

March 13, 2019

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1417

Page 1, line 1, after "2" insert ", 38,"

Page 1, line 1, remove the third "and"

Page 1, line 2, after "19-24.1-03" insert ", subdivision a of subsection 5 of section 19-24.1-05, subsection 7 of section 19-24.1-10, section 19-24.1-11, subsection 4 of section 19-24.1-21, and subsection 10 of section 19-24.1-32"

Page 1, line 3, after "marijuana" insert "; and to declare an emergency"

Page 2, line 12, overstrike "two" and insert immediately thereafter "four"

Page 2, after line 12, insert:

**"SECTION 2. AMENDMENT.** Subsection 38 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

38. "Usable marijuana" means a medical marijuana product or the dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form. However, the term does not include ~~the dried leaves or flowers unless authorized through a written certification and does not include a~~ cannabinoid edible product. In the case of a registered qualifying patient who is a minor, "usable marijuana" is limited to pediatric medical marijuana."

Page 4, after line 4, insert:

**"SECTION 5. AMENDMENT.** Subdivision a of subsection 5 of section 19-24.1-05 of the North Dakota Century Code is amended and reenacted as follows:

- a. The department receives documentation the minor's health care provider has explained to the parent or legal guardian with responsibility for health care decisions for the minor the potential risks ~~and benefits of the use of pediatric medical marijuana to treat or alleviate the debilitating medical condition;~~ and

**SECTION 6. AMENDMENT.** Subsection 7 of section 19-24.1-10 of the North Dakota Century Code is amended and reenacted as follows:

7. A registered qualifying patient's certifying health care provider ~~shall~~may notify the department in writing if the health care provider's registered qualifying patient no longer has a debilitating medical condition ~~or if the~~. The health care provider no longer believes the patient will receive therapeutic or palliative benefit from the medical use of marijuana~~may~~notify the department if a bona fide provider-patient relationship ceases to exist. The qualifying patient's registry identification card becomes void immediately upon the health care provider's notification of the department and the registered qualifying patient shall dispose of any usable marijuana in the cardholder's possession within fifteen calendar days, in accordance with rules adopted under this chapter.

**SECTION 7. AMENDMENT.** Section 19-24.1-11 of the North Dakota Century Code is amended and reenacted as follows:

**19-24.1-11. Registry identification cards.**

1. The contents of a registry identification card must include:
  - a. The name of the cardholder;
  - b. A designation as to whether the cardholder is a qualifying patient, designated caregiver, or compassion center agent;
  - c. A designation as to whether a qualifying patient is a minor;
  - d. A designation as to whether a qualifying patient or a designated caregiver's qualifying patient is authorized to use ~~the~~an enhanced amount of dried leaves or flowers of the plant of the genus cannabis to treat or alleviate the patient's debilitating medical condition of cancer;
  - e. The date of issuance and expiration date;
  - f. A random ten-digit alphanumeric identification number containing at least four numbers and at least four letters which is unique to the cardholder;
  - g. If the cardholder is a designated caregiver, the random identification number of the qualifying patient the designated caregiver is authorized to assist;
  - h. A photograph of the cardholder; and
  - i. The phone number or website address at which the card can be verified.
2. Except as otherwise provided in this section or rule adopted under this chapter, a registry identification card expiration date must be one year after the date of issuance.
3. If a health care provider ~~states in the written limits certification that the~~qualifying patient would benefit from the medical use of marijuana until a specified date, less than one year, the registry identification card expires on that date.

**SECTION 8. AMENDMENT.** Subsection 4 of section 19-24.1-21 of the North Dakota Century Code is amended and reenacted as follows:

4. A dispensary or agent of the dispensary may not dispense usable marijuana unless the dispensary first uses the verification system to confirm the registered qualifying patient or registered designated caregiver identification card is valid. A dispensary or agent of the dispensary:
  - a. May not dispense usable marijuana to a person other than a registered qualifying patient or a registered qualifying patient's registered designated caregiver. If a registered qualifying patient is a minor:

- (1) The dispensary or agent of the dispensary may not dispense usable marijuana to a minor; and
  - (2) The usable marijuana dispensed to the minor's designated caregiver must be in the form of pediatric medical marijuana.
- b. May not dispense to a registered qualifying patient or registered designated caregiver more than the allowable amount of usable marijuana and may not dispense an amount if it is known that amount would cause the recipient to purchase or possess more usable marijuana than is permitted under this chapter.
  - e. ~~May not dispense to a registered qualifying patient or registered designated caregiver the dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form unless the registry-identification card and verification system authorize this form of usable marijuana.~~

**SECTION 9. AMENDMENT.** Subsection 10 of section 19-24.1-32 of the North Dakota Century Code is amended and reenacted as follows:

10. A health care provider is not subject to arrest or prosecution or the denial of any right or privilege, including a civil penalty or disciplinary action by a court or occupational or professional regulating entity, solely for providing a written certification or for otherwise stating in the health care provider's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of usable marijuana to treat or alleviate the patient's debilitating medical condition or for refusing to provide written certification or a statement. This chapter does not release a health care provider from the duty to exercise a professional standard of care for evaluating or treating a patient's medical condition.

**SECTION 10. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly