

EXHIBIT 2
DATE 4/19/11
SB 423

(a) be laminated and produced on a material capable of lasting for the duration of the time period for which the card is valid;

(b) state the name, address, and date of birth of the registered cardholder and of the cardholder's provider, if any;

(c) state the date of issuance and the expiration date of the registry identification card;

(d) contain a unique identification number;

(e) easily identify whether the card is for a person with a debilitating medical condition or for a provider; and

(f) contain other information that the department may specify by rule.

(4) (a) The department shall verify the information contained in an application or renewal submitted pursuant to [sections 1 through 17] and shall approve or deny an application or renewal within 15 days of receiving the application or renewal and all related application materials.

(b) The department shall issue a registry identification card within 15 days of approving an application or renewal.

(5) The department may deny an application or renewal only if the applicant did not provide the information required pursuant to [sections 1 through 23], the department determines that the information was falsified, or the applicant is not qualified to receive a registry identification card under the provisions of [sections 1 through 23]. Rejection of an application or renewal is considered a final department action, subject to judicial review.

(6) Registry identification cards expire 1 year after the date of issuance unless a registered cardholder changes providers. A provider's registry identification card expires at the time the department issues a card to a new provider named by a registered cardholder.

(7) A registered cardholder shall notify the department of any change in the cardholder's name, address, physician, or provider or change in the status of the cardholder's debilitating medical condition within 10 days of the change. If a change occurs and is not reported to the department, the registry identification card is void.

(8) The department shall maintain a confidential list of persons to whom the department has issued registry identification cards. Except as provided in subsection (8), individual names and other identifying information on the list must be confidential and are not subject to disclosure, except to:

1 (4) A registered cardholder who elects to obtain marijuana from a provider may not cultivate or manufacture
2 marijuana for the cardholder's use.

3 (5) A registered cardholder may cultivate or manufacture marijuana as allowed under [section 9] only:

4 (a) at a property that is owned by the cardholder; or

5 (b) with written permission of the landlord, at a property that is rented or leased by the cardholder.

6 (6) No portion of the property used for cultivation and manufacture of marijuana for use by the registered
7 cardholder may be shared with or rented or leased to a provider or to a registered cardholder unless the property
8 is owned, rented, or leased by cardholders who are related to each other by the second degree of kinship by
9 blood or marriage.

10
11 **NEW SECTION. Section 5. Providers Provider types -- requirements -- limitations -- activities.** (1) The
12 department shall issue a registry identification card to the person who is named as a provider or a marijuana-
13 infused products provider in a registered cardholder's approved application if the person submits to the
14 department:

15 (a) the person's name, date of birth, and street address on a form prescribed by the department;

16 (b) proof that the person is a Montana resident;

17 (c) fingerprints to facilitate a fingerprint and background check by the department of justice and the federal
18 bureau of investigation;

19 (d) a written agreement signed by the registered cardholder that indicates whether the person will act as the
20 cardholder's provider or marijuana-infused products provider;

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

23 (f) a statement indicating whether acknowledging that **the person will cultivate and manufacture marijuana for**
24 **the registered cardholder** at a property owned, rented, or leased by the cardholder or by the person; and only one
25 location as provided in subsection (6). The location must be identified by street address.

26 (g) a fee as determined by the department to cover the costs of the fingerprint and background check and
27 associated administrative costs of processing the registration.

28 (2) The department may not register a person as a provider under this section if the person:

29 (a) has a felony conviction or a conviction for a drug offense;

30 (b) is in the custody of or under the supervision of the department of corrections or a youth court ~~A DISTRICT~~

31 ~~COURT OR COURT OF APPEALS, OR A JUDICIAL OFFICE, OR A JUDICIAL OFFICE PARTICIPATING PLAN;~~

32 ~~STATE COURT OF SOCIAL SERVICES, OR A JUDICIAL OFFICE OF THE JUDICIAL BRANCH;~~

1 (c) has been convicted of a violation of [section 16];

2 (8) has failed to:

3 (i) pay any taxes, interest, penalties, or judgments due to a government agency;

4 (ii) stay out of default on a government-issued student loan;

5 (iii) pay child support; or

6 (iv) remedy an outstanding delinquency for child support or for taxes or judgments owed to a government
7 agency; or

8 (e) is a registered cardholder who has designated a provider or marijuana-infused products provider in
9 the person's application for a card issued under [section 4].

10 (3) (a) A provider or marijuana-infused products provider may assist only one registered cardholder a
11 maximum of three registered cardholders unless the provider is simultaneously caring for up to three cardholders
12 and two of the cardholders are related to the provider by the second degree of kinship by blood or marriage.

13 (b) If the provider or marijuana-infused products provider is a registered cardholder, the provider or marijuana-
14 infused products provider may assist a maximum of two registered cardholders other than the provider or
15 marijuana-infused products provider.

16 (4) A provider or marijuana-infused products provider may accept reimbursement from a cardholder only for
17 the provider's application or renewal fee for a registry identification card issued under this section.

18 (5) Marijuana for use pursuant to [sections 1 through 23] must be cultivated and manufactured in Montana.

19 (6) A provider or marijuana-infused products provider may not:

20 (a) accept ~~compensation~~ anything of value, including monetary remuneration, for any services or products
21 provided to a registered cardholder;

22 (b) buy or sell mature marijuana plants, seedlings, cuttings, clones, usable marijuana, or marijuana-infused
23 products; or

24 (c) use marijuana unless the person is also a registered cardholder; or

25 (d) be a registered ~~cardholder~~ as both a provider and a marijuana-infused products provider.

26 (6) (a) A provider or marijuana-infused products provider may cultivate and manufacture marijuana for use by
27 a registered cardholder only at:

28 (i) a property that is owned by the provider or marijuana-infused products provider;

29 (ii) with written permission of the landlord, a property that is rented or leased by the provider or marijuana-
30 infused products provider; or

31 (iii) a property owned, leased, or rented by the registered cardholder pursuant to the provisions of [section 4].

1 50-5-101 shall take the following measures in the order listed when a patient who is a registered cardholder has
2 marijuana in the patient's possession upon admission to the health care facility:

3 (a) require the patient to remove the marijuana from the premises before the patient is admitted if the patient is
4 able to do so;

5 (b) make a reasonable effort to contact the patient's provider, if any; or

6 (c) contact the local law enforcement agency having jurisdiction in the area where the facility is located.

7 (2) A provider contacted by a health care facility shall remove the marijuana and deliver it to the patient's
8 residence.

9 (3) A law enforcement agency contacted by a health care facility shall respond by removing and destroying the
10 marijuana.

11 (4) A health care facility may not be charged for costs related to removal of the marijuana from the facility's
12 premises.

13
14 **NEW SECTION. Section 9. Legal protections -- allowable amounts.** (1) (a) A registered cardholder may
15 possess up to 4 mature plants, 12 seedlings, and 1 ounce of usable marijuana.

16 (b) A provider or marijuana-infused products provider may possess the amounts allowed under subsection
17 (1)(a) 4 mature marijuana plants, 12 seedlings, and 1 ounce of usable marijuana for each registered cardholder
18 who has named the person as the registered cardholder's provider.

19 (c) A provider or marijuana-infused products provider who is also a registered cardholder may possess a
20 maximum of 12 mature plants, 36 seedlings, and 3 ounces of usable marijuana.

21 (2) Except as provided in [section 10] and subject to the provisions of subsection (7), an individual who
22 possesses a registry identification card issued pursuant to [sections 1 through 17] may not be arrested,
23 prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty
24 or disciplinary action by a professional licensing board or the department of labor and industry, solely because:

25 (a) the registered cardholder or provider cultivates, manufactures, possesses, or transports marijuana in the
26 amounts allowed under this section; or

27 (b) the registered cardholder acquires or uses marijuana.

28 (3) A physician may not be arrested, prosecuted, or penalized in any manner or be denied any right or
29 privilege, including but not limited to civil penalty or disciplinary action by the board of medical examiners or the
30 department of labor and industry, solely for providing written certification for a patient with a debilitating medical
31 condition.