



MEDICAL MARIJUANA INFORMATION

South Dakota Legislative Interim Committee

June 21, 2021

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.

PROGRAM IMPLEMENTATION

November 2016 – initiated measure passes

April 2017 – state law effective

November 2017 – information technology RFP; drafted administrative rules filed

February 2018 – laboratory RFP

March 2018 – application period opens for two manufacturing facilities ; IT contract signed

May 2018 – two entities moved forward in manufacturing facility registration process

June 2018 – laboratory contract signed

PROGRAM IMPLEMENTATION (CONTINUED)

July 2018 – application period opens for two dispensary regions

September 2018 – registration certificate issued to one manufacturing facility; two entities moved forward in dispensary registration process; application period opens for two additional dispensary regions

October 2018 – applications accepted from qualifying patients and designated caregivers

November 2018 – two additional entities moved forward in dispensary registration process

December 2018 – registration certificate issued to other manufacturing facility

January 2019 – cards issued; application period opens for final four dispensary regions

PROGRAM IMPLEMENTATION (END)

March 2019 – first dispensary opens (Fargo)

April 2019 – four additional entities moved forward in dispensary registration process

May 2019 – second dispensary opens (Grand Forks); electronic cards available

July 2019 – third dispensary opens (Williston)

August 2019 – fourth dispensary opens (Bismarck)

September 2019 – three additional dispensaries open

December 2019 – final dispensary opens

NORTH DAKOTA PROGRAM ONLY

- Marijuana is still illegal under the federal Controlled Substances Act
- No reciprocity with other states (do not recognize medical marijuana cards from 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 up to 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 up to 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.

HEALTH CARE PROVIDER

Physician, physician assistant, and advanced practice registered nurse

- Must hold a valid license from applicable North Dakota board
- Must review medical records and complete a full assessment of the patient's medical history and current medical condition include a relevant, in-person, medical evaluation of the patient

LIST OF DEBILITATING MEDICAL CONDITIONS

Legislature determines the list of qualifying medical conditions.

- 2016 Initiated Measure: 13 conditions
- 2017 Legislature: added terminal illness
- 2019 Legislature: added 12 conditions (designated with an '*' on next slides)

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.

Information is Confidential.

VETERAN ACCOMMODATION

In lieu of a written certification, a veteran receiving treatment from a federal VA entity may submit a copy of their medical records.

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 (ID tags with barcode, manifest system for transporting purposes)

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)

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

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

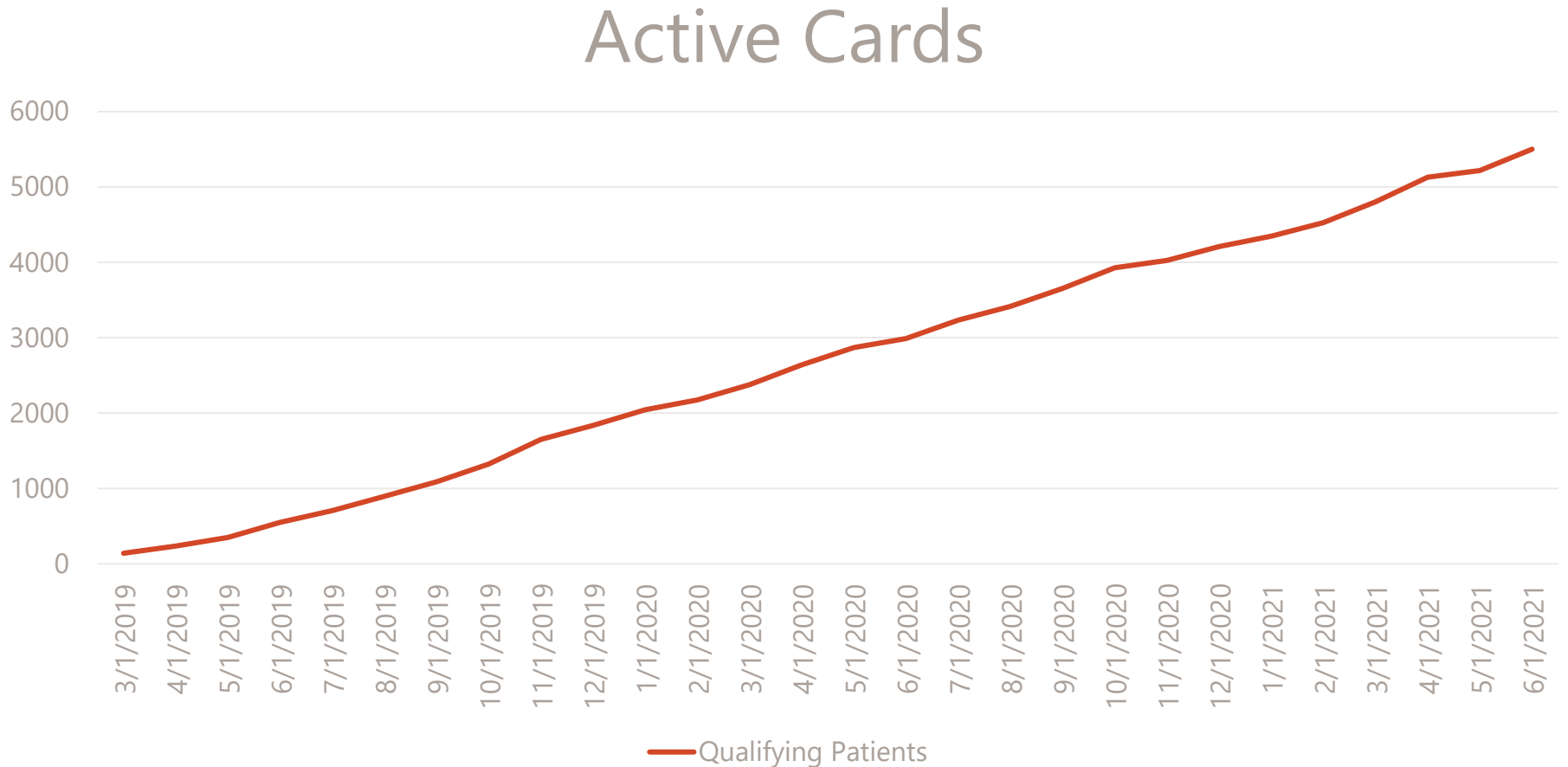
ELECTRONIC ID CARDS

Cardholders can login to the registration system from their mobile device to access their card electronically.

- Same authority as a printed card
- Swipe to the side to view the front of the card, back of the card, and a QR code (used by dispensaries)

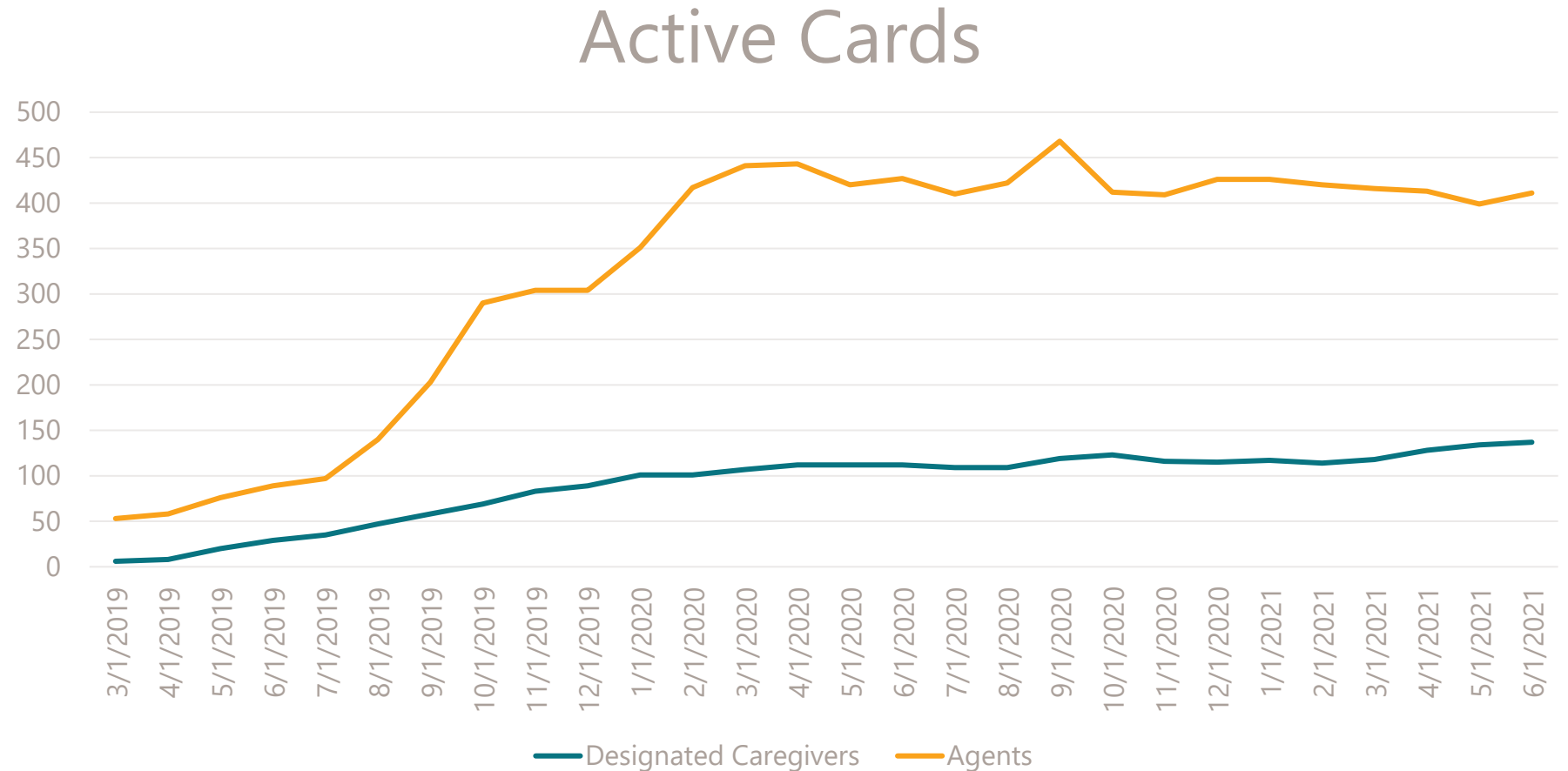
REGISTRY IDENTIFICATION CARDS – QUALIFYING PATIENTS

5,501 Active
Patient cards
(as of 6/1/2021)



REGISTRY IDENTIFICATION CARDS

137 Active
Designated
Caregiver cards
(as of 6/1/2021)



REGISTERED ENTITIES

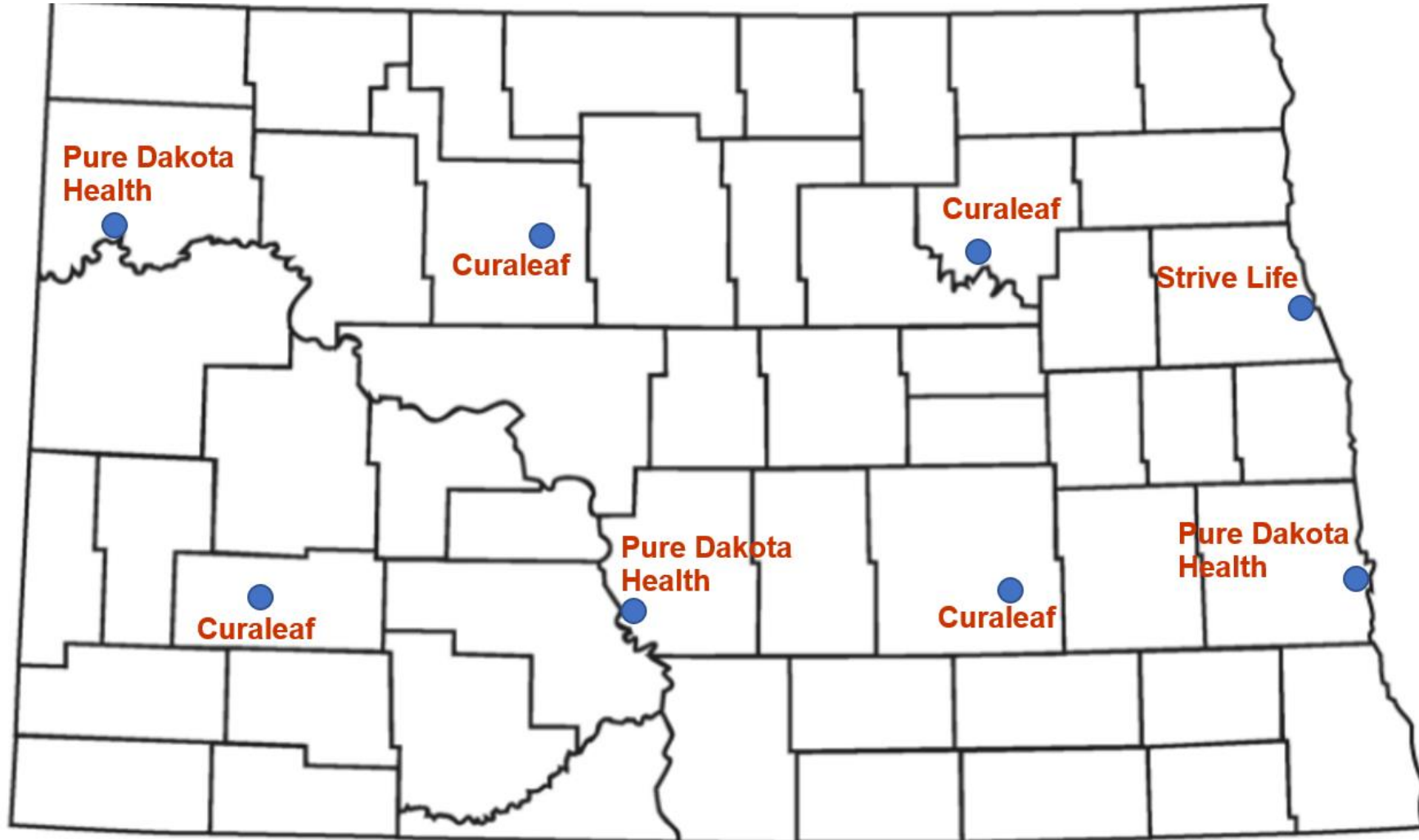
Manufacturing Facilities

- 2 registered (Bismarck, Fargo)
- Registration allows up to 1,000 plants; pay an additional \$10,000 for every 500 plants over 1,000

Dispensaries

- 8 registered (major cities)
- Validate card every time qualifying patient enters facility

REGISTERED DISPENSARY LOCATIONS



DISPENSARY IMPLEMENTATION

State law identified a maximum of eight dispensaries with no information regarding location.

- To prevent dispensaries being located in same area and to reduce travel to locations, established a 50-mile radius around major cities in the state.
- Used three application rounds (2, 2, 4)

No limits on registrations – issues/concerns result

TYPES OF USABLE MARIJUANA

Not for Minors! (under 19)

*Products with >6% THC

*Smokable form

Usable Marijuana

Not
for
minors

Dried Leaves &
Flowers

Medical Marijuana
Products

Cannabinoid
Concentrate or
Extract

Medical
Cannabinoid
Products

Max
30 mL
per
package

Solutions

Max
50 mg
THC per
serving

Capsules

Transdermal
patches

Topicals

Max
6% THC
per
serving

Max
50 mg
THC per
serving

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)

PDMP

Every two weeks, data regarding registered qualifying patients is uploaded to the Prescription Drug Monitoring Program (PDMP) system.

Within PDMP, information is identified that an individual has a valid registry identification card and the expiration date of the card.

COMPLIANCE TESTING

Prior to transporting any marijuana or marijuana product to a dispensary, the flower lot or process lot is subject to sampling and applicable compliance tests.

- Contract with a lab to conduct testing (lab representatives travel to manufacturing facilities to select samples for tests)
- Lab enters test information into the information technology system (manufacturing facility unable to place untested products onto a manifest to transport to a dispensary)

OTHER CONSIDERATIONS

- Employer/Employee relationship
- Prohibited acts
- Restrictions on use
- Law enforcement incident reporting
- Adverse reaction reporting

THANK YOU

www.health.nd.gov/mm