

SENATE BILL NO. 311

INTRODUCED BY D. WANZENRIED

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE BOARD OF PHARMACY FROM DELAYING
5 RESCHEDULING OF MARIJUANA IF CONGRESS OR A FEDERAL AGENCY CHANGES SCHEDULING OF
6 MARIJUANA UNDER THE CONTROLLED SUBSTANCES ACT; AMENDING SECTIONS 50-32-203 AND
7 50-32-221, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 50-32-203, MCA, is amended to read:
12 **"50-32-203. Effect of rescheduling under federal law.** (1) If any Except as provided in subsection (2),
13 if a drug is designated, rescheduled, or deleted as a "controlled substance" under federal law and notice thereof
14 is given to the board, the board shall similarly control the drug under this chapter after the expiration of 30 days
15 from publication in the Federal Register of a final order designating a drug as a "controlled substance" or
16 rescheduling or deleting a drug unless, within that 30-day period, the board objects to inclusion, rescheduling,
17 or deletion. In that case, the board shall cause the reasons for objection to be published and afford all interested
18 parties an opportunity to be heard. If the board objects, the board shall hold a public hearing on the objection and
19 allow for public testimony. At the conclusion of the hearing, the department shall publish the board's decision,
20 ~~which shall be~~ The board's decision is final unless altered ~~thereafter~~ by the board or by statute. Upon publication
21 of objection to inclusion, rescheduling, or deletion under this chapter by the board, control under this chapter is
22 stayed until the board's decision is published.

23 (2) The board may not object to or delay the rescheduling of marijuana if congress or a federal agency
24 changes marijuana from a Schedule I controlled substance to a Schedule II, III, IV, or V controlled substance for
25 purposes of the federal Controlled Substances Act."

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27 **Section 2.** Section 50-32-221, MCA, is amended to read:
28 **"50-32-221. Criteria for placement of drug in Schedule I.** (1) The board shall place a drug in Schedule
29 I if it finds that the drug:

30 ~~(+)~~(a) has high potential for abuse; and

1 ~~(2)~~(b) has no accepted medical use in treatment in the United States or lacks accepted safety for use
2 in treatment under medical supervision.

3 (2) The board may not place marijuana in Schedule I for the purposes of this chapter if congress or a
4 federal agency places marijuana in Schedule II, III, IV, or V of the federal Controlled Substances Act."

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6 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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