

SENATE BILL NO. 336

INTRODUCED BY D. WANZENRIED

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MEDICAL MARIJUANA ACT TO AUTHORIZE POSTTRAUMATIC STRESS DISORDER AS A DEBILITATING MEDICAL CONDITION QUALIFYING A PERSON FOR MEDICAL MARIJUANA; AND AMENDING SECTION 50-46-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-46-102, MCA, is amended to read:

"50-46-102. Definitions. As used in this chapter, the following definitions apply:

(1) (a) "Caregiver" means an individual; 18 years of age or older who has agreed to undertake responsibility for managing the well-being of a person with respect to the medical use of marijuana. A qualifying patient may have only one caregiver at any one time.

(b) The term does not include the qualifying patient's physician.

(2) "Debilitating medical condition" means:

(a) cancer, glaucoma, or positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or the treatment of these conditions;

(b) a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following:

- (i) cachexia or wasting syndrome;
- (ii) severe or chronic pain;
- (iii) severe nausea;
- (iv) seizures, including but not limited to seizures caused by epilepsy; ~~or~~
- (v) severe or persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis or Crohn's disease; or
- (vi) posttraumatic stress disorder; or

(c) any other medical condition or treatment for a medical condition adopted by the department by rule.

(3) "Department" means the department of public health and human services.

(4) "Marijuana" has the meaning provided in 50-32-101.



1 (5) "Medical use" means:

2 (a) the acquisition, possession, cultivation, manufacture, delivery, transfer, or transportation of marijuana
3 or paraphernalia by a qualifying patient or a caregiver relating to the consumption of marijuana to alleviate the
4 symptoms or effects of a qualifying patient's debilitating medical condition;

5 (b) the use of marijuana or paraphernalia by a qualifying patient to alleviate the symptoms or effects of
6 the patient's debilitating medical condition; or

7 (c) the use of paraphernalia by a caregiver for the cultivation, manufacture, delivery, transfer, or
8 transportation of marijuana for use by a qualifying patient.

9 (6) "Paraphernalia" has the meaning provided in 45-10-101.

10 (7) "Physician" means a person who is licensed under Title 37, chapter 3.

11 (8) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating
12 medical condition.

13 (9) "Registry identification card" means a document issued by the department that identifies a person
14 as a qualifying patient or caregiver.

15 (10) (a) "Usable marijuana" means the dried leaves and flowers of marijuana and any mixture or
16 preparation of marijuana.

17 (b) The term does not include the seeds, stalks, and roots of the plant.

18 (11) "Written certification" means a qualifying patient's medical records or a statement signed by a
19 physician stating that in the physician's professional opinion, after having completed a full assessment of the
20 qualifying patient's medical history and current medical condition made in the course of a bona fide
21 physician-patient relationship, the qualifying patient has a debilitating medical condition and the potential benefits
22 of the medical use of marijuana would likely outweigh the health risks for the qualifying patient."

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