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March 1, 2022

**Hand Delivered**

Jill Grossman  
North Dakota Legislative Council  
State Capitol  
600 East Boulevard Ave  
Bismarck, ND 58505-0360

RE: Proposed Changes to North Dakota Administrative Code Chapter 33-44-01 – Medical  
Marijuana

Attached for filing in the office of the Legislative Council are the following:

1. Notice of Intent to Adopt Changes to Administrative Rules concerning the above rules as required by NDCC Chapter 28-32.
2. Copy of the proposed rule changes.

If you have questions or concerns, please contact Jason Wahl at 328-4925. Thank you.

Sincerely,



Dr. Nizar Wehbi  
State Health Officer

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NOTICE OF INTENT TO ADOPT ADMINISTRATIVE RULE CHANGES

**TAKE NOTICE** that the North Dakota Department of Health (Department) will hold a public hearing to address proposed changes to North Dakota Administrative Code Chapter 33-44-01 (“Medical Marijuana”) on April 8, 2022 at 9:00 a.m. (central time) in the Lewis and Clark Room, State Capitol, 600 East Boulevard Avenue, Bismarck, North Dakota.

The purpose of the proposed administrative rule changes is to update rules to incorporate state law changes included in House Bill 1213 of the 67<sup>th</sup> Legislative Assembly regarding the definition of tetrahydrocannabinol (THC). In addition, rules will be updated to incorporate state law changed included in House Bill 1359 regarding designated caregivers. Proposed changes would also modify definitions, establish a new process for minor applications, require dispensaries to post Department materials, modify rendering materials for medical marijuana waste, modify written notifications, require information on ingredients used in formulating a medical cannabinoid product, clarify concentration information to be used on labels, require disclosure of extraction process on labels, not allow use of the word organic on labels, allow a laboratory to transport marijuana from a dispensary, remove batch label requirements, and modify failed batch lot requirements. The proposed changes include requirements to be complied with by the Department, manufacturing facilities, dispensaries, a laboratory contracted with by the Department, and agents. The proposed rules are not expected to impact the regulated community in excess of \$50,000.

The proposed rules may be reviewed in Room 201 of the Judicial Wing at:  
Department of Health  
600 East Boulevard Ave, Department 301  
Bismarck, ND 58505-0200.

A copy of the proposed rules and regulatory analysis may be requested by emailing [medmarijuana@nd.gov](mailto:medmarijuana@nd.gov) or calling 701-328-1311. A copy of the proposed rules will also be available on the Division of Medical Marijuana website ([www.health.nd.gov/mm](http://www.health.nd.gov/mm)).

Oral or written comments on the proposed rules provided at the public hearing will be fully considered. Written comments on the proposed rules sent to the Division via email at [medmarijuana@nd.gov](mailto:medmarijuana@nd.gov) or written comments sent to the above mailing address and received by April 18, 2022 will be fully considered. For written comments submitted via email, please include “Written Comments to Proposed Rules” in the subject line.

If you plan to attend the public hearing and will need specific facilities or assistance relating to a disability, please contact the Division of Medical Marijuana at 701-328-1311, via email at [medmarijuana@nd.gov](mailto:medmarijuana@nd.gov), or the above mailing address at least seven days prior to the public hearing.

DATED this 1<sup>st</sup> day of March 2022.



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Dr. Nizar Wehbi, State Health Officer  
North Dakota Department of Health