

**HOUSE BILL NO. 1417**

Introduced by

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

Senator Oban

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 medical marijuana written certifications; and to amend and reenact  
3 subsections 2, 3, 15, 38, and 40 of section 19-24.1-01, subsection 2 of section 19-24.1-03, and  
4 subsection 3 of section 19-24.1-11 of the North Dakota Century Code, relating to access to  
5 medical marijuana.

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

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

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

12 a. Except as provided under subdivision b:

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

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

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

- 1           (1) During a thirty-day period a registered qualifying patient may not purchase  
2           or have purchased by a registered designated caregiver more than six  
3           ounces [170.01 grams] of dried leaves or flowers of the plant of genus  
4           cannabis in a combustible delivery form.
- 5           (2) At any time a registered qualifying patient, or a registered designated  
6           caregiver on behalf of a registered qualifying patient, may not possess more  
7           than seven and one-half ounces [212.62 grams] of dried leaves or flowers of  
8           the plant of the genus cannabis in a combustible delivery form.
- 9           c. A registered qualifying patient may not purchase or have purchased by a  
10           registered designated caregiver more than the maximum concentration or  
11           amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum  
12           concentration or amount of tetrahydrocannabinol permitted in a thirty-day period  
13           for a cannabinoid concentrate or medical cannabinoid product, or the cumulative  
14           total of both, is two thousand milligrams.

15           **SECTION 2. AMENDMENT.** Subsection 3 of section 19-24.1-01 of the North Dakota  
16 Century Code is amended and reenacted as follows:

- 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~~the health care provider has reviewed the patient's relevant medical records  
20           and completed a full assessment of the patient's medical history and current  
21           medical condition, including a relevant, in-person, medical evaluation of the  
22           patient.
- 23           b. ~~The health care provider has created and maintained records of the patient's~~  
24           ~~condition in accordance with medically accepted standards.~~
- 25           c. ~~The patient is under the health care provider's continued care for the debilitating~~  
26           ~~medical condition that qualifies the patient for the medical use of marijuana.~~
- 27           d. ~~The health care provider has a reasonable expectation that provider will continue~~  
28           ~~to provide followup care to the patient to monitor the medical use of marijuana as~~  
29           ~~a treatment of the patient's debilitating medical condition.~~
- 30           e. ~~The relationship is not for the sole purpose of providing written certification for the~~  
31           ~~medical use of marijuana.~~

1           **SECTION 3. AMENDMENT.** Subsection 15 of section 19-24.1-01 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3           15. "Debilitating medical condition" means one of the following:

- 4           a. Cancer;
- 5           b. Positive status for human immunodeficiency virus;
- 6           c. Acquired immune deficiency syndrome;
- 7           d. Decompensated cirrhosis caused by hepatitis C;
- 8           e. Amyotrophic lateral sclerosis;
- 9           f. Posttraumatic stress disorder;
- 10          g. Agitation of Alzheimer's disease or related dementia;
- 11          h. Crohn's disease;
- 12          i. Fibromyalgia;
- 13          j. Spinal stenosis or chronic back pain, including ~~neuropathy~~ or damage to the  
14             nervous tissue of the spinal cord with objective neurological indication of  
15             intractable spasticity;
- 16          k. Glaucoma;
- 17          l. Epilepsy;
- 18          m. Endometriosis;
- 19          n. Interstitial cystitis;
- 20          o. Neuropathy;
- 21          p. Opioid use disorder;
- 22          q. Opioid withdrawal;
- 23          r. Migraine;
- 24          s. Rheumatoid arthritis;
- 25          t. Ehlers-Danlos syndrome;
- 26          u. A terminal illness; and
- 27          ~~n.v.~~ v. A chronic or debilitating disease or medical condition or treatment for such  
28             disease or medical condition that produces one or more of the following:  
29             (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                   **SECTION 4. AMENDMENT.** Subsection 38 of section 19-24.1-01 of the North Dakota  
9 Century Code is amended and reenacted as follows:

- 10           38. "Usable marijuana" means a medical marijuana product or the dried leaves or flowers  
11           of the plant of the genus cannabis in a combustible delivery form. However, the term  
12           does not include ~~the dried leaves or flowers unless authorized through a written~~  
13           ~~certification and does not include~~ a cannabinoid edible product. In the case of a  
14           registered qualifying patient who is a minor, "usable marijuana" is limited to pediatric  
15           medical marijuana.

16                   **SECTION 5. AMENDMENT.** Subsection 40 of section 19-24.1-01 of the North Dakota  
17 Century Code is amended and reenacted as follows:

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

27                   **SECTION 6. AMENDMENT.** Subsection 2 of section 19-24.1-03 of the North Dakota  
28 Century Code is amended and reenacted as follows:

- 29           2. A qualifying patient application for a registry identification card is complete and eligible  
30           for review if an applicant submits to the department:

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

1                           upon request of the department. If the applicant is a minor, a certificated  
2                           copy of a birth record is required.

3                   (5) The applicant's or guardian's signature and the date, or in the case of a  
4                   minor, the signature of the minor's parent or legal guardian with  
5                   responsibility for health care decisions and the date.

6           d. A signed consent for release of medical information related to the applicant's  
7           debilitating medical condition, on a form provided by the department.

8           e. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the applicant.

9           f. Any other information or material required by rule adopted under this chapter.

10           **SECTION 7. AMENDMENT.** Subsection 3 of section 19-24.1-11 of the North Dakota  
11 Century Code is amended and reenacted as follows:

12           3. If a health care provider ~~states in~~limits the written certification ~~that the qualifying-~~  
13           ~~patient would benefit from the medical use of marijuana~~ until a specified date, less  
14           than one year, the registry identification card expires on that date.

15           **SECTION 8.** A new section to chapter 19-24.1 of the North Dakota Century Code is created  
16 and enacted as follows:

17           **Written certification.**

18           The department shall establish a written certification form and make this form available to  
19 physicians and members of the public. A written certification may not be made except in the  
20 course of a bona fide provider-patient relationship.