



## *Sheriffs & Peace Officers Association*

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Testimony in Support of House Bill 68

By  
Jim Smith 

Chairman Howard and Members of the House human Services Committee: my name is Jim Smith. I am a lobbyist for the Montana Sheriffs and Peace Officers Association.

I'd like to begin by thanking the members of the Children and Families Interim Committee for their work on the issue of medical marijuana over the last eight or nine months; and for House Bill 68 which is the product of that Committee's work on this important issue. I think the Interim Committee has crafted a bill that is reasonable, practical, workable and fair to all the parties and stakeholders who involved themselves in this exercise, including the Sheriffs I work for.

I can only speak to those parts of the bill that have to do with law enforcement, and I will limit my testimony today to those parts of the bill.

As we engaged with the Interim Committee starting last April-May, there were three priority areas we wanted to discuss:

1. Law enforcement was looking for additional guidance and clarity in the law. Essentially, law enforcement was seeking that clear, bright line between what is legal and what is illegal with regard to medical marijuana.
2. Law enforcement was looking for some local authority to regulate these activities and businesses in their local communities.
3. Law enforcement was looking for ways to limit youth access to medical marijuana.

Underlying these three specific concerns was a desire on the part of the Sheriffs to create a state level system of licensure, regulation, inspection and enforcement for medical marijuana, similar to the way liquor or gambling is regulated in and by the state of Montana.

I believe the Interim Committee succeeded in accomplishing nearly all of these objectives, and for that reason the Sheriffs support House Bill 68 today.

There are some Sheriffs who believe that repeal of the current law is the best action this legislature can take. There are others who believe that repeal and re-referral to the voters in 2012 is the best option this session. But, they all agree that some immediate clarification in law is needed, regardless of what else this legislature does or does not do with regard to medical marijuana. HB 68 provides a great deal of that much needed clarification.

I'd like to point out the sections of HB 68 that contain important provisions for law enforcement; and ask that you keep these in place going forward; and that you include these sections and this language in any bill coming out of this Committee, out of the House, or out of the 62<sup>nd</sup> Legislative Assembly.

Section 4. Page 8. Lines 11-23. This language regarding youth access to medical marijuana cards is very important to law enforcement.

Section 4. Page 9. Lines 5 & 6. This, too, is important language. It prohibits access to medical marijuana cards by persons under the supervision of a youth court; or under the supervision of the Department of Corrections.

New Section 5. Page 10. This is also important language, dealing with unlawful conduct by cardholders.

New Section 7. Page 11. This section gives local governments---cities and counties—the authority to regulate licensed medical marijuana establishments and activities in their jurisdictions.

New Section 11. Page 16. This section requires a cardholder or licensee to carry the card or license and to exhibit it upon demand by a law enforcement officer.

New Section 12. Page 16 & 17. This section describes and defines the limitations on the use of medical marijuana, and provides penalties for violations.

New Section 16. Page 18-20. The language at the bottom of page 20, at (6) is very important to law enforcement. It's worth quoting here:

“Nothing in this chapter may be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a licensee or registrant. A law enforcement agency may run a Montana criminal justice information network criminal history record check of a licensee or registrant during an investigation of unlawful activity related to medical marijuana.”

New Section 17. Page 21. This section, at (3) permits communications between local law enforcement agencies and the state licensing authority.

New Section 22. Page 25. This section sets forth the authorization and procedures for conducting background checks on prospective licensees.

New Section 23. Page 26. This section enumerates the person who may not be licensed as providers of medical marijuana. That list includes, at (6) on page 27, a 'peace officer.'

New Section 36. Page 36. This section repeals the so-called 'Affirmative defense.'

There are other important sections in HB 68; but the ones I've highlighted in this testimony are, I believe, the most important ones to Sheriffs and other state and local law enforcement officers and agencies.

We know there are other bills in the House and the Senate dealing with medical marijuana; and we understand that there may be amendments offered to HB 68; or any of the other bills you will hear; or that bills may be melded together during the legislative process.

Our request to you this morning is simple: please keep these important law enforcement provisions in place and in force in any bill coming out of the House Human Services Committee.

Thank you for the opportunity to provide these comments, and I am available for any questions you may have.