NORTH Dakota | Health

Be Legendary.™

MEDICAL MARIJUANA

2019 Dakota 911 Conference

September 11, 2019

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.

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.

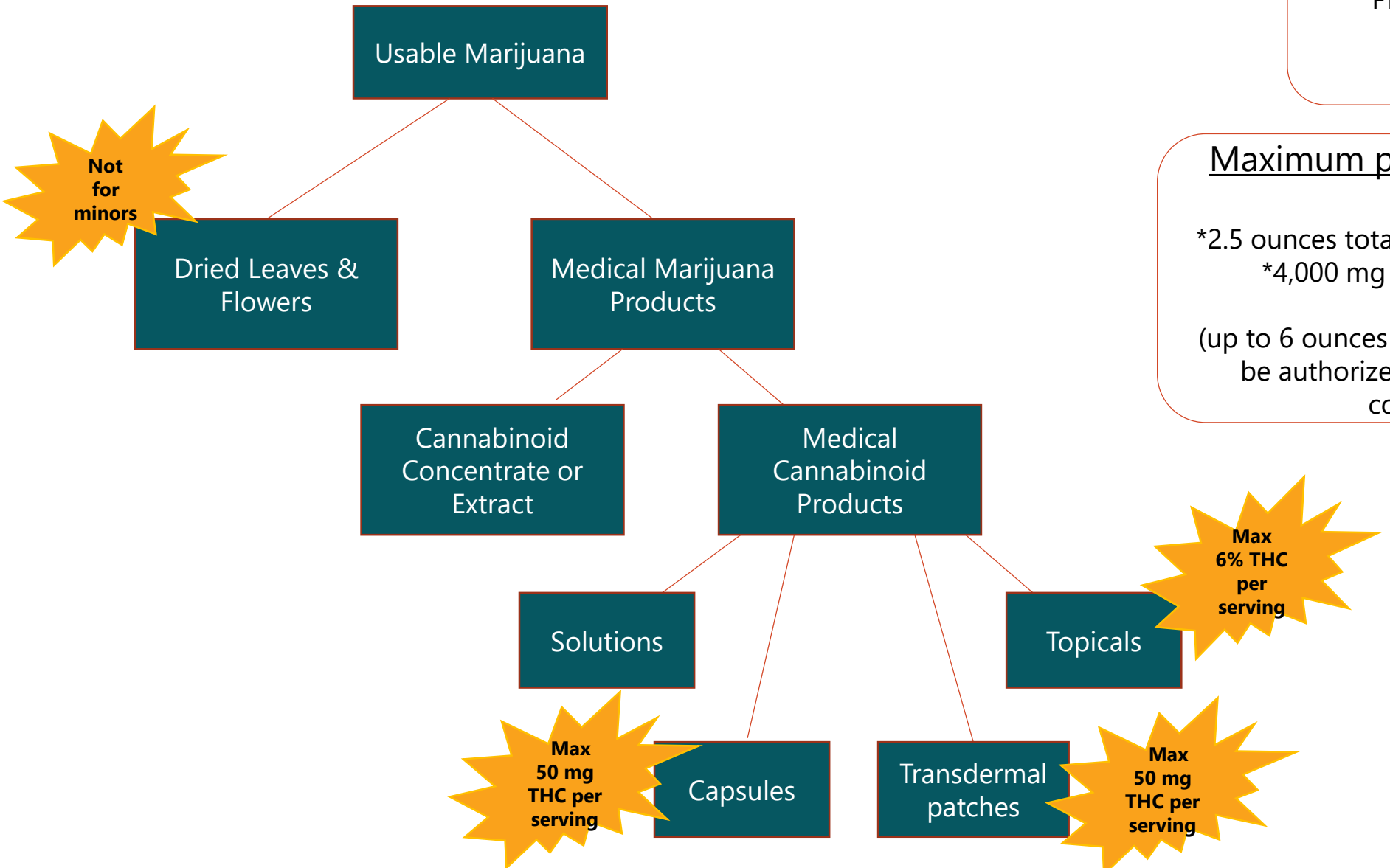
Designated Caregiver

- 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.

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.

TYPES OF USABLE MARIJUANA



Not for Minors! (under 19)

*Products with >6% THC
*Smokable form

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)

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.

WRITTEN CERTIFICATION

For a patient with the medical condition of cancer, the health care provider may authorize an enhanced amount for dried leaves and flower (6 ounces in a 30 day period compared to 2.5 ounces).

- State law does not require a health care provider to provide a written certification or otherwise recommend marijuana to a patient.

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

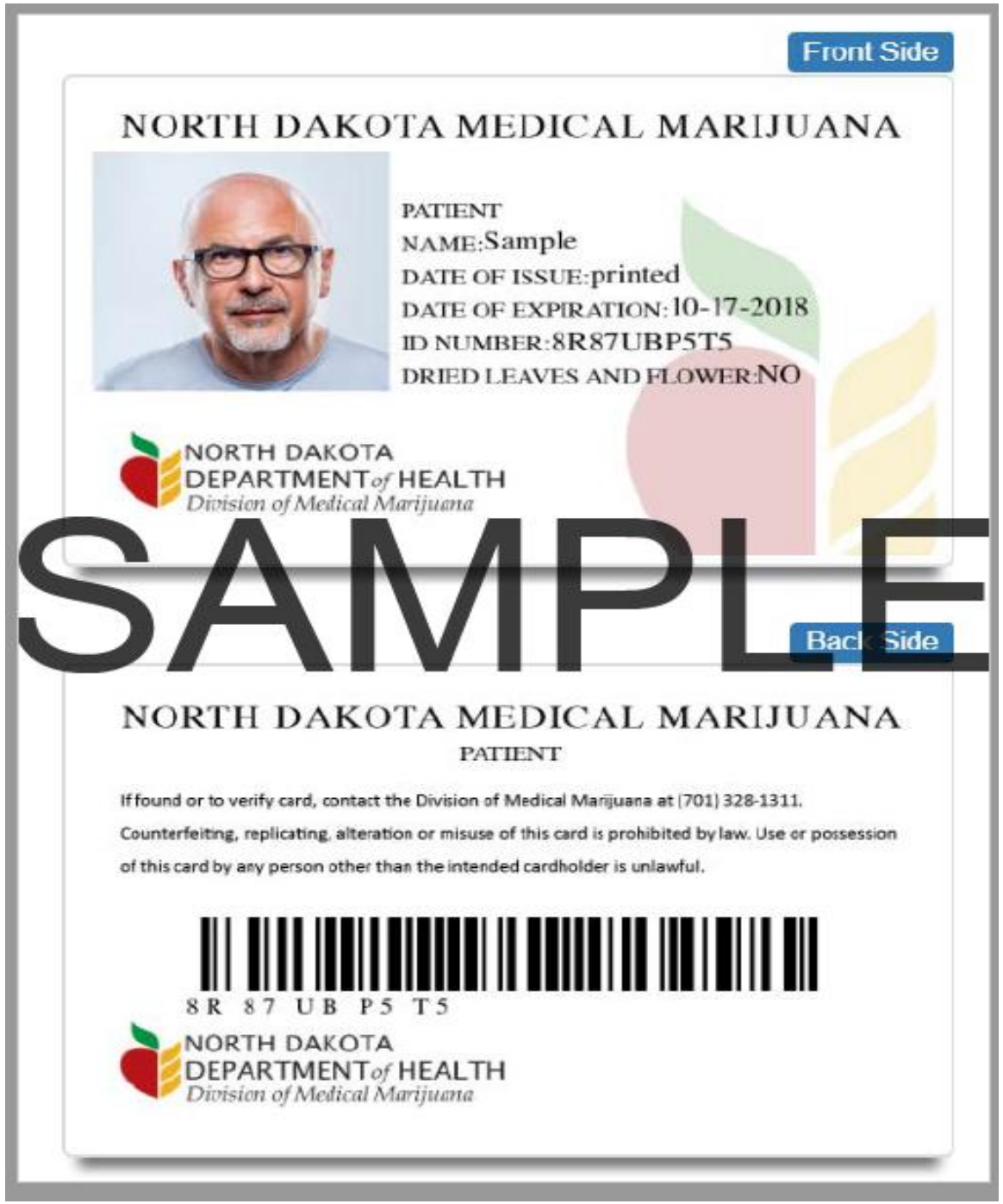
- Qualifying Medical Condition
- Written Certification
- Application Fee - $50/year (fee may be waived for minor)

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)



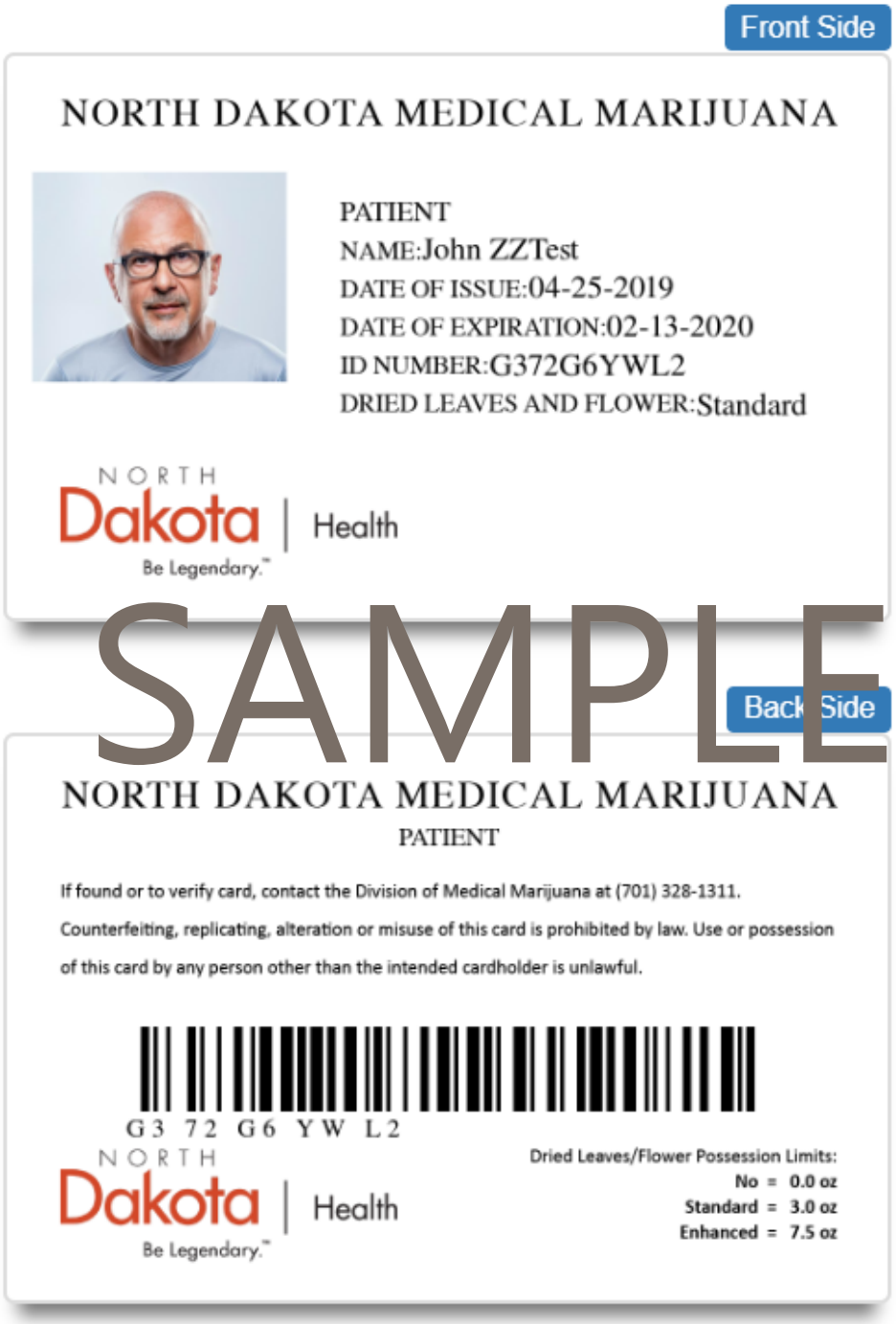
Original Cards Issued

This is a copy of the card originally issued.

As of April 26, 2019, a new card format is being used (see next slide).

The original cards issued are effective until renewed.

Any original card with dried leaves and flowers with a “NO” were reprinted on April 26, 2019 and the new format identifies “STANDARD” for dried leaves and flower.



Updated Cards Issued

Effective April 26, 2019, a new card format is being used.

All non-minor patients (those 19 and over) are now authorized for dried leaves and flowers. Dried leaves and flowers line will have one of three words all of which are explained on the back of the card:

- No (this is on a minor patient card)
- Standard (allowed to possess up to 3 oz)
- Enhanced (allowed to posses up to 7.5 oz)

ELECTRONIC CARDS

Effective May 30, 2019, became the first state to fully implement electronic ID cards for patients, designated caregivers, and agents.

Same authority as a printed card.

Cardholders login to the registration system from a mobile device to access (no app needed).

VERIFICATION SYSTEM

The Department is required by state law to maintain a confidential list of cardholders and to establish a secure verification system to allow:

- Law enforcement personnel, health care providers, pharmacists, and compassion centers and compassion center agents 24 hour access to enter a registry identification number to determine whether the number corresponds with a current, valid registry identification card.

VERIFICATION SYSTEM CONTINUED

Verification System may disclose:

- Whether card is valid;
- Name of cardholder;
- Whether cardholder is a qualifying patient, designated caregiver, compassion center agent, or laboratory agent;
- Whether patient is a minor; and
- Registry identification number of affiliated qualifying patient, designated caregiver, or compassion center

LAW ENFORCEMENT CARD VERIFICATION

- NCIC Terminal
- CJIS
- Contacting Dispatch

NORTH DAKOTA CJIS PORTAL

North Dakota Criminal Justice Information Sharing

Main Menu My CJIS User: Hermanson, Sgt. Chad B. • Logout

Medical Marijuana Card Number Search

Enter Criteria

Card Number: G372G6YWL2

Clear Search

Search Results

Card Validity	Card Type	Full Name	Legal Status	Patient Id	Action
Valid	Patient	John ZZTest	Adult	G372G6YWL2	CJIS Name

Return

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 (www.ndhealth.gov/mm; located under the 'Forms' link).

Law enforcement has five business days to notify the Department.

LAW ENFORCEMENT REPORT

Fiscal & Operations | Human Resources | Medical Marijuana | Public Information | Vital Records

Program Information

- Common Definitions and FAQs
- Presentations and Annual Reports
- New Status Updates and Press Releases
- State Laws, Administrative Rules and Attorney General's Opinion
- User Guide and Forms

General Information

- Contact Us
- Security Policy
- Disclaimer

User Guides

- User Guides to Compliance Testing
- Types of Usable Marijuana

Forms

- Law Enforcement Incident Reporting
- Adverse Event Reporting

EVENT OR INCIDENT EXAMPLES

- Possession of usable marijuana, medical marijuana waste, or laboratory samples without a valid registry identification card.
- Possession of more than the allowed amount of dried leaves and flowers
- Valid registry identification cardholder in possession of another patient's usable marijuana dispensed through the Medical Marijuana Program.
- Transfer of, or attempt to transfer, a registry identification card to another person.
- Other (Examples of other types of incidents would include altering or destroying a label attached to dispensed marijuana or marijuana products, a minor patient in possession of a marijuana product, a violation of restrictions on use, etc.)

MANUFACTURING FACILITIES

Pure Dakota

Bismarck
September 19, 2018

GR Vending

Fargo
December 21, 2018

OPEN DISPENSARIES

Botanist

Fargo
March 1, 2019

Harvest of Williston

Williston
July 12, 2019

Strive Life

Grand Forks
May 22, 2019

Harvest of Bismarck

Bismarck
August 13, 2019

The Botanist

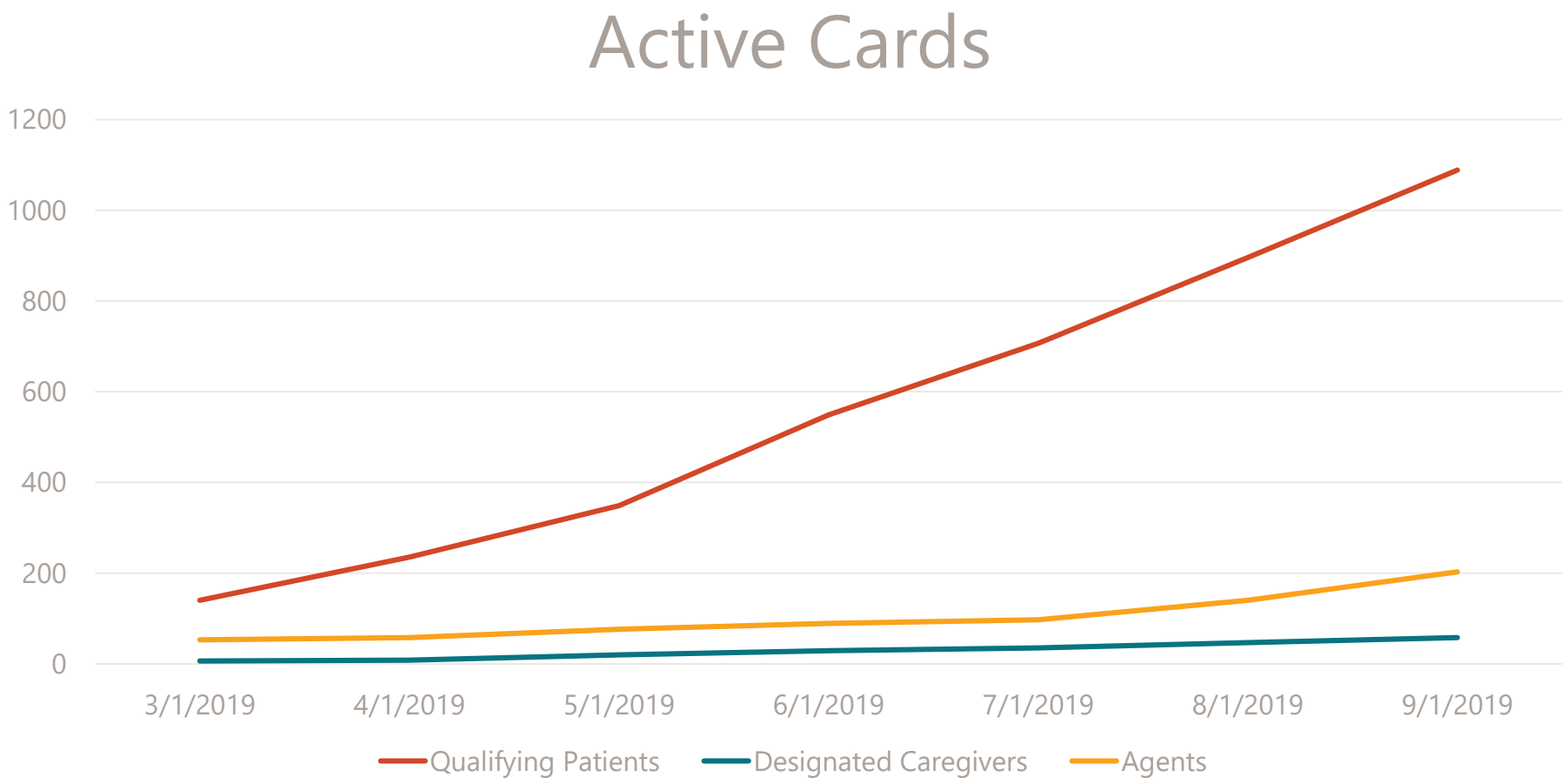
Strive Life
GRAND FORKS

REMAINING DISPENSARY LOCATIONS

- Devils Lake
- Minot
- Jamestown
- Dickinson

REGISTRY IDENTIFICATION CARDS

1,180 Active Patient Cards as of September 10, 2019



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 by 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

THANK YOU

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