

EXHIBIT 2  
DATE 4/18/11  
SB423

Amendments to Senate Bill No. 423  
Reference Copy

For the Senate Free Conference Committee

Prepared by Sue O'Connell

April 18, 2011 (7:48am)

1. Title, page 1, line 8.

**Following:** "INDIVIDUALS;"

**Insert:** "REQUIRING REPORTING; ALLOWING INSPECTIONS;"

2. Title, page 1, line 12.

**Following:** "45-9-203,"

**Insert:** "46-18-202, 50-46-201, 50-46-202,"

3. Page 1, line 28.

**Strike:** "17"

**Insert:** "21"

4. Page 1, line 30.

**Strike:** "17"

**Insert:** "21"

5. Page 2, line 4.

**Strike:** "17"

**Insert:** "21"

**Strike:** "and"

6. Page 2.

**Following:** line 4

**Insert:** "(c) allow individuals to assist a limited number of registered cardholders with the cultivation and manufacture of marijuana or marijuana-infused products;

(d) establish reporting requirements for production of marijuana and marijuana-infused products and inspection requirements for premises; and"

**Renumber:** subsequent subsection

7. Page 2, line 8.

**Strike:** "17"

**Insert:** "21"

8. Page 2.

**Following:** line 9

**Insert:** "(1) "Correctional facility or program" means a facility or program that is described in 53-1-202 and to which a person may be ordered by any court of competent jurisdiction.

**Renumber:** subsequent subsections

9. Page 2, line 10 through line 11.

**Following:** "means" on line 10

**Strike:** "a medical " on line 10 through "the condition" on line 11

**Insert:** ", at a minimum:

- (a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;
- (b) cachexia or wasting syndrome;
- (c) severe chronic pain that is documented by:
  - (i) the patient's primary care physician; and
  - (ii) objective proof of the etiology of the pain, including diagnostic tests that include but are not limited to the results of an x-ray, computerized tomography scan, or magnetic resonance imaging;
- (d) intractable nausea or vomiting;
- (e) epilepsy or an intractable seizure disorder;
- (f) multiple sclerosis;
- (g) Crohn's disease;
- (h) painful peripheral neuropathy;
- (i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;
- (j) admittance into hospice care in accordance with rules adopted by the department; or
- (k) any other medical condition or treatment for a medical condition approved by the LEGISLATURE AFTER REVIEWING RECOMMENDATIONS OF THE ADVISORY BOARD PROVIDED FOR IN [SECTION 3]."

**Renumber:** subsequent subsections

10. Page 2.

**Following:** line 14

**Insert:** "(6) (a) "Marijuana-infused product" means a product that contains marijuana and is intended for use by a registered cardholder by a means other than smoking.

(b) The term includes but is not limited to edible products, ointments, and tinctures.

(7) (a) "Marijuana-infused products provider" means a Montana resident who meets the requirements of [sections 1 through 21] and who has applied for and received a registry identification card to manufacture and provide marijuana-infused products for a registered cardholder.

(b) The term does not include the cardholder's primary care or referral physician."

**Renumber:** subsequent subsections

11. Page 2, line 17.

**Strike:** "Physician"

**Insert:** "Primary care physician"

**Following:** "who"

**Insert:** ": (a)"

**Following:** "chapter 3"

**Strike:** ", and"

**Insert:** "; (b)"

12. Page 2, line 18.

**Following:** "Montana"

**Insert:** "; and (c) has a bona fide professional relationship with the person applying to be a registered cardholder"

13. Page 2, line 20.

**Strike:** "cultivate," through "use by"

**Insert:** "assist"

**Following:** "cardholder"

**Insert:** "as allowed under [sections 1 through 21]"

14. Page 2, line 21.

**Following:** "cardholder's"

**Insert:** "primary care or referral"

15. Page 2.

**Following:** line 21

**Insert:** "(12) "Referral physician" means a person who:

(a) is licensed under Title 37, chapter 3;

(b) has an established office in Montana; and

(c) is the physician to whom a patient's primary care physician has referred the patient for physical examination and medical assessment."

**Renumber:** subsequent subsections

16. Page 2.

**Following:** line 23

**Insert:** "(14) "Registered premises" means the location at which a registered cardholder, provider, or marijuana-infused products provider has indicated the person will cultivate or manufacture marijuana for a registered cardholder."

**Renumber:** subsequent subsections.

17. Page 2, line 25.

**Strike:** "or"

**Insert:** ", "

**Following:** "provider"

**Insert:** ", or marijuana-infused products provider"

18. Page 2, line 27.

**Strike:** "17"

**Insert:** "21"

19. Page 2.

**Following:** line 29

**Insert:** "(17) "Second degree of kinship by blood or marriage" means a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, grandchild-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, stepdaughter, stepgrandparent, or stepgrandchild."

**Renumber:** subsequent subsections

20. Page 3, line 2.

**Following:** "means"

**Strike:** "the standard" through "examiners"

**Insert:** ", at a minimum:

(a) the following activities when undertaken by a patient's primary care physician or referral physician if the primary care physician or referral physician is providing written certification for a patient with a debilitating medical condition:

- (i) obtaining the patient's medical history;
- (ii) performing a relevant physical examination;
- (iii) reviewing prior treatment and treatment response for the debilitating medical condition;
- (iv) obtaining and reviewing relevant diagnostic test results related to the debilitating medical condition;
- (v) discussing with the patient and ensuring that the patient understands the advantages, disadvantages, alternatives, potential adverse effects, and expected response to the recommended treatment;
- (vi) monitoring the response to treatment and possible adverse effects; and
- (vii) creating and maintaining patient records that remain with the physician; or

(b) the following activities undertaken by the second physician who is providing written certification for a minor:

- (i) obtaining the patient's medical history;
- (ii) reviewing prior treatment and treatment response for the debilitating medical condition;
- (iii) obtaining and reviewing relevant diagnostic test results related to the debilitating medical condition; and
- (iv) creating and maintaining patient records that remain with the physician."

21. Page 3, line 7.

**Strike:** "treating"

**Following:** "primary care or referral"

22. Page 3, line 8.

**Strike:** "6"

**Insert:** "7"

23. Page 3, line 14.

**Strike:** "17"

**Insert:** "21"

24. Page 3, line 15.

**Following:** "providers"

**Insert:** "or marijuana-infused products providers"

25. Page 3, line 18.

**Strike:** "17"

**Insert:** "21"

26. Page 3, line 21.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

27. Page 3, line 21.

**Strike:** "17"

**Insert:** "21"

28. Page 3, line 25.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

29. Page 3, line 28.

**Strike:** "or for"

**Insert:** ", "

**Following:** "provider"

**Insert:** ", or a marijuana-infused products provider"

30. Page 4, line 2.

**Strike:** "17"

**Insert:** "21"

**Strike:** "15"

**Insert:** "30"

31. Page 4, line 4.

**Strike:** "15"

**Insert:** "5"

32. Page 4, line 6.

**Following:** "unless"

**Insert:** ": (a) a physician has provided a written certification  
stating that a card is valid for a shorter period of time;

or

(b) "

33. Page 4, line 7.

**Following:** "providers"  
**Insert:** "or marijuana-infused products providers"  
**Following:** "provider's"  
**Insert:** "or marijuana-infused products provider's"

34. Page 4, line 8.  
**Following:** "provider"  
**Insert:** "or marijuana-infused products provider"

35. Page 4, line 10.  
**Following:** "physician"  
**Strike:** "or"  
**Following:** "provider"  
**Insert:** ", or marijuana-infused products provider"

36. Page 4, line 19.  
**Strike:** "and"  
**Insert:** ", "  
**Following:** "providers"  
**Insert:** ", and marijuana-infused products providers"

37. Page 4, line 20.  
**Following:** "cardholder"  
**Strike:** "or"  
**Insert:** ", "  
**Following:** "providers"  
**Insert:** ", or marijuana-infused products providers"  
**Strike:** "live"  
**Insert:** "are located"

38. Page 4, line 21.  
**Strike:** "14"  
**Insert:** "16"

39. Page 4, line 28.  
**Following:** "providers"  
**Insert:** "and marijuana-infused products providers"

40. Page 5, line 1.  
**Strike:** "or"  
**Insert:** ", "  
**Following:** "physicians,"  
**Insert:** "providers, or marijuana-infused products providers"

41. Page 5, line 2.  
**Insert:** "(11) The board of medical examiners shall report annually to the legislature, as provided in 37-3-203, on the number and types of complaints the board has received involving physician practices in providing written

certification for the use of marijuana."

42. Page 5, line 4.

**Strike:** "(3)"

**Insert:** "(4)"

43. Page 5, line 12.

**Following:** "provider"

**Insert:** "or a marijuana-infused products provider"

44. Page 5.

**Following:** line 12

**Insert:** "(f) a statement, on a form prescribed by the department, that the person will not divert to any other person the marijuana that the person cultivates, manufactures, or obtains for the person's debilitating medical condition;"

**ReNUMBER:** subsequent subsections

45. Page 5, line 13.

**Strike:** "treating"

**Insert:** "primary care or referral"

46. Page 5, line 17.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

47. Page 5, line 19.

**Strike:** "a statement"

**Insert:** "the written certification and accompanying statements"

**Strike:** "treating"

**Insert:** "primary care or referral"

**Strike:** "6"

**Insert:** "7"

48. Page 5, line 21.

**Strike:** "(2)"

**Insert:** "(1)"

49. Page 5, line 22.

**Following:** "decisions"

**Insert:** ": (a) provides proof of legal guardianship and responsibility for health care decisions if the person is submitting an application as the minor's legal guardian with responsibility for health care decisions; and  
(b) "

50. Page 5, line 23.

**Strike:** "(a)"

**Insert:** "(i)"

**Strike:** "the minor's physicians"

**Insert:** "two physicians have"  
**Renumber:** subsequent subsections

51. Page 5, line 26.  
**Strike:** "(i)"  
**Insert:** "(A)"  
**Renumber:** subsequent subsections

52. Page 5, line 27.  
**Following:** "minor's"  
**Insert:** "marijuana-infused products"

53. Page 5, line 29.  
**Strike:** "and"

54. Page 5.  
**Following:** line 29  
**Insert:** "(D) agrees that the minor will use only marijuana-infused products and will not smoke marijuana;"

55. Page 5, line 30.  
**Strike:** "undergoes a name-based"  
**Insert:** "submits fingerprints to facilitate a fingerprint and"  
**Following:** "check"  
**Insert:** "by the department of justice and federal bureau of investigation"

56. Page 6, line 1.  
**Following:** "check"  
**Insert:** "and may not obtain a registry identification card as a marijuana-infused products provider if the parent or legal guardian does not meet the requirements of [section 5].  
(F) pledges, on a form prescribed by the department, not to divert to any person any marijuana cultivated or manufactured for the minor's use in a marijuana-infused product.  
(3) The application for a minor must include written certification and the statements required under [section 7] from:  
(a) the primary care physician who is recommending marijuana for use by the minor; and  
(b) a second physician who has conducted a comprehensive review of the minor's medical record as maintained by the minor's primary care physician and who is recommending marijuana for use by the minor."  
**Renumber:** subsequent subsections

57. Page 6, line 3 through line 5.  
**Following:** "or" on line 3  
**Strike:** "┘"  
**Insert:** "or"  
**Following:** "court" on line 3

**Strike:** ", A DISTRICT COURT" through "PROGRAM" on line 5

58. Page 6, line 6.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

59. Page 6, line 8.

**Strike:** "9"

**Insert:** "10"

60. Page 6, line 12.

**Following:** "provider"

**Strike:** "or to"

**Insert:** ", a marijuana-infused products provider, or"

61. Page 6, line 16.

**Strike:** "Providers"

**Insert:** "Provider types"

**Following:** "limitations"

**Insert:** "provider activities --"

62. Page 6, line 17.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

63. Page 6, line 23.

**Following:** "cardholder"

**Insert:** "that indicates whether the person will act as the  
cardholder's provider or marijuana-infused products  
provider"

64. Page 6.

**Following:** line 23

**Insert:** "(e) a statement, on a form prescribed by the department,  
that the person will not divert to any other person the  
marijuana that the person cultivates or manufactures for a  
registered cardholder;"

**ReNUMBER:** subsequent subsections

65. Page 6, line 24.

**Strike:** "indicating whether"

**Insert:** "acknowledging that"

66. Page 6, line 25.

**Following:** "at"

**Insert:** "only one location and indicating whether the location  
will be"

**Following:** "; and"

**Insert:** ". The location must be identified by street address."

67. Page 6, line 28.

**Strike:** "as a provider"

**Insert:** "under this section"

68. Page 6, line 30 through page 7, line 2.

**Following:** "court" on page 6, line 30

**Strike:** ", A" through "PROGRAM" on page 7, line 2

69. Page 7, line 9.

**Following:** "provider" in both places

**Insert:** "or marijuana-infused products provider" in both places

70. Page 7, line 10.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

71. Page 7, line 12.

**Strike:** "17"

**Insert:** "21"

72. Page 7.

**Following:** line 13

**Insert:** "(5) A provider may, as allowed by the department by rule, transfer seedlings, cuttings, or clones to another provider or a registered cardholder who has indicated that the registered cardholder will cultivate and manufacture the cardholder's marijuana."

**Renumber:** subsequent subsections

73. Page 7, line 18.

**Strike:** "provider"

**Insert:** "person registered under this section"

**Following:** "only at"

**Insert:** "one of the following locations"

74. Page 7, line 19.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

75. Page 7, line 20.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

76. Page 7, line 24.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

77. Page 7, line 25.

**Insert:** "NEW SECTION. **Section 6. Marijuana-infused products provider -- requirements -- allowable activities.** (1) An individual registered as a marijuana-infused products provider shall:

(a) prepare marijuana-infused products at a premises registered with the department that is used exclusively for the manufacture and preparation of marijuana-infused products; and  
(b) use equipment that is used exclusively for the manufacture and preparation of marijuana-infused products.

(2) A marijuana-infused products provider:

(a) may cultivate marijuana only for the purpose of making marijuana-infused products; and

(b) may not provide a cardholder with marijuana in a form that may be used for smoking.

(3) All registered premises on which marijuana-infused products are manufactured must meet:

(a) the sanitary standards for marijuana-infused product preparation adopted by the department; and

(b) any applicable standards set by a local board of health for a food service establishment as defined in 50-50-102.

(4) The department shall determine the maximum amount and forms of marijuana that a marijuana-infused products manufacturer may possess for conversion to marijuana-infused products.

(5) A marijuana-infused product must be prepackaged and labeled in accordance with rules adopted by the department to indicate at a minimum that:

(a) the product contains marijuana;

(b) the product is manufactured without any regulatory oversight for efficacy; and

(c) health risks may be associated with the consumption or use of the product.

(6) Marijuana and marijuana-infused products may not be consumed on a registered premises.

(6) Marijuana-infused products may not be considered a food or drug for the purposes of Title 50, chapter 31."

78. Page 7, line 26.

**Strike:** "Physician statement"

**Insert:** "Written certification -- accompanying statements"

79. Page 7, line 27.

**Following:** "must"

**Insert:** "be made on a form prescribed by the department and signed and dated by the physician. The written certification must"

80. Page 7.

**Following:** line 27

**Insert:** "(a) include the physician's name, license number, office address and telephone number on file with the board of

medical examiners and the physician's business e-mail address, if any; and

(b) the name, date of birth, and debilitating medical condition of the person for whom the physician is providing written certification.

(2) A physician who is providing written certification for a qualifying patient 18 years of age or older or who is the primary care physician for a minor applying for a registry identification card shall provide a statement initialed by the physician that must:"

81. Page 7, line 28.

**Following:** "is"

**Insert:** ": (i)"

**Strike:** "treating"

**Insert:** "primary care or referral physician"

82. Page 7, line 29.

**Following:** "physician's"

**Insert:** "ongoing"

**Strike:** "and supervision"

**Insert:** "as part of a bona fide professional relationship with the person; or

(ii) is the person's referral physician;"

83. Page 8.

**Following:** line 2

**Insert:** "(d) confirm that the physician has assumed primary responsibility for providing management and routine care of the person's debilitating medical condition after conducting a comprehensive medical history and physical examination that included a personal review of any medical records maintained by other physicians and that may have included the person's reaction and response to conventional medical therapies;"

**Renumber:** subsequent subsections

84. Page 8.

**Following:** line 4

**Insert:** "(g) confirm that the physician has reviewed all prescription and nonprescription medications and supplements used by the person and has considered the potential drug interaction with marijuana;"

**Renumber:** subsequent subsections

85. Page 8.

**Following:** line 7

**Insert:** "(i) confirm that the physician has explained the potential risks and benefits of the use of marijuana to the person;"

**Renumber:** subsequent subsections

86. Page 8, line 10.

**Strike:** "and"

87. Page 8, line 12.

**Strike:** "treating"

**Insert:** "primary care or referral"

88. Page 8, line 13.

**Strike:** "supervise"

**Insert:** "monitor"

**Following:** "person's"

**Insert:** "response to the"

**Strike:** "treatment"

**Insert:** "; and"

(m) contain an attestation that the information provided in the written certification and accompanying statements is true and correct.

(3) A physician who is the second physician recommending marijuana for use by a minor shall submit:

(a) a statement initialed by the physician that the physician conducted a comprehensive review of the minor's medical records as maintained by the primary care physician as required pursuant to [sections 1 through 21];

(b) a statement that in the physician's professional opinion, the potential benefits of the use of marijuana would likely outweigh the health risks for the minor; and

(c) an attestation that the information provided in the written certification and accompanying statements is true and correct"

**Renumber:** subsequent subsection

89. Page 8, line 18.

**Strike:** the first "or"

**Insert:** ", "

**Following:** "provider"

**Insert:** "marijuana-infused products provider"

**Strike:** "cardholder's or provider's"

**Insert:** "person's"

90. Page 8, line 24.

**Strike:** "10"

**Insert:** "11"

91. Page 8, line 29.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

92. Page 9, line 1.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

93. Page 9.

**Following:** line 11

**Insert:** "(c) A marijuana-infused products provider may possess the number of plants and seedlings and the amount of usable marijuana allowed by the department by rule pursuant to [section 6]."

94. Page 9, line 12.

**Strike:** "10"

**Insert:** "11"

95. Page 9, line 13.

**Strike:** "17"

**Insert:** "21"

96. Page 9, line 16.

**Strike:** "registered cardholder or provider"

**Insert:** "individual"

97. Page 9, line 26.

**Strike:** "17"

**Insert:** "21"

98. Page 9, line 29.

**Strike:** "17"

**Insert:** "21"

99. Page 10, line 3.

**Strike:** "Possession"

**Insert:** "Except as provided in [section 13], possession"

100. Page 10, line 11.

**Insert:** "(8) (a) A registered cardholder, a provider, or a marijuana-infused products provider is presumed to be engaged in the use of marijuana as allowed by [sections 1 through 21] if the person:

(i) is in possession of a valid registry identification card; and

(ii) is in possession of an amount of marijuana that does not exceed the amount permitted under [sections 1 through 21].

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a registered cardholder's debilitating medical condition."

101. Page 10, line 12.

**Strike:** "17"

**Insert:** "21"

102. Page 10, line 22.

**Strike:** "in"

**Insert:** "when ordered by any court of competent jurisdiction into  
"

**Following:** "facility"

**Insert:** "or program"

**Strike:** ", INCLUDING ALL FACILITIES DESCRIBED IN 53-1-203"

103. Page 10.

**Following:** line 22

**Insert:** "(vii) if a court has imposed restrictions on the  
cardholder's use pursuant to 46-18-202;"

**ReNUMBER:** subsequent subsections

104. Page 10, line 25.

**Following:** "or"

**Insert:** "or"

105. Page 10, line 27 through line 30.

**Strike:** "OR" on line 27 through "PROGRAM" on line 30

106. Page 11, line 1.

**Strike:** "or a"

**Insert:** ", "

**Following:** "provider"

**Insert:** ", or marijuana-infused products provider"

107. Page 11, line 5.

**Strike:** "17"

**Insert:** "21"

108. Page 11, line 8 through line 9.

**Strike:** "person with" on line 8 through "condition" on line 9

**Insert:** "registered cardholder"

109. Page 11, line 13.

**Strike:** "or a"

**Insert:** ", "

**Following:** "provider"

**Insert:** ", or marijuana-infused products provider"

110. Page 11, line 15.

**Strike:** "17"

**Insert:** "21"

111. Page 11, line 20.

**Strike:** "17"

**Insert:** "21"

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

112. Page 11, line 21.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

113. Page 11, line 22 through page 23.

**Strike:** "registered" on line 22 through "provider" on line 23

**Insert:** "person with a valid registry identification card"

114. Page 11, line 26.

**Following:** "cardholder"

**Strike:** "or"

**Insert:** ", "

**Following:** "provider"

**Insert:** ", or marijuana-infused products provider"

115. Page 12, line 7.

**Following:** "regulate."

**Insert:** "(1)"

116. Page 12, line 8.

**Following:** "provider"

**Insert:** "or marijuana-infused products provider"

117. Page 12, line 12.

**Insert:** "(2) A local government may adopt an ordinance or resolution prohibiting providers and marijuana-infused products providers from operating as storefront businesses."

**Insert:** "NEW SECTION. **Section 13. Inspection procedures.** (1) The department and state or local law enforcement agencies may conduct frequent, unannounced inspections of registered premises.

(2) (a) Each provider and marijuana-infused products provider shall keep a complete set of records necessary to show all transactions with registered cardholders and other providers or marijuana-infused products providers. The records must be open for inspection by the department and state or local law enforcement agencies at any time.

(b) The department may require a provider or marijuana-infused products provider to furnish information that the department considers necessary for the proper administration of [sections 1 through 21].

(3) (a) A registered premises, including any places of storage, where marijuana is cultivated, manufactured, or stored is subject to entry by the department or state or local law enforcement agencies for the purpose of inspection or investigation.

(b) If any part of the registered premises consists of a locked area, the provider or marijuana-infused products provider

shall make the area available for inspection without delay upon request of the department or state or local law enforcement officials.

(4) A provider or marijuana-infused products provider shall maintain records showing the names and registry identification numbers of:

(a) registered cardholders to whom mature plants, seedlings, usable marijuana, or marijuana-infused products were transferred and the quantities transferred to each cardholder; and

(b) the number of seedlings transferred to another provider, marijuana-infused products provider, or registered cardholder and the dates on which the transfers occurred."

118. Page 12, line 16.

**Strike:** "cardholder's"

**Insert:** "person's"

119. Page 12, line 18.

**Following:** "(ii)"

**Insert:** "mature"

**Strike:** "or"

**Insert:** ", seedlings,"

**Following:** "usable marijuana"

**Insert:** ", or marijuana-infused products"

120. Page 12, line 19.

**Following:** "cardholder"

**Strike:** "or a"

**Insert:** ", "

**Following:** "provider"

**Insert:** ", or marijuana-infused products provider"

**Strike:** "17"

**Insert:** "21"

121. Page 12, line 21.

**Strike:** "17"

**Insert:** "21"

122. Page 12, line 26.

**Following:** "cardholder"

**Strike:** "or a"

**Insert:** ", "

**Following:** "provider"

**Insert:** ", or marijuana-infused products provider"

**Strike:** "felony"

**Insert:** "misdemeanor"

**Strike:** "the state prison"

**Insert:** "a county jail"

**Following:** "for"

**Insert:** "a term"

123. Page 12, line 27.

**Strike:** "less than"

**Insert:** "to exceed"

**Strike:** "or not more than 5 years"

**Strike:** "\$50,000"

**Insert:** "\$1,000"

124. Page 12, line 28.

**Following:** "6"

**Insert:** "7"

125. Page 12, line 29 and line 30.

**Strike:** "felony" on line 27

**Insert:** "misdemeanor"

**Strike:** "the state prison"

**Insert:** "a county jail"

**Following:** "for"

**Strike:** "not less than"

**Insert:** "a term not to exceed"

**Strike:** "or not more" on line 29 through "years" on line 30

**Strike:** "\$50,000"

**Insert:** "\$1,000"

126. Page 13, line 2.

**Following:** "A"

**Insert:** "Except as provided in 37-2-203, a"

127. Page 13, line 5.

**Strike:** "17"

**Insert:** "21"

128. Page 13, line 10 through line 11.

**Strike:** "debilitating" on line 11 through "provider" on line 11

**Insert:** "registry identification card"

129. Page 13, line 14.

**Strike:** "17"

**Insert:** "21"

130. Page 13, line 17.

**Strike:** "17"

**Insert:** "21"

131. Page 13, line 18.

**Following:** "possession of"

**Insert:** "mature"

**Following:** "plants"

**Insert:** "or seedlings"

132. Page 13, line 19.

**Following:** "plants"

**Insert:** "seedlings"

133. Page 13, line 20.

**Insert:** "NEW SECTION. **Section 19. Advertising prohibited.**

Persons with valid registry identification cards may not advertise marijuana or marijuana-related products in any medium, including electronic media."

**Insert:** "NEW SECTION. **Section 20. Hotline.** (1) The department shall create and maintain a hotline to receive reports of suspected abuse of the provisions of [sections 1 through 21].

(2) The department may:

(a) investigate reports of suspected abuse of the provisions of [sections 1 through 21]; or

(b) refer reports of suspected abuse to the law enforcement agency having jurisdiction in the area where the suspected abuse is occurring."

**Renumber:** subsequent sections

134. Page 13, line 22.

**Strike:** "17"

**Insert:** "21"

135. Page 13, line 25.

**Following:** "providers" on line 25

**Insert:** "and marijuana-infused products providers"

**Following:** "cards"

**Strike:** "for" on line 25 through "cardholders" on line 26

136. Page 13, line 29.

**Strike:** "section"

**Insert:** "sections 4 and"

**Following:** ";

**Strike:** "and"

137. Page 13.

**Following:** line 29

**Insert:** "(d) the number of plants and seedlings and amount of usable marijuana that a marijuana-infused products provider may possess; and"

138. Page 13, line 30.

**Strike:** "17"

**Insert:** "21"

139. Page 14, line 2.

**Strike:** "17"

**Insert:** "21"

140. Page 15, line 25.

**Strike:** "that is"

**Insert:** "and accompanying statements"

141. Page 15, line 26.

**Strike:** "17"

**Insert:** "21"

142. Page 16, line 10.

**Strike:** "that is"

**Insert:** "and accompanying statements"

143. Page 16, line 11.

**Strike:** "that is"

**Insert:** "accompanying statements"

**Strike:** "17"

**Insert:** "21"

144. Page 16, line 23.

**Strike:** "17"

**Insert:** "21"

145. Page 19, line 18.

**Strike:** "12"

**Insert:** "14"

146. Page 19, line 19.

**Insert:** "**Section 27.** Section 46-18-202, MCA, is amended to read:

**"46-18-202. Additional restrictions on sentence.** (1) The sentencing judge may also impose any of the following restrictions or conditions on the sentence provided for in 46-18-201 that the judge considers necessary to obtain the objectives of rehabilitation and the protection of the victim and society:

(a) prohibition of the offender's holding public office;

(b) prohibition of the offender's owning or carrying a dangerous weapon;

(c) restrictions on the offender's freedom of association;

(d) restrictions on the offender's freedom of movement;

(e) a requirement that the defendant provide a biological sample for DNA testing for purposes of Title 44, chapter 6, part 1, if an agreement to do so is part of the plea bargain;

(f) a requirement that the offender surrender any registry identification card issued as provided by [section 3];

~~(f)~~(g) any other limitation reasonably related to the objectives of rehabilitation and the protection of the victim and society.

(2) Whenever the sentencing judge imposes a sentence of imprisonment in a state prison for a term exceeding 1 year, the sentencing judge may also impose the restriction that the

offender is ineligible for parole and participation in the supervised release program while serving that term. If the restriction is to be imposed, the sentencing judge shall state the reasons for it in writing. If the sentencing judge finds that the restriction is necessary for the protection of society, the judge shall impose the restriction as part of the sentence and the judgment must contain a statement of the reasons for the restriction.

(3) If a sentencing judge requires an offender to surrender a registry identification card issued as provided by [section 3], the court shall return the card to the department of public health and human services and provide the department with information on the offender's sentence. The department shall revoke the card for the duration of the sentence and shall return the card if the offender successfully completes the terms of the sentence before the expiration date listed on the card."

{ Internal References to 46-18-202:

41-5-208 \*x    44-6-102 x    44-6-103x    46-18-207x

46-23-201 x    46-23-210x    53-1-203x }"

**Insert: "Section 28.** Section 50-46-201, MCA, is amended to read:

**"50-46-201. Medical use of marijuana -- legal protections -- limits on amount -- presumption of medical use.** (1) A person who possesses a registry identification card issued pursuant to ~~50-46-103~~ before [the effective date of [section 37(2)]] may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a professional licensing board or the department of labor and industry, if:

(a) the qualifying patient or caregiver acquires, possesses, cultivates, manufactures, delivers, transfers, or transports marijuana not in excess of the amounts allowed in subsection (2); or

(b) the qualifying patient uses marijuana for medical use.

(2) A qualifying patient and that qualifying patient's caregiver may not possess more than six marijuana plants and 1 ounce of usable marijuana each.

(3) (a) A qualifying patient or caregiver is presumed to be engaged in the medical use of marijuana if the qualifying patient or caregiver:

(i) is in possession of a registry identification card; and

(ii) is in possession of an amount of marijuana that does not exceed the amount permitted under subsection (2).

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a qualifying patient's debilitating medical condition.

(4) A physician may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by the board of medical examiners or the department of labor and industry, for providing written certification for the medical use

of marijuana to qualifying patients.

(5) An interest in or right to property that is possessed, owned, or used in connection with the medical use of marijuana or acts incidental to medical use may not be forfeited under any provision of law providing for the forfeiture of property other than as a sentence imposed after conviction of a criminal offense.

(6) A person may not be subject to arrest or prosecution for constructive possession, conspiracy, as provided in 45-4-102, or other provisions of law or any other offense for simply being in the presence or vicinity of the medical use of marijuana as permitted under this chapter.

(7) Possession of or application for a registry identification card does not alone constitute probable cause to search the person or property of the person possessing or applying for the registry identification card or otherwise subject the person or property of the person possessing or applying for the card to inspection by any governmental agency, including a law enforcement agency.

(8) A registry identification card or its equivalent issued by another state government to permit the medical use of marijuana by a qualifying patient or to permit a person to assist with a qualifying patient's medical use of marijuana has the same force and effect as a registry identification card issued by the department."

{Internal References to 50-46-201: None.}

**Insert: "Section 29.** Section 50-46-202, MCA, is amended to read:

**"50-46-202. Disclosure of confidential information relating to medical use of marijuana -- penalty. (1) The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Individual names and other identifying information on the list must be confidential and are not subject to disclosure except to:**

**(a) authorized employees of the department as necessary to perform official duties of the department; or**

**(b) state or local law enforcement agencies, only as necessary to verify that a person is a lawful possessor of a registry identification card.**

**(1)(2) A person, including an employee or official of the department or other state or local government agency, commits the offense of disclosure of confidential information relating to medical use of marijuana if the person knowingly or purposely discloses confidential information in violation of 50-46-103 this section.**

**(2)(3) A person convicted of disclosure of confidential information relating to medical use of marijuana shall be fined not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both."**

{Internal References to 50-46-202: None.}

147. Page 20, line 29.

**Insert:** "NEW SECTION. Section 31. Emergency rulemaking. The department of public health and human services shall adopt emergency rules as provided in 2-4-303 to allow for issuance of registry identification cards in accordance with the provisions of [sections 1 through 21] beginning June 1, 2011."

148. Page 21, line 13.

**Strike:** "this act"

**Insert:** "section 38(2)"

149. Page 21.

**Following:** line 14

**Insert:** "(2) (a) The department of public health and human services may issue registry identification cards to persons with debilitating medical conditions and to the persons named as providers or marijuana-infused products providers beginning June 1, 2011, under emergency rules adopted pursuant to [section 31].

(b) The department may until October 1, 2011, issue cards to people applying as providers or marijuana-infused products providers before the department has obtained the results of the fingerprint and background check required under [sections 4 and 5].

(c) A person who obtains a registry identification card as a provider or marijuana-infused products provider before October 1, 2011, shall submit fingerprints as required by [sections 4 and 5] no later than October 1, 2011.

(3) (a) The department shall revoke the registry identification card issued to a provider or marijuana-infused products provider under subsection (2) if:

(i) the person fails to submit fingerprints by October 1, 2011; or

(ii) the results of a fingerprint and background check conducted after issuance of the card shows that the person is ineligible for the card.

(b) The department shall notify the provider or marijuana-infused products provider and the registered cardholder who named the provider or marijuana-infused products provider that the person may no longer assist the registered cardholder with the use of marijuana to alleviate the symptom's of the cardholder's debilitating medical condition."

**Renumber:** subsequent subsection

150. Page 21, line 15 through line 16.

**Strike:** "before" on line 15 through "2011," on line 16

**Insert:** "[the effective date of section 38(2)]"

**Following:** "possession of"

**Insert:** "mature"

151. Page 21, line 17.

**Following:** the first "2011"

**Insert:** ", if the person has not obtained a registry identification card pursuant to the provisions of [sections 1 through 21] as allowed in subsection (2)"

**Following:** "2011,"

**Strike:** "the"

**Insert:** "a"

**Following:** "caregiver"

**Insert:** "who has not obtained a registry identification card pursuant to [sections 1 through 21]"

**Strike:** "items"

**Insert:** "any mature marijuana plants, seedlings, cuttings, clones, usable marijuana, or marijuana-related products still in the caregiver's possession"

152. Page 21, line 21.

**Strike:** "17"

**Insert:** "21"

153. Page 21, line 23.

**Strike:** "17"

**Insert:** "21"

154. Page 21, line 25 through line 27.

**Strike:** "(1) If" on line 25 through "(2)" on line 27

155. Page 22, line 7.

**Strike:** "7"

**Insert:** "11"

156. Page 22, line 13.

**Strike:** "date."

**Insert:** "dates. (1)"

**Strike:** "[This act]"

**Insert:** "Except as provided in subsection (2), [this act]"

157. Page 22, line 14.

**Insert:** "(2) [Sections 19, 28, 29, 31 the repeal of 50-46-103 provided for in section 32, sections 33 and 35], and this section are effective on passage and approval."

- END -