

HOUSE BILL NO. 1213

Introduced by

Representatives Westlind, Dobervich, Hanson, M. Ruby, Skroch

Senator K. Roers

1 A BILL for an Act to create and enact section 19-24.1-04.1 of the North Dakota Century Code,
2 relating to medical marijuana designated caregivers; to amend and reenact subsections 8 and
3 13 of section 19-24.1-01, subsection 3 of section 19-24.1-04, section 19-24.1-10, paragraph 2
4 of subdivision d of subsection 1 of section 19-24.1-14, subsection 4 of section 19-24.1-18,
5 subsection 2 of section 19-24.1-20, subsection 3 of section 19-24.1-26, and section 19-24.1-39
6 of the North Dakota Century Code, relating to the medical marijuana program; to provide for a
7 legislative management report; to provide a penalty; and to declare an emergency.

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

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

11 8. "Cannabinoid solution" means a solution consisting of a mixture created from
12 cannabinoid concentrate and other ingredients. A container holding a cannabinoid
13 solution for dispensing may not exceed thirty milliliters.

14 **SECTION 2. AMENDMENT.** Subsection 13 of section 19-24.1-01 of the North Dakota
15 Century Code is amended and reenacted as follows:

16 13. "Compassion center agent" means a principal officer, board member, member,
17 manager, governor, employee, volunteer, or agent of a compassion center. The term
18 does not include a lawyer representing a compassion center in civil or criminal
19 litigation or in an adversarial administrative proceeding.

20 **SECTION 3. AMENDMENT.** Subsection 3 of section 19-24.1-04 of the North Dakota
21 Century Code is amended and reenacted as follows:

22 3. AExcept as provided in section 19-24.1-04.1, a criminal history record check
23 conducted under section 12-60-24 must be performed upon initial application and

1 biennially thereafter and at any other time upon the request of the department. All fees
2 associated with the criminal history record check must be paid by the applicant.

3 **SECTION 4.** Section 19-24.1-04.1 of the North Dakota Century Code is created and
4 enacted as follows:

5 **19-24.1-04.1. Designated caregivers - Criminal history record check exemption.**

6 The department may waive the requirement for a registered designated caregiver to obtain
7 a criminal history record check under section 12-60-24 if the registered designated caregiver is
8 solely assisting a registered qualifying patient whose debilitating medical condition is a terminal
9 illness. A registered designated caregiver seeking a waiver under this section shall provide the
10 department with a written statement attesting the caregiver has not been convicted of a drug-
11 related misdemeanor offense within the five years preceding the date of application or a felony
12 offense. If a waiver is issued under this section, the registered designated caregiver's registry
13 identification card is valid for a period not to exceed six months.

14 **SECTION 5. AMENDMENT.** Section 19-24.1-10 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **19-24.1-10. Cardholders - Notification of change.**

- 17 1. Within ten calendar days of the change, in a manner prescribed by the department, a
18 registered qualifying patient or registered designated caregiver shall notify the
19 department of any of the following:
- 20 a. A change in the cardholder's name or address;
 - 21 b. Knowledge of a change that would render the registered qualifying patient no
22 longer eligible to participate in the medical marijuana program;
 - 23 c. Knowledge of a change that results in the registered qualifying patient's health
24 care provider no longer meeting the definition of the term "health care provider"
25 as defined under section 19-24.1-01; or
 - 26 d. Knowledge of a change that renders the registered qualifying patient's registered
27 designated caregiver no longer eligible to participate in the medical marijuana
28 program.
- 29 2. If a registered qualifying patient seeks to change the patient's designated caregiver,
30 the registered qualifying patient shall notify the department in writing of this change.

- 1 3. If a cardholder loses the cardholder's registry identification card, the cardholder shall
2 notify the department in writing within twenty-four hours of becoming aware of the loss.
- 3 4. If a registered qualifying patient is unable to make a notification required under this
4 section due to age or medical condition, that patient's registered designated caregiver
5 or the individual responsible for making medical decisions for that patient shall provide
6 the notification.
- 7 5. If the department receives notification of an item listed in this section and the nature of
8 the item reported does not affect a cardholder's eligibility, the department ~~shall~~may
9 issue the cardholder a new registry identification card ~~with a new random ten-digit~~
10 ~~alphanumeric identification number~~ within twenty calendar days of approving the
11 updated information and the cardholder ~~shall~~may pay a fee, not to exceed twenty-five
12 dollars. If a cardholder notifying the department is a registered qualifying patient who
13 has a registered designated caregiver, the department shall issue the patient's
14 registered designated caregiver a new registry identification card within twenty
15 calendar days of approving the updated information.
- 16 6. If the department receives notification of an item listed in this section and the nature of
17 the item reported makes the cardholder ineligible, the cardholder's registry
18 identification card becomes void immediately upon notification of the department and
19 the registered cardholder shall dispose of any usable marijuana in the cardholder's
20 possession within fifteen calendar days, in accordance with rules adopted under this
21 chapter.
- 22 7. A registered qualifying patient's certifying health care provider may notify the
23 department in writing if the health care provider's registered qualifying patient no
24 longer has a debilitating medical condition. The health care provider may notify the
25 department if a bona fide provider-patient relationship ceases to exist. ~~The~~Except if
26 the bona fide provider-patient relationship is terminating due to the health care
27 provider moving to a location where it is not suitable to continue the bona fide
28 provider-patient relationship, the qualifying patient's registry identification card
29 becomes void immediately upon the health care provider's notification of the
30 department ~~and~~. If the bona fide provider-patient relationship is terminating due to the
31 health care provider moving to a location where it is not suitable to continue the bona

1 vide provider-patient relationship, the qualifying patient's registry identification card is
2 void if the registered qualifying patient fails to establish a new bona fide provider-
3 patient relationship within sixty days of the department receiving notice from the
4 original health care provider. If the registry identification card is voided under this
5 subsection, the registered qualifying patient shall dispose of any usable marijuana in
6 the cardholder's possession within fifteen calendar days, in accordance with rules
7 adopted under this chapter.

8 **SECTION 6. AMENDMENT.** Paragraph 2 of subdivision d of subsection 1 of section
9 19-24.1-14 of the North Dakota Century Code is amended and reenacted as follows:

10 (2) Evidence the physical address of the proposed compassion center is not
11 located within one thousand feet [~~604.80~~304.80 meters] of a property line of
12 a pre-existing public or private school.

13 **SECTION 7. AMENDMENT.** Subsection 4 of section 19-24.1-18 of the North Dakota
14 Century Code is amended and reenacted as follows:

15 4. The department shall notify the compassion center in writing of the purpose for
16 denying a compassion center agent application for a registry identification card. The
17 department shall deny an application if the ~~agent~~applicant fails to meet the registration
18 requirements or to provide the information required, if the applicant previously had a
19 registry identification card revoked, or if the department determines the information
20 provided is false. The cardholder may appeal a denial or revocation of a registry
21 identification card to the district court of Burleigh County for hearing. The court may
22 authorize the cardholder to appear by reliable electronic means.

23 **SECTION 8. AMENDMENT.** Subsection 2 of section 19-24.1-20 of the North Dakota
24 Century Code is amended and reenacted as follows:

25 2. In addition to any other penalty applicable in law, a manufacturing facility or a
26 manufacturing facility agent is guilty of a class B felony for intentionally selling or
27 otherwise transferring marijuana or usable marijuana in any form, to a person other
28 than a dispensary, or for ~~internationally~~intentionally selling or otherwise transferring
29 marijuana in any form other than usable marijuana, to a dispensary. A person
30 convicted under this subsection may not continue to be affiliated with a compassion
31 center and is disqualified from further participation under this chapter.

1 **SECTION 9. AMENDMENT.** Subsection 3 of section 19-24.1-26 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 3. A compassion center shall conduct inventories of marijuana and usable marijuana at
4 the authorized location at the frequency and in the manner provided by rules adopted
5 under this chapter. If an inventory results in the identification of a discrepancy, the
6 compassion center shall notify the department immediately and appropriate law
7 enforcement authorities immediately within seventy-two hours. A compassion center
8 shall document each inventory conducted by the compassion center.

9 **SECTION 10. AMENDMENT.** Section 19-24.1-39 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **19-24.1-39. Report to legislative management.**

12 Annually, the department shall submit to the legislative management a report that does not
13 disclose any identifying information about registered cardholders, compassion centers, or health
14 care providers, but contains the following information:

- 15 1. The number of registry identification card applications and renewals;
- 16 2. The number of registered qualifying patients ~~and~~, registered designated caregivers,
17 and registered compassion center agents;
- 18 3. The nature of the debilitating medical conditions of the registered qualifying patients;
- 19 4. The number of registry identification cards revoked;
- 20 5. The number of health care providers providing written certifications for qualifying
21 patients;
- 22 6. The number of ~~compassionate care~~compassion centers; ~~and~~
- 23 7. Any expenses incurred and revenues generated by the department from the medical
24 marijuana program; and
- 25 8. Data for statistical purposes in a manner so that an individual person is not
26 identifiable.

27 **SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure.