

HOUSE BILL NO. 1417

Introduced by

Representatives Vetter, Beadle, Becker, M. Johnson, Jones, Kading, McWilliams, Meier,
O'Brien, Skroch

Senator Oban

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 2, ~~3, 15, 38~~, and 40 of section 19-24.1-01, and subsection 2 of section 19-24.1-03,
4 ~~and 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 2 of section 19-24.1-01 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 2. "Allowable amount of usable marijuana" means the amount of usable marijuana a
10 registered qualifying patient or registered designated caregiver may purchase in a
11 thirty-day period under this chapter.

12 a. Except as provided under subdivision b:

13 (1) During a thirty-day period, a registered qualifying patient may not purchase
14 or have purchased by a registered designated caregiver more than two and
15 one-half ounces [70.87 grams] of dried leaves or flowers of the plant of
16 genus cannabis in a combustible delivery form.

17 (2) At any time a registered qualifying patient, or a registered designated
18 caregiver on behalf of a registered qualifying patient, may not possess more
19 than three ounces [85.05 grams] of dried leaves or flowers of the plant of
20 the genus cannabis in a combustible delivery form.

21 b. Notwithstanding subdivision a, if a registered qualifying patient has a registry
22 identification card authorizing an enhanced allowable amount:

1 (1) During a thirty-day period a registered qualifying patient may not purchase
2 or have purchased by a registered designated caregiver more than six
3 ounces [170.01 grams] of dried leaves or flowers of the plant of genus
4 cannabis in a combustible delivery form.

5 (2) At any time a registered qualifying patient, or a registered designated
6 caregiver on behalf of a registered qualifying patient, may not possess more
7 than seven and one-half ounces [212.62 grams] of dried leaves or flowers of
8 the plant of the genus cannabis in a combustible delivery form.

9 c. A registered qualifying patient may not purchase or have purchased by a
10 registered designated caregiver more than the maximum concentration or
11 amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum
12 concentration or amount of tetrahydrocannabinol permitted in a thirty-day period
13 for a cannabinoid concentrate or medical cannabinoid product, or the cumulative
14 total of both, is two thousand milligrams.

15 ~~SECTION 2. AMENDMENT. Subsection 3 of section 19-24.1-01 of the North Dakota~~
16 ~~Century Code is amended and reenacted as follows:~~

17 ~~3. "Bona fide provider-patient relationship" means a treatment or counseling relationship~~
18 ~~between a health care provider and patient in which all the following are present:~~

19 ~~a. The health care provider has reviewed the patient's relevant medical records~~
20 ~~and completed a full assessment of the patient's medical history and current~~
21 ~~medical condition, including a relevant, in-person, medical evaluation of the~~
22 ~~patient.~~

23 ~~b. The health care provider has created and maintained records of the patient's~~
24 ~~condition in accordance with medically accepted standards.~~

25 ~~c. The patient is under the health care provider's continued care for the debilitating~~
26 ~~medical condition that qualifies the patient for the medical use of marijuana.~~

27 ~~d. The health care provider has a reasonable expectation that provider will continue~~
28 ~~to provide followup care to the patient to monitor the medical use of marijuana as~~
29 ~~a treatment of the patient's debilitating medical condition.~~

30 ~~e. The relationship is not for the sole purpose of providing written certification for the~~
31 ~~medical use of marijuana.~~

1 ~~SECTION 3. AMENDMENT.~~ Subsection 15 of section 19-24.1-01 of the North Dakota-
2 Century Code is amended and reenacted as follows:

3 ~~15.~~ "Debilitating medical condition" means one of the following:

4 ~~a.~~ Cancer;

5 ~~b.~~ Positive status for human immunodeficiency virus;

6 ~~c.~~ Acquired immune deficiency syndrome;

7 ~~d.~~ Decompensated cirrhosis caused by hepatitis C;

8 ~~e.~~ Amyotrophic lateral sclerosis;

9 ~~f.~~ Posttraumatic stress disorder;

10 ~~g.~~ Agitation of Alzheimer's disease or related dementia;

11 ~~h.~~ Crohn's disease;

12 ~~i.~~ Fibromyalgia;

13 ~~j.~~ Spinal stenosis or chronic back pain, including neuropathy or damage to the

14 nervous tissue of the spinal cord with objective neurological indication of

15 intractable spasticity;

16 ~~k.~~ Glaucoma;

17 ~~l.~~ Epilepsy;

18 ~~m.~~ Endometriosis;

19 ~~n.~~ Interstitial cystitis;

20 ~~o.~~ Neuropathy;

21 ~~p.~~ Opioid use disorder;

22 ~~q.~~ Opioid withdrawal;

23 ~~r.~~ Migraine;

24 ~~s.~~ Rheumatoid arthritis;

25 ~~t.~~ Ehlers-Danlos syndrome;

26 ~~u.~~ A terminal illness; and

27 ~~n.v.~~ A chronic or debilitating disease or medical condition or treatment for such

28 disease or medical condition that produces one or more of the following:

29 ~~(1)~~ Cachexia or wasting syndrome;

- 1 a. A nonrefundable annual application fee in the amount of fifty dollars, with a
2 personal check or cashier's check payable to "North Dakota State Department of
3 Health, Medical Marijuana Program".
- 4 b. An original written certification, which must include:
- 5 (1) The name, address, and telephone number of the practice location of the
6 applicant's health care provider;
- 7 (2) The health care provider's North Dakota license number;
- 8 (3) The health care provider's medical or nursing specialty;
- 9 (4) The applicant's name and date of birth;
- 10 (5) The applicant's debilitating medical condition and the medical justification
11 for the health care provider's certification of the patient's debilitating medical
12 condition;
- 13 (6) Attestation the written certification is made in the course of a bona fide
14 provider-patient relationship ~~and that in the provider's professional opinion-~~
15 ~~the applicant is likely to receive therapeutic or palliative benefit from the~~
16 ~~medical use of marijuana to treat or alleviate the applicant's debilitating~~
17 ~~medical condition;~~
- 18 (7) Whether the health care provider authorizes the patient to use an enhanced
19 amount of the dried leaves or flowers of the plant of the genus cannabis in a
20 combustible delivery form to treat or alleviate the patient's debilitating
21 medical condition of cancer; and
- 22 (8) The health care provider's signature and the date.
- 23 c. An original qualifying patient application for a registry identification card form
24 established by the department which must include all of the following:
- 25 (1) The applicant's name, address, and date of birth.
- 26 (2) The applicant's social security number.
- 27 (3) The name, address, and date of birth of the applicant's proposed
28 designated caregiver, if any.
- 29 (4) A photographic copy of the applicant's North Dakota identification. The
30 North Dakota identification must be available for inspection and verification

1 upon request of the department. If the applicant is a minor, a certificated
2 copy of a birth record is required.

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

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

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

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

10 ~~— **SECTION 7. AMENDMENT.** Subsection 3 of section 19-24.1-11 of the North Dakota~~
11 ~~Century Code is amended and reenacted as follows:~~

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

15 ~~— **SECTION 8.** A new section to chapter 19-24.1 of the North Dakota Century Code is created~~
16 ~~and enacted as follows:~~

17 ~~— **Written certification.**~~

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