

2023 SENATE HUMAN SERVICES

SB 2388

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2388
1/30/2023

Relating to reapplication for registered identification cards for marijuana.

11:59 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, Weston, Hogan** were present. **Senator K. Roers** was absent.

Discussion Topics:

- Suspension
- Legalized marijuana medical purposes
- Registration medical card
- Reduce penalties
- Effective drug

12:00 PM **Senator Doug Larsen District #34** introduced **SB 2388 with amendment** testimony in favor #17846

12:05 PM **Lorraine Berger**, testimony in favor #17438

12:09 PM **Gail Pederson**, online testimony in favor #17604

12:14 PM **Jason Wahl, Director of the Medical Marijuana Program Department of Health and Human Services**, proposed with amendment neutral #17854

12:17 PM **Madam Chair Lee** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
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SB 2388
1/30/2023

Relating to reapplication for registered identification cards for marijuana.

2:24 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, Weston, Hogan, K. Roers** are present.

Discussion Topics:

- Application denial
- Identification cards violations

2:24 PM **Jason Wahl, Director of Medical Marijuana**, provides proposed amendment #17854

2:37 PM **Chris Knolden**, testimony in favor and neutral verbal

2:38 PM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2388
2/7/2023
9:07 AM

Relating to reapplication for registered identification cards for marijuana.

9:07 AM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, Weston, K. Roers** were present. **Senator Hogan** was absent.

Discussion Topics:

- Application denial
- Identification cards violations
- minors

Senator Lee calls for discussion on amendment.

9:13 AM **Jason Wahl, Medical Marijuana Director**, verbally provides information.

Senator Weston moves Amendment proposed by Jason Wahl #17854

Senator Cleary seconded.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion passed 5-0-1.

Senator Cleary moves **DO PASS** as **AMENDED**.

Senator Weston seconded.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion passed 5-0-1.

Held vote open for **Senator Hogan**; **Senator Hogan** voted **Yes** at 9:26 AM February 7, 2023.

Senator K. Roers will carry SB 2388

9:19 AM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

February 7, 2023

DR
181
2-7-2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2388

Page 2, line 28, remove "or"

Page 2, line 29, remove the overstrike over "~~Previously had a registry identification card revoked~~"

Page 2, line 29, overstrike "; or" and insert immediately thereafter "which involved unauthorized minor transfer, use, or access to usable marijuana or the use of usable marijuana which allowed the smoke or vapor to be inhaled by a minor;"

Page 2, line 30, remove the overstrike over "d:"

Page 2, line 30, overstrike the period and insert immediately thereafter "; or

e. Previously had a registry identification card revoked three times."

Page 3, line 4, remove "or"

Page 3, line 5, remove the overstrike over "~~Previously had a registry identification card revoked~~" and insert immediately thereafter "which involved unauthorized minor transfer, use, or access to usable marijuana or the use of usable marijuana which allowed the smoke or vapor to be inhaled by a minor"

Page 3, line 5, remove the overstrike over the overstruck semicolon

Page 3, line 6, remove the overstrike over "d:"

Page 3, line 6, after "misstatement" insert "; or

e. Previously had a registry identification card revoked three times"

Page 3, line 7, replace "An individual may not reapply for" with "Notwithstanding subsection 8, the department shall deny an application for or renewal of"

Page 3, line 9, remove "Upon a third revocation, the cardholder is disqualified"

Page 3, remove line 10

Page 4, line 28, after "sections" insert "19-24.1-05,"

Page 4, line 28, after "19-24.1-19" insert an underscored comma

Page 6, line 16, after "revocation" insert "or if the revocation under this subsection involved unauthorized minor transfer, use, or access to usable marijuana or the use of usable marijuana which allowed the smoke or vapor to be inhaled by a minor"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2388: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2388 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 28, remove "or"

Page 2, line 29, remove the overstrike over "~~Previously had a registry identification card revoked~~"

Page 2, line 29, overstrike "; or" and insert immediately thereafter "which involved unauthorized minor transfer, use, or access to usable marijuana or the use of usable marijuana which allowed the smoke or vapor to be inhaled by a minor:"

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Renumber accordingly

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2388
2/7/2023
9:25 AM

Relating to reapplication for registered identification cards for marijuana.
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9:25 AM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, Weston, Hogan, K. Roers** are present.

Discussion Topics:

- Held vote open for **Senator Hogan** 9:18 AM on 2/7/2023; 9:26 AM **Senator Hogan** voted **Yes** on 2/7/2023.

9:28 AM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

2023 HOUSE HUMAN SERVICES

SB 2388

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2388
3/1/2023

Relating to reapplication for registered identification cards for marijuana.

Vice Chairman Ruby called the meeting to order at 2:07 PM.

Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Chairman Robin Weisz and Rep. Clayton Fegley not present.

Discussion Topics:

- Market for medical marijuana
- Marijuana licenses
- Open container laws

Sen. Larsen introduced SB 2388 with supportive oral testimony.

Laraine Berger, North Dakota citizen, supportive oral testimony.

Gail K. Pederson, Board Certified Special Practice RN in Holistic Nursing and Cannabis Nurse Educator, supportive testimony (#21476).

Vice Chairman Ruby adjourned the meeting at 2:19 PM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2388
3/7/2023

Relating to reapplication for registered identification cards for marijuana.

Chairman Weisz called the meeting to order at 10:27 AM.

Chairman Robin Weisz, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Vice Chairman Matthew Ruby not present.

Discussion Topics:

- Committee work

Chairman Weisz called for a discussion on SB 2388.

Rep. Dobervich moved a do pass on SB 2388.

Seconded by Rep. Fegley.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	AB
Representative Karen A. Anderson	N
Representative Mike Beltz	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	N
Representative Dawson Holle	N
Representative Dwight Kiefert	Y
Representative Carrie McLeod	N
Representative Todd Porter	Y
Representative Brandon Prichard	N
Representative Karen M. Rohr	N

Motion carries 7-6-1. Carried by Rep. Fegley.

Chairman Weisz adjourned the meeting at 10:30 AM.

Phillip Jacobs, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2388, as engrossed: Human Services Committee (Rep. Weisz, Chairman)
recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SB 2388 was placed on the Fourteenth order on the calendar.

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2388
3/15/2023

Relating to reapplication for registered identification cards for marijuana.

Chairman Weisz called the meeting to order at 9:43 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Reps. Clayton Fegley and Brandon Prichard not present.

Discussion Topics:

- Committee work
- Reconsideration
- Amendment

Rep. Porter moved to reconsider the committee's previous actions on SB 2388.

Seconded by Rep. Dobervich.

Motion carries by voice vote.

Chairman Weisz called for a discussion on SB 2388.

Vice Chairman Ruby proposed an amendment to SB 2388 (#27274).

Vice Chairman Ruby moved to adopt amendment with the addition of an emergency clause.

Seconded by Rep. Porter.

Motion carries by voice vote.

Rep. Porter moved a do pass as amended.

Seconded by Rep. Dobervich.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	AB
Representative Mike Beltz	Y
Representative Jayme Davis	Y

Representative Gretchen Dobervich	Y
Representative Clayton Fegley	AB
Representative Kathy Frelich	N
Representative Dawson Holle	N
Representative Dwight Kiefert	Y
Representative Carrie McLeod	N
Representative Todd Porter	Y
Representative Brandon Prichard	AB
Representative Karen M. Rohr	N

Motion carries 7-4-3.

Carried by Vice Chairman Ruby.

Chairman Weisz adjourned the meeting at 9:54 AM.

Phillip Jacobs, Committee Clerk

March 15, 2023

AG
3-15-23
(1-1)

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2388

Page 1, line 1, remove the second "and"

Page 1, line 1, after "19-24.1-19" insert ", and 19-24.1-34"

Page 1, line 3, after "marijuana" insert "and acts associated with marijuana not prohibited from employee discipline; and to declare an emergency"

Page 7, after line 6, insert:

"SECTION 4. AMENDMENT. Section 19-24.1-34 of the North Dakota Century Code is amended and reenacted as follows:

19-24.1-34. Acts not prohibited - Acts not required.

1. This chapter does not require:
 - a. A government medical assistance program or private insurer to reimburse a person for costs associated with the medical use of marijuana;
 - b. A person in lawful possession of property to allow a guest, client, customer, or other visitor to possess or consume usable marijuana on or in that property;
 - c. A landlord to allow production or processing on rental property; or
 - d. A health care provider to provide a written certification or otherwise recommend marijuana to a patient.
2. This chapter does not prohibit an employer from disciplining an employee for possessing or consuming usable marijuana in the workplace ~~or for~~ working while under the influence of marijuana, or working with marijuana in the employee's system.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2388, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2388 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and"

Page 1, line 1, after "19-24.1-19" insert ", and 19-24.1-34"

Page 1, line 3, after "marijuana" insert "and acts associated with marijuana not prohibited from employee discipline; and to declare an emergency"

Page 7, after line 6, insert:

"SECTION 4. AMENDMENT. Section 19-24.1-34 of the North Dakota Century Code is amended and reenacted as follows:

19-24.1-34. Acts not prohibited - Acts not required.

1. This chapter does not require:
 - a. A government medical assistance program or private insurer to reimburse a person for costs associated with the medical use of marijuana;
 - b. A person in lawful possession of property to allow a guest, client, customer, or other visitor to possess or consume usable marijuana on or in that property;
 - c. A landlord to allow production or processing on rental property; or
 - d. A health care provider to provide a written certification or otherwise recommend marijuana to a patient.
2. This chapter does not prohibit an employer from disciplining an employee for possessing or consuming usable marijuana in the workplace ~~or for~~ working while under the influence of marijuana, or working with marijuana in the employee's system.

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

Re-number accordingly

2023 SENATE HUMAN SERVICES

SB 2388

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2388
3/29/2023

Relating to reapplication for registered identification cards for marijuana.
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11:48 AM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, Weston, Hogan, K. Roers** are present.

Discussion Topics:

- House amendment concurrence
- Conference committee
- Emergency clause

The Committee concurred.

11:50 AM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

TESTIMONY

SB 2388

Thank you Madam Chair and the Human Services Committee. I am Lorraine Berger from District 34. I am speaking in favor of SB 2388. First of all I would like to thank everyone for making time to be here today and for allowing me to speak. Thank you to the sponsoring legislators for helping to correct this law.

So in the fall of 2021, I was seen on camera from the dispensary handing a closed cannabis box to my daughter. Once in Bismarck, once in Grand Forks. My daughter is 38 and a heroin addict. I had done a lot of research and cannabis can truly help addicts, so she would read the boxes-the THC levels, etc.-any information I could give her at this time was good. She actually had her own appointment made for a medical card.

I realize that this was against the rules, but I truly believe that I made an honest mistake, not realizing at that time-handing a closed box to my daughter-would get my card revoked permanently. It seems the penalty does not fit the crime. I would have understood a suspension. I made several attempts by email and phone to talk to Mr Wahl about what happened and was only told there's no way for me to get it back, ever, in this state.

My health has suffered immensely since my card was taken from me. I now take 14 pills a day and see a psychologist. The medication I'm taking now does not even compare to what the medical marijuana was doing for me. I have been working at the hospital lab for the last 7 years. My husband and I are business owners. I have absolutely no criminal history! I feel that the penalties of never being allowed to have medical marijuana card again are too severe.

I am respectfully requesting that this law be amended for the sake of my health and those who may not know that something as simple as allowing someone else to hold a box could have serious consequences. I would understand if I would have opened a container and gave it to someone or smoked with someone or have even been charged with something, but the only thing that I did wrong was to hand my daughter a sealed box of my cannabis. Yes she put a box on her driver's side door storage. The cameras did not pick up her handing back the sealed boxes. It truly was an honest mistake on my part. I did not know or remember how strict the laws were.

I believe that I am the first in North Dakota to attempt this change and I believe the severity of what you do with the violations should be taken into consideration, If you have a criminal history of selling or anything of that sort, then I understand it, but to simply hand a closed box to my 38-year-old daughter just seems so unfair.

There is no compassion from anyone that I have contacted except for my legislatures who can actually understand what I am talking about. If it was legalized for medication, it should take more than handing a closed box to your own adult daughter to be disqualified from the program.

I am one of the patients that have extreme anxiety and depression and I found that cannabis worked extremely well. The punishment does not fit "the crime". People can make mistakes-honest mistakes and I feel it would be shameful to have to move out of North Dakota to be able to get the medicine that I need. I ask for your support and pass SB 2388.

Thank you and I stand for questions.

Thank you Chairperson Lee and the Human Services committee for allowing me to testify today. I am Gail Pederson, from District 24 in Valley City. I am here to speak for SB 2388 to reduce the penalties for a medical marijuana patient who has broken the rules within our medical marijuana law. I am a Board Certified Special Practice RN in Holistic Nursing, a Cannabis Nurse educator and a member of the American Cannabis Nurses Association's Government Policy and Advocacy Committee. The American Cannabis Nurses association is now a recognized affiliate of the ANA and we are on track towards specialty certification. I am also a moderator for a social media ND Medical Cannabis Support group of over 1500 people.

Our penalties are overly harsh. Lifetime revocation is no answer for a cardholder caught with an infraction to the law. Cannabis nurses in other states have indicated it is usually a fine, not a lifetime suspension. The outline of the new penalties is acceptable though. I have attached the MA penalties for your information.

Seven ND patients had their cards revoke [REDACTED]. While I do not know the other situations, I know, through my advocacy, the hell that [REDACTED] has gone through since this has happened. Cannabis is being recognized as an exit drug. Cannabis, as a harm reduction agent for opioid use and addiction has proven beneficial in reducing or completely eliminating opioid use. Her story is one of desperation, of attempting to turn her daughter away from something that is destroying her life. Her explanation and understanding what she did was wrong should not have a lifetime suspension. The fact we never saw her daughter break the seal on a container should not indicate diversion.

I also want to also dispel the continued myth of diversion of our product. It is minimal. We have the most expensive product in the country. A survey from one of our dispensaries had 4 choices for the questions of "Where did you purchase product last?" It listed our 3 dispensary corporations as an answer and "Out [REDACTED]" is the 4th choice. This penalty is perpetuating illicit use and cannabis refugees, as [REDACTED] is fearful of becoming.

The century code states "The cardholder may appeal a denial or revoc [REDACTED] registry identification card to the district court of Burleigh County for hearing. [REDACTED] did check into appealing her revocation to the district court in Burleigh County. The difficulty of finding an attorney and the cost when she did extremely was prohibitive. Cannabis as medicine is legal in our state. It is time to stop making our patients criminals through our overly strict law. Thank you for supporting SB 2388. These are common sense changes. I stand for questions.

Massachusetts Penalties:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94G/Section13>

Gail Pederson, SPRN, HN-BC
 Be Well Healing Arts, PLLC
bewellhealingarts@gmail.com
 701490-2132.

Good Morning Chairwoman Lee and committee of the Health and Human Services. For the record my name is Doug Larsen and am the Senator from District 34 in Mandan.

In 2015, House Bill 1430 was introduced. It had a hearing and went before the chamber. HB 1430 would have legalized marijuana for medical purposes. It turns out they did not think it was a good bill or at least a good bill that day as it failed by a heavy margin of 26-67 or 28% to 72%.

Signatures were gathered and in the fall of 2016 it was on the ballot to be decided by the people. The people had a President to vote for, a few statewide officials, local elections and 5 state-wide measures.

Measure 1 required Legislators to live within the district that they were elected to serve in—82% of the voters said “Yea.” Measure 4 would have raised the tobacco tax, but 61.65% of the people said “Nay.”

And measure 5 which showed that the people of North Dakota did not agree with the state legislators as they passed the measure for Medical Marijuana by a 63.8% to 36.2% margin. Within this measure, it establishes Title 19 of our Century Code and authorized the Department of Health to provide for corrective action, suspension, revocation, appeal, hearings and referral of criminal prosecution.

Currently, Chapter 19 does not allow a path to restoring one’s medical marijuana card in the event it is revoked. This bill adds a period of time for their rights to be restored. Page 3, Line 7 of Senate bill 2388 it would make it a 1-year suspension for a 1st offense, 5 years for a 2nd offense and a third would result in a life-time revocation. All other changes found in the bill simply support the change I just spoke of.

Many of our laws that remove a user’s license do allow for a pathway for the offender to regain that lost privilege. As a common example, if a motorists obtains more than 12 points at a time they lose their ‘card.’ They have a few options on how to re-obtain their privilege to drive—one of the options is just time and depending on how egregious their past behavior was will determine if it is a month or few or a year or so.

Though I don’t take a strong position against it, I don’t support the legalization of cannabis. However, my voting record has shown a consistent stance of supporting what I believe is the desire of the people for a medical program to responsive and responsible. I believe this bill will make the chapter better.

Lastly, I would also like to mention that I am aware of an amendment that will be presented later and support its addition to this bill that would enable the department to make a determinations in cases that may be egregious enough to result in a longer penalty.

Good morning, Chairwoman Lee and members of the Senate Human Services Committee. My name is Jason Wahl, Director of the Medical Marijuana Program within the Department of Health and Human Services (Department). I am here to provide information and a proposed amendment to Senate Bill 2388. The Department is neutral on the changes to state law to allow individuals with a registry identification card previously revoked to reapply for a card after a certain period of time.

The Department is provided authority in state law to suspend or revoke a registry identification card for a violation of the medical marijuana laws or administrative rules. When the Department is made aware of a potential violation or identifies a potential violation, a registry identification card is suspended. A certified letter is sent to the individual identifying the suspension. The individual is requested to provide information regarding the apparent violation by a certain date. After receiving information or the deadline to receive information has passed, the Department then determines what action to take.

Information on the number of registry identification cards revoked by fiscal year (FY) follows:

- FY 2021: 10
- FY 2022: 16
- FY 2023 (6 months): 6

Of the 32 revocations, 21 (66%) were related to a registered cardholder selling or transferring usable marijuana to another individual. There were five designated caregiver registry identification cards revoked due to purchases being made after the registered qualifying patient had died. The other six revocations related to other noncompliance issues which included allowing the smoke or vapor to be inhaled by a minor and usable marijuana being in a school.

If a registry identification card is revoked, the individual is informed they are no longer eligible to participate in the medical marijuana program pursuant to the provisions in state law. Senate Bill 2388 would allow individuals with a registry identification card revoked multiple opportunities to reapply for a card. The Department believes it is a policy making decision if a revocation period should be implemented. However, the Department would propose an amendment to the bill to address two areas.

1. The proposed amendment would provide clarifying language related to denying an application during a revocation period.
2. The proposed amendment would add information for a revocation related to usable marijuana being transferred, used, or accessed by a minor or when the smoke or vapor is allowed to be inhaled by a minor. If a revocation is due to these instances, the proposed amendment would make the individual ineligible for the program.

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

PROPOSED AMENDMENTS TO SENATE BILL NO. 2388

Page 2, line 28, remove "or"

Page 2, line 29, remove the overstrike over "~~Previously had a registry identification card revoked;~~"

Page 2, line 29, immediately after "revoked" insert "which involved unauthorized minor transfer, use, or access to usable marijuana or the use of usable marijuana which allowed the smoke or vapor to be inhaled by a minor"

Page 2, line 30, remove the overstrike over "~~d.~~"

Page 2, line 30, strike the period after "misstatement" and insert immediately after "i. or e. Previously had a registry identification card revoked three times."

Page 3, line 4, remove "or"

Page 3, line 5, remove the overstrike over "~~Previously had a registry identification card revoked;~~"

Page 3, line 5, immediately after "revoked" insert "which involved unauthorized minor transfer, use, or access to usable marijuana or the use of usable marijuana which allowed the smoke or vapor to be inhaled by a minor."

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Page 3, line 6, strike the period after "misstatement" and insert immediately after "i. or e. Previously had a registry identification card revoked three times."

Page 3, line 7, remove "An individual may not reapply for" and insert immediately after "Notwithstanding subsection 8, the department shall deny an application for or renewal of a"

Page 3, lines 9 and 10, remove "Upon a third revocation, the cardholder is disqualified from further participation under this chapter."

Page 4, line 28, after "sections" insert "19-24.1-05,"

Page 4, line 28, after "19-24.1-19" insert an underscored comma.

Page 6, line 16, after "revocation" insert "or if the revocation under this subsection involved unauthorized minor transfer, use, or access to usable marijuana or the use of usable marijuana which allowed the smoke or vapor to be inhaled by a minor."

Renumber accordingly

Thank you Chairman Weisz and the Human Services committee for allowing me to testify today. I am Gail Pederson, from District 24 in Valley City. I am here to speak for SB 2388 to reduce the penalties for a medical marijuana patient who has broken the rules within our medical marijuana law. I am a Board Certified Special Practice RN in Holistic Nursing, a Cannabis Nurse educator and a member of the American Cannabis Nurses Association's Government Policy and Advocacy Committee. The American Cannabis Nurses association is now a recognized affiliate of the ANA and we are on track towards specialty certification. I am also a moderator for a social media ND Medical Cannabis Support group of over 1500 people.

Our penalties are overly harsh. Lifetime revocation is no answer for a cardholder caught with an infraction to the law. Cannabis nurses in other states have indicated it is usually a fine, not a lifetime suspension. The outline of the new penalties is acceptable though. I have attached the MA penalties for your information.

Seven ND patients had their cards revoked in 2021. While I do not know the other situations, I know, through my advocacy, the hell that Mrs Berger has gone through since this has happened. Cannabis is being recognized as an exit drug. Cannabis, as a harm reduction agent for opioid use and addiction has proven beneficial in reducing or completely eliminating opioid use. Her story is one of desperation, of attempting to turn her daughter away from something that is destroying her life. Her explanation and understanding what she did was wrong should not have a lifetime suspension. The fact we never saw her daughter break the seal on a container should not indicate diversion.

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The century code states "The cardholder may appeal a denial or revocation of a registry identification card to the district court of Burleigh County for hearing. Mrs Berger did check into appealing her revocation to the district court in Burleigh County. The difficulty of finding an attorney and the cost when she did extremely was prohibitive. Cannabis as medicine is legal in our state. It is time to stop making our patients criminals through our overly strict law. Thank you for supporting SB 2388. These are common sense changes. I stand for questions.

Massachusetts Penalties:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94G/Section13>

Gail Pederson, SPRN, HN-BC
Be Well Healing Arts, PLLC
bewellhealingarts@gmail.com
701490-2132.

19-24.1-34 Acts not prohibited- Acts not required

1. This chapter does not require:
 - a. A government medical assistance program or private insurer to reimburse a person for costs associated with the medical use of marijuana;
 - b. A person in lawful possession of property to allow a guest, client, customer, or other visitor to possess or consume usable marijuana on or in that property;
 - c. A landlord to allow production or processing on rental property; or
 - d. A health care provider to provide a written certification or otherwise recommend marijuana to a patient.
2. This chapter does not prohibit an employer from disciplining an employee for possessing or consuming usable marijuana in a workplace, ~~or~~ for working while under the influence of marijuana, or working with marijuana in their system.