



MEDICAL MARIJUANA INFORMATION

North Dakota Association of Counties

May 20, 2020

LEGAL DISCLAIMER

This presentation is intended to convey general information only and does not provide legal advice.

The contents should not be construed as legal advice.

Contact your attorney for advice on your specific circumstances and legal issues.

NORTH DAKOTA PROGRAM ONLY

- Marijuana is still illegal under the federal Controlled Substances Act
- No reciprocity with other states
- Dispensed product is not to cross state lines
- Dispensed product is to stay in the container with the labels attached

DEFINITIONS

Health Care Provider

- A physician, a physician assistant, or an advanced practice registered nurse.

Qualifying Patient

- An individual who has been diagnosed by a health care provider as having a debilitating medical condition.

Designated Caregiver

- 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.

DEFINITIONS (END)

Manufacturing Facility

- An entity registered who is authorized to produce and process and to sell usable marijuana to a dispensary. Pay a \$110,000 certification fee for a two year certificate.

Dispensary

- An entity registered who is authorized to dispense usable marijuana to a registered qualifying patient and a registered designated caregiver. Pay a \$90,000 certification fee for a two year certificate.

Registry Identification Card

- A document issued by the Department of Health which identifies an individual as a registered qualifying patient, registered designated caregiver, registered compassion center agent, or laboratory agent.

DEBILITATING MEDICAL CONDITIONS (26)

- Agitation of Alzheimer's disease or related dementia
- AIDS
- Amyotrophic lateral sclerosis (ALS)
- Anorexia nervosa
- Anxiety disorder
- Autism spectrum disorder
- A brain injury
- Bulimia nervosa
- Cancer
- Crohn's disease
- Decompensated cirrhosis caused by hepatitis C
- Ehlers-Danlos syndrome
- Endometriosis
- Epilepsy
- Fibromyalgia
- Glaucoma
- HIV
- Interstitial cystitis

MEDICAL CONDITIONS (END)

- Migraine
- Neuropathy
- Posttraumatic stress disorder (PTSD)
- Rheumatoid arthritis
- Spinal stenosis or chronic back pain with objective neurological indication of intractable spasticity
- A terminal illness
- Tourette syndrome
- A chronic or debilitating disease or medical condition or treatment for such disease that produces:
 - Cachexia or wasting syndrome;
 - 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;
 - Intractable nausea;
 - Seizures; or
 - Severe and persistent muscle spasms, including those characteristic of multiple sclerosis

NO PRESCRIPTIONS – WRITTEN CERTIFICATION

Individual must obtain a written certification from their health care provider who must be licensed in North Dakota and have a license in good standing.

- Health care provider states the patient has a debilitating medical condition.
- Attestation that the written certification is made in the course of a bona fide provider-patient relationship.

OVERVIEW OF PROCESS

Patient **talks** with their health care provider and then starts a patient application via the ND Medical Marijuana registration system.

As part of the patient application, the patient enters the name and email address of the health care provider.

The health care provider receives a notification via email that they are requested to complete a written certification for the patient.

Via the registration system, the health care provider completes the written certification.

The registration system links the written certification to the patient application. The Division of Medical Marijuana reviews the application.

The patient is **issued a registry ID card** if approved.

REGISTRY IDENTIFICATION CARDS

Qualifying Patients

- Qualifying Medical Condition
- Written Certification
- Application Fee - \$50/year
(fee may be waived for minor)

Designated Caregivers

- 21 years of age
- Passed a criminal history record check
- Application Fee - \$50/year

Dispensary, manufacturing facility, and lab agents

- 21 years of age
- Passed a criminal history record check
- Application Fee - \$200/year (fee waived for lab agent)

Front Side

NORTH DAKOTA MEDICAL MARIJUANA



PATIENT
NAME:John ZZTest
DATE OF ISSUE:04-25-2019
DATE OF EXPIRATION:02-13-2020
ID NUMBER:G372G6YWL2
DRIED LEAVES AND FLOWER:Standard



SAMPLE

Back Side

NORTH DAKOTA MEDICAL MARIJUANA

PATIENT

If found or to verify card, contact the Division of Medical Marijuana at (701) 328-1311.
Counterfeiting, replicating, alteration or misuse of this card is prohibited by law. Use or possession of this card by any person other than the intended cardholder is unlawful.



G3 72 G6 YW L2

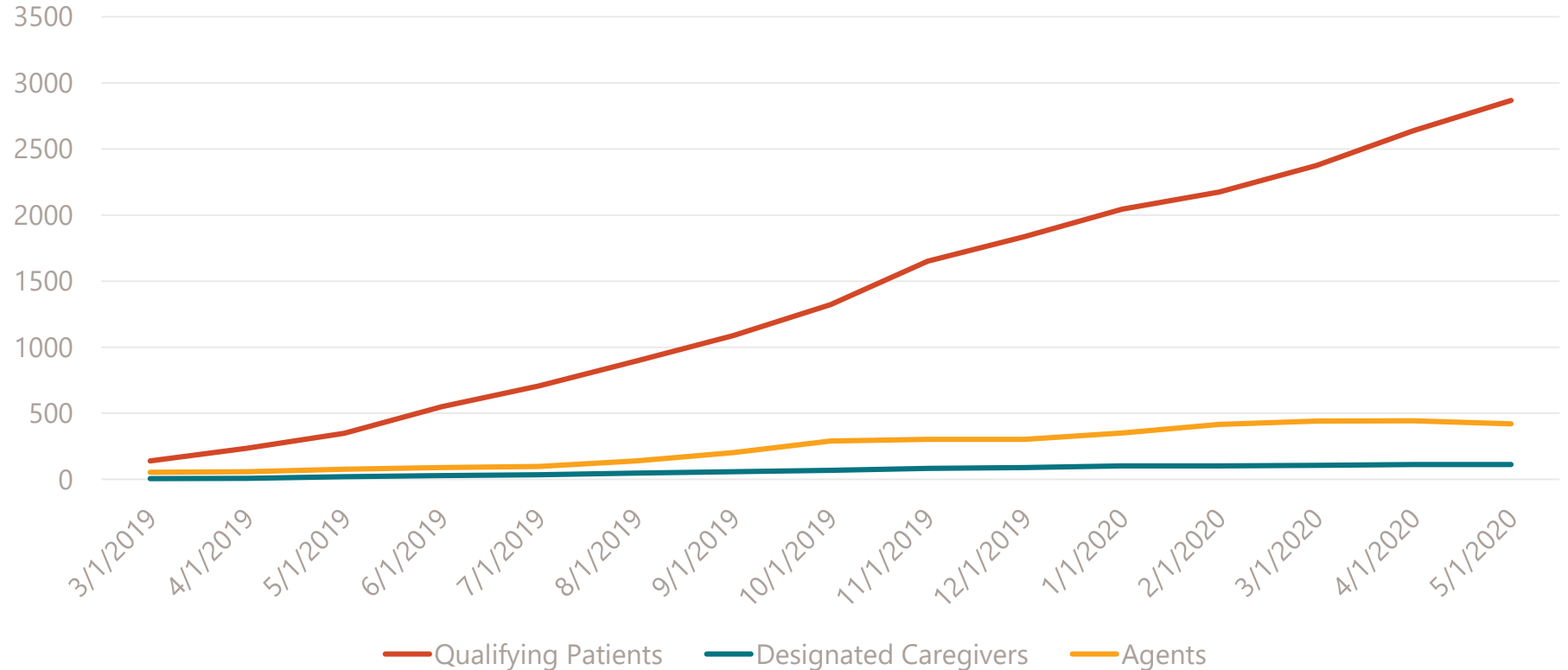


Dried Leaves/Flower Possession Limits:
No = 0.0 oz
Standard = 3.0 oz
Enhanced = 7.5 oz

REGISTRY IDENTIFICATION CARDS

2,931 Active Patient cards (as of 5/20/2020)

Active Cards



TYPES OF USABLE MARIJUANA

Not for Minors! (under 19)

*Products with >6% THC

*Smokable form

Usable Marijuana

Dried Leaves & Flowers

Medical Marijuana Products

Cannabinoid Concentrate or Extract

Medical Cannabinoid Products

Solutions

Topicals

Capsules

Transdermal patches

Not for minors

Maximum purchase amounts per 30 days:

*2.5 ounces total – dried leaves and flowers; and
*4,000 mg THC total – other products

(up to 6 ounces of dried leaves and flowers may be authorized for patients with a medical condition of cancer)

Max 6% THC per serving

Max 50 mg THC per serving

Max 50 mg THC per serving

INFORMATION TECHNOLOGY SYSTEM

Two parts of the information technology system:

1. Registration System: register all qualifying patients, designated caregivers, and agents of manufacturing facilities and dispensaries
2. Traceability System: tracks all marijuana at manufacturing facilities and dispensaries

CONFIDENTIALITY

Information kept or maintained by the Department of Health is confidential, including information in a registration application or renewal and supporting information provided by a manufacturing facility and dispensary.

- Only disclose information that is allowed under state law.

MANUFACTURING FACILITIES

Pure Dakota

Bismarck

September 19, 2018

GR Vending

Fargo

December 21, 2018

OPEN DISPENSARIES

Pure Dakota Health

Fargo

Re-Open May 19, 2020

Harvest of Williston

Williston

July 12, 2019

Strive Life

Grand Forks

May 22, 2019

Harvest of Bismarck

Bismarck

August 13, 2019

OPEN DISPENSARIES

Herbology

Devils Lake

September 17, 2019

Herbology

Jamestown

September 24, 2019

Herbology

Minot

September 19, 2019

Herbology

Dickinson

December 13, 2019

INSPECTIONS AND REVIEWS

Manufacturing facilities and dispensaries are subject to random inspections and reviews.

Inspections and reviews are to ensure compliance with the laws and regulations established for the Medical Marijuana Program.

EXAMPLES OF REQUIREMENTS

- Utilize a bar coding inventory system
- Mandated inventory of all marijuana
- Detailed financial reports of proceeds and expenses
- Maintain all inventory, sales, and financial records in accordance with generally accepted accounting principles
- Have appropriate security and safety measures to deter and prevent unauthorized entrance and prevent theft of marijuana

ACTS NOT REQUIRED

The medical marijuana laws do not require:

- A government medical assistance program or private insurer to reimburse a person for costs associated with the medical use of marijuana;
- 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;
- A landlord to allow production or processing on rental property; or
- A health care provider to provide a written certification or otherwise recommend marijuana to a patient.

The law 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.

RESTRICTIONS ON USE

State law does not allow for the possession or consumption of usable marijuana:

- On a school bus or school van that is used for school purposes;
- On the grounds of any public or private school;
- At any location while a public or private school sanctioned event is occurring at that location;
- On the grounds of a correctional facility; or
- On the grounds of a child care facility or licensed home day care, unless authorized under rules adopted by the Department of Human Services.

ADDITIONAL RESTRICTIONS

- May not operate, navigate, or be in actual physical control of a motor vehicle, aircraft, train, or motorboat while under the influence of marijuana
- May not use a combustible delivery form or vaporizing if the smoke or vapor would be inhaled by a minor (unless the minor is the registered qualifying patient)
- The same state law smoking provisions existing for smoking, vaping, etc. in public places and places of employment are applicable to the medical marijuana program
- May not undertake an activity under the influence of marijuana if doing so would constitute negligence or professional malpractice

INCIDENT REPORTING

Administrative rules require the Department to develop a form for law enforcement to use to notify the Department of:

- An individual who is not a registered cardholder found in possession of usable marijuana dispensed under the program; and
- A registered qualifying patient or registered designated caregiver found in possession of more than the allowable amount of usable marijuana.

The electronic form is available on the Division's website (under the 'Forms' link).

Law enforcement has five business days to notify the Department.

THANK YOU
www.health.nd.gov/mm