

SENATE BILL NO. 2234

Introduced by

Senators O. Larsen, Mathern

Representative M. Nelson

1 A BILL for an Act to create and enact section 19-24.1-08.1 of the North Dakota Century Code,
2 relating to the growing of medical marijuana; and to amend and reenact subsection 2 of section
3 19-24.1-01 and section 19-24.1-32 of the North Dakota Century Code, relating to allowable
4 amounts of usable medical marijuana and protections for growing medical marijuana.

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

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

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

11 a. Except as provided under subdivision b:

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

16 (2) ~~At~~Except as authorized under section 19-24.1-08.1, at any time a registered
17 qualifying patient, or a registered designated caregiver on behalf of a
18 registered qualifying patient, may not possess more than three ounces
19 [85.05 grams] of dried leaves or flowers of the plant of the genus cannabis
20 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:

23 (1) During a thirty-day period a registered qualifying patient may not purchase
24 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~~Except as authorized under section 19-24.1-08.1, at any time a registered
4 qualifying patient, or a registered designated caregiver on behalf of a
5 registered qualifying patient, may not possess more than seven and
6 one-half ounces [212.62 grams] of dried leaves or flowers of the plant of the
7 genus cannabis in a combustible delivery form.

8 c. A registered qualifying patient may not purchase or have purchased by a
9 registered designated caregiver more than the maximum concentration or
10 amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum
11 concentration or amount of tetrahydrocannabinol permitted in a thirty-day period
12 for a cannabinoid concentrate or medical cannabinoid product, or the cumulative
13 total of both, is four thousand milligrams.

14 **SECTION 2.** Section 19-24.1-08.1 of the North Dakota Century Code is created and
15 enacted as follows:

16 **19-24.1-08.1. Qualifying patients and designated caregivers - Producing.**

- 17 1. A registered qualified patient or designated caregiver may produce up to eight
18 marijuana plants in an enclosed, locked facility.
19 2. The enclosed, locked facility may not be within one thousand feet [304.80 meters] of a
20 property line of a public or private school.
21 3. The registered qualifying patient or designated caregiver shall give local law
22 enforcement officials a notice of intent to produce marijuana in an enclosed, locked
23 facility. The notice must include the qualifying patient's name, a copy of the written
24 certification, and the address of the location where the marijuana will be produced.

25 **SECTION 3. AMENDMENT.** Section 19-24.1-32 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **19-24.1-32. Protections.**

28 Except as provided in sections 19-24.1-20 and 19-24.1-33:

- 29 1. A registered qualifying patient is not subject to arrest or prosecution or the denial of
30 any right or privilege, including a civil penalty or disciplinary action by a court or

- 1 occupational or professional regulating entity for the acquisition, use, producing, or
2 possession of usable marijuana or related supplies under this chapter.
- 3 2. A registered designated caregiver is not subject to arrest or prosecution or the denial
4 of any right or privilege, including a civil penalty or disciplinary action by a court or
5 occupational or professional regulating entity:
- 6 a. For assisting a registered qualifying patient with the acquisition, use, producing,
7 or possession of usable marijuana or related supplies under this chapter, if the
8 registered designated caregiver is connected to the registered qualifying patient
9 through the department's registration process.
- 10 b. For receiving compensation for costs associated with assisting a registered
11 qualifying patient with the acquisition, use, producing, or possession of usable
12 marijuana or related supplies under this chapter, if the registered designated
13 caregiver is connected to the registered qualifying patient through the
14 department's registration process.
- 15 3. It is presumed a registered qualifying patient is engaged in, or a registered designated
16 caregiver is assisting with, the acquisition, use, producing, or possession of usable
17 marijuana or related supplies in accordance with this chapter if the registered
18 qualifying patient or registered designated caregiver is in possession of a valid registry
19 identification card and is not in possession of usable marijuana in an amount that
20 exceeds what is authorized under this chapter. This presumption may be rebutted by
21 evidence the conduct related to acquisition, use, or possession of usable marijuana or
22 related supplies was not for the purpose of treating or alleviating the registered
23 qualifying patient's debilitating medical condition under this chapter.
- 24 4. A person is not subject to arrest or prosecution or the denial of any right or privilege,
25 including a civil penalty or disciplinary action by a court or occupational or professional
26 regulating entity, for being in the presence or vicinity of the medical use of marijuana
27 authorized under this chapter.
- 28 5. A manufacturing facility is not subject to prosecution, search or inspection, or seizure,
29 except by the department or a department designee, under this chapter for acting
30 under this chapter to:

- 1 a. Produce or process or to conduct related activities for the sole purpose of selling
2 usable marijuana to a dispensary; or
- 3 b. Transfer, transport, or deliver marijuana or usable marijuana to and from a
4 department designee or manufacturing facility in accordance with this chapter.
- 5 6. A dispensary is not subject to prosecution, search or inspection, or seizure, except by
6 the department or a department designee, under this chapter for acting under this
7 chapter to:
- 8 a. Purchase usable marijuana from a manufacturing facility and conducting related
9 activities for the sole purpose of dispensing usable marijuana, selling related
10 supplies, and providing educational materials to registered qualifying patients and
11 designated caregivers; or
- 12 b. Transfer usable marijuana to and from a department designee or related
13 marijuana facility in accordance with this chapter.
- 14 7. A registered compassion center agent is not subject to arrest or prosecution or the
15 denial of any right or privilege, including a civil penalty or disciplinary action by a court
16 or occupational or professional regulating entity, for working or volunteering for a
17 compassion center if the action performed by the compassion center agent on behalf
18 of the compassion center is authorized under this chapter.
- 19 8. The sale and possession of marijuana paraphernalia by a dispensary is lawful if in
20 accordance with this chapter.
- 21 9. The medical use and producing of marijuana by a registered cardholder or the
22 producing and processing and the dispensing of usable marijuana by a compassion
23 center is lawful if in accordance with this chapter.
- 24 10. A health care provider is not subject to arrest or prosecution or the denial of any right
25 or privilege, including a civil penalty or disciplinary action by a court or occupational or
26 professional regulating entity, solely for providing a written certification or for stating in
27 the health care provider's professional opinion a patient is likely to receive therapeutic
28 or palliative benefit from the medical use of usable marijuana to treat or alleviate the
29 patient's debilitating medical condition or for refusing to provide written certification or
30 a statement. This chapter does not release a health care provider from the duty to

- 1 exercise a professional standard of care for evaluating or treating a patient's medical
2 condition.
- 3 11. A cardholder or registered compassion center is not subject to arrest or prosecution for
4 use of drug paraphernalia or possession with intent to use drug paraphernalia in a
5 manner consistent with this chapter.
- 6 12. A person in possession of medical marijuana waste in the course of transporting or
7 disposing of the waste under this chapter and rules adopted under this chapter may
8 not be subject to arrest or prosecution for that possession or transportation.
- 9 13. A person in possession of marijuana, usable marijuana, or medical marijuana waste in
10 the course of performing laboratory tests as provided under this chapter and rules
11 adopted under this chapter may not be subject to arrest or prosecution for that
12 possession or testing.