

ALVIN A. JAEGER
SECRETARY OF STATE

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SECRETARY OF STATE
STATE OF NORTH DAKOTA
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FOR IMMEDIATE RELEASE
July 9, 2018

CONTACT: Lee Ann Oliver
(701) 328-4146

Al Jaeger
(701) 328-3670

INITIATIVE PETITIONS DELIVERED TO SECRETARY OF STATE

Bismarck, ND – Today, the sponsoring committee proposing the statutory initiative relating to legalizing marijuana delivered petitions to the Secretary of State's office for review and certification as a measure to be placed on the ballot for the November 6, 2018 statewide election.

The sponsoring committee delivered 451 petitions to Secretary of State Al Jaeger, which the committee stated contained approximately 18,700 signatures. The petition was approved for circulation on December 15, 2017.

To place the statutory initiated measure on the November 6, 2018, election ballot, the petitions must contain at least 13,452 signatures of qualified North Dakota voters.

The Secretary of State has thirty-five days, or until Monday, August 13, 2018, to pass upon the sufficiency of the number of signatures to determine whether the measure will be placed on the ballot. The applicable state law that applies is as follows:

N.D.C.C. § 16.1-01-10 – Secretary of state to pass upon sufficiency of petitions – Method – Time limit

The secretary of state shall have a reasonable period, not to exceed thirty-five days, in which to pass upon the sufficiency of any petition mentioned in section 16.1-01-09. The secretary of state shall conduct a representative random sampling of the signatures contained in the petitions by the use of questionnaires, postcards, telephone calls, personal interviews, or other accepted information gathering techniques, or any combinations thereof, to determine the validity of the signatures. Signatures determined by the secretary of state to be invalid may not be counted and all violations of law discovered by the secretary of state must be reported to the attorney general for prosecution.

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SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

July 9, 2018

David Owen
Chairperson
Sponsoring Committee
3A Noren Hall
Grand Forks ND 58202

Dear Mr. Owen,

I hereby accept delivery of 451 petitions relating to legalization of marijuana along with an executed Signature Affidavit for Initiated and Referred Measures form (SFN 18687).

According to N.D.C.C. § 16.1-01-10, the Secretary of State has a reasonable period, not to exceed thirty-five days, to pass upon the sufficiency of the signatures contained in the petitions. Accordingly, you will be notified on or before Monday, August 13 2018, if the petitions contain a sufficient number of valid signatures to place the measure on the ballot for the next statewide election.

In addition, when a Sponsoring Committee submits signed petitions to the Secretary of State, state law requires the committee to comply with the following subsection of N.D.C.C. § 16.1-08.1-03.13(2).

"At the time the sponsoring committee for an initiated petition submits signed petitions to the secretary of state, the committee also shall submit a statement disclosing the contributions received and the expenditures made for the purpose of circulating the petition."

To fulfill this requirement, it must be done online through the North Dakota Campaign Finance Online System on the Secretary of State's website at Vote.ND.Gov. In the left navigation menu of that page, click on "Campaign Finance Disclosure" and follow the instruction to Login to the system. The report must be filed within one week.

If you have any questions, please direct them to Lee Ann Oliver in the Elections Division of the Secretary of State's office at (701) 328-4146, at loliver@nd.gov, or to me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alvin A. Jaeger".
Alvin A Jaeger
Secretary of State

**Time Line for Statutory Initiative Relating to
Legalization of Marijuana
(as of July 9, 2018)**

Submitted to the Secretary of State for review and approval for circulation.	Tuesday, November 28, 2017
Earliest date the law allows Secretary of State to approve the petition title	Tuesday, December 5, 2017
Latest date by which the Secretary of State must provide the petition title	Thursday, December 7, 2017
Date that Secretary of State supplied Sponsoring Committee with petition title for petition along with a listing of corrections for the petition's format	Friday, December 15, 2017
Date that Sponsoring Committee returned petition to Secretary of State for review	Friday, December 15, 2017
Date that Secretary of State approved petition for circulation	Friday, December 15, 2017
Deadline for submitting petition signatures to the Secretary of State (120 days before the election at which the measure is to appear on the ballot <u>or</u> one year from the date the petition is approved for circulation)	2018 General Election – Prior to midnight on Monday, July 9, 2018 One year from date petition was approved for circulation – December 17, 2018
Number of Signatures needed to place measure on ballot.	13,452
Date petitions were submitted to Secretary of State	July 9, 2018
Date by which Secretary of State must pass upon the sufficiency of the signatures to place question on the ballot for the November 6, 2018, statewide election	August 13, 2018
Contact person for the sponsoring committee	<p style="text-align: center;">Josh Dryer 3027 7th St W #101 West Fargo ND 58078</p> <p>(701) 550-6728 JoshDryer@outlook.com</p>

**INITIATIVE PETITION
TO THE SECRETARY OF STATE,
STATE OF NORTH DAKOTA**

We, the undersigned, being qualified electors request the following initiated law be placed on the ballot as provided by law.

SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

David Owen	Josh Dryer	John T Bjorklund	Casey Brevik	Jacob Knaack	Jason K. Coghill	Keedan Holzworth
Chairperson	3027 7 th St. West	750 S. 43 rd St.	707 Broadway	3548 47 th St. S	3027 7 th St. W.	66 N. Stanley Dr.
3A Noren Hall	Apt. 101.	Apt. 1134	Apt. 4	Apt. 108	Apt. 311	Lincoln, ND
Grand Forks, ND	West Fargo, ND	Grand Forks, ND	Fargo, ND	Fargo, ND	West Fargo, ND	58504
58202	58078	58201	58102	58104	58078	
Bradley Foster	Ernest Joseph Pelter	Alex Larson	Eric Olson	Sarah Fuglseth	Cyrus Sarabakhsh	Michelle Tait
1145 12 th St. N	Ill.	720 12 th St. N	915 4 th Ave. S.	1441 30 th Ave. S.	1717 40 th St. SW	222 Crown Butte Dr.
Fargo, ND	3541 24 th Ave. S.	Fargo, ND	Fargo, ND	Unit E.	Apt. 323	Mandan, ND
58102	Apt. 115	58102	58103	Fargo, ND	Fargo, ND	58554
	Grand Forks, ND				58103	
	58201					
Tisha L Denault	Jennifer Bailey	Kevin Johnson	Donald Bailey	Chad Hellwig	Nicole Moos	Erika Zimmerman
232 2 nd St.	1119 University Dr.	662 San Juan Dr. S.	1119 University Dr.	700 S. 12 th St.	106 W Buffalo St.	409 2 nd Ave NW
Minto, ND	Apt. 1319	Fargo, ND	Bismarck, ND	Apt. 236	Mandan, ND	Mandan, ND
58261	Bismarck, ND	58103	58504	Bismarck, ND	58554	58554
	58504			58504		
Jolene Berger	Todd Were	Dustin Peyer	Mark Burke	Sandra L Farrell	Duwayne	Brian S Taylor Jr.
3004 Manchester St.	52 Benteen Dr.	328 SE 1 st St	3004 Manchester St.	100 SW 3 rd St Lot B8	Hendrickson	3100 E Rosser Ave
Bismarck, ND	Lincoln, ND	Driscoll, ND	Bismarck, ND	Parkview Estates	1001 54 th St SE	Apt 11
585504	58504	58532	58504	Mandan, ND	Minot, ND	Bismarck, ND 58501
				58554	58701	

PETITION TITLE

This initiated measure would amend the North Dakota Century Code by removing hashish, marijuana, and tetrahydrocannabinols from the list of schedule I controlled substances in section 19-03.1-05; adding penalties for individuals under the age of twenty-one in possession of, or attempting to distribute, marijuana; and adding penalties for individuals who distribute marijuana to anyone under the age of twenty-one. It would amend the definition for drug paraphernalia in section 19-03.4-01 to only apply to non-marijuana controlled substances. It would amend section 25-03.1-45 to create a process to automatically expunge the record of an individual who has a drug conviction for a controlled substance that has been legalized; create an appeals process for an individual who believes the state did not expunge a record properly; and eliminate the state's sovereign immunity for damages resulting from expungement lawsuits. It would create chapter 66-01 to define the terms marijuana and marijuana paraphernalia; to prevent prosecution for non-violent marijuana related activity; and to nullify and repeal any North Dakota Century Code language which conflicts with chapter 66-01.

FULL TEXT OF THE MEASURE

IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED. IF MATERIAL IS NOT UNDERSCORED OR OVERSTRUCK, THE MATERIAL IS EXISTING LAW THAT IS NOT BEING CHANGED.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 19-03.1-05 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-05. Schedule I

1. The controlled substances listed in this section are included in schedule I.
2. Schedule I consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.
3. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers esters, and ethers, whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation:
 - a. Acetylmethadol.
 - b. Allylprodine.
 - c. Alphacetylmethadol.
 - d. Alphameprodine.
 - e. Alphamethadol.
 - f. Benzethidine.
 - g. Betacetylmethadol.
 - h. Betameprodine.
 - i. Betamethadol.
 - j. Betaprodine.
 - k. Clonitazene.
 - l. Dextromoramide.
 - m. Diampromide.
 - n. Diethylthiambutene.

- o. DifenoXin.
- p. Dimenoxadol.
- q. Dimheptanol.
- r. Dimethylthiambutene.
- s. Dioxaphetyl butyrate.
- t. Dipipanone.
- u. Ethylmethylthiambutene.
- v. Etonitazene.
- w. EtoXeridine.
- x. Furethidine.
- y. Hydroxypethidine.
- z. Ketobenidone.
- aa. Levomoramide.
- bb. Levophenacylmorphan.
- cc. Morpheridine.
- dd. MPPP (also known as 1-methyl-4-phenyl-4-propionoxypiperidine).
- ee. Noracymethadol.
- ff. Norlevorphanol.
- gg. Normethadone.
- hh. Noripranone.
- ii. PEPAP (1-(2-Phenylethyl)-4-Phenyl-4-acetoxypiperidine).
- jj. Phenadoxone.
- kk. Phenamipromide.
- ll. Phenomorphan.
- mm. Phenoperidine.
- nn. Pitramide.
- oo. Proheptazine.
- pp. Properidine.
- qq. Propiram.
- rr. Racemoramide.
- ss. Tilidine.
- tt. Trimeperidine.
- uu. 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (also known as U-47700).
- vv. 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (also known as MT-45).
- ww. 3,4-dichloro-N-[1-(dimethylamino)cyclohexyl]methylbenzamide (also known as AH-7921).
- xx. Fentanyl derivatives. Unless specifically excepted or unless listed in another schedule or are not FDA approved drugs, and are derived from N-(1-(2-Phenylethyl)-4-piperidinyl)-N-phenylpropanamide (Fentanyl) by any substitution on or replacement of the phenethyl group, any substitution on the piperidine ring, any substitution on or replacement of the propanamide group, any substitution on the anilido phenyl group, or any combination of the above. Examples include:
 - (1) N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide (also known as Acetyl-alpha-methylfentanyl).
 - (2) N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine (also known as methylfentanyl).
 - (3) N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide known as Alpha-methylthiofentanyl).
 - (4) N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamid (also known as Beta-hydroxyfentanyl).
 - (5) N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide (also known as Beta-hydroxy-3-methylfentanyl).
 - (6) N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide known as 3-Methylfentanyl).

- (7) N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide known as 3-Methylthiofentanyl).
 - (8) N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide (also known as Para-fluorofentanyl).
 - (9) N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]propanamide (also known as Thiofentanyl).
 - (10) N-(1-phenylethyl)piperidin-4-yl)-N-phenylfuran-2-carboxamide (also known as Fentanyl).
 - (11) N-(1-phenethylpiperidin-4-yl)-N-phenylbutylamide; N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide (also known as Butyl Fentanyl).
 - (12) N-[1-(2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide; N-[1-(2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide (also known as Beta-Hydroxythiofentanyl).
 - (13) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (also known as Acetyl Fentanyl).
 - (14) N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]prop-2-enamide (also known as Acrylfentanyl).
 - (15) N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (also known as Valeryl Fentanyl).
4. Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- a. Acetorphine.
 - b. Acetylalndydrocodeine.
 - c. Benzylmorphine.
 - d. Codeine methylbromide.
 - e. Codeine-N-Oxide.
 - f. Cyprenorphine.
 - g. Desomorphine.
 - h. Dinydromorphine.
 - i. Drotebanol.
 - j. Etorphine (except hydrochloride salt).
 - k. Heroin.
 - l. Hydromorphenol.
 - m. Methyldesorphine.
 - n. Methyldihydromorphine.
 - o. Morphine methylbromide.
 - p. Morphine methylsulfonate.
 - q. Morphine-N-Oxide.
 - r. Myrophine.
 - s. Nicocodeine.
 - t. Nicomorphine.
 - u. Normorphine.
 - v. Pholcodine.
 - w. Thebacon.
5. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term "isomer" includes the optical, position, and geometric isomers):
- a. Alpha-ethyltryptamine, its optical isomers, salts, and salts of isomers (also known as etryptamine; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole).
 - b. Alpha-methyltryptamine.
 - c. 4-methoxyamphetamine (also known as 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA).
 - d. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenylamine, and N-hydroxy MDA.
 - e. Hashish.

- f. e. Ibogaine (also known as 7-Ethyl-6, 6B, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5-H-pyrido [1', 2':1,2] azepino (5,4-b) indole; Tabernanthe iboga).
- g. f. Lysergic acid diethylamide.
- h. Marijuana.
- i. g. Parahexyl (also known as 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzol[b,d]pyran; Synhexyl).
- j. h. Peyote (all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or its extracts).
- k. i. N-ethyl-3-piperidyl benzilate.
- l. j. N-methyl-3-piperidyl benzilate.
- m. k. Psilocybin.
- n. Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extracts of such plant, including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:
- (1) Delta-1 *cis* or *trans* tetrahydrocannabinol, and their optical isomers. Other names: Delta-9-tetrahydrocannabinol.
 - (2) Delta-6 *cis* or *trans* tetrahydrocannabinol, and their optical isomers.
 - (3) Delta-3,4 *cis* or *trans* tetrahydrocannabinol, and its optical isomers.
- (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)
- o. l. Cannabinoids, synthetic. It includes the chemicals and chemical groups listed below, including their homologues, salts, isomers, and salts of isomers. The term "isomer" includes the optical, position, and geometric isomers.
- (1) Indole carboxaldehydes. Any compound structurally derived from 1H-indole-3-carboxaldehyde or 1H-2-carboxaldehyde substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the hydrogen of the carboxaldehyde by a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:
 - (a) Substitution to the indole ring to any extent; or
 - (b) Substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent; or
 - (c) A nitrogen heterocyclic analog of the indole ring; or
 - (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
- (e) Examples include:
- [1] 1-Pentyl-3-(1-naphthoyl)indole - Other names: JWH-018 and AM-678.
 - [2] 1-Butyl-3-(1-naphthoyl)indole - Other names: JWH-073.
 - [3] 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole - Other names: JWH-081.
 - [4] 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole - Other names: JWH-200.
 - [5] 1-Propyl-2-methyl-3-(1-naphthoyl)indole - Other names: JWH-015.
 - [6] 1-Hexyl-3-(1-naphthoyl)indole - Other names: JWH-019.
 - [7] 1-Pentyl-3-(4-methyl-1-naphthoyl)indole - Other names: JWH-122.
 - [8] 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole - Other names: JWH-210.
 - [9] 1-Pentyl-3-(4-chloro-1-naphthoyl)indole - Other names: JWH-398.
 - [10] 1-(5-fluoropentyl)-3-(1-naphthoyl)indole - Other names: AM-2201.
 - [11] 1-(2-cyclohexylethyl)-3-(1-naphthoyl)indole - Other names: RCS-8.
 - [12] 1-Pentyl-3-(2-methoxyphenylacetyl)indole - Other names: JWH-250.
 - [13] 1-Pentyl-3-(2-methylphenylacetyl)indole - Other names: JWH-251.

[14] 1-Pentyl-3-(2-chlorophenylacetyl)indole - Other names: JWH-203.
[15] 1-Pentyl-3-(4-methoxybenzoyl)indole - Other names: RCS-4.
[16] 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole - Other names: AM-694.
[17] 4-Methoxyphenyl-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3yl] methanone - Other names: WIN 48,098 and Pravadoline.

[18] 1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone --Other names: UR-144.
[19] 1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone - Other names: XLR-11.
[20] 1-(2-morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone - Other names: A-796,260.
[21] 1-(5-fluoropentyl)-1H-indazol-3-yl)(naphthalen-1-yl)methanone --Other names: THJ-2201.
[22] 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone -- Other names: THJ-018.
[23] 1-(5-fluoropentyl)-1H-benzodimidazol-2-yl)(naphthalen-1-yl)methanone - Other names: FUBIMINA.
[24] 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-yl) indole -Other names: AM-1248.
[25] 1-Pentyl-3-(1-adamantyl)indole - Other names: AB-001 and JWH-018 adamantyl analog.

(2) Indole carboxamides. Any compound structurally derived from 1H-indole-3-carboxamide or 1H-2-carboxamide substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranymethyl, benzyl, or halo benzyl group; and, at the nitrogen of the carboxamide by a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:

- (a) Substitution to the indole ring to any extent; or
 - (b) Substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent; or
 - (c) A nitrogen heterocyclic analog of the indole ring; or
 - (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
- (e) Examples include:

[1] N-Adamantyl-1-pentyl-1H-indole-3-carboxamide - Other names: JWH-018 adamantyl carboxamide, APICA, SDB-001, and 2NE1.
[2] N-Adamantyl-1-fluoropentylindole-3-carboxamide - Other names: STS-135.
[3] N-Adamantyl-1-pentyl-1H-indazole-3-carboxamide - Other names: AKB 48 and APINACA.
[4] N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide - Other names: NNEI and MN-24.
[5] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide - Other names: ADBICA.
[6] (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide - Other names: AB-PINACA.
[7] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide - Other names: AB-FUBINACA.
[8] (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide - Other names: 5-Fluoro AB-PINACA.
[9] N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide - Other names: ADB-PINACA.
[10] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide - Other names: AB-CHMINACA.
[11] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide - Other names: ADB-FUBINACA.
[12] N-(3s,5s,7s)-adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide - Other names: FUB-AKB48 and AKB48 N-(4-fluorobenzyl) analog.
[13] 1-(5-fluoropentyl)-N-(quinolin-8-yl)-1H-indazole-3-carboxamide - Other names: 5-fluoro-THJ.
[14] (S)-methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate - Other names: 5-fluoro AMB.
[15] methyl 1-(1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate - Other names: FUB-AMB.

- [16] N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-(cyclohexylmethyl)-1 H-indazole-3-carboxamide - Other names: MAB-CHMINACA and ADB-CHMINACA.
- [17] Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate - Other names: 5F-ADB and 5F-MDMB-PINACA.
- [18] N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3- carboxamide - Other names: 5F-APINACA and 5F-AKB48.
- [19] Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3- dimethylbutanoate - Other names: MDMB-CHMICA and MMB-CHMINACA.
- [20] Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3- dimethylbutanoate - Other names: MDMB-FUBINACA.
- (3) Indole carboxylic acids. Any compound structurally derived from 1H-indole-3-carboxylic acid or 1H-2-carboxylic acid substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2- piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the hydroxyl group of the carboxylic acid by a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:
- (a) Substitution to the indole ring to any extent; or
 - (b) Substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, propionaldehyde group to any extent; or
 - (c) A nitrogen heterocyclic analog of the indole ring; or
 - (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
- (e) Examples include:
- [1] 1-(cyclohexylmethyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other names: BB-22 and QUCHIC.
 - [2] naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate - Other names: FDU-PB-22.
 - [3] 1-pentyl-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other names: PB-22 and QUPIC.
 - [4] 1-(5-Fluoropentyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other names: 5-Fluoro PB-22 and 5F-PB-22.
 - [5] quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate - Other names: FUB-PB-22.
 - [6] naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate - Other names: NMD201.
- (4) Naphthylmethylindoles. Any compound containing a 1H-indol-3-yl-(1- naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples include:
- (a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane - Other names: JWH-175.
 - (b) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane - Other names: JWH-184.
- (5) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2- pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone - Other names: JWH-307.
- (6) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2 (4-morpholinyl)ethyl, 1-(N-methyl-2- pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane - Other names: JWH-176.
- (7) Cyclohexylphenols. Any compound containing a 2-(3- hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not substituted in the cyclohexyl ring to any extent. Examples include:

(a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other names: CP 47,497.

(b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other names: Cannabicyclohexanol and CP 47,497 C8 homologue.

(c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol - Other names: CP 55,940.

(8) Others specifically named:

(a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: HU-210.

(b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: Dexanabinol and HU-211.

(c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone - Other names: WIN 55,212-2.

(d) Naphthalen-1-yl-(4-pentyl)oxynaphthalen-1-yl)methanone - Other names: CB-13.

p. Substituted phenethylamines. This includes any compound, unless specifically excepted, specifically named in this schedule, or listed under a different schedule, structurally derived from phenylethan-2-amine by substitution on the phenyl ring in any of the following ways, that is to say, by substitution with a fused methylenedioxy ring, fused furan ring, or fused tetrahydrofuran ring; by substitution with two alkoxy groups; by substitution with one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system; or by substitution with two fused ring systems from any combination of the furan, tetrahydrofuran, or tetrahydropyran ring systems.

(1) Whether or not the compound is further modified in any of the following ways, that is to say:

(a) By substitution of phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alkylthio groups;

(b) By substitution at the 2-position by any alkyl groups; or

(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, hydroxybenzyl, methylenedioxybenzyl, or methoxybenzyl groups.

(2) Examples include:

(a) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (also known as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine).

(b) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (also known as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine).

(c) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (also known as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine).

(d) 2-(2,5-Dimethoxyphenyl)ethanamine (also known as 2C-H or 2,5-Dimethoxyphenethylamine).

(e) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-I or 2,5-Dimethoxy-4-iodophenethylamine).

(f) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (also known as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine).

(g) 2-(2,5-Dimethoxy-4-(n-propylphenyl)ethanamine (also known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine).

(h) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine).

(i) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine).

(j) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine).

(k) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine (also known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine).

(l) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine (also known as DOI or 2,5-Dimethoxy-4-iodoamphetamine).

(m) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane (also known as DOB or 2,5-Dimethoxy-4-bromoamphetamine).

(n) 1-(4-chloro-2,5-dimethoxyphenyl)propan-2-amine (also known as DOC or 2,5-Dimethoxy-4-chloroamphetamine).

(o) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-B-NBOMe; 2,5B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine).

(p) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-I-NBOMe; 2,5I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine).

(q) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine (also known as mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine).

(r) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-C-NBOMe; 2,5C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine).

(s) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine (also known as 2CB-5-hemiFLY).

- (t) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (also known as 2C-B-FLY).
 - (u) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine (also known as 2C-B-butterFLY).
 - (v) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane (also known as 2C-B-FLY-NBOMe).
 - (w) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (also known as bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY).
 - (x) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (also known as 2C-I-NBOH or 2,5I-NBOH).
 - (y) 5-(2-Aminopropyl)benzofuran (also known as 5-APB).
 - (z) 6-(2-Aminopropyl)benzofuran (also known as 6-APB).
 - (aa) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (also known as 5-APDB).
 - (bb) 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (also known as 6-APDB).
 - (cc) 2,5-dimethoxy-amphetamine (also known as 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA).
 - (dd) 2,5-dimethoxy-4-ethylamphetamine (also known as DOET).
 - (ee) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (also known as 2C-T-7).
 - (ff) 5-methoxy-3,4-methylenedioxy-amphetamine.
 - (gg) 4-methyl-2,5-dimethoxy-amphetamine (also known as 4-methyl-2,5-dimethoxy-a-methylphenethylamine; DOM and STP).
 - (hh) 3,4-methylenedioxy amphetamine (also known as MDA).
 - (ii) 3,4-methylenedioxy methamphetamine (also known as MDMA).
 - (jj) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA).
 - (kk) 3,4,5-trimethoxy amphetamine.
 - (ll) Mescaline (also known as 3,4,5-trimethoxyphenethylamine).
- q. Substituted tryptamines. This includes any compound, unless specifically excepted, specifically named in this schedule, or listed under a different schedule, structurally derived from 2-(1H-indol-3-yl)ethanamine (i.e., tryptamine) by mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the compound is further substituted at the alpha-position with an alkyl group or whether or not further substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups. Examples include:
- (1) 5-methoxy-N,N-diallyltryptamine (also known as 5-MeO-DALT).
 - (2) 4-acetoxy-N,N-dimethyltryptamine (also known as 4-AcO-DMT or O-Acetylpsilocin).
 - (3) 4-hydroxy-N-methyl-N-ethyltryptamine (also known as 4-HO-MET).
 - (4) 4-hydroxy-N,N-diisopropyltryptamine (also known as 4-HO-DIPT).
 - (5) 5-methoxy-N-methyl-N-isopropyltryptamine (also known as 5-MeO-MIPT).
 - (6) 5-methoxy-N,N-dimethyltryptamine (also known as 5-MeO-DMT).
 - (7) Bufotenine (also known as 3-(Beta-Dimethyl-aminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine).
 - (8) 5-methoxy-N,N-diisopropyltryptamine (also known as 5-MeO-DIPT).
 - (9) Diethyltryptamine (also known as N,N-Diethyltryptamine; DET).
 - (10) Dimethyltryptamine (also known as DMT).
 - (11) Psilocyn.
 - r. 1-[3-(trifluoromethyl)phenyl]piperazine (also known as TFMP).
 - s. 1-[4-(trifluoromethyl)phenyl]piperazine.
 - t. 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (also known as 5,6-Methylenedioxy-2-aminoindane or MDAI).
 - u. 2-(Ethylamino)-2-(3-methoxyphenyl)cyclohexanone (also known as Methoxetamine or MXE).
 - v. Ethylamine analog of phencyclidine (also known as N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE).
 - w. Pyrrolidine analog of phencyclidine (also known as 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP).
 - x. Thiophene analog of phencyclidine (also known as (1-[1-(2-thienyl) cyclohexyl]piperidine; 2-Thienylanalog of phencyclidine; TPCP, TCP).

- y. 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (also known as TCPY).
 - z. Salvia divinorum, salvinorin A, or any of the active ingredients of salvia divinorum.
6. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- a. Flunitrazepam.
 - b. Gamma-hydroxybutyric acid.
 - c. Mecloqualone.
 - d. Methaqualone.
7. Stimulants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:
- a. Amnorex (also known as 2-amino-5-phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine).
 - b. Cathinone.
 - c. Substituted cathinones. Any compound, material, mixture, preparation, or other product, unless listed in another schedule or an approved food and drug administration drug (e.g., bupropion, pyrovalerone), structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
 - (1) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
 - (2) By substitution at the 3-position with an acyclic alkyl substituent;
 - (3) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
 - (4) By inclusion of the 2-amino nitrogen atom in a cyclic structure. Some trade or other names:
 - (a) 3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone (also known as MDPPP).
 - (b) 3,4-Methylenedioxy-N-ethylcathinone (also known as Ethylone, MDEC, or bk-MDEA).
 - (c) 3,4-Methylenedioxy-N-methylcathinone (also known as Methylone, MDEP, or bk-MDEA).
 - (d) 3,4-Methylenedioxypropylvalerone (also known as MDPV).
 - (e) 3,4-Dimethylmethcathinone (also known as 3,4-DMMC).
 - (f) 2-(methylamino)-1-phenylpentan-1-one (also known as Pentadone).
 - (g) 2-Fluoromethcathinone (also known as 2-FMC).
 - (h) 3-Fluoromethcathinone (also known as 3-FMC).
 - (i) 4-Methylethcathinone (also known as 4-MEC and 4-methyl-N-ethylcathinone).
 - (j) 4-Fluoromethcathinone (also known as Flephedrone and 4-FMC).
 - (k) 4-Methoxy-alpha-pyrrolidinopropiophenone (also known as MOPPP).
 - (l) 4-Methoxymethcathinone (also known as Methedrone; bk-PMMA).
 - (m) 4'-Methyl-alpha-pyrrolidinobutophenone (also known as MPBP).
 - (n) Alpha-methylamino-butyrophenone (also known as Buphedrone or MABP).
 - (o) Alpha-pyrrolidinobutophenone (also known as alpha-PBP).
 - (p) Alpha-pyrrolidinopropiophenone (also known as alpha-PPP).
 - (q) Alpha-pyrrolidinopentophenone (also known as Alpha-pyrrolidinovalerophenone or alpha-PVP).
 - (r) Beta-keto-N-methylbenzodioxolylbutanamine (also known as Butylene or bk-MBDB).
 - (s) Ethcathinone (also known as N-Ethylcathinone).
 - (t) 4-Methylmethcathinone (also known as Mephedrone or 4-MMC).
 - (u) Methcathinone.
 - (v) N,N-dimethylcathinone (also known as metamphetamine).
 - (w) Naphthylpyrovalerone (naphyrone).
 - (x) B-Keto-Methylbenzodioxolylpentanamine (also known as Pentylone).
 - (y) 4-Methyl-alpha-pyrrolidinopropiophenone (also known as 4-MePPP and MPPP).

- d. Fenethylamine.
- e. Fluoromethamphetamine.
- f. Fluoromethamphetamine.
- g. (±)cis-4-methylaminorex (also known as (±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).
- h. N-Benzylpiperazine (also known as BZP, 1-benzylpiperazine).
- i. N-ethylamphetamine.
- j. N, N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzenethanamine; N,N-alpha-trimethylphenethylamine).

SECTION 2. AMENDMENT. Section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-23. Prohibited acts A- Mandatory terms of imprisonment and fines-

1. Except as authorized by this chapter, it is unlawful for a person to willfully, as defined in section 12.1-02-02, manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance, or to deliver, distribute, or dispense a controlled substance by means of the internet, but a person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. A person who violates this subsection with respect to:
 - a. A controlled substance classified in schedule I or II which is a narcotic drug, or methamphetamine, is guilty of a class B felony and must be sentenced:
 - (1) For a second offense, to imprisonment for at least three years.
 - (2) For a third or subsequent offense, to imprisonment for ten years.
 - b. Any other controlled substance classified in schedule I, II, or III, or a controlled substance analog is guilty of a class B felony. Except for a person who manufactures, delivers, or possesses with the intent to manufacture or deliver marijuana, any person found guilty under this subdivision must be sentenced:
 - (1) For a second offense, to imprisonment for at least two years.
 - (2) For a third or subsequent offense, to imprisonment for five years.
 - c. A substance classified in schedule IV, is guilty of a class C felony and must be sentenced:
 - (1) For a second offense, to imprisonment for at least three months.
 - (2) For a third offense, to imprisonment for at least six months.
 - (3) For a fourth or subsequent offense, to imprisonment for three years.
 - d. A substance classified in schedule V, is guilty of a class A misdemeanor.
2. A prior misdemeanor conviction under subsection 8 or a prior conviction under subsection 3 or 4 of section 19-03.4-03 may not be considered a prior offense under subsections 1 and 4.
3. Except as authorized by this chapter, it is unlawful for any person to willfully, as defined in section 12.1-02-02, create, deliver, distribute, or dispense a counterfeit substance by means of the internet or any other means, or possess with intent to deliver, a counterfeit substance by means of the internet or any other means, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. Any person who violates this subsection with respect to:
 - b. A counterfeit substance classified in schedule I, II, or III, is guilty of a class B felony.
 - c. A counterfeit substance classified in schedule IV, is guilty of a class C felony.
 - d. A counterfeit substance classified in schedule V, is guilty of a class A misdemeanor.
4.
 - a. For second or subsequent offenses, in addition to any other penalty imposed under this section, if the person who violates this chapter was at least twenty-one years of age at the time of the offense, and delivered a controlled substance to a person under the age of eighteen, the person is subject to, and the court shall impose a term of imprisonment of at least four years.
 - b. Which is to run consecutively to any other sentence imposed. It is not a defense that the defendant did not know the age of a person protected under subdivision a.
 - c. The penalty in subdivision a does not apply to a person who manufactures, delivers, or possesses with the intent to manufacture or deliver marijuana.

5. A person at least eighteen years of age who solicits, induces, intimidates, employs, hires, or uses a person under eighteen years of age to aid or assist in the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance for the purpose of receiving consideration or payment for the manufacture or delivery of any controlled substance is guilty of a class B felony and must be sentenced:
 - a. For a second or subsequent offense, to imprisonment for at least three years.
 - b. It is not a defense to a violation of this subsection that the defendant did not know the age of a person protected under this subsection.
6. Except for a prior conviction equivalent to a misdemeanor violation of subsection 8 or a prior conviction under subsection 3 or 4 of section 19-03.4-03, a violation of this title or a law of another state or the federal government which is equivalent to an offense with respect to the manufacture, delivery, or intent to deliver a controlled substance under this title committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsections 1, 4, and 5. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.
7. It is unlawful for a person to willfully, as defined in section 12-1-02-02:
 - a. Serve as an agent, intermediary, or other entity that causes the internet to be used to bring together a buyer and seller to engage in the delivery, distribution, or dispensing of a controlled substance in a manner not authorized by this chapter; or
 - b. Offer to fill or refill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire.
8. A person who violates this subsection is guilty of a class C felony.
 - a. It is unlawful for any person to willfully, as defined in section 12-1-02-02, possess a controlled substance or a controlled substance analog unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice; or except as otherwise authorized by this chapter, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.
 - b. Except as otherwise provided in this subsection, any person who violates this subsection is guilty of a class A misdemeanor for the first offense under this subsection and a class C felony for a second or subsequent offense under this subsection.
 - c. If, at the time of the offense the person is in or on the real property comprising a public or private elementary or secondary school or a public career and technical education school, the person is guilty of a class B felony, unless the offense involves marijuana.
 - d. A person who violates this subsection regarding possession of marijuana is guilty of a class B misdemeanor.
 - e. If an individual is sentenced to the legal and physical custody of the department of corrections and rehabilitation under this subsection, the department may place the individual in a drug and alcohol treatment program designated by the department. Upon the successful completion of the drug and alcohol treatment program, the department shall release the individual from imprisonment to begin any court-ordered period of probation.
 - f. If the individual is not subject to any court-ordered probation, the court shall order the individual to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.
 - g. Probation under this subsection may include placement in another facility, treatment program, or drug court. If an individual is placed in another facility or treatment program upon release from imprisonment, the remainder of the sentence must be considered as time spent in custody.
 - h. An individual incarcerated under this subsection as a result of a second probation revocation is not eligible for release from imprisonment upon the successful completion of treatment.
 - i. A person who violates this subsection regarding possession of five or fewer capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or controlled substance analog is guilty of a class A misdemeanor.
9. Except as provided by section 19-03.1-45, a court may order a person who violates this chapter or chapter 19-03.4 to undergo a drug addiction evaluation by a licensed addiction counselor. The evaluation must indicate the prospects for rehabilitation and whether addiction treatment is required. If ordered, the evaluation must be submitted to the court before imposing punishment for a felony violation or a misdemeanor violation. A court shall order a person who violates subdivision e of subsection 8 to undergo the drug addiction evaluation.
10. ~~If a person pleads guilty or is found guilty of a first offense regarding possession of one ounce (28.35 grams) or less of marijuana and a judgment of guilt is entered, a court, upon motion, shall seal the court record of that conviction if the person is not subsequently convicted within two years of a further violation of this chapter. Once sealed, the court record may not be opened even by order of the court. Any individual under the age of 21 found in possession of marijuana shall be held to the same penalties as though they were a minor in possession of alcohol whatever those may be.~~

11. Any individual who distributes marijuana to those under the age of 21, or is an individual under the age of 21 who attempts to distribute marijuana is subject the same penalties as though they were convicted of selling alcohol to a minor whatever those may be.

SECTION 3. AMENDMENT. Section 19-03.4-01 of the North Dakota Century Code is amended and reenacted as follows:

19-03.4-01. Definition – Drug paraphernalia.

In this chapter, unless the context otherwise requires, “drug paraphernalia” means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a non-marijuana controlled substance in violation of chapter 19-03.1. The term includes:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a non-marijuana controlled substance or from which a controlled substance can be derived.
2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled non-marijuana substances.
3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a non-marijuana controlled substance.
4. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled non-marijuana substances.
5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled non-marijuana substances.
6. Diluents and adulterants, including quinine hydrochloride, mannitol, dextrose, and lactose, used, intended for use, or designed for use in cutting a non-marijuana controlled substance.
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, ~~marijuana~~ a non-marijuana substance.
8. Blenders, bowls, containers, spoons, grinders, and mixing devices used, intended for use, or designed for use in compounding, manufacturing, producing, processing, or preparing controlled non-marijuana substances.
9. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled non-marijuana substances.
10. Containers and other objects used, intended for use, or designed for use in storing or concealing non-marijuana controlled substances or products or materials used or intended for use in manufacturing, producing, processing, or preparing controlled substances.
11. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing ~~marijuana~~, cocaine, ~~hashish~~, or ~~hashish oil~~ into the human body, including:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - b. Water pipes.
 - c. Carburetion tubes and devices.
 - d. Smoking and carburetion masks.
 - e. Objects, sometimes commonly referred to as roach clips, used to hold burning material, for example, a marijuana cigarette, that has become too small or too short to be held in the hand.

- f. Miniature cocaine spoons and cocaine vials.
 - g. Chamber pipes.
 - h. Carburetor pipes.
 - i. Electric pipes.
 - j. Air-driven pipes.
 - k. Chillums.
 - l. Bongs.
 - m. Ice pipes or chillers.
13. Ingredients or components to be used or intended or designed to be used in manufacturing, producing, processing, preparing, testing, or analyzing a non-marijuana controlled substance, whether or not otherwise lawfully obtained, including anhydrous ammonia, nonprescription medications, methamphetamine precursor drugs, or lawfully dispensed controlled substances.

SECTION 4. AMENDMENT. Section 25-03.1-45 of the North Dakota Century Code is amended and reenacted as follows:

25-03.1-45. Expungement of records.

In this chapter, unless the context otherwise requires, illegitimate drug violation is defined as follows. Any violation in the state of North Dakota, for a controlled substance that has been legalized or for an activity regarding the substance has been legalized, wherein the person has a record of punitive action by the state whether it be a plea deal or conviction.

1. Any individual who has an illegitimate drug conviction as defined in this chapter shall hereby have their records expunged and sealed by the court automatically.
 - a. This process shall occur for those not incarcerated within 30 days of the passage of a law which creates an illegitimate drug conviction.
 - b. This process shall occur, for those incarcerated, no sooner than 30 days after their release from prison and after the passage of a law which has legalized the behavior for which they were incarcerated
 - c. Should an individual have any of their records automatically expunged, the state shall notify the individual of such action and explain the implications of that action within 10 calendar days of the time of expungement via certified mail.
2. Process for appeals
 - a. An individual shall have the right to appeal for expungement if they believe they would qualify but their record has not been expunged after the 30 day time period outlined in this chapter. This appeal shall be filed with the appropriate court, and the individual filing the appeal shall have the right to decide between a jury trial, or direct trial with a judge
 - (1) Upon receiving an appeal request, the state shall establish a court hearing for the appellate in less than 30 calendar days from the filing of the appeal to the court.
 - (2) Should the state be ordered to expunge or seal records as a result of this appeal, the state shall pay all legal expenses for both parties.
3. Penalties
 - a. The State shall waive all sovereign immunity for damages in regard to lawsuits dealing with expungement proceedings.
 - b. Any individual shall have the right to sue in court for damages as a result for failure to properly expunge records.
4. Expungement for mental health reasons.

- a. Following the discharge of a respondent from a treatment facility or the state hospital or the issuance of a court order denying a petition for commitment, a respondent may at any time move to have all court records pertaining to the proceedings expunged on condition that the respondent file a full release of all claims of whatever nature arising out of the proceedings.

SECTION 5. AMENDMENT. Chapter 66.1-01 of the North Dakota Century Code is enacted as follows:

66-01 01. Definitions

1. "Marijuana" means any plant in the cannabis family, as well as any substance derived from or contained in the cannabis plant
2. "Marijuana paraphernalia" means any item related to any activity regarding the use, manufacture, distribution, cultivation, or purification of marijuana

66-01 02. Criminal Penalties

1. No person over the age of 21 shall be prosecuted in any court for any non-violent marijuana related activity, with the exception of the sale of marijuana to a person under the age of 21. Activities include but are not limited to ; growing manufacturing, distributing, selling, or testing of marijuana.
2. No person over the age of 21 shall be prosecuted in any court for any drug paraphernalia relating to any non-violent marijuana activity.

66-01 03. Statement of Supremacy

1. In the event of the existence of any language in the North Dakota Century Code which conflicts with this chapter those sections are hereby nullified and repealed.