

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."

Page 3, line 6, remove the overstrike over "~~d.~~"

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

