

The background features abstract, overlapping green geometric shapes, primarily triangles and polygons, in various shades of green, creating a modern and dynamic visual effect.

# North Dakota Department of Health

Division of Medical Marijuana

NDACTVSO Spring Training  
March 18, 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.

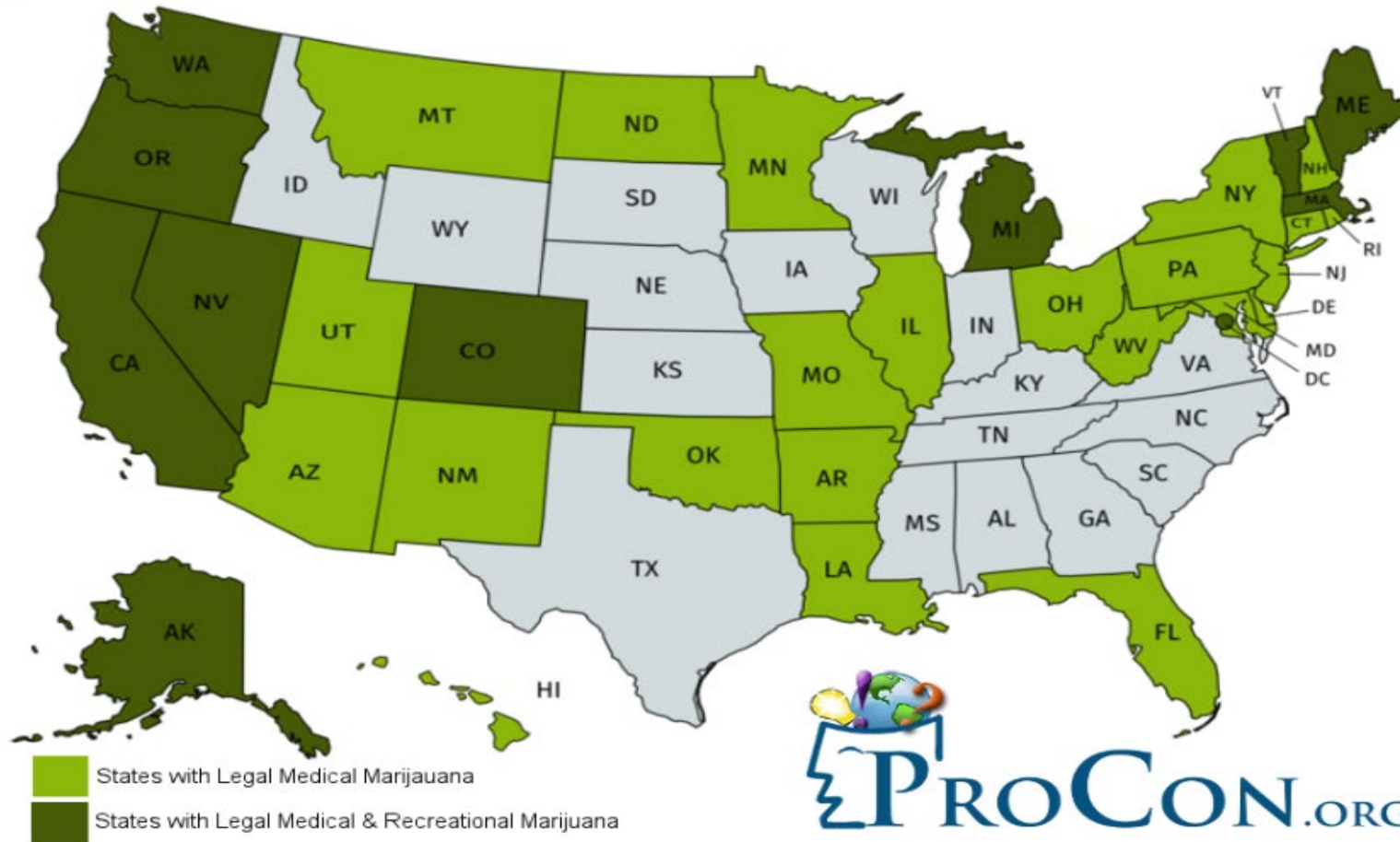
Marijuana is still illegal under the federal Controlled Substances Act




Importance of a well regulated program

# Programs Across the Country

**10 Legal Recreational Marijuana States & DC**  
**33 Legal Medical Marijuana States & DC**





Represents where the  
Division is in the  
implementation process

Steps to implementing the ND Medical Marijuana Program



Product available for patients and  
caregivers

Patient and caregiver applications accepted

Dispensaries selected (4 regions)

Dispensary application period opens (4 regions)

Lab selected to conduct testing

Manufacturing facilities selected

Legislative review of administrative rules;  
Manufacturing facility application period opens

Lab RFP released

Information Management System selected (BioTrackTHC)

Administrative rules (NDAC Chapter 33-44-01) drafted;  
Public hearings held

Law effective (NDCC Chapter 19-24.1) – April 18, 2017

# Definitions

## Health Care Provider

- ▶ A physician 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, or registered compassion center agent. (rules added laboratory agents)

# Health Care Provider

## Physicians

- ▶ Includes physician and surgeon (M.D.) and osteopathic physician and surgeon (D.O.)
- ▶ Must be licensed through the North Dakota Board of Medicine
- ▶ License must be in good standing

## Advanced Practice Registered Nurse

- ▶ Includes an APRN within one of the roles of certified nurse practitioner, certified registered nurse anesthetist, certified nurse midwife, or certified clinical nurse specialist
- ▶ Must be licensed through the North Dakota Board of Nursing
- ▶ License must be in good standing

# Debilitating Medical Conditions (14)

- ▶ Cancer
- ▶ HIV
- ▶ AIDS
- ▶ 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 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 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.
- ▶ Attestation that the written certification is made in the course of a bona fide provider-patient relationship and that in the provider's professional opinion, the applicant is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the applicant's debilitating medical condition.

# Written Certification

- ▶ Written certification must state whether the health care provider authorizes the patient to use dried leaves or flowers.
- ▶ State law does not require a health care provider to provide a written certification or otherwise recommend marijuana to a patient.

# Bona Fide Provider-Patient Relationship

- ▶ Health Care Provider has created, maintained and reviewed the patient's relevant medical records
- ▶ Health Care Provider has completed a full assessment of the patient's medical history and current medical condition.
- ▶ Patient has had an in-person medical evaluation of the patient.
- ▶ Health Care Provider continues care for the patient and their debilitating medical condition that qualified them for the Medical Marijuana Program.
- ▶ Health Care Provider has a reasonable expectation for follow up care regarding the medical use of marijuana as a treatment of the patient's debilitating medical condition.
- ▶ Provider-Patient relationship is NOT for the sole purpose of providing a written certification for the medical use of marijuana.



# Application Process Overview

Patient with a debilitating medical condition **talks** with their health care provider.

Patient completes online application for a registry identification card.

Health Care Provider completes a written certification.

Approved patient receives a registry identification card.

Patient can purchase marijuana and usable marijuana at a registered dispensary.

Fargo location only dispensary registered at this time.



# Written Certification Process Overview

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.



# Division of Medical Marijuana - Homepage (ndhealth.gov/mm)

[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](#)

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# FEEDBACK

Please give us feedback about  
your experience with the  
North Dakota Department of Health



## Division of Medical Marijuana

### ND Medical Marijuana Registration Portal



**Patients**  
(19 years and older)



**Minor Patients**  
(Under 19 years old)



**Designated  
Caregivers**



**Health Care Providers**

[Sign In or Create an Account](#)

# Patient Button

Fiscal & Operations Human Resources Medical Marijuana Public Information Vital Records

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[Common Definitions and FAQs](#)

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[New Status Updates and Press Releases](#)

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## ND Medical Marijuana Patient Information

[Application Instructions](#)

[Application Video Tutorial](#)

[Frequently Asked Questions](#)

[Create New Account Tutorial](#)

[Debilitating Medical Conditions](#)

[Patient Application Process Graphic](#)

[Application Statuses](#)

[Sign In or Create an Account](#)

**NOTE:** If you have difficulty accessing the PDF forms above, please verify you have a current version of Adobe Reader installed on your computer. We also strongly recommend the use of the Internet Explorer 11 as your browser. The Microsoft Edge browser is not supported at this time. We do have browser instructions for Chrome and Firefox at <https://www.nd.gov/eforms/>. You may also right-click the form link and choose Save Link As to save, complete and print the form.

# Prior to Completing Patient Application

- ▶ Review “Application Instructions”
- ▶ Watch “Create New Account Tutorial”
- ▶ Watch “Application Video Tutorial”

Prior to starting your application, you must create an account. Have a copy/picture of the front of your driver’s license and a 2x2-inch recent photo ready to upload.



# Registration Portal



Welcome to the North Dakota Medical Marijuana Program. The Division of Medical Marijuana encourages all potential patients and designated caregivers to thoroughly read through information provided on the division website [www.ndhealth.gov/MM](http://www.ndhealth.gov/MM).

Please read all instructions before beginning an application to ensure that you have all required information and documents needed to submit a complete application.

Please note: patients wishing to submit an application for a registry identification card should visit with their health care provider regarding the written certification prior to submitting their online application. For more information or if you need an accommodation, please call 701.328.1311.

If you do not already have an account, please create one. You must create an account in order to apply for a registry identification card.

Patients Instructions

Minor Patients Instructions

Caregivers Instructions

Create an Account



Sign into Your Account

# 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*

*\*2000 mg THC total—other products*

Usable Marijuana

Dried Leaves &  
Flowers

*\*Requires special authorization*

Medical Marijuana  
Products

Cannabinoid  
Concentrate or  
Extract

Medical  
Cannabinoid  
Products

Tinctures

Topicals

Capsules

Transdermal  
patches

Not  
for  
minors

Max 6%  
THC  
per  
serving

Max  
50 mg  
THC per  
serving

Max 50  
mg THC  
per  
serving

# Registry Identification Cards



## Registered Qualifying Patient

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



## Registered Designated Caregiver

- 21 years of age
- Passed a Criminal History Record Check
- Patient(s) they are caring for registered with state
- Application Fee - \$50/year



## Compassion Center or Lab Agent

- 21 years of age
- Passed a Criminal History Record Check
- Application Fee - \$200/year (lab agent, fee waived)

Front Side

## NORTH DAKOTA MEDICAL MARIJUANA



PATIENT  
NAME: Sample  
DATE OF ISSUE: printed  
DATE OF EXPIRATION: 10-17-2018  
ID NUMBER: 8R87UBP5T5  
DRIED LEAVES AND FLOWER: NO



# SAMPLE

Back Side

## NORTH DAKOTA MEDICAL MARIJUANA

PATIENT

If found or to verify card, contact the Division of Medical Marijuana at (701) 328-1311.

Counterfeiting, replicating, alteration or misuse of this card is prohibited by law. Use or possession of this card by any person other than the intended cardholder is unlawful.



8R 87 UB P5 T5





# Compassion Centers



## 2 Manufacturing Facilities

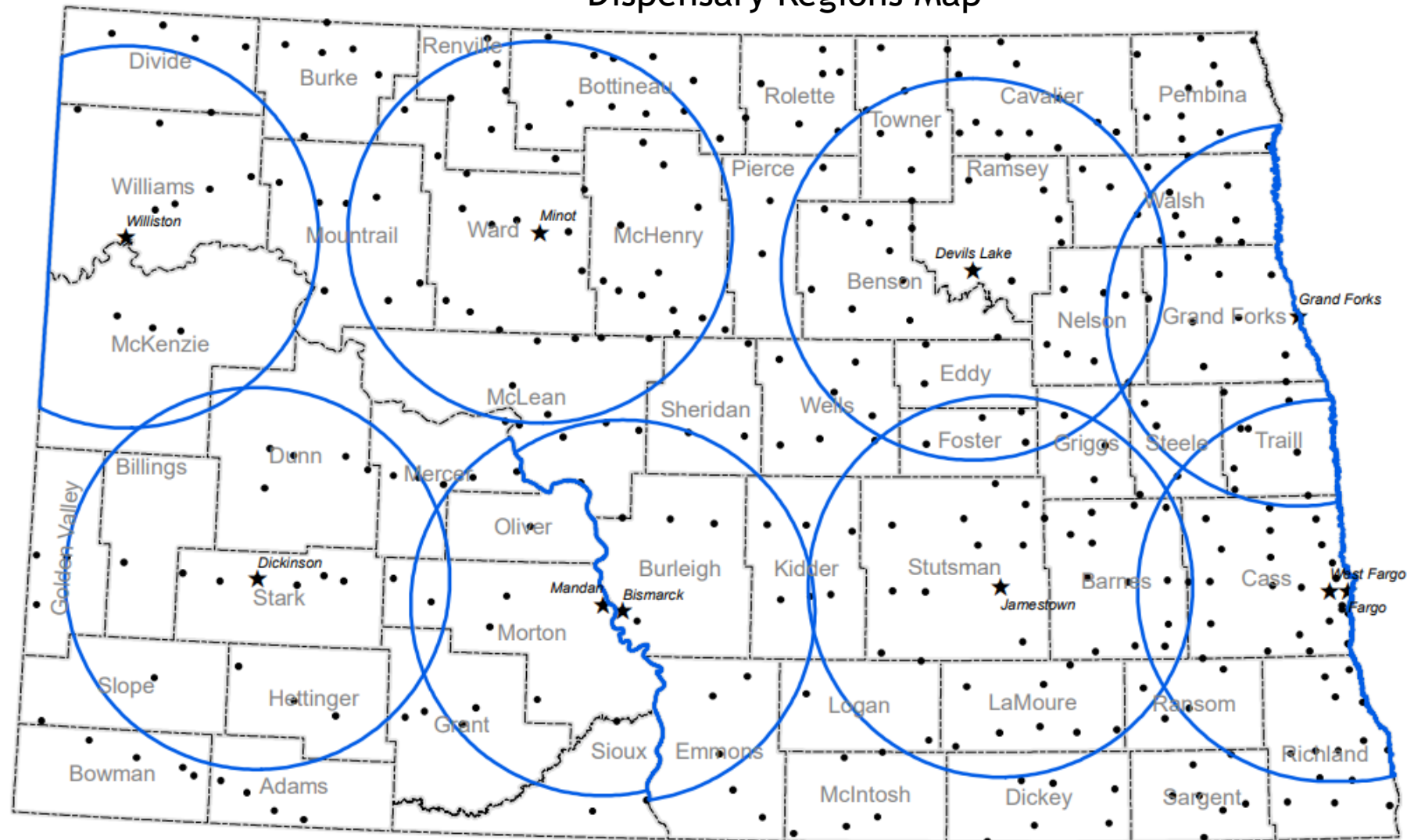
- 1,000 plant limit
- Growers, Producers, Processors
- \$110,000/2 years for registration
- Located in Bismarck and Fargo

## 8 Dispensaries

- Patient Educators
- \$90,000/2 years for registration
- 8 regions
  - Fargo is open
  - Bismarck/Mandan; Grand Forks; and Williston have entities moved forward to register



# Dispensary Regions Map



Date: 12/28/2017 by AMKFritz H:\CityMap\_UpdateLandscape.mxd

50-mile Radius  
Around Identified  
Communities

- 50-mile radius
- ★ Major Community
- Populated Place
- County Boundary

 NORTH DAKOTA  
DEPARTMENT of HEALTH



# 2019 Legislative Update

- ▶ Add physician assistant
- ▶ Remove language that a health care provider must state in their professional opinion their patient is likely to receive a benefit from the medical use of marijuana
- ▶ Edibles
- ▶ Enhanced amount for cancer patients
- ▶ Remove authorization for dried leaves/flowers
- ▶ Increase milligrams from 2,000 to 4,000

# 2019 Legislative Update (end)

- ▶ Adding additional medical conditions
- ▶ Remove 1,000 plant limit at manufacturing facility (allow to grow to meet patient demand)
- ▶ Clean up bill (remove SSN requirement, allow for online payments, etc.)
- ▶ Veteran receiving treatment from a federal veterans' affairs entity may submit VA medical records in lieu of written certification
- ▶ **NONE** of the above bills have passed Legislature



# Keeping up on program information

[www.ndhealth.gov/MM/](http://www.ndhealth.gov/MM/)

Patient and Caregiver Buttons

Sign In or Create an Account

Common Definition/FAQs

State Laws & Federal Guidance

Status Updates

Dispensary & Region Map

Subscribe/Unsubscribe to Updates Button

Program Implementation Snapshot