

2021 SENATE JUDICIARY

SB 2234

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2234
1/26/2021

Relating to allowable amounts of usable medical marijuana and protections for growing medical marijuana

9:59:26 AM **Chairwoman Larson** called to order

Senators present: Larson, Dwyer, Luick, Myrdal, Fors, Heitkamp, Bakke

Discussion Topics:

- Medical marijuana
- Growing marijuana

9:59:34 AM **Senator O. Larsen** - District 3 - Introduced the bill

10:14:32 AM **Jason Wahl** - Division of Medical Marijuana ND Department of Health - Director - Neutral Testimony #3337

10:15:31 AM **Jody Vetter** - Committee for Compassionate Care - Chairwoman - Testified in Favor

10:23:57 AM **Alexa Johnson** - District 16 Resident - Medical Cannabis Caregiver - Testimony in Favor

10:30:39 AM **Chad Kaiser** - Stutsman County Sheriff - Sheriff - Testimony in opposition #3431

10:37:25 AM **Donnell Preskey** - North Dakota Association of Counties - Government/Public Relations Specialist - Testimony in opposition

10:38:25 AM **Andrew Schneider** - Grand Forks County Sheriff's Office - Sheriff - Testimony in opposition #3331

10:46:55 AM Hearing Closed

Additional Written Testimony:

Carly Wolf - testimony in favor #3185

10:46:55 AM **Chairwoman Larson** closes the hearing.

Jamal Omar, Committee Clerk

Good morning Chairwoman Larson and members of the Senate Judiciary Committee. My name is Jason Wahl, Director of the Division of Medical Marijuana within the North Dakota Department of Health (NDDoH). I am here to provide information on Senate Bill 2234 related to allowing a registered qualifying patient or registered designated caregiver to produce up to eight marijuana plants.

The changes in the bill establish limited, to no, regulations or required monitoring related to self-grown marijuana. There is no specific authority provided related to who is responsible for ensuring there are not more than eight plants being produced, the enclosed, locked facility meets the requirements of law, and the location is not within 1,000 feet of a public or private school. Given the amount of plants and no changes to current possession limits of a registered qualifying patient or designated caregiver, it would be difficult for possession limits not to be exceeded once a plant is harvested.

Under Senate Bill 2234, there are no requirements or regulations related to the testing of the self-produced marijuana. Thus, qualifying patients with certain medical conditions are at risk of consuming marijuana that may contain harmful contaminants.

The number of proposed plants allowed under the provisions of this bill also creates concerns. Multiple registered qualifying patients may reside within the same home which potentially increases the number of plants in the residency. Also, since a registered designated caregiver may have up to five patients, there is a potential to have up to 40 plants.

The NDDoH was requested to provide a fiscal note related to Senate Bill 2234. No additional regulations are established for the NDDoH related to monitoring or inspections of the producing of eight plants. Thus, no fiscal impact was identified.

This concludes my testimony. I am happy to answer any questions you may have.

Testimony prepared for the
Senate Judiciary
01/26/2021
Chad Kaiser
Stutsman County Sheriff

RE: Opposition Testimony for SB 2234- grow marijuana

Chair and committee members, I'm Chad Kaiser Stutsman County Sheriff and I'm in opposition of SB 2234.

ND Century Code allows for the manufacturing and selling of Medical Marijuana. There are regulations and oversight for Medical Marijuana Manufactures and for Dispensaries. These regulations are to assure that the product being grown and sold is of Medical grade and able to be sold to medical card holders with prescriptions.

This bill allows for patients and or caregivers to produce eight marijuana plants. A couple questions I have are:

Who is regulating this, who makes sure that the patients and caregivers are following the rules?

What happens after plants are harvested and they find they are over the amount allowed?

What kind of container is this going to be stored in?

If you grow your own Marijuana at your residence is that considered Medical Marijuana?

Why do we have Medical Marijuana manufactures if we can grow it at home?

Chair and committee members, I would ask that you give a vote of DO NOT Pass on this bill. This bill has too many unanswered questions, and no regulation to be apart of Medical Marijuana. No other prescriptions can be produced at home why should Marijuana.

GRAND FORKS COUNTY SHERIFF'S OFFICE

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SHERIFF ANDY SCHNEIDER



To: Senate Judiciary Members
From: Sheriff Andy Schneider
RE: SB 2234
Date: 1/26/2021

Dear Senate Judiciary members,

My name is Andy Schneider, and I have the privilege and honor of being the Sheriff of Grand Forks County. I come before you today to give testimony regarding why I am opposed to SB 2234. This proposed bill brings forth several concerns regarding the care, disbursement, and regulation of a medically prescribed drug.

- The bill discerns that (8) is the appropriate number of plants to be kept inside a locked, enclosed facility.
- The bill also gives no direction to who will inspect this area initially or periodically to affirm that the plant number is no more than 8, and that it is remaining in a secure facility.
- This bill does not notify Law Enforcement that inspecting agencies (not addressed in bill) have verified the grow sites have met the standards set forth.
- The way this bill is written, Law Enforcement has no ability or right to verify any of the minimum requirements are being met.
- There is no regular notification or inspection process (annual, bi-annual, etc.).
- There is no standard set forth requiring any notification of change of address to the state division of medical marijuana or local law enforcement.
- Law enforcement is only given a notification of intent to grow. They are not allowed to perform any pre-inspection, or have any input regarding the grow operation site.
- This allows any person manufacturing marijuana to have immunity from prosecution, search or inspection or seizure of said marijuana, unless done by the department of medical marijuana. The department has no inspection process described in the bill.
- The medical marijuana bill was passed into law to allow Doctors to prescribe this controlled substance.
- Allowing patients to grow their own prescribed medication with little to no oversight, behind lock and key, without permitting law enforcement to verify the requirements are met is a unique spin on handling controlled substances prescribed by a medical professional.

The current version of this bill leaves several unknowns and large gaps regarding the oversight of a home grow operation. I cannot support this bill as it is written.

Andy Schneider
Sheriff, Grand Forks County
andrew.schneider@gfcounty.org



I wish to thank members of the House Human Services Committee for holding a hearing on this important matter and for considering my testimony.

My name is Carly Wolf and I am the State Policies Coordinator with The National Organization for the Reform of Marijuana Laws (NORML) – a Washington, DC based advocacy organization that opines in favor of evidence-based marijuana policy reforms.

I am providing testimony in favor of the advancement of Senate Bill 2234, which provides registered medical cannabis patients the legal option to cultivate limited quantities of cannabis in the privacy of their home.

The inclusion of legislative provisions permitting the non-commercial personal cultivation of cannabis serves as leverage to assure that the product available at retail outlets is high quality, safe, and affordable. Further, many patients prefer specific strains of the cannabis plant. Permitting patients the option to produce these specific strains at home assures that they will have an uninterrupted and cost-effective supply of medical cannabis that is best suited to their own medical needs. It would also prevent those who do not live within a reasonable distance of a retail outlet, or those who may not be able to afford cannabis available at retail outlets, from purchasing from the illicit market.

Patients are legally permitted to cultivate personal use quantities of medical cannabis in about half of the jurisdictions that regulate its use and distribution. In many instances, these rules have now been in place for two decades or more. In almost all cases, these provisions have led to few incidences of abuse or diversion. In fact, no state permitting patients to home-cultivate cannabis has ever repealed this provision.

For these reasons, I urge members of the Committee to support SB 2234, the right of adults to cultivate cannabis for therapeutic use.

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2234
1/27/2021

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

Chairwoman Larson Calls committee work to order [1:59]
Senators Heitkamp, Fors, Myrdal, Luick, Dwyer, Bakke and Larson were present.

Discussion Topics:

- Medical Marijuana pricing
- THC Pediatric Tincture

Jason Wahl, [2:00] Director, North Dakota Department of Health Division of Medical Marijuana provides oral information on medical marijuana pricing.

Senator Myrdal [2:33] moved to DO NOT PASS
Senator Bakke second

Roll Call Vote

Motion passes 7-0-0

Senator Myrdal will carry the bill.

Chairwoman Larson adjourned meeting [2:36]

Jamal Omar, Committee Clerk

Roll Call Vote	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

REPORT OF STANDING COMMITTEE

SB 2234: Judiciary Committee (Sen. Larson, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2234 was placed on the Eleventh order on the calendar.