

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;
 - 12 d. Decompensated cirrhosis caused by hepatitis C;
 - 13 e. Amyotrophic lateral sclerosis;
 - 14 f. Posttraumatic stress disorder;
 - 15 g. Agitation of Alzheimer's disease or related dementia;
 - 16 h. Crohn's disease;
 - 17 i. Fibromyalgia;
 - 18 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 l. Epilepsy;
 - 23 m. Autism spectrum disorder;
 - 24 n. A terminal illness; and

- 1 5. 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 guardian 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 b. The department receives documentation the parent or legal guardian with
9 responsibility for health care decisions for the minor consents in writing to:
- 10 (1) 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 (3) 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 4. 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:

- 1 a. 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 (1) The dispensary or agent of the dispensary may not dispense usable
5 marijuana to a minor; and
- 6 (2) ~~The~~Except as otherwise expressly authorized in a written certification, the
7 usable marijuana dispensed to the minor's designated caregiver must be in
8 the form of pediatric medical marijuana.