

NORTH DAKOTA

2020-21 Improvements and Recommendations

2021 was a year of growth for North Dakota's patient registry as the population more than doubled over the number cited in our last report. Despite the growth, patients in North Dakota complained that a shortage of doctors willing to recommend cannabis had made access to the program difficult. The first of two pieces of legislation on medical cannabis that went into effect in 2021 may help the problem. HB 1213 which made some language changes to some statutory definitions, most notably making it easier to establish a "bona fide" relationship to receive a recommendation for medical cannabis from a medical provider. The bill also made a modification to the application fees for cannabis businesses by replacing a set fee with "fee not to exceed." This is a move that could signal the state is willing to license more cannabis businesses which ASA would highly recommend; eight retailers is simply not adequate for a state the size of North Dakota and as the program continues to grow, it is likely to become an issue.

HB 1359 was the second piece of North Dakota legislation to go into effect in 2021. It made some minor rule changes for caregivers; raising the cap on the number of patients each caregiver may serve, as well as eliminating the application fee, and in some cases the background check. The bill also included a provision to expand the membership of the Medical Marijuana Advisory Board to include physicians and patients, though these new positions have yet to be filled.

In 2022, ASA recommends that lawmakers in South Dakota prioritize improving access to cannabis – a category where the state only scored 10% of available points. The state can do this by passing a law that would recognize out of state patient registrations, allow home cultivation for patients and caregivers, and give licensed retailers the option to offer delivery and curbside pickup.



BASE CATEGORIES POINTS:	258
PENALTIES:	-17
POINT TOTAL:	241/700
SCORE PERCENTAGE:	34.43%

ISSUE	POINTS	ISSUE	POINTS
PATIENT RIGHTS AND CIVIL PROTECTIONS	40/100	PROGRAM FUNCTIONALITY	60/100
Arrest Protection	25/25	Legal Protections Within Reasonable Time Frame	14/20
Affirmative Defense	10/20	Reasonable Possession Limits	10/10
Annual Rights Protections	0/20	Reasonable Purchase Limits	7/10
Explicit Privacy Standards	0/20	Reasonable Physician Standards	10/20
	5/5	Patient and Physician Representation in Program Decision Making	5/5
		- Background Checks	2/2
		- Number of Caregivers	3/3
		Reasonable Physician Standards	5/5
		Access to Administration Methods	9/10
		- Allows Edibles, Concentrates, and Other Forms	4/5
		Provides Access to Minors on School Grounds	0/5
ACCESS TO MEDICINE	10/100	NEW! HEALTH AND SOCIAL EQUITY	37/100
Authorizes Retail Access	10/10	State Program Protections	25/25
Alternative Accessibility Methods	0/20	Housing Protections	0/25
- Authorizes Delivery	0/10	Access in Underserved Areas	0/25
- Authorizes Curbside Pickup	0/10	Access in Underserved Areas	0/10
Personal Cultivation	0/15	List of Qualifying Conditions is Exhaustive or All Inclusive	5/10
Collective Gardening	0/5	Allows Patients to Medicate Where They Choose	0/10
Sufficient Number of Licensed Retailers	0/20	Organ Transplants	0/5
Reciprocity	0/20	Ownership or Employment Restrictions	0/5
NEW! AFFORDABILITY	43/100		
Sales Tax Break for Patients and Caregivers	20/20		
Covered by State Insurance or Health Aid	0/20		
Responsible Registration Fees	10/20		
Discount Program	0/20		
Allows Multi-year Registrations	0/10		

ISSUE	POINTS	ISSUE	POINTS
CONSUMER PROTECTION AND PRODUCT SAFETY	68/200	Cultivation Operations	17/150
		Quality Management Systems	0/10
		Staff Training	0/10
		Standard Operating Procedures	5/8
		- Facility and Equipment Sanitation	0/1
		- Workplace Safety	1/1
		- Storage	1/1
		- Security and Lot Tracking	1/1
		- Waste Disposal	0/1
		- Records Management	0/1
		Pesticide Usage Limitations	2/2
		Environmental Impact Regulations	0/2
		Required Testing	6/8
		- Microbials	0/1
		- Terpenes	1/1
		- Allotrope	1/1
		- Pesticides	1/1
		- Heavy Metals	1/1
		- Foreign Matter	0/1
		Packaging and Labeling	1/3
		- Cannabinoids	1/1
		- Terpenes	0/1
		- Pesticides	0/1
		Complaints, Adverse Event Reporting and Recall Protocol	3/7
		Manufacturing Operations	28/150
		Quality Management Systems	10/10
		Staff Training	0/10
		Standard Operating Procedures	6/7
		- Facility and Equipment Sanitation	1/1
		- Workplace Safety	1/1
		- Batch and Lot Tracking	1/1
		- Security	1/1
		- Waste Disposal	0/1
		- Records Management	1/1
		Environmental Impact Regulations	0/3
		Required Testing	7/10
		- Microbials	1/1
		- Terpenes	1/1
		- Allotrope	1/1
		- Pesticides	1/1
		- Heavy Metals	1/1
		- Residual Solvents	1/1
		- Homogeneity	0/1
		- Water Activity	0/1
		Packaging and Product Labeling	2/5
		- Terpenes	0/1
		- Ingredients	1/1
		- Allergens	0/1
		- Nutritional Content	3/5
		Complaints, Adverse Event Reporting and Recall Protocol	0/20
		Dispensary Operations	18/150
		Staff Training	0/20
		Standard Operating Procedures	0/7
		- Workplace Safety	1/1
		- Storage	1/1
		- Batch and Lot Tracking	1/1
		- Security	1/1
		- Waste Disposal	1/1
		- Records Management	1/1
		- Product Testing	5/5
		- Product Requirements Before Sale	0/5
		- COA Disclosure	7/13
		Complaints, Adverse Event Reporting and Recall Protocol	

ISSUE	POINTS	ISSUE	POINTS
Laboratory Operations	5/150	NEW! SCORE PENALTIES	17/100
Independent or Third-Party Laboratory Sampling	0/5	Gives Regulatory Preference to Adult Use	0/20
Method Validation	0/4	- Allows Home Cultivation or Last Resort	0/15
Quality Management Systems	0/5	Administrative or Supply Problems	0/15
Staff Training	0/20	Creates Vertical Integration	0/10
Standard Operating Procedures	0/7	Limits Patients to a Single Retailer	0/10
- Facility and Equipment Sanitation	0/1	No System for Adding Qualifying Conditions	0/10
- Instrument Calibration	0/1	Imposes Bans or Limits on THC	2/5
- Workplace Safety	0/1	Imposes Bans or Limits on CBD	0/5
- Sample Tracking	0/1		
- Security	0/1		
- Waste Disposal	0/1		
- Records Management	0/1		
Result Reporting	0/4		
Patent Feedback		Background	
Patient surveyed in North Dakota noticed no change or felt cannabis access has become more limited thanks to unreasonable costs and not enough doctors making recommendations.		For background information regarding this state, please visit WWW.SAFECANNABIS.COM/STATES and click on the state.	
		Recommendations for Policy Makers and Regulators	
		To aid government agencies in establishing sound rulemaking policies, ASA created the Patient Focused Certification (PFC) program. PFC is a third party certification program for the cannabis industry and the nation's only certification program for the AHPA and AHP standards as well as the only ISO 17065 accredited certifying body for cannabis and hemp compliance.	
		PFC utilizes the American Herbal Products Association (AHPA) recommendations for botanical products, good agricultural (collection) practices (GAP), good manufacturing practices (GMP), and good laboratory practices (GLP) to thoroughly evaluate a business for compliance. PFC is available to companies cultivating, manufacturing, or distributing cannabis and hemp products, as well as to laboratories providing cannabis analytic services. PFC also offers a dual ISO 17025/PFC accreditation through an agreement with AZLA to help labs streamline their accreditation process.	