MEDICAL MARIJUANA INFORMATION

North Dakota Association of Counties
May 20, 2020
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.
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.
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
➢ 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
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)
2,931 Active Patient cards (as of 5/20/2020)
TYPES OF USABLE MARIJUANA

Usable Marijuana

Dried Leaves & Flowers

Medical Marijuana Products

Cannabinoid Concentrate or Extract

Medical Cannabinoid Products

Solutions

Topicals

Capsules

Transdermal patches

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)

Not for Minors! (under 19)

* Products with >6% THC
* Smokable form

Max 6% THC per serving

Max 50 mg THC per serving

Max 50 mg THC per serving

Not for minors

Max 60 mg per serving
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
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.
Pure Dakota
Bismarck
September 19, 2018

GR Vending
Fargo
December 21, 2018
OPEN DISPENSARIES

Pure Dakota Health
Fargo
Re-Open May 19, 2020

Strive Life
Grand Forks
May 22, 2019

Harvest of Williston
Williston
July 12, 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
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
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.
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.
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.