

1 HOUSE BILL NO. 340

2 INTRODUCED BY K. MCCARTHY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT FOR BOARD OF MEDICAL
5 EXAMINERS REVIEW OF CERTAIN PHYSICIANS WHO PROVIDE WRITTEN CERTIFICATION FOR THE USE
6 OF MARIJUANA FOR A DEBILITATING MEDICAL CONDITION; AMENDING SECTION 50-46-303, MCA; AND
7 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 50-46-303, MCA, is amended to read:12 **"50-46-303. Department responsibilities -- issuance of cards -- confidentiality -- reports.** (1) (a)

13 The department shall establish and maintain a program for the issuance of registry identification cards to Montana
14 residents who:

15 (i) have debilitating medical conditions and who submit applications meeting the requirements of this
16 part; and

17 (ii) are named as providers or marijuana-infused products providers by persons who obtain registry
18 identification cards for their debilitating medical conditions.

19 (b) Persons who obtain registry identification cards are authorized to cultivate, manufacture, possess,
20 and transport marijuana as allowed by this part.

21 (2) The department shall conduct criminal history background checks as required by 50-46-307 and
22 50-46-308 before issuing a registry identification card for a person named as a provider or marijuana-infused
23 products provider.

24 (3) Registry identification cards issued pursuant to this part must:

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

27 (b) state the name, address, and date of birth of the registered cardholder and of the cardholder's
28 provider or marijuana-infused products provider, if any;

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

30 (d) contain a unique identification number;

- 1 (e) easily identify whether the card is for a person with a debilitating medical condition, a provider, or a
2 marijuana-infused products provider; and
- 3 (f) contain other information that the department may specify by rule.
- 4 (4) (a) The department shall review the information contained in an application or renewal submitted
5 pursuant to this part and shall approve or deny an application or renewal within 30 days of receiving the
6 application or renewal and all related application materials.
- 7 (b) The department shall issue a registry identification card within 5 days of approving an application or
8 renewal.
- 9 (5) Rejection of an application or renewal is considered a final department action, subject to judicial
10 review.
- 11 (6) (a) Registry identification cards expire 1 year after the date of issuance unless:
- 12 (i) a physician has provided a written certification stating that a card is valid for a shorter period of time;
13 or
- 14 (ii) a registered cardholder changes providers or marijuana-infused products providers.
- 15 (b) A provider's or marijuana-infused products provider's registry identification card expires at the time
16 the department issues a card to a new provider or new marijuana-infused products provider named by a
17 registered cardholder.
- 18 (7) A registered cardholder shall notify the department of any change in the cardholder's name, address,
19 physician, provider, or marijuana-infused products provider or change in the status of the cardholder's debilitating
20 medical condition within 10 days of the change. If a change occurs and is not reported to the department, the
21 registry identification card is void.
- 22 (8) The department shall maintain a confidential list of persons to whom the department has issued
23 registry identification cards. Except as provided in subsection (9), individual names and other identifying
24 information on the list must be confidential and are not subject to disclosure, except to:
- 25 (a) authorized employees of the department as necessary to perform the official duties of the department;
26 and
- 27 (b) authorized employees of state or local government agencies, including law enforcement agencies,
28 only as necessary to verify that an individual is a lawful possessor of a registry identification card.
- 29 (9) The department shall provide the names of providers and marijuana-infused products providers to
30 the local law enforcement agency having jurisdiction in the area in which the providers or marijuana-infused

1 products providers are located. The law enforcement agency and its employees are subject to the confidentiality
2 requirements of 50-46-332.

3 ~~———— (10) (a) The department shall provide the board of medical examiners with the name of any physician
4 who provides written certification for 25 or more patients within a 12-month period. The board of medical
5 examiners shall review the physician's practices in order to determine whether the practices meet the standard
6 of care.~~

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

8 ~~(14)(10)~~ The department shall report biannually to the legislature the number of applications for registry
9 identification cards, the number of registered cardholders approved, the nature of the debilitating medical
10 conditions of the cardholders, the number of providers and marijuana-infused products providers approved, the
11 number of registry identification cards revoked, the number of physicians providing written certification for
12 registered cardholders, and the number of written certifications each physician has provided. The report may not
13 provide any identifying information of cardholders, physicians, providers, or marijuana-infused products providers.

14 ~~(12)(11)~~ The board of medical examiners shall report annually to the legislature on:

15 ~~———— (a) the number and types of complaints the board has received involving physician practices in providing
16 written certification for the use of marijuana, pursuant to 37-3-203; and~~

17 ~~———— (b) the number of physicians whose names were provided to the board by the department as required
18 under subsection (10). The report must include information on whether a physician whose practices were
19 reviewed by the board pursuant to subsection (10) met the standard of care when providing written certifications."~~

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21 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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