



MEDICAL MARIJUANA PROGRAM INFORMATION

Medical Marijuana Advisory Board

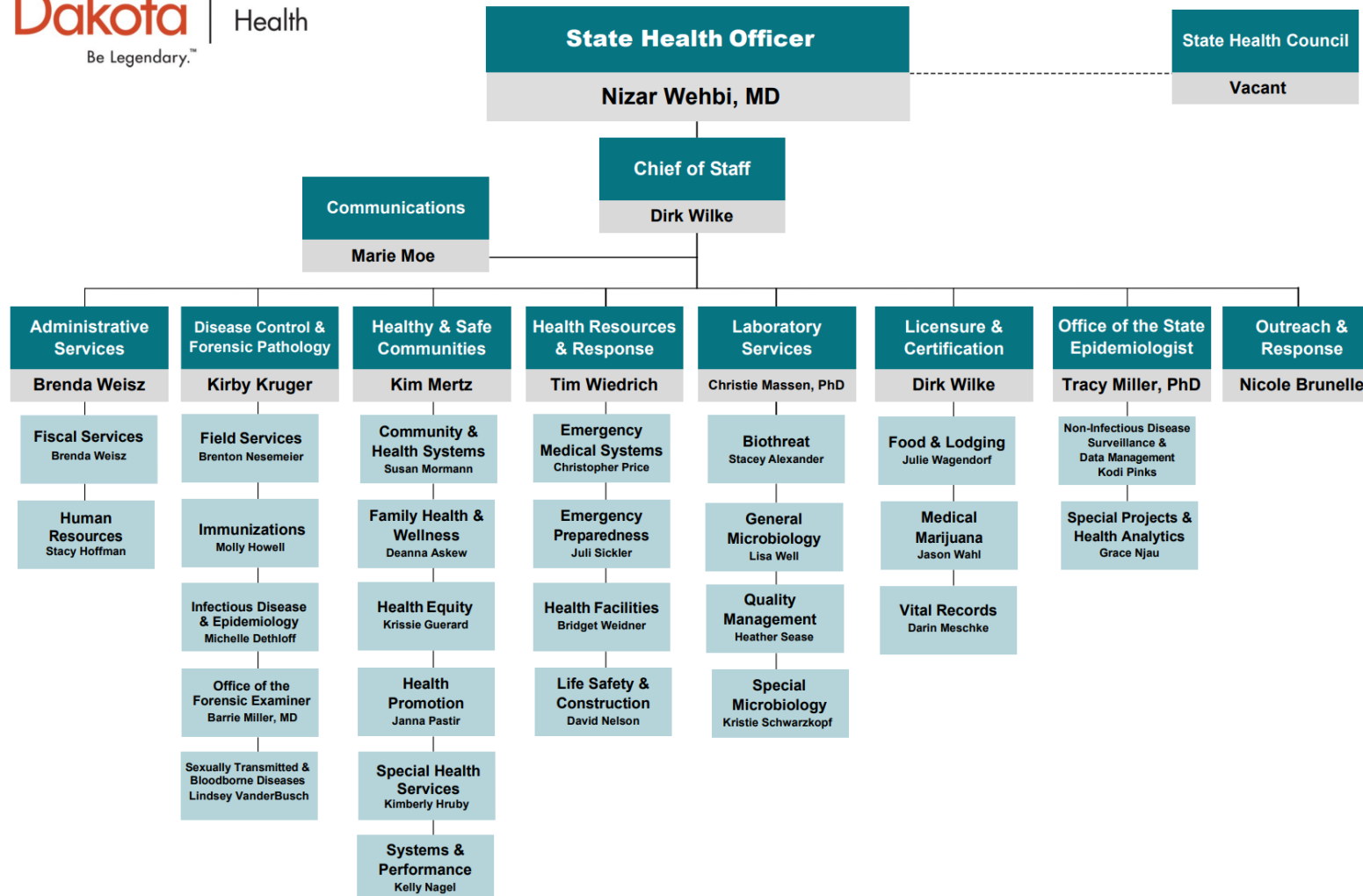
November 29, 2021

LEGAL DISCLAIMER

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

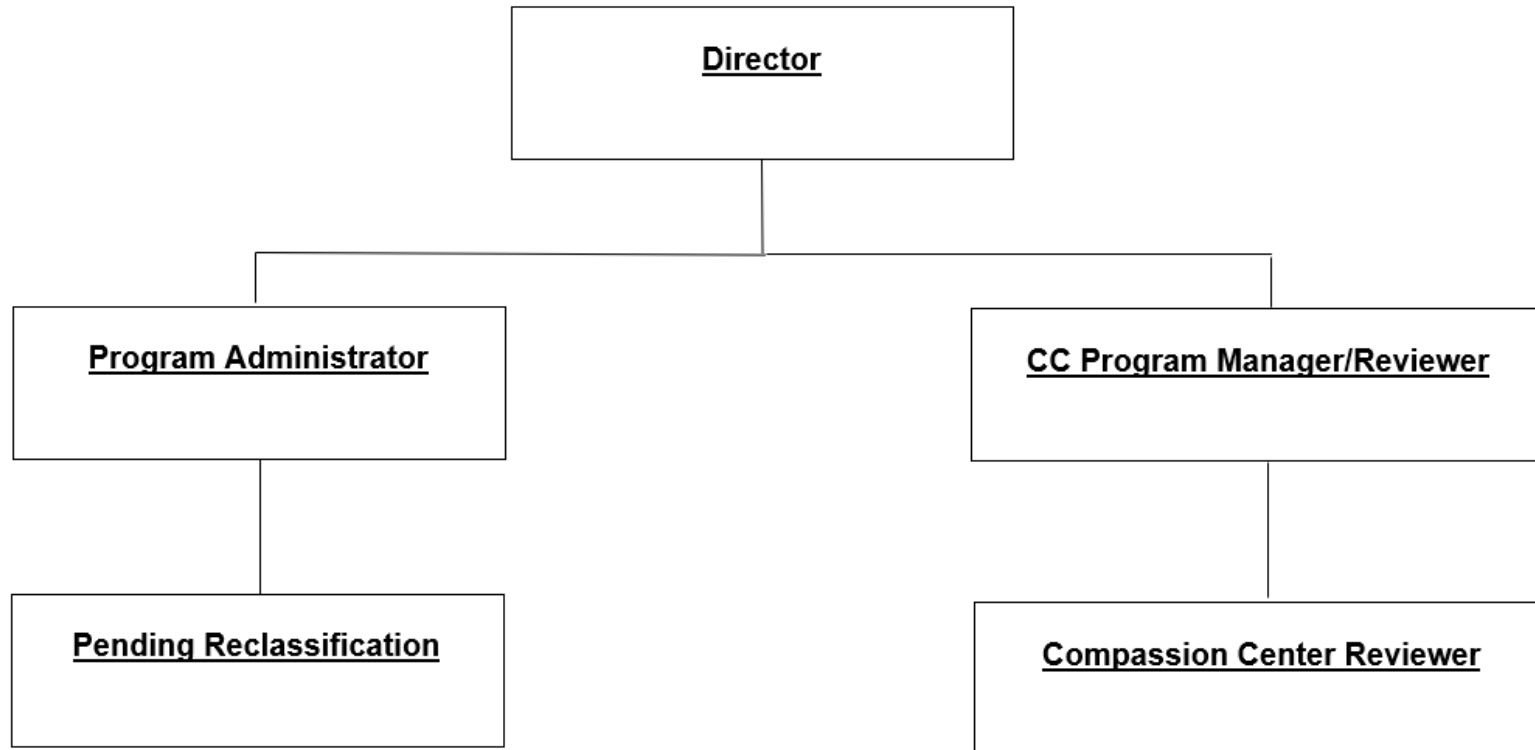
The contents should not be construed as legal advice.

ORGANIZATIONAL STRUCTURE - DOH



ORGANIZATIONAL STRUCTURE - DMM

Division of Medical Marijuana



LAWS AND RULES

North Dakota Century Code

- Chapter 19-24.1
 - Modified by Legislative Assembly

North Dakota Administrative Code

- Chapter 33-44-01
 - Modified through an administrative rule making process initiated by the Department of Health

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.

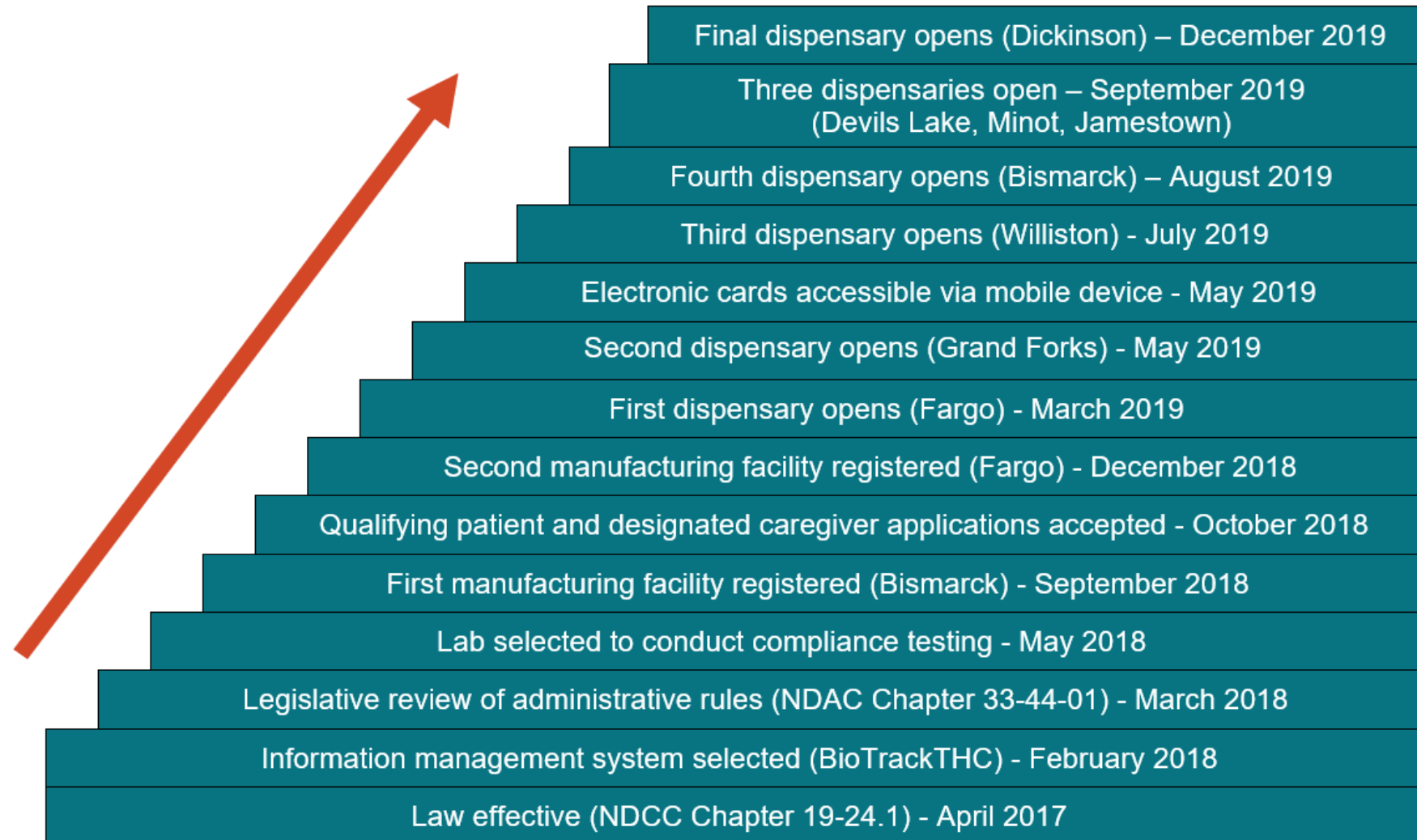
Dispensary

- 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.

PROGRAM IMPLEMENTATION



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

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.



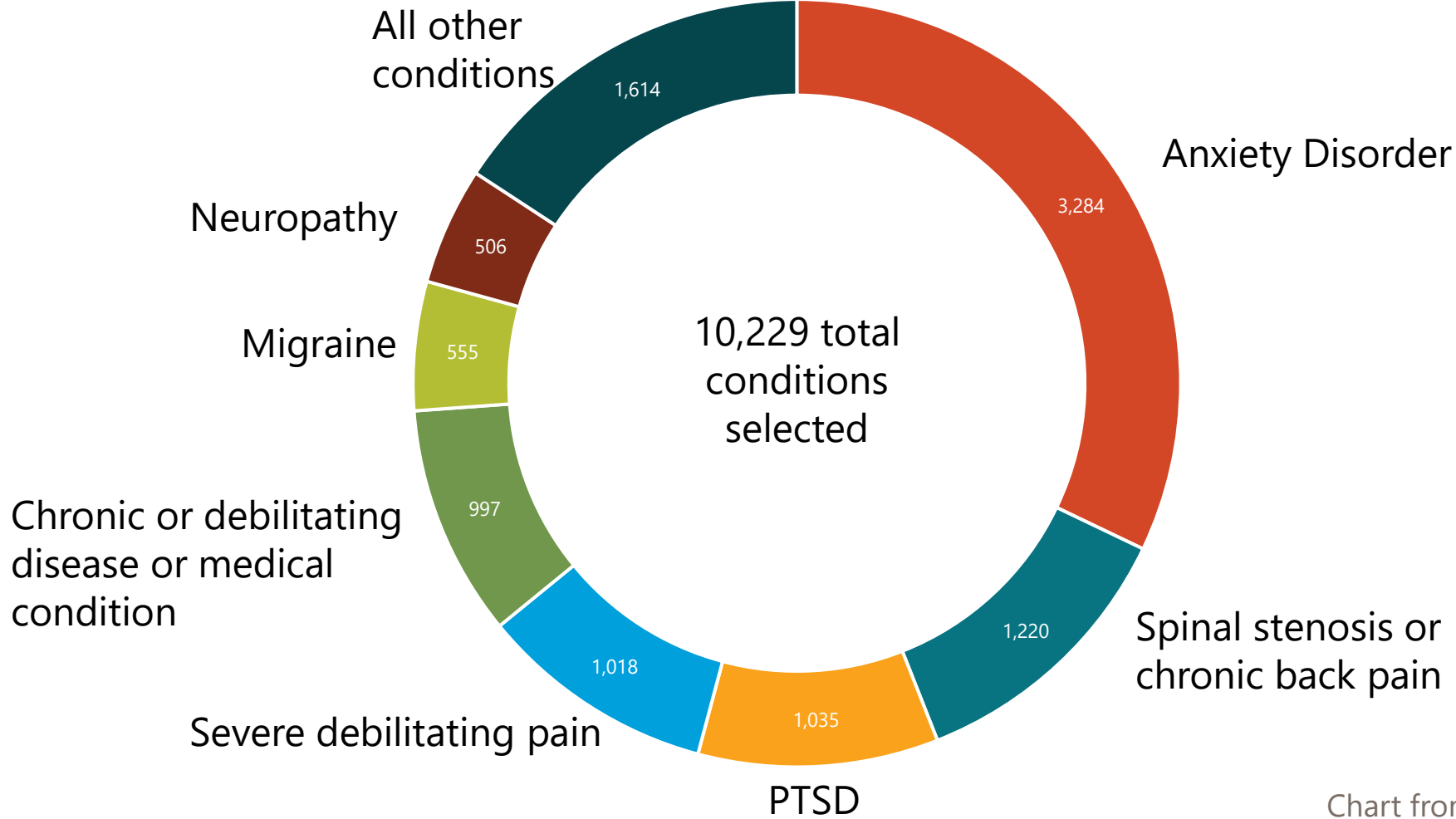
DEBILITATING MEDICAL CONDITIONS (26)

- 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

DEBILITATING MEDICAL CONDITIONS SELECTED BY HEALTH CARE PROVIDERS FOR REGISTERED QUALIFYING PATIENTS AS OF JUNE 30, 2021



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.

BONA FIDE PROVIDER-PATIENT RELATIONSHIP

- Health Care Provider has **created, maintained, and reviewed** the patient's relevant **medical records**.
- An **in-person** medical evaluation of the patient is performed.
- Health Care Provider continues care for the patient and their debilitating medical condition that qualified them for the Medical Marijuana Program.
- Health Care Provider has a **reasonable expectation for follow up care** regarding the medical use of marijuana as a treatment of the patient's debilitating medical condition.
- Provider-Patient relationship is **NOT for the sole purpose** of providing a written certification for the medical use of marijuana.

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.

- Over 250 registered qualifying patients are veterans using the accommodation

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)

REGISTRATION SYSTEM

- Online applications only
- Individuals create an account (email and password)
- Application fee may be paid electronically
- Applicants can monitor status of application
- Approved applicants receive a printed card and an electronic card is accessible through their account

REGISTRATION SYSTEM (END)

- Qualifying patients can check their 'limit meter' to identify amount remaining on their 30-day limit
- Status of card must be verified by dispensary upon entry into lobby
- Law enforcement may enter a card number to verify name, status, and card type

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

Qualifying Patients

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

Designated Caregivers

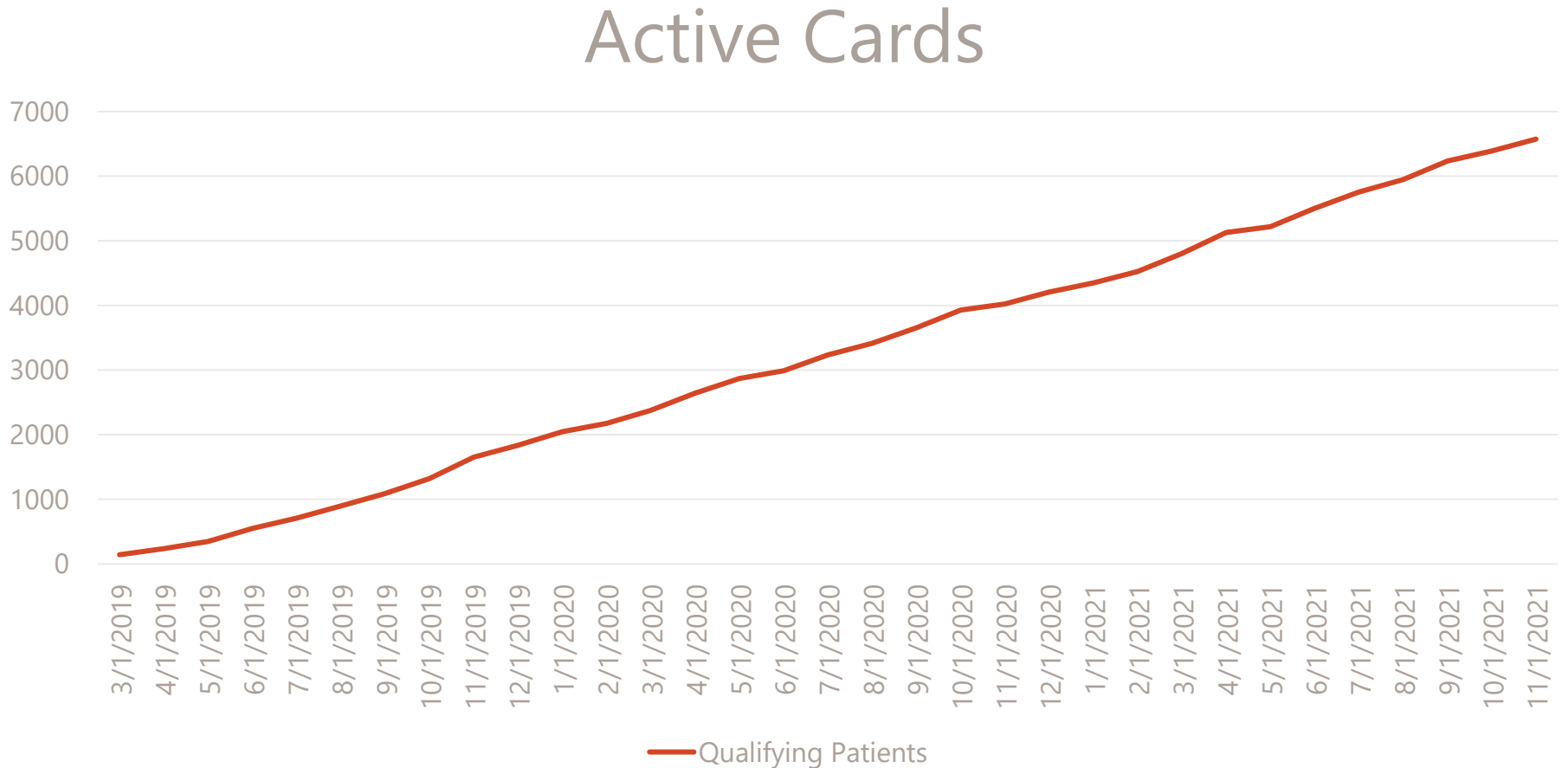
- 21 years of age
- Passed a criminal history record check
- Application Fee - ZERO

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)

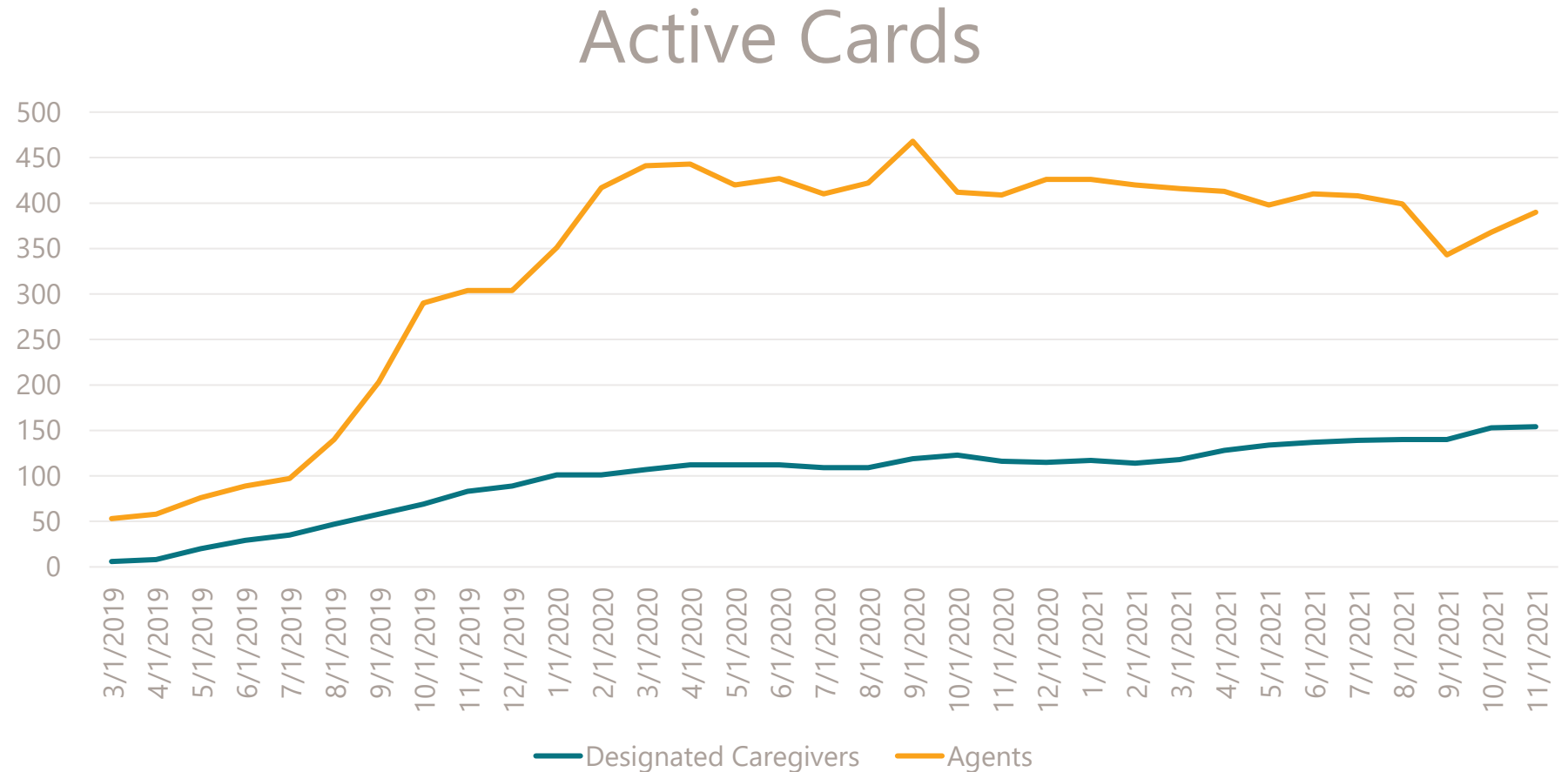
REGISTRY IDENTIFICATION CARDS – QUALIFYING PATIENTS

6,895 Active
Patient cards
(as of 11/24/2021)



REGISTRY IDENTIFICATION CARDS

147 Active Designated Caregiver cards (as of 11/24/2021)



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

Max size 30 mL

Solutions

Max 6% THC per serving

Topicals

Max 50 mg THC per serving

Capsules

Transdermal patches

Max 50 mg THC per serving

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)

DRIED LEAVES AND FLOWER

Types

- Regular
- B bud
- Trim

Sizes

- 1 gram
- 1/8 (3.5 grams)
- 1/4 (7 grams)

Pre-rolls

- One 1 gram
- Three 1 gram
- Five 0.7 gram

CONCENTRATES

Types

- Different waxes (crumble, budder, pull and snap, etc.)
- Shatter
- Live resin
- FSO/PDO/RSO
- Distillate for vapes

Sizes

- 1/2 gram containers/syringes/vape cartridges
- 1 gram containers/syringes/vape cartridges

OTHER PRODUCTS ON MARKET

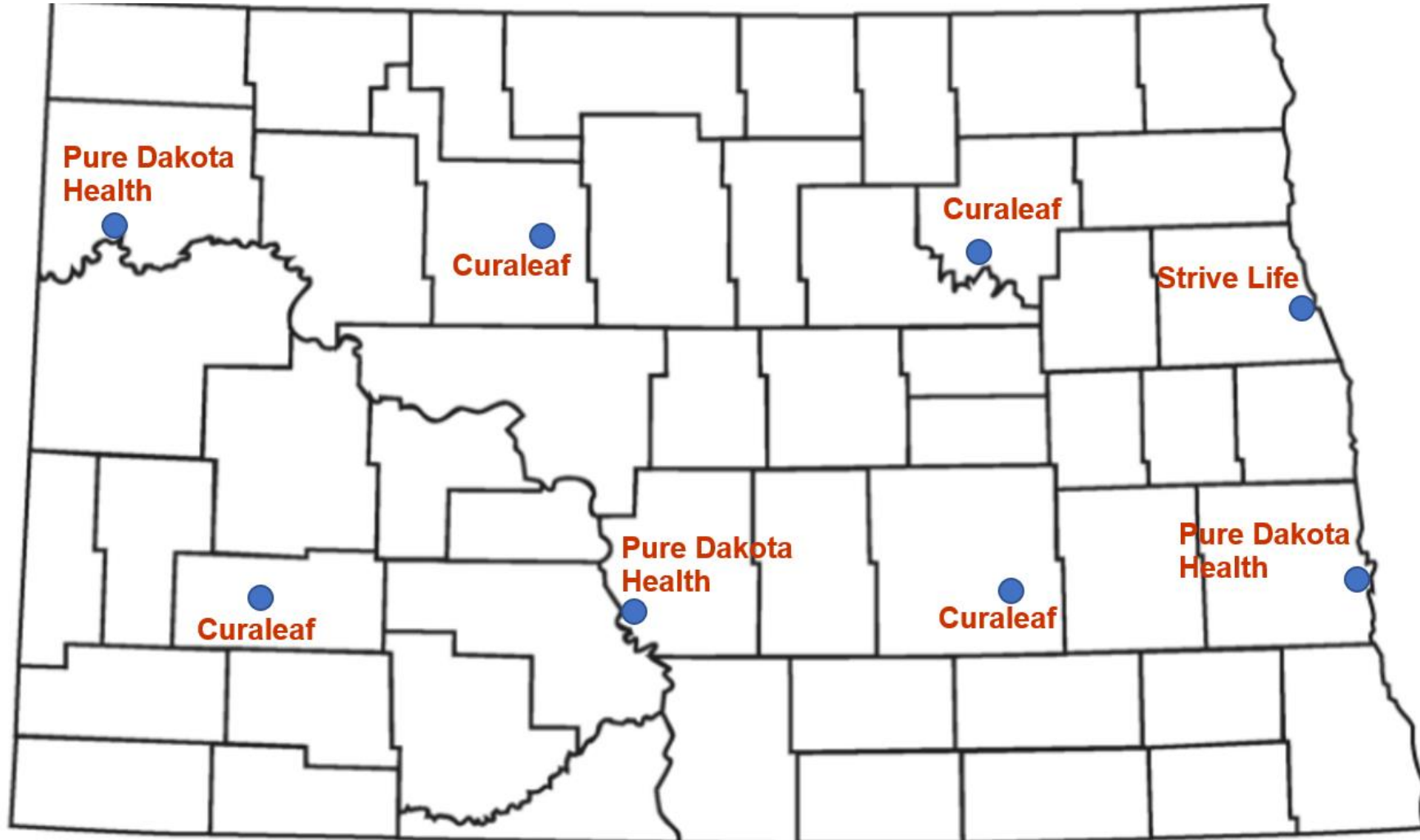
Solutions

- 30 mL bottles
- Various potencies/formulations/ratios

Capsules

Topicals/Lotions

REGISTERED DISPENSARY LOCATIONS



MANUFACTURING FACILITIES

Pure Dakota

Grassroots

SEED-TO-SALE (TRACEABILITY) SYSTEM

- All marijuana tracked from time a seed or clone, to a plant, to harvest, to a dispensary, to dispensed
- Bar codes (allows scanning of inventory tags and items to be dispensed)
- Manifest system used for transporting
- Compliance test results captured in system

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)

TESTS PERFORMED

Dried Leaves and Flowers

- Pesticides
- Microbiological contaminants and mycotoxins
- Heavy metals
- THC/CBD
- Moisture content/water activity

Concentrates and Medical Cannabinoid Products

- Pesticides
- Microbiological contaminants and mycotoxins
- Heavy metals
- THC/CBD
- Solvents

LABELS ON PRODUCTS

Products purchased from a dispensary will include a label from the manufacturing facility and a label from the dispensary.

Dispensary label will include qualifying patient's name and number, name of dispensary, date dispensed, and notification to keep products in the packaging with labels attached.

ADVERSE EVENTS

Incidents involving overdose or adverse reactions are to be reported to the Department by registered qualifying patients, registered designated caregiver, agents, law enforcement, health care professionals, emergency medical services professionals, and emergency department personnel at a health care facility.

- “Adverse Reaction” means an unwanted, unexpected, or dangerous effect caused by the administration of usable marijuana dispensed under the Medical Marijuana Program.

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.

PDMP

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

Within PDMP, able to identify an individual with a valid registry identification card and the expiration date.



MEDICAL MARIJUANA 2021 LEGISLATIVE CHANGES

November 29, 2021

2021 LEGISLATIVE CHANGES

- Removed \$50 designated caregiver application fee
- Changed mandatory registration certificate and application fee amounts to a maximum amount to be charged
- Allows registered qualifying patient to have up to five designated caregivers
- Exempts criminal history record check of a designated caregiver of a qualifying patient with a terminal illness
- Added definitions for terms owner, ownership interest, substantial corporate change, and THC

PROPOSED CHANGES – NOT PASSED

Home Grow

Removing Pediatric Limit

Allow minor patients to have dried leaves and flowers

Temporary card for out-of-state individuals

PROPOSED CHANGES – NOT PASSED

Edibles

- Allow a square shape item, maximum THC amount, possession limit
- Passed House; 25 yeas/22 nays in Senate

Adult Use

- First state to have a regulated adult use/recreational program; limits on number of dispensaries and manufacturing facilities
- Maximum purchase amounts
- Passed House; 10 yeas/37 nays in Senate



THANK YOU

www.health.nd.gov/mm