

HOUSE BILL NO. 1283

Introduced by

Representatives Skroch, Becker, Ertelt, Fegley, Johnston, Jones, Roers Jones, M. Ruby,
Vetter

Senator O. Larsen

1 A BILL for an Act to create and enact a new section to chapter 19-24.1 of the North Dakota
2 Century Code, relating to medical marijuana written certifications; and to amend and reenact
3 subsections 3 and 40 of section 19-24.1-01, subsection 2 of section 19-24.1-03, and
4 subsection 3 of section 19-24.1-11 of the North Dakota Century Code, relating to access to
5 medical marijuana.

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

7 **SECTION 1. AMENDMENT.** Subsection 3 of section 19-24.1-01 of the North Dakota
8 Century Code is amended and reenacted as follows:

- 9 3. "Bona fide provider-patient relationship" means a treatment or counseling relationship
10 between a health care provider and patient in which ~~all the following are present:~~
- 11 a. ~~The~~the health care provider has reviewed the patient's relevant medical records
12 and completed a full assessment of the patient's medical history and current
13 medical condition, including a relevant, in-person, medical evaluation of the
14 patient.
 - 15 b. ~~The health care provider has created and maintained records of the patient's~~
16 ~~condition in accordance with medically accepted standards.~~
 - 17 c. ~~The patient is under the health care provider's continued care for the debilitating~~
18 ~~medical condition that qualifies the patient for the medical use of marijuana.~~
 - 19 d. ~~The health care provider has a reasonable expectation that provider will continue~~
20 ~~to provide followup care to the patient to monitor the medical use of marijuana as~~
21 ~~a treatment of the patient's debilitating medical condition.~~
 - 22 e. ~~The relationship is not for the sole purpose of providing written certification for the~~
23 ~~medical use of marijuana.~~

1 **SECTION 2. AMENDMENT.** Subsection 40 of section 19-24.1-01 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 40. "Written certification" means a form established by the department which is executed,
4 dated, and signed by a health care provider within ninety calendar days of the date of
5 application, stating ~~that in the health care provider's professional opinion the patient is~~
6 ~~likely to receive therapeutic or palliative benefit from the medical use of marijuana to~~
7 ~~treat or alleviate the patient's~~ the patient has a debilitating medical condition. A health
8 care provider may authorize the use of dried leaves or flowers of the plant of the
9 genus cannabis in a combustible delivery form to treat or alleviate the patient's
10 debilitating medical condition. ~~A written certification may not be made except in the~~
11 ~~course of a bona fide provider-patient relationship.~~

12 **SECTION 3. AMENDMENT.** Subsection 2 of section 19-24.1-03 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 2. A qualifying patient application for a registry identification card is complete and eligible
15 for review if an applicant submits to the department:

16 a. A nonrefundable annual application fee in the amount of fifty dollars, with a
17 personal check or cashier's check payable to "North Dakota State Department of
18 Health, Medical Marijuana Program".

19 b. An original written certification, which must include:

20 (1) The name, address, and telephone number of the practice location of the
21 applicant's health care provider;

22 (2) The health care provider's North Dakota license number;

23 (3) The health care provider's medical or nursing specialty;

24 (4) The applicant's name and date of birth;

25 (5) The applicant's debilitating medical condition and the medical justification
26 for the health care provider's certification of the patient's debilitating medical
27 condition;

28 (6) Attestation the written certification is made in the course of a bona fide
29 provider-patient relationship ~~and that in the provider's professional opinion~~
30 ~~the applicant is likely to receive therapeutic or palliative benefit from the~~

1 ~~medical use of marijuana to treat or alleviate the applicant's debilitating-~~
2 ~~medical condition;~~

3 (7) Whether the health care provider authorizes the patient to use the dried
4 leaves or flowers of the plant of the genus cannabis in a combustible
5 delivery form; and

6 (8) The health care provider's signature and the date.

7 c. An original qualifying patient application for a registry identification card form
8 established by the department which must include all of the following:

9 (1) The applicant's name, address, and date of birth.

10 (2) The applicant's social security number.

11 (3) The name, address, and date of birth of the applicant's proposed
12 designated caregiver, if any.

13 (4) A photographic copy of the applicant's North Dakota identification. The
14 North Dakota identification must be available for inspection and verification
15 upon request of the department. If the applicant is a minor, a certificated
16 copy of a birth record is required.

17 (5) The applicant's or guardian's signature and the date, or in the case of a
18 minor, the signature of the minor's parent or legal guardian with
19 responsibility for health care decisions and the date.

20 d. A signed consent for release of medical information related to the applicant's
21 debilitating medical condition, on a form provided by the department.

22 e. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the applicant.

23 f. Any other information or material required by rule adopted under this chapter.

24 **SECTION 4. AMENDMENT.** Subsection 3 of section 19-24.1-11 of the North Dakota
25 Century Code is amended and reenacted as follows:

26 3. If a health care provider ~~states in~~limits the written certification ~~that the qualifying-~~
27 ~~patient would benefit from the medical use of marijuana until a specified date, less~~
28 than one year, the registry identification card expires on that date.

29 **SECTION 5.** A new section to chapter 19-24.1 of the North Dakota Century Code is created
30 and enacted as follows:

1 **Written certification.**

2 The department shall establish a written certification form and make this form available to
3 physicians and members of the public. A written certification may not be made except in the
4 course of a bona fide provider-patient relationship.