

Good morning Chairman Weisz and members of the Human Services Committee. My name is Jason Wahl, Director of the Division of Medical Marijuana within the North Dakota Department of Health (NDDoH). I am here to provide information on House Bill 1400 to allow individuals to submit medical records in lieu of completing a written certification and to issue temporary cards to a qualifying patient from another state. I will also provide information related to the fiscal note submitted by the NDDoH.

Last legislative session, a reasonable accommodation was added to state law to allow veterans receiving treatment from a federal veterans' affairs entity to submit a copy of their medical records. The bill would change the law to allow all individuals to submit medical records when applying to become registered. This may mean that a large number of individuals may submit medical records rather than seeing their health care provider, who would be the one to provide follow-up care to the patient to monitor the medical use of marijuana as a treatment. Follow-up care is one requirement of a bona fide provider-patient relationship defined in state law. The change in law would make it unclear when an individual last needed to be seen by a health care provider or if there was an expectation of follow-up care.

The change in the bill would result in the Division of Medical Marijuana obtaining a large amount of medical records. In discussing this bill with the Director of Risk Management in the Office of Management and Budget, the Director voiced concerns related to the problems and liability exposure of the state obtaining additional medical records.

Another area of the bill relates to the issuance of a temporary card to a qualifying patient from another state. The NDDoH would not have assurance that a qualifying patient from another state held a valid, active card. Individuals with a card from another state may have a medical condition that qualifies them in their state and would not qualify them in our state or they have received authorization for the card from a type of health care professional not authorized to complete a written certification form in our state. Thus, an

individual from North Dakota must meet different requirements to be eligible to purchase from a registered dispensary.

Issuing a temporary card could allow individuals from other states to obtain certain forms of marijuana their state specifically precludes them from obtaining. For example, the state of Minnesota does not authorize dried leaves or flowers under their medical marijuana program, but the proposed change in this bill would allow a Minnesota patient to buy dried leaves or flowers. Also, since our state would not have information regarding previously purchased amounts, this change would allow individuals from another state to consistently purchase in excess of allowable amounts set by their state.

A fiscal note was submitted by the NDDoH. To implement the two changes addressed in this testimony (medical records and temporary cards), an increase in expenditures of \$277,165 for the 2021-23 biennium was identified for paying the costs of two full-time equivalents (FTEs) and programming changes to the application system. The fiscal note identifies an increase in revenue of \$30,000 for the 2021-23 biennium.

This concludes my testimony. I am happy to answer any questions you may have.