

HOUSE BILL NO. 1164

Introduced by

Representatives Steiner, Dobervich, Lefor, Meier, Nelson, M. Ruby, Vetter

Senators Meyer, Piepkorn, Rummel, Sickler

1 A BILL for an Act to create and enact a new section to chapter 19-24.1 of the North Dakota
2 Century Code, relating to limitations on cannabinoid edible products; and to amend and reenact
3 section 19-24.1-01 of the North Dakota Century Code, relating to the definition of cannabinoid
4 edible products.

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

6 **SECTION 1. AMENDMENT.** Section 19-24.1-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **19-24.1-01. Definitions.**

9 As used in this chapter, unless the context indicates otherwise:

- 10 1. "Advanced practice registered nurse" means an advanced practice registered nurse
11 defined under section 43-12.1-02.
- 12 2. "Allowable amount of usable marijuana" means the amount of usable marijuana a
13 registered qualifying patient or registered designated caregiver may purchase in a
14 thirty-day period under this chapter.
- 15 a. Except as provided under subdivision b:
- 16 (1) During a thirty-day period, a registered qualifying patient may not purchase
17 or have purchased by a registered designated caregiver more than two and
18 one-half ounces [70.87 grams] of dried leaves or flowers of the plant of the
19 genus cannabis in a combustible delivery form.
- 20 (2) At any time a registered qualifying patient, or a registered designated
21 caregiver on behalf of a registered qualifying patient, may not possess more
22 than three ounces [85.05 grams] of dried leaves or flowers of the plant of
23 the genus cannabis in a combustible delivery form.

- 1 b. Notwithstanding subdivision a, if a registered qualifying patient has a registry
2 identification card authorizing an enhanced allowable amount:
- 3 (1) During a thirty-day period a registered qualifying patient may not purchase
4 or have purchased by a registered designated caregiver more than six
5 ounces [170.01 grams] of dried leaves or flowers of the plant of the genus
6 cannabis in a combustible delivery form.
- 7 (2) At any time a registered qualifying patient, or a registered designated
8 caregiver on behalf of a registered qualifying patient, may not possess more
9 than seven and one-half ounces [212.62 grams] of dried leaves or flowers of
10 the plant of the genus cannabis in a combustible delivery form.
- 11 c. A registered qualifying patient may not purchase or have purchased by a
12 registered designated caregiver more than the maximum concentration or
13 amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum
14 concentration or amount of tetrahydrocannabinol permitted in a thirty-day period
15 for a cannabinoid concentrate or medical cannabinoid product, or the cumulative
16 total of both, is four thousand milligrams.
- 17 3. "Bona fide provider-patient relationship" means a treatment or counseling relationship
18 between a health care provider and patient in which all the following are present:
- 19 a. The health care provider has reviewed the patient's relevant medical records and
20 completed a full assessment of the patient's medical history and current medical
21 condition, including a relevant, in-person, medical evaluation of the patient.
- 22 b. The health care provider has created and maintained records of the patient's
23 condition in accordance with medically accepted standards.
- 24 c. The patient is under the health care provider's continued care for the debilitating
25 medical condition that qualifies the patient for the medical use of marijuana.
- 26 d. The health care provider has a reasonable expectation that provider will continue
27 to provide followup care to the patient to monitor the medical use of marijuana as
28 a treatment of the patient's debilitating medical condition.
- 29 e. The relationship is not for the sole purpose of providing written certification for the
30 medical use of marijuana.

- 1 4. "Cannabinoid" means a chemical compound that is one of the active constituents of
2 marijuana.
- 3 5. "Cannabinoid capsule" means a small, soluble container, usually made of gelatin,
4 which encloses a dose of a cannabinoid product or a cannabinoid concentrate
5 intended for consumption. The maximum concentration of amount of
6 tetrahydrocannabinol permitted in a serving of a cannabinoid capsule is fifty
7 milligrams.
- 8 6. "Cannabinoid concentrate" means a concentrate or extract obtained by separating
9 cannabinoids from marijuana by a mechanical, chemical, or other process.
- 10 7. "Cannabinoid edible product" means a food or potable liquid into which a cannabinoid
11 concentrate or the dried leaves or flowers of the plant of the genus cannabis is
12 incorporated. The maximum concentration of the amount of tetrahydrocannabinol
13 permitted in a serving of a cannabinoid edible product is five milligrams.
- 14 8. "Cannabinoid solution" means a solution consisting of a mixture created from
15 cannabinoid concentrate and other ingredients. A container holding a cannabinoid
16 solution for dispensing may not exceed thirty milliliters.
- 17 9. "Cannabinoid topical" means a cannabinoid product intended to be applied to the skin
18 or hair. The maximum concentration or amount of tetrahydrocannabinol permitted in a
19 cannabinoid topical is six percent.
- 20 10. "Cannabinoid transdermal patch" means an adhesive substance applied to the skin
21 which contains a cannabinoid product or cannabinoid concentrate for absorption into
22 the bloodstream. The maximum concentration or amount of tetrahydrocannabinol
23 permitted in a serving of a cannabinoid transdermal patch is fifty milligrams.
- 24 11. "Cardholder" means a qualifying patient, designated caregiver, or compassion center
25 agent who has been issued and possesses a valid registry identification card.
- 26 12. "Compassion center" means a manufacturing facility or dispensary.
- 27 13. "Compassion center agent" means a principal officer, board member, member,
28 manager, governor, employee, volunteer, or agent of a compassion center. The term
29 does not include a lawyer representing a compassion center in civil or criminal
30 litigation or in an adversarial administrative proceeding.
- 31 14. "Contaminated" means made impure or inferior by extraneous substances.

- 1 15. "Debilitating medical condition" means one of the following:
- 2 a. Cancer;
- 3 b. Positive status for human immunodeficiency virus;
- 4 c. Acquired immune deficiency syndrome;
- 5 d. Decompensated cirrhosis caused by hepatitis C;
- 6 e. Amyotrophic lateral sclerosis;
- 7 f. Posttraumatic stress disorder;
- 8 g. Agitation of Alzheimer's disease or related dementia;
- 9 h. Crohn's disease;
- 10 i. Fibromyalgia;
- 11 j. Spinal stenosis or chronic back pain, including neuropathy or damage to the
- 12 nervous tissue of the spinal cord with objective neurological indication of
- 13 intractable spasticity;
- 14 k. Glaucoma;
- 15 l. Epilepsy;
- 16 m. Anorexia nervosa;
- 17 n. Bulimia nervosa;
- 18 o. Anxiety disorder;
- 19 p. Tourette syndrome;
- 20 q. Ehlers-Danlos syndrome;
- 21 r. Endometriosis;
- 22 s. Interstitial cystitis;
- 23 t. Neuropathy;
- 24 u. Migraine;
- 25 v. Rheumatoid arthritis;
- 26 w. Autism spectrum disorder;
- 27 x. A brain injury;
- 28 y. A terminal illness; or
- 29 z. A chronic or debilitating disease or medical condition or treatment for such
- 30 disease or medical condition that produces one or more of the following:
- 31 (1) Cachexia or wasting syndrome;

- 1 (2) Severe debilitating pain that has not responded to previously prescribed
2 medication or surgical measures for more than three months or for which
3 other treatment options produced serious side effects;
- 4 (3) Intractable nausea;
- 5 (4) Seizures; or
- 6 (5) Severe and persistent muscle spasms, including those characteristic of
7 multiple sclerosis.
- 8 16. "Department" means the department of health and human services.
- 9 17. "Designated caregiver" means an individual who agrees to manage the well-being of a
10 registered qualifying patient with respect to the qualifying patient's medical use of
11 marijuana.
- 12 18. "Dispensary" means an entity registered by the department as a compassion center
13 authorized to dispense usable marijuana to a registered qualifying patient and a
14 registered designated caregiver.
- 15 19. "Enclosed, locked facility" means a closet, room, greenhouse, building, or other
16 enclosed area equipped with locks or other security devices that permit access limited
17 to individuals authorized under this chapter or rules adopted under this chapter.
- 18 20. "Health care provider" means a physician, a physician assistant, or an advanced
19 practice registered nurse.
- 20 21. "Manufacturing facility" means an entity registered by the department as a compassion
21 center authorized to produce and process and to sell usable marijuana to a
22 dispensary.
- 23 22. "Marijuana" means all parts of the plant of the genus cannabis; the seeds of the plant;
24 the resin extracted from any part of the plant; and every compound, manufacture, salt,
25 derivative, mixture, or preparation of the plant, the seeds of the plant, or the resin
26 extracted from any part of the plant. The term marijuana does not include:
- 27 a. Hemp as regulated under section 4.1-18.1-01; or
- 28 b. A prescription drug approved by the United States food and drug administration
29 under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].

- 1 23. "Maximum concentration or amount of tetrahydrocannabinol" means the total amount
2 of tetrahydrocannabinol and tetrahydrocannabinolic acid in a medical cannabinoid
3 product or a cannabinoid concentrate.
- 4 24. "Medical cannabinoid product" means a product intended for human consumption or
5 use which contains cannabinoids.
- 6 a. Medical cannabinoid products are limited to the following forms:
- 7 (1) Cannabinoid solution;
- 8 (2) Cannabinoid capsule;
- 9 (3) Cannabinoid transdermal patch; ~~and~~
- 10 (4) Cannabinoid topical; and
- 11 (5) Cannabinoid edible product.
- 12 b. "Medical cannabinoid product" does not include:
- 13 (1) ~~A cannabinoid edible product;~~
- 14 ~~(2)~~ A cannabinoid concentrate by itself; or
- 15 ~~(3)~~(2) The dried leaves or flowers of the plant of the genus cannabis by itself.
- 16 25. "Medical marijuana product" means a cannabinoid concentrate or a medical
17 cannabinoid product.
- 18 26. "Medical marijuana waste" means unused, surplus, returned, or out-of-date usable
19 marijuana; recalled usable marijuana; unused marijuana; or plant debris of the plant of
20 the genus cannabis, including dead plants and all unused plant parts and roots.
- 21 27. "Medical use of marijuana" means the acquisition, use, and possession of usable
22 marijuana to treat or alleviate a qualifying patient's debilitating medical condition.
- 23 28. "Minor" means an individual under the age of nineteen.
- 24 29. "North Dakota identification" means a North Dakota driver's license or comparable
25 state of North Dakota or federal issued photo identification card verifying North Dakota
26 residence.
- 27 30. "Owner" means an individual or an organization with an ownership interest in a
28 compassion center.
- 29 31. "Ownership interest" means an aggregate ownership interest of five percent or more in
30 a compassion center, unless the interest is solely a security, lien, or encumbrance, or

- 1 an individual who will be participating in the direction, control, or management of the
2 compassion center.
- 3 32. "Pediatric medical marijuana" means a medical marijuana product containing
4 cannabidiol which may not contain a maximum concentration or amount of
5 tetrahydrocannabinol of more than six percent.
- 6 33. "Physician" means a physician licensed under chapter 43-17 to practice medicine in
7 the state of North Dakota.
- 8 34. "Physician assistant" means an individual licensed under chapter 43-17 to practice as
9 a physician assistant in the state.
- 10 35. "Posttraumatic stress disorder" means a patient meets the diagnostic criteria for
11 posttraumatic stress disorder under the "Diagnostic and Statistical Manual of Mental
12 Disorders", American psychiatric association, fifth edition, text revision (2013).
- 13 36. "Processing" or "process" means the compounding or conversion of marijuana into a
14 medical marijuana product.
- 15 37. "Producing", "produce", or "production" mean the planting, cultivating, growing,
16 trimming, or harvesting of the plant of the genus cannabis or the drying of the leaves
17 or flowers of the plant of the genus cannabis.
- 18 38. "Qualifying patient" means an individual who has been diagnosed by a health care
19 provider as having a debilitating medical condition.
- 20 39. "Registry identification card" means a document issued by the department which
21 identifies an individual as a registered qualifying patient, registered designated
22 caregiver, or registered compassion center agent.
- 23 40. "Substantial corporate change" means:
- 24 a. For a corporation, a change of ten percent or more of the officers or directors, or
25 a transfer of ten percent or more of the stock of the corporation, or an existing
26 stockholder obtaining ten percent or more of the stock of the corporation;
- 27 b. For a limited liability company, a change of ten percent or more of the managing
28 members of the company, or a transfer of ten percent or more of the ownership
29 interest in the company, or an existing member obtaining a cumulative of ten
30 percent or more of the ownership interest in the company; or

- 1 c. For a partnership, a change of ten percent or more of the managing partners of
2 the company, or a transfer of ten percent or more of the ownership interest in the
3 company, or an existing member obtaining a cumulative of ten percent or more of
4 the ownership interest in the company.
- 5 41. "Terminal illness" means a disease, illness, or condition of a patient:
6 a. For which there is not a reasonable medical expectation of recovery;
7 b. Which as a medical probability, will result in the death of the patient, regardless of
8 the use or discontinuance of medical treatment implemented for the purpose of
9 sustaining life or the life processes; and
10 c. As a result of which, the patient's health care provider would not be surprised if
11 death were to occur within six months.
- 12 42. "Tetrahydrocannabinol" means tetrahydrocannabinols naturally contained in a plant of
13 the genus cannabis, and synthetic equivalents of the substances contained in the
14 cannabis plant, or in the resinous extractives of the plant, including synthetic
15 substances, derivatives, and their isomers with similar chemical structure and
16 pharmacological activity to those substances contained in the plant, including:
17 a. (1) Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers. Other
18 names: Delta-9-tetrahydrocannabinol.
19 (2) Delta-6 or trans tetrahydrocannabinol, and their optical isomers. Other
20 names: Delta-8 tetrahydrocannabinol.
21 (3) Delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers.
22 (Since nomenclature of these substances is not intentionally standardized, compounds
23 of these structures, regardless of numerical designation or atomic positions covered.)
24 b. Tetrahydrocannabinol does not include:
25 (1) The allowable amount of total tetrahydrocannabinol found in hemp as
26 defined in chapter 4.1-18.1; or
27 (2) A prescription drug approved by the United States food and drug
28 administration under section 505 of the Federal Food, Drug, and Cosmetic
29 Act [21 U.S.C. 355].

- 1 43. "Total tetrahydrocannabinol" means the sum of the percentage by weight of
2 tetrahydrocannabinolic acid multiplied by eight hundred seventy-seven thousandths
3 plus the percentage of weight of tetrahydrocannabinol.
- 4 44. "Usable marijuana" means a medical marijuana product or the dried leaves or flowers
5 of the plant of the genus cannabis in a combustible delivery form. ~~However, the term~~
6 ~~does not include a cannabinoid edible product.~~ In the case of a registered qualifying
7 patient who is a minor, "usable marijuana" is limited to pediatric medical marijuana.
- 8 45. "Verification system" means the system maintained by the department under section
9 19-24.1-31 for verification of registry identification cards.
- 10 46. "Written certification" means a form established by the department which is executed,
11 dated, and signed by a health care provider within ninety calendar days of the date of
12 application, stating the patient has a debilitating medical condition. ~~A health care~~
13 ~~provider may authorize an enhanced amount of dried leaves or flowers of the plant of~~
14 ~~the genus cannabis in a combustible delivery form to treat or alleviate the patient's~~
15 ~~debilitating medical condition of cancer. A written certification may not be made except~~
16 ~~in the course of a bona fide provider-patient relationship.~~

17 **SECTION 2.** A new section to chapter 19-24.1 of the North Dakota Century Code is created
18 and enacted as follows:

19 **Cannabinoid edible products - Limitations.**

- 20 1. A cannabinoid edible product must be in the shape of a square and may not contain
21 any color additives.
- 22 2. The department shall determine by rule any images, wording, and ingredients allowed
23 and prohibited for cannabinoid edible products.
- 24 3. The department shall adopt sanitation rules providing the standards and requirements
25 for the storage, display, or dispensing of cannabinoid edible products.