

Introduced by

Senators Larsen, Barta

Representative Mock

1 A BILL for an Act to amend and reenact sections 19-24.1-05, 19-24.1-18, and 19-24.1-19 of the  
2 North Dakota Century Code, relating to reapplication for registered identification cards for  
3 marijuana.

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

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

7 **19-24.1-05. Qualifying patients and designated caregivers - Identification cards -**  
8 **Issuance and denial.**

- 9 1. Upon receipt of a complete application for or renewal of a qualifying patient or  
10 designated caregiver registry identification card, the department shall verify the  
11 submitted information.
- 12 2. The verification methods used by the department on an application or renewal and  
13 accompanying documentation may include:
- 14 a. Contacting an applicant by telephone or mail, or if proof of identity is uncertain,  
15 the department shall require a face-to-face meeting and the production of  
16 additional identification materials;
- 17 b. Contacting the North Dakota board of medicine or North Dakota board of nursing  
18 to verify the certifying health care provider is licensed in the state and is in good  
19 standing; and
- 20 c. Contacting the health care provider to obtain additional documentation verifying  
21 the qualifying patient applicant's medical diagnosis and medical condition qualify  
22 the applicant for participation in the medical marijuana program.
- 23 3. Upon verification of the information contained in an application or renewal, the  
24 department shall approve or deny the application or renewal.

- 1       4.    Except as provided in subsection 5, the department shall issue a registry identification  
2           card within thirty calendar days of approving an application or renewal. A designated  
3           caregiver must have a registry identification card for each of the designated  
4           caregiver's registered qualifying patients.
- 5       5.    The department may not issue a registry identification card to a qualifying patient who  
6           is a minor unless:
  - 7           a.    The department receives documentation the minor's health care provider has  
8               explained to the parent or legal guardian with responsibility for health care  
9               decisions for the minor the potential risks of the use of pediatric medical  
10              marijuana; and
  - 11           b.    The department receives documentation the parent or legal guardian with  
12               responsibility for health care decisions for the minor consents in writing to:
    - 13              (1)   Allow the minor's use of pediatric medical marijuana to treat or alleviate the  
14                  debilitating medical condition;
    - 15              (2)   Serve as the minor's designated caregiver or identifies a registered  
16                  designated caregiver to act as the minor's designated caregiver;
    - 17              (3)   Control the acquisition of usable marijuana and control the dosage and  
18                  frequency of the use of usable marijuana by the minor; and
    - 19              (4)   If serving as the minor's designated caregiver, prevent the minor from  
20                  accessing the usable marijuana by storing the usable marijuana in an  
21                  enclosed, locked facility.
- 22       6.    If the department denies an application or renewal, the applicant may not reapply for  
23           one year from the date of the denial, unless otherwise authorized by the department,  
24           and the applicant is prohibited from all lawful privileges provided under this chapter.
- 25       7.    The department shall deny an application for or renewal of a qualifying patient's  
26           registry identification card if the applicant:
  - 27           a.    Does not meet the requirements of this section or section 19-24.1-03;
  - 28           b.    Did not provide the required information and materials; or
  - 29           c.    ~~Previously had a registry identification card revoked; or~~
  - 30           d.    Provided false or falsified information or made a material misstatement.

- 1           8.    The department shall deny an application for or renewal of a designated caregiver  
2           registry identification card if the designated caregiver applicant:
- 3           a.    Does not meet the requirements of this section or section 19-24.1-04;
- 4           b.    Did not provide the required information and materials; or
- 5           c.    ~~Previously had a registry identification card revoked; or~~
- 6           d.    Provided false or falsified information or made a material misstatement.
- 7           9.    An individual may not reapply for a qualifying patient or designated caregiver registry  
8           identification card for one year from the date of an initial revocation and five years from  
9           the date of a second revocation. Upon a third revocation, the cardholder is disqualified  
10           from further participation under this chapter.
- 11          10.   A registered qualifying patient may have no more than five registered designated  
12           caregivers.
- 13          ~~40-11.~~   The department shall notify, in writing, the qualifying patient or designated caregiver  
14           applicant of the reason for denying an application or renewal.
- 15          ~~44-12.~~   The department shall notify the following in writing:
- 16           a.    A registered qualifying patient if that patient's designated caregiver's application  
17           or renewal is denied; and
- 18           b.    A registered designated caregiver if that caregiver's qualifying patient's  
19           application or renewal is denied.
- 20          ~~42-13.~~   The cardholder may appeal a denial or revocation of a registry identification card to  
21           the district court of Burleigh County for hearing. The court may authorize the  
22           cardholder to appear by reliable electronic means.

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

25           **19-24.1-18. Compassion centers - Agents - Registry identification cards.**

- 26           1.    Upon issuance of a compassion center registry certificate, the department shall issue  
27           a registry identification card to each qualified compassion center agent associated with  
28           the compassion center.
- 29           2.    To qualify to be issued a registry identification card, each compassion center agent  
30           must be at least twenty-one years of age and shall submit all of the following registry  
31           identification card application material to the department:

- 1           a.    A photographic copy of the agent's department-approved identification. The agent  
2                   shall make the identification available for inspection and verification by the  
3                   department.
- 4           b.    A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the agent.
- 5           c.    A written and signed statement from an officer or executive staff member of the  
6                   compassion center stating the applicant is associated with the compassion center  
7                   and the capacity of the association.
- 8           d.    The name, address, and telephone number of the agent.
- 9           e.    The name, address, and telephone number of the compassion center with which  
10                  the agent is associated.
- 11          f.    The agent's signature and the date.
- 12          g.    A nonrefundable application or renewal fee in the amount of two hundred dollars.
- 13        3.    Each compassion center agent shall consent to a criminal history record check  
14                  conducted under section 12-60-24 to demonstrate compliance with the eligibility  
15                  requirements.
- 16           a.    All applicable fees associated with the required criminal history record checks  
17                  must be paid by the compassion center or the agent.
- 18           b.    A criminal history record check must be performed upon initial application and  
19                  biennially upon renewal. A compassion center agent shall consent to a criminal  
20                  history record check at any time the department determines necessary.
- 21           c.    An individual convicted of a drug-related misdemeanor offense within the  
22                  five-year period before the date of application or a felony offense is prohibited  
23                  from being a compassion center agent.
- 24        4.    The department shall notify the compassion center in writing of the purpose for  
25                  denying a compassion center agent application for a registry identification card. The  
26                  department shall deny an application if the applicant fails to meet the registration  
27                  requirements or to provide the information required, if the applicant previously had a  
28                  registry identification card revoked subject to sections 19-24.1-19 and 19-24.1-20, or if  
29                  the department determines the information provided is false. The cardholder may  
30                  appeal a denial or revocation of a registry identification card to the district court of

1 Burleigh County for hearing. The court may authorize the cardholder to appear by  
2 reliable electronic means.

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

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

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

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

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

14 8. If a cardholder notifies the department of items listed in this section but the nature of  
15 the item reported results in the cardholder remaining eligible, the department shall  
16 issue the cardholder a new registry identification card with a new random ten-digit  
17 alphanumeric identification number within twenty calendar days of approving the  
18 updated information and the cardholder shall pay a fee, not to exceed twenty-five  
19 dollars. If a cardholder notifies the department of an item that results in the cardholder  
20 being ineligible, the registry identification card immediately becomes void.

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

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

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

3       **19-24.1-19. Cardholders - Compassion centers - Revocation.**

- 4       1. The department may suspend or revoke a cardholder's registry identification card or a  
5       compassion center's registration certificate for a material misstatement by an applicant  
6       in an application or renewal.
- 7       2. The department may suspend or revoke a registry identification card or registration  
8       certificate for a violation of this chapter or rules adopted under this chapter.
- 9       3. If a compassion center agent or a compassion center sells or otherwise transfers  
10       marijuana or usable marijuana to a person not authorized to possess marijuana or  
11       usable marijuana under this chapter, the department shall revoke the cardholder's  
12       registry identification card or the compassion center's registration certificate, or both. If  
13       the department revokes a cardholder's registry identification card under this  
14       subsection, the cardholder may not reapply for one year from the date of an initial  
15       revocation and five years from the date of a second revocation. Upon a third  
16       revocation, the cardholder is disqualified from further participation under this chapter.
- 17       4. The department shall provide written notice of suspension or revocation of a registry  
18       identification card or registration certificate.
- 19       a. A suspension may not be for a period longer than six months.
- 20       b. A manufacturing facility may continue to produce and process and to possess  
21       marijuana and usable marijuana during a suspension, but may not transfer or sell  
22       usable marijuana.
- 23       c. A dispensary may continue to possess usable marijuana during a suspension,  
24       but may not purchase, dispense, or transfer usable marijuana.
- 25       d. The cardholder or the compassion center may appeal a denial or revocation of a  
26       registry identification card or registry certificate to the district court of Burleigh  
27       County for hearing. The court may authorize the cardholder or compassion center  
28       to appear by reliable electronic means.