

**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.