

Exhibit #1  
4.28.11  
SB423

1 would constitute a violation of Title 45. An offense constituting a violation of Title 45 must be charged and  
2 prosecuted pursuant to the provisions of Title 45.

3  
4 **NEW SECTION. Section 16. Fraudulent representation -- penalties.** (1) In addition to any other  
5 penalties provided by law, a person who fraudulently represents to a law enforcement official that the person is  
6 a registered cardholder ~~or a~~ provider, OR MARIJUANA-INFUSED PRODUCTS PROVIDER is guilty of a ~~felony~~  
7 MISDEMEANOR punishable by imprisonment in ~~the state prison~~ A COUNTY JAIL for A TERM not less than TO EXCEED  
8 1 year ~~or not more than 5 years~~ or a fine not to exceed ~~\$50,000~~ \$1,000, or both.

9 (2) A physician who purposely and knowingly misrepresents any information required under [section 6  
10 7] is guilty of a ~~felony~~ MISDEMEANOR punishable by imprisonment in ~~the state prison~~ A COUNTY JAIL for not less than  
11 A TERM NOT TO EXCEED 1 year ~~or not more than 5 years~~ or a fine not to exceed ~~\$50,000~~ \$1,000, or both.

12 (3) A PERSON CONVICTED UNDER THIS SECTION MAY NOT BE REGISTERED AS A PROVIDER OR  
13 MARIJUANA-INFUSED PRODUCTS PROVIDER UNDER [SECTION 5].

14  
15 **NEW SECTION. Section 17. Confidentiality of registry information -- penalty.** (1) A EXCEPT AS  
16 PROVIDED IN 37-3-203, A person, including an employee or official of the department of public health and human  
17 services, commits the offense of disclosure of confidential information related to registry information if the person  
18 knowingly or purposely discloses confidential information in violation of [sections 1 through 47 23].

19 (2) A person convicted of a violation of this section shall be fined not to exceed \$1,000 or imprisoned  
20 in the county jail for a term not to exceed 6 months, or both.

21  
22 **NEW SECTION. Section 18. Law enforcement authority.** Nothing in this chapter may be construed  
23 to limit a law enforcement agency's ability to investigate unlawful activity in relation to a person with a ~~debilitating~~  
24 ~~medical condition or the person's provider~~ REGISTRY IDENTIFICATION CARD.

25  
26 **NEW SECTION. Section 19. Forfeiture.** (1) Marijuana, paraphernalia relating to marijuana, or other  
27 property seized by a law enforcement official from a person claiming the protections of [sections 1 through 47 23]  
28 in connection with the cultivation, manufacture, possession, transportation, distribution, or use of marijuana must  
29 be returned to the person immediately upon a determination that the person is in compliance with the provisions  
30 of [sections 1 through 47 23].

1 MARIJUANA-INFUSED PRODUCTS PROVIDERS FROM OPERATING AS STOREFRONT BUSINESSES.

2

3 NEW SECTION. SECTION 14. INSPECTION PROCEDURES. (1) THE DEPARTMENT AND STATE OR LOCAL LAW

4 ENFORCEMENT AGENCIES MAY CONDUCT ~~FREQUENT~~ UNANNOUNCED INSPECTIONS OF REGISTERED PREMISES.

5 (2) (A) EACH PROVIDER AND MARIJUANA-INFUSED PRODUCTS PROVIDER SHALL KEEP A COMPLETE SET OF

6 RECORDS NECESSARY TO SHOW ALL TRANSACTIONS WITH REGISTERED CARDHOLDERS. THE RECORDS MUST BE OPEN FOR

7 INSPECTION BY THE DEPARTMENT AND STATE OR LOCAL LAW ENFORCEMENT AGENCIES AT ANY TIME. *during business hours*

8 (B) THE DEPARTMENT MAY REQUIRE A PROVIDER OR MARIJUANA-INFUSED PRODUCTS PROVIDER TO FURNISH

9 INFORMATION THAT THE DEPARTMENT CONSIDERS NECESSARY FOR THE PROPER ADMINISTRATION OF [SECTIONS 1

10 THROUGH 23].

11 (3) (A) A REGISTERED PREMISES, INCLUDING ANY PLACES OF STORAGE, WHERE MARIJUANA IS CULTIVATED,

12 MANUFACTURED, OR STORED IS SUBJECT TO ENTRY BY THE DEPARTMENT OR STATE OR LOCAL LAW ENFORCEMENT

13 AGENCIES FOR THE PURPOSE OF INSPECTION OR INVESTIGATION. *during business hours*

14 (B) IF ANY PART OF THE REGISTERED PREMISES CONSISTS OF A LOCKED AREA, THE PROVIDER OR

15 MARIJUANA-INFUSED PRODUCTS PROVIDER SHALL MAKE THE AREA AVAILABLE FOR INSPECTION WITHOUT DELAY UPON

16 REQUEST OF THE DEPARTMENT OR STATE OR LOCAL LAW ENFORCEMENT OFFICIALS.

17 (4) A PROVIDER OR MARIJUANA-INFUSED PRODUCTS PROVIDER SHALL MAINTAIN RECORDS SHOWING THE NAMES

18 AND REGISTRY IDENTIFICATION NUMBERS OF REGISTERED CARDHOLDERS TO WHOM MATURE PLANTS, SEEDLINGS, USABLE

19 MARIJUANA, OR MARIJUANA-INFUSED PRODUCTS WERE TRANSFERRED AND THE QUANTITIES TRANSFERRED TO EACH

20 CARDHOLDER.

21

22 NEW SECTION. SECTION 15. Unlawful conduct by cardholders -- penalties. (1) The department shall

23 revoke and may not reissue the registry identification card of a person who:

24 (a) is convicted of a drug offense; ~~or~~

25 (b) allows another person to be in possession of the ~~cardholder's~~ PERSON'S:

26 (i) registry identification card; or

27 (ii) MATURE marijuana plants ~~or~~ SEEDLINGS, usable marijuana, OR MARIJUANA-INFUSED PRODUCTS. *or (c) fails to cooperate...*

28 (2) A registered cardholder ~~or a~~ provider, OR MARIJUANA-INFUSED PRODUCTS PROVIDER who violates

29 [sections 1 through 47 23] is punishable by a fine not to exceed \$500 or by imprisonment in a county jail for a term

30 not to exceed 6 months, or both, unless otherwise provided in [sections 1 through 47 23] or unless the violation

1 MARIJUANA-INFUSED PRODUCTS PROVIDERS -- SANCTIONS. (1) (A) A PHYSICIAN WHO PROVIDES WRITTEN CERTIFICATIONS

2 MAY NOT:

3 (I) ACCEPT OR SOLICIT ANYTHING OF VALUE, INCLUDING MONETARY REMUNERATION, FROM A PROVIDER OR  
4 MARIJUANA-INFUSED PRODUCTS PROVIDER;

5 (II) OFFER A DISCOUNT OR ANY OTHER THING OF VALUE TO A PERSON WHO USES OR AGREES TO USE A  
6 PARTICULAR PROVIDER OR MARIJUANA-INFUSED PRODUCTS PROVIDER; OR

7 (III) EXAMINE A PATIENT FOR THE PURPOSES OF DIAGNOSING A DEBILITATING MEDICAL CONDITION AT A LOCATION  
8 WHERE MEDICAL MARIJUANA IS CULTIVATED OR MANUFACTURED OR WHERE MARIJUANA-INFUSED PRODUCTS ARE MADE.

9 (B) SUBSECTION (1)(A) DOES NOT PREVENT A PHYSICIAN FROM ACCEPTING A FEE FOR PROVIDING MEDICAL CARE  
10 TO A PROVIDER OR MARIJUANA-INFUSED PRODUCTS PROVIDER IF THE PHYSICIAN CHARGES THE PERSON THE SAME FEE  
11 THAT THE PHYSICIAN CHARGES OTHER PATIENTS FOR PROVIDING A SIMILAR LEVEL OF MEDICAL CARE.

12 (2) IF THE DEPARTMENT HAS CAUSE TO BELIEVE THAT A PHYSICIAN HAS VIOLATED THIS SECTION, HAS VIOLATED  
13 A PROVISION OF RULES ADOPTED PURSUANT TO THIS CHAPTER, OR HAS NOT MET THE STANDARD OF CARE REQUIRED  
14 UNDER THIS CHAPTER, THE DEPARTMENT MAY REFER THE MATTER TO THE BOARD OF MEDICAL EXAMINERS PROVIDED FOR  
15 IN 2-15-1731 FOR REVIEW PURSUANT TO 37-1-308.

16 (3) A VIOLATION OF THIS SECTION CONSTITUTES UNPROFESSIONAL CONDUCT UNDER 37-1-316. IF THE BOARD  
17 OF MEDICAL EXAMINERS FINDS THAT A PHYSICIAN HAS VIOLATED THIS SECTION, THE BOARD SHALL RESTRICT THE  
18 PHYSICIAN'S AUTHORITY TO PROVIDE WRITTEN CERTIFICATION FOR THE USE OF MARIJUANA. THE BOARD OF MEDICAL  
19 EXAMINERS SHALL NOTIFY THE DEPARTMENT OF THE SANCTION.

20 (4) IF THE BOARD OF MEDICAL EXAMINERS BELIEVES A PHYSICIAN'S PRACTICES MAY HARM THE PUBLIC HEALTH,  
21 SAFETY, OR WELFARE, THE BOARD MAY SUMMARILY RESTRICT A PHYSICIAN'S AUTHORITY TO PROVIDE WRITTEN  
22 CERTIFICATION FOR THE MEDICAL USE OF MARIJUANA.

23  
24 NEW SECTION. Section 13. Local government authority to regulate. (1) To protect the public health,  
25 safety, or welfare, a local government may by ordinance or resolution regulate a provider OR MARIJUANA-INFUSED  
26 PRODUCTS PROVIDER that operates within the local government's jurisdictional area. The regulations may include  
27 but are not limited to inspections of locations where marijuana is cultivated or manufactured in order to ensure  
28 compliance with any public health, safety, and welfare requirements established by the department or the local  
29 government.

30 (2) A LOCAL GOVERNMENT MAY ADOPT AN ORDINANCE OR RESOLUTION PROHIBITING PROVIDERS AND

1 (b) an employer to accommodate the use of marijuana by a registered cardholder;  
 2 (c) a school or postsecondary school to allow a registered cardholder to participate in extracurricular  
 3 activities; or

4 (d) a landlord to allow a tenant who is a registered cardholder ~~or a provider~~ OR MARIJUANA-INFUSED  
 5 PRODUCTS PROVIDER to cultivate or manufacture marijuana or to allow a registered cardholder to use marijuana.

6 (5) Nothing in [sections 1 through 47 23] may be construed to:

7 (a) prohibit an employer from including in any contract a provision prohibiting the use of marijuana for  
 8 a debilitating medical condition; or

9 (b) permit a cause of action against an employer for wrongful discharge pursuant to 39-2-904 or  
 10 discrimination pursuant to 49-1-102.

11 (6) Nothing in [sections 1 through 47 23] may be construed to allow a provider OR MARIJUANA-INFUSED  
 12 PRODUCTS PROVIDER to use marijuana or to prevent criminal prosecution of a provider OR MARIJUANA-INFUSED  
 13 PRODUCTS PROVIDER who uses marijuana or paraphernalia for personal use.

14 (7) (a) A law enforcement officer who has reasonable cause to believe that a ~~registered cardholder or~~  
 15 ~~provider~~ PERSON WITH A VALID REGISTRY IDENTIFICATION CARD is driving under the influence of marijuana may apply  
 16 for a search warrant to require the person to provide a sample of the person's blood for testing pursuant to the  
 17 provisions of 61-8-405. A person with a tetrahydrocannabinol (THC) level of ~~3.5~~ 5 ng/ml may be charged with a  
 18 violation of 61-8-401.

19 (b) A registered cardholder ~~or~~ OR MARIJUANA-INFUSED PRODUCTS PROVIDER who violates  
 20 subsection (1)(a) is subject to revocation of the person's registry identification card if the individual is convicted  
 21 of or pleads guilty to any offense related to driving under the influence of alcohol or drugs when the initial offense  
 22 with which the individual was charged was a violation of 61-8-401, 61-8-406, or 61-8-410. A revocation under this  
 23 section must be for the period of suspension or revocation set forth:

24 (i) in 61-5-208 for a violation of 61-8-401 or 61-8-406; or

25 (ii) in 61-8-410 for a violation of 61-8-410.

26 (c) If a person's registry identification card is subject to renewal during the revocation period, the person  
 27 may not renew the card until the full revocation period has elapsed. The card may be renewed only if the person  
 28 submits all materials required for renewal.

29

30 NEW SECTION. SECTION 12. PROHIBITIONS ON PHYSICIAN AFFILIATION WITH PROVIDERS AND

- 1 (a) any person, including a registered cardholder, to operate, navigate, or be in actual physical control  
 2 of a motor vehicle, aircraft, or motorboat while under the influence of marijuana; or
- 3 (b) except as provided in subsection (3), the use of marijuana by a registered cardholder:
- 4 (i) in a health care facility as defined in 50-5-101;
- 5 (ii) in a school or a postsecondary school as defined in 20-5-402;
- 6 (iii) on or in any property owned by a school district or a postsecondary school;
- 7 (iv) on or in any property leased by a school district or a postsecondary school when the property is being  
 8 used for school-related purposes;
- 9 (v) in a school bus or other form of public transportation;
- 10 (vi) ~~in~~ WHEN ORDERED BY ANY COURT OF COMPETENT JURISDICTION INTO a correctional facility, INCLUDING ALL  
 11 FACILITIES DESCRIBED IN 53-1-203 OR PROGRAM;
- 12 (VII) IF A COURT HAS IMPOSED RESTRICTIONS ON THE CARDHOLDER'S USE PURSUANT TO 46-18-202;
- 13 ~~(vii)~~(VIII) at a public park, public beach, public recreation center, or youth center;
- 14 ~~(viii)~~(IX) in or on the property of any church, synagogue, or other place of worship;
- 15 ~~(ix)~~(X) in plain view of or in a place open to the general public; ~~or~~ OR
- 16 ~~(x)~~(XI) where exposure to the marijuana smoke significantly adversely affects the health, safety, or  
 17 welfare of children; ~~OR~~
- 18 ~~\_\_\_\_\_ (XI) WHO IS UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS OR A YOUTH COURT OR IS ORDERED~~  
 19 ~~BY A COURT TO PARTICIPATE IN ANY STATE, COUNTY, OR LOCAL GOVERNMENT CRIMINAL SUPERVISION OR ENFORCEMENT~~  
 20 ~~PROGRAM.~~
- 21 (2) A registered cardholder ~~or a~~ provider, OR MARIJUANA-INFUSED PRODUCTS PROVIDER may not cultivate  
 22 or manufacture marijuana for use by a registered cardholder in a manner that is visible from the street or other  
 23 public area.
- 24 (3) A hospice OR RESIDENTIAL CARE FACILITY licensed under Title 50, chapter 5, may adopt a policy that  
 25 allows use of marijuana by a registered cardholder.
- 26 (4) Nothing in [sections 1 through 47 23] may be construed to require:
- 27 (a) a government medical assistance program, a group benefit plan that is covered by the provisions of  
 28 Title 2, chapter 18, an insurer covered by the provisions of Title 33, or an insurer as defined in 39-71-116 to  
 29 reimburse a person for costs associated with the use of marijuana by a ~~person with a debilitating medical~~  
 30 ~~condition~~ REGISTERED CARDHOLDER;

1 condition.

2 (4) Nothing in this section prevents the imposition of a civil penalty or a disciplinary action by a  
3 professional licensing board or the department of labor and industry if:

4 (a) a registered cardholder's use of marijuana impairs the cardholder's job-related performance; or

5 (b) a physician violates the standard of care or other requirements of [sections 1 through 47 23].

6 (5) (a) An individual may not be arrested or prosecuted for constructive possession, conspiracy as  
7 provided in 45-4-102, or other provisions of law or any other offense solely for being in the presence or vicinity  
8 of the use of marijuana as permitted under [sections 1 through 47 23].

9 (b) This subsection (5) does not prevent the arrest or prosecution of an individual who is in the vicinity  
10 of a registered cardholder's use of marijuana if the individual is in possession of or is using marijuana and is not  
11 a registered cardholder.

12 (6) ~~Possession~~ EXCEPT AS PROVIDED IN [SECTION 14], POSSESSION of or application for a registry  
13 identification card does not alone constitute probable cause to search the individual or the property of the  
14 individual possessing or applying for the registry identification card or otherwise subject the individual or property  
15 of the individual possessing or applying for the card to inspection by any governmental agency, including a law  
16 enforcement agency.

17 (7) The provisions of this section relating to protection from arrest or prosecution do not apply to an  
18 individual unless the individual has obtained a registry identification card prior to an arrest or the filing of a criminal  
19 charge. It is not a defense to a criminal charge that an individual obtains a registry identification card after an  
20 arrest or the filing of a criminal charge.

21 (8) (A) A REGISTERED CARDHOLDER, A PROVIDER, OR A MARIJUANA-INFUSED PRODUCTS PROVIDER IS PRESUMED  
22 TO BE ENGAGED IN THE USE OF MARIJUANA AS ALLOWED BY [SECTIONS 1 THROUGH 23] IF THE PERSON:

23 (I) IS IN POSSESSION OF A VALID REGISTRY IDENTIFICATION CARD; AND

24 (II) IS IN POSSESSION OF AN AMOUNT OF MARIJUANA THAT DOES NOT EXCEED THE AMOUNT PERMITTED UNDER  
25 [SECTIONS 1 THROUGH 23].

26 (B) THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT THE POSSESSION OF MARIJUANA WAS NOT FOR THE  
27 PURPOSE OF ALLEVIATING THE SYMPTOMS OR EFFECTS OF A REGISTERED CARDHOLDER'S DEBILITATING MEDICAL  
28 CONDITION.

29

30 NEW SECTION. Section 11. Limitations of the act. (1) [Sections 1 through 47 23] do not permit:

and residential care facilities

1 Except for hospices that allow the use of marijuana as provided in [section 40 11], a health care facility as defined  
2 in 50-5-101 shall take the following measures in the order listed when a patient who is a registered cardholder  
3 has marijuana in the patient's possession upon admission to the health care facility:

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

6 (b) make a reasonable effort to contact the patient's provider OR MARIJUANA-INFUSED PRODUCTS PROVIDER,  
7 if any, or

8 (c) if a patient is unable ... the health care facility shall contact the local law enforcement agency having jurisdiction in the area where the facility is located.  
9 (2) A provider OR MARIJUANA-INFUSED PRODUCTS PROVIDER contacted by a health care facility shall remove  
10 the marijuana and deliver it to the patient's residence.

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

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

15  
16 **NEW SECTION. Section 10. Legal protections -- allowable amounts.** (1) (a) A registered cardholder  
17 may possess up to 4 mature plants, 12 seedlings, and 1 ounce of usable marijuana.

18 (b) A provider OR MARIJUANA-INFUSED PRODUCTS PROVIDER may possess ~~the amounts allowed under~~  
19 ~~subsection (1)(a)~~ 4 MATURE PLANTS, 12 SEEDLINGS, AND 1 OUNCE OF USABLE MARIJUANA for each registered  
20 cardholder who has named the person as the registered cardholder's provider.

21 (2) Except as provided in [section 40 11] and subject to the provisions of subsection (7), an individual  
22 who possesses a registry identification card issued pursuant to [sections 1 through 47 23] 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~~ INDIVIDUAL cultivates, manufactures, possesses, or transports  
26 marijuana in the 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

1 MAINTAINED BY OTHER PHYSICIANS AND THAT MAY HAVE INCLUDED THE PERSON'S REACTION AND RESPONSE TO  
2 CONVENTIONAL MEDICAL THERAPIES;

3 ~~(d)~~(E) describe the medications, procedures, and other medical options used to treat the condition;

4 ~~(e)~~(F) state that the medications, procedures, or other medical options have not been effective;

5 (G) CONFIRM THAT THE PHYSICIAN HAS REVIEWED ALL PRESCRIPTION AND NONPRESCRIPTION MEDICATIONS AND  
6 SUPPLEMENTS USED BY THE PERSON AND HAS CONSIDERED THE POTENTIAL DRUG INTERACTION WITH MARIJUANA;

7 ~~(f)~~(H) state that the physician has a reasonable degree of certainty that the person's debilitating medical  
8 condition would be alleviated by the use of marijuana and that, as a result, the patient would be likely to benefit  
9 from the use of marijuana;

10 (I) CONFIRM THAT THE PHYSICIAN HAS EXPLAINED THE POTENTIAL RISKS AND BENEFITS OF THE USE OF MARIJUANA  
11 TO THE PERSON;

12 ~~(g)~~(J) list restrictions on the person's activities due to the use of marijuana;

13 ~~(h)~~(K) specify the time period for which the use of marijuana would be appropriate, up to a maximum of  
14 1 year; and

15 ~~(i)~~(L) state that the physician will:

16 (i) continue to serve as the person's treating physician OR REFERRAL PHYSICIAN; and

17 (ii) ~~supervise~~ MONITOR the person's RESPONSE TO THE use of marijuana and evaluate the efficacy of the  
18 treatment; AND

19 (M) CONTAIN AN ATTESTATION THAT THE INFORMATION PROVIDED IN THE WRITTEN CERTIFICATION AND  
20 ACCOMPANYING STATEMENTS IS TRUE AND CORRECT.

21 *(3) A physician who is the second physician for a minor. . .*  
*(4) (2)* If the written certification states that marijuana should be used for less than 1 year, the department  
22 shall issue a registry identification card that is valid for the period specified in the written certification.

24 NEW SECTION. Section 8. Registry card to be carried and exhibited on demand -- photo  
25 identification required. A registered cardholder or provider, OR MARIJUANA-INFUSED PRODUCTS PROVIDER shall  
26 keep the cardholder's or provider's PERSON'S registry identification card in the person's immediate possession  
27 at all times. The person shall display the registry identification card and a valid photo identification upon demand  
28 of a law enforcement officer, justice of the peace, or city or municipal judge.

29  
30 NEW SECTION. Section 9. Health care facility procedures for patients with marijuana for use. (1) (a)



1 (B) USE EQUIPMENT THAT IS USED EXCLUSIVELY FOR THE MANUFACTURE AND PREPARATION OF  
2 MARIJUANA-INFUSED PRODUCTS.

3 (2) A MARIJUANA-INFUSED PRODUCTS PROVIDER:

4 (A) MAY CULTIVATE MARIJUANA ONLY FOR THE PURPOSE OF MAKING MARIJUANA-INFUSED PRODUCTS; AND

5 (B) MAY NOT PROVIDE A CARDHOLDER WITH MARIJUANA IN A FORM THAT MAY BE USED FOR SMOKING. *unless the infused-  
A products provide*

6 (3) ALL REGISTERED PREMISES ON WHICH MARIJUANA-INFUSED PRODUCTS ARE MANUFACTURED MUST MEET ANY  
7 APPLICABLE STANDARDS SET BY A LOCAL BOARD OF HEALTH FOR A FOOD SERVICE ESTABLISHMENT AS DEFINED IN  
8 50-50-102.

9 (4) MARIJUANA-INFUSED PRODUCTS MAY NOT BE CONSIDERED A FOOD OR DRUG FOR THE PURPOSES OF TITLE  
10 50, CHAPTER 31.

12 NEW SECTION. Section 7. ~~Physician statement~~ WRITTEN CERTIFICATION -- ACCOMPANYING  
13 STATEMENTS. (1) The written certification provided by a physician must BE MADE ON A FORM PRESCRIBED BY THE  
14 DEPARTMENT AND SIGNED AND DATED BY THE PHYSICIAN. THE WRITTEN CERTIFICATION MUST:

15 (A) INCLUDE THE PHYSICIAN'S NAME, LICENSE NUMBER, AND OFFICE ADDRESS AND TELEPHONE NUMBER ON FILE  
16 WITH THE BOARD OF MEDICAL EXAMINERS AND THE PHYSICIAN'S BUSINESS E-MAIL ADDRESS, IF ANY; AND

17 (B) THE NAME, DATE OF BIRTH, AND DEBILITATING MEDICAL CONDITION OF THE PERSON FOR WHOM THE PHYSICIAN  
18 IS PROVIDING WRITTEN CERTIFICATION.

19 (2) A TREATING PHYSICIAN OR REFERRAL PHYSICIAN WHO IS PROVIDING WRITTEN CERTIFICATION FOR A PATIENT  
20 SHALL PROVIDE A STATEMENT INITIALED BY THE PHYSICIAN THAT MUST:

21 (a) confirm that the physician is:  
22 (i) the person's treating physician and that the person has been under the physician's ONGOING medical  
23 care and supervision AS PART OF A BONA FIDE PROFESSIONAL RELATIONSHIP WITH THE PERSON; OR

24 (ii) THE PERSON'S REFERRAL PHYSICIAN;

25 (b) confirm that the person suffers from a debilitating medical condition;  
26 (c) describe the debilitating medical condition, why the condition is debilitating, and the extent to which  
27 it is debilitating;

28 (D) CONFIRM THAT THE PHYSICIAN HAS ASSUMED PRIMARY RESPONSIBILITY FOR PROVIDING MANAGEMENT AND  
29 ROUTINE CARE OF THE PERSON'S DEBILITATING MEDICAL CONDITION AFTER OBTAINING A COMPREHENSIVE MEDICAL  
30 HISTORY AND CONDUCTING A PHYSICAL EXAMINATION THAT INCLUDED A PERSONAL REVIEW OF ANY MEDICAL RECORDS

1 CARDHOLDERS.  
 → (ii) A person who is registered as both ... may assist no more than  
 2 (B) IF THE PROVIDER OR MARIJUANA-INFUSED PRODUCTS PROVIDER IS A REGISTERED CARDHOLDER, THE  
 three registered cardholders.

3 PROVIDER OR MARIJUANA-INFUSED PRODUCTS PROVIDER MAY ASSIST A MAXIMUM OF TWO REGISTERED CARDHOLDERS  
 4 OTHER THAN THE PROVIDER OR MARIJUANA-INFUSED PRODUCTS PROVIDER.

5 (4) A PROVIDER OR MARIJUANA-INFUSED PRODUCTS PROVIDER MAY ACCEPT REIMBURSEMENT FROM A  
 6 CARDHOLDER ONLY FOR THE PROVIDER'S APPLICATION OR RENEWAL FEE FOR A REGISTRY IDENTIFICATION CARD ISSUED  
 7 UNDER THIS SECTION.

8 (4)(5) Marijuana for use pursuant to [sections 1 through 47 23] must be cultivated and manufactured in  
 9 Montana.

10 (5)(6) A provider OR MARIJUANA-INFUSED PRODUCTS PROVIDER may not:  
 11 (a) accept compensation ANYTHING OF VALUE, INCLUDING MONETARY REMUNERATION, for any services or  
 12 products provided to a registered cardholder;

13 (B) BUY OR SELL MATURE MARIJUANA PLANTS, SEEDLINGS, CUTTINGS, CLONES, USABLE MARIJUANA, OR  
 14 MARIJUANA-INFUSED PRODUCTS; OR,

15 (b)(C) use marijuana UNLESS THE PERSON IS ALSO A REGISTERED CARDHOLDER; OF

16 (c)(D) be a registered cardholder AS BOTH A PROVIDER AND A MARIJUANA-INFUSED PRODUCTS PROVIDER.

17 (6)(7) (a) A provider PERSON REGISTERED UNDER THIS SECTION may cultivate and manufacture marijuana  
 18 for use by a registered cardholder only at ONE OF THE FOLLOWING LOCATIONS:

- 19 (i) a property that is owned by the provider OR MARIJUANA-INFUSED PRODUCTS PROVIDER;
- 20 (ii) with written permission of the landlord, a property that is rented or leased by the provider OR  
 21 MARIJUANA-INFUSED PRODUCTS PROVIDER; or
- 22 (iii) a property owned, leased, or rented by the registered cardholder pursuant to the provisions of [section  
 23 4].

24 (b) No portion of the property used for cultivation and manufacture of marijuana may be shared with or  
 25 rented or leased to another provider OR MARIJUANA-INFUSED PRODUCTS PROVIDER or another registered cardholder.

27 NEW SECTION. SECTION 6. MARIJUANA-INFUSED PRODUCTS PROVIDER -- REQUIREMENTS -- ALLOWABLE  
 28 ACTIVITIES. (1) AN INDIVIDUAL REGISTERED AS A MARIJUANA-INFUSED PRODUCTS PROVIDER SHALL:

29 (A) PREPARE MARIJUANA-INFUSED PRODUCTS AT A PREMISES REGISTERED WITH THE DEPARTMENT THAT IS USED  
 30 FOR THE MANUFACTURE AND PREPARATION OF MARIJUANA-INFUSED PRODUCTS; AND



1 (b) proof that the person is a Montana resident;  
 2 (c) fingerprints to facilitate a fingerprint and background check by the department of justice and the  
 3 federal bureau of investigation;

4 (d) a written agreement signed by the registered cardholder THAT INDICATES WHETHER THE PERSON WILL  
 5 ACT AS THE CARDHOLDER'S PROVIDER OR MARIJUANA-INFUSED PRODUCTS PROVIDER;

6 (E) A STATEMENT, ON A FORM PRESCRIBED BY THE DEPARTMENT, THAT THE PERSON WILL NOT DIVERT TO ANY  
 7 OTHER PERSON THE MARIJUANA THAT THE PERSON CULTIVATES OR MANUFACTURES FOR A REGISTERED CARDHOLDER;

8 ~~(e)(F)~~ a statement ~~indicating whether~~ ACKNOWLEDGING THAT the person will cultivate and manufacture  
 9 marijuana for the registered cardholder at a ~~property owned, rented, or leased by the cardholder or by the~~  
 10 ~~person; and~~ ONLY ONE LOCATION AS PROVIDED IN SUBSECTION (7). THE LOCATION MUST BE IDENTIFIED BY STREET  
 11 ADDRESS.

12 ~~(f)(G)~~ a fee as determined by the department to cover the costs of the fingerprint and background check  
 13 and associated administrative costs of processing the registration.

14 (2) The department may not register a person ~~as a provider~~ UNDER THIS SECTION if the person:

- 15 (a) has a felony conviction or a conviction for a drug offense;
- 16 (b) is in the custody of or under the supervision of the department of corrections or a youth court; ~~A~~  
 17 ~~DISTRICT COURT, OR A COURT OF LIMITED JURISDICTION OR IS ORDERED BY A COURT TO PARTICIPATE IN ANY STATE,~~  
 18 ~~COUNTY, OR LOCAL GOVERNMENT CRIMINAL SUPERVISION OR ENFORCEMENT PROGRAM;~~

19 (C) HAS BEEN CONVICTED OF A VIOLATION UNDER [SECTION 16];

20 ~~(e)(D)~~ has failed to:

- 21 (i) pay any taxes, interest, penalties, or judgments due to a government agency;
- 22 (ii) stay out of default on a government-issued student loan;
- 23 (iii) pay child support; or
- 24 (iv) remedy an outstanding delinquency for child support or for taxes or judgments owed to a government  
 25 agency; OR

26 (E) IS A REGISTERED CARDHOLDER WHO HAS DESIGNATED A PROVIDER OR MARIJUANA-INFUSED PRODUCTS  
 27 PROVIDER IN THE PERSON'S APPLICATION FOR A CARD ISSUED UNDER [SECTION 4].

28 (3) <sup>c1)</sup> (A) A provider OR MARIJUANA-INFUSED PRODUCTS PROVIDER may assist ~~only one registered cardholder~~  
 29 ~~unless the provider is simultaneously caring for up to three cardholders and two of the cardholders are related~~  
 30 ~~to the provider by the second degree of kinship by blood or marriage~~ A MAXIMUM OF THREE REGISTERED

1           ~~(iii)~~(C) agrees to control the acquisition of marijuana and the dosage and frequency of the use of  
2 marijuana by the minor; ~~and~~

3           (D) AGREES THAT THE MINOR WILL USE ONLY MARIJUANA-INFUSED PRODUCTS AND WILL NOT SMOKE MARIJUANA;

4           ~~(iv)~~(C) ~~undergoes a name-based~~ SUBMITS FINGERPRINTS TO FACILITATE A FINGERPRINT AND background  
5 check BY THE DEPARTMENT OF JUSTICE AND FEDERAL BUREAU OF INVESTIGATION. The parent or legal guardian shall  
6 pay the costs of the background check AND MAY NOT OBTAIN A REGISTRY IDENTIFICATION CARD AS A  
7 MARIJUANA-INFUSED PRODUCTS PROVIDER IF THE PARENT OR LEGAL GUARDIAN DOES NOT MEET THE REQUIREMENTS OF  
8 [SECTION 5].

9           (D) PLEDGES, ON A FORM PRESCRIBED BY THE DEPARTMENT, NOT TO DIVERT TO ANY PERSON ANY MARIJUANA  
10 CULTIVATED OR MANUFACTURED FOR THE MINOR'S USE IN A MARIJUANA-INFUSED PRODUCT.

→ 11           (3) *An application for a minor requires two physician certifications*  
12           ~~(4)~~(3) A person may not be a registered cardholder if the person is in the custody of or under the  
13 supervision of the department of corrections ~~or, OR~~ a youth court, A DISTRICT COURT, OR A COURT OF LIMITED  
14 JURISDICTION OR IS ORDERED BY A COURT TO PARTICIPATE IN ANY STATE, COUNTY, OR LOCAL GOVERNMENT CRIMINAL  
SUPERVISION OR ENFORCEMENT PROGRAM.

15           ~~(5)~~(4) A registered cardholder who elects to obtain marijuana from a provider OR MARIJUANA-INFUSED  
16 PRODUCTS PROVIDER may not cultivate or manufacture marijuana for the cardholder's use UNLESS THE REGISTERED  
17 CARDHOLDER IS THE PROVIDER OR MARIJUANA-INFUSED PRODUCTS PROVIDER.

18           ~~(6)~~(5) A registered cardholder may cultivate or manufacture marijuana as allowed under [section 9 10] only:

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

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

21           ~~(7)~~(6) No portion of the property used for cultivation and manufacture of marijuana for use by the registered  
22 cardholder may be shared with or rented or leased to a provider ~~or to,~~ A MARIJUANA-INFUSED PRODUCTS PROVIDER,  
23 OR a registered cardholder unless the property is owned, rented, or leased by cardholders who are related to  
24 each other by the second degree of kinship by blood or marriage.

25  
26           NEW SECTION. Section 5. Providers PROVIDER TYPES -- requirements -- limitations -- ACTIVITIES.

27 (1) The department shall issue a registry identification card to OR RENEW A CARD FOR the person who is named  
28 as a provider OR MARIJUANA-INFUSED PRODUCTS PROVIDER in a registered cardholder's approved application if the  
29 person submits to the department:

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

- 1 (a) an application on a form prescribed by the department;
- 2 (b) an application fee or a renewal fee;
- 3 (c) the person's name, street address, and date of birth;
- 4 (d) proof of Montana residency;
- 5 (e) a statement that the person will be cultivating and manufacturing marijuana for the person's use or
- 6 will be obtaining marijuana from a provider OR A MARIJUANA-INFUSED PRODUCTS PROVIDER;

7 (F) A STATEMENT, ON A FORM PRESCRIBED BY THE DEPARTMENT, THAT THE PERSON WILL NOT DIVERT TO ANY  
 8 OTHER PERSON THE MARIJUANA THAT THE PERSON CULTIVATES, MANUFACTURES, OR OBTAINS FOR THE PERSON'S  
 9 DEBILITATING MEDICAL CONDITION;

10 ~~(f)~~(G) the name of the person's treating physician OR REFERRAL PHYSICIAN and the street address and  
 11 telephone number of the physician's office;

12 ~~(g)~~(H) the street address where the person is cultivating or manufacturing marijuana if the person is  
 13 cultivating or manufacturing marijuana for the person's own use;

14 ~~(h)~~(I) the name, date of birth, and street address of the individual the person has selected as a provider  
 15 OR MARIJUANA-INFUSED PRODUCTS PROVIDER, if any; and

16 ~~(i)~~(J) ~~a statement~~ THE WRITTEN CERTIFICATION AND ACCOMPANYING STATEMENTS from the person's treating  
 17 physician OR REFERRAL PHYSICIAN as required pursuant to [section 6 7].

18 (2) The department shall issue a registry identification card to a minor if the materials required under  
 19 subsection ~~(2)~~ (1) are submitted and the minor's custodial parent or legal guardian with responsibility for health  
 20 care decisions;

21 (A) PROVIDES PROOF OF LEGAL GUARDIANSHIP AND RESPONSIBILITY FOR HEALTH CARE DECISIONS IF THE PERSON  
 22 IS SUBMITTING AN APPLICATION AS THE MINOR'S LEGAL GUARDIAN WITH RESPONSIBILITY FOR HEALTH CARE DECISIONS;

23 AND

24 (B) signs and submits a written statement that:

25 ~~(a)~~(i) the minor's TREATING physician OR REFERRAL PHYSICIAN has explained to the minor and to the  
 26 minor's custodial parent or legal guardian with responsibility for health care decisions the potential risks and  
 27 benefits of the use of marijuana; and

28 ~~(b)~~(ii) the minor's custodial parent or legal guardian with responsibility for health care decisions:

29 ~~(i)~~(A) consents to the use of marijuana by the minor;

30 ~~(ii)~~(B) agrees to serve as the minor's MARIJUANA-INFUSED PRODUCTS provider;

1 (b) authorized employees of state or local government agencies, including law enforcement agencies,  
2 only as necessary to verify that an individual is a lawful possessor of a registry identification card.

3 ~~(8)~~ (9) The department shall provide the names of ~~registered cardholders and providers~~ AND  
4 MARIJUANA-INFUSED PRODUCTS PROVIDERS to the local law enforcement agency having jurisdiction in the area in  
5 which the ~~cardholders or providers~~ OR MARIJUANA-INFUSED PRODUCTS PROVIDERS ~~live~~ ARE LOCATED. The law  
6 enforcement agency and its employees are subject to the confidentiality requirements of [section ~~44~~ 17].

7 ~~(9)~~ (10) (a) The department shall provide the board of medical examiners with the name of any physician  
8 who provides written certification for ~~45~~ <sup>25</sup> or more patients within a 12-month period. The board of medical  
9 examiners shall review the physician's practices in order to determine whether the practices meet the standard  
10 of care.

11 (b) The physician whose practices are under review shall pay the costs of the board's review activities.

12 ~~(10)~~ (11) The department shall report biannually to the legislature the number of applications for registry  
13 identification cards, the number of registered cardholders approved, the nature of the debilitating medical  
14 conditions of the cardholders, the number of providers AND MARIJUANA-INFUSED PRODUCTS PROVIDERS approved,  
15 the number of registry identification cards revoked, the number of physicians providing written certification for  
16 registered cardholders, and the number of written certifications each physician has provided. The report may not  
17 provide any identifying information of cardholders ~~or~~ physicians, PROVIDERS, OR MARIJUANA-INFUSED PRODUCTS  
18 PROVIDERS.

19 (12) THE BOARD OF MEDICAL EXAMINERS SHALL REPORT ANNUALLY TO THE LEGISLATURE ON:

20 (A) THE NUMBER AND TYPES OF COMPLAINTS THE BOARD HAS RECEIVED INVOLVING PHYSICIAN PRACTICES IN  
21 PROVIDING WRITTEN CERTIFICATION FOR THE USE OF MARIJUANA, PURSUANT TO 37-3-203; AND

22 (B) THE NUMBER OF PHYSICIANS WHOSE NAMES WERE PROVIDED TO THE BOARD BY THE DEPARTMENT AS  
23 REQUIRED UNDER SUBSECTION (10). THE REPORT MUST INCLUDE INFORMATION ON WHETHER A PHYSICIAN WHOSE  
24 PRACTICES WERE REVIEWED BY THE BOARD PURSUANT TO SUBSECTION (10) MET THE STANDARD OF CARE WHEN  
25 PROVIDING WRITTEN CERTIFICATIONS.

26  
27 **NEW SECTION. Section 4. Persons with debilitating medical conditions -- requirements -- minors**

28 **-- limitations.** (1) Except as provided in subsections (2) and ~~(3)~~ <sup>through (4)</sup>, the department shall issue a registry  
29 identification card to a person with a debilitating medical condition who submits the following, in accordance with  
30 department rules:

1 (b) state the name, address, and date of birth of the registered cardholder and of the cardholder's  
2 provider OR MARIJUANA-INFUSED PRODUCTS PROVIDER, if any;

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

4 (d) contain a unique identification number;

5 (e) easily identify whether the card is for a person with a debilitating medical condition ~~or for~~ a provider,  
6 OR A MARIJUANA-INFUSED PRODUCTS PROVIDER; and

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

8 (4) (a) The department shall ~~verify~~ <sup>REVIEW</sup> the information contained in an application or renewal submitted  
9 pursuant to [sections 1 through 47 23] and shall approve or deny an application or renewal within ~~45~~ 30 days of  
10 receiving the application or renewal and all related application materials.

11 (b) The department shall issue a registry identification card within ~~45~~ 5 days of approving an application  
12 or renewal.

13 (5) REJECTION OF AN APPLICATION OR RENEWAL IS CONSIDERED A FINAL DEPARTMENT ACTION, SUBJECT TO  
14 JUDICIAL REVIEW.

15 ~~(5)(6)~~ (A) Registry identification cards expire 1 year after the date of issuance unless;

16 (I) A PHYSICIAN HAS PROVIDED A WRITTEN CERTIFICATION STATING THAT A CARD IS VALID FOR A SHORTER PERIOD  
17 OF TIME; OR

18 (II) a registered cardholder changes providers OR MARIJUANA-INFUSED PRODUCTS PROVIDERS.

19 (B) A provider's OR MARIJUANA-INFUSED PRODUCTS PROVIDER'S registry identification card expires at the  
20 time the department issues a card to a new provider OR NEW MARIJUANA-INFUSED PRODUCTS PROVIDERS named  
21 by a registered cardholder.

22 ~~(6)(7)~~ A registered cardholder shall notify the department of any change in the cardholder's name,  
23 address, physician, ~~or~~ provider, OR MARIJUANA-INFUSED PRODUCTS PROVIDERS or change in the status of the  
24 cardholder's debilitating medical condition within 10 days of the change. If a change occurs and is not reported  
25 to the department, the registry identification card is void.

26 ~~(7)(8)~~ The department shall maintain a confidential list of persons to whom the department has issued  
27 registry identification cards. Except as provided in subsection ~~(8)~~ (9); individual names and other identifying  
28 information on the list must be confidential and are not subject to disclosure, except to:

29 (a) authorized employees of the department as necessary to perform the official duties of the department;  
30 and

1 TREATMENT:2 (F) MONITORING THE RESPONSE TO TREATMENT AND POSSIBLE ADVERSE EFFECTS; AND3 (G) CREATING AND MAINTAINING PATIENT RECORDS THAT REMAIN WITH THE PHYSICIAN.4 (19) "TREATING PHYSICIAN" MEANS A PERSON WHO:5 (A) IS LICENSED UNDER TITLE 37, CHAPTER 3;6 (B) HAS AN ESTABLISHED OFFICE IN MONTANA; AND7 (C) HAS A BONA FIDE PROFESSIONAL RELATIONSHIP WITH THE PERSON APPLYING TO BE A REGISTERED8 CARDHOLDER.9 ~~(14)~~(20) (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any  
10 mixtures or preparations of the dried leaves and flowers that are appropriate for the use of marijuana by a person  
11 with a debilitating medical condition.

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

13 ~~(15)~~(21) "Written certification" means a statement signed by a treating physician OR REFERRAL PHYSICIAN  
14 that meets the requirements of [section 6 7] and is provided in a manner that meets the standard of care.15  
16 **NEW SECTION. Section 3. Department responsibilities -- issuance of cards -- confidentiality --**17 **reports.** (1) (a) The department shall establish and maintain a program for the issuance of registry identification  
18 cards to Montana residents who:19 (i) have debilitating medical conditions and who submit applications meeting the requirements of  
20 [sections 1 through 47 23]; and21 (ii) are named as providers OR MARIJUANA-INFUSED PRODUCTS PROVIDERS by persons who obtain registry  
22 identification cards for their debilitating medical conditions.23 (b) Persons who obtain registry identification cards are authorized to cultivate, manufacture, possess,  
24 and transport marijuana as allowed by [sections 1 through 47 23].25 (2) The department shall conduct criminal history background checks as required by [sections 4 and 5]  
26 before issuing a registry identification card for a person named as a provider OR MARIJUANA-INFUSED PRODUCTS  
27 PROVIDER.

28 (3) Registry identification cards issued pursuant to [sections 1 through 47 23] must:

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

1 EXAMINATION AND MEDICAL ASSESSMENT.

2 ~~(9)~~(12) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical  
3 condition who has received and maintains a valid registry identification card.

4 (13) "REGISTERED PREMISES" MEANS THE LOCATION AT WHICH A ~~REGISTERED CARDHOLDER, PROVIDER, OR~~  
5 MARIJUANA-INFUSED PRODUCTS PROVIDER HAS INDICATED THE PERSON WILL CULTIVATE OR MANUFACTURE MARIJUANA  
6 FOR A REGISTERED CARDHOLDER.

7 ~~(40)~~(14) "Registry identification card" means a document issued by the department pursuant to [section  
8 3] that identifies a person as a registered cardholder ~~or~~ provider, OR MARIJUANA-INFUSED PRODUCTS PROVIDER.

9 ~~(44)~~(15) (a) "Resident" means an individual who meets the requirements of 1-1-215.

10 (b) An individual is not considered a resident for the purposes of [sections 1 through 47 23] if the  
11 individual:

12 (i) claims residence in another state or country for any purpose; or

13 (ii) is an absentee property owner paying property tax on property in Montana.

14 (16) "SECOND DEGREE OF KINSHIP BY BLOOD OR MARRIAGE" MEANS A MOTHER, FATHER, BROTHER, SISTER, SON,  
15 DAUGHTER, SPOUSE, GRANDPARENT, GRANDCHILD, MOTHER-IN-LAW, FATHER-IN-LAW, BROTHER-IN-LAW, SISTER-IN-LAW,  
16 SON-IN-LAW, DAUGHTER-IN-LAW, GRANDPARENT-IN-LAW, GRANDCHILD-IN-LAW, STEPFATHER, STEPMOTHER,  
17 STEPBROTHER, STEPSISTER, STEPSON, STEPDAUGHTER, STEPGRANDPARENT, OR STEPGRANDCHILD.

18 ~~(42)~~(17) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and  
19 12 inches in diameter.

20 ~~(43)~~(18) "Standard of care" means ~~the standard established by rule by the board of medical examiners,~~  
21 AT A MINIMUM, THE FOLLOWING ACTIVITIES WHEN UNDERTAKEN BY A PATIENT'S TREATING PHYSICIAN OR REFERRAL  
22 PHYSICIAN IF THE TREATING PHYSICIAN OR REFERRAL PHYSICIAN IS PROVIDING WRITTEN CERTIFICATION FOR A PATIENT  
23 WITH A DEBILITATING MEDICAL CONDITION:

24 (A) OBTAINING THE PATIENT'S MEDICAL HISTORY;

25 (B) PERFORMING A RELEVANT PHYSICAL EXAMINATION;

26 (C) REVIEWING PRIOR TREATMENT AND TREATMENT RESPONSE FOR THE DEBILITATING MEDICAL CONDITION;

27 (D) OBTAINING AND REVIEWING RELEVANT DIAGNOSTIC TEST RESULTS RELATED TO THE DEBILITATING MEDICAL  
28 CONDITION;

29 (E) DISCUSSING WITH THE PATIENT AND ENSURING THAT THE PATIENT UNDERSTANDS THE ADVANTAGES,  
30 DISADVANTAGES, ALTERNATIVES, POTENTIAL ADVERSE EFFECTS, AND EXPECTED RESPONSE TO THE RECOMMENDED

1 (E) EPILEPSY OR AN INTRACTABLE SEIZURE DISORDER;

2 (F) MULTIPLE SCLEROSIS;

3 (G) CROHN'S DISEASE;

4 (H) PAINFUL PERIPHERAL NEUROPATHY;

5 (I) A CENTRAL NERVOUS SYSTEM DISORDER RESULTING IN CHRONIC, PAINFUL SPASTICITY OR MUSCLE SPASMS;

6 (J) ADMITTANCE INTO HOSPICE CARE IN ACCORDANCE WITH RULES ADOPTED BY THE DEPARTMENT; OR

7 (K) ANY OTHER MEDICAL CONDITION OR TREATMENT FOR A MEDICAL CONDITION APPROVED BY THE LEGISLATURE.

8 ~~(2)(3)~~ "Department" means the department of public health and human services provided for in  
9 2-15-2201.

10 ~~(3)(4)~~ "Local government" means a county, a consolidated government, or an incorporated city or town.

11 ~~(4)(5)~~ "Marijuana" has the meaning provided in 50-32-101.

12 (6) (A) "MARIJUANA-INFUSED PRODUCT" MEANS A PRODUCT THAT CONTAINS MARIJUANA AND IS INTENDED FOR  
13 USE BY A REGISTERED CARDHOLDER BY A MEANS OTHER THAN SMOKING.

14 (B) THE TERM INCLUDES BUT IS NOT LIMITED TO EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES.

15 (7) (A) "MARIJUANA-INFUSED PRODUCTS PROVIDER" MEANS A MONTANA RESIDENT WHO MEETS THE  
16 REQUIREMENTS OF [SECTIONS 1 THROUGH 23] AND WHO HAS APPLIED FOR AND RECEIVED A REGISTRY IDENTIFICATION  
17 CARD TO MANUFACTURE AND PROVIDE MARIJUANA-INFUSED PRODUCTS FOR A REGISTERED CARDHOLDER.

18 (B) THE TERM DOES NOT INCLUDE THE CARDHOLDER'S TREATING OR REFERRAL PHYSICIAN.

19 ~~(5)(8)~~ "Mature marijuana plant" means a harvestable female marijuana plant that is flowering.

20 ~~(6)(9)~~ "Paraphernalia" has the meaning provided in 45-10-101.

21 ~~(7) "Physician" means a person who is licensed under Title 37, chapter 3, and has an established office~~  
22 ~~located in Montana.~~

23 ~~(8)(10)~~ (a) "Provider" means a Montana resident 18 years of age or older who is authorized by the  
24 department to cultivate, manufacture, possess, or transport marijuana for use by ASSIST a registered cardholder  
25 AS ALLOWED UNDER [SECTIONS 1 THROUGH 23].

26 (b) The term does not include the cardholder's TREATING PHYSICIAN OR REFERRAL physician.

27 (11) "REFERRAL PHYSICIAN" MEANS A PERSON WHO:

28 (A) IS LICENSED UNDER TITLE 37, CHAPTER 3;

29 (B) HAS AN ESTABLISHED OFFICE IN MONTANA; AND

30 (C) IS THE PHYSICIAN TO WHOM A PATIENT'S TREATING PHYSICIAN HAS REFERRED THE PATIENT FOR PHYSICAL

1 (2) The purpose of [sections 1 through 47 23] is to:

2 (a) provide legal protections to persons with debilitating medical conditions who engage in the use of  
3 marijuana to alleviate the symptoms of the debilitating medical condition;

4 (b) allow for the limited cultivation, manufacture, delivery, and possession of marijuana as permitted by  
5 [sections 1 through 47 23] by persons who obtain registry identification cards; ~~and~~

6 (C) ALLOW INDIVIDUALS TO ASSIST A LIMITED NUMBER OF REGISTERED CARDHOLDERS WITH THE CULTIVATION  
7 AND MANUFACTURE OF MARIJUANA OR MARIJUANA-INFUSED PRODUCTS;

8 (D) ESTABLISH REPORTING REQUIREMENTS FOR PRODUCTION OF MARIJUANA AND MARIJUANA-INFUSED  
9 PRODUCTS AND INSPECTION REQUIREMENTS FOR PREMISES; AND

10 ~~(e)~~(E) give local governments a role in establishing standards for the cultivation, manufacture, and use  
11 of marijuana that protect the public health, safety, and welfare of residents within their jurisdictions.

12  
13 NEW SECTION. Section 2. Definitions. As used in [sections 1 through 47 23], the following definitions  
14 apply:

15 (1) "CORRECTIONAL FACILITY OR PROGRAM" MEANS A FACILITY OR PROGRAM THAT IS DESCRIBED IN 53-1-202  
16 AND TO WHICH A PERSON MAY BE ORDERED BY ANY COURT OF COMPETENT JURISDICTION.

17 ~~(1)(2) "Debilitating medical condition" means: a medical condition determined by a physician to be~~  
18 ~~debilitating for the person diagnosed with the condition~~

19 (A) CANCER, GLAUCOMA, POSITIVE STATUS FOR HUMAN IMMUNODEFICIENCY VIRUS, OR ACQUIRED IMMUNE  
20 DEFICIENCY SYNDROME WHEN THE CONDITION OR DISEASE RESULTS IN SYMPTOMS THAT SERIOUSLY AND ADVERSELY  
21 AFFECT THE PATIENT'S HEALTH STATUS;

22 (B) CACHEXIA OR WASTING SYNDROME;

23 (C) SEVERE CHRONIC PAIN THAT IS PERSISTENT PAIN OF SEVERE INTENSITY THAT SIGNIFICANTLY INTERFERES  
24 WITH DAILY ACTIVITIES AS DOCUMENTED BY THE PATIENT'S TREATING PHYSICIAN AND BY:

25 (i) OBJECTIVE PROOF OF THE ETIOLOGY OF THE PAIN, INCLUDING DIAGNOSTIC TESTS THAT MAY INCLUDE BUT ARE  
26 NOT LIMITED TO THE RESULTS OF AN X-RAY, COMPUTERIZED TOMOGRAPHY SCAN, OR MAGNETIC RESONANCE IMAGING;

27 OR

28 (ii) CONFIRMATION OF THAT DIAGNOSIS FROM A SECOND PHYSICIAN WHO IS INDEPENDENT OF THE TREATING  
29 PHYSICIAN AND WHO CONDUCTS A PHYSICAL EXAMINATION;

30 (D) INTRACTABLE NAUSEA OR VOMITING;

## 1 SENATE BILL NO. 423

2 INTRODUCED BY J. ESSMANN

3 BY REQUEST OF THE SENATE JUDICIARY STANDING COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA THERAPEUTIC MARIJUANA ACT  
 6 AND REVISING LAWS RELATING TO THE USE OF MARIJUANA; CREATING A SYSTEM OF LICENSING  
 7 REGISTRY PROGRAM FOR THE CULTIVATION, MANUFACTURE, TRANSPORTATION, AND TRANSFER  
 8 OF MARIJUANA FOR THERAPEUTIC USE BY CERTAIN INDIVIDUALS; REQUIRING REPORTING; ALLOWING  
 9 INSPECTIONS; REQUIRING LEGISLATIVE MONITORING; PROVIDING DEFINITIONS; PROVIDING  
 10 RULEMAKING AUTHORITY; CREATING A SPECIAL REVENUE ACCOUNT; ESTABLISHING A TRANSITION  
 11 PROCESS; AMENDING SECTIONS ~~37-1-101, 37-1-136, 37-1-316, 37-3-343, 37-3-347, 41-5-216, 45-9-101,~~  
 12 ~~45-9-102, 45-9-103, 45-9-110, 45-9-127, 45-9-203, 45-10-103, 45-10-107, 50-46-201, 50-46-202, 45-9-203,~~  
 13 ~~46-18-202, 50-46-201, 50-46-202, AND 61-11-101, 69-1-114, AND 69-1-401, MCA; REPEALING SECTIONS~~  
 14 ~~50-46-101, 50-46-102, 50-46-103, 50-46-201, 50-46-202, 50-46-205, 50-46-206, 50-46-207, AND 50-46-210,~~  
 15 MCA; AND PROVIDING EFFECTIVE DATES."

16

17 ~~WHEREAS, THE STATE OF MONTANA UNDERSTANDS THAT MANUFACTURING, DISTRIBUTING, OR DISPENSING A~~  
 18 ~~CONTROLLED SUBSTANCE OR POSSESSING A CONTROLLED SUBSTANCE WITH INTENT TO MANUFACTURE, DISTRIBUTE, OR~~  
 19 ~~DISPENSE THE SUBSTANCE IS A VIOLATION OF THE FEDERAL CONTROLLED SUBSTANCES ACT; AND~~

20 ~~WHEREAS, MARIJUANA IS LISTED AS A SCHEDULE I CONTROLLED SUBSTANCE UNDER THAT ACT; AND~~

21 ~~WHEREAS, BY ALLOWING THE LIMITED USE OF MARIJUANA UNDER THE MONTANA MARIJUANA ACT, THE STATE~~  
 22 ~~OF MONTANA DOES NOT CONDONE THE COMMISSION OF A CRIMINAL VIOLATION OF THE FEDERAL CONTROLLED~~  
 23 ~~SUBSTANCES ACT;~~

24

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

26 (Refer to Third Reading -- Blue Bill)

27 Strike everything after the enacting clause and insert:

28

29 NEW SECTION. Section 1. Short title -- purpose. (1) [Sections 1 through 47 23] may be cited as the  
 30 "Montana Marijuana Act".