

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2388

Introduced by

Senators Larsen, Barta

Representative Mock

1 A BILL for an Act to amend and reenact sections 19-24.1-05, 19-24.1-18, and 19-24.1-19 of the
2 North Dakota Century Code, relating to reapplication for registered identification cards for
3 marijuana.

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

5 **SECTION 1. AMENDMENT.** Section 19-24.1-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **19-24.1-05. Qualifying patients and designated caregivers - Identification cards -**
8 **Issuance and denial.**

- 9 1. Upon receipt of a complete application for or renewal of a qualifying patient or
10 designated caregiver registry identification card, the department shall verify the
11 submitted information.
- 12 2. The verification methods used by the department on an application or renewal and
13 accompanying documentation may include:
 - 14 a. Contacting an applicant by telephone or mail, or if proof of identity is uncertain,
15 the department shall require a face-to-face meeting and the production of
16 additional identification materials;
 - 17 b. Contacting the North Dakota board of medicine or North Dakota board of nursing
18 to verify the certifying health care provider is licensed in the state and is in good
19 standing; and
 - 20 c. Contacting the health care provider to obtain additional documentation verifying
21 the qualifying patient applicant's medical diagnosis and medical condition qualify
22 the applicant for participation in the medical marijuana program.
- 23 3. Upon verification of the information contained in an application or renewal, the
24 department shall approve or deny the application or renewal.

- 1 4. Except as provided in subsection 5, the department shall issue a registry identification
2 card within thirty calendar days of approving an application or renewal. A designated
3 caregiver must have a registry identification card for each of the designated
4 caregiver's registered qualifying patients.
- 5 5. The department may not issue a registry identification card to a qualifying patient who
6 is a minor unless:
- 7 a. The department receives documentation the minor's health care provider has
8 explained to the parent or legal guardian with responsibility for health care
9 decisions for the minor the potential risks of the use of pediatric medical
10 marijuana; and
- 11 b. The department receives documentation the parent or legal guardian with
12 responsibility for health care decisions for the minor consents in writing to:
- 13 (1) Allow the minor's use of pediatric medical marijuana to treat or alleviate the
14 debilitating medical condition;
- 15 (2) Serve as the minor's designated caregiver or identifies a registered
16 designated caregiver to act as the minor's designated caregiver;
- 17 (3) Control the acquisition of usable marijuana and control the dosage and
18 frequency of the use of usable marijuana by the minor; and
- 19 (4) If serving as the minor's designated caregiver, prevent the minor from
20 accessing the usable marijuana by storing the usable marijuana in an
21 enclosed, locked facility.
- 22 6. If the department denies an application or renewal, the applicant may not reapply for
23 one year from the date of the denial, unless otherwise authorized by the department,
24 and the applicant is prohibited from all lawful privileges provided under this chapter.
- 25 7. The department shall deny an application for or renewal of a qualifying patient's
26 registry identification card if the applicant:
- 27 a. Does not meet the requirements of this section or section 19-24.1-03;
- 28 b. Did not provide the required information and materials;
- 29 c. Previously had a registry identification card revoked; ~~or~~ which involved
30 unauthorized minor transfer, use, or access to usable marijuana or the use of
31 usable marijuana which allowed the smoke or vapor to be inhaled by a minor;

- 1 d. Provided false or falsified information or made a material misstatement; or
2 e. Previously had a registry identification card revoked three times.
- 3 8. The department shall deny an application for or renewal of a designated caregiver
4 registry identification card if the designated caregiver applicant:
5 a. Does not meet the requirements of this section or section 19-24.1-04;
6 b. Did not provide the required information and materials;
7 c. Previously had a registry identification card revoked which involved unauthorized
8 minor transfer, use, or access to usable marijuana or the use of usable marijuana
9 which allowed the smoke or vapor to be inhaled by a minor; or
10 d. Provided false or falsified information or made a material misstatement; or
11 e. Previously had a registry identification card revoked three times.
- 12 9. Notwithstanding subsection 8, the department shall deny an application for or renewal
13 of a qualifying patient or designated caregiver registry identification card for one year
14 from the date of an initial revocation and five years from the date of a second
15 revocation.
- 16 10. A registered qualifying patient may have no more than five registered designated
17 caregiver's.
- 18 ~~10-11.~~ The department shall notify, in writing, the qualifying patient or designated caregiver
19 applicant of the reason for denying an application or renewal.
- 20 ~~11-12.~~ The department shall notify the following in writing:
21 a. A registered qualifying patient if that patient's designated caregiver's application
22 or renewal is denied; and
23 b. A registered designated caregiver if that caregiver's qualifying patient's
24 application or renewal is denied.
- 25 ~~12-13.~~ The cardholder may appeal a denial or revocation of a registry identification card to
26 the district court of Burleigh County for hearing. The court may authorize the
27 cardholder to appear by reliable electronic means.

28 **SECTION 2. AMENDMENT.** Section 19-24.1-18 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **19-24.1-18. Compassion centers - Agents - Registry identification cards.**

- 2 1. Upon issuance of a compassion center registry certificate, the department shall issue
3 a registry identification card to each qualified compassion center agent associated with
4 the compassion center.
- 5 2. To qualify to be issued a registry identification card, each compassion center agent
6 must be at least twenty-one years of age and shall submit all of the following registry
7 identification card application material to the department:
- 8 a. A photographic copy of the agent's department-approved identification. The agent
9 shall make the identification available for inspection and verification by the
10 department.
- 11 b. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the agent.
- 12 c. A written and signed statement from an officer or executive staff member of the
13 compassion center stating the applicant is associated with the compassion center
14 and the capacity of the association.
- 15 d. The name, address, and telephone number of the agent.
- 16 e. The name, address, and telephone number of the compassion center with which
17 the agent is associated.
- 18 f. The agent's signature and the date.
- 19 g. A nonrefundable application or renewal fee in the amount of two hundred dollars.
- 20 3. Each compassion center agent shall consent to a criminal history record check
21 conducted under section 12-60-24 to demonstrate compliance with the eligibility
22 requirements.
- 23 a. All applicable fees associated with the required criminal history record checks
24 must be paid by the compassion center or the agent.
- 25 b. A criminal history record check must be performed upon initial application and
26 biennially upon renewal. A compassion center agent shall consent to a criminal
27 history record check at any time the department determines necessary.
- 28 c. An individual convicted of a drug-related misdemeanor offense within the
29 five-year period before the date of application or a felony offense is prohibited
30 from being a compassion center agent.

- 1 4. The department shall notify the compassion center in writing of the purpose for
2 denying a compassion center agent application for a registry identification card. The
3 department shall deny an application if the applicant fails to meet the registration
4 requirements or to provide the information required, if the applicant previously had a
5 registry identification card revoked subject to sections 19-24.1-05, 19-24.1-19, and
6 19-24.1-20, or if the department determines the information provided is false. The
7 cardholder may appeal a denial or revocation of a registry identification card to the
8 district court of Burleigh County for hearing. The court may authorize the cardholder to
9 appear by reliable electronic means.
- 10 5. The department shall issue a compassion center agent a registry identification card
11 within thirty calendar days of approval of an application.
- 12 6. A compassion center agent with a registry identification card shall notify the
13 department of any of the following within ten calendar days of the change, in a manner
14 prescribed by the department:
 - 15 a. A change in the cardholder's name or address; and
 - 16 b. Knowledge of a change that would render the compassion center agent no longer
17 eligible to be a cardholder.
- 18 7. If a compassion center agent loses the agent's registry identification card, that agent
19 shall notify the department in writing within twenty-four hours of becoming aware the
20 card has been lost.
- 21 8. If a cardholder notifies the department of items listed in this section but the nature of
22 the item reported results in the cardholder remaining eligible, the department shall
23 issue the cardholder a new registry identification card with a new random ten-digit
24 alphanumeric identification number within twenty calendar days of approving the
25 updated information and the cardholder shall pay a fee, not to exceed twenty-five
26 dollars. If a cardholder notifies the department of an item that results in the cardholder
27 being ineligible, the registry identification card immediately becomes void.
- 28 9. A compassion center shall notify the department in writing within two calendar days of
29 the date a compassion center agent ceases to work for or be associated with the
30 compassion center. Upon receipt of the notification, that individual's registry
31 identification card becomes void immediately.

- 1 10. The registry identification card of a compassion center agent expires one year after
2 issuance or upon the termination of the compassion center's registration certificate,
3 whichever occurs first. To prevent interruption of possession of a valid registry
4 identification card, a compassion center agent shall renew a registry identification card
5 by submitting a complete renewal application no less than forty-five calendar days
6 before the expiration date of the existing registry identification card.

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

9 **19-24.1-19. Cardholders - Compassion centers - Revocation.**

- 10 1. The department may suspend or revoke a cardholder's registry identification card or a
11 compassion center's registration certificate for a material misstatement by an applicant
12 in an application or renewal.
- 13 2. The department may suspend or revoke a registry identification card or registration
14 certificate for a violation of this chapter or rules adopted under this chapter.
- 15 3. If a compassion center agent or a compassion center sells or otherwise transfers
16 marijuana or usable marijuana to a person not authorized to possess marijuana or
17 usable marijuana under this chapter, the department shall revoke the cardholder's
18 registry identification card or the compassion center's registration certificate, or both. If
19 the department revokes a cardholder's registry identification card under this
20 subsection, the cardholder may not reapply for one year from the date of an initial
21 revocation and five years from the date of a second revocation. Upon a third
22 revocation or if the revocation under this subsection involved unauthorized minor
23 transfer, use, or access to usable marijuana or the use of usable marijuana which
24 allowed the smoke or vapor to be inhaled by a minor, the cardholder is disqualified
25 from further participation under this chapter.
- 26 4. The department shall provide written notice of suspension or revocation of a registry
27 identification card or registration certificate.
- 28 a. A suspension may not be for a period longer than six months.
- 29 b. A manufacturing facility may continue to produce and process and to possess
30 marijuana and usable marijuana during a suspension, but may not transfer or sell
31 usable marijuana.

- 1 c. A dispensary may continue to possess usable marijuana during a suspension,
2 but may not purchase, dispense, or transfer usable marijuana.
- 3 d. The cardholder or the compassion center may appeal a denial or revocation of a
4 registry identification card or registry certificate to the district court of Burleigh
5 County for hearing. The court may authorize the cardholder or compassion center
6 to appear by reliable electronic means.