

**HOUSE BILL NO. 1213**  
**with Conference Committee Amendments**  
**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 section 19-03.1-01,  
3 subsection 5 of section 19-03.1-05, subsection 1 of section 19-03.1-22.2, section 19-03.1-22.3,  
4 subsections 1, 7, and 9 of section 19-03.1-23, subsection 12 of section 19-03.4-01, sections  
5 19-03.4-03, 19-03.4-04, and 19-24.1-01, subdivision a of subsection 2 of section 19-24.1-03,  
6 subsection 3 of section 19-24.1-04, sections 19-24.1-10 and 19-24.1-13, paragraph 2 of  
7 subdivision d of subsection 1 of section 19-24.1-14, subdivision a of subsection 1 of section  
8 19-24.1-15, subdivision a of subsection 2 of section 19-24.1-16, section 19-24.1-17,  
9 subsection 4 of section 19-24.1-18, subsection 2 of section 19-24.1-20, subsection 3 of section  
10 19-24.1-26, subsection 2 of section 19-24.1-37, section 19-24.1-39, and subsection 1 of section  
11 39-20-01 of the North Dakota Century Code, relating to the medical marijuana program; to  
12 provide for a legislative management report; to provide a penalty; and to declare an emergency.

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

14 **SECTION 1. AMENDMENT.** Section 19-03.1-01 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **19-03.1-01. Definitions.**

17 As used in this chapter and in chapters 19-03.2 and 19-03.4, unless the context otherwise  
18 requires:

- 19 1. "Administer" means to apply a controlled substance, whether by injection, inhalation,  
20 ingestion, or any other means, directly to the body of a patient or research subject by:  
21 a. A practitioner or, in the practitioner's presence, by the practitioner's authorized  
22 agent; or  
23 b. The patient or research subject at the direction and in the presence of the  
24 practitioner.

- 1        2. "Agent" means an authorized person who acts on behalf of or at the direction of a  
2            manufacturer, distributor, or dispenser. It does not include a common or contract  
3            carrier, public warehouseman, or employee of the carrier or warehouseman.
- 4        3. "Anabolic steroids" means any drug or hormonal substance, chemically and  
5            pharmacologically related to testosterone, other than estrogens, progestins, and  
6            corticosteroids.
- 7        4. "Board" means the state board of pharmacy.
- 8        5. "Bureau" means the drug enforcement administration in the United States department  
9            of justice or its successor agency.
- 10       6. "Controlled substance" means a drug, substance, or immediate precursor in schedules  
11           I through V as set out in this chapter.
- 12       7. "Controlled substance analog":
  - 13           a. Means a substance the chemical structure of which is substantially similar to the  
14                chemical structure of a controlled substance in a schedule I or II and:
    - 15                    (1) Which has a stimulant, depressant, or hallucinogenic effect on the central  
16                        nervous system which is substantially similar to or greater than the  
17                        stimulant, depressant, or hallucinogenic effect on the central nervous  
18                        system of a controlled substance in schedule I or II; or
    - 19                    (2) With respect to a particular individual, which the individual represents or  
20                        intends to have a stimulant, depressant, or hallucinogenic effect on the  
21                        central nervous system substantially similar to or greater than the stimulant,  
22                        depressant, or hallucinogenic effect on the central nervous system of a  
23                        controlled substance in schedule I or II.
  - 24           b. Does not include:
    - 25                    (1) A controlled substance;
    - 26                    (2) Any substance for which there is an approved new drug application; or
    - 27                    (3) With respect to a particular individual, any substance, if an exemption is in  
28                        effect for investigational use, for that individual, under section 505 of the  
29                        Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355] to the extent conduct  
30                        with respect to the substance is pursuant to the exemption.

- 1           8. "Counterfeit substance" means a controlled substance which, or the container or  
2           labeling of which, without authorization, bears the trademark, trade name, or other  
3           identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer,  
4           distributor, or dispenser other than the person who in fact manufactured, distributed, or  
5           dispensed the substance.
- 6           9. "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one  
7           person to another of a controlled substance whether or not there is an agency  
8           relationship.
- 9           10. "Dispense" means to deliver a controlled substance to an ultimate user or research  
10           subject by or pursuant to the lawful order of a practitioner, including the prescribing,  
11           administering, packaging, labeling, or compounding necessary to prepare the  
12           substance for that delivery.
- 13          11. "Dispenser" means a practitioner who dispenses.
- 14          12. "Distribute" means to deliver other than by administering or dispensing a controlled  
15           substance.
- 16          13. "Distributor" means a person who distributes.
- 17          14. "Drug" means:
- 18           a. Substances recognized as drugs in the official United States pharmacopeia  
19           national formulary, or the official homeopathic pharmacopeia of the United States,  
20           or any supplement to any of them;
- 21           b. Substances intended for use in the diagnosis, cure, mitigation, treatment, or  
22           prevention of disease in individuals or animals;
- 23           c. Substances, other than food, intended to affect the structure or any function of  
24           the body of individuals or animals; and
- 25           d. Substances intended for use as a component of any article specified in  
26           subdivision a, b, or c. The term does not include devices or their components,  
27           parts, or accessories.
- 28          15. ~~"Hashish" means the resin extracted from any part of the plant cannabis with or~~  
29           ~~without its adhering plant parts, whether growing or not, and every compound,~~  
30           ~~manufacture, salt, derivative, mixture, or preparation of the resin.~~
- 31          16. "Immediate precursor" means a substance:

- 1           a. That the board has found to be and by rule designates as being the principal  
2           compound commonly used or produced primarily for use in the manufacture of a  
3           controlled substance;
- 4           b. That is an immediate chemical intermediary used or likely to be used in the  
5           manufacture of the controlled substance; and
- 6           c. The control of which is necessary to prevent, curtail, or limit the manufacture of  
7           the controlled substance.

8 ~~47.16.~~ "Manufacture" means the production, preparation, propagation, compounding,  
9           conversion, or processing of a controlled substance, either directly or indirectly by  
10          extraction from substances of natural origin, or independently by means of chemical  
11          synthesis, or by a combination of extraction and chemical synthesis and includes any  
12          packaging or repackaging of the substance or labeling or relabeling of its container.  
13          The term does not include the preparation or compounding of a controlled substance  
14          by an individual for the individual's own use or the preparation, compounding,  
15          packaging, or labeling of a controlled substance:

- 16          a. By a practitioner as an incident to the practitioner's administering or dispensing of  
17          a controlled substance in the course of the practitioner's professional practice; or
- 18          b. By a practitioner, or by the practitioner's authorized agent under the practitioner's  
19          supervision, for the purpose of, or as an incident to, research, teaching, or  
20          chemical analysis and not for sale.

21 ~~48.17.~~ "Marijuana" means all parts of the plant of the genus cannabis sativa L., whether  
22          growing or not; the seeds thereof; ~~the resin extracted from any part of the plant;~~ and  
23          every compound, manufacture, salt, derivative, mixture, or preparation of the plant, ~~its~~  
24          ~~seeds, or resin.~~ The term does not include the:

- 25          a. The tetrahydrocannabinol extracted or isolated from the plant;
- 26          b. The mature stalks of the plant, fiber produced from the stalks, oil or cake made  
27          from the seeds of the plant, any other compound, manufacture, salt, derivative,  
28          mixture, or preparation of mature stalks, except the resin extracted therefrom,  
29          fiber, oil, or cake, or the sterilized seed of the plant which is incapable of  
30          germination. The term marijuana does not include hemp as defined in title 4.1.;
- 31          c. Hemp as defined in chapter 4.1-18.1; or

- 1           d. A prescription drug approved by the United States food and drug administration  
2           under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].  
3 ~~19-18.~~ "Narcotic drug" means any of the following, whether produced directly or indirectly by  
4 extraction from substances of vegetable origin, or independently by means of chemical  
5 synthesis, or by a combination of extraction and chemical synthesis:
- 6           a. Opium and opiate and any salt, compound, derivative, or preparation of opium or  
7           opiate.
- 8           b. Any salt, compound, isomer, derivative, or preparation thereof which is  
9           chemically equivalent or identical with any of the substances referred to in  
10          subdivision a, but not including the isoquinoline alkaloids of opium.
- 11          c. Opium poppy and poppy straw.
- 12          d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves,  
13          any salt, compound, isomer, derivative, or preparation thereof which is chemically  
14          equivalent or identical with any of these substances, but not including  
15          decocainized coca leaves or extractions of coca leaves which do not contain  
16          cocaine or ecgonine.
- 17 ~~20-19.~~ "Opiate" means any substance having an addiction-forming or addiction-sustaining  
18 liability similar to morphine or being capable of conversion into a drug having  
19 addiction-forming or addiction-sustaining liability. The term does not include, unless  
20 specifically designated as controlled under section 19-03.1-02, the dextrorotatory  
21 isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term  
22 includes its racemic and levorotatory forms.
- 23 ~~21-20.~~ "Opium poppy" means the plant of the species *papaver somniferum* L., except its  
24 seeds.
- 25 ~~22-21.~~ "Over-the-counter sale" means a retail sale of a drug or product other than a  
26 controlled, or imitation controlled, substance.
- 27 ~~23-22.~~ "Person" means individual, corporation, limited liability company, government or  
28 governmental subdivision or agency, business trust, estate, trust, partnership or  
29 association, or any other legal entity.
- 30 ~~24-23.~~ "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- 31 ~~25-24.~~ "Practitioner" means:

- 1           a.    A physician, dentist, veterinarian, pharmacist, scientific investigator, or other  
2                    person licensed, registered, or otherwise permitted by the jurisdiction in which the  
3                    individual is practicing to distribute, dispense, conduct research with respect to,  
4                    or to administer a controlled substance in the course of professional practice or  
5                    research.  
6           b.    A pharmacy, hospital, or other institution licensed, registered, or otherwise  
7                    permitted to distribute, dispense, conduct research with respect to, or to  
8                    administer a controlled substance in the course of professional practice or  
9                    research in this state.

10 ~~26-25.~~ "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of  
11 a controlled substance.

12 ~~27-26.~~ "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction  
13 made by a person, whether as principal, proprietor, agent, servant, or employee.

14 ~~28-27.~~ "Scheduled listed chemical product" means a product that contains ephedrine,  
15 pseudoephedrin, or phenylpropanolamine, or each of the salts, optical isomers, and  
16 salts of optical isomers of each chemical, and that may be marketed or distributed in  
17 the United States under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301  
18 et seq.] as a nonprescription drug unless prescribed by a licensed physician.

19 ~~29-28.~~ "State" when applied to a part of the United States includes any state, district,  
20 commonwealth, territory, insular possession thereof, and any area subject to the legal  
21 authority of the United States.

22 ~~30-29.~~ "Ultimate user" means an individual who lawfully possesses a controlled substance for  
23 the individual's own use or for the use of a member of the individual's household or for  
24 administering to an animal owned by the individual or by a member of the individual's  
25 household.

26           **SECTION 2. AMENDMENT.** Subsection 5 of section 19-03.1-05 of the North Dakota  
27 Century Code is amended and reenacted as follows:

- 28           5.    Hallucinogenic substances. Unless specifically excepted or unless listed in another  
29                    schedule, any material, compound, mixture, or preparation containing any quantity of  
30                    the following hallucinogenic substances, including their salts, isomers, and salts of  
31                    isomers whenever the existence of those salts, isomers, and salts of isomers is

- 1 possible within the specific chemical designation (for purposes of this subsection only,  
2 the term "isomer" includes the optical, position, and geometric isomers):
- 3 a. Alpha-ethyltryptamine, its optical isomers, salts, and salts of isomers (also known  
4 as etryptamine;  $\alpha$ -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole).
  - 5 b. Alpha-methyltryptamine.
  - 6 c. 4-methoxyamphetamine (also known as 4-methoxy- $\alpha$ -methylphenethylamine;  
7 paramethoxyamphetamine; PMA).
  - 8 d. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy- $\alpha$ -  
9 methyl-3,4(methylenedioxy)phenylamine, and N-hydroxy MDA).
  - 10 e. ~~Hashish.~~
  - 11 f. Ibogaine (also known as 7-Ethyl-6, 6B, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-  
12 6, 9-methano-5 H-pyrido [1', 2':1,2] azepino (5,4-b) indole; Tabernanthe iboga).
  - 13 ~~g-f.~~ Lysergic acid diethylamide.
  - 14 ~~h-g.~~ Marijuana.
  - 15 ~~i-h.~~ Parahexyl (also known as 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro- 6,6,9-trimethyl-  
16 6H-dibenzol[b,d]pyran; Synhexyl).
  - 17 ~~j-i.~~ Peyote (all parts of the plant presently classified botanically as Lophophora  
18 williamsii Lemaire, whether growing or not, the seeds thereof, any extract from  
19 any part of such plant, and every compound, manufacture, salts, derivative,  
20 mixture, or preparation of such plant, its seeds, or its extracts).
  - 21 ~~k-j.~~ N-ethyl-3-piperidyl benzilate.
  - 22 ~~l-k.~~ N-methyl-3-piperidyl benzilate.
  - 23 ~~m-l.~~ Psilocybin.
  - 24 ~~n-m.~~ (1) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained  
25 in a plant of the genus Cannabis (cannabis plant), as well as synthetic  
26 equivalents of the substances contained in the cannabis plant, or in the  
27 resinous extractives of such plant, including synthetic substances,  
28 derivatives, and their isomers with similar chemical structure and  
29 pharmacological activity to those substances contained in the plant;  
30 ~~excluding tetrahydrocannabinols found in hemp as defined in title 4.1; such~~  
31 as the following:

1                   (1)(a) Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers.  
2                                   Other names: Delta-9-tetrahydrocannabinol.

3                   (2)(b) Delta-6 cis or trans tetrahydrocannabinol, and their optical isomers.  
4                                   Other names: Delta-8-tetrahydrocannabinol.

5                   (3)(c) Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers.  
6                   (Since nomenclature of these substances is not internationally standardized,  
7                   compounds of these structures, regardless of numerical designation of atomic  
8                   positions covered.)

9                   (2) Tetrahydrocannabinols do not include:

10                   (a) The allowable amount of total tetrahydrocannabinol found in hemp as  
11                                   defined in chapter 4.1-18.1; or

12                   (b) A prescription drug approved by the United States food and drug  
13                                   administration under section 505 of the Federal Food, Drug, and  
14                                   Cosmetic Act [21 U.S.C. 355].

15                   o.n. Cannabinoids, synthetic. It includes the chemicals and chemical groups listed  
16                   below, including their homologues, salts, isomers, and salts of isomers. The term  
17                   "isomer" includes the optical, position, and geometric isomers.

18                   (1) Indole carboxaldehydes. Any compound structurally derived from 1H-indole-  
19                   3-carboxaldehyde or 1H-2-carboxaldehyde substituted in both of the  
20                   following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl,  
21                   cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
22                   piperidiny)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,  
23                   1-(N-methyl-3- morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo  
24                   benzyl group; and, at the hydrogen of the carboxaldehyde by a phenyl,  
25                   benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidinyl, piperazinyl, or  
26                   propionaldehyde group whether or not the compound is further modified to  
27                   any extent in the following ways:

28                   (a) Substitution to the indole ring to any extent; or

29                   (b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl,  
30                   cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group to any  
31                   extent; or



- 1 (c) A nitrogen heterocyclic analog of the indole ring; or
- 2 (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl,
- 3 adamantyl, or cyclopropyl ring.
- 4 (e) Examples include:
- 5 [1] 1-Pentyl-3-(1-naphthoyl)indole - Other names: JWH-018 and
- 6 AM-678.
- 7 [2] 1-Butyl-3-(1-naphthoyl)indole - Other names: JWH-073.
- 8 [3] 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole - Other names:
- 9 JWH-081.
- 10 [4] 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole - Other names:
- 11 JWH-200.
- 12 [5] 1-Propyl-2-methyl-3-(1-naphthoyl)indole - Other names:
- 13 JWH-015.
- 14 [6] 1-Hexyl-3-(1-naphthoyl)indole - Other names: JWH-019.
- 15 [7] 1-Pentyl-3-(4-methyl-1-naphthoyl)indole - Other names:
- 16 JWH-122.
- 17 [8] 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole - Other names: JWH-210.
- 18 [9] 1-Pentyl-3-(4-chloro-1-naphthoyl)indole - Other names:
- 19 JWH-398.
- 20 [10] 1-(5-fluoropentyl)-3-(1-naphthoyl)indole - Other names:
- 21 AM-2201.
- 22 [11] 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole - Other
- 23 names: RCS-8.
- 24 [12] 1-Pentyl-3-(2-methoxyphenylacetyl)indole - Other names:
- 25 JWH-250.
- 26 [13] 1-Pentyl-3-(2-methylphenylacetyl)indole - Other names:
- 27 JWH-251.
- 28 [14] 1-Pentyl-3-(2-chlorophenylacetyl)indole - Other names: JWH-
- 29 203.
- 30 [15] 1-Pentyl-3-(4-methoxybenzoyl)indole - Other names: RCS-4.

- 1 [16] (1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole) - Other names:  
2 AM-694.
- 3 [17] (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-  
4 yl]methanone - Other names: WIN 48,098 and Pravadoline.
- 5 [18] (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone --  
6 Other names: UR-144.
- 7 [19] (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-  
8 tetramethylcyclopropyl)methanone - Other names: XLR-11.
- 9 [20] (1-(2-morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-  
10 tetramethylcyclopropyl)methanone - Other names: A-796,260.
- 11 [21] (1-(5-fluoropentyl)-1H-indazol-3-yl)(naphthalen-1-yl)methanone --  
12 Other names: THJ-2201.
- 13 [22] 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone -- Other  
14 names: THJ-018.
- 15 [23] (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-  
16 yl)methanone - Other names: FUBIMINA.
- 17 [24] 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl) indole -  
18 Other names: AM-1248.
- 19 [25] 1-Pentyl-3-(1-adamantoyl)indole - Other names: AB-001 and  
20 JWH-018 adamantyl analog.
- 21 (2) Indole carboxamides. Any compound structurally derived from 1H-indole-3-  
22 carboxamide or 1H-2-carboxamide substituted in both of the following ways:  
23 at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,  
24 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,  
25 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
26 morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group;  
27 and, at the nitrogen of the carboxamide by a phenyl, benzyl, cumyl,  
28 naphthyl, adamantyl, cyclopropyl, or propionaldehyde group whether or not  
29 the compound is further modified to any extent in the following ways:  
30 (a) Substitution to the indole ring to any extent; or

- 1 (b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl,  
2 cyclopropyl, or propionaldehyde group to any extent; or  
3 (c) A nitrogen heterocyclic analog of the indole ring; or  
4 (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl,  
5 adamantyl, or cyclopropyl ring.  
6 (e) Examples include:  
7 [1] N-Adamantyl-1-pentyl-1H-indole-3-carboxamide - Other names:  
8 JWH-018 adamantyl carboxamide, APICA, SDB-001, and 2NE1.  
9 [2] N-Adamantyl-1-fluoropentylindole-3-carboxamide - Other names:  
10 STS-135.  
11 [3] N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide - Other  
12 names: AKB 48 and APINACA.  
13 [4] N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide - Other  
14 names: NNEI and MN-24.  
15 [5] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-  
16 carboxamide - Other names: ADBICA.  
17 [6] (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-  
18 3-carboxamide - Other names: AB-PINACA.  
19 [7] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-  
20 fluorophenyl)methyl]-1H-indazole-3-carboxamide - Other names:  
21 AB-FUBINACA.  
22 [8] N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-  
23 indazole-3-carboxamide - Other names: 5-Fluoro AB-PINACA  
24 and 5F-AB-PINACA.  
25 [9] N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-  
26 3-carboxamide - Other names: ADB-PINACA.  
27 [10] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-  
28 1H-indazole-3-carboxamide - Other names: AB-CHMINACA.  
29 [11] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-  
30 indazole-3-carboxamide - Other names: ADB-FUBINACA.

- 1 [12] N-((3s,5s,7s)-adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-  
2 carboxamide - Other names: FUB-AKB48 and AKB48 N-(4-  
3 fluorobenzyl) analog.
- 4 [13] 1-(5-fluoropentyl)-N-(quinolin-8-yl)-1H-indazole-3-carboxamide -  
5 Other names: 5-fluoro-THJ.
- 6 [14] methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-  
7 methylbutanoate - Other names: 5-fluoro AMB and 5F-AMB.
- 8 [15] methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-  
9 methylbutanoate - Other names: FUB-AMB, MMB-FUBINACA,  
10 and AMB-FUBINACA.
- 11 [16] N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-(cyclohexylmethyl)-1  
12 H-indazole-3-carboxamide - Other names: MAB-CHMINACA and  
13 ADB-CHMINACA.
- 14 [17] Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-  
15 dimethylbutanoate - Other names: 5F-ADB and  
16 5F-MDMB-PINACA.
- 17 [18] N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-  
18 carboxamide - Other names: 5F-APINACA and 5F-AKB48.
- 19 [19] Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-  
20 dimethylbutanoate - Other names: MDMB-CHMICA and  
21 MMB-CHMINACA.
- 22 [20] Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-  
23 dimethylbutanoate - Other names: MDMB-FUBINACA.
- 24 [21] 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxa  
25 mide - Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-  
26 CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN  
27 -BINACA; SGT-78.
- 28 [22] methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-  
29 3-methylbutanoate - Other names: MMB-CHMICA, AMB-  
30 CHMICA.

1 [23] 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridi  
2 ne-3-carboxamide - Other names: 5F-CUMYL-P7AICA.

3 (3) Indole carboxylic acids. Any compound structurally derived from 1H-indole-  
4 3-carboxylic acid or 1H-2-carboxylic acid substituted in both of the following  
5 ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl,  
6 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
7 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,  
8 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo  
9 benzyl group; and, at the hydroxyl group of the carboxylic acid by a phenyl,  
10 benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group  
11 whether or not the compound is further modified to any extent in the  
12 following ways:

- 13 (a) Substitution to the indole ring to any extent; or  
14 (b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl,  
15 cyclopropyl, propionaldehyde group to any extent; or  
16 (c) A nitrogen heterocyclic analog of the indole ring; or  
17 (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl,  
18 adamantyl, or cyclopropyl ring.  
19 (e) Examples include:

20 [1] 1-(cyclohexylmethyl)-1H-indole-3-carboxylic acid 8-quinolinyl  
21 ester - Other names: BB-22 and QUCHIC.

22 [2] naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate -  
23 Other names: FDU-PB-22.

24 [3] 1-pentyl-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other  
25 names: PB-22 and QUPIC.

26 [4] 1-(5-Fluoropentyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester -  
27 Other names: 5-Fluoro PB-22 and 5F-PB-22.

28 [5] quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate - Other  
29 names: FUB-PB-22.

30 [6] naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate -  
31 Other names: NM2201 and CBL2201.

- 1 (4) Naphthylmethylindoles. Any compound containing a 1H-indol-3-yl-(1-  
2 naphthyl)methane structure with substitution at the nitrogen atom of the  
3 indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,  
4 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-  
5 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or  
6 (tetrahydropyran-4-yl)methyl group whether or not further substituted in the  
7 indole ring to any extent and whether or not substituted in the naphthyl ring  
8 to any extent. Examples include:
- 9 (a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane - Other names: JWH-175.  
10 (b) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane - Other names:  
11 JWH-184.
- 12 (5) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole  
13 structure with substitution at the nitrogen atom of the pyrrole ring by an  
14 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-  
15 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-  
16 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-  
17 yl)methyl group whether or not further substituted in the pyrrole ring to any  
18 extent, whether or not substituted in the naphthyl ring to any extent.  
19 Examples include: (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-  
20 ylmethanone - Other names: JWH-307.
- 21 (6) Naphthylmethylindenenes. Any compound containing a naphthylideneindene  
22 structure with substitution at the 3-position of the indene ring by an alkyl,  
23 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-  
24 2-piperidinyl)methyl, 2 (4 morpholinyl)ethyl, 1-(N-methyl-2-  
25 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-  
26 yl)methyl group whether or not further substituted in the indene ring to any  
27 extent, whether or not substituted in the naphthyl ring to any extent.  
28 Examples include: E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane  
29 - Other names: JWH-176.
- 30 (7) Cyclohexylphenols. Any compound containing a 2-(3-  
31 hydroxycyclohexyl)phenol structure with substitution at the 5-position of the

- 1 phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,  
2 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-  
3 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or  
4 (tetrahydropyran-4-yl)methyl group whether or not substituted in the  
5 cyclohexyl ring to any extent. Examples include:
- 6 (a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other  
7 names: CP 47,497.
- 8 (b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other  
9 names: Cannabicyclohexanol and CP 47,497 C8 homologue.
- 10 (c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-  
11 hydroxypropyl)cyclohexyl]-phenol - Other names: CP 55,940.
- 12 (8) Others specifically named:
- 13 (a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-  
14 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: HU-210.
- 15 (b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-  
16 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names:  
17 Dexanabinol and HU-211.
- 18 (c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-  
19 benzoxazin-6-yl]-1-naphthalenylmethanone - Other names:  
20 WIN 55,212-2.
- 21 (d) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone - Other  
22 names: CB-13.
- 23 p.o. Substituted phenethylamines. This includes any compound, unless specifically  
24 excepted, specifically named in this schedule, or listed under a different  
25 schedule, structurally derived from phenylethan-2-amine by substitution on the  
26 phenyl ring in any of the following ways, that is to say, by substitution with a fused  
27 methylenedioxy ring, fused furan ring, or fused tetrahydrofuran ring; by  
28 substitution with two alkoxy groups; by substitution with one alkoxy and either  
29 one fused furan, tetrahydrofuran, or tetrahydropyran ring system; or by  
30 substitution with two fused ring systems from any combination of the furan,  
31 tetrahydrofuran, or tetrahydropyran ring systems.

- 1                   (1) Whether or not the compound is further modified in any of the following  
2                   ways, that is to say:
- 3                   (a) By substitution of phenyl ring by any halo, hydroxyl, alkyl,  
4                   trifluoromethyl, alkoxy, or alkylthio groups;
- 5                   (b) By substitution at the 2-position by any alkyl groups; or
- 6                   (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl,  
7                   hydroxybenzyl, methylenedioxybenzyl, or methoxybenzyl groups.
- 8                   (2) Examples include:
- 9                   (a) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (also known as 2C-C or  
10                   2,5-Dimethoxy-4-chlorophenethylamine).
- 11                   (b) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (also known as 2C-D or  
12                   2,5-Dimethoxy-4-methylphenethylamine).
- 13                   (c) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (also known as 2C-E or  
14                   2,5-Dimethoxy-4-ethylphenethylamine).
- 15                   (d) 2-(2,5-Dimethoxyphenyl)ethanamine (also known as 2C-H or 2,5-  
16                   Dimethoxyphenethylamine).
- 17                   (e) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-I or  
18                   2,5-Dimethoxy-4-iodophenethylamine).
- 19                   (f) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (also known as 2C-N or  
20                   2,5-Dimethoxy-4-nitrophenethylamine).
- 21                   (g) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (also known as 2C-  
22                   P or 2,5-Dimethoxy-4-propylphenethylamine).
- 23                   (h) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-  
24                   T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine).
- 25                   (i) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (also known as  
26                   2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 27                   (j) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-B or  
28                   2,5-Dimethoxy-4-bromophenethylamine).
- 29                   (k) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine (also known as  
30                   2C-T or 4-methylthio-2,5-dimethoxyphenethylamine).



- 1 (l) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine (also known as DOI  
2 or 2,5-Dimethoxy-4-iodoamphetamine).
- 3 (m) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane (also known as  
4 DOB or 2,5-Dimethoxy-4-bromoamphetamine).
- 5 (n) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (also known as  
6 DOC or 2,5-Dimethoxy-4-chloroamphetamine).
- 7 (o) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-  
8 methoxyphenyl)methyl]ethanamine (also known as 2C-B-NBOMe;  
9 2,5B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-  
10 methoxybenzyl)phenethylamine).
- 11 (p) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2 -  
12 methoxyphenyl)methyl]ethanamine (also known as 2C-I-NBOMe; 2,5I-  
13 NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-  
14 methoxybenzyl)phenethylamine).
- 15 (q) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine (also  
16 known as mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-  
17 methoxybenzyl)phenethylamine).
- 18 (r) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-  
19 methoxyphenyl)methyl]ethanamine (also known as 2C-C-NBOMe;  
20 2,5C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-  
21 methoxybenzyl)phenethylamine).
- 22 (s) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine  
23 (also known as 2CB-5-hemiFLY).
- 24 (t) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-  
25 yl)ethanamine (also known as 2C-B-FLY).
- 26 (u) 2-(10-Bromo-2,3,4,7,8,9-hexahdropyrano[2,3-g]chromen-5-  
27 yl)ethanamine (also known as 2C-B-butterFLY).
- 28 (v) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-  
29 b']difuran-4-yl)-2-aminoethane (also known as 2C-B-FLY-NBOMe).
- 30 (w) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (also known  
31 as bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY).

- 1 (x) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (also  
2 known as 2C-I-NBOH or 2,5I-NBOH).
- 3 (y) 5-(2-Aminopropyl)benzofuran (also known as 5-APB).
- 4 (z) 6-(2-Aminopropyl)benzofuran (also known as 6-APB).
- 5 (aa) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (also known as 5-APDB).
- 6 (bb) 6-(2-Aminopropyl)-2,3,-dihydrobenzofuran (also known as 6-APDB).
- 7 (cc) 2,5-dimethoxy-amphetamine (also known as 2,5-dimethoxy-a-  
8 methylphenethylamine; 2,5-DMA).
- 9 (dd) 2,5-dimethoxy-4-ethylamphetamine (also known as DOET).
- 10 (ee) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (also known as 2C-T-  
11 7).
- 12 (ff) 5-methoxy-3,4-methylenedioxy-amphetamine.
- 13 (gg) 4-methyl-2,5-dimethoxy-amphetamine (also known as 4-methyl-2,5-  
14 dimethoxy-a-methylphenethylamine; DOM and STP).
- 15 (hh) 3,4-methylenedioxy amphetamine (also known as MDA).
- 16 (ii) 3,4-methylenedioxymethamphetamine (also known as MDMA).
- 17 (jj) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-  
18 alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA).
- 19 (kk) 3,4,5-trimethoxy amphetamine.
- 20 (ll) Mescaline (also known as 3,4,5-trimethoxyphenethylamine).
- 21 q.p. Substituted tryptamines. This includes any compound, unless specifically  
22 excepted, specifically named in this schedule, or listed under a different  
23 schedule, structurally derived from 2-(1H-indol-3-yl)ethanamine (i.e., tryptamine)  
24 by mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups or  
25 by inclusion of the amino nitrogen atom in a cyclic structure whether or not the  
26 compound is further substituted at the alpha-position with an alkyl group or  
27 whether or not further substituted on the indole ring to any extent with any alkyl,  
28 alkoxy, halo, hydroxyl, or acetoxy groups. Examples include:
- 29 (1) 5-methoxy-N,N-diallyltryptamine (also known as 5-MeO-DALT).
- 30 (2) 4-acetoxy-N,N-dimethyltryptamine (also known as 4-AcO-DMT or O-  
31 Acetylpsilocin).

- 1 (3) 4-hydroxy-N-methyl-N-ethyltryptamine (also known as 4-HO-MET).
- 2 (4) 4-hydroxy-N,N-diisopropyltryptamine (also known as 4-HO-DIPT).
- 3 (5) 5-methoxy-N-methyl-N-isopropyltryptamine (also known as 5-MeO-MiPT).
- 4 (6) 5-methoxy-N,N-dimethyltryptamine (also known as 5-MeO-DMT).
- 5 (7) Bufotenine (also known as 3-(Beta-Dimethyl-aminoethyl)-5-hydroxyindole;
- 6 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-
- 7 dimethyltryptamine; mappine).
- 8 (8) 5-methoxy-N,N-diisopropyltryptamine (also known as 5-MeO-DiPT).
- 9 (9) Diethyltryptamine (also known as N,N-Diethyltryptamine; DET).
- 10 (10) Dimethyltryptamine (also known as DMT).
- 11 (11) Psilocyn.
- 12 r-q. 1-[3-(trifluoromethylphenyl)]piperazine (also known as TFMPP).
- 13 s-r. 1-[4-(trifluoromethylphenyl)]piperazine.
- 14 t-s. 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (also known as 5,6-
- 15 Methylenedioxy-2-aminoindane or MDAI).
- 16 u-t. 2-(Ethylamino)-2-(3-methoxyphenyl)cyclohexanone (also known as
- 17 Methoxetamine or MXE).
- 18 v-u. Ethylamine analog of phencyclidine (also known as N-ethyl-1-
- 19 phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)
- 20 ethylamine, cyclohexamine, PCE).
- 21 w-v. Pyrrolidine analog of phencyclidine (also known as 1-(1-phenylcyclohexyl)-
- 22 pyrrolidine, PCPy, PHP).
- 23 x-w. Thiophene analog of phencyclidine (also known as (1-[1-(2-thienyl) cyclohexyl]
- 24 piperidine; 2-Thienylanalog of phencyclidine; TPCP, TCP).
- 25 y-x. 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (also known as TCPy).
- 26 z-y. Salvia divinorum, salvinorin A, or any of the active ingredients of salvia divinorum.

27 **SECTION 3. AMENDMENT.** Subsection 1 of section 19-03.1-22.2 of the North Dakota  
28 Century Code is amended and reenacted as follows:

- 29 1. For purposes of this section:
- 30 a. "Chemical substance" means a substance intended to be used as a precursor in
- 31 the manufacture of a controlled substance or any other chemical intended to be

1 used in the manufacture of a controlled substance. Intent under this subsection  
2 may be demonstrated by the substance's use, quantity, manner of storage, or  
3 proximity to other precursors or to manufacturing equipment.

4 b. "Child" means an individual who is under the age of eighteen years.

5 c. "Controlled substance" means the same as that term is defined in section  
6 19-03.1-01, except the term does not include less than one-half ounce [14.175  
7 grams] of marijuana or less than two grams of tetrahydrocannabinol.

8 d. "Drug paraphernalia" means the same as that term is defined in section  
9 19-03.4-01.

10 e. "Prescription" means the same as that term is described in section 19-03.1-22.

11 f. "Vulnerable adult" means a vulnerable adult as the term is defined in section  
12 50-25.2-01.

13 **SECTION 4. AMENDMENT.** Section 19-03.1-22.3 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **19-03.1-22.3. Ingesting a controlled substance - Venue for violation - Penalty.**

16 1. Except as provided in subsection 2, a person who intentionally ingests, inhales,  
17 injects, or otherwise takes into the body a controlled substance, unless the substance  
18 was obtained directly from a practitioner or pursuant to a valid prescription or order of  
19 a practitioner while acting in the course of the practitioner's professional practice, is  
20 guilty of a class A misdemeanor. This subsection does not apply to ingesting, inhaling,  
21 injecting, or otherwise taking into the body marijuana or tetrahydrocannabinol.

22 2. A person who is under twenty-one years of age and intentionally ingests, inhales,  
23 injects, or otherwise takes into the body a controlled substance that is marijuana or  
24 tetrahydrocannabinol, unless the substance was medical marijuana obtained in  
25 accordance with chapter 19-24.1, is guilty of a class B misdemeanor.

26 3. The venue for a violation of this section exists in either the jurisdiction in which the  
27 controlled substance was ingested, inhaled, injected, or otherwise taken into the body  
28 or the jurisdiction in which the controlled substance was detected in the body of the  
29 accused.

30 **SECTION 5. AMENDMENT.** Subsections 1, 7, and 9 of section 19-03.1-23 of the North  
31 Dakota Century Code are amended and reenacted as follows:

- 1           1. Except as authorized by this chapter, it is unlawful for a person to willfully, as defined  
2           in section 12.1-02-02, manufacture, deliver, or possess with intent to manufacture or  
3           deliver, a controlled substance, or to deliver, distribute, or dispense a controlled  
4           substance by means of the internet, but a person who violates section 12-46-24 or  
5           12-47-21 may not be prosecuted under this subsection. A person who violates this  
6           subsection with respect to:
- 7           a. A controlled substance classified in schedule I or II which is a narcotic drug, or  
8           methamphetamine, is guilty of a class B felony.
- 9           b. Any other controlled substance classified in schedule I, II, or III, or a controlled  
10          substance analog, except marijuana or tetrahydrocannabinol is guilty of a class B  
11          felony.
- 12          c. AMarijuana, tetrahydrocannabinol, or a substance classified in schedule IV, is  
13          guilty of a class C felony.
- 14          d. A substance classified in schedule V, is guilty of a class A misdemeanor.
- 15          7. a. It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess  
16          a controlled substance or a controlled substance analog unless the substance  
17          was obtained directly from, or pursuant to, a valid prescription or order of a  
18          practitioner while acting in the course of the practitioner's professional practice, or  
19          except as otherwise authorized by this chapter, but any person who violates  
20          section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.
- 21          b. Except as otherwise provided in this subsection, any person who violates this  
22          subsection is guilty of a class A misdemeanor for the first offense under this  
23          subsection and a class C felony for a second or subsequent offense under this  
24          subsection.
- 25          c. If, at the time of the offense the person is in or on the real property comprising a  
26          public or private elementary or secondary school or a public career and technical  
27          education school, the person is guilty of a class B felony, unless the offense  
28          involves marijuana or tetrahydrocannabinol.
- 29          d. A person who violates this subsection by possessing:  
30          (1) Marijuana in:

- 1                   (a) In an amount of less than one-half ounce [14.175 grams] is guilty of  
2                   an infraction.
- 3                   ~~(2)~~(b) At least one-half ounce [14.175 grams] but not more than 500 grams  
4                   of marijuana is guilty of a class B misdemeanor.
- 5                   ~~(3)~~(c) More than 500 grams of marijuana is guilty of a class A misdemeanor.
- 6                   (2) Tetrahydrocannabinol:
- 7                   (a) In an amount less than two grams is guilty of an infraction.
- 8                   (b) At least two grams but not more than six grams of  
9                   tetrahydrocannabinol is guilty of a class B misdemeanor.
- 10                  (c) More than six grams of tetrahydrocannabinol is guilty of a class A  
11                  misdemeanor.
- 12                  e. If an individual is sentenced to the legal and physical custody of the department  
13                  of corrections and rehabilitation under this subsection, the department may place  
14                  the individual in a drug and alcohol treatment program designated by the  
15                  department. Upon the successful completion of the drug and alcohol treatment  
16                  program, the department shall release the individual from imprisonment to begin  
17                  any court-ordered period of probation.
- 18                  f. If the individual is not subject to any court-ordered probation, the court shall order  
19                  the individual to serve the remainder of the sentence of imprisonment on  
20                  supervised probation subject to the terms and conditions imposed by the court.
- 21                  g. Probation under this subsection may include placement in another facility,  
22                  treatment program, or drug court. If an individual is placed in another facility or  
23                  treatment program upon release from imprisonment, the remainder of the  
24                  sentence must be considered as time spent in custody.
- 25                  h. An individual incarcerated under this subsection as a result of a second probation  
26                  revocation is not eligible for release from imprisonment upon the successful  
27                  completion of treatment.
- 28                  i. A person who violates this subsection regarding possession of five or fewer  
29                  capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or  
30                  controlled substance analog is guilty of a class A misdemeanor.

1           9.    If a person pleads guilty or is found guilty of a first offense regarding possession of  
2           one ounce [28.35 grams] or less of marijuana or two grams or less of  
3           tetrahydrocannabinol and a judgment of guilt is entered, a court, upon motion, shall  
4           seal the court record of that conviction if the person is not subsequently convicted  
5           within two years of a further violation of this chapter. Once sealed, the court record  
6           may not be opened even by order of the court.

7           **SECTION 6. AMENDMENT.** Subsection 12 of section 19-03.4-01 of the North Dakota  
8           Century Code is amended and reenacted as follows:

- 9           12.    Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise  
10          introducing marijuana, cocaine, ~~hashish, or hashish oil~~ tetrahydrocannabinol into the  
11          human body, including:
- 12          a.    Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without  
13              screens, permanent screens, ~~hashish heads~~, or punctured metal bowls.
  - 14          b.    Water pipes.
  - 15          c.    Carburetion tubes and devices.
  - 16          d.    Smoking and carburetion masks.
  - 17          e.    Objects, sometimes commonly referred to as roach clips, used to hold burning  
18              material, for example, a marijuana cigarette, that has become too small or too  
19              short to be held in the hand.
  - 20          f.    Miniature cocaine spoons and cocaine vials.
  - 21          g.    Chamber pipes.
  - 22          h.    Carburetor pipes.
  - 23          i.    Electric pipes.
  - 24          j.    Air-driven pipes.
  - 25          k.    Chillums.
  - 26          l.    Bongs.
  - 27          m.    Ice pipes or chillers.

28          **SECTION 7. AMENDMENT.** Section 19-03.4-03 of the North Dakota Century Code is  
29          amended and reenacted as follows:

1       **19-03.4-03. Unlawful possession of drug paraphernalia - Penalty.**

- 2       1. A person may not use or possess with intent to use drug paraphernalia to plant,  
3       propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,  
4       process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled  
5       substance in violation of chapter 19-03.1. A person violating this subsection is guilty of  
6       a class C felony if the drug paraphernalia is used, or possessed with intent to be used,  
7       to manufacture, compound, convert, produce, process, prepare, test, or analyze a  
8       controlled substance, other than marijuana or tetrahydrocannabinol, classified in  
9       schedule I, II, or III of chapter 19-03.1.
- 10      2. A person may not use or possess with the intent to use drug paraphernalia to inject,  
11      ingest, inhale, or otherwise induce into the human body a controlled substance, other  
12      than marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of  
13      chapter 19-03.1. A person violating this subsection is guilty of a class A misdemeanor.  
14      If a person previously has been convicted of an offense under this title, other than an  
15      offense related to marijuana or tetrahydrocannabinol, or an equivalent offense from  
16      another court in the United States, a violation of this subsection is a class C felony.
- 17      3. A person may not use or possess with intent to use drug paraphernalia to plant,  
18      propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,  
19      process, prepare, test, analyze, pack, or repack marijuana or tetrahydrocannabinol in  
20      violation of chapter 19-03.1. A person violating this subsection is guilty of a class A  
21      misdemeanor.
- 22      4. A person may not use or possess with the intent to use drug paraphernalia to ingest,  
23      inhale, or otherwise introduce into the human body marijuana or tetrahydrocannabinol  
24      or possess with the intent to use drug paraphernalia to store or contain marijuana or  
25      tetrahydrocannabinol in violation of chapter 19-03.1. A person violating this subsection  
26      is guilty of an infraction.
- 27      5. A person sentenced to the legal and physical custody of the department of corrections  
28      and rehabilitation under this section may be placed in a drug and alcohol treatment  
29      program as designated by the department. Upon the successful completion of the drug  
30      and alcohol treatment program, the department shall release the person from  
31      imprisonment to begin any court-ordered period of probation. If the person is not



1 subject to court-ordered probation, the court may order the person to serve the  
2 remainder of the sentence of imprisonment on supervised probation subject to the  
3 terms and conditions imposed by the court.

4 6. Probation under this section may include placement in another facility, treatment  
5 program, or drug court. If the person is placed in another facility or treatment program  
6 upon release from imprisonment, the remainder of the sentence must be considered  
7 as time spent in custody.

8 **SECTION 8. AMENDMENT.** Section 19-03.4-04 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **19-03.4-04. Unlawful manufacture or delivery of drug paraphernalia - Penalty.**

11 A person may not deliver, possess with intent to deliver, or manufacture with intent to  
12 deliver, drug paraphernalia, if that person knows or should reasonably know that the drug  
13 paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture,  
14 compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain,  
15 conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled  
16 substance in violation of chapter 19-03.1. Any person violating this section is guilty of a class C  
17 felony if the drug paraphernalia will be used to manufacture, compound, convert, produce,  
18 process, prepare, test, inject, ingest, inhale, or analyze a controlled substance, other than  
19 marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of chapter 19-03.1.  
20 Otherwise, a violation of this section is a class A misdemeanor.

21 **SECTION 9. AMENDMENT.** Section 19-24.1-01 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **19-24.1-01. Definitions.**

24 As used in this chapter, unless the context indicates otherwise:

- 25 1. "Advanced practice registered nurse" means an advanced practice registered nurse  
26 defined under section 43-12.1-02.
- 27 2. "Allowable amount of usable marijuana" means the amount of usable marijuana a  
28 registered qualifying patient or registered designated caregiver may purchase in a  
29 thirty-day period under this chapter.
- 30 a. Except as provided under subdivision b:

- 1           (1) During a thirty-day period, a registered qualifying patient may not purchase  
2           or have purchased by a registered designated caregiver more than two and  
3           one-half ounces [70.87 grams] of dried leaves or flowers of the plant of  
4           genus cannabis in a combustible delivery form.
- 5           (2) At any time a registered qualifying patient, or a registered designated  
6           caregiver on behalf of a registered qualifying patient, may not possess more  
7           than three ounces [85.05 grams] of dried leaves or flowers of the plant of  
8           the genus cannabis in a combustible delivery form.
- 9           b. Notwithstanding subdivision a, if a registered qualifying patient has a registry  
10          identification card authorizing an enhanced allowable amount:
- 11          (1) During a thirty-day period a registered qualifying patient may not purchase  
12          or have purchased by a registered designated caregiver more than six  
13          ounces [170.01 grams] of dried leaves or flowers of the plant of genus  
14          cannabis in a combustible delivery form.
- 15          (2) At any time a registered qualifying patient, or a registered designated  
16          caregiver on behalf of a registered qualifying patient, may not possess more  
17          than seven and one-half ounces [212.62 grams] of dried leaves or flowers of  
18          the plant of the genus cannabis in a combustible delivery form.
- 19          c. A registered qualifying patient may not purchase or have purchased by a  
20          registered designated caregiver more than the maximum concentration or  
21          amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum  
22          concentration or amount of tetrahydrocannabinol permitted in a thirty-day period  
23          for a cannabinoid concentrate or medical cannabinoid product, or the cumulative  
24          total of both, is four thousand milligrams.
- 25          3. "Bona fide provider-patient relationship" means a treatment or counseling relationship  
26          between a health care provider and patient in which all the following are present:
- 27          a. The health care provider has reviewed the patient's relevant medical records and  
28          completed a full assessment of the patient's medical history and current medical  
29          condition, including a relevant, in-person, medical evaluation of the patient.
- 30          b. The health care provider has created and maintained records of the patient's  
31          condition in accordance with medically accepted standards.

- 1           c. The patient is under the health care provider's continued care for the debilitating  
2           medical condition that qualifies the patient for the medical use of marijuana.
- 3           d. The health care provider has a reasonable expectation that provider will continue  
4           to provide followup care to the patient to monitor the medical use of marijuana as  
5           a treatment of the patient's debilitating medical condition.
- 6           e. The relationship is not for the sole purpose of providing written certification for the  
7           medical use of marijuana.
- 8           4. "Cannabinoid" means a chemical compound that is one of the active constituents of  
9           marijuana.
- 10          5. "Cannabinoid capsule" means a small, soluble container, usually made of gelatin,  
11          which encloses a dose of a cannabinoid product or a cannabinoid concentrate  
12          intended for consumption. The maximum concentration of amount of  
13          tetrahydrocannabinol permitted in a serving of a cannabinoid capsule is fifty  
14          milligrams.
- 15          6. "Cannabinoid concentrate" means a concentrate or extract obtained by separating  
16          cannabinoids from marijuana by a mechanical, chemical, or other process.
- 17          7. "Cannabinoid edible product" means a food or potable liquid into which a cannabinoid  
18          concentrate or the dried leaves or flowers of the plant of the genus cannabis is  
19          incorporated.
- 20          8. "Cannabinoid solution" means a solution consisting of a mixture created from  
21          cannabinoid concentrate and other ingredients. A container holding a cannabinoid  
22          solution for dispensing may not exceed thirty milliliters.
- 23          9. "Cannabinoid topical" means a cannabinoid product intended to be applied to the skin  
24          or hair. The maximum concentration or amount of tetrahydrocannabinol permitted in a  
25          cannabinoid topical is six percent.
- 26          10. "Cannabinoid transdermal patch" means an adhesive substance applied to the skin  
27          which contains a cannabinoid product or cannabinoid concentrate for absorption into  
28          the bloodstream. The maximum concentration or amount of tetrahydrocannabinol  
29          permitted in a serving of a cannabinoid transdermal patch is fifty milligrams.
- 30          11. "Cardholder" means a qualifying patient, designated caregiver, or compassion center  
31          agent who has been issued and possesses a valid registry identification card.

- 1       12. "Compassion center" means a manufacturing facility or dispensary.
- 2       13. "Compassion center agent" means a principal officer, board member, member,  
3       manager, governor, employee, volunteer, or agent of a compassion center. The term  
4       does not include a lawyer representing a compassion center in civil or criminal  
5       litigation or in an adversarial administrative proceeding.
- 6       14. "Contaminated" means made impure or inferior by extraneous substances.
- 7       15. "Debilitating medical condition" means one of the following:
- 8       a. Cancer;
- 9       b. Positive status for human immunodeficiency virus;
- 10      c. Acquired immune deficiency syndrome;
- 11      d. Decompensated cirrhosis caused by hepatitis C;
- 12      e. Amyotrophic lateral sclerosis;
- 13      f. Posttraumatic stress disorder;
- 14      g. Agitation of Alzheimer's disease or related dementia;
- 15      h. Crohn's disease;
- 16      i. Fibromyalgia;
- 17      j. Spinal stenosis or chronic back pain, including neuropathy or damage to the  
18      nervous tissue of the spinal cord with objective neurological indication of  
19      intractable spasticity;
- 20      k. Glaucoma;
- 21      l. Epilepsy;
- 22      m. Anorexia nervosa;
- 23      n. Bulimia nervosa;
- 24      o. Anxiety disorder;
- 25      p. Tourette syndrome;
- 26      q. Ehlers-Danlos syndrome;
- 27      r. Endometriosis;
- 28      s. Interstitial cystitis;
- 29      t. Neuropathy;
- 30      u. Migraine;
- 31      v. Rheumatoid arthritis;

Sixty-seventh  
Legislative Assembly

- 1 w. Autism spectrum disorder;
- 2 x. A brain injury;
- 3 y. A terminal illness; or
- 4 z. A chronic or debilitating disease or medical condition or treatment for such
- 5 disease or medical condition that produces one or more of the following:
- 6 (1) Cachexia or wasting syndrome;
- 7 (2) Severe debilitating pain that has not responded to previously prescribed
- 8 medication or surgical measures for more than three months or for which
- 9 other treatment options produced serious side effects;
- 10 (3) Intractable nausea;
- 11 (4) Seizures; or
- 12 (5) Severe and persistent muscle spasms, including those characteristic of
- 13 multiple sclerosis.
- 14 16. "Department" means the state department of health.
- 15 17. "Designated caregiver" means an individual who agrees to manage the well-being of a
- 16 registered qualifying patient with respect to the qualifying patient's medical use of
- 17 marijuana.
- 18 18. "Dispensary" means an entity registered by the department as a compassion center
- 19 authorized to dispense usable marijuana to a registered qualifying patient and a
- 20 registered designated caregiver.
- 21 19. "Enclosed, locked facility" means a closet, room, greenhouse, building, or other
- 22 enclosed area equipped with locks or other security devices that permit access limited
- 23 to individuals authorized under this chapter or rules adopted under this chapter.
- 24 20. "Health care provider" means a physician, a physician assistant, or an advanced
- 25 practice registered nurse.
- 26 21. "Manufacturing facility" means an entity registered by the department as a compassion
- 27 center authorized to produce and process and to sell usable marijuana to a
- 28 dispensary.
- 29 22. "Marijuana" means all parts of the plant of the genus cannabis; the seeds of the plant;
- 30 the resin extracted from any part of the plant; and every compound, manufacture, salt,

- 1 derivative, mixture, or preparation of the plant, the seeds of the plant, or the resin  
2 extracted from any part of the plant. The term marijuana does not include hemp;  
3 a. Hemp as defined in regulated under section 4.1-18.1-01; or  
4 b. A prescription drug approved by the United States food and drug administration  
5 under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].
- 6 23. "Maximum concentration or amount of tetrahydrocannabinol" means the total amount  
7 of tetrahydrocannabinol and tetrahydrocannabinolic acid in a medical cannabinoid  
8 product or a cannabinoid concentrate.
- 9 24. "Medical cannabinoid product" means a product intended for human consumption or  
10 use which contains cannabinoids.
- 11 a. Medical cannabinoid products are limited to the following forms:  
12 (1) Cannabinoid solution;  
13 (2) Cannabinoid capsule;  
14 (3) Cannabinoid transdermal patch; and  
15 (4) Cannabinoid topical.
- 16 b. "Medical cannabinoid product" does not include:  
17 (1) A cannabinoid edible product;  
18 (2) A cannabinoid concentrate by itself; or  
19 (3) The dried leaves or flowers of the plant of the genus cannabis by itself.
- 20 25. "Medical marijuana product" means a cannabinoid concentrate or a medical  
21 cannabinoid product.
- 22 26. "Medical marijuana waste" means unused, surplus, returned, or out-of-date usable  
23 marijuana; recalled usable marijuana; unused marijuana; or plant debris of the plant of  
24 the genus cannabis, including dead plants and all unused plant parts and roots.
- 25 27. "Medical use of marijuana" means the acquisition, use, and possession of usable  
26 marijuana to treat or alleviate a qualifying patient's debilitating medical condition.
- 27 28. "Minor" means an individual under the age of nineteen.
- 28 29. "North Dakota identification" means a North Dakota driver's license or comparable  
29 state of North Dakota or federal issued photo identification card verifying North Dakota  
30 residence.

- 1       30.   "Owner" means an individual or an organization with an ownership interest in a  
2       compassion center.
- 3       31.   "Ownership interest" means an aggregate ownership interest of five percent or more in  
4       a compassion center, unless the interest is solely a security, lien, or encumbrance, or  
5       an individual who will be participating in the direction, control, or management of the  
6       compassion center.
- 7       32.   "Pediatric medical marijuana" means a medical marijuana product containing  
8       cannabidiol which may not contain a maximum concentration or amount of  
9       tetrahydrocannabinol of more than six percent.
- 10     ~~31-33.~~ "Physician" means a physician licensed under chapter 43-17 to practice medicine in  
11     the state of North Dakota.
- 12     ~~32-34.~~ "Physician assistant" means an individual licensed under chapter 43-17 to practice as  
13     a physician assistant in the state.
- 14     ~~33-35.~~ "Posttraumatic stress disorder" means a patient meets the diagnostic criteria for  
15     posttraumatic stress disorder under the "Diagnostic and Statistical Manual of Mental  
16     Disorders", American psychiatric association, fifth edition, text revision (2013).
- 17     ~~34-36.~~ "Processing" or "process" means the compounding or conversion of marijuana into a  
18     medical marijuana product.
- 19     ~~35-37.~~ "Producing", "produce", or "production" mean the planting, cultivating, growing,  
20     trimming, or harvesting of the plant of the genus cannabis or the drying of the leaves  
21     or flowers of the plant of the genus cannabis.
- 22     ~~36-38.~~ "Qualifying patient" means an individual who has been diagnosed by a health care  
23     provider as having a debilitating medical condition.
- 24     ~~37-39.~~ "Registry identification card" means a document issued by the department which  
25     identifies an individual as a registered qualifying patient, registered designated  
26     caregiver, or registered compassion center agent.
- 27     ~~38-40.~~ "Substantial corporate change" means:  
28     a.   For a corporation, a change of ten percent or more of the officers or directors, or  
29     a transfer of ten percent or more of the stock of the corporation, or an existing  
30     stockholder obtaining ten percent or more of the stock of the corporation;

- 1           b. For a limited liability company, a change of ten percent or more of the managing  
2           members of the company, or a transfer of ten percent or more of the ownership  
3           interest in the company, or an existing member obtaining a cumulative of ten  
4           percent or more of the ownership interest in the company; or  
5           c. For a partnership, a change of ten percent or more of the managing partners of  
6           the company, or a transfer of ten percent or more of the ownership interest in the  
7           company, or an existing member obtaining a cumulative of ten percent or more of  
8           the ownership interest in the company.

9       41. "Terminal illness" means a disease, illness, or condition of a patient:

- 10           a. For which there is not a reasonable medical expectation of recovery;  
11           b. Which as a medical probability, will result in the death of the patient, regardless of  
12           the use or discontinuance of medical treatment implemented for the purpose of  
13           sustaining life or the life processes; and  
14           c. As a result of which, the patient's health care provider would not be surprised if  
15           death were to occur within six months.

16       ~~39.42.~~ "Tetrahydrocannabinol" means tetrahydrocannabinols naturally contained in a plant of  
17       the genus Cannabis, and synthetic equivalents of the substances contained in the  
18       cannabis plant, or in the resinous extractives of the plant, including synthetic  
19       substances, derivatives, and their isomers with similar chemical structure and  
20       pharmacological activity to those substances contained in the plant, including:

- 21           a. Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers. Other names:  
22           Delta-9-tetrahydrocannabinol.  
23           b. Delta-6 or trans tetrahydrocannabinol, and their optical isomers. Other names:  
24           Delta-8 tetrahydrocannabinol.  
25           c. Delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers.

26       (Since nomenclature of these substances is not intentionally standardized, compounds  
27       of these structures, regardless of numerical designation or atomic positions covered.)

28       Tetrahydrocannabinol does not include:

- 29           a. The allowable amount of total tetrahydrocannabinol found in hemp as defined in  
30           chapter 4.1-18.1; or



1           b. A prescription drug approved by the United States food and drug administration  
2                     under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].

3     43. "Total tetrahydrocannabinol" means the sum of the percentage by weight of  
4           tetrahydrocannabinolic acid multiplied by eight hundred seventy-seven thousandths  
5           plus the percentage of weight of tetrahydrocannabinol.

6     44. "Usable marijuana" means a medical marijuana product or the dried leaves or flowers  
7           of the plant of the genus cannabis in a combustible delivery form. However, the term  
8           does not include a cannabinoid edible product. In the case of a registered qualifying  
9           patient who is a minor, "usable marijuana" is limited to pediatric medical marijuana.

10  40-45. "Verification system" means the system maintained by the department under section  
11           19-24.1-31 for verification of registry identification cards.

12  41-46. "Written certification" means a form established by the department which is executed,  
13           dated, and signed by a health care provider within ninety calendar days of the date of  
14           application, stating the patient has a debilitating medical condition. A health care  
15           provider may authorize an enhanced amount of dried leaves or flowers of the plant of  
16           the genus cannabis in a combustible delivery form to treat or alleviate the patient's  
17           debilitating medical condition of cancer. A written certification may not be made except  
18           in the course of a bona fide provider-patient relationship.

19        **SECTION 10. AMENDMENT.** Subdivision a of subsection 2 of section 19-24.1-03 of the  
20 North Dakota Century Code is amended and reenacted as follows:

21           a. A nonrefundable ~~annual~~ application fee in ~~the an~~ amount ~~of not to exceed~~ fifty  
22           dollars.

23        **SECTION 11. AMENDMENT.** Subsection 3 of section 19-24.1-04 of the North Dakota  
24 Century Code is amended and reenacted as follows:

25           3. A~~Except as provided in section 19-24.1-04.1, a~~ criminal history record check  
26           conducted under section 12-60-24 must be performed upon initial application and  
27           biennially thereafter and at any other time upon the request of the department. All fees  
28           associated with the criminal history record check must be paid by the applicant.

29        **SECTION 12.** Section 19-24.1-04.1 of the North Dakota Century Code is created and  
30 enacted as follows:

1           **19-24.1-04.1. Designated caregivers - Criminal history record check exemption.**

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

10           **SECTION 13. AMENDMENT.** Section 19-24.1-10 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12           **19-24.1-10. Cardholders - Notification of change.**

- 13           1. Within ten calendar days of the change, in a manner prescribed by the department, a  
14 registered qualifying patient or registered designated caregiver shall notify the  
15 department of any of the following:
- 16           a. A change in the cardholder's name or address;
  - 17           b. Knowledge of a change that would render the registered qualifying patient no  
18 longer eligible to participate in the medical marijuana program;
  - 19           c. Knowledge of a change that results in the registered qualifying patient's health  
20 care provider no longer meeting the definition of the term "health care provider"  
21 as defined under section 19-24.1-01; or
  - 22           d. Knowledge of a change that renders the registered qualifying patient's registered  
23 designated caregiver no longer eligible to participate in the medical marijuana  
24 program.
- 25           2. If a registered qualifying patient seeks to change the patient's designated caregiver,  
26 the registered qualifying patient shall notify the department in writing of this change.
- 27           3. If a cardholder loses the cardholder's registry identification card, the cardholder shall  
28 notify the department in writing within twenty-four hours of becoming aware of the loss.
- 29           4. If a registered qualifying patient is unable to make a notification required under this  
30 section due to age or medical condition, that patient's registered designated caregiver

1           or the individual responsible for making medical decisions for that patient shall provide  
2           the notification.

3           5. If the department receives notification of an item listed in this section and the nature of  
4           the item reported does not affect a cardholder's eligibility, the department ~~shall~~may  
5           issue the cardholder a new registry identification card ~~with a new random ten-digit~~  
6           ~~alphanumeric identification number~~ within twenty calendar days of approving the  
7           updated information and the cardholder ~~shall~~may pay a fee, not to exceed twenty-five  
8           dollars. If a cardholder notifying the department is a registered qualifying patient who  
9           has a registered designated caregiver, the department shall issue the patient's  
10          registered designated caregiver a new registry identification card within twenty  
11          calendar days of approving the updated information.

12          6. If the department receives notification of an item listed in this section and the nature of  
13          the item reported makes the cardholder ineligible, the cardholder's registry  
14          identification card becomes void immediately upon notification of the department and  
15          the registered cardholder shall dispose of any usable marijuana in the cardholder's  
16          possession within fifteen calendar days, in accordance with rules adopted under this  
17          chapter.

18          7. A registered qualifying patient's certifying health care provider may notify the  
19          department in writing if the health care provider's registered qualifying patient no  
20          longer has a debilitating medical condition. The health care provider may notify the  
21          department if a bona fide provider-patient relationship ceases to exist. ~~The~~Except if  
22          the bona fide provider-patient relationship is terminating due to the health care  
23          provider moving to a location where it is not suitable to continue the bona fide  
24          provider-patient relationship, the qualifying patient's registry identification card  
25          becomes void immediately upon the health care provider's notification of the  
26          department ~~and~~. If the bona fide provider-patient relationship is terminating due to the  
27          health care provider moving to a location where it is not suitable to continue the bona  
28          fide provider-patient relationship, the qualifying patient's registry identification card is  
29          void if the registered qualifying patient fails to establish a new bona fide provider-  
30          patient relationship within sixty days of the department receiving notice from the  
31          original health care provider. If the registry identification card is voided under this

1            subsection, the registered qualifying patient shall dispose of any usable marijuana in  
2            the cardholder's possession within fifteen calendar days, in accordance with rules  
3            adopted under this chapter.

4            **SECTION 14. AMENDMENT.** Section 19-24.1-13 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6            **19-24.1-13. Compassion centers - Authority.**

- 7            1. The activities of a manufacturing facility are limited to producing and processing and to  
8            related activities, including acquiring, possessing, storing, transferring, and  
9            transporting marijuana and usable marijuana, for the sole purpose of selling usable  
10            marijuana to a dispensary.
- 11            2. The activities of a dispensary are limited to purchasing usable marijuana from a  
12            manufacturing facility, and related activities, including storing, delivering, transferring,  
13            and transporting usable marijuana, for the sole purpose of dispensing usable  
14            marijuana to a registered qualifying patient, directly or through the registered qualifying  
15            patient's registered designated caregiver. The activities of a dispensary include  
16            providing educational material and selling usable marijuana related supplies to a  
17            registered qualifying patient or a registered designated caregiver.
- 18            3. An individual or organization may not hold an ownership interest in:
- 19            a. More than one manufacturing facility.
- 20            b. More than four dispensaries.
- 21            c. More than one dispensary within a twenty-mile [32.19 kilometer] radius of another  
22            dispensary.
- 23            4. An agreement may not be entered between a manufacturing facility and dispensary  
24            whereby a dispensary agrees to limit purchases or sales of usable marijuana to one  
25            manufacturing facility.

26            **SECTION 15. AMENDMENT.** Paragraph 2 of subdivision d of subsection 1 of section  
27 19-24.1-14 of the North Dakota Century Code is amended and reenacted as follows:

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

1       **SECTION 16. AMENDMENT.** Subdivision a of subsection 1 of section 19-24.1-15 of the  
2 North Dakota Century Code is amended and reenacted as follows:

3           a. A certification fee, made payable to the "North Dakota State Department of  
4 Health, Medical Marijuana Program", in ~~the~~an amount ~~of not to exceed~~ ninety  
5 thousand dollars for a dispensary and one hundred ten thousand dollars for a  
6 manufacturing facility.

7       **SECTION 17. AMENDMENT.** Subdivision a of subsection 2 of section 19-24.1-16 of the  
8 North Dakota Century Code is amended and reenacted as follows:

9           a. The compassion center submits a renewal fee, in ~~the~~an amount ~~of not to exceed~~  
10 ninety thousand dollars for a dispensary and one hundred ten thousand dollars  
11 for a manufacturing facility, which the department shall refund if the department  
12 rejects the renewal application;

13       **SECTION 18. AMENDMENT.** Section 19-24.1-17 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15       **19-24.1-17. Compassion centers - Registration certificates nontransferable -**  
16 **Notification of changes.**

17       1. ~~A registration certificate authorizing operation of a compassion center may not be~~  
18 ~~transferred to another person. Unless a compassion center applies for and receives an~~  
19 ~~amended registration certificate authorizing operation of a compassion center, the~~  
20 ~~registration certificate is void if there is a change in ownership of the compassion~~  
21 ~~center, there is a change in the authorized physical location of the compassion center,~~  
22 ~~or if the compassion center discontinues operation~~Upon application of a compassion  
23 center to the department, a registration certificate of a compassion center may be  
24 amended to authorize a change in the authorized physical location of the compassion  
25 center, or to amend the ownership or organizational structure of the compassion  
26 center with the registration certificate. A compassion center shall provide the  
27 department written notice of any change described under this section at least sixty  
28 calendar days before the proposed effective date of the change.

29       2. ~~A compassion center shall provide the department a written notice of any change~~  
30 ~~described under this section at least sixty calendar days before the proposed effective~~  
31 ~~date of the change. The department shall authorize the use of additional structures~~

1            ~~located within five hundred feet [152.40 meters] of the location described in the~~  
2            ~~original application, unless the department makes an affirmative finding the use of~~  
3            ~~additional structures would jeopardize public health or safety or would result in the~~  
4            ~~compassion center being within one thousand feet [304.80 meters] of a property line of~~  
5            ~~a pre-existing public or private school. The department may waive all or part of the~~  
6            ~~required advance notice to address emergent or emergency situations~~A registration  
7            certificate authorizing the operation of a compassion center is void by a change in  
8            ownership, substantial corporate change, change in location, or discontinued  
9            operation, without prior approval of the department. The department may adopt rules  
10           allowing for certain types of changes in ownership without the need for prior written  
11           approval from the department.

12           3. The department shall authorize the use of additional structures located within five  
13           hundred feet [152.40 meters] of the location described in the original application,  
14           unless the department makes an affirmative finding the use of additional structures  
15           would jeopardize public health or safety or would result in the cannabis business being  
16           within one thousand feet [304.80 meters] of a property line of a pre-existing public or  
17           private school. The department may waive all or part of the required advance notice to  
18           address emergent or emergency situations.

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

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

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

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

8           **SECTION 21. AMENDMENT.** Subsection 3 of section 19-24.1-26 of the North Dakota  
9           Century Code is amended and reenacted as follows:

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

16          **SECTION 22. AMENDMENT.** Subsection 2 of section 19-24.1-37 of the North Dakota  
17          Century Code is amended and reenacted as follows:

18          2. Information kept or maintained by the department may be disclosed as necessary for:  
19          a. The verification of registration certificates and registry identification cards under  
20          this chapter;  
21          b. Submission of the annual report required by this chapter;  
22          c. Submission to the North Dakota prescription drug monitoring program;  
23          d. Notification of state or local law enforcement of apparent criminal violation ~~of this-~~  
24          ~~chapter~~;  
25          e. Notification of state and local law enforcement about falsified or fraudulent  
26          information submitted for purposes of obtaining or renewing a registry  
27          identification card; ~~or~~  
28          f. Notification of the North Dakota board of medicine or North Dakota board of  
29          nursing if there is a reason to believe a health care provider provided a written  
30          certification and the department has reason to believe the health care provider  
31          otherwise violated this chapter; or

1           g. Data for statistical purposes in a manner such that an individual or compassion  
2           center is not identified.

3           **SECTION 23. AMENDMENT.** Section 19-24.1-39 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **19-24.1-39. Report to legislative management.**

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

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

21           **SECTION 24. AMENDMENT.** Subsection 1 of section 39-20-01 of the North Dakota  
22 Century Code is amended and reenacted as follows:

- 23          1. Any individual who operates a motor vehicle on a highway or on public or private  
24           areas to which the public has a right of access for vehicular use in this state is deemed  
25           to have given consent, and shall consent, subject to the provisions of this chapter, to a  
26           chemical test, or tests, of the blood, breath, ~~saliva~~oral fluid, or urine for the purpose of  
27           determining the alcohol concentration or presence of other drugs, or combination  
28           thereof, in the individual's blood, breath, ~~saliva~~oral fluid, or urine. As used in this  
29           chapter, the word "drug" means any drug or substance or combination of drugs or  
30           substances which renders an individual incapable of safely driving, and the words  
31           "chemical test" or "chemical analysis" mean any test to determine the alcohol



1 concentration or presence of other drugs, or combination thereof, in the individual's  
2 blood, breath, or urine, approved by the director of the state crime laboratory or the  
3 director's designee under this chapter.

4 **SECTION 25. EMERGENCY.** This Act is declared to be an emergency measure.