

## Frequently Asked Questions – Registered Qualified Patients and Caregivers

### 1. What are the laws established for the medical marijuana program?

North Dakota Century Code (NDCC) Chapter 19-24.1

<http://www.ndhealth.gov/MM/PDF/t19c24-1.pdf>

North Dakota Administrative Code (NDAC) Chapter 33-44-01 (proposed)

[NDAC 33-44-01 \(proposed\)](#)

### 2. What are the federal laws regarding marijuana?

Marijuana remains an illegal drug under the Controlled Substances Act. North Dakota law does not make the use of usable marijuana under the medical marijuana program legal under federal law, and does not create a defense to a federal prosecution for a drug related offense.

### 3. What is the status of the implementation of the North Dakota medical marijuana program?

The Division of Medical Marijuana is dedicated to ensuring that the public is kept up-to-date on program implementation progress. Program updates and any other important information regarding implementation can be found on the Division's website: [www.ndhealth.gov/MM/](http://www.ndhealth.gov/MM/)

Look for the "Subscribe/Unsubscribe to Updates" button on the main page of the Division's website to register your email address to receive notification when updates are made to the website.

### 4. What is a registry identification card?

A registry identification card is a card issued by the Division of Medical Marijuana. The card will identify an individual as a registered qualifying patient or a registered designated caregiver.

### 5. Who is required to have a registry identification card?

A registered qualifying patient or registered designated caregiver who will purchase, possess, or transport usable marijuana must have a valid registry identification card.

**6. How much does a registry identification card cost?**

When an application is submitted, an applicant must submit a nonrefundable \$50 application fee. This is an annual fee amount.

**7. How long is a registry identification card valid?**

One year from the date issued unless specified otherwise by the health care provider on the written certification form.

**8. Can another state's registry identification card be used in North Dakota?**

No. The only registry identification card valid for use in North Dakota is the card issued by the Division of Medical Marijuana.

**9. How and where can I travel with usable marijuana?**

Under state law, usable marijuana must be transported in the original container with the labels attached at all times. In addition, the registered qualifying patient and registered designated caregiver must have their registry identification card with them at all times. Usable marijuana is not allowed to be transported outside the state of North Dakota.

**10. As a patient, how do I know if I qualify to apply for a registry identification card to participate as a qualifying patient in the medical marijuana program?**

- You have a qualifying debilitating medical condition (please see #11).
- You have an original written certification from your healthcare provider (please see #15).
- You have a bona fide provider-patient relationship (please see #14).
- You pay a nonrefundable \$50 application fee (may be waived for applicants under the age of 19).
- You submit all necessary information required by the Division of Medical Marijuana (to be determined, NDCC Section 19-24.1-03 includes statutory requirements of the application).

**11. What are the qualifying debilitating medical conditions?**

- Cancer
- Positive status for Human Immunodeficiency Virus (HIV)
- Acquired Immune Deficiency Syndrome (AIDS)
- Decompensated cirrhosis caused by hepatitis C
- Amyotrophic Lateral Sclerosis (ALS)
- Posttraumatic Stress Disorder (PTSD)
- Agitation of Alzheimer's disease or related dementia
- Crohn's disease

- Fibromyalgia
- Spinal stenosis or chronic back pain, including neuropathy or damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity
- Glaucoma
- Epilepsy
- A terminal illness
- A chronic or debilitating disease or medical condition or treatment for such disease or medical condition that produces one or more of the following:
  - 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
  - Severe and persistent muscle spasms, including those characteristic of multiple sclerosis

## **12. Who is considered a health care provider?**

A healthcare provider is:

- A physician licensed by the North Dakota Board of Medicine; or
- An advanced practice registered nurse that is licensed by the North Dakota Board of Nursing.

Per NDCC Chapter 43-17, physician includes physician and surgeon (M.D.) and osteopathic physician and surgeon (D.O.).

Per NDCC Chapter 43-12.1, advanced practice registered nurse includes certified nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, or certified clinical nurse specialist.

## **13. Will the Division of Medical Marijuana provide a list of health care providers who will sign a written certification form?**

No. The Division of Medical Marijuana has no authority to provide a list or to require health care providers to sign written certification forms.

## **14. What is a bona fide provider-patient relationship?**

A bona fide provider-patient relationship is a treatment or counseling relationship between a health care provider and patient in which all the following are present:

- The health care provider has reviewed the patient's relevant medical records and completed a full assessment of the patient's medical history

and current medical condition, including a relevant, in-person, medical evaluation of the patient.

- The health care provider has created and maintained records of the patient's condition in accordance with medically accepted standards.
- The patient is under the health care provider's continued care for the debilitating medical condition that qualifies the patient for the medical use of marijuana.
- The health care provider has a reasonable expectation that provider will continue to provide follow-up care to the patient to monitor the medical use of marijuana as a treatment of the patient's debilitating medical condition.
- The relationship is not for the sole purpose of providing written certification for the medical use of marijuana.

**15. What is a written certification?**

Written certification is a form established by the Department of Health which is completed, dated, and signed by a health care provider within ninety calendar days of the date of application, stating that in the health care provider's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition.

A health care provider may authorize the use of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form to treat or alleviate the patient's debilitating medical condition. A written certification may not be made except in the course of a bona fide provider-patient relationship.

**16. Is qualifying patient information kept confidential?**

Yes. The Division of Medical Marijuana will maintain a confidential list of cardholders and each cardholder's information. Such information is confidential under state law.

**17. What is a designated caregiver?**

A designated caregiver is 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. A designated caregiver must be registered with the Division of Medical Marijuana and in accordance with NDCC Section 19-24.1-04.

**18. Can a patient under the age of 19 years participate in the medical marijuana program?**

Yes. A patient under the age of 19 is considered to be a minor. The individual responsible for making medical decisions for the minor must submit an

application on behalf of the applicant. A registered designated caregiver must purchase usable marijuana on the minor's behalf. A registered designated caregiver can be a parent, guardian, or other individual.

**19. Do minors participating in the medical marijuana program have any restrictions or limitations on products?**

Yes. A registered qualifying patient who is a minor is not eligible to purchase or use any dried leaves and flowers or any product with a THC concentration greater than six percent (6%).

**20. What forms of usable marijuana are available through the program?**

- Dried leaves and flowers (requires a special authorization from the health care provider)
- Concentrates
- Tinctures
- Capsules
- Transdermal patches
- Topical

**21. Are edibles allowed?**

No. Edibles are not allowed per NDCC Chapter 19-24.1.

**22. How much usable marijuana can a registered qualifying patient or registered designated caregiver purchase in a 30 day period?**

- Dried Leaves and Flowers (special authorization from the health care provider is required) - 2.5 ounces total; and
- Other Medical Marijuana Products - 2,000 mg. total.

**23. Where will registered qualifying patients and registered designated caregivers be able to purchase medical marijuana products?**

Qualifying patients and designated caregivers registered in North Dakota can purchase medical marijuana products from any dispensary registered in North Dakota.

**24. Can registered qualifying patients or registered designated caregivers grow their own marijuana plants?**

No. Home grow is not allowed per NDCC Chapter 19-24.1.

**25. Where will dispensaries be located?**

The North Dakota Department of Health has established eight regions for the locations of dispensaries within the Medical Marijuana Program. The regions include a 50 mile radius surrounding eight cities within the state. The cities

include: Fargo, Bismarck/Mandan, Grand Forks, Minot, Williston, Dickinson, Jamestown, and Devils Lake. To view the eight region map click [here](#).

**26. Will dispensaries be allowed to deliver?**

Proposed rules allow for home delivery by a dispensary. This could take place anywhere in one of the regions or outside a region. A dispensary within a circle does not have exclusive control for that area for home delivery purposes. A dispensary may deliver to a qualifying patient located anywhere within the state.

**27. What does the state law (NDCC Chapter 19.24.1) say about schools?**

A registered qualifying patient or designated caregiver is not authorized to possess or consume usable marijuana on a school bus, school van, school grounds (public or private), or at any location while a school sanctioned event is occurring.

**28. Can an employer test, fire, or otherwise take disciplinary action against someone for participating in the medical marijuana program?**

Employers determine their drug policies and procedures that employees must follow. The Department of Health has no authority regarding employers' drug policies.