether or not that card is valid or invalid. If it is invalid, they are not allowed into the display area or to make any purchases. If it is valid, they then know how much they have left on their 30- day purchase amount. If they were authorized for dried leaves and flowers and then how much they have remaining on their 2000 milligram purchase limit in a 30-day period.

Vice-Chair Larsen: It seems how we're talking about the identity is the BCI looking or have access that database when they are doing concealed caring licensing or any of that type of thing?

Mr. Jason Wahl: Right now state law does not allow access to our system. What the law provides is for law enforcement and other individuals that are named in the law tab access 24 hours a day to a verification system. That verification system is up and running right now, where law enforcement either through a NCIC terminal or through CJIS or by contacting dispatch directly they can run that 10 alpha-numeric number that is on the card to verify the status of the card. That is what the law currently provides. Otherwise the list of the cardholders and other information in our system is confidential.

Vice-Chair Larsen: Do you see that that would be problematic when you've because in that application when you fill out the concealed, it has that box that says you are using that. So people aren't checking the box because that kicks you out of the deal. Do you see that as a barrier or as a fire wall to get around that? The BCI when they do a background check it is supposed to be very in-depth I would imagine.

Mr. Jason Wahl: I couldn't speak on that, that would probably be a better question for BCI rather than us because that is outside of the program.

(17:37-20:01) Chris Nolden, Bismarck Resident. Testifying in support of HB 1119. Testimony is as follows: I am just here to stand in favor of HB1119. As far as the amendments that Mr. Wahl stated they all sound reasonable to me and so I would have to say that I get behind those too. The only thing that I would like to bring up since we're all bringing up things that need that could possibly change with the system are the questions that I have and maybe Mr. Wahl could answer them. In the process, Senator Clemens had asked about what is all needed, what information is asked of a person when they fill out the application. One of the things that wasn't mentioned was that a person has to sign a consent for your medical records to be released to the division or the department I am not sure what you call it. I just know that with some of the doctors that I've dealt with in this process trying

to find a card, that some of the doctors had mentioned they don't like that. They didn't like the fact that a patient had to sign their records over because they didn't know well who at the division is going to be looking at your records. Whose is going to be looking at your MRI, and saying okay well this nerve is impending on this nerve. I don't think it is a huge deal either way. I mean if they want a full copy of my records I assure you that you know it is going to be a stack and it will take an uncountable amount of time to get through, however, you know I don't know if they will be calling for records or just calling for the little part. I don't know how that will work. To be honest you know I will release my medical records. It doesn't bother me. I am just saying from a doctors' perspective they made it sound like they worried that they were going to start a whole new department just for people copying their records. That was one concern of a doctor of mine, that I was talking too. I thank you very much for your time. I do stand in support of HB1119. I urge you to vote do pass.

Senator Larsen: Would you have a push back on allowing BCI to have access to that database to see who has cards then if were trying to streamline those cards there?

Mr. Chris Nolden: I can imagine it would be problematic. I think that the law of confidentiality is the way to go. So, I stand for how it is right now.

Senator Larsen: Because one of the main things on the application is checking the box if you have used or had marijuana. So when you check that box, you do not get the license and so people are not checking the box and their lying on that process and BCI can easily find out with a background check. They are supposed to find out if there are situations. You don't think that that is okay then that they can't find out if people are lying on their application then?

Mr. Chris Nolden: I just believe that medical information should be confidential, that's all. Beyond that I guess I didn't come to just to speak on firearms purchasing or buying. I am here to try to support the medical cannabis program within in North Dakota and do what it takes to get it functional, working and robust for both the state and the people of North Dakota.

Madam Chair Lee: Federal law if I understand correctly says that someone who is a marijuana user, cannot get a concealed carry permit. So, it isn't the Human Services Committee or the North Dakota Legislature whose saying that we need that information, but BCI can't issue the permit if somebody is a user. There has to be a way for them to find out about it. I know I think all of us are very concerned about privacy of our medical records, but on the other hand if we want to have another person who also is professional in their field and doesn't violate privacy either, take a look at our records for whatever the reason might be like a consult or something else, if I sign off I'm saying it is okay if you look at that in order for me to accomplish the next goal that I have. So we're kind of stuck with the idea that we can't ignore that. I don't think it is a lot of work to check the box, but Senator Larsen's right, we don't want people lying about it either. They will have bigger trouble later.

Mr. Chris Nolden: I absolutely agree with you. You know the current says if you go into purchase a firearm I believe there is a checkbox and you know and if you check the box your lying on it, and if your caught lying on it, your prosecuted I imagine. But also I think we can look around the country and kind of realize that things could be changing very quickly at a

federal level. President Trump's current Attorney General has stated that he's not going to impinge on the Cole memo. He is not going to prosecute states that have working medical cannabis programs, so I don't think at this point, that the federal government is going to come in and try to do anything to mess with the states that have tried to follow the direction of the Cole memo and I know that when Mr. Bahr was being confirmed that he was put on the spot many times. Are you going to use the federal power to prosecute these things and he repeatedly said no? I think the way things are moving in the country and if we look at the majority of how things are moving, I think it is going to change. Federally I do think we are going to find a solution. I think Mr. Trump maybe the President to do it. I would like a federal solution just as much as anybody else.

Madam Chair Lee: If the feds change North Dakota will look at it, but I am not personally willing to vote for something that says, well just in case they do, we're going to sort of beat the rush to the finish line.

Mr. Chris Nolden: I don't think that this is changing that.

Vice Chair Larsen: Is there neutral testimony on HB1119? Anybody opposed to HB 1119? He closed the hearing to HB 1119 and we will just get ready for the next bill.

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

HB 1119
3/13/2019
Job #33660

- Subcommittee
 Conference Committee

Committee Clerk: Justin Velez

Explanation or reason for introduction of bill/resolution:

Relating to the medical marijuana program; to provide for the destroying or redacting of social security numbers in the department's possession; and to declare an emergency.

Minutes:

Attachment #1

Vice Chairman O. Larsen opens the discussion on HB 1119.

Senator O. Larsen: So we just have the one-page amendment here I think it is .01002 (**Attachment #1**) where it is talking about section 1, subsection A where it is talking about cannabinoid tincture. They scrubbed the alcohol on it and then consisting of a mixture created from the concentrate. Moving down to Section 7, they wanted to put in snowmobile and we did have some discussion about other things but I guess we haven't heard anything else about that. Page 6, line 6, replace "information" with "except as provided under the subsection, kept or maintained by the department is confidential including information" and overstriking the confidential in line 9. Page 6, line 10, after "disclosed" insert "as necessary".

Senator Hogan: This was kind of the technical registration cleanup bill wasn't it? There wasn't anything substantially controversial in this.

Senator O. Larsen: No, I think the only thing that I had concern about is when they wanted to put snowmobile in there which I'm not opposed to it but there are a lot more recreational vehicles that, maybe that should have been a little broader like a motorized skateboard or there is a thing that you can strap on your back that is not an airplane, I call it a parasail but I think it might have a different definition to it but, those aren't listed here.

(04:23-04:40) Madam Chair Lee re-joins the committee and Vice Chairman O. Larsen gives an update on the committee discussion on HB 1119.

Senator K. Roers: I'm actually wondering if Tara Brandner can come up and answer a question? One question I have is; is there in a separate section of code when talking about driving under the influence an already defined list of what you can and cant, and could we just reference that rather than having to create a whole new list of what you can or can not be in control of?

Tara Brandner, Assistant Attorney General: I would have to look to be certain.

Senator K. Roers: The only reason I know that there is a list somewhere else is because I know we removed bicycle and horseback from it.

Tara Brandner: Is it in the criminal code?

Senator K. Roers: If you look at Shannon Roers Jones sponsored bills, one of them is that. I know that she had one to remove horseback and bicycle because we wouldn't want to discourage people from taking the bike instead of a car.

Senator O. Larsen: The jet ski isn't on here.

Madam Chair Lee: I have a question, Marlys Baker is here and if she has some information for us, do we want to take care of that?

Madam Chair Lee and the committee move on to discuss HB 1285.

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

HB 1119
3/13/2019
Job #33674

- Subcommittee
 Conference Committee

Committee Clerk: Justin Velez

Explanation or reason for introduction of bill/resolution:

Relating to the medical marijuana program; to provide for the destroying or redacting of social security numbers in the department's possession; and to declare an emergency.

Minutes:

No Attachments

Madam Chair Lee opens the discussion on HB 1119.

Madam Chair Lee: These came from the Attorney General's office or with their support. I believe that Tara had something to do with these. If you don't mind, would you like to step up and explain from the expert's point of view why we have these changes in the amendments on HB 1119?

Tara Brandner, Assistant Attorney General and General Counsel to the Department of Health: The amendments to HB 1119 are primarily clean up amendments for the North Dakota Department of Health. The first one just redefines the definition of tincture, the problem that was arising with the definition of tincture is that it requires that it include alcohol. If tinctures are provided to children and they contain alcohol that is relatively problematic so the requirement that alcohol be in there has been taken out.

Senator Anderson: If you look up the definition of tincture it is an alcoholic solution so I wonder if we should not use the tincture language at all and just say cannabinoid solution?

Tara Brandner: I did go in a research the definition of tincture within other states medical marijuana programs, this is the definition that comes from Delaware, they do not use the word alcohol in their definition. You are correct there are other states that do use the definition of alcohol.

Madam Chair Lee: Your talking to the past board of pharmacy, I would trust Senator Anderson even though however I trust you too.

Senator Anderson: If you look up tincture it says an alcoholic solution, that is why im saying that so probably is what we should do is change cannabinoid tincture to cannabinoid solution, then we can use either alcohol or something else.

Tara Brandner: I don't know that the department would be opposed to that, it would just require that the language where ever tincture is used be changed throughout.

Madam Chair Lee: We aren't going to be super formal here so if anyone has a comment about any of this stuff please just say, I got a point here. Adding snow mobile?

Tara Brandner: So Senator K. Roers asked a great question and the question was whether or not statute otherwise addresses driving under the influence of marijuana and she is correct and the statutes that relate to driving under the influence of a controlled substance would all cover the use of medical marijuana. This entire section could technically be removed

Senator K. Roers: HB 1154 says, bicycle or ridden animal to be deemed vehicle for non-criminal traffic offenses but it's for BUI (biking under the influence) you could ride your bike home and not be considered driving under the influence, currently you can get a DUI on a bike.

Senator Clemens: We struggle a lot with that too but I think the committee is getting close to leaving bicycles and horses in there because bodily injury or death can occur from being hit on a bicycle or a horse.

Senator K. Roers: Not to debate this bill but, the challenge is that you want people to take the safe way home and if you take a safe way home they are more likely to drive their car.

Tara Brandner: There are a number of things you could do, you could leave it as is and there wouldn't be any changes essentially if someone is pulled over for driving under the influence they are going to be charged under that statute of law in chapter 39 and the same with the snowmobile or any of these other items, this is just redundant in this chapter. Nobody is going to cite to this section of the law.

Madam Chair Lee: Okay then let's just get rid of it. Then we have replace "information" with this other sentence.

Tara Brandner: Correct, it is replacing the word data with information just because the use of the word data implies to some people that it may include numbers or what not, we mean it to include information and any other information that the department may hold which would include the information related to all of the inventory that the entities currently possess.

Madam Chair Lee: In line 9, we will overstrike confidential. After "disclosed" insert "as necessary". Any questions about those amendments? What is your pleasure?

Senator O. Larsen: There was also some discussion about the checkbox on the concealed carry issue and that, is it acceptable for BCI to use this database to see if the application coincides with there is a form or something that can be put in so that the person who is getting their medical marijuana card they are going to have this form with this database or whatever. I don't know if we want to struggle with it or not but I would like some kind of clarification on that.

Madam Chair Lee: Is there anyone who has a comment about that?

Senator O. Larsen: I guess where I am coming from is if I'm checking concealed carries I want to be able to use every background check piece of information I can and this is a database that holds people that have the cards, where would I go to see if they marked the application correct or not?

Lonnie Grabowska, Director of BCI (Bureau of Criminal Investigations): Currently on our application we do have the concealed weapons application, we have a block that says are you currently using an illegal drug so if they check yes that is a disqualifier. What we are doing right now is we are working to decide and figure out where some verbiage would work best so we would have access to those records for the reasons of verification of the legitimacy of the concealed weapons license, which does get into a heavier topic on, can an individual have a medical marijuana card and a concealed weapons license at the same time. I think the Attorney General is working on that to see how he is going to approach that when the topic comes around. I don't believe it is going to be a large number of folks but there will be people who currently have a concealed weapons license and become a patient under medical marijuana. At that time, it is still federally prohibited and we also need to look at how does constitutional carry get affected by that same thing because constitutional carry folks do still fall under the same disqualifiers as does someone on a concealed weapons license such as a felon, convicted of domestic violence, or illegal drug use.

Senator O. Larsen: That illegal drug use would be just at the time because constitutional carry there is no check box, I just carry.

Lonnie Grabowska: Correct, what we are trying to figure out is for that person at 2:00 a.m. if they get stopped and they are going to claim a constitutional carry so they have a weapon on them, concealed, or within their wingspan, and they are also a medical marijuana card holder with it in their possession. What direction does law enforcement have once they have that? Do they say, whoa, you can't have both of those or thanks for your time. That is something we are going to have to work out over time here to figure out what the best course of action for law enforcement in that direction and for the citizen, so they are getting the benefits of both programs.

Senator O. Larsen: So you guys are open to having a blind eye to this situation here that when they fill out the application you aren't going to use this database to double check right now and in the future.

Madam Chair Lee: I didn't hear that.

Senator O. Larsen: Well, currently they can't use this database.

Madam Chair Lee: No, but I know there is discussion about the fact that how are you going to find out otherwise.

Lonnie Grabowska: Yes, we are very open to the idea of having access to the database so we can make sure that those folks that have a concealed weapons license would not also have a medical marijuana card at the same time.

Senator Anderson: What you said was, illegal drug use but in North Dakota if I have a medical marijuana card that is legal drug use. So you are using the federal interpretation instead of the state interpretation that it is illegal or if I have a medical marijuana card is that legal drug use under North Dakota law?

Lonnie Grabowska: It would be legal under North Dakota statute, the issue is we are still regulated by the federal government at the same time for the concealed weapons licenses being issued so that is where the Attorney General is digging in deeply to find out how we can do this safely and make sure that we are not using that data for anything but the comparison for the folks that are concealed weapons holder and those on the medical marijuana program.

Senator Anderson: Do you have a different vehicle for that solution or do you want us to hold this bill until you could amend something into it or what do you think here?

Lonnie Grabowska: Currently I believe the Attorney General is working on a separate bill or other current legislation to attach that to.

Madam Chair Lee: If you do feel that you need to have one held in order to do something that you are all working on just let us know because we certainly can do that especially the ones without fiscal notes, which have to be in by next Friday.

Lonnie Grabowska: Thank you.

Madam Chair Lee: It sounds as if there is nothing else that we have to put in this one, so with that thought in mind.

Senator K. Roers: So the one question I have is when we talked about that cannabinoid tincture, changing it to solution, did we need to do a search of the rest of statute to see where else to catch it?

Tara Brandner: Once amended any other chapters or sections where tincture is listed will follow and change to solution.

Madam Chair Lee: Perfect. If there is nothing further from members of the committee we will just set that one aside until we have the amendments from Alex (Senate Human Services Intern).

Madam Chair Lee closes the discussion on HB 1119.

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

HB 1119
3/18/2019
Job #33884

- Subcommittee
 Conference Committee

Committee Clerk: Justin Velez

Explanation or reason for introduction of bill/resolution:

Relating to the medical marijuana program; to provide for the destroying or redacting of social security numbers in the department's possession; and to declare an emergency.

Minutes:

No Attachments

Madam Chair Lee opens the discussion on HB 1119.

Madam Chair Lee: We deleted the form of a check made out to the health department and the social security numbers were deleted. Tara had an amendment that talked about cannabinoid solution. At the very end of the bill we replaced "information" by saying "information kept or maintained is confidential including information on designated care givers and healthcare providers". We added "as necessary" on line 10. Those are all the amendments that I have in my notes. Any comments from those of you who are in the side chairs here about any additions you might see or all we comfortable with the amendments that were previously prepared for HB 1119?

(01:51) The attendees in the committee discussion agree with the amendments that were proposed to the committee.

Madam Chair Lee: What is before section 1? We are trying to figure out where that language on the previous page was.

Senator Anderson: (inaudible)

Madam Chair Lee: There is nothing about that.

Senator K. Roers: It was because we had Alex (Senate Human Services Intern) go and look for everywhere it said tincture.

Alex Carthew, Senate Human Services Intern: Are we talking about the new section that was pulled in?

Madam Chair Lee: Yes.

Alex Carthew: That is the only other reference in that chapter, the tinctures, so we need to amend it through the language of what was in the original bill.

Madam Chair Lee: I got it. That is why we have this up here now is because of changing it from tincture to solution.

Alex Carthew: That is the only change in the whole section is the word tincture.

Madam Chair Lee: Everybody okay with those?

Jason Wahl: On the first page I think it should be instead of (inaudible) is being changed, that's the definition of cannabinoid capsule, subsection 5 is where the snowmobile you're going to add subsection 5 that would be a different section number if we were going to eliminate that whole section about the limitations language (inaudible).

Senator Anderson: That is where the snowmobile language is.

Senator K. Roers: So it is really to repeal that part.

Madam Chair Lee: Right, don't we have a repealer in there?

Jason Wahl: Repeal subsection 5

Madam Chair Lee: 19-24.1-33 isn't it?

Jason Wahl: That sounds correct.

Senator K. Roers: 19-24.1-01, what is that?

Jason Wahl: Subsection 5 is the definition of a cannabinoid capsule.

Madam Chair Lee: Section 19-24, let's see what that is.

Senator Anderson: (inaudible)

Senator K. Roers: I think that is supposed to say -33 instead of -01.

Madam Chair Lee: 19-24.1-33, the very first line.

Senator Hogan: The third line, subsection 5 of section 19-24.1-01

Senator K. Roers: -33 otherwise numerically it wouldn't have gone that (inaudible)

Jason Wahl: Is that actually in this bill, this section 33?

Senator K. Roers: So, we need to end to repeal subsection 5. We want to repeal the whole section not just the snowmobile because it is defined elsewhere in law. So, it is just subsection 5 that needs to go?

Jason Wahl: Yes, subsection 33 of that chapter.

Senator K. Roers: All of 33 or just subsection 5?

Jason Wahl: Subsection 5.

Madam Chair Lee: 19-24.1-01 is definitions.

Senator K. Roers: So that is amend and reenact (Inaudible)

Madam Chair Lee: And -33 is limitations. I have to have the paper copy I can't do it with it on the screen.

Senator Anderson: Let's get it then before we act on this.

Madam Chair Lee: Got to have the copies. Well ok, while we are waiting for that can we take a peek at the conditions in HB 1519?

Madam Chair Lee closes the discussion on HB 1119.

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

HB 1119
3/19/2019
Job #33976

- Subcommittee
 Conference Committee

Committee Clerk: Justin Velez

Explanation or reason for introduction of bill/resolution:

Relating to the medical marijuana program; to provide for the destroying or redacting of social security numbers in the department's possession; and to declare an emergency.

Minutes:

Attachment #1-2

Madam Chair Lee opens the discussion on HB 1119.

Madam Chair Lee: On page 4 and 5, those are just kind of tidying up. Then we added on page 6, line 10 "by the department may be disclosed as necessary". Tara Brandner had amendments, we took out the alcohol from the tincture and made it into a solution.

Senator O. Larsen: (inaudible)

Tara Brandner, Assistant Attorney General: I have the Christmas tree bill. **(Attachment #1)**

Madam Chair Lee: I do too, we all should now. All the information will be kept confidential except as provided in subsection 2.

Tara Brandner: So, the way this section is written the department has amendments to it. The first paragraph, paragraph 1 where is confidential is struck, that should remain in the bill.

Madam Chair Lee: On what page are you now?

Tara Brandner: I am on page 7, line 9 of the Christmas tree bill. So, "is confidential" should stay in there because all of that information in a patient's application, a designated caregiver's application, or any of the confidential information in those should remain confidential. The departments objective was to just really change number 2 and that the department would suggest changing as well so it reads "information kept or maintained by the department is confidential and may only be disclosed as follows".

Madam Chair Lee: Okay, so we are going to put back in the red "is confidential" on line 9, is that right Tara?

Tara Brandner: Correct.

Madam Chair Lee: And we are going to leave “data” overstruck and tell me what you are doing on line 10 again.

Tara Brandner: Line 10, we are really just cleaning up the language so that it is clear that all of the information that the department has which would include inventory records of the dispensaries and the manufacturing facilities, this would just be changed to say “information kept or maintained by the department is confidential and may only be disclosed as follows”.

Madam Chair Lee: So we are just deleting everything you didn’t just read.

Tara Brandner: Correct.

Madam Chair Lee: And then we go on with the E, B, C, and those are all okay?

Tara Brandner: There are no concerns there.

Madam Chair Lee: Section 7 becomes section 9 about social security numbers at the bottom of page 7. What are we repealing in section 10?

Tara Brandner: The repeal of subsection 5 in section 10 page 8, that is the repeal of that language that addressed driving under the influence of any of those listed items.

Madam Chair Lee: Okay, so everything else that is green in here is now in our amendments and we are just making those changes if we all agree that is a good idea that Tara Brandner just mentioned on the Christmas tree bill on page 7, correct?

Tara Brandner: Correct.

Madam Chair Lee: So, what is your pleasure?

Senator O. Larsen: On page 2 of the Christmas tree bill, it talks about medical cannabinoid product does not include, can I get an explanation from somebody of what a cannabinoid concentrates by itself is? Where would I see that?

Tara Brandner: So medical cannabinoid products are a term of ours that we use to describe those four products which are essentially the new cannabinoid solutions those will be higher THC products that are diluted with another solution. Cannabinoid capsules are going to be a pill form. The transdermal patch is going to be a patch that a person can wear and the topical is essentially going to be something that somebody can put on their skin.

Madam Chair Lee: And that is on page 1 at the bottom.

Senator O. Larsen: I understand all of that but what is an example of the concentrate? Is it in a vile form?

Tara Brandner: Yes, I believe the concentrate form comes in a butter or hash, something that hasn't had a product added to it. Once a product is added to it, it becomes a cannabinoid solution

Senator O. Larsen: Because we had talked a little bit about butters.

Tara Brandner: Yes, and cannabinoid concentrates are authorized under the law, they are just not considered a medical cannabinoid product.

Senator O. Larsen: And they won't be marketed in any way through the dispensaries?

Tara Brandner: The dispensaries will have cannabinoid concentrate products so those butters and those hash's and those high THC products, they are just not considered medical cannabinoid products.

Senator Anderson: Does that mean anybody can buy them?

Tara Brandner: Correct, anybody can buy them. If it is a child or an individual under the age of 19 they have to be less than 6% THC.

Madam Chair Lee: So, you don't need a card to buy them?

Tara Brandner: No, anyone with a card can buy them.

Senator K. Roers: Why are they in the not category then?

Tara Brandner: So the only reason that they are in the not category is because when we drafted the law originally we took the terms and definitions of the products from Oregon. Oregon considers cannabinoid concentrates and extracts to be their own thing. Medical cannabinoid products are everything else. This is essentially how it works out, you have the cannabinoid concentrates which are a product that patients can buy and then you have medical cannabinoid products and they are essentially these four other items.

Madam Chair Lee: Could we possibly get a printed copy of that?

Jason Wahl, Division of Medical Marijuana: It is on the divisions website (**Attachment #2**)

Madam Chair Lee: Ok, perfect.

Senator Hogan: It is very confusing though when you read it, it does not include sounds like not available.

Tara Brandner: I would just let you know they are available, same thing with dried leaves and flowers. It is just the way that the products are identified.

Senator K. Roers: Instead of saying it does not include if it would say, other products available but are not considered a medical cannabinoid product, so it makes it sound like

these are still available but they don't fit in that one category. It's just a weird language to read.

Senator Anderson: Why wouldn't you just make them all medical cannabinoid, isn't this medical marijuana?

Jason Wahl: You have to be careful, and this took a long time even when we came into this roll to make sure this was very clear in regards to the way that the language is written. Really what you have to do is read all of the definitions in conjunction with each other, this is just one definition in front of you in that bill and by that chart the first definition to understand is usable marijuana, which was at the top of that picture and really what is usable marijuana and how I have tried to explain it is under the law, the way we look at it is everything is marijuana at a manufacturing facility. The seeds, clones, and plants, but as soon as they harvest it, it becomes usable. Once its usable, by definition then usable marijuana includes dried leaves and flowers and medical marijuana products. The reason being, to have dried leaves and flowers available right now under the law, you need to have an additional authorization by the healthcare provider. So, really medical marijuana products are available to everybody and on the second line of this chart, usable marijuana is one thing, dried leaves and flowers only available through specific authorization of the provider, medical marijuana products are available to everybody. Then by definition, the medical marijuana products definition in this law breaks that out to meant that is either the concentrate or a medical cannabinoid product. That is why the definition of medical cannabinoid product excludes dried leaves and flowers because that was already covered, excludes the concentrate because that is its own and the reason why concentrates and these medical cannabinoid products are different. Concentrate is truly a concentrate, if they add anything to it we no longer classify it as a concentrate and it has to meet one of the definitions of the four types of products. Long way to get to where the law is written and how we have that, I think we have been able to clarify that through the picture guide so everyone is very clear in regards to what is available and what the manufacturing facility so that it is very clear, when they make a product is it legal under the law and what is classified as because there are other restrictions in for each product type.

Senator O. Larsen: So there's no way that a medical card holding carrier will have concentrates so if I have a hash on me that I got from somewhere else, that isn't going to fly?

Jason Wahl: Concentrates are allowed because that is a medical marijuana product.

Madam Chair Lee: I thought you fought that last time?

Senator O. Larsen: I know it.

Jason Wahl: A concentrate by itself, that is a true concentrate and by definition in the statute a concentrate falls under the definition of a medical marijuana product. Medical marijuana product is two things, a concentrate or the medical cannabinoid product. It is one of those two things. Concentrates are going to be specifically by themselves, no restrictions, products have had something added to the concentrate which then puts them into an end product and then our testing rules take it at that intermediate stage, the concentrate that isn't going to be packaged, that still gets tested and when it gets put in and made into the final product then

we test that final product at the end. There is a method to the madness it just takes a little bit for the terminology language to try to make clearer.

Senator Hogan: Of these three things that we say are not included, cannabinoid edible products are on this list but that is not allowed.

Jason Wahl: Correct, and the reason that this needs to be in here this part B of section 24, is to make it very clear when we are talking about a cannabinoid product, it is only four things. We don't include dried leave and flowers as a product because dried leaves and flowers are its own category because it requires additional authorization. Medical cannabinoid product needs to have a specific definition because then by the law we know they have added something to a concentrate and we know that we have to test it.

Senator Hogan: So it is a distinct category type for testing purposes.

Jason Wahl: That's how the rules got set up. The lawyers get it because they wrote it and they are lawyers, for me it took a few weeks to finally get a good grasp of it.

Senator O. Larsen: Are they going to sell hash at the dispensaries?

Jason Wahl: Right now, hash is not on the list. Whether or not that changes as another manufacturing facility comes through hard to tell, they do have shatter that is for sale.

Senator Hogan: What is shatter?

Jason Wahl: Shatter is a form of a concentrate; it looks like peanut brittle.

Senator Hogan: Is that edible?

Jason Wahl: This is something that they use for vaping purposes.

Madam Chair Lee: We are just really out of the loop Senator Hogan.

Madam Chair Lee moves on to discuss HB 1374.

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

HB 1119
3/19/2019
Job #34529 (25:22-26:51)

- Subcommittee
 Conference Committee

Committee Clerk: Justin Velez

Explanation or reason for introduction of bill/resolution:

Relating to the medical marijuana program; to provide for the destroying or redacting of social security numbers in the department's possession; and to declare an emergency.

Minutes:

No Attachments

Madam Chair Lee opens the discussion on HB 1119.

Madam Chair Lee: Is there anybody who would like to make a motion on HB 1119?

Senator O. Larsen: I move to **ADOPT AMENDMENT** on HB 1119.
Seconded by Senator Hogan

Madam Chair Lee: Any discussion on the amendments? If not, please call the roll.

ROLL CALL VOTE TAKEN

6 YEA, 0 NAY, 0 ABSENT
MOTION CARRIES TO ADOPT AMENDMENT

Madam Chair Lee: We will leave this and wait to hear what the conversation might be between Senator O. Larsen and the Attorney General and see if they can't move something out and I know that Representative Roers Jones would like to be a part of that discussion as well. We will wait to hear what transpires from that and if we could do something tomorrow afternoon, if not we can do it next week Monday. We have to have stuff out by Wednesday, its due Friday but we don't meet after Wednesday.

Madam Chair Lee closes the discussion on HB 1119.

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

HB 1119
4/2/2019
Job 34432

- Subcommittee
 Conference Committee

Committee Clerk: Justin Velez

Explanation or reason for introduction of bill/resolution:

Relating to the medical marijuana program; to provide for the destroying or redacting of social security numbers in the department's possession; and to declare an emergency.

Minutes:

Attachment #1

Vice Chairman O. Larsen opens the discussion on HB 1119.

Madam Chair Lee provided the committee with draft amendments from legislative council. (Please see Attachment #1)

(01:20) Representative Shannon Roers Jones, District 46: What Senator Lee and I have been working on are some amendments that would add some elements of decriminalization of marijuana. We want to keep this as simple and close to the current law as we can. Any possession of marijuana outside of a school is a class B misdemeanor. What we are doing is leaving that as it is except for quantities of o half ounce or less, anything less than one half ounce would be a non-criminal offense punishable by a \$200 dollar fine and anything beyond that would still be a class B misdemeanor. The line up in the center just says ingestion of the substance if they both possess it and they have it in their system is the same non-criminal offense punishable by a 200-dollar fee and at the very bottom it is just saying possession of paraphernalia would be a non-criminal offense punishable by a 100-dollar fee.

Senator K. Roers: You said something about outside a school what does that mean?

Representative Roers Jones: There is an enhanced penalty of having marijuana on school property. What I was referring to was outside of a school the possession of marijuana of any quantity is a class B misdemeanor, so its greater than that when you are possessing it on school property.

Senator K. Roers: This wouldn't change the school part?

Representative Roers Jones: No.

Senator K. Roers: If you had the ingestion and paraphernalia would it be the combined to total, so it would 350 dollars.

Representative Roers Jones: Ingestion and paraphernalia could be charged as two separate crimes. There would discretion on how to charge that but it could be charged because it is two separate crimes.

Senator K. Roers: Can you just describe for the committee what the difference with this compared to your original bill?

Representative Roers Jones: The original bill would have decriminalized quantities of one ounce or less or the possession of two plants or less and made that a 250 dollar fine and there were steps up from that point. I forget what all of the breakdowns were but I believe under a half pound was a class b misdemeanor and then it went up to a class A misdemeanor and a felony but when I was talking with Samantha Kramer at legislative council she said that all possession is a class b misdemeanor right now and that it would be simpler rather than having all of those different thresholds broken down to just keep that portion consistent and create this narrow exception at the bottom. The remainder of HB 1155 where some of this is coming from, is very similar as far as the possession being a 100-dollar fee. In the original bill we created a new definition on marijuana paraphernalia as opposed to all other drug paraphernalia and after talking with legislative council they thought that putting it into this section that already includes the definition of marijuana paraphernalia was simpler and that a whole new definition wasn't necessary. That is why we were able to get these amendments in a much smaller and compact form by utilizing existing law rather than creating a new section.

Senator Anderson: I'm not sure I'm happy about making changes in HB 1903 in a medical marijuana bill. Why is it that we are not doing this in the bill you had already?

Representative Roers Jones: The objective was to find something that was related. We are trying to do some things in a drug related bill in the Senate Judiciary Committee but we are not having a lot of luck. Senator Lee and the AG thought this would be the next best vehicle for this if we don't have success from the Senate Judiciary.

Senator Anderson: I think putting something like this putting it in the medical marijuana bill gets to be confusing to the public who is looking at medical marijuana and then they are going to say now, we are making penalties for what they perceive is medical marijuana. I think the idea is the medical marijuana is exempt but this is for other people. Would that be my understanding?

Representative Roers Jones: I understand your concern and the potential for confusion but the potential for confusion is somewhat limited because as much as I think you and I would like to think that the public reads the bills, I think we would be fortunate if the public reading an article about the bills in the newspaper and I don't mean that in a demeaning way at all, I'm just saying in actuality, the likelihood of confusion would be just as if you and I don't do a good job explaining the things that we are working on.

Senator Anderson: I do think the people interested in medical marijuana will know.

Representative Roers Jones: I agree but I also think the people who are interested in and following these issues will be able to differentiate between changing the fine structure for marijuana and the items that we are trying to resolve in regards to the regulation of medical marijuana.

Senator Hogan: Why is this a good idea in general?

Representative Roers Jones: The reason that I think this is critical to address this in one form or another is because, the last election cycle we had a very ambitious effort to legalize marijuana. If I was describing to someone I would say that this was a moonshot, the proponents of legalization ask for everything, and they weren't that far from getting it. I had a number of debates with David Owen from the legalize marijuana group and as part of that I had conversation for legalization and against and a lot of people in the middle. A lot of people who think that they don't necessarily want recreational marijuana but they are tired of people having criminal records created for them because they get caught with a small amount of marijuana. Between this bill and another bill that I think you may be voting on in the next day or too which is related to criminal records sealing. I wanted to create some alternatives to legalization and that is what I look at this as an alternative to legalization and that is also why I have been working with the Attorney General on this because he recognizes that when the original bill that this was a part of failed right before crossover, Legalize ND restarted their initiated measure campaign. They will be coming back with a much more reasonable legalization bill. It is not the moon shot that they had with the last ballot measure so I think the chances of that passing is much higher. If we don't have something like decriminalizing small quantities and an opportunity for people who have prior criminal records to have a process for expunging those prior criminal records. The people who I talked to who said I don't use nor will I use marijuana but I'm tired of people getting a record for having marijuana and so I am going to vote for legalization. Those are the people who I think will be satisfied by bills that accomplish these two tasks.

Senator Hogan: I know nothing about marijuana, can you tell me how much is a half-ounce of marijuana?

Representative Roers Jones: In some previous testimony related to the subject folks from the BCI said a half ounce would be equivalent to about 6-7 marijuana cigarettes.

Senator Hogan: Is the Attorney General supportive of this amendment.

Representative Roers Jones: He has been working with me Senator Lee and Senator O. Larsen on a couple different versions of the amendment. I don't know if he has reviewed this version but he certainly has reviewed something very similar that is going through Senate Judiciary and is getting a luke warm reception.

Senator Clemens: I have to agree with Senator Anderson with moving this into the medical marijuana realm. Through the whole process we have heard and changed a lot of things because if we don't do this it will just encourage more recreational marijuana. If this gets put in do you feel that will prevent recreational marijuana?

Representative Roers Jones: I think the people who are going to use recreational marijuana illegally that number is not going to change. If we go into a legalized recreation marijuana, then we will see an increase in users. I think what we are doing here is for those people who either make a mistake, try something when they are young, or if they are going to make the choice to illegally consume something but we are just saying do we want to make that a crime. Do we want to make something that is going to affect their ability to find housing and jobs for years in the future or do we want to make that similar to the way we would enforce a minor in possession of alcohol? Do we want to say we don't condone this and we will charge you a fine but we don't want to give you a criminal record that affects your ability to join the military, get a professional license, find a job, or find an apartment for years in the future?

Senator Clemens: There is such a thing as personal responsibility and I guess I would still like to repeat the question, do you feel enough adjustments can be made in the medical marijuana law to prevent recreational becoming lawful?

Representative Roers Jones: Do I think enough changes can be made with medical to prevent recreational, not by itself. I think when we have changes with medical and changes with this I think there is a certain portion of the voting population that would not vote for recreational marijuana if we had options for those who have medical needs and were not creating criminal records for people. I don't think that all the people who use marijuana will be eligible for medical marijuana, some of those people will continue to use marijuana. We are talking about someone who gets caught with a small amount of marijuana not someone who is caught in possession of large quantities of marijuana. I don't think that you can make enough changes simply to medicinal to prevent legalization of recreational marijuana.

Senator Hogan: Do you have any idea of how many people would be impacted, have you looked at the numbers?

Representative Roers Jones: I do not know, I can certainly try and get some information. When we had the Attorney General's office testifying here and other places. Generally, when someone is caught with a small amount of marijuana they will get what is a differed imposition. They will go through the court process, get a differed imposition, be on probation for a period of time and after a while that charge will go away. The Attorney General is also saying with a law like this we would just be doing what we are already doing but with the fine only infraction we would be taking that burden off of the courts to hear the case, disposition and continue to monitor that so we are taking those additional cases out of the court system and this would be similar to a traffic offense where you would write a check and send it in or you can contest it. What the Attorney General is saying is that people are not being locked up on small amount of marijuana, what we are doing here is making the statute more in line with what is already being done through the courts system and then taking that process out of the court system.

Senator Hogan: What about second offenses?

Representative Roers Jones: Under the language that you have in front of you the second offense would be another fine.

Senator O. Larsen: For clarification a half an ounce is just slightly smaller than that citrus cup there and you probably get about 6 pinners out of that instead of six good sized joints, just a point of reference there. When they are talking about outside of the school, does that count the 500 feet boundary? We had a meth lab by our school that was a rented property that was in that ring, are we talking about that boundary or are we saying that if you are caught at the sidewalk or the parking lot of a school or do you have to be outside for that boundary.

Representative Roers Jones: I would have to verify that for sure. I have a feeling it could be within that boundary. That was something that Samantha Kramer brought to my attention yesterday.

Senator Anderson: Tell us why your efforts to make these changes in the Judiciary Committee have been unsuccessful.

Representative Roers Jones: I would say the efforts to make the changes in the judiciary committee, they are warming a bit so this is something that we are still working on and I understand confusing the issues with medical marijuana. The issues with the other committee are similar. There are concerns about what does this mean, is the legalization, are we taking a step towards legalization versus taking a step to try and prevent recreational marijuana so I think it is just differences of opinion.

Madam Chair Lee: I think it would be fair to say also that we have been holding this bill for two weeks now because he has been working with judiciary to make it work. I think the whole senate should have an opportunity to vote on this amendment. We are not going to move this forward; the bill was supposed to be on tomorrows calendar. We are not going to act on this until we see what happens with the bill that will hopefully be on tomorrows calendar and maybe we won't even then. As long as we have been trying to get to this for the last two weeks and legislative council had prepared this amendment I thought, let's use today because we don't have conference committee this morning so we can have a chance to at least get the background and have a little information and if we decide there is any role for the Human Services Committee in this, the only vehicle we have on this side is this. That is sort of the background, we are trying to have a little insurance policy here so the senate will have an opportunity to vote and let our colleagues and not just six or twelve of us decide.

Senator Anderson: One of the other reasons I am uncomfortable with this is for years I have brought the board of pharmacy changes in 1903 always to the Judiciary Committee who were the ones who reviewed those things. The changes came through that committee and I think it is a little surreptitious to go around and try to do this in a medical marijuana bill because we can't get something done in the Judiciary.

Senator O. Larsen: There was some discussion about having the offenses match the alcohol offenses. If a person is charged with an open container is that just a fee or do, they get a class B misdemeanor. On this amendment it has been struck out that if I have the possession of marijuana or paraphernalia it is not a misdemeanor it is just a fine. If I am pulled over and I'm only 20 years old and have an open container I get a fine but do I also get a misdemeanor?

Representative Roers Jones: I don't know the answer to that exactly. I imagine that if we are talking about an open container while you are controlling a motor vehicle that it may be different than an open container on a public street but I don't the difference off the top of my head.

Senator Hogan: Madam Chair, while you were gone we had discussion about the AG's opinion on this so I thought it would be helpful to have him or someone from his staff to come and tell us about this.

Madam Chair Lee: I think we might wait to do it until we find out happens tomorrow. I don't want to waste your time either but the goal is to have it available.

Senator Hogan: The other issue is because we had pretty significant amendments on this original bill, I don't want to lose those amendments so we will probably have to do it section by section in case there is floor debate.

Madam Chair Lee: A lot of that stuff was clean up stuff.

Senator Hogan: We had amendments on it so that if this was another amendment we would have to make sure that it is written in a way that if we want to divide the question.

Senator K. Roers: When we were debating one of the medical marijuana bills on the floor someone sent me information that an ounce of street marijuana is roughly 17 dollars an ounce and medical marijuana is somewhere close to 90 dollars per ounce so as part of your question, I know you were thinking about more of do you think it will stop the movement towards recreational but I think that the people who are using marijuana for a recreational purpose are not going to spend the 90 dollars on the medical marijuana because it also won't get them as high.

Senator O. Larsen: Street marijuana is not 17 dollars an ounce, it is way more expensive. I was more than 17 dollars an ounce when I knew about it.

Madam Chair Lee: What do you think it is Senator O. Larsen

Senator O. Larsen: Of the price of for an ounce of marijuana now? I think it has got to be around 200 dollars. I was down in Kansas City and they have like a grow thing now where I don't know if it is hemp that they are letting people smoke or whatever but it was just around a super ball size of bud for 50 dollars and I couldn't believe it, so it is very expensive.

Representative Roers Jones: I was incorrect about the minor in possession, it is a class B misdemeanor which is a maximum penalty of 30 days' imprisonment and a fine of up to 1,500 dollars. I was under the impressions that was a fine only.

Madam Chair Lee: I realize that we can't be totally locked into the idea of making it parallel to alcohol because alcohol is a legal substance and marijuana is still not. I think we need to look at something that appears to be rational and proportional to what the offense really is. We have medical marijuana in this state that was approved by the voters and had an initiated measure that failed because it was a badly written measure but there are people who can't

wait to run this off their copy machines. I don't live with the threat of a gun to my head about initiated measures but I do think that it requires some discussion on whether or not the initial offense of being caught with one joint when your young and naïve but, to affect your whole life with this I think is a big deal. That is why I think it deserves discussion and I think we have smart people who can figure out the right thing to do, whatever that is.

Representative Roers Jones: The open container is 50 dollar fine and would only affect their driving record unless they are the one driving at the time the violation occurred.

(35:30-39:00) Madam Chair Lee and the committee discuss other open container laws in the state of Texas and how they differ from the 50 dollar fine in the state of North Dakota.

Madam Chair Lee: Does anyone have any further questions for Representative Roers Jones? If not, thank you. I appreciate you help with understanding this.

Representative Roers Jones: Theoretically, unless we bring any more back.

Madam Chair Lee: If we are really fortunate we will find something coming on the floor that we may be able to consider. The whole purpose of this is to have a backup plan so that the whole senate gets a chance to vote.

Representative Roers Jones: If we don't have something else that we need to get onto, the amendments that are going on my other bill in the Senate Judiciary are not exactly the same as these amendments. The chairman of that committee was not as open to the fine only non-criminal offense which I think is important. That is why I was appreciative the Senator Lee would work with these amendments and consider these amendments. The amendments that are right now approved the bill in the Senate Judiciary, the first level half ounce is an infraction which is still a criminal offense with a believe a maximum fine of 1,000 dollars. If you get more than one infraction in a years' time, then it gets moved up to a class B misdemeanor.

Madam Chair Lee: That is the first level?

Representative Roers Jones: Yes, that is the first level on the Judiciary bill. There is no fine only non-criminal offense on that and there is also nothing included in there for ingestion and paraphernalia and it is still a class B misdemeanor for anyone 21 and under. That was the limit that they were willing to consider and it was hard to get those amendments approved in that committee at all. As much as I appreciate the fact that they were willing to work on something in Senate Judiciary, I would prefer this amendment to that amendment. I think that this does a lot more to actually solving the issues that we are looking to solve.

Senator O. Larsen: The highway patrol when they pull you over and get a ticket, that money goes into the School Land Trust. The fines that these will generate, where will that money go? Does it stay with the municipality, police department, highway patrol or whoever?

Representative Roers Jones: According to the constitution, all of our fines are supposed to go into the School Land Trust fund but that is not what happens in reality. I would say that they would probably go where all other fines levied by which ever political subdivision is writing the ticket.

Senator O. Larsen: The reason that made me spur that question was, along my road from highway two, if the highway patrol pulls you over and gives you a ticket, that goes into the School Land Trust but my friendly police officers that are in Surrey have made a speed trap one mile in either direction of highway two and they are pulling everybody over and those fines go right to the city of Surrey.

Madam Chair Lee: And the only people getting pulled over are people who are violating the law by speeding, is that correct?

Senator O. Larsen: No.

(43:40-50:37) Madam Chair Lee and the committee talk to a group of students who are sitting in on the committee, provided the students with an overview of what the Senate Human Services Committee does and what types of bills come through the committee during legislative session and the legislative process.

Madam Chair Lee: Any further comments or questions about the amendments? If not, thank you.

Madam Chair Lee closes the discussion on HB 1119.

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

HB 1119
4/5/2019
Job # 34570

- Subcommittee
 Conference Committee

Committee Clerk: Justin Velez

Explanation or reason for introduction of bill/resolution:

Relating to the medical marijuana program; to provide for the destroying or redacting of social security numbers in the department's possession; and to declare an emergency.

Minutes:

No Attachments

Madam Chair Lee opens the discussion on HB 1119.

(00:47-04:40) Senator Hogan introduces her sister to the Human Services Committee. Madam Chair Lee introduces the girl scouts visiting the capitol and a past intern from the Human Services Committee of 1997.

Madam Chair Lee: Jennifer Clark from legislative council was kind enough to put together the amendments for HB 1119. We eliminated the social security numbers from the data that the department needed to include. There was also added a certified copy of a birth record or a photographic copy of the North Dakota identification card because you have to have a card that shows you have a condition that a medical provider has said that medical marijuana is something that might work. The doctor or provider does not have to indicate that there is a benefit for this because it was making them uncomfortable from a liability standpoint. We are now here to make sure we corrected a problem.

(07:20) Jennifer Clark, Legislative Council: My recollection on HB 1119 is that we got it up in enrolling and engrossing because we thought you were finished with it, perhaps you are not so we are sitting on it and I think the reason you want to talk to me is because it looks a little different than how it did when you sent it up to us. What you did is, you changed the definition of cannabinoid tincture to cannabinoid solution, I'm really happy you did that. The reason that we defined that term is because we use somewhere in that chapter so since you changed cannabinoid tincture to cannabinoid solution, we did a search in that chapter to figure out where you used that term cannabinoid tincture and we changed it to cannabinoid solution. It is just used in the medical cannabinoid product definitions.

Madam Chair Lee: The cannabinoid tincture means that it is a solution made with alcohol so we changed it to cannabinoid solution to make sure that the solutions that could be given to children won't have any alcohol content.

Senator K. Roers: One of the things that we had talked about was having to add snow mobiles to the list of prohibited vehicles and we said how about we refer back to the section of code that references driving under the influence. Does it just refer back to that section of code?

Jennifer Clark: I don't have the amendment that you were working off when you did that. I do recall that when it came up there was a section of law that was taken out.

(10:48-11:25) Jennifer Clark reviews the Senator K. Roers notes on her iPad.

Senator K. Roers: I believe currently subsection 5 of 19.24 01-33 does have a list and we were talking about adding snow mobile to it and I think what we were talking about was striking that whole part so that the criminal code would take over instead.

Jennifer Clark: So what you wanted to do was repeal that section or portion of law? You wanted to get to overstrike subsection 5.

Senator K. Roers: We may need to replace it to say, operating navigating or being in physical control of a motor vehicle, refer to whatever.

Jennifer Clark: If that is what you are looking to do then we would need to make a revision to this. That just takes it out of your bill.

Senator Anderson: I don't think we need that in there.

Senator Hogan: I agree.

Senator K. Roers: Because they can still charge them under the criminal code.

Madam Chair Lee: It sounds to be redundant to me.

Senator Hogan: Do we need to do anything or is the amendment as we passed it okay?

Jennifer Clark: I would need to look into that subsection 5 that included snow mobile. The right answer might be you want to repeal that subsection. I'm not sure, I wasn't part of that discussion so I would need to do some independent research on that.

Senator Anderson: That's not in our bill.

Jennifer Clark: It's not anymore.

Madam Chair Lee: It was in an amendment that we didn't pass.

Senator Hogan: We kept the solution part but we didn't amend the other part so it is not in the bill right now, so assuming it is not in the bill right now then we don't need to do any further amendment or do we?

Jennifer Clark: The issue that you are addressing about whether do you need to add snow mobile to that laundry list of vehicles, it is possible that you don't need to do that. It is possible that what you really want to do is to say a violation of section 39 something and reference the criminal code. I'm not sure I would need to do some research.

Madam Chair Lee: I know the prime sponsor Representative Westlind, is eager to not end up in a conference committee but we need to figure out if this is worth it so I am asking the rest of you of what you think. Do you want Jen to research that or do we want to come back again?

Senator K. Roers: I don't think it hurts anything currently. If in two years, it is part of the departments cleanup bill then that is fine.

Senator Anderson: I think we can just leave it alone. Im not sure that I have a copy of, you talked about an engrossed bill, have we seen a copy of that.

Jennifer Clark: No, that doesn't exist yet.

Senator Anderson: So, the Christmas tree that we have here, is that our final version.

Madam Chair Lee: That is just an example of what it could look like.

Senator Hogan: To make sure that we are talking about the amendment that we passed .01002, that is the one that we worked off of without section 7 and the cannabinoid tincture change to solution. I am comfortable with that.

Senator K. Roers: Am I hearing that you made a slightly larger, just to fix that other tincture as well?

Jennifer Clark: Yes, because you changed the term from tincture to solution. The one place that you used that, we made that change.

Madam Chair Lee: My bill is up in my desk drawer but in LAWS, it still says the .01000 version. It doesn't indicate in LAWS that any amendment has been adopted

Jennifer Clark: Because it hasn't yet.

Senator K. Roers: We were holding it there that is why.

Madam Chair Lee: Oh yes, okay.

Senator Anderson: Justin (Senate Human Services Clerk), can you tell what amendment we did adopt and what that says?

Justin Velez, Senate Human Services Committee Clerk: Yes, I have it right here. What is highlighted in red is what we took out of that amendment. Everything else we adopted including the definition change from tincture to solution.

Madam Chair Lee: Everybody got it?

Senator Hogan: Do we need to further amend with the place that you caught?

Jennifer Clark: No, we do that already. We have done our work; we are ready for you to pull the trigger on it. We will have made that cross-reference to tincture. What you did is just fine.

Senator Hogan: I would like to move a **DO PASS, AS AMENDED.**
Seconded by Senator O. Larsen

ROLL CALL VOTE TAKEN

6 YEA, 0 NAY, 0 ABSENT
MOTION CARRIES DO PASS, AS AMENDED
Senator Anderson will carry HB 1119.

Madam Chair Lee closes the discussion on HB 1119.

April 4, 2019

SK
1081
4/5

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1119

Page 1, line 1, after "reenact" insert "subsection 8 of section 19-24.1-01, paragraph 1 of subdivision a of subsection 24 of section 19-24.1-01,"

Page 1, after line 6, insert:

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

8. "~~Cannabinoid tincture~~resolution" means a solution of ~~alcohol, consisting of a mixture created from~~ cannabinoid concentrate, and other ingredients ~~intended for consumption.~~

SECTION 2. AMENDMENT. Paragraph 1 of subdivision a of subsection 24 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

- (1) ~~Cannabinoid tincture~~resolution;"

Page 6, line 6, replace "Information" with "Except as provided under subsection 2, information kept or maintained by the department is confidential, including information"

Page 6, line 9, overstrike ", is confidential"

Page 6, line 10, after "disclosed" insert "as necessary"

Renumber accordingly

Date: 3/19/19
 Roll Call Vote #:)

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO.**

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: See below

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Sen. O. Larsen Seconded By Sen. Hogan

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee	X		Sen. Kathy Hogan	X	
Sen. Oley Larsen	X				
Sen. Howard C. Anderson	X				
Sen. David Clemens	X				
Sen. Kristin Roers	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Changed definition of "cannabinoid tincture" to "cannabinoid solution".

Date: 4/5/19
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1119**

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Hogan Seconded By Larsen

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee	X		Sen. Kathy Hogan	X	
Sen. Oley Larsen	X				
Sen. Howard C. Anderson	X				
Sen. David Clemens	X				
Sen. Kristin Roers	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Anderson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1119: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1119 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 8 of section 19-24.1-01, paragraph 1 of subdivision a of subsection 24 of section 19-24.1-01,"

Page 1, after line 6, insert:

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

8. "~~Cannabinoid tincture~~solution" means a solution of alcohol, consisting of a mixture created from cannabinoid concentrate, and other ingredients ~~intended for consumption.~~

SECTION 2. AMENDMENT. Paragraph 1 of subdivision a of subsection 24 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

- (1) ~~Cannabinoid tincture~~solution;"

Page 6, line 6, replace "Information" with "Except as provided under subsection 2, information kept or maintained by the department is confidential, including information"

Page 6, line 9, overstrike ", is confidential"

Page 6, line 10, after "disclosed" insert "as necessary"

Re-number accordingly

2019 TESTIMONY

HB 1119

Testimony on HB 1119

1-16-2019

Good morning Chairman Rohr and members of the Human Service Committee. I am Representative Greg Westlind from District 15. I am here to introduce HB 1119 for the Division of Medical Marijuana relating to the Medical Marijuana Century Code. HB1119 will make changes related to specific operational areas.

The proposed changes are as follows:

It will allow the Division of Medical Marijuana (DMM) to accept electronic payments from qualifying patients, designated caregiver, manufacturing facility agents, and dispensary agents. Currently the law only allows for a personal check or cashier's check.

Eliminate the requirement to have applicants provide their social security number. It will also direct the Dept. of Health to destroy all social security numbers previously submitted in registration applications. Social Security numbers serve no purpose in the application process.

Allow a minor to submit a photographic copy of their ND identification. Currently, the law only allows a minor to submit a certified copy of their birth record. If a minor applicante already has a valid North Dakota identification such a driver's license or a non-driver photo identification, the DMM would not need to obtain a certified copy of the birth record.

Allow an individual responsible for making medical decisions for a qualifying patient to reside in another state. The current law requires the individual must reside in North Dakota. A designated caregiver of a qualifying patient would still be required to reside in North Dakota.

Eliminate the requirement of a manufacturing facility or dispensary applicant eligible for registration to again submit their legal name, articles, and bylaws to obtain their registration certificate. This information is already on file with the DMM.

Clarify language related to what laboratories may possess for testing purposes.

Clarify confidential language related to information submitted in a registration form.

For changes to be to be implemented as soon a possible, an emergency clause is included.

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page 1

North Dakota House Human Services Committee

January 14th 2019

[Chairman Weisz](#) and members of the Committee, my name is Steven James Peterson of The Committee for Compassionate Care of North Dakota.

The Committee for Compassionate Care is a patient advocacy group seeking to enable fair and reasonable access to medical marijuana in the state of North Dakota.

I am in complete support of House Bill 1119

The state already has this information available in its drivers license database.

I am available for any questions about this bill.

Steven James Peterson

701-936-4362 Steven@ravenrisingllc.com

Good morning Chairman Weisz and members of the Human Services Committee. My name is Jason Wahl, the Director of the Division of Medical Marijuana within the Department of Health. I am here to support and provide information on House Bill 1119 related to proposed changes to language within the Medical Marijuana chapter of state law.

The changes in the bill assist in providing a more streamlined application process for qualifying patients and designated caregivers by allowing us to accept online payments. While we use an online application for qualifying patients and designated caregivers to become registered, we are only able to accept payments via check. The changes would allow us to accept the \$50 nonrefundable application fee electronically. We also would be able to accept electronic payments for the nonrefundable \$200 application fee for manufacturing facility and dispensary agents.

The current law for the Medical Marijuana Program requires applicants to provide their social security number. This bill would eliminate this requirement. We can verify applicant information through other means without requiring applicants provide their social security numbers. We believe that obtaining and maintaining such information creates a significant unnecessary risk to the applicants and the program.

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page 2

Applicants who are minors (those under the age of 19), are required to submit a certified copy of their birth record as part of their qualifying patient application. Certain minors may already have a valid North Dakota driver's license or non-driver photo identification. The change proposed in the bill would allow us to accept either the certified copy of the birth record, driver's license, or non-driver photo identification.

Currently, state law requires the individual responsible for making medical decisions for a qualifying patient to reside in North Dakota to complete an application for the qualifying patient. The bill would change this to allow the individual to reside outside of the state. A designated caregiver of the qualifying patient would still be required to reside in the state.

Additional changes included in the bill relate to removing certain requirements that appear redundant or provide clarifying language. These changes would:

- Eliminate the requirement of a designated caregiver applicant to provide the qualifying patient's health care provider's name, address, and telephone number. Such information is obtained directly from health care providers as part of the qualifying patient's application.
- Eliminate the requirement of a manufacturing facility or dispensary applicant eligible for registration to again submit their legal name, articles, and bylaws or operating agreement to obtain their registration certificate. This information is obtained in the application process and the law requires any changes to such information be provided to us.

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page 3

- Clarify language related to what a laboratory may possess for testing purposes. This change makes the language consistent to other sections in state law as well as the administrative rules.
- Clarify language regarding confidentiality of information submitted in a registration application.

This concludes my testimony. I am happy to answer any questions you may have.

Testimony on HB 1119

3-6-2019

Good morning Chairman Lee and members of the Senate Human Service Committee. I am Representative Greg Westlind from District 15. I am here to introduce HB 1119 for the Division of Medical Marijuana relating to the Medical Marijuana Century Code. HB1119 will make changes related to specific operational areas.

The proposed changes are as follows:

It will allow the Division of Medical Marijuana (DMM) to accept electronic payments from qualifying patients, designated caregiver, manufacturing facility agents, and dispensary agents. Currently the law only allows for a personal check or cashier's check.

Eliminate the requirement to have applicants provide their social security number. It will also direct the Dept. of Health to destroy all social security numbers previously submitted in registration applications. Social Security numbers serve no purpose in the application process.

Allow a minor to submit a photographic copy of their ND identification. Currently, the law only allows a minor to submit a certified copy of their birth record. If a minor applicant already has a valid North Dakota identification such as a driver's license or a non-driver photo identification, the DMM would not need to obtain a certified copy of the birth record.

Allow an individual responsible for making medical decisions for a qualifying patient to reside in another state. The current law requires the individual must reside in North Dakota. A designated caregiver of a qualifying patient would still be required to reside in North Dakota.

Eliminate the requirement of a manufacturing facility or dispensary applicant eligible for registration to again submit their legal name, articles, and bylaws to obtain their registration certificate. This information is already on file with the DMM.

Clarify language related to what laboratories may possess for testing purposes.

Clarify confidential language related to information submitted in a registration form.

For changes to be implemented as soon as possible, an emergency clause is included.

Good morning Madam Chair Lee and members of the Human Services Committee. My name is Jason Wahl, the Director of the Division of Medical Marijuana within the Department of Health. I am here to support and provide information on House Bill 1119 related to proposed changes to language within the Medical Marijuana chapter of state law.

The changes in the bill assist in providing a more streamlined application process for qualifying patients and designated caregivers by allowing us to accept online payments. While we use an online application for qualifying patients and designated caregivers to become registered, we are only able to accept payments via check. The changes would allow us to accept the \$50 nonrefundable application fee electronically. We also would be able to accept electronic payments for the nonrefundable \$200 application fee for manufacturing facility and dispensary agents.

The current law for the Medical Marijuana Program requires applicants to provide their social security number. This bill would eliminate this requirement. We can verify applicant information through other means without requiring applicants provide their social security numbers. We believe that obtaining and maintaining such information creates a significant unnecessary risk to the applicants and the program.

Applicants who are minors (those under the age of 19), are required to submit a certified copy of their birth record as part of their qualifying patient application. Certain minors may already have a valid North Dakota driver's license or non-driver photo identification. The change proposed in the bill would allow us to accept either the certified copy of the birth record, driver's license, or non-driver photo identification.

Currently, state law requires the individual responsible for making medical decisions for a qualifying patient to reside in North Dakota to complete an application for the qualifying patient. The bill would change this to allow the individual to reside outside of the state. A designated caregiver of the qualifying patient would still be required to reside in the state.

Additional changes included in the bill relate to removing certain requirements that appear redundant or provide clarifying language. These changes would:

- Eliminate the requirement of a designated caregiver applicant to provide the qualifying patient's health care provider's name, address, and telephone number. Such information is obtained directly from health care providers as part of the qualifying patient's application.
- Eliminate the requirement of a manufacturing facility or dispensary applicant eligible for registration to again submit their legal name, articles, and bylaws or operating agreement to obtain their registration certificate. This information is obtained in the application process and the law requires any changes to such information be provided to us.

- Clarify language related to what a laboratory may possess for testing purposes. This change makes the language consistent to other sections in state law as well as the administrative rules.
- Clarify language regarding confidentiality of information submitted in a registration application.

Recently, two areas came to our attention regarding changes to language with the Medical Marijuana chapter of law. We will be introducing an amendment for the Committee to consider for the following:

- Modifying the tincture definition: state law (NDCC Section 19-24.1-01, Subsection 8) currently requires alcohol to be included in a tincture. We now know manufacturing facilities may not want to use alcohol in making a tincture, especially if a tincture is going to be made for a pediatric product.
- Addition of snowmobile: state law (NDCC Section 19-24.1-33, Subsection 5) currently prohibits the operation, navigation, or being in actual physical control of a motor vehicle, aircraft, train, or motorboat while under the influence of marijuana. It was brought to our attention that snowmobile should be added to the law and we would agree.

This concludes my testimony. I am happy to answer any questions you may have.

19.0571.01002
Title.

Prepared by the Legislative Council staff for
Senator J. Lee

March 8, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1119

Page 1, line 1, after "reenact" insert "subsection 8 of section 19-24.1-01,"

Page 1, line 3, after the first comma insert "subsection 5 of section 19-24.1-33,"

Page 1, after line 6, insert:

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

8. "Cannabinoid tincture" means a solution ~~of alcohol,~~consisting of a mixture created from cannabinoid concentrate, and other ingredients ~~intended for consumption.~~

Page 6, after line 2, insert:

"SECTION 7. AMENDMENT. Subsection 5 of section 19-24.1-33 of the North Dakota Century Code is amended and reenacted as follows:

5. Operating, navigating, or being in actual physical control of a motor vehicle, aircraft, train, snowmobile, or motorboat, while under the influence of marijuana. However, a registered qualifying patient may not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment."

Page 6, line 6, replace "Information" with "Except as provided under subsection 2, information kept or maintained by the department is confidential, including information"

Page 6, line 9, overstrike ", is confidential"

Page 6, line 10, after "disclosed" insert "as necessary"

Renumber accordingly

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19.0571.01000

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1119

Introduced by

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

1 A BILL for an Act to amend and reenact subsection 8 of section 19-24.1-01, subsection 24 of
2 section 19-24.1-01, section 19-24.1-03, subsection 2 of section 19-24.1-04,
3 subsection 1 of section 19-24.1-15, subsection 2 of section 19-24.1-18, subsection 13 of section
4 19-24.1-32, and section 19-24.1-37 of the North Dakota Century Code, relating to the medical
5 marijuana program; to provide for the destroying or redacting of social security numbers in the
6 department's possession; to repeal subsection 5 of section 19-24.1-33; and to declare an
7 emergency.

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

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

8. Cannabinoid solution means a solution ~~of alcohol~~ consisting of a mixture created from
cannabinoid concentrate, and other ingredients ~~intended for~~
~~consumption~~.

10 **SECTION 2. AMENDMENT. Subsection 24 of section 19-24.1-01 of the North Dakota
Century Code is amended and reenacted as follows:**

24. "Medical cannabinoid product" means a product intended for human consumption or use
which contains cannabinoids.

a. Medical cannabinoid products are limited to the following forms:

- (1) Cannabinoid ~~tincture~~ solution
- (2) Cannabinoid capsule;
- (3) Cannabinoid transdermal patch; and
- (4) Cannabinoid topical.

b. "Medical cannabinoid product" does not include:

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- (1) A cannabinoid edible product;
- (2) A cannabinoid concentrate by itself; or
- (3) The dried leaves or flowers of the plant of the genus cannabis by itself.

11 **SECTION 4-3. AMENDMENT.** Section 19-24.1-03 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **19-24.1-03. Qualifying patients - Registration.**

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

Sixty-sixth
Legislative Assembly

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

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

15 **SECTION 2.4. AMENDMENT.** Subsection 2 of section 19-24.1-04 of the North Dakota
16 Century Code is amended and reenacted as follows:

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

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

15 **SECTION 3-5. AMENDMENT.** Subsection 1 of section 19-24.1-15 of the North Dakota
16 Century Code is amended and reenacted as follows:

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

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

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

8 **SECTION 4.6. AMENDMENT.** Subsection 2 of section 19-24.1-18 of the North Dakota
9 Century Code is amended and reenacted as follows:

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

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

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

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

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

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

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

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

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

28 **SECTION 6.7. AMENDMENT.** Subsection 13 of section 19-24.1-32 of the North Dakota
29 Century Code is amended and reenacted as follows:

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

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

3 **SECTION 6.8. AMENDMENT.** Section 19-24.1-37 of the North Dakota Century Code is
4 amended and reenacted as follows:

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

- 6 1. ~~Data~~Information in a registration application or renewal and supporting ~~data~~information
7 submitted by a qualifying patient, designated caregiver, compassion center, proposed
8 compassion center, or compassion center agent, including ~~data~~information on
9 designated caregivers and health care providers, ~~is confidential.~~
- 10 2. ~~Data~~Information Except as provided under subsection 2, information kept or maintained
11 by the department is confidential, including information kept or maintained by the department
12 may be disclosed as necessary for:
- 13 a. The verification of registration certificates and registry identification cards under
14 this chapter;
 - 15 b. Submission of the annual report required by this chapter;
 - 16 c. Submission to the North Dakota prescription drug monitoring program;
 - 17 d. Notification of state or local law enforcement of apparent criminal violation of this
18 chapter;
 - 19 e. Notification of state and local law enforcement about falsified or fraudulent
20 information submitted for purposes of obtaining or renewing a registry
21 identification card; or
 - 22 f. Notification of the North Dakota board of medicine or North Dakota board of
23 nursing if there is a reason to believe a health care provider provided a written
24 certification and the department has reason to believe the health care provider
25 otherwise violated this chapter.
- 26 3. Upon a cardholder's written request, the department may confirm the cardholder's
27 status as a registered qualifying patient or a registered designated caregiver to a third
28 party, such as a landlord, school, medical professional, or court.
- 29 4. ~~Data~~Information submitted to a local government to demonstrate compliance with any
30 security requirements required by local zoning ordinances or regulations is
31 confidential.

30 **SECTION 7.9. SOCIAL SECURITY NUMBERS.** For any social security numbers obtained by
31 the State Department of Health as part of an application under chapter 19-24.1, the department

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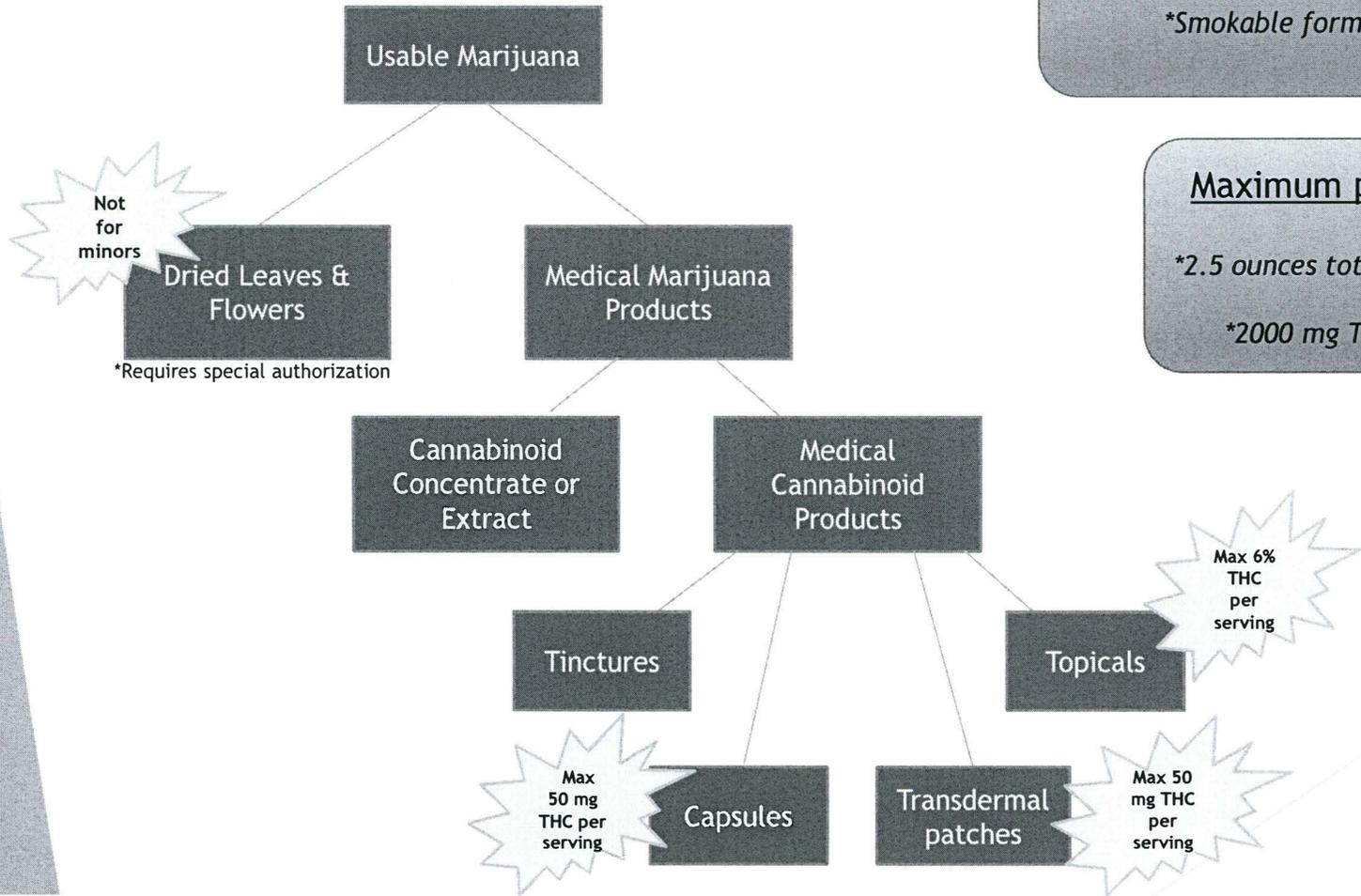
1 shall destroy the documents containing social security numbers or redact the social security
2 numbers from the documents.

3 **SECTION 10. REPEAL.** Subsection 5 of section 19-24.1-33 of the North Dakota Century

4 Code is repealed.

5 **SECTION 8.11. EMERGENCY.** This Act is declared to be an emergency measure.

Types of Usable Marijuana



Not for Minors! (under 19)
**Products with >6% THC*
**Smokable form*

Maximum purchase amounts per 30 days:
**2.5 ounces total—dried leaves and flowers; and*
**2000 mg THC total—other products*

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Title.

Prepared by the Legislative Council staff for
Senator J. Lee

April 1, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1119

Page 1, line 1, after "reenact" insert "section 19-03.1-22.3, subdivision d of subsection 8 of section 19-03.1-23, subsection 4 of section 19-03.4-03,"

Page 1, line 3, after "to" insert "the possession of marijuana and marijuana paraphernalia, the ingestion of marijuana, and"

Page 1, line 5, after the semicolon insert "to provide a penalty;"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 19-03.1-22.3 of the North Dakota Century Code is amended and reenacted as follows:

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

A person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance, unless the substance was obtained directly from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, is guilty of a ~~class B misdemeanor~~noncriminal offense punishable by a fee of two hundred and fifty dollars if the controlled substance is marijuana. Otherwise, the offense is a class A misdemeanor. The venue for a violation of this section exists in either the jurisdiction in which the controlled substance was ingested, inhaled, injected, or otherwise taken into the body or the jurisdiction in which the controlled substance was detected in the body of the accused.

SECTION 2. AMENDMENT. Subdivision d of subsection 8 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

- d. A person who violates this subsection ~~regarding possession by~~possessing:
- (1) Marijuana in an amount of less than one-half ounce [14.175 grams] is guilty of a noncriminal offense punishable by a fee of two hundred dollars.
 - (2) One-half ounce or more of marijuana is guilty of a class B misdemeanor.

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

4. A person may not use or possess with the intent to use drug paraphernalia to ingest, inhale, or otherwise introduce into the human body marijuana in violation of chapter 19-03.1. A person violating this subsection is guilty of a ~~class B misdemeanor~~noncriminal offense punishable by a fee of one hundred dollars."

Re-number accordingly