

HOUSE BILL NO. 194

INTRODUCED BY T. BROCKMAN, K. BOGNER, S. KERNS, P. GREEN, D. BEDEY, G. NIKOLAKAKOS

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE EXPIRATION DATE FOR MEDICAL MARIJUANA REGISTRY CARDS FOR VETERANS; PROVIDING FOR REQUIREMENTS FOR PROOF OF VETERAN STATUS ON APPLICATIONS FOR MEDICAL MARIJUANA REGISTRY IDENTIFICATION CARDS; AMENDING SECTION 16-12-503, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 16-12-503, MCA, is amended to read:

"16-12-503. Medical marijuana registry -- department responsibilities -- issuance of cards -- confidentiality. (1) The department shall establish and maintain a registry of persons who receive registry identification cards under this part.

(2) The department shall issue registry identification cards to Montana residents who have debilitating medical conditions and who submit applications meeting the requirements of this part.

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

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

(ii) state the name, address, and date of birth of the registered cardholder;

(iii) indicate whether the cardholder is obtaining marijuana and marijuana products through the system of licensed cultivators, manufacturers, or dispensaries;

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

(v) contain a unique identification number; and

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

(b) Except as provided in subsection (3)(c), in addition to complying with subsection (3)(a), registry identification cards issued pursuant to this part must:

(i) include a picture of the registered cardholder; and

1 (ii) be capable of being used to track registered cardholder purchases.

2 (c) (i) The department shall issue a temporary registry identification card on receipt of an
3 application. The cards are valid for 60 days and are exempt from the requirements of subsection (3)(b). Printing
4 of the temporary registry identification cards is exempt from the provisions of Title 18, chapter 7.

5 (ii) A card may be issued before an applicant's payment of the fee has cleared. The department
6 shall cancel the temporary registry identification card after 60 days and may not issue a permanent registry
7 identification card until the fee is paid.

8 (4) (a) The department shall review the information contained in an application or renewal
9 submitted pursuant to this part and shall approve or deny an application or renewal within 30 days of receiving
10 the application or renewal and all related application materials.

11 (b) If the department fails to act on a completed application within 30 days of receipt, the
12 department shall refund the fee paid by an applicant for a registry identification card.

13 (c) Applications that are not processed within 30 days of receipt remain active until the department
14 takes final action.

15 (d) The department shall issue a registry identification card within 5 days of approving an
16 application or renewal.

17 (5) Review of a rejection of an application or renewal may be conducted as a contested case
18 hearing pursuant to the provisions of the Montana Administrative Procedure Act.

19 (6) ~~Registry-(a) Except as provided in subsection (6)(b), registry~~ identification cards expire 1 year
20 after the date of issuance unless a physician has provided a written certification stating that a card is valid for a
21 shorter period of time.

22 (b) Registry identification cards issued for veterans expire 3 years after the date of issuance unless
23 a physician has provided a written certification stating that a card is valid for a shorter period of time. In order to
24 obtain an extended expiration date, an individual shall disclose proof of the individual's veteran status, such as
25 a copy of a DD form 214, a U.S. department of veterans affairs identification card, or a driver's license
26 indicating the individual's veteran status with the application.

27 (7) (a) A registered cardholder shall notify the department of any change in the cardholder's name,
28 address, or physician or a change in the status of the cardholder's debilitating medical condition within 10 days

1 of the change.

2 (b) If a change occurs and is not reported to the department, the registry identification card is void.

3 (8) The department shall maintain a confidential list of individuals to whom the department has
4 issued registry identification cards. Individual names and other identifying information on the list must be
5 confidential and is not subject to disclosure, except to:

6 (a) authorized employees of the department as necessary to perform the official duties of the
7 department;

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

10 (c) a judge, magistrate, or other authorized judicial officer in response to an order requiring
11 disclosure; and

12 (d) another person or entity when the information pertains to a cardholder who has given written
13 consent to the release and has specified:

14 (i) the type of information to be released; and

15 (ii) the person or entity to whom it may be released."

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17 NEW SECTION. **Section 2. Applicability.** [This act] applies to medical marijuana registry
18 identification cards issued or renewed on or after [the effective date of this act].

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