

Frequently Asked Questions – Manufacturing Facilities and Dispensaries

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

North Dakota Century Code (NDCC) Chapter 19-24.1

[NDCC 19-24.1](#)

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

[NDAC 33-44-01](#)

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/

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 are compassion centers?

Compassion center means a **manufacturing facility** (grower/producer) or **dispensary** (retail store).

5. How many compassion centers will there be in North Dakota?

NDCC Section 19-24.1-12 states that up to two manufacturing facilities and up to eight dispensaries may be registered.

The Department may register additional compassion centers, if necessary, to increase access to usable marijuana by registered qualifying patients and registered designated caregivers.

6. How do I become a registered compassion center?

The Department of Health has moved two entities forward to be eligible to register as manufacturing facilities. An open application period will be announced by the Department for dispensaries and the corresponding regions. NDCC Section 19-24.1-14 includes information on applications. Applicants are to submit all information as required in state law and the application materials.

7. The laws and rules for the Medical Marijuana Program are included in North Dakota Century Code Chapter 19-24.1 and North Dakota Administrative Code Chapter 33-44-01. Are there other requirements entities interested in obtaining a registration certificate to become a manufacturing facility or dispensary must comply with?

Yes. Entities who are going to be operating a business in the state of North Dakota are required to be aware of and comply with all state and local requirements. For instance, entities should be aware of requirements of the North Dakota Secretary of State, state and local fire codes, North Dakota Office of State Tax Commissioner, North Dakota Workforce Safety and Insurance, North Dakota Securities Department, and others. It is the entity's responsibility to be aware of, and be in compliance with, all state and local requirements.

8. What type of business may be eligible to become a registered compassion center?

A business interested in applying to become a compassion center must submit specific documents to comply with the complete application requirements outlined in NDCC Section 19-24.1-14. These application requirements include that the business's articles of incorporation (and by-laws) or articles of organization (and operating agreement) be provided. Only a business structured as a corporation or as a limited liability company possess such documents. A sole proprietor or a partnership is unable to provide the required articles and, therefore, would be unable to comply with the statutory application requirement. A sole proprietor or a partnership could consider restructuring their business to satisfy the application requirements.

9. When will there be an open application period?

The application period for manufacturing facilities closed on April 23, 2018. The Division will establish an open application period(s) for dispensaries in the near future.

10. What are the fees for becoming a registered compassion center?

A nonrefundable application fee of \$5,000 is required to be submitted with an application. Applicants selected for registration must also pay:

- \$110,000 certification fee for a manufacturing facility registration every two years.
- \$90,000 certification fee for a dispensary registration every two years.

11. Where will manufacturing facilities be located?

Bismarck and Fargo.

12. Where will dispensaries be located?

The dispensaries will be located in eight regions established by the Department of Health. For more information, please click [here](#).

13. Are there restrictions for locations of compassion centers?

Yes. State law requires a proposed compassion center to be located at least 1,000 feet (measured in a straight line or “as the crow flies”) from the property line of a pre-existing public or private school. Also, local zoning laws may include additional requirements regarding locations.

14. What is considered a ‘school?’

North Dakota Century Code Chapter 19-24.1 does not provide a specific definition of “school.” The common definition of school is (1) an institution of learning and education, especially for children; (2) The collective body of students under instruction in an institution of learning; (3) A group of people adhering to the same philosophy or system of beliefs. Based on the common meaning and the legislative history, the Department of Health interprets the definition of school to include the following:

- An entity included on the Department of Public Instruction’s “Approved Schools By City” or “Approved Schools By District” list (<https://www.nd.gov/dpi/SchoolStaff/SAO/approval/>).
- An entity included on the Department of Public Instruction’s “Head Start Sites” (<https://www.nd.gov/dpi/SchoolStaff/ECE/HeadStart/HSSites/>).
- A public or private institution of higher education or career and technical education school.

15. Are dispensaries required to use a specific manufacturing facility based upon their regional location?

No. The dispensaries may purchase usable marijuana from either manufacturing facility. The Department is not mandating which of the two manufacturing facilities are used by dispensaries.

16. Can an applicant apply for more than one compassion center registration certificate?

Yes. An applicant may apply for more than one registration certificate. However, the same legal entity may only possess one registration certificate.

17. Does the law prohibit the same legal entity from possessing more than one registration certificate?

Yes.

18. Does the law prohibit the same individual, or organization, from having an ownership interest in more than one legal entity?

No.

19. Is the information submitted in a registration application available to the public to review?

No. Under state law, data in a registration application or renewal is confidential.

20. What is a registry identification card?

A registry identification card is a card issued by the Division of Medical Marijuana, which identifies an individual as a registered manufacturing facility agent, dispensary agent, laboratory agent, qualifying patient or designated caregiver.

21. What individuals associated with a compassion center are required to have a registry identification card?

A principal officer, board member, member, manager, governor, employee, volunteer, or agent of a manufacturing facility or dispensary must have a card.

22. I want to become a compassion center agent. What are the requirements for this?

While a compassion center may have their own internal requirements to become an employee at their facility, there are also state requirements that must be completed prior to employment.

A potential compassion center agent must be 21 years of age and pass a criminal history record check. The criminal history record check will be part of the compassion center agent application process with the state. Fees required to conduct a criminal history record check will be the responsibility of the compassion center.

An applicant will not pass a criminal history record check if they have had:

1. A drug-related misdemeanor offense within the five years preceding the date of application; or
2. A felony offense in their lifetime.

An applicant who does not pass the criminal history record check will not be eligible for registration through the state and will not be allowed to work as a compassion center agent.

A nonrefundable application fee in the amount of two hundred dollars is required with the submission of the agent application. This is separate from the fee associated with the criminal history record check.

23. How long is a registry identification card valid?

One year from the date of issue.

24. 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.

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

Yes. A registered qualifying patient who is a minor must have a registered designated caregiver who is responsible for purchasing, possessing and administering pediatric marijuana. In addition, dried leaves and flowers or any product with a THC concentration greater than six percent (6%) is not permitted for use by minor patients.

26. 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

27. 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 dried leaves and flowers and medical marijuana products from any registered dispensary in North Dakota.