

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.