

Senate Bill 2344

Final Bill Summary

Key:

CC - Compassion Center - generic term for manufacturers (growers/producers) and dispensaries (sellers)

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 for that condition

Clarifications and Corrections

- Clearly defines terms used in the bill including available forms and amounts of medical marijuana.
- Defines the health care provider, who certifies qualifying patients to use medical marijuana, to include physicians or advanced practice registered nurses.
- Removes or clarifies confusing and conflicting language used in Measure 5.
- Removes reference to Delaware rules and Delaware law.
- Provides DoH general rulemaking authority including packaging and labeling, transportation, disposal, and laboratory testing requirements.
- Adds decriminalization language which specifically prohibits the arrest or prosecution of an individual engaged in any lawful activity specifically authorized by the chapter.
- Aligns CC application review criteria with application requirements.

Safety and Diversion

- Allows patients to purchase 2.5 oz. of dried leaves or flowers in a combustible delivery form every 30 days and possess no more than 3 oz. at any time. The patient's health care provider authorization is required for the patient to use dried leaves and flower. Vaping is not restricted. (M5 allowed 3 oz. every 14 days and all forms of use.)
- Allows a patient to purchase medical marijuana products with a maximum concentration of THC of 2,000 mg every 30 days. Provides a maximum concentration of THC in each serving for various medical marijuana products. Medical marijuana products include extracts, tinctures, capsules, topicals, and transdermal patches. (M5 did not address this.)
- Limits the maximum concentration of THC in pediatric medical marijuana products at 6%. Minors are NOT authorized to use dried leaves or flowers in a combustible form. A minor is defined as an individual under age 19. (M5 did not define a minor, was silent as to limitations of THC and did not limit forms of use.)
- Requires seed to sale bar coding which tracks marijuana from seed to distribution to the end consumer. (M5 required tracking but did not specify "seed to sale" bar coding.)
- Prohibits use of medical marijuana by minors without the authorization of a parent or legal guardian and removes Senate requirement for approval by a pediatric physician for use by a minor. A parent or legal guardian must purchase, possess, and dispense the product to the minor. (M5 did not address this.)
- Prohibits the sale of edibles or marijuana infused food products. (M5 allowed all forms of marijuana use.)
- Prohibits the possession and consumption of medical marijuana on public and private schools, public or private school sponsored events, correctional facilities, and daycare facilities.

Efficiency, Cost Effectiveness and Diversion

- Requires business entity, corporation or limited liability company, to register with the North Dakota Secretary of State and provide evidence of good standing. Removes the requirement for CC agents (owners, investors, employees, volunteers) to be North Dakota residents. (M5 required all CCs to be non-profit entities and all CC agents to be residents of North Dakota.)
- Home grow option removed to comply with the US DOJ Cole memo which requires the prevention of diversion to illegal markets. Removal also lessens the fiscal burden, avoids the threat to public health and safety, and reduces the burden on law enforcement. (M5 allowed qualifying patients and designated caregivers to grow.)
- Establishes fees for qualifying patients and designated caregivers at \$50 annually, compassion center agents at \$200 annually, dispensaries at \$90,000 every two years, and manufacturing facilities at \$110,000 every two years. (M5 did not indicate fee amounts for QPs and DCs and required a \$25,000 fee for CCs every two years.)

- Establishes the number of manufacturing facilities (growers) at 2 and the number of dispensaries (patient point of sale) at 8; additional manufacturing facilities and dispensaries can be added by the DoH if access is insufficient. (M5 did not limit the number of growers and sellers.)
- The number of marijuana plants a manufacturing facility may possess is 1,000 plus an additional 50 plants for research and development. Dispensaries are limited to 3,500 ounces of marijuana. (M5 included the 1,000 plant and 3,500 ounce limits but did not include 50 additional plants for research and development.)
- Requires a criminal history record check for all designated caregivers and compassion center agents. Individuals with a drug related misdemeanor conviction within five years of application, or a felony conviction, are prohibited from participating as a designated caregiver or compassion center agent. Qualifying patients are NOT subject to a criminal history record check. (M5 was similar to this.)
- Requires manufacturers and dispensaries to have a local permit prior to DoH approval. (M5 did not include this requirement.)
- Requires bond to ensure adequate clean-up of a manufacturer or dispensary. (M5 did not include this requirement.)
- Requires dispensaries and manufacturers to have business plans, policies, and financial records which are available for review and audit by DoH. (This is consistent with M5.)
- Allows terminal illness as a qualifying debilitating medical condition. (M5 and Senate versions did not include terminal illness.)
- Removes the authority for the DoH to provide onsite assessment of all cardholders. (M5 and the Senate version allowed immediate access by the DoH for onsite assessment of cardholders.)