

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D. ADMIN. CODE CHAPTER 33-44-01
MEDICAL MARIJUANA

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 33-44-01 at 1:30 p.m. on Wednesday, June 21, 2023, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 33-44-01, Medical Marijuana, are necessary, in part, to comply with 2023 Senate Bill No. 2201.

The proposed changes are as follows:

Section 33-44-01-07.2 is amended to reduce the application fee for compassion centers.

Section 33-44-01-07.3 is amended to modify the two-year certification fees for compassion centers, except for one dispensary, and eliminate different amounts paid by dispensaries based on population of city where located.

Section 33-44-01-07.4 is created to establish the additional two-year certification fee for every five hundred plants in excess of one thousand plants a manufacturing facility possesses.

The proposed amendments are anticipated to have a cumulative impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zones and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules, may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State

LEGAL

Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, July 3, 2023.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 8th day of May, 2023.

ARTICLE 33-44
MEDICAL MARIJUANA

Chapter
33-44-01 Medical Marijuana

CHAPTER 33-44-01
MEDICAL MARIJUANA

| Section | |
|---------------|--|
| 33-44-01-01 | Definitions |
| 33-44-01-02 | Cardholder Notification of Change |
| 33-44-01-03 | Fees for Failure to Provide Notice |
| 33-44-01-03.1 | Minor Application |
| 33-44-01-03.2 | Application Fees for Registry Identification Cards |
| 33-44-01-03.3 | Replacement Fees for Registry Identification Cards |
| 33-44-01-04 | Cardholder Disposal of Usable Marijuana |
| 33-44-01-05 | Expiration of Registry Identification Cards |
| 33-44-01-06 | Compassion Center Application Process |
| 33-44-01-07 | Establishing Additional Compassion Centers |
| 33-44-01-07.1 | Additional Categories of Registered Medical Marijuana Establishments |
| 33-44-01-07.2 | Compassion Center Application Fees |
| 33-44-01-07.3 | Compassion Center Certification Fees |
| 33-44-01-07.4 | <u>Compassion Center Additional Certification Fees</u> |
| 33-44-01-08 | Compassion Center Inventory Limits |
| 33-44-01-09 | Use of Pesticides Prohibited |
| 33-44-01-10 | Pesticide Presence |
| 33-44-01-11 | Operations Manual |
| 33-44-01-12 | Restricted Access Areas |
| 33-44-01-13 | Dispensary Display Areas |
| 33-44-01-14 | Usable Marijuana Take Back |
| 33-44-01-15 | Medical Marijuana Waste Disposal |
| 33-44-01-16 | Recall Procedures |
| 33-44-01-17 | Surveillance Requirements |
| 33-44-01-18 | Alarm System Requirements |
| 33-44-01-19 | Inventory Control Measures |
| 33-44-01-20 | Conducting Inventory |
| 33-44-01-21 | Personnel Record Retention |
| 33-04-01-22 | Compassion Center and Laboratory Incidents |
| 33-44-01-23 | Advertising and Marketing |
| 33-44-01-24 | Strain or Brand Names |
| 33-44-01-24.1 | Medical Cannabinoid Product Formulation |
| 33-44-01-25 | Usable Marijuana Packaging |
| 33-44-01-26 | Manufacturing Facility Labeling |
| 33-44-01-27 | Dispensary Labeling |
| 33-44-01-28 | Removal of Product Labels |

| | |
|---------------|---|
| 33-44-01-29 | Transportation Authorization |
| 33-44-01-30 | Transportation Requirements |
| 33-44-01-31 | Compassion Center Inspections and Compliance |
| 33-44-01-32 | Plan of Correction |
| 33-04-01-33 | Data Reporting |
| 33-44-01-34 | Law Enforcement Reportable Incidents |
| 33-44-01-35 | Reporting Adverse Reactions |
| 33-44-01-36 | Laboratory Procurement Process |
| 33-44-01-37 | Laboratory Authority |
| 33-44-01-38 | Laboratory Agent Registry Identification Cards |
| 33-44-01-39 | Laboratory Inspection |
| 33-44-01-40 | Usable Marijuana Testing |
| 33-44-01-41 | Ordering Tests |
| 33-44-01-42 | Compliance Testing Requirements for Dried Leaves and Flowers |
| 33-44-01-43 | Compliance Testing Requirements for Cannabinoid Concentrates |
| 33-44-01-44 | Compliance Testing Requirements for Medical Cannabinoid Products |
| 33-44-01-44.1 | Terpene Analysis |
| 33-44-01-45 | Batch Requirements for Compliance Testing |
| 33-44-01-46 | Manufacturing Facility Requirements for Labeling, Storing, and Securing Usable Marijuana Batches |
| 33-44-01-47 | Standards for Pesticides and Degradation Compounds Compliance Testing |
| 33-44-01-48 | Standards for Microbiological Contaminants and Mycotoxin Compliance Testing |
| 33-44-01-48.1 | Standards for Heavy Metals Compliance Testing |
| 33-44-01-49 | Standards for Solvents Compliance Testing |
| 33-44-01-50 | Standards for Water Activity and Moisture Content Compliance Testing |
| 33-44-01-51 | Standards for Concentration Compliance Testing |
| 33-44-01-52 | Failed Test Samples |
| 33-44-01-53 | Tentative Identification of Compounds |
| 33-44-01-54 | Random Testing |
| 33-44-01-55 | Manufacturing Facility Quality Control and Quality Assurance Program |

SECTION 1. Section 33-44-01-07.2 is amended as follows:

33-44-01-07.2. Compassion center application fees.

The department shall collect nonrefundable application fees for compassion centers as follows:

1. For a manufacturing facility, ~~five~~three thousand dollars.
2. For a dispensary, ~~five~~two thousand dollars.

History: Effective October 1, 2022; amended effective October 1, 2023.

General Authority: NDCC 19-24.1-14

Law Implemented: NDCC 19-24.1-14

SECTION 2. Section 33-44-01-07.3 is amended as follows:

33-44-01-07.3. Compassion center certification fees.

The department shall collect certification fees for compassion center registrations as follows:

1. For a manufacturing facility, ~~one hundred ten~~seventy-five thousand dollars.
2. For a dispensary ~~located in a city with a population of more than ten thousand,~~ ninety~~sixty~~ thousand dollars.
3. ~~For a dispensary located in a city with a population of ten thousand or less,~~ thirty thousand dollars.
4. ~~For a production only authorized manufacturing facility,~~ seventy~~forty~~ thousand dollars.
5. ~~4.~~ For a medical marijuana product processor only authorized manufacturing facility, thirty~~twenty~~ thousand dollars.

History: Effective October 1, 2022; amended effective October 1, 2023.

General Authority: NDCC 19-24.1-15

Law Implemented: NDCC 19-24.1-15

SECTION 3. A new section is created as follows:

33-44-01-07.4. Compassion center additional certification fees.

The department shall collect an additional certification fee of five thousand dollars for every five hundred plants in excess of one thousand plants a manufacturing facility possesses.

History: Effective October 1, 2023.

General Authority: NDCC 19-24.1-15

Law Implemented: NDCC 19-24.1-15