Sixty-sixth Legislative Assembly of North Dakota

## **HOUSE BILL NO. 1519**

Introduced by

Representatives B. Koppelman, Beadle, Ertelt, Marschall, Mock, Steiner, Vetter

- 1 A BILL for an Act to amend and reenact subsections 15, 38, and 40 of section 19-24.1-01,
- 2 subsection 5 of section 19-24.1-05, subsection 4 of section 19-24.1-20, and subdivision a of
- 3 subsection 4 of section 19-24.1-21 of the North Dakota Century Code, relating to debilitating
- 4 medical conditions and usable marijuana for minors under the medical marijuana program.

## 5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 6 **SECTION 1. AMENDMENT.** Subsections 15, 38, and 40 of section 19-24.1-01 of the North
- 7 Dakota Century Code are amended and reenacted as follows:
- 8 15. "Debilitating medical condition" means one of the following:
- 9 a. Cancer;
- 10 b. Positive status for human immunodeficiency virus;
- 11 c. Acquired immune deficiency syndrome;
- d. Decompensated cirrhosis caused by hepatitis C;
- e. Amyotrophic lateral sclerosis;
- f. Posttraumatic stress disorder;
- 15 g. Agitation of Alzheimer's disease or related dementia;
- 16 h. Crohn's disease;
- i. Fibromyalgia;
- j. Spinal stenosis or chronic back pain, including neuropathy or damage to the
- 19 nervous tissue of the spinal cord with objective neurological indication of
- 20 intractable spasticity;
- 21 k. Glaucoma;
- 22 I. Epilepsy;
- 23 m. Autism spectrum disorder;
- n. A terminal illness; and

1 A chronic or debilitating disease or medical condition or treatment for such <del>n.</del>o. 2 disease or medical condition that produces one or more of the following: 3 (1) Cachexia or wasting syndrome; 4 (2) Severe debilitating pain that has not responded to previously prescribed 5 medication or surgical measures for more than three months or for which 6 other treatment options produced serious side effects; 7 (3) Intractable nausea; 8 (4) Seizures; or 9 (5) Severe and persistent muscle spasms, including those characteristic of 10 multiple sclerosis. 11 38. "Usable marijuana" means a medical marijuana product or the dried leaves or flowers 12 of the plant of the genus cannabis in a combustible delivery form. However, the term 13 does not include the dried leaves or flowers unless authorized through a written 14 certification and does not include a cannabinoid edible product. In the case of a 15 registered qualifying patient who is a minor, "usable marijuana" is limited to pediatric 16 medical marijuana unless another form of usable marijuana is expressly authorized 17 through a written certification. 18 40. "Written certification" means a form established by the department which is executed, 19 dated, and signed by a health care provider within ninety calendar days of the date of 20 application, stating that in the health care provider's professional opinion the patient is 21 likely to receive therapeutic or palliative benefit from the medical use of marijuana to 22 treat or alleviate the patient's debilitating medical condition. A health care provider may 23 authorize the use of dried leaves or flowers of the plant of the genus cannabis in a 24 combustible delivery form to treat or alleviate the patient's debilitating medical 25 condition. A health care provider may expressly authorize a minor to use a form of 26 usable marijuana which is not limited to pediatric medical marijuana. A written 27 certification may not be made except in the course of a bona fide provider-patient 28 relationship. 29 SECTION 2. AMENDMENT. Subsection 5 of section 19-24.1-05 of the North Dakota 30 Century Code is amended and reenacted as follows:

1 The department may not issue a registry identification card to a qualifying patient who 2 is a minor unless: 3 a. The department receives documentation the minor's health care provider has 4 explained to the parent or legal quardian with responsibility for health care 5 decisions for the minor the potential risks and benefits of the use of pediatric 6 medical marijuana or other form of authorized usable marijuana to treat or 7 alleviate the debilitating medical condition; and 8 The department receives documentation the parent or legal guardian with b. 9 responsibility for health care decisions for the minor consents in writing to: 10 Allow the minor's use of pediatric medical marijuana or other form of 11 authorized usable marijuana to treat or alleviate the debilitating medical 12 condition; 13 (2) Serve as the minor's designated caregiver or identifies a registered 14 designated caregiver to act as the minor's designated caregiver: 15 Control the acquisition of usable marijuana and control the dosage and 16 frequency of the use of usable marijuana by the minor; and 17 (4) If serving as the minor's designated caregiver, prevent the minor from 18 accessing the usable marijuana by storing the usable marijuana in an 19 enclosed, locked facility. 20 SECTION 3. AMENDMENT. Subsection 4 of section 19-24.1-20 of the North Dakota 21 Century Code is amended and reenacted as follows: 22 In addition to any other penalty applicable in law, except as otherwise expressly 23 authorized in a written certification, a dispensary or a dispensary agent is guilty of a 24 class B felony for intentionally selling or otherwise transferring usable marijuana, in a 25 form other than pediatric medical marijuana, to a registered designated caregiver, for 26 use by a registered qualifying patient who is a minor. A person convicted under this 27 subsection may not continue to be affiliated with a compassion center and is 28 disqualified from further participation under this chapter. 29 SECTION 4. AMENDMENT. Subdivision a of subsection 4 of section 19-24.1-21 of the 30 North Dakota Century Code is amended and reenacted as follows:

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1 May not dispense usable marijuana to a person other than a registered qualifying 2 patient or a registered qualifying patient's registered designated caregiver. If a 3 registered qualifying patient is a minor: 4 The dispensary or agent of the dispensary may not dispense usable 5 marijuana to a minor; and 6 The Except as otherwise expressly authorized in a written certification, the (2) 7 usable marijuana dispensed to the minor's designated caregiver must be in 8 the form of pediatric medical marijuana.