

April 4, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1050

In lieu of the amendments adopted by the Senate as printed on pages 1236-1238 of the Senate Journal, House Bill No. 1050 is amended as follows:

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

Page 1, line 1, after "19-03.4-03" insert ", and subdivision i of subsection 5 of section 39-08-01"

Page 1, line 2, after "to" insert "the possession of marijuana and marijuana paraphernalia, the ingestion of marijuana, and"

Page 1, line 3, after the semicolon insert "to provide for a legislative management study;"

Page 1, after line 4, 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 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 fifty dollars.
- (2) One-half ounce [14.175 grams] or more of marijuana is guilty of a class B misdemeanor."

Page 2, line 6, overstrike "a class B misdemeanor" and insert immediately thereafter "a noncriminal offense punishable by a fee of one hundred dollars"

Page 2, line 12, replace "shall" with "may"

Page 2, after line 18, insert:

**"SECTION 4. AMENDMENT.** Subdivision i of subsection 5 of section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

- i. If the court sentences an individual to the legal and physical custody of the department of corrections and rehabilitation, the department may place the individual in an alcohol treatment program designated by the department. Upon the individual's successful completion of the alcohol treatment program, the department shall release the individual from imprisonment to begin the court-ordered period of probation. If there is not any court-ordered period of probation, the court ~~shall~~may order the individual to serve the remainder of the sentence of imprisonment on supervised probation and the terms and conditions must include participation in the twenty-four seven sobriety program and any terms and conditions of probation previously imposed by the court. Probation under this subsection may include placement in another facility or treatment program. If an individual is placed in another facility or treatment program after release from imprisonment, the remainder of the individual's sentence of imprisonment must be considered time spent in custody. Individuals incarcerated under this section subsequent to a second probation revocation are not eligible for release from imprisonment upon the successful completion of treatment.

**SECTION 5. LEGISLATIVE MANAGEMENT STUDY - RECREATIONAL MARIJUANA.** During the 2019-20 interim, the legislative management shall consider studying the implications of the potential adoption of an initiated measure allowing the use of recreational marijuana. The study must consider the potential benefits and detriments of legalizing recreational marijuana with respect to:

1. The state's economy, including unemployment and homelessness rates; potential tax revenues and job opportunities; spending on public health and safety programs, including law enforcement agencies and drug treatment programs; and tourism, real estate, construction, and banking;
2. Minors, including the rate of drug usage, the effects of marijuana on developing brains, and high school drop-out rates;
3. The insurance industry, including health, automobile, and life insurance;
4. The legal system, including crime rates, the prison population, and rates of usage of other drugs;
5. Workers' compensation and work-related accidents;
6. Public health and safety; and
7. The medical marijuana program.

The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly