

HOUSE BILL NO. 1359

Introduced by

Representatives M. Ruby, Christensen, Cory, Dobervich, B. Koppelman, M. Nelson, O'Brien, Vetter

Senators Hogan, O. Larsen, Meyer, K. Roers

1 A BILL for an Act to create and enact a new subsection to section 19-24.1-05 of the North
2 Dakota Century Code, relating to medical marijuana designated caregivers; to amend and
3 reenact subsection 2 of section 19-24.1-04 and section 19-24.1-38 of the North Dakota Century
4 Code, relating to medical marijuana designated caregivers and the medical marijuana advisory
5 board; and to provide for application.

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

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 19-24.1-04 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 2. A designated caregiver application is complete and eligible for review if an applicant
10 submits to the department all of the following:

11 a. ~~A nonrefundable annual application fee in the amount of fifty dollars.~~

12 b. An original designated caregiver application for a registry identification card form
13 established by the department which must include all of the following:

14 (1) A photographic copy of the applicant's North Dakota identification. The
15 North Dakota identification must be available for inspection and verification
16 upon request of the department.

17 (2) The name, address, telephone number, and date of birth of the qualifying
18 patient.

19 (3) The name, address, and telephone number of the applicant.

20 (4) The applicant's signature and the date.

21 (5) A disclosure that possession of a firearm by a person who possesses
22 marijuana may be a violation of federal law.

- 1 e.b. An original designated caregiver authorization form established by the
2 department which must be executed by a registered qualifying patient providing
3 the designated caregiver applicant with the responsibility of managing the
4 well-being of the registered qualifying patient with respect to the registered
5 qualifying patient's medical use of marijuana. The form must include:
6 (1) The name and date of birth of the designated caregiver applicant; and
7 (2) The registered qualifying patient's signature and the date.
- 8 d.c. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the applicant.
- 9 e.d. Any other information or material required by the department by rule.

10 **SECTION 2.** A new subsection to section 19-24.1-05 of the North Dakota Century Code is
11 created and enacted as follows:

12 A registered qualifying patient may have no more than three registered designated
13 caregivers.

14 **SECTION 3. AMENDMENT.** Section 19-24.1-38 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **19-24.1-38. Advisory board.**

- 17 1. The governor shall appoint six members to serve on an advisory board ~~that~~as follows:
- 18 a. One health care provider;
- 19 b. One representative of the department;
- 20 c. One representative of the manufacturing facilities;
- 21 d. One representative of the dispensaries;
- 22 e. One registered qualifying patient; and
- 23 f. One licensed pharmacist.
- 24 2. The chairman of the legislative management shall appoint two members of the
25 legislative assembly to serve on the advisory board, one member from each political
26 faction. The legislative council shall pay the compensation and expense
27 reimbursement for the legislative members. The terms of members of the appointed
28 advisory board are for two years and members may be reappointed by the appointing
29 entity. The state health officer shall serve as an ex officio voting member and as
30 chairman of the advisory board.
- 31 3. The advisory board:

- 1 a. Shall advise the department in implementation of the medical marijuana
- 2 program.
- 3 b. May receive reports from the department on the status and activities of the
- 4 medical marijuana program.
- 5 c. May provide recommendations to the department and the legislative
- 6 management on the medical marijuana program.
- 7 ~~2. The state health officer shall serve as an ex officio voting member and as chairman of~~
- 8 ~~the advisory board.~~

9 **SECTION 4. APPLICATION.** The governor shall implement the membership of the medical
10 marijuana advisory board on the effective date of this Act.