

HOUSE BILL NO. 456

INTRODUCED BY R. PEPPERS

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A BILL FOR AN ACT ENTITLED: "AN ACT ADDING POSTTRAUMATIC STRESS DISORDER TO THE LIST OF DEBILITATING MEDICAL CONDITIONS FOR WHICH MARIJUANA USE IS ALLOWED; AMENDING SECTION 50-46-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 50-46-302, MCA, is amended to read:

**"50-46-302. Definitions.** As used in this part, the following definitions apply:

(1) "Correctional facility or program" means a facility or program that is described in 53-1-202 and to which a person may be ordered by any court of competent jurisdiction.

(2) "Debilitating medical condition" means:

(a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;

(b) cachexia or wasting syndrome;

(c) severe chronic pain that is persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician and by:

(i) objective proof of the etiology of the pain, including relevant and necessary diagnostic tests that may include but are not limited to the results of an x-ray, computerized tomography scan, or magnetic resonance imaging; or

(ii) confirmation of that diagnosis from a second physician who is independent of the treating physician and who conducts a physical examination;

(d) intractable nausea or vomiting;

(e) epilepsy or an intractable seizure disorder;

(f) multiple sclerosis;

(g) Crohn's disease;

(h) painful peripheral neuropathy;



- 1 (i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;  
2 (j) posttraumatic stress disorder;  
3 ~~(j)~~(k) admittance into hospice care in accordance with rules adopted by the department; or  
4 ~~(k)~~(l) any other medical condition or treatment for a medical condition approved by the legislature.
- 5 (3) "Department" means the department of public health and human services provided for in 2-15-2201.  
6 (4) "Local government" means a county, a consolidated government, or an incorporated city or town.  
7 (5) "Marijuana" has the meaning provided in 50-32-101.  
8 (6) (a) "Marijuana-infused product" means a product that contains marijuana and is intended for use by  
9 a registered cardholder by a means other than smoking.  
10 (b) The term includes but is not limited to edible products, ointments, and tinctures.  
11 (7) (a) "Marijuana-infused products provider" means a Montana resident who meets the requirements  
12 of this part and who has applied for and received a registry identification card to manufacture and provide  
13 marijuana-infused products for a registered cardholder.  
14 (b) The term does not include the cardholder's treating or referral physician.  
15 (8) "Mature marijuana plant" means a harvestable female marijuana plant that is flowering.  
16 (9) "Paraphernalia" has the meaning provided in 45-10-101.  
17 (10) (a) "Provider" means a Montana resident 18 years of age or older who is authorized by the  
18 department to assist a registered cardholder as allowed under this part.  
19 (b) The term does not include the cardholder's treating physician or referral physician.  
20 (11) "Referral physician" means a person who:  
21 (a) is licensed under Title 37, chapter 3;  
22 (b) has an established office in Montana; and  
23 (c) is the physician to whom a patient's treating physician has referred the patient for physical  
24 examination and medical assessment.  
25 (12) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical  
26 condition who has received and maintains a valid registry identification card.  
27 (13) "Registered premises" means the location at which a provider or marijuana-infused products provider  
28 has indicated the person will cultivate or manufacture marijuana for a registered cardholder.  
29 (14) "Registry identification card" means a document issued by the department pursuant to 50-46-303  
30 that identifies a person as a registered cardholder, provider, or marijuana-infused products provider.

- 1 (15) (a) "Resident" means an individual who meets the requirements of 1-1-215.
- 2 (b) An individual is not considered a resident for the purposes of this part if the individual:
- 3 (i) claims residence in another state or country for any purpose; or
- 4 (ii) is an absentee property owner paying property tax on property in Montana.
- 5 (16) "Second degree of kinship by blood or marriage" means a mother, father, brother, sister, son,
- 6 daughter, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law,
- 7 daughter-in-law, grandparent-in-law, grandchild-in-law, stepfather, stepmother, stepbrother, stepsister, stepson,
- 8 stepdaughter, stepgrandparent, or stepgrandchild.
- 9 (17) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12
- 10 inches in diameter.
- 11 (18) "Standard of care" means, at a minimum, the following activities when undertaken by a patient's
- 12 treating physician or referral physician if the treating physician or referral physician is providing written certification
- 13 for a patient with a debilitating medical condition:
- 14 (a) obtaining the patient's medical history;
- 15 (b) performing a relevant and necessary physical examination;
- 16 (c) reviewing prior treatment and treatment response for the debilitating medical condition;
- 17 (d) obtaining and reviewing any relevant and necessary diagnostic test results related to the debilitating
- 18 medical condition;
- 19 (e) discussing with the patient and ensuring that the patient understands the advantages, disadvantages,
- 20 alternatives, potential adverse effects, and expected response to the recommended treatment;
- 21 (f) monitoring the response to treatment and possible adverse effects; and
- 22 (g) creating and maintaining patient records that remain with the physician.
- 23 (19) "Treating physician" means a person who:
- 24 (a) is licensed under Title 37, chapter 3;
- 25 (b) has an established office in Montana; and
- 26 (c) has a bona fide professional relationship with the person applying to be a registered cardholder.
- 27 (20) (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any mixtures
- 28 or preparations of the dried leaves and flowers that are appropriate for the use of marijuana by a person with a
- 29 debilitating medical condition.
- 30 (b) The term does not include the seeds, stalks, and roots of the plant.

1           (21) "Written certification" means a statement signed by a treating physician or referral physician that  
2 meets the requirements of 50-46-310 and is provided in a manner that meets the standard of care."

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

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