

Introduced by

Representatives Vetter, Beadle, Becker, M. Johnson, Jones, Kading, McWilliams, Meier,
O'Brien, Skroch

Senator Oban

1 A BILL for an Act to amend and reenact subsections 2 and 40 of section 19-24.1-01, and
2 subsection 2 of section 19-24.1-03 of the North Dakota Century Code, relating to access to
3 medical marijuana.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 19-24.1-01 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. "Allowable amount of usable marijuana" means the amount of usable marijuana a
8 registered qualifying patient or registered designated caregiver may purchase in a
9 thirty-day period under this chapter.

10 a. Except as provided under subdivision b:

11 (1) During a thirty-day period, a registered qualifying patient may not purchase
12 or have purchased by a registered designated caregiver more than two and
13 one-half ounces [70.87 grams] of dried leaves or flowers of the plant of
14 genus cannabis in a combustible delivery form.

15 (2) At any time a registered qualifying patient, or a registered designated
16 caregiver on behalf of a registered qualifying patient, may not possess more
17 than three ounces [85.05 grams] of dried leaves or flowers of the plant of
18 the genus cannabis in a combustible delivery form.

19 b. Notwithstanding subdivision a, if a registered qualifying patient has a registry
20 identification card authorizing an enhanced allowable amount:

21 (1) During a thirty-day period a registered qualifying patient may not purchase
22 or have purchased by a registered designated caregiver more than six

1 ounces [170.01 grams] of dried leaves or flowers of the plant of genus
2 cannabis in a combustible delivery form.

3 (2) At any time a registered qualifying patient, or a registered designated
4 caregiver on behalf of a registered qualifying patient, may not possess more
5 than seven and one-half ounces [212.62 grams] of dried leaves or flowers of
6 the plant of the genus cannabis in a combustible delivery form.

7 c. A registered qualifying patient may not purchase or have purchased by a
8 registered designated caregiver more than the maximum concentration or
9 amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum
10 concentration or amount of tetrahydrocannabinol permitted in a thirty-day period
11 for a cannabinoid concentrate or medical cannabinoid product, or the cumulative
12 total of both, is two thousand milligrams.

13 **SECTION 2. AMENDMENT.** Subsection 40 of section 19-24.1-01 of the North Dakota
14 Century Code is amended and reenacted as follows:

15 40. "Written certification" means a form established by the department which is executed,
16 dated, and signed by a health care provider within ninety calendar days of the date of
17 application, stating ~~that in the health care provider's professional opinion the patient is~~
18 ~~likely to receive therapeutic or palliative benefit from the medical use of marijuana to~~
19 ~~treat or alleviate the patient's~~ the patient has a debilitating medical condition. A health
20 care provider may authorize ~~the use~~ an enhanced amount of dried leaves or flowers of
21 the plant of the genus cannabis in a combustible delivery form to treat or alleviate the
22 patient's debilitating medical condition of cancer. A written certification may not be
23 made except in the course of a bona fide provider-patient relationship.

24 **SECTION 3. AMENDMENT.** Subsection 2 of section 19-24.1-03 of the North Dakota
25 Century Code is amended and reenacted as follows:

26 2. A qualifying patient application for a registry identification card is complete and eligible
27 for review if an applicant submits to the department:
28 a. A nonrefundable annual application fee in the amount of fifty dollars, with a
29 personal check or cashier's check payable to "North Dakota State Department of
30 Health, Medical Marijuana Program".
31 b. An original written certification, which must include:

- 1 (1) The name, address, and telephone number of the practice location of the
2 applicant's health care provider;
 - 3 (2) The health care provider's North Dakota license number;
 - 4 (3) The health care provider's medical or nursing specialty;
 - 5 (4) The applicant's name and date of birth;
 - 6 (5) The applicant's debilitating medical condition and the medical justification
7 for the health care provider's certification of the patient's debilitating medical
8 condition;
 - 9 (6) Attestation the written certification is made in the course of a bona fide
10 provider-patient relationship ~~and that in the provider's professional opinion~~
11 ~~the applicant is likely to receive therapeutic or palliative benefit from the~~
12 ~~medical use of marijuana to treat or alleviate the applicant's debilitating~~
13 ~~medical condition;~~
 - 14 (7) Whether the health care provider authorizes the patient to use an enhanced
15 amount of the dried leaves or flowers of the plant of the genus cannabis in a
16 combustible delivery form to treat or alleviate the patient's debilitating
17 medical condition of cancer; and
 - 18 (8) The health care provider's signature and the date.
- 19 c. An original qualifying patient application for a registry identification card form
20 established by the department which must include all of the following:
- 21 (1) The applicant's name, address, and date of birth.
 - 22 (2) The applicant's social security number.
 - 23 (3) The name, address, and date of birth of the applicant's proposed
24 designated caregiver, if any.
 - 25 (4) A photographic copy of the applicant's North Dakota identification. The
26 North Dakota identification must be available for inspection and verification
27 upon request of the department. If the applicant is a minor, a certificated
28 copy of a birth record is required.
 - 29 (5) The applicant's or guardian's signature and the date, or in the case of a
30 minor, the signature of the minor's parent or legal guardian with
31 responsibility for health care decisions and the date.

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- 1 d. A signed consent for release of medical information related to the applicant's
- 2 debilitating medical condition, on a form provided by the department.
- 3 e. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the applicant.
- 4 f. Any other information or material required by rule adopted under this chapter.