FOODS, DRUGS, OILS, AND COMPOUNDS

CHAPTER 208

SENATE BILL NO. 2378

(Senators Meyer, Klein)
(Representatives Kasper, Lefor, Mock, Rohr)

AN ACT to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to clinician-administered drugs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 19-02.1 of the North Dakota Century Code is created and enacted as follows:

Clinician-administered drugs.

1. As used in this section:

   a. "Clinician-administered drug" means an outpatient prescription drug other than a:

      (1) Vaccine that cannot be reasonably self-administered by the patient to whom the drug is prescribed;

      (2) Vaccine that typically is administered:

         (a) By a health care provider authorized under the laws of this state to administer the drug, including when acting under a physician's delegation and supervision; and

         (b) In a physician's office, hospital outpatient infusion center, pharmacy, or other clinical setting; or

      (3) Specialty drug.

   b. "Pharmacy benefits manager" has the same meaning as in section 19-03.6-01.

   c. "Specialty drug" has the same meaning as in section 19-02.1-16.2.

   d. "Third-party payer" has the same meaning as in section 19-03.6-01.

2. A pharmacy benefits manager, third-party payer, or the agent of a pharmacy benefits manager or third-party payer may not:

a. Require a patient, as a condition of payment or reimbursement, to purchase pharmacist services, including prescription drugs, exclusively through a mail-order pharmacy or a pharmacy benefits manager affiliate, or a combination of both.

b. Increase patient costs if the patient chooses to not use a mail-order pharmacy or a pharmacy benefits manager affiliate, but instead uses another participating provider.

c. Interfere with the patient's right to obtain a clinician-administered drug from the patient's provider of choice.

d. Limit or exclude availability of a clinician-administered drug if not dispensed by a mail-order pharmacy or pharmacy benefits manager affiliate, if the drug would otherwise be covered for patients.

e. Condition, deny, restrict, or refuse to authorize or approve, or reduce payment to a participating provider for a clinician-administered drug if all criteria for medical necessity are met, because the participating provider did not obtain clinician-administered drugs from a mail-order pharmacy or pharmacy benefits manager affiliate.

f. By contract, written policy, or written procedure, require that a pharmacy designated by the pharmacy benefits manager or third-party payer dispense a medication directly to a patient with the expectation or intention that the patient will transport the medication to a health care setting for administration by a participating provider.

g. By contract, written policy, or written procedure, require that a pharmacy designated by the pharmacy benefits manager or third-party payer dispense a medication directly to a health care setting for a participating provider to administer to a patient.

h. Require the use of a home infusion pharmacy to dispense clinician-administered drugs to a patient in the home of the patient.

Approved April 4, 2023

Filed April 5, 2023

CHAPTER 209

SENATE BILL NO. 2248

(Senators Hogue, Larson, Luick)
(Representatives Klemin, Louser)

AN ACT to create and enact a new section to chapter 19-03.1, and section 19-03.1-23.5 of the North Dakota Century Code, relating to a special penalty for death or injury through distribution of illegal drugs and fentanyl reporting; to provide a statement of legislative intent regarding fentanyl awareness expansion; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

[111] **SECTION 1.** A new section to chapter 19-03.1 of the North Dakota Century Code is created and enacted as follows:

Distribution of illegal drugs - Special penalty for death or injury.

1. As used in this section:

   a. "Consume" means to inject, ingest, or inhale a controlled substance.

   b. "Controlled substance" includes derivatives or analogs to a scheduled controlled substance.

   c. "Injury" means an overdose that puts an individual's life at immediate risk.

   d. "Supplies" includes delivering, supplying, directing, or willfully assisting another to supply or deliver a controlled substance.

2. An individual is guilty of causing death or injury by distributing a controlled substance if the individual willfully supplies another to deliver a controlled substance to an individual who consumes the controlled substance and that individual dies or is injured from overdosing after consuming a portion of the controlled substance.

   a. A violation of this section is a class A felony.

   b. This section does not limit a conviction under chapter 12.1-16, but an individual may not be found guilty of this section and an offense under chapter 12.1-16 if the conduct arises out of the same course of conduct.

3. Venue for an offense under this section is in the county where the death or injury occurred or any county where the controlled substance was directly or indirectly obtained by the deceased or injured individual.

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[111] Section 19-03.1-22.6 was amended by section 29 of Senate Bill No. 2015, chapter 47. The North Dakota Supreme Court declared Senate Bill No. 2015 void in *Board of Trustees of The North Dakota Public Employees' Retirement System v. North Dakota Legislative Assembly*, by judgment filed October 12, 2023.

a. An individual may not be convicted in more than one county for the death or injury of the same individual who overdosed on a controlled substance.

b. Notwithstanding chapter 29-03, an individual outside the state may be prosecuted within the state under this section.

c. The charging document for a violation of this section must list an overt act in which the individual engaged to violate this section.

d. Injury or death by an overdose may be proven by direct or circumstantial evidence.

4. An individual may not be charged under this section if the individual supplied or administered a controlled substance as part of a medical procedure or the individual was in a lawful position to dispense a medication prescription.

a. An individual may not be charged under this section if the individual complied with section 19-3.1-23.4.

b. It is not a defense to this section that the deceased or injured individual had other controlled substances or alcohol in the individual's system which the defendant did not supply at the time of an overdose.

SECTION 2. Section 19-03.1-23.5 of the North Dakota Century Code is created and enacted as follows:

19-03.1-23.5. Fentanyl reporting - Report to legislative management - Fentanyl awareness campaign.

1. By November first of each year, the department of health and human services shall submit to the legislative management and the governor a written report summarizing the number of deaths that occurred in the state caused by or related to fentanyl consumption during the preceding calendar year, including the county in which the deaths occurred and the age and gender of the deceased individuals.

2. The department of health and human services shall make the data reported under subsection 1 available to the public by:

a. Making the information easily accessible on the department's government website;

b. Publishing easily comprehensible printed materials on fentanyl awareness, information, and resources;

c. Placing visible billboards in high-traffic areas to inform the public of the dangers of fentanyl; and

d. Developing a media and social media campaign to expand statewide awareness of fentanyl drug deaths and the fentanyl overdose epidemic occurring within the state.

SECTION 3. DEPARTMENT OF HEALTH AND HUMAN SERVICES - FENTANYL AWARENESS EXPANSION. Best practices relating to fentanyl drug overdose by the department of health and human services as provided in section 3 of House Bill No. 1447, as approved by the sixty-eighth legislative assembly, includes

providing and expanding statewide awareness of fentanyl drug deaths and the fentanyl overdose epidemic, communication strategies and campaigns, access to naloxone, and other strategies as provided under section 2 of this Act, for the biennium beginning July 1, 2023, and ending June 30, 2025.

Approved April 29, 2023

Filed May 1, 2023

CHAPTER 210

SENATE BILL NO. 2093

(Judiciary Committee)
(At the request of the State Board of Pharmacy)

AN ACT to amend and reenact sections 19-03.1-05, 19-03.1-11, and 19-03.1-13 of the North Dakota Century Code, relating to the scheduling of controlled substances; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

[112] **SECTION 1. AMENDMENT.** Section 19-03.1-05 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-05. Schedule I.

1. The controlled substances listed in this section are included in schedule I.

2. Schedule I consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

3. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation:

   a. Acetylmethadol.

   b. Allylprodine.

   c. Alphacetylmethadol.

   d. Alphameprodine.

   e. Alphamethadol.

   f. Benzethidine.

   g. Betacetylmethadol.

   h. Betameprodine.

   i. Betamethadol.

   j. Betaprodine.

   k. Brorphine.

[112] Section 19-03.1-05 was also amended by section 14 of Senate Bill No. 2096, chapter 80.

l. Clonitazene.

m. Dextromoramide.

n. Diampromide.

o. Diethylthiambutene.

p. Difenoxin.

q. Dimenoxadol.

r. Dimepheptanol.

s. Dimethylthiambutene.

t. Dioxaphetyl butyrate.

u. Dipipanone.

v. Ethylmethylthiambutene.

w. Etonitazene.

x. Etoxeridine.

y. Furethidine.

z. Hydroxypethidine.

aa. Isotonitazene (also known as N,N-diethyl-2-(2-(4- isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine).

bb. Ketobemidone.

cc. Levomoramide.

dd. Levophenacylmorphan.

ee. Morpheridine.

ff. MPPP (also known as 1-methyl-4-phenyl-4-propionoxypiperidine).

gg Noracymethadol.

hh. Norlevorphanol.

ii. Normethadone.

jj. Norpipanone.

kk. PEPAP (1-(2-Phenylethyl)-4-Phenyl-4-acetoxypiperidine).

ll. Phenadoxone.

mm. Phenampromide.

nn. Phenomorphan.

oo. Phenoperidine.

pp. Piritramide.

qq. Proheptazine.

rr. Properidine.

ss. Propiram.

tt. Racemoramide.

uu. Tilidine.

vv. Trimeperidine.

ww. 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (also known as U-47700).

xx. 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (also know as MT-45).

yy. 3,4-dichloro-*N*-{[1-(dimethylamino)cyclohexyl]methyl}benzamide (also known as AH-7921).

zz. Zipeprol.

aaa. 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (also known as Butonitazene).

bbb. 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (also known as Etodesnitazene and etazene).

ccc. N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (also known as Flunitazene).

ddd. N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (also known as Metodesnitazene).

eee. N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (also known as Metonitazene).

fff. 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (also known as N-Pyrrolidino Etonitazene and Etonitazepyne).

ggg. N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (also known as Protonitazene).

hhh. Fentanyl derivatives. Unless specifically excepted or unless listed in another schedule or are not FDA approved drugs, and are derived from N-(1-(2-Phenylethyl)-4-piperidinyl)-N-phenylpropanamide (Fentanyl) by any substitution on or replacement of the phenethyl group, any substitution on the piperidine ring, any substitution on or replacement of the propanamide group, any substitution on the anilido phenyl group, or any combination of the above. Examples include:

(1) N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide (also known as Acetyl-alpha-methylfentanyl).

(2) N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine (also known as Alpha-methylfentanyl).

(3) N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (also known as Alpha-methylthiofentanyl).

(4) N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide (also known as Beta-hydroxyfentanyl).

(5) N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide (also known as Beta-hydroxy-3-methylfentanyl).

(6) N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (also known as 3-Methylfentanyl).

(7) N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (also known as 3-Methylthiofentanyl).

(8) N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide (also known as Para-fluorofentanyl).

(9) N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]propanamide (also known as Thiofentanyl).

(10) N-(1-phenylethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (also known as Furanyl Fentanyl).

(11) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide; N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide (also known as Butyryl Fentanyl).

(12) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide; N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide (also known as Beta-Hydroxythiofentanyl).

(13) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (also known as Acetyl Fentanyl).

(14) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (also known as Acryl Fentanyl).

(15) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (also known as Valeryl Fentanyl).

(16) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (also known as 4-Fluoroisobutyryl Fentanyl).

(17) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (also known as Ortho-fluorofentanyl, 2-Fluorofentanyl).

(18) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (also known as Tetrahydrofuranyl Fentanyl).

(19) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (also known as Methoxyacetyl Fentanyl).

(20) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (also known as Cyclopropyl Fentanyl).

(21) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (also known as Ocfentanil).

(22) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (also known as Cyclopentyl Fentanyl).

(23) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (also known as Isobutyryl Fentanyl).

(24) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (also known as Para-chloroisobutyryl Fentanyl).

(25) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (also known as Para-methoxybutyryl Fentanyl).

(26) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (also known as Para-fluorobutyryl Fentanyl).

(27) N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide (also known as 2'-fluoro Ortho-fluorofentanyl; 2'-fluoro 2-fluorofentanyl).

(28) N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide (also known as Ortho-methyl Acetylfentanyl; 2-methyl acetylfentanyl).

(29) N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide (also known as Beta'-phenyl Fentanyl; 3-phenylpropanoyl fentanyl and Hydrocinnamoyl Fentanyl).

(30) N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide (also known as Thiofuranyl Fentanyl; 2-thiofuranyl fentanyl; thiophene fentanyl).

(31) (E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide (also known as Crotonyl Fentanyl).

(32) N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide (4'-methyl acetyl fentanyl).

(33) N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide (beta-methyl fentanyl).

(34) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (ortho-fluorobutyryl fentanyl; 2-fluorobutyryl fentanyl).

(35) 2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide (ortho-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl).

(36) N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (para-methylfentanyl; 4-methylfentanyl).

(37) N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide (phenyl fentanyl; benzoyl fentanyl).

(38) Ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate (fentanyl carbamate).

(39) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide (ortho-fluoroacryl fentanyl).

(40) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (ortho-fluoroisobutyryl fentanyl).

(41) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide (para-fluoro furanyl fentanyl).

4. Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

a. Acetorphine.

b. Acetyldihydrocodeine.

c. Benzylmorphine.

d. Codeine methylbromide.

e. Codeine-N-Oxide.

f. Cyprenorphine.

g. Desomorphine.

h. Dihydromorphine.

i. Drotebanol.

j. Etorphine (except hydrochloride salt).

k. Heroin.

l. Hydromorphinol.

m. Methyldesorphine.

n. Methyldihydromorphine.

o. Morphine methylbromide.

p. Morphine methylsulfonate.

q. Morphine-N-Oxide.

r. Myrophine.

s. Nicocodeine.

t. Nicomorphine.

u. Normorphine.

v. Pholcodine.

w. Thebacon.

5. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term "isomer" includes the optical, position, and geometric isomers):

a. Alpha-ethyltryptamine, its optical isomers, salts, and salts of isomers (also known as etryptamine; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole).

b. Alpha-methyltryptamine.

c. 4-methoxyamphetamine (also known as 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA).

d. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenylamine, and N-hydroxy MDA.

e. Ibogaine (also known as 7-Ethyl-6, 6B, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5 H-pyrido [1', 2':1,2] azepino (5,4-b) indole; Tabernanthe iboga).

f. Lysergic acid diethylamide.

g. Marijuana.

h. Parahexyl (also known as 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro- 6,6,9-trimethyl-6H-dibenzol[b,d]pyran; Synhexyl).

i. Peyote (all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or its extracts).

j. N-ethyl-3-piperidyl benzilate.

k. N-methyl-3-piperidyl benzilate.

l. Psilocybin.

m. (1) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant; such as the following:

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

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

(c) Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers.

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

(2) Tetrahydrocannabinols do not include:

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

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

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

(1) Indole acetamides. Any compound structurally derived from 1H-indole3-acetamide or 1H-2-acetamide substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the hydrogen of the acetamide by a phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:

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

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

(c) A nitrogen heterocyclic analog of the indole ring; or

(d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.

(e) Examples include:

[1] N-cyclohexyl-2-(1-pentylindol-3-yl)acetamide - Other names: CH-PIATA, Cyclohexyl-PIATA, CHX-PIATA, CH-PIACA, and CHX-PIACA.

[2] N-cyclohexyl-2-[1-[(4-fluorophenyl)methyl]indol-3-yl]acetamide - Other names: CH-FUBIATA and CH-FUBIACA.

[3] 2-[[2-[1-[(4-fluorophenyl)methyl]indol-3-yl]acetyl]amino]-3,3-dimethyl-butanamide - Other names: ADB-FUBIATA, FUB-ACADB, and AD-18.

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

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

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

(c) A nitrogen heterocyclic analog of the indole ring; or

(d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.

(e) Examples include:

[1] 1-Pentyl-3-(1-naphthoyl)indole - Other names: JWH-018 and AM-678.

[2] 1-Butyl-3-(1-naphthoyl)indole - Other names: JWH-073.

[3] 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole - Other names: JWH-081.

[4] 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole - Other names: JWH-200.

[5] 1-Propyl-2-methyl-3-(1-naphthoyl)indole - Other names: JWH-015.

[6] 1-Hexyl-3-(1-naphthoyl)indole - Other names: JWH-019.

[7] 1-Pentyl-3-(4-methyl-1-naphthoyl)indole - Other names: JWH-122.

[8] 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole - Other names: JWH-210.

[9] 1-Pentyl-3-(4-chloro-1-naphthoyl)indole - Other names: JWH-398.

[10] 1-(5-fluoropentyl)-3-(1-naphthoyl)indole - Other names: AM-2201.

[11] 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole - Other names: RCS-8.

[12] 1-Pentyl-3-(2-methoxyphenylacetyl)indole - Other names: JWH-250.

[13] 1-Pentyl-3-(2-methylphenylacetyl)indole - Other names: JWH-251.

[14] 1-Pentyl-3-(2-chlorophenylacetyl)indole - Other names: JWH-203.

[15] 1-Pentyl-3-(4-methoxybenzoyl)indole - Other names: RCS-4.

[16] (1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole) - Other names: AM-694.

[17] (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone - Other names: WIN 48,098 and Pravadoline.

[18] (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone -- Other names: UR-144.

[19] (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone - Other names: XLR-11.

[20] (1-(2-morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone - Other names: A-796,260.

[21] (1-(5-fluoropentyl)-1H-indazol-3-yl)(naphthalen-1-yl)methanone -- Other names: THJ-2201.

[22] 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone -- Other names: THJ-018.

[23] (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone - Other names: FUBIMINA.

[24] 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl) indole - Other names: AM-1248.

[25] 1-Pentyl-3-(1-adamantoyl)indole - Other names: AB-001 and JWH-018 adamantyl analog.

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

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

(b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent; or

(c) A nitrogen heterocyclic analog of the indole ring; or

(d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.

(e) Examples include:

[1] N-Adamantyl-1-pentyl-1H-indole-3-carboxamide - Other names: JWH-018 adamantyl carboxamide, APICA, SDB-001, and 2NE1.

[2] N-Adamantyl-1-fluoropentylindole-3-carboxamide - Other names: STS-135.

[3] N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide - Other names: AKB 48 and APINACA.

[4] N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide - Other names: NNEI and MN-24.

[5] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide - Other names: ADBICA.

[6] (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide - Other names: AB-PINACA.

[7] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide - Other names: AB-FUBINACA.

[8] N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide - Other names: 5-Fluoro AB-PINACA and 5F-AB-PINACA.

[9] N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide - Other names: ADB-PINACA.

[10] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide - Other names: AB-CHMINACA.

[11] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide - Other names: ADB-FUBINACA.

[12] N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H -indazole-3-carboxamide - Other names: FUB-AKB48, FUB-APINACA, and AKB48 N-(4-FLUOROBENZYL).

[13] 1-(5-fluoropentyl)-N-(quinolin-8-yl)-1H-indazole-3-carboxamide - Other names: 5-fluoro-THJ.

[14] methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate - Other names: 5-fluoro AMB and 5F-AMB.

[15] methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate - Other names: FUB-AMB, MMB-FUBINACA, and AMB-FUBINACA.

[16] N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-(cyclohexylmethyl)-1 H-indazole-3-carboxamide - Other names: MAB-CHMINACA and ADB-CHMINACA.

[17] Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate - Other names: 5F-ADB and 5F-MDMB-PINACA.

[18] N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide - Other names: 5F-APINACA and 5F-AKB48.

[19] Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate - Other names: MDMB-CHMICA and MMB-CHMINACA.

[20] Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate - Other names: MDMB-FUBINACA.

[21] 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide - Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN -BINACA; SGT-78.

[22] methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate - Other names: MMB-CHMICA, AMB-CHMICA.

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

[24] ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate - Other names: 5F-EDMB-PINACA.

[25] methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate - Other names: 5F-MDMB-PICA and 5F-MDMB-2201.

[26] 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide - Other names: 5F-CUMYL-PINACA, SGT-25.

[27] (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone - Other names: FUB-144.

[28] methyl 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (4F-MDMB-BINACA, 4F-MDMB-BUTINACA).

[29] Methyl 3,3-dimethyl-2-[(1-pent-4-enylindazole-3-carbonyl)amino]butanoate - Other names: MDMB-4en-PINACA, MDMB-PENINACA, and 5-CL-ADB-A.

[30] Methyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate - Other names: 5F-MDMB-PICA and 5F-MDMB-2201.

[31] 1-butyl-N-(1-carbamoyl-2,2-dimethyl-propyl)indazole-3-carboxamide - Other names: ADB-BINACA and ADB-BUTINACA.

[32] 5-bromo-N-(1-carbamoyl-2,2-dimethyl-propyl)-1H-indazole-3-carboxamide - Other names: ADB-5Br-INACA.

[33] Methyl 2-[(5-bromo-1H-indazole-3-carbonyl)amino]-3,3-dimethyl- butanoate - Other names: MDMB-5Br-INACA.

[34] 5-bromo-1-butyl-N-(1-carbamoyl-2,2-dimethyl-propyl)indazole-3- carboxamide - Other names: ADB-5'Br-BINACA and ADB-5'Br-BUTINACA.

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

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

(b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, propionaldehyde group to any extent; or

(c) A nitrogen heterocyclic analog of the indole ring; or

(d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.

(e) Examples include:

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

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

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

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

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

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

~~(4)~~(5) Naphthylmethylindoles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples include:

(a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane - Other names: JWH-175.

(b) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane - Other names: JWH-184.

~~(5)~~(6) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4- yl)methyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone - Other names: JWH-307.

~~(6)~~(7) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl- 2-piperidinyl)methyl, 2 (4 morpholinyl)ethyl, 1-(N-methyl-2- pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4- yl)methyl group whether or not further substituted in the indene ring to any extent, whether or not

substituted in the naphthyl ring to any extent. Examples include: E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane - Other names: JWH-176.

~~(7)~~(8) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not substituted in the cyclohexyl ring to any extent. Examples include:

(a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other names: CP 47,497.

(b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other names: Cannabicyclohexanol and CP 47,497 C8 homologue.

(c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol - Other names: CP 55,940.

~~(8)~~(9) Others specifically named:

(a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: HU-210.

(b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: Dexanabinol and HU-211.

(c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone - Other names: WIN 55,212-2.

(d) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone - Other names: CB-13.

(e) N-[(Z)-(1-hexyl-2-oxo-indolin-3-ylidene)amino]benzamide - Other names: BZO-HEXOXIZID and MDA-19.

(f) N-[(Z)-(2-oxo-1-pentyl-indolin-3-ylidene)amino]benzamide - Other names: BZO-POXIZID, Pentyl MDA-19, and 5C-MDA-19.

(g) N-[(Z)-[1-(5-fluoropentyl)-2-oxo-indolin-3-ylidene]amino]benzamide - Other names: 5F-BZO-POXIZID and 5F-MDA-19.

(h) N-[(Z)-(2-oxo-1-pent-4-enyl-indolin-3-ylidene)amino]benzamide - Other names: BZO-4en-POXIZID and 4en-pentyl MDA-19.

(i) N-[(Z)-[1-(cyclohexylmethyl)-2-oxo-indolin-3-ylidene]amino]benzamide - Other names: BZO-CHMOXIZID, Cyclohexylmethyl MDA-19 and CHM-MDA-19.

(j) N-(1-carbamoyl-2-methyl-propyl)-2-(5-fluoropentyl)-5-(4-fluorophenyl)pyrazole-3-carboxamide - Other Names: 5F-AB-PFUPPYCA.

o. Substituted phenethylamines. This includes any compound, unless specifically excepted, specifically named in this schedule, or listed under a different schedule, structurally derived from phenylethan-2-amine by substitution on the phenyl ring in any of the following ways, that is to say, by substitution with a fused methylenedioxy ring, fused furan ring, or fused tetrahydrofuran ring; by substitution with two alkoxy groups; by substitution with one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system; or by substitution with two fused ring systems from any combination of the furan, tetrahydrofuran, or tetrahydropyran ring systems.

(1) Whether or not the compound is further modified in any of the following ways, that is to say:

(a) By substitution of phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alkylthio groups;

(b) By substitution at the 2-position by any alkyl groups; or

(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, hydroxybenzyl, methylenedioxybenzyl, or methoxybenzyl groups.

(2) Examples include:

(a) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (also known as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine).

(b) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (also known as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine).

(c) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (also known as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine).

(d) 2-(2,5-Dimethoxyphenyl)ethanamine (also known as 2C-H or 2,5-Dimethoxyphenethylamine).

(e) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-I or 2,5-Dimethoxy-4-iodophenethylamine).

(f) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (also known as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine).

(g) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (also known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine).

(h) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine).

(i) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine).

(j) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine).

(k) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine (also known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine).

(l) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine (also known as DOI or 2,5-Dimethoxy-4-iodoamphetamine).

(m) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane (also known as DOB or 2,5-Dimethoxy-4-bromoamphetamine).

(n) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (also known as DOC or 2,5-Dimethoxy-4-chloroamphetamine).

(o) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-B-NBOMe; 2,5B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine).

(p) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-I-NBOMe; 2,5I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine).

(q) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine (also known as mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine).

(r) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-C-NBOMe; 2,5C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine).

(s) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine (also known as 2CB-5-hemiFLY).

(t) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (also known as 2C-B-FLY).

(u) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine (also known as 2C-B-butterFLY).

(v) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane (also known as 2C-B-FLY-NBOMe).

(w) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (also known as bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY).

(x) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (also known as 2C-I-NBOH or 2,5I-NBOH).

(y) 5-(2-Aminopropyl)benzofuran (also known as 5-APB).

(z) 6-(2-Aminopropyl)benzofuran (also known as 6-APB).

(aa) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (also known as 5-APDB).

(bb) 6-(2-Aminopropyl)-2,3,-dihydrobenzofuran (also known as 6-APDB).

(cc) 2,5-dimethoxy-amphetamine (also known as 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA).

(dd) 2,5-dimethoxy-4-ethylamphetamine (also known as DOET).

(ee) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (also known as 2C-T-7).

(ff) 5-methoxy-3,4-methylenedioxy-amphetamine.

(gg) 4-methyl-2,5-dimethoxy-amphetamine (also known as 4-methyl-2,5-dimethoxy-a-methylphenethylamine; DOM and STP).

(hh) 3,4-methylenedioxy amphetamine (also known as MDA).

(ii) 3,4-methylenedioxymethamphetamine (also known as MDMA).

(jj) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA).

(kk) 3,4,5-trimethoxy amphetamine.

(ll) Mescaline (also known as 3,4,5-trimethoxyphenethylamine).

p. Substituted tryptamines. This includes any compound, unless specifically excepted, specifically named in this schedule, or listed under a different schedule, structurally derived from 2-(1H-indol-3-yl)ethanamine (i.e., tryptamine) by mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the compound is further substituted at the alpha-position with an alkyl group or whether or not further substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups. Examples include:

(1) 5-methoxy-N,N-diallyltryptamine (also known as 5-MeO-DALT).

(2) 4-acetoxy-N,N-dimethyltryptamine (also known as 4-AcO-DMT or O-Acetylpsilocin).

(3) 4-hydroxy-N-methyl-N-ethyltryptamine (also known as 4-HO-MET).

(4) 4-hydroxy-N,N-diisopropyltryptamine (also known as 4-HO-DIPT).

(5) 5-methoxy-N-methyl-N-isopropyltryptamine (also known as 5-MeO-MiPT).

(6) 5-methoxy-N,N-dimethyltryptamine (also known as 5-MeO-DMT).

(7) Bufotenine (also known as 3-(Beta-Dimethyl-aminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine).

(8) 5-methoxy-N,N-diisopropyltryptamine (also known as 5-MeO-DiPT).

(9) Diethyltryptamine (also known as N,N-Diethyltryptamine; DET).

(10) Dimethyltryptamine (also known as DMT).

(11) Psilocyn.

q. 1-[3-(trifluoromethylphenyl)]piperazine (also known as TFMPP).

r. 1-[4-(trifluoromethylphenyl)]piperazine.

s. 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (also known as 5,6-Methylenedioxy-2-aminoindane or MDAI).

t. 2-(Ethylamino)-2-(3-methoxyphenyl)cyclohexanone (also known as Methoxetamine or MXE).

u. Ethylamine analog of phencyclidine (also known as N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE).

v. Pyrrolidine analog of phencyclidine (also known as 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP).

w. Thiophene analog of phencyclidine (also known as (1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienylanalog of phencyclidine; TPCP, TCP).

x. 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (also known as TCPy).

y. Salvia divinorum, salvinorin A, or any of the active ingredients of salvia divinorum.

6. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

a. Gamma-hydroxybutyric acid.

b. Mecloqualone.

c. Methaqualone.

d. Clonazolam (also known as Clonitrazolam).

e. Etizolam.

f. Flualprazolam.

g. Flubromazepam.

h. Flubromazolam.

i. Adinazolam.

j. Bromazolam.

k. Deschloroetizolam.

l. Diclazepam.

7. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

a. Aminorex (also known as 2-amino-5-phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine).

b. Cathinone.

c. Substituted cathinones. Any compound, material, mixture, preparation, or other product, unless listed in another schedule or an approved food and drug administration drug (e.g., buproprion, pyrovalerone), structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(1) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substitutents;

(2) By substitution at the 3-position with an acyclic alkyl substituent;

(3) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(4) By inclusion of the 2-amino nitrogen atom in a cyclic structure.

Some trade or other names:

(a) 3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone (also known as MDPPP).

(b) 3,4-Methylenedioxy-N-ethylcathinone (also known as Ethylone, MDEC, or bk-MDEA).

(c) 3,4-Methylenedioxy-N-methylcathinone (also known as Methylone or bk-MDMA).

(d) 3,4-Methylenedioxypyrovalerone (also known as MDPV).

(e) 3,4-Dimethylmethcathinone (also known as 3,4-DMMC).

(f) 2-(methylamino)-1-phenylpentan-1-one (also known as Pentedrone).

(g) 2-Fluoromethcathinone (also known as 2-FMC).

(h) 3-Fluoromethcathinone (also known as 3-FMC).

(i) 4-Methylethcathinone (also known as 4-MEC and 4-methyl-N-ethylcathinone).

(j) 4-Fluoromethcathinone (also known as Flephedrone and 4-FMC).

(k) 4-Methoxy-alpha-pyrrolidinopropiophenone (also known as MOPPP).

(l) 4-Methoxymethcathinone (also known as Methedrone; bk-PMMA).

(m) 4'-Methyl-alpha-pyrrolidinobutiophenone (also known as MPBP).

(n) Alpha-methylamino-butyrophenone (also known as Buphedrone or MABP).

(o) Alpha-pyrrolidinobutiophenone (also known as alpha-PBP).

(p) Alpha-pyrrolidinopropiophenone (also known as alpha-PPP).

(q) Alpha-pyrrolidinopentiophenone (also known as Alpha-pyrrolidinovalerophenone or alpha-PVP).

(r) Beta-keto-N-methylbenzodioxolylbutanamine (also known as Butylone or bk-MBDB).

(s) Ethcathinone (also known as N-Ethylcathinone).

(t) 4-Methylmethcathinone (also known as Mephedrone or 4-MMC).

(u) Methcathinone.

(v) N,N-dimethylcathinone (also known as metamfepramone).

(w) Naphthylpyrovalerone (naphyrone).

(x) B-Keto-Methylbenzodioxolylpentanamine (also known as Pentylone).

(y) 4-Methyl-alpha-pyrrolidinopropiophenone (also known as 4-MePPP and MPPP).

(z) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (also known as Ephylone and N-Ethylpentylone).

(aa) N-ethylhexedrone (also known as alpha-ethylaminohexanophenone and 2-(ethylamino)-1-phenylhexan-1-one)).

(bb) Alpha-pyrrolidinohexanophenone (also known as alpha-PHP, alpha-pyrrolidinohexiophenone, and 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one)).

(cc) 4-methyl-alpha-ethylaminopentiophenone (also known as 4-MEAP and 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one)).

(dd) 4'-methyl-alpha-pyrrolidinohexiophenone (also known as MPHP, 4'-methyl-alpha-pyrrolidinohexanophenone and 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one)).

(ee) Alpha-pyrrolidinoheptaphenone (also known as PV8 and 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one)).

(ff) 4-chloro-alpha-pyrrolidinovalerophenone (also known 4-chloro-alpha-PVP, 4'-chloro-alpha-pyrrolidinopentiophenone, and 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one)).

d. Fenethylline.

e. Fluoroamphetamine.

f. Fluoromethamphetamine.

g. (±)cis-4-methylaminorex (also known as (±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).

h. N-Benzylpiperazine (also known as BZP, 1-benzylpiperazine).

i. N-ethylamphetamine.

j. N, N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine).

k. 1-(4-methoxyphenyl)-N-methylpropan-2-amine (also known as paramethoxymethamphetamine and PMMA).

l. 4,4′-Dimethylaminorex (4,4′-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine).

m. Amineptine (Also known as 7- [(10,11-dihydro-5Hdibenzo[a,d]cyclohepten-5- yl)amino]heptanoic acid).

n. Mesocarb (Also known as N-phenyl-N′ -(3-(1- phenylpropan-2-yl)-1,2,3-oxadiazol-3- ium-5-yl)carbamimidate).

o. Methiopropamine (Also known as N-methyl-1-(thiophen-2-yl)propan-2-amine).

SECTION 2. AMENDMENT. Section 19-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-11. Schedule IV.

1. The controlled substances listed in this section are included in schedule IV.

2. Schedule IV consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

3. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

    a. Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

    b. Dextropropoxyphene (also known as alpha-(+)-4-dimethylamino- 1,2-diphenyl-3-methyl-2-propionoxybutane).

    c. 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers including Tramadol.

4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

    a. Alprazolam.

    b. Alfaxalone.

    c. Barbital.

    d. Brexanolone.

    e. Bromazepam.

    f. Camazepam.

    g. Carisoprodol.

    h. Chloral betaine.

    i. Chloral hydrate.

    j. Chlordiazepoxide.

    k. Clobazam.

    l. Clonazepam.

    m. Clorazepate.

    n. Clotiazepam.

    o. Cloxazolam.

    p. Daridorexant.

    ~~p.~~q. Delorazepam.

    ~~q.~~r. Diazepam.

~~r.~~s. Dichloralphenazone.

~~s.~~t. Estazolam.

~~t.~~u. Ethchlorvynol.

~~u.~~v. Ethinamate.

~~v.~~w. Ethyl loflazepate.

~~w.~~x. Fludiazepam.

~~x.~~y. Flunitrazepam.

~~y.~~z. Flurazepam.

~~z.~~aa. Fospropofol.

~~aa.~~bb. Halazepam.

~~bb.~~cc. Haloxazolam.

~~cc.~~dd. Indiplon.

~~dd.~~ee. Ketazolam.

~~ee.~~ff. Lemborexant.

~~ff.~~gg. Loprazolam.

~~gg.~~hh. Lorazepam.

~~hh.~~ii. Lorcaserin.

~~ii.~~jj. Lormetazepam.

~~jj.~~kk. Mebutamate.

~~kk.~~ll. Medazepam.

~~ll.~~mm. Meprobamate.

~~mm.~~nn. Methohexital.

~~nn.~~oo. Methylphenobarbital (also known as mephobarbital).

~~oo.~~pp. Midazolam.

~~pp.~~qq. Nimetazepam.

~~qq.~~rr. Nitrazepam.

~~rr.~~ss. Nordiazepam.

~~ss.~~tt. Oxazepam.

~~tt.~~uu. Oxazolam.

~~uu.~~vv. Paraldehyde.

~~vv.~~ww. Petrichloral.

~~ww.~~xx. Phenobarbital.

~~xx.~~yy. Pinazepam.

~~yy.~~zz. Propofol.

~~zz.~~aaa. Prazepam.

~~aaa.~~bbb. Quazepam.

~~bbb.~~ccc. Remimazolam.

~~ccc.~~ddd. Suvorexant.

~~ddd.~~eee. Temazepam.

~~eee.~~fff. Tetrazepam.

~~fff.~~ggg. Triazolam.

~~ggg.~~hhh. Zaleplon.

~~hhh.~~iii. Zolpidem.

~~iii.~~jjj. Zopiclone.

~~5. Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: Fenfluramine.~~

~~6.~~5. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

a. Cathine.

b. Diethylpropion.

c. Fencamfamin.

d. Fenproporex.

e. Mazindol.

f. Mefenorex.

g. Modafinil.

h. Pemoline (including organometallic complexes and chelates thereof).

i. Phentermine.

j. Pipradrol.

k. Serdexmethylphenidate.

l. Sibutramine.

~~l.~~m. Solriamfetol.

~~m.~~n. SPA ((-)-1-dimethylamino-1, 2-diphenylethane).

~~7.~~6. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of:

a. Pentazocine, including its salts.

b. Butorphanol, including its optical isomers.

c. Eluxadoline (5-[[[(2*S*)-2-amino-3-[4-aminocarbonyl)-2,6-dimethylphenyl]-1-oxopropyl][(1*S*)-1-(4-phenyl-1*H*-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers.

~~8.~~7. The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection 2 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 3. AMENDMENT. Section 19-03.1-13 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-13. Schedule V.

1. The controlled substances listed in this section are included in schedule V.

2. Schedule V consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

3. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts.

4. Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which includes one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the

compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone.

a. Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

b. Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

c. Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

d. Ganaxolone (3alpha-hydroxy-3beta-methyl-5alpha-pregnan-20-one).

e. Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

~~e.~~f. Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

~~f.~~g. Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

5. Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible:

a. Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (also referred to as BRV; UCB-34714; Briviact) (including its salts).

b. Cenobamate [(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate; 2H-tetrazole-2-ethanol, alpha-(2-chlorophenyl)-, carbamate (ester), (alphaR)-; carbamic acid (R)-(+)-1-(2-chlorophenyl)-2-(2H-tetrazol-2-yl)ethyl ester).

c. Ezogabine N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester.

d. Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide].

e. Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl-benzamide].

f. Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

g. Gabapentin [2-[1-(aminomethyl) cyclohexyl] acetic acid].

6. Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers: Pyrovalerone.

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

Approved April 12, 2023

Filed April 13, 2023

CHAPTER 211

HOUSE BILL NO. 1459

(Representatives Mitskog, Heinert, Schneider)
(Senator Larson)

AN ACT to amend and reenact section 19-03.1-23.1 of the North Dakota Century Code, relating to increased penalties for drug offenses within three hundred feet of a public park; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 19-03.1-23.1 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-23.1. Increased penalties for aggravating factors in drug offenses - Penalty.

1. A person who violates section 19-03.1-23 is subject to the penalties provided in subsection 2 if:

   a. The offense was committed during a school sponsored activity or was committed during the hours of six a.m. to ten p.m. if school is in session, the offense involved the manufacture, delivery, or possession, with intent to manufacture or deliver a controlled substance in, on, or within three hundred feet [91.4 meters] of the real property comprising a preschool facility, a public or private elementary or secondary school, or a public career and technical education school, the defendant was at least twenty-one years of age at the time of the offense, and the offense involved the delivery of a controlled substance to a minor;

   b. The offense involved the manufacture, delivery, or possession, with intent to manufacture or deliver a controlled substance, other than marijuana or tetrahydrocannabinol, in, on, or within three hundred feet [91.4 meters] of the real property comprising a public park;

   c. The offense involved:

      (1) Fifty grams or more of a mixture or substance containing a detectable amount of heroin;

      (2) Fifty grams or more of a mixture or substance containing a detectable amount of:

         (a) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

         (b) Cocaine, its salts, optical and geometric isomers, and salts of isomers;

(c) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

(d) Any compound, mixture, or preparation that contains any quantity of any of the substance referred to in subparagraphs a through c;

(3) Twenty-eight grams or more of a mixture or substance described in paragraph 2 which contains cocaine base;

(4) Ten grams or more of phencyclidine or one hundred grams or more of a mixture or substance containing a detectable amount of phencyclidine;

(5) One gram, one hundred dosage units, or one-half liquid ounce or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide;

(6) Forty grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or ten grams or more of a mixture or substance containing a detectable amount of any analog of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;

(7) Fifty grams or more of a mixture or substance containing a detectable amount of methamphetamine;

(8) Ten grams, one hundred dosage units, or one-half liquid ounce or more of a mixture or substance containing a detectable amount of 3,4-methylenedioxy-N-methylamphetamine, C11H15NO2;

(9) One hundred dosage units or one-half liquid ounce of a mixture or substance containing a detectable amount of gamma-hydroxybutyrate or gamma-butyrolactone or 1,4 butanediol or any substance that is an analog of gamma-hydroxybutyrate; or

(10) One hundred dosage units or one-half liquid ounce of a mixture or substance containing a detectable amount of flunitrazepam; ~~or~~

~~c.~~d. The defendant had a firearm in the defendant's actual possession at the time of the offense~~.~~; or

~~d.~~e. The defendant sells, distributes, delivers, or conspires to deliver a controlled substance to an individual which results in the death of the individual due to the use of that controlled substance and the death of the individual would not have occurred in the absence of the defendant's conduct. This subdivision does not apply to an individual who is immune from prosecution under section 19-03.1-23.4.

2. The offense is:

a. A class A felony if the violation of section 19-03.1-23 is designated as a class B felony.

b. A class B felony if the violation of section 19-03.1-23 is designated as a class C felony.

c. A class C felony if the violation of section 19-03.1-23 is designated as a class A misdemeanor.

Approved April 7, 2023

Filed April 10, 2023

CHAPTER 212

HOUSE BILL NO. 1478

(Representatives Schneider, Beltz, Cory, Dobervich, O'Brien, M. Ruby, Steiner, Vetter)
(Senators Braunberger, Mathern, Piepkorn)

AN ACT to create and enact a new section to chapter 19-24.1 of the North Dakota Century Code, relating to the self-certification of an individual admitted into the hospice program for the medical use of marijuana; and to amend and reenact section 19-24.1-04.1 of the North Dakota Century Code, relating to designated caregivers and criminal history record check exemptions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 19-24.1 of the North Dakota Century Code is created and enacted as follows:

Qualifying patients - Hospice program.

In lieu of the written certification required under section 19-24.1-03, an individual admitted into the hospice program as defined in chapter 23-17.4 may submit to the department a copy of the individual's medical records identifying a designation of being admitted into the hospice program. The department may use medical records in place of a written certification to approve or deny the application under section 19-24.1-05. The department shall issue a registry identification card within fourteen calendar days of approving an application under this section. The department shall waive the registration fee for a qualifying patient applicant admitted into the hospice program.

SECTION 2. AMENDMENT. Section 19-24.1-04.1 of the North Dakota Century Code is amended and reenacted as follows:

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

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

Approved March 23, 2023

Filed March 23, 2023

CHAPTER 213

SENATE BILL NO. 2068

(Senators K. Roers, Hogan, Lee)
(Representatives Beltz, Dobervich, M. Ruby)

AN ACT to amend and reenact subsection 2 of section 19-24.1-01 of the North Dakota Century Code, relating to the maximum concentration or amount of tetrahydrocannabinol permitted in a thirty-day period.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

[113] **SECTION 1. AMENDMENT.** Subsection 2 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Allowable amount of usable marijuana" means the amount of usable marijuana a registered qualifying patient or registered designated caregiver may purchase in a thirty-day period under this chapter.

   a. Except as provided under subdivision b:

      (1) During a thirty-day period, a registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than two and one-half ounces [70.87 grams] of dried leaves or flowers of the plant of genus cannabis in a combustible delivery form.

      (2) At any time a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than three ounces [85.05 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.

   b. Notwithstanding subdivision a, if a registered qualifying patient has a registry identification card authorizing an enhanced allowable amount:

      (1) During a thirty-day period a registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than six ounces [170.01 grams] of dried leaves or flowers of the plant of genus cannabis in a combustible delivery form.

      (2) At any time a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than seven and one-half ounces [212.62 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.

   c. A registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than the maximum concentration or amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum concentration or amount of tetrahydrocannabinol permitted in a

[113] Section 19-24.1-01 was also amended by section 6 of House Bill No. 1038, chapter 65, and section 2 of Senate Bill No. 2102, chapter 214.

thirty-day period for a cannabinoid concentrate or medical cannabinoid product, or the cumulative total of both, is ~~four~~six thousand milligrams.

Approved March 15, 2023

Filed March 16, 2023

CHAPTER 214

SENATE BILL NO. 2102

(Human Services Committee)
(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact subdivision n of subsection 2 of section 12-60-24 and sections 19-24.1-01 and 23-01-08.1 of the North Dakota Century Code, relating to fingerprint-based criminal history record checks for the department of health and human services, and compassion centers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

[114] **SECTION 1. AMENDMENT.** Subdivision n of subsection 2 of section 12-60-24 of the North Dakota Century Code is amended and reenacted as follows:

n. The department of health and human services for a final applicant for a job opening or a current employee with the department ~~as designated by the state health officer~~; an individual being investigated by the department; or~~, when requested by the department,~~ an applicant for registration as a designated caregiver or a compassion center agent under chapter 19-24.1.

[115] **SECTION 2. AMENDMENT.** Section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

19-24.1-01. Definitions.

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

1. "Advanced practice registered nurse" means an advanced practice registered nurse defined under section 43-12.1-02.

2. "Agent" means an individual who is authorized to act for, in place of, or on behalf of a compassion center.

3. "Allowable amount of usable marijuana" means the amount of usable marijuana a registered qualifying patient or registered designated caregiver may purchase in a thirty-day period under this chapter.

   a. Except as provided under subdivision b:

      (1) During a thirty-day period, a registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than two and one-half ounces [70.87 grams] of dried leaves or flowers of the plant of genus cannabis in a combustible delivery form.

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[114] Section 12-60-24 was also amended by section 1 of House Bill No. 1191, chapter 447, section 1 of Senate Bill No. 2051, chapter 274, and section 1 of Senate Bill No. 2076, chapter 120.

[115] Section 19-24.1-01 was also amended by section 6 of House Bill No. 1038, chapter 65, and section 1 of Senate Bill No. 2068, chapter 213.

(2) At any time a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than three ounces [85.05 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.

b. Notwithstanding subdivision a, if a registered qualifying patient has a registry identification card authorizing an enhanced allowable amount:

(1) During a thirty-day period a registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than six ounces [170.01 grams] of dried leaves or flowers of the plant of genus cannabis in a combustible delivery form.

(2) At any time a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than seven and one-half ounces [212.62 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.

c. A registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than the maximum concentration or amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum concentration or amount of tetrahydrocannabinol permitted in a thirty-day period for a cannabinoid concentrate or medical cannabinoid product, or the cumulative total of both, is four thousand milligrams.

~~3.~~4. "Bona fide provider-patient relationship" means a treatment or counseling relationship between a health care provider and patient in which all the following are present:

a. The health care provider has reviewed the patient's relevant medical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation of the patient.

b. The health care provider has created and maintained records of the patient's condition in accordance with medically accepted standards.

c. The patient is under the health care provider's continued care for the debilitating medical condition that qualifies the patient for the medical use of marijuana.

d. The health care provider has a reasonable expectation that provider will continue to provide followup care to the patient to monitor the medical use of marijuana as a treatment of the patient's debilitating medical condition.

e. The relationship is not for the sole purpose of providing written certification for the medical use of marijuana.

~~4.~~5. "Cannabinoid" means a chemical compound that is one of the active constituents of marijuana.

~~5.~~6. "Cannabinoid capsule" means a small, soluble container, usually made of gelatin, which encloses a dose of a cannabinoid product or a cannabinoid concentrate intended for consumption. The maximum concentration of amount

of tetrahydrocannabinol permitted in a serving of a cannabinoid capsule is fifty milligrams.

~~6.~~7. "Cannabinoid concentrate" means a concentrate or extract obtained by separating cannabinoids from marijuana by a mechanical, chemical, or other process.

~~7.~~8. "Cannabinoid edible product" means a food or potable liquid into which a cannabinoid concentrate or the dried leaves or flowers of the plant of the genus cannabis is incorporated.

~~8.~~9. "Cannabinoid solution" means a solution consisting of a mixture created from cannabinoid concentrate and other ingredients. A container holding a cannabinoid solution for dispensing may not exceed thirty milliliters.

~~9.~~10. "Cannabinoid topical" means a cannabinoid product intended to be applied to the skin or hair. The maximum concentration or amount of tetrahydrocannabinol permitted in a cannabinoid topical is six percent.

~~10.~~11. "Cannabinoid transdermal patch" means an adhesive substance applied to the skin which contains a cannabinoid product or cannabinoid concentrate for absorption into the bloodstream. The maximum concentration or amount of tetrahydrocannabinol permitted in a serving of a cannabinoid transdermal patch is fifty milligrams.

~~11.~~12. "Cardholder" means a qualifying patient, designated caregiver, or compassion center agent who has been issued and possesses a valid registry identification card.

~~12.~~13. "Compassion center" means a manufacturing facility or dispensary.

~~13.~~14. "Compassion center agent" means a principal officer, board member, member, manager, governor, employee, volunteer, or agent of a compassion center. The term does not include a lawyer representing a compassion center in civil or criminal litigation or in an adversarial administrative proceeding.

~~14.~~15. "Contaminated" means made impure or inferior by extraneous substances.

~~15.~~16. "Debilitating medical condition" means one of the following:

a. Cancer;

b. Positive status for human immunodeficiency virus;

c. Acquired immune deficiency syndrome;

d. Decompensated cirrhosis caused by hepatitis C;

e. Amyotrophic lateral sclerosis;

f. Posttraumatic stress disorder;

g. Agitation of Alzheimer's disease or related dementia;

h. Crohn's disease;

i. Fibromyalgia;

j. Spinal stenosis or chronic back pain, including neuropathy or damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity;

k. Glaucoma;

l. Epilepsy;

m. Anorexia nervosa;

n. Bulimia nervosa;

o. Anxiety disorder;

p. Tourette syndrome;

q. Ehlers-Danlos syndrome;

r. Endometriosis;

s. Interstitial cystitis;

t. Neuropathy;

u. Migraine;

v. Rheumatoid arthritis;

w. Autism spectrum disorder;

x. A brain injury;

y. A terminal illness; or

z. A chronic or debilitating disease or medical condition or treatment for such disease or medical condition that produces one or more of the following:

(1) Cachexia or wasting syndrome;

(2) Severe debilitating pain that has not responded to previously prescribed medication or surgical measures for more than three months or for which other treatment options produced serious side effects;

(3) Intractable nausea;

(4) Seizures; or

(5) Severe and persistent muscle spasms, including those characteristic of multiple sclerosis.

~~16.~~17. "Department" means the department of health and human services.

~~17.~~18. "Designated caregiver" means an individual who agrees to manage the well-being of a registered qualifying patient with respect to the qualifying patient's medical use of marijuana.

~~18.~~19. "Dispensary" means an entity registered by the department as a compassion center authorized to dispense usable marijuana to a registered qualifying patient and a registered designated caregiver.

~~19.~~20. "Enclosed, locked facility" means a closet, room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access limited to individuals authorized under this chapter or rules adopted under this chapter.

~~20.~~21. "Health care provider" means a physician, a physician assistant, or an advanced practice registered nurse.

22. "Manager" means an individual who administers or supervises the day-to-day operations and affairs of a compassion center.

~~21.~~23. "Manufacturing facility" means an entity registered by the department as a compassion center authorized to produce and process and to sell usable marijuana to a dispensary.

~~22.~~24. "Marijuana" means all parts of the plant of the genus cannabis; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, the seeds of the plant, or the resin extracted from any part of the plant. The term marijuana does not include:

a. Hemp as regulated under section 4.1-18.1-01; or

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

~~23.~~25. "Maximum concentration or amount of tetrahydrocannabinol" means the total amount of tetrahydrocannabinol and tetrahydrocannabinolic acid in a medical cannabinoid product or a cannabinoid concentrate.

~~24.~~26. "Medical cannabinoid product" means a product intended for human consumption or use which contains cannabinoids.

a. Medical cannabinoid products are limited to the following forms:

(1) Cannabinoid solution;

(2) Cannabinoid capsule;

(3) Cannabinoid transdermal patch; and

(4) Cannabinoid topical.

b. "Medical cannabinoid product" does not include:

(1) A cannabinoid edible product;

(2) A cannabinoid concentrate by itself; or

(3) The dried leaves or flowers of the plant of the genus cannabis by itself.

~~25.~~27. "Medical marijuana product" means a cannabinoid concentrate or a medical cannabinoid product.

~~26.~~28. "Medical marijuana waste" means unused, surplus, returned, or out-of-date usable marijuana; recalled usable marijuana; unused marijuana; or plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts and roots.

~~27.~~29. "Medical use of marijuana" means the acquisition, use, and possession of usable marijuana to treat or alleviate a qualifying patient's debilitating medical condition.

30. "Member" means an individual who has a ten percent or more ownership interest in the compassion center limited liability company, limited liability partnership, or partnership.

~~28.~~31. "Minor" means an individual under the age of nineteen.

~~29.~~32. "North Dakota identification" means a North Dakota driver's license or comparable state of North Dakota or federal issued photo identification card verifying North Dakota residence.

~~30.~~33. "Owner" means an individual or an organization with an ownership interest in a compassion center.

~~31.~~34. "Ownership interest" means an aggregate ownership interest of five percent or more in a compassion center, unless the interest is solely a security, lien, or encumbrance, or an individual who will be participating in the direction, control, or management of the compassion center.

~~32.~~35. "Pediatric medical marijuana" means a medical marijuana product containing cannabidiol which may not contain a maximum concentration or amount of tetrahydrocannabinol of more than six percent.

~~33.~~36. "Physician" means a physician licensed under chapter 43-17 to practice medicine in the state of North Dakota.

~~34.~~37. "Physician assistant" means an individual licensed under chapter 43-17 to practice as a physician assistant in the state.

~~35.~~38. "Posttraumatic stress disorder" means a patient meets the diagnostic criteria for posttraumatic stress disorder under the "Diagnostic and Statistical Manual of Mental Disorders", American psychiatric association, fifth edition, text revision (2013).

~~36.~~39. "Processing" or "process" means the compounding or conversion of marijuana into a medical marijuana product.

~~37.~~40. "Producing", "produce", or "production" mean the planting, cultivating, growing, trimming, or harvesting of the plant of the genus cannabis or the drying of the leaves or flowers of the plant of the genus cannabis.

~~38.~~41. "Qualifying patient" means an individual who has been diagnosed by a health care provider as having a debilitating medical condition.

~~39.~~42. "Registry identification card" means a document issued by the department which identifies an individual as a registered qualifying patient, registered designated caregiver, or registered compassion center agent.

~~40.~~43. "Substantial corporate change" means:

a. For a corporation, a change of ten percent or more of the officers or directors, or a transfer of ten percent or more of the stock of the corporation, or an existing stockholder obtaining ten percent or more of the stock of the corporation;

b. For a limited liability company, a change of ten percent or more of the managing members of the company, or a transfer of ten percent or more of the ownership interest in the company, or an existing member obtaining a cumulative of ten percent or more of the ownership interest in the company; or

c. For a partnership, a change of ten percent or more of the managing partners of the company, or a transfer of ten percent or more of the ownership interest in the company, or an existing member obtaining a cumulative of ten percent or more of the ownership interest in the company.

~~41.~~44. "Terminal illness" means a disease, illness, or condition of a patient:

a. For which there is not a reasonable medical expectation of recovery;

b. Which as a medical probability, will result in the death of the patient, regardless of the use or discontinuance of medical treatment implemented for the purpose of sustaining life or the life processes; and

c. As a result of which, the patient's health care provider would not be surprised if death were to occur within six months.

~~42.~~45. "Tetrahydrocannabinol" means tetrahydrocannabinols naturally contained in a plant of the genus cannabis, and synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of the plant, including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, including:

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

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

(3) Delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers.

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

b. Tetrahydrocannabinol does not include:

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

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

~~43.~~46. "Total tetrahydrocannabinol" means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by eight hundred seventy-seven thousandths plus the percentage of weight of tetrahydrocannabinol.

~~44.~~47. "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 a cannabinoid edible product. In the case of a registered qualifying patient who is a minor, "usable marijuana" is limited to pediatric medical marijuana.

~~45.~~48. "Verification system" means the system maintained by the department under section 19-24.1-31 for verification of registry identification cards.

~~46.~~49. "Written certification" means a form established by the department which is executed, dated, and signed by a health care provider within ninety calendar days of the date of application, stating the patient has a debilitating medical condition. A health care provider may authorize an enhanced amount of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form to treat or alleviate the patient's debilitating medical condition of cancer. A written certification may not be made except in the course of a bona fide provider-patient relationship.

[116] **SECTION 3. AMENDMENT.** Section 23-01-08.1 of the North Dakota Century Code is amended and reenacted as follows:

23-01-08.1. Criminal history background checks.

The department of health and human services may require a final applicant for a job opening or a current employee with the department~~, as designated by the state health officer,~~ complete a state and national criminal history record check as provided under section 12-60-24.

Approved March 14, 2023

Filed March 15, 2023

[116] Section 23-01-08.1 was also amended by section 17 of House Bill No. 1165, chapter 229.

CHAPTER 215

SENATE BILL NO. 2201

(Senators Meyer, Cleary, K. Roers)
(Representatives Dockter, Mock, O'Brien)

AN ACT to amend and reenact subdivision a of subsection 2 of section 19-24.1-03, subsection 3 of section 19-24.1-04, subsection 2 of section 19-24.1-18, subdivision a of subsection 3 of section 19-24.1-18, and subsection 1 of section 19-24.1-24 of the North Dakota Century Code, relating to medical marijuana certification and application fees; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision a of subsection 2 of section 19-24.1-03 of the North Dakota Century Code is amended and reenacted as follows:

a. A nonrefundable application fee in an amount not to exceed ~~fifty~~twenty-five dollars.

SECTION 2. AMENDMENT. Subsection 3 of section 19-24.1-04 of the North Dakota Century Code is amended and reenacted as follows:

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

[117] **SECTION 3. AMENDMENT.** Subsection 2 of section 19-24.1-18 of the North Dakota Century Code is amended and reenacted as follows:

2. To qualify to be issued a registry identification card, each compassion center agent must be at least twenty-one years of age and shall submit all of the following registry identification card application material to the department:

   a. A photographic copy of the agent's department-approved identification. The agent shall make the identification available for inspection and verification by the department.

   b. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the agent.

   c. A written and signed statement from an officer or executive staff member of the compassion center stating the applicant is associated with the compassion center and the capacity of the association.

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[117] Section 19-24.1-18 was also amended by section 3 of Senate Bill No. 2078, chapter 217, section 4 of Senate Bill No. 2201, chapter 215, and section 2 of Senate Bill No. 2388, chapter 216.

d. The name, address, and telephone number of the agent.

e. The name, address, and telephone number of the compassion center with which the agent is associated.

f. The agent's signature and the date.

g. A nonrefundable application or renewal fee ~~in~~not to exceed the amount of two hundred dollars.

[118] **SECTION 4. AMENDMENT.** Subdivision a of subsection 3 of section 19-24.1-18 of the North Dakota Century Code is amended and reenacted as follows:

a. All applicable fees associated with the required criminal history record checks must be paid by the ~~compassion center or the agent~~department.

SECTION 5. AMENDMENT. Subsection 1 of section 19-24.1-24 of the North Dakota Century Code is amended and reenacted as follows:

1. A manufacturing facility shall grow an amount of marijuana sufficient to meet the qualifying patient population demands. For every five hundred plants in excess of one thousand plants a manufacturing facility possesses, the manufacturing facility shall pay the department an additional certification fee ~~of ten thousand~~not to exceed seven thousand five hundred dollars. This fee is due at the time of increase and again at renewal of the compassion center registration certificate under section 19-24.1-16.

SECTION 6. LEGISLATIVE MANAGEMENT STUDY - COMPASSION CENTER CERTIFICATION. During the 2023-24 interim, the legislative management, in collaboration with the department of health and human services, shall consider studying the administrative costs involved in certifying a compassion center. The study must include information on the amount and frequency of certification fees, a description of additional costs associated with certification, an explanation of how the department uses the certification fees once they are collected, a recommendation of the best way to lower administrative costs while maintaining the integrity of the department's medical marijuana program, and a prediction on whether the lowering of administrative costs will help to lower consumer costs on medical marijuana purchased from a compassion center. The legislative management shall report its findings and recommendations to the sixty-ninth legislative assembly.

Approved April 26, 2023

Filed April 26, 2023

[118] Section 19-24.1-18 was also amended by section 3 of Senate Bill No. 2078, chapter 217, section 3 of Senate Bill No. 2201, chapter 215, and section 2 of Senate Bill No. 2388, chapter 216.

CHAPTER 216

SENATE BILL NO. 2388

(Senators Larsen, Barta)
(Representative Mock)

AN ACT to amend and reenact sections 19-24.1-05, 19-24.1-18, 19-24.1-19, and 19-24.1-34 of the North Dakota Century Code, relating to reapplication for registered identification cards for marijuana and acts associated with marijuana not prohibited from employee discipline; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

[119] **SECTION 1. AMENDMENT.** Section 19-24.1-05 of the North Dakota Century Code is amended and reenacted as follows:

19-24.1-05. Qualifying patients and designated caregivers - Identification cards - Issuance and denial.

1. Upon receipt of a complete application for or renewal of a qualifying patient or designated caregiver registry identification card, the department shall verify the submitted information.

2. The verification methods used by the department on an application or renewal and accompanying documentation may include:

   a. Contacting an applicant by telephone or mail, or if proof of identity is uncertain, the department shall require a face-to-face meeting and the production of additional identification materials;

   b. Contacting the North Dakota board of medicine or North Dakota board of nursing to verify the certifying health care provider is licensed in the state and is in good standing; and

   c. Contacting the health care provider to obtain additional documentation verifying the qualifying patient applicant's medical diagnosis and medical condition qualify the applicant for participation in the medical marijuana program.

3. Upon verification of the information contained in an application or renewal, the department shall approve or deny the application or renewal.

4. Except as provided in subsection 5, the department shall issue a registry identification card within thirty calendar days of approving an application or renewal. A designated caregiver must have a registry identification card for each of the designated caregiver's registered qualifying patients.

5. The department may not issue a registry identification card to a qualifying patient who is a minor unless:

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[119] Section 19-24.1-05 was also amended by section 1 of Senate Bill No. 2078, chapter 217.

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 of the use of pediatric medical marijuana; and

b. The department receives documentation the parent or legal guardian with responsibility for health care decisions for the minor consents in writing to:

(1) Allow the minor's use of pediatric medical marijuana to treat or alleviate the debilitating medical condition;

(2) Serve as the minor's designated caregiver or identifies a registered designated caregiver to act as the minor's designated caregiver;

(3) Control the acquisition of usable marijuana and control the dosage and frequency of the use of usable marijuana by the minor; and

(4) If serving as the minor's designated caregiver, prevent the minor from accessing the usable marijuana by storing the usable marijuana in an enclosed, locked facility.

6. If the department denies an application or renewal, the applicant may not reapply for one year from the date of the denial, unless otherwise authorized by the department, and the applicant is prohibited from all lawful privileges provided under this chapter.

7. The department shall deny an application for or renewal of a qualifying patient's registry identification card if the applicant:

a. Does not meet the requirements of this section or section 19-24.1-03;

b. Did not provide the required information and materials;

c. Previously had a registry identification card revoked~~; or~~ which involved unauthorized minor transfer, use, or access to usable marijuana or the use of usable marijuana which allowed the smoke or vapor to be inhaled by a minor;

d. Provided false or falsified information or made a material misstatement~~.~~; or

e. Previously had a registry identification card revoked three times.

8. The department shall deny an application for or renewal of a designated caregiver registry identification card if the designated caregiver applicant:

a. Does not meet the requirements of this section or section 19-24.1-04;

b. Did not provide the required information and materials;

c. Previously had a registry identification card revoked which involved unauthorized minor transfer, use, or access to usable marijuana or the use of usable marijuana which allowed the smoke or vapor to be inhaled by a minor; ~~or~~

d. Provided false or falsified information or made a material misstatement; or

e. Previously had a registry identification card revoked three times.

9. Notwithstanding subsection 8, the department shall deny an application for or renewal of a qualifying patient or designated caregiver registry identification card for one year from the date of an initial revocation and five years from the date of a second revocation.

10. A registered qualifying patient may have no more than five registered designated caregivers.

~~10.~~11. The department shall notify, in writing, the qualifying patient or designated caregiver applicant of the reason for denying an application or renewal.

~~11.~~12. The department shall notify the following in writing:

a. A registered qualifying patient if that patient's designated caregiver's application or renewal is denied; and

b. A registered designated caregiver if that caregiver's qualifying patient's application or renewal is denied.

~~12.~~13. The cardholder may appeal a denial or revocation of a registry identification card to the district court of Burleigh County for hearing. The court may authorize the cardholder to appear by reliable electronic means.

[120] **SECTION 2. AMENDMENT.** Section 19-24.1-18 of the North Dakota Century Code is amended and reenacted as follows:

19-24.1-18. Compassion centers - Agents - Registry identification cards.

1. Upon issuance of a compassion center registry certificate, the department shall issue a registry identification card to each qualified compassion center agent associated with the compassion center.

2. To qualify to be issued a registry identification card, each compassion center agent must be at least twenty-one years of age and shall submit all of the following registry identification card application material to the department:

a. A photographic copy of the agent's department-approved identification. The agent shall make the identification available for inspection and verification by the department.

b. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the agent.

c. A written and signed statement from an officer or executive staff member of the compassion center stating the applicant is associated with the compassion center and the capacity of the association.

d. The name, address, and telephone number of the agent.

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[120] Section 19-24.1-18 was also amended by section 3 of Senate Bill No. 2078, chapter 217, section 3 of Senate Bill No. 2201, chapter 215, and section 4 of Senate Bill No. 2201, chapter 215.

e. The name, address, and telephone number of the compassion center with which the agent is associated.

f. The agent's signature and the date.

g. A nonrefundable application or renewal fee in the amount of two hundred dollars.

3. Each compassion center agent shall consent to a criminal history record check conducted under section 12-60-24 to demonstrate compliance with the eligibility requirements.

   a. All applicable fees associated with the required criminal history record checks must be paid by the compassion center or the agent.

   b. A criminal history record check must be performed upon initial application and biennially upon renewal. A compassion center agent shall consent to a criminal history record check at any time the department determines necessary.

   c. An individual convicted of a drug-related misdemeanor offense within the five-year period before the date of application or a felony offense is prohibited from being a compassion center agent.

4. The department shall notify the compassion center in writing of the purpose for denying a compassion center agent application for a registry identification card. The department shall deny an application if the applicant fails to meet the registration requirements or to provide the information required, if the applicant previously had a registry identification card revoked subject to sections 19-24.1-05, 19-24.1-19, and 19-24.1-20, or if the department determines the information provided is false. The cardholder may appeal a denial or revocation of a registry identification card to the district court of Burleigh County for hearing. The court may authorize the cardholder to appear by reliable electronic means.

5. The department shall issue a compassion center agent a registry identification card within thirty calendar days of approval of an application.

6. A compassion center agent with a registry identification card shall notify the department of any of the following within ten calendar days of the change, in a manner prescribed by the department:

   a. A change in the cardholder's name or address; and

   b. Knowledge of a change that would render the compassion center agent no longer eligible to be a cardholder.

7. If a compassion center agent loses the agent's registry identification card, that agent shall notify the department in writing within twenty-four hours of becoming aware the card has been lost.

8. If a cardholder notifies the department of items listed in this section but the nature of the item reported results in the cardholder remaining eligible, the department shall issue the cardholder a new registry identification card with a new random ten-digit alphanumeric identification number within twenty

calendar days of approving the updated information and the cardholder shall pay a fee, not to exceed twenty-five dollars. If a cardholder notifies the department of an item that results in the cardholder being ineligible, the registry identification card immediately becomes void.

9. A compassion center shall notify the department in writing within two calendar days of the date a compassion center agent ceases to work for or be associated with the compassion center. Upon receipt of the notification, that individual's registry identification card becomes void immediately.

10. The registry identification card of a compassion center agent expires one year after issuance or upon the termination of the compassion center's registration certificate, whichever occurs first. To prevent interruption of possession of a valid registry identification card, a compassion center agent shall renew a registry identification card by submitting a complete renewal application no less than forty-five calendar days before the expiration date of the existing registry identification card.

[121] **SECTION 3. AMENDMENT.** Section 19-24.1-19 of the North Dakota Century Code is amended and reenacted as follows:

19-24.1-19. Cardholders - Compassion centers - Revocation.

1. The department may suspend or revoke a cardholder's registry identification card or a compassion center's registration certificate for a material misstatement by an applicant in an application or renewal.

2. The department may suspend or revoke a registry identification card or registration certificate for a violation of this chapter or rules adopted under this chapter.

3. If a compassion center agent or a compassion center sells or otherwise transfers marijuana or usable marijuana to a person not authorized to possess marijuana or usable marijuana under this chapter, the department shall revoke the cardholder's registry identification card or the compassion center's registration certificate, or both. If the department revokes a cardholder's registry identification card under this subsection, the cardholder may not reapply for one year from the date of an initial revocation and five years from the date of a second revocation. Upon a third revocation or if the revocation under this subsection involved unauthorized minor transfer, use, or access to usable marijuana or the use of usable marijuana which allowed the smoke or vapor to be inhaled by a minor, the cardholder is disqualified from further participation under this chapter.

4. The department shall provide written notice of suspension or revocation of a registry identification card or registration certificate.

   a. A suspension may not be for a period longer than six months.

   b. A manufacturing facility may continue to produce and process and to possess marijuana and usable marijuana during a suspension, but may not transfer or sell usable marijuana.

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[121] Section 19-24.1-19 was also amended by section 4 of Senate Bill No. 2078, chapter 217.

c. A dispensary may continue to possess usable marijuana during a suspension, but may not purchase, dispense, or transfer usable marijuana.

d. The cardholder or the compassion center may appeal a denial or revocation of a registry identification card or registry certificate to the district court of Burleigh County for hearing. The court may authorize the cardholder or compassion center to appear by reliable electronic means.

SECTION 4. AMENDMENT. Section 19-24.1-34 of the North Dakota Century Code is amended and reenacted as follows:

19-24.1-34. Acts not prohibited - Acts not required.

1. This chapter does not require:

   a. A government medical assistance program or private insurer to reimburse a person for costs associated with the medical use of marijuana;

   b. A person in lawful possession of property to allow a guest, client, customer, or other visitor to possess or consume usable marijuana on or in that property;

   c. A landlord to allow production or processing on rental property; or

   d. A health care provider to provide a written certification or otherwise recommend marijuana to a patient.

2. This chapter does not prohibit an employer from disciplining an employee for possessing or consuming usable marijuana in the workplace ~~or for,~~ working while under the influence of marijuana, or working with marijuana in the employee's system.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 11, 2023

Filed April 12, 2023

CHAPTER 217

SENATE BILL NO. 2078

(Human Services Committee)
(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact subsection 12 of section 19-24.1-05, subsection 4 of section 19-24.1-09, subsection 4 of section 19-24.1-18, and subsection 4 of section 19-24.1-19 of the North Dakota Century Code, relating to the appeals process for a medical marijuana registry identification card for qualified patients and designated caregivers, referral of credible criminal complaints, and the appeals process for a compassion center agent or compassion center.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

[122] **SECTION 1. AMENDMENT.** Subsection 12 of section 19-24.1-05 of the North Dakota Century Code is amended and reenacted as follows:

12. The cardholder may appeal a denial or revocation of a registry identification card, within thirty days after notice has been given, to the district court of Burleigh County ~~for hearing~~. The court may authorize the cardholder to appear by reliable electronic means.

SECTION 2. AMENDMENT. Subsection 4 of section 19-24.1-09 of the North Dakota Century Code is amended and reenacted as follows:

4. The department ~~shall~~may refer credible criminal complaints against a cardholder to appropriate state or local law enforcement authorities.

[123] **SECTION 3. AMENDMENT.** Subsection 4 of section 19-24.1-18 of the North Dakota Century Code is amended and reenacted as follows:

4. The department shall notify the compassion center in writing of the purpose for denying a compassion center agent application for a registry identification card. The department shall deny an application if the applicant fails to meet the registration requirements or to provide the information required, if the applicant previously had a registry identification card revoked, or if the department determines the information provided is false. The cardholder may appeal a denial or revocation of a registry identification card, within thirty days after notice has been given, to the district court of Burleigh County ~~for hearing~~. The court may authorize the cardholder to appear by reliable electronic means.

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

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[122] Section 19-24.1-05 was also amended by section 1 of Senate Bill No. 2388, chapter 216.

[123] Section 19-24.1-18 was also amended by section 3 of Senate Bill No. 2201, chapter 215, section 4 of Senate Bill No. 2201, chapter 215, and section 2 of Senate Bill No. 2388, chapter 216.

4. The department shall provide written notice of suspension or revocation of a registry identification card or registration certificate.

   a. A suspension may not be for a period longer than six months.

   b. A manufacturing facility may continue to produce and process and to possess marijuana and usable marijuana during a suspension, but may not transfer or sell usable marijuana.

   c. A dispensary may continue to possess usable marijuana during a suspension, but may not purchase, dispense, or transfer usable marijuana.

   d. The cardholder or the compassion center may appeal a denial or revocation of a registry identification card or registry certificate, within thirty days after notice has been given, to the district court of Burleigh County ~~for hearing~~. The court may authorize the cardholder or compassion center to appear by reliable electronic means.

Approved March 29, 2023

Filed March 30, 2023

[124] Section 19-24.1-19 was also amended by section 3 of Senate Bill No. 2388, chapter 216.