

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~~subsection 15, ~~38, and 40~~ of section
2 19-24.1-01, ~~subsection 5 of section 19-24.1-05, subsection 4 of section 19-24.1-20, and~~
3 ~~subdivision a of subsection 4 of section 19-24.1-21~~ of the North Dakota Century Code, relating
4 to debilitating medical conditions ~~and usable marijuana for minors~~ under the medical marijuana
5 program; to provide for a legislative management study; and to declare an emergency.

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

7 **SECTION 1. AMENDMENT.** ~~Subsections 15, 38, and 40~~Subsection 15 of section
8 19-24.1-01 of the North Dakota Century Code ~~are~~is amended and reenacted as follows:

- 9 15. "Debilitating medical condition" means one of the following:
- 10 a. Cancer;
 - 11 b. Positive status for human immunodeficiency virus;
 - 12 c. Acquired immune deficiency syndrome;
 - 13 d. Decompensated cirrhosis caused by hepatitis C;
 - 14 e. Amyotrophic lateral sclerosis;
 - 15 f. Posttraumatic stress disorder;
 - 16 g. Agitation of Alzheimer's disease or related dementia;
 - 17 h. Crohn's disease;
 - 18 i. Fibromyalgia;
 - 19 j. Spinal stenosis or chronic back pain, including neuropathy or damage to the
20 nervous tissue of the spinal cord with objective neurological indication of
21 intractable spasticity;
 - 22 k. Glaucoma;
 - 23 l. Epilepsy;
 - 24 m. Anorexia nervosa;

- 1 n. Bulimia nervosa;
- 2 o. Anxiety disorder;
- 3 p. Tourette syndrome;
- 4 q. Ehlers-Danlos syndrome;
- 5 r. Endometriosis;
- 6 s. Interstitial cystitis;
- 7 t. Neuropathy;
- 8 u. Opioid use disorder;
- 9 v. Opioid withdrawal;
- 10 w. Migraine;
- 11 x. Rheumatoid arthritis;
- 12 y. Autism spectrum disorder;

13 ~~n-z.~~ A terminal illness; and

14 ~~n-o:aa.~~ A chronic or debilitating disease or medical condition or treatment for such
15 disease or medical condition that produces one or more of the following:

- 16 (1) Cachexia or wasting syndrome;
- 17 (2) Severe debilitating pain that has not responded to previously prescribed
18 medication or surgical measures for more than three months or for which
19 other treatment options produced serious side effects;
- 20 (3) Intractable nausea;
- 21 (4) Seizures; or
- 22 (5) Severe and persistent muscle spasms, including those characteristic of
23 multiple sclerosis.

24 ~~38. "Usable marijuana" means a medical marijuana product or the dried leaves or flowers~~
25 ~~of the plant of the genus cannabis in a combustible delivery form. However, the term~~
26 ~~does not include the dried leaves or flowers unless authorized through a written~~
27 ~~certification and does not include a cannabinoid edible product. In the case of a~~
28 ~~registered qualifying patient who is a minor, "usable marijuana" is limited to pediatric~~
29 ~~medical marijuana unless another form of usable marijuana is expressly authorized~~
30 ~~through a written certification.~~

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

12 ~~SECTION 2. AMENDMENT.~~ Subsection 5 of section 19-24.1-05 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 ~~5.~~ The department may not issue a registry identification card to a qualifying patient who
15 is a minor unless:

16 ~~a.~~ The department receives documentation the minor's health care provider has
17 explained to the parent or legal guardian with responsibility for health care
18 decisions for the minor the potential risks and benefits of the use of pediatric
19 medical marijuana or other form of authorized usable marijuana to treat or
20 alleviate the debilitating medical condition; and

21 ~~b.~~ The department receives documentation the parent or legal guardian with
22 responsibility for health care decisions for the minor consents in writing to:

23 ~~(1)~~ Allow the minor's use of pediatric medical marijuana or other form of
24 authorized usable marijuana to treat or alleviate the debilitating medical
25 condition;

26 ~~(2)~~ Serve as the minor's designated caregiver or identifies a registered
27 designated caregiver to act as the minor's designated caregiver;

28 ~~(3)~~ Control the acquisition of usable marijuana and control the dosage and
29 frequency of the use of usable marijuana by the minor; and

1 ~~————— (4) — If serving as the minor's designated caregiver, prevent the minor from~~
2 ~~accessing the usable marijuana by storing the usable marijuana in an~~
3 ~~enclosed, locked facility.~~

4 ~~———— **SECTION 3. AMENDMENT.** Subsection 4 of section 19-24.1-20 of the North Dakota~~
5 ~~Century Code is amended and reenacted as follows:~~

6 ~~———— 4. — In addition to any other penalty applicable in law, except as otherwise expressly~~
7 ~~authorized in a written certification, a dispensary or a dispensary agent is guilty of a~~
8 ~~class B felony for intentionally selling or otherwise transferring usable marijuana, in a~~
9 ~~form other than pediatric medical marijuana, to a registered designated caregiver, for~~
10 ~~use by a registered qualifying patient who is a minor. A person convicted under this~~
11 ~~subsection may not continue to be affiliated with a compassion center and is~~
12 ~~disqualified from further participation under this chapter.~~

13 ~~———— **SECTION 4. AMENDMENT.** Subdivision a of subsection 4 of section 19-24.1-21 of the~~
14 ~~North Dakota Century Code is amended and reenacted as follows:~~

15 ~~———— a. — May not dispense usable marijuana to a person other than a registered qualifying~~
16 ~~patient or a registered qualifying patient's registered designated caregiver. If a~~
17 ~~registered qualifying patient is a minor:~~

18 ~~———— (1) — The dispensary or agent of the dispensary may not dispense usable~~
19 ~~marijuana to a minor; and~~

20 ~~———— (2) — The~~Except as otherwise expressly authorized in a written certification, the~~~~
21 ~~usable marijuana dispensed to the minor's designated caregiver must be in~~
22 ~~the form of pediatric medical marijuana.~~

23 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - MEDICAL MARIJUANA**

24 **DEBILITATING MEDICAL CONDITIONS.** During the 2019-20 interim, the legislative
25 management shall consider studying the list of debilitating medical conditions under the medical
26 marijuana program to determine the appropriateness of the list, including whether conditions
27 should be added to or removed from the list. The legislative management shall report its
28 findings and recommendations, together with any legislation necessary to implement the
29 recommendations, to the sixty-seventh legislative assembly.

30 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.