

HOUSE BILL NO. 341

INTRODUCED BY K. MCCARTHY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING INDIVIDUALS REGISTERED AS PROVIDERS OR MARIJUANA-INFUSED PRODUCTS PROVIDERS UNDER THE MONTANA MARIJUANA ACT TO RECEIVE COMPENSATION FOR PRODUCTS AND SERVICES; ALLOWING A PROVIDER TO SELL A PORTION OF THE PROVIDER'S INVENTORY TO ANOTHER PROVIDER; AMENDING SECTION 50-46-308, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 50-46-308, MCA, is amended to read:

"50-46-308. Provider types -- requirements -- limitations -- activities. (1) The department shall issue

a registry identification card to or renew a card for the person who is named as a provider or marijuana-infused products provider in a registered cardholder's approved application if the person submits to the department:

- (a) the person's name, date of birth, and street address on a form prescribed by the department;
- (b) proof that the person is a Montana resident;
- (c) fingerprints to facilitate a fingerprint and background check by the department of justice and the federal bureau of investigation;
- (d) a written agreement signed by the registered cardholder that indicates whether the person will act as the cardholder's provider or marijuana-infused products provider;
- (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;
- (f) a statement acknowledging that the person will cultivate and manufacture marijuana for the registered cardholder at only one location as provided in subsection ~~(7)~~ (8). The location must be identified by street address.

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

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

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



- 1 (b) is in the custody of or under the supervision of the department of corrections or a youth court;
- 2 (c) has been convicted of a violation under 50-46-331;
- 3 (d) has failed to:
- 4 (i) pay any taxes, interest, penalties, or judgments due to a government agency;
- 5 (ii) stay out of default on a government-issued student loan;
- 6 (iii) pay child support; or
- 7 (iv) remedy an outstanding delinquency for child support or for taxes or judgments owed to a government
- 8 agency; or
- 9 (e) is a registered cardholder who has designated a provider or marijuana-infused products provider in
- 10 the person's application for a card issued under 50-46-307.
- 11 (3) (a) (i) A provider or marijuana-infused products provider may assist a maximum of three registered
- 12 cardholders.
- 13 (ii) A person who is registered as both a provider and a marijuana-infused products provider may assist
- 14 no more than three registered cardholders.
- 15 (b) If the provider or marijuana-infused products provider is a registered cardholder, the provider or
- 16 marijuana-infused products provider may assist a maximum of two registered cardholders other than the provider
- 17 or marijuana-infused products provider.
- 18 (4) A provider or marijuana-infused products provider may:
- 19 (a) accept reimbursement from a cardholder only for the provider's application or renewal fee for a
- 20 registry identification card issued under this section;
- 21 (b) receive reasonable compensation for services or products provided to a registered cardholder; and
- 22 (c) transfer inventory as provided in subsection (5).
- 23 (5) (a) A provider or marijuana-infused provider may transfer up to 30% of the provider's or
- 24 marijuana-infused products provider's on-hand inventory of mature marijuana plants, seedlings, and usable
- 25 marijuana to another provider or marijuana-infused products provider. The provider or marijuana-infused products
- 26 provider may receive compensation for the transfer.
- 27 (b) A provider or marijuana-infused products provider may obtain up to 30% of the provider's or
- 28 marijuana-infused products provider's inventory from another provider or marijuana-infused products provider.
- 29 (c) An individual who has been named by a registered cardholder as a provider or marijuana-infused
- 30 products provider may not transfer or receive plants, seedlings, or usable marijuana under this subsection (5) until

1 the individual has received a registry identification card from the department.

2 (d) A provider or marijuana-infused products provider who transfers inventory to or receives inventory
 3 from another provider or marijuana-infused products provider shall keep records that:

4 (i) indicate the number of mature marijuana plants and seedlings and the amount of usable marijuana
 5 purchased from, sold to, or exchanged with another provider or marijuana-infused products provider;

6 (ii) the date of the sale, purchase, or exchange; and

7 (iii) the name of the provider or marijuana-infused products provider who sold, purchased, or exchanged
 8 the plants, seedlings, or marijuana.

9 ~~(5)(6)~~ Marijuana for use pursuant to this part must be cultivated and manufactured in Montana.

10 ~~(6)(7)~~ A provider or marijuana-infused products provider may not:

11 ~~—— (a) accept anything of value, including monetary remuneration, for any services or products provided to~~
 12 ~~a registered cardholder;~~

13 ~~(b)(a) buy or sell or exchange~~ mature marijuana plants, seedlings, cuttings, clones, usable marijuana,
 14 or marijuana-infused products except as provided in subsection (5); or

15 ~~(c)(b)~~ use marijuana unless the person is also a registered cardholder.

16 ~~(7)(8)~~ (a) A person registered under this section may cultivate and manufacture marijuana for use by a
 17 registered cardholder only at one of the following locations:

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

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

21 (iii) a property owned, leased, or rented by the registered cardholder pursuant to the provisions of
 22 50-46-307.

23 (b) No portion of the property used for cultivation and manufacture of marijuana may be shared with or
 24 rented or leased to another provider or marijuana-infused products provider or another registered cardholder."

25

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

27

- END -