

HOUSE BILL NO. 342

INTRODUCED BY K. MCCARTHY

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A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE LIMITATION ON THE NUMBER OF PATIENTS FOR WHOM A PROVIDER OR MARIJUANA-INFUSED PRODUCTS PROVIDER MAY CULTIVATE OR MANUFACTURE MARIJUANA UNDER THE MONTANA MARIJUANA ACT; AMENDING SECTIONS 50-46-301 AND 50-46-308, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 50-46-301, MCA, is amended to read:

**"50-46-301. Short title -- purpose.** (1) This part may be cited as the "Montana Marijuana Act".

(2) The purpose of this part is to:

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

(b) allow for the limited cultivation, manufacture, delivery, and possession of marijuana as permitted by this part by persons who obtain registry identification cards;

(c) allow individuals to assist ~~a limited number of~~ registered cardholders with the cultivation and manufacture of marijuana or marijuana-infused products;

(d) establish reporting requirements for production of marijuana and marijuana-infused products and inspection requirements for premises; and

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

**Section 2.** 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;



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

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

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

7 (f) a statement acknowledging that the person will cultivate and manufacture marijuana for the registered  
8 cardholder at only one location as provided in subsection ~~(7)~~ (6). The location must be identified by street  
9 address.

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

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

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

14 (b) is in the custody of or under the supervision of the department of corrections or a youth court;

15 (c) has been convicted of a violation under 50-46-331;

16 (d) has failed to:

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

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

19 (iii) pay child support; or

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

22 (e) is a registered cardholder who has designated a provider or marijuana-infused products provider in  
23 the person's application for a card issued under 50-46-307.

24 ~~———— (3) (a) (i) A provider or marijuana-infused products provider may assist a maximum of three registered  
25 cardholders.~~

26 ~~———— (ii) A person who is registered as both a provider and a marijuana-infused products provider may assist  
27 no more than three registered cardholders.~~

28 ~~———— (b) If the provider or marijuana-infused products provider is a registered cardholder, the provider or  
29 marijuana-infused products provider may assist a maximum of two registered cardholders other than the provider  
30 or marijuana-infused products provider.~~

1           ~~(4)~~(3) A provider or marijuana-infused products provider may accept reimbursement from a cardholder  
2 only for the provider's application or renewal fee for a registry identification card issued under this section.

3           ~~(5)~~(4) Marijuana for use pursuant to this part must be cultivated and manufactured in Montana.

4           ~~(6)~~(5) A provider or marijuana-infused products provider may not:

5           (a) accept anything of value, including monetary remuneration, for any services or products provided to  
6 a registered cardholder;

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

9           (c) use marijuana unless the person is also a registered cardholder.

10          ~~(7)~~(6) (a) A person registered under this section may cultivate and manufacture marijuana for use by a  
11 registered cardholder only at one of the following locations:

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

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

15           (iii) a property owned, leased, or rented by the registered cardholder pursuant to the provisions of  
16 50-46-307.

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

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

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