

# Senate Bill 2344 Summary (Senate Engrossed)

## Key:

**CC - Compassion Center** - term used in law as generic term for growers/producers and dispensaries

**DC - Designated Caregiver** - buys on behalf of up to 5 patients including themselves

**QP - Qualified Patient** - registered with DoH with certification from physician that they are under their care, have a qualifying condition and may benefit from marijuana use

## Clarifications/Corrections

- Defines terms
- Removes or clarifies confusing/conflicting language
- Removes Delaware rules and all references to Delaware rules
- Indicates certain areas that can be in rulemaking rather than in law
- Aligns CC application review criteria with application requirements
- Adds decriminalization language - states that a person engaged in or assisting in the medical use of marijuana is exempt from criminal laws of this state for possession, delivery or manufacture of marijuana if they have a registration card (Model law and other state laws contain this language)

## Safety

- Allows patients to purchase 2.5 oz. of dried leaves or flowers in a combustible delivery form per month and possess no more than 3 oz. at any time; or purchase 10 grams of liquid per month, including oil, or pill delivery form or possess no more than 15 grams at any given time
- Limits forms of use for children to oils and require pediatrician sign off
- Limits THC levels for children at < 6%
- Requires seed to sale bar coding of every plant (industry standard)
- Forbids the sale of edibles or marijuana infused food products by a dispensary
- Allows the smoking or vaping of marijuana if a physician attests that no other form of usable marijuana would be effective in providing therapeutic or palliative benefits
- Individuals < age 19 cannot purchase or be in possession of usable marijuana but are allowed to use through a parent or guardian registered caregiver

## Efficiency/Cost Effectiveness

- Allows either non profit or for profit business models and LLCs
- Prohibits patients and designated caregivers from growing their own plants. This significantly reduces regulation and enforcement challenges and costs for state and local law enforcement in addition to helping to avoid diversion.
- Allows designated caregivers to care for up to 5 patients, including themselves
- Establishes fees for application and registration and adds fines; requires that fees cover all DoH costs by 2019-21 biennium
- Removes deadlines for processing QP, DC and CC applications from law and places them in rule
- Limits the number of manufacturing facilities which grow and produce products to 4 and the number of dispensaries to 8; additional dispensaries can be added by the Department of Health if access is insufficient; also adds language requiring dispensaries to describe their distribution system.
- Requires CCs (growers and dispensaries) to have a local permit prior from the city or county prior to the Department of Health reviewing their application
- Requires bond to ensure adequate clean-up in the event CC goes out of business
- Allows CC employees and volunteers to be non-residents of ND
- Requires dispensaries and manufacturers to have business plans, policies and financial records which are available for review and audit.