

25-1.5-106. Medical marijuana program - powers and duties of department

(1) The department shall, pursuant to section 14 of article XVIII of the state constitution, promulgate rules of administration concerning the implementation of the medical marijuana program established by such section and that specifically govern the following:

- (a) The establishment and maintenance of a confidential registry of patients who have applied for and are entitled to receive a registry identification card;
- (b) The development by the department of an application form and making such form available to residents of this state seeking to be listed on the confidential registry of patients who are entitled to receive a registry identification card;
- (c) The verification by the department of medical information concerning patients who have applied for a confidential registry card;
- (d) The issuance and form of confidential registry identification cards;
- (e) Communications with law enforcement officials about confidential registry identification cards that have been suspended where a patient is no longer diagnosed as having a debilitating medical condition; and
- (f) The manner in which the department may consider adding debilitating medical conditions to the list of debilitating medical conditions contained in section 14 of article XVIII of the state constitution.

(2) The department may collect fees from patients who, pursuant to section 14 of article XVIII of the state constitution, apply to the medical marijuana program established by such section for a marijuana registry identification for the purpose of offsetting the department's direct and indirect costs of administering the program. The amount of such fees shall be set by rule of the state board of health. All fees collected by the department through the medical marijuana program shall be transferred to the state treasurer who shall credit the same to the medical marijuana program cash fund, which fund is hereby created.

(3) (a) The medical marijuana program cash fund shall be subject to annual appropriation by the general assembly to the department for the purpose of establishing, operating, and maintaining the medical marijuana program established by section 14 of article XVIII of the state constitution. All moneys credited to the medical marijuana program cash fund and all interest derived from the deposit of such moneys that are not expended during the fiscal year shall be retained in the fund for future use and shall not be credited or transferred to the general fund or any other fund.

(b) Notwithstanding any provision of paragraph (a) of this subsection (3) to the contrary, on April 20, 2009, the state treasurer shall deduct two hundred fifty-eight thousand seven hundred thirty-five dollars from the medical marijuana program cash fund and transfer such sum to the general fund.

Source: L. 2003: Entire article added, p. 686, § 2, effective July 1. L. 2009: (3) amended, (SB 09-208), ch. 149, p. 624, § 20, effective April 20.