

May 2, 2025

Liz Fordahl, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapter 33-44-01
Medical Marijuana

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Thursday, June 12, 2025, beginning at 1:00 p.m. and continuing until 2:30 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm
Legal Division

JA/rv

cc: Jason Wahl, Medical Marijuana
Dirk Wilke, Executive Director of Public Health Division

Enclosures

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NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D. ADMIN. CODE CHAPTER 33-44-01
MEDICAL MARIJUANA

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 33-44-01 at 1:00 p.m. on Thursday, June 12, 2025, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 33-44-01, Medical Marijuana, are necessary to implement 2025 House Bill No. 1203 and Senate Bill No. 2294 pertaining to cannabinoid edible products, nonresident qualifying patient qualifications, and application fees.

The proposed changes are as follows:

Section 33-44-01-03.2 is amended to modify the resident qualifying patient application fee from twenty-five dollars to forty dollars and to include an application fee amount of forty dollars for nonresident qualifying patient applications.

Section 33-44-01-03.3 is amended to provide a fee waiver for the first time a registry identification card is lost and to eliminate the fee for a replacement card due to a name change.

Section 33-44-01-20 is amended to eliminate requirements regarding who is to conduct inventories at manufacturing facilities and dispensaries.

Section 33-44-01-23 is amended to prohibit marketing to a minor.

Section 33-44-01-24.1 is amended to add requirements related to ingredients used in products intended for ingestion.

Section 33-44-01-24.2 is created to establish manufacturing facility requirements related to a cannabinoid edible product.

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Section 33-44-01-25 is amended to include requirements related to packaging of usable marijuana.

Section 33-44-01-51 is amended to modify concentration homogeneity testing requirements due to the addition of a cannabinoid edible product.

Section 33-44-01-55 is amended to modify requirements related to reserve samples.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules and the regulatory analysis relating to these rules, may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, June 23, 2025.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 2nd day of May, 2025.

May 2, 2025

RE: Proposed Amendments to N.D. Admin. Code chapter 33-44-01
Medical Marijuana

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapter 33-44-01, Medical Marijuana. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Monday, June 23, 2025.

The department has scheduled an oral hearing for Thursday, June 12, 2025. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Dirk D. Wilke
Interim Commissioner

DDW/rv

Enclosures

cc: Liz Fordahl, Legislative Council
Jason Wahl, Medical Marijuana
Dirk Wilke, Executive Director of Public Health Division

OFFICE OF THE COMMISSIONER

GOVERNOR
Kelly Armstrong

INTERIM COMMISSIONER
Dirk Wilke