

1 HOUSE JOINT RESOLUTION NO. 36

2 INTRODUCED BY S. GUNDERSON

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING AN INTERIM STUDY OF MONTANA'S MEDICAL MARIJUANA LAWS AND
6 REGULATORY SYSTEM; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO
7 THE 66TH LEGISLATURE.

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9 WHEREAS, the 2011 Montana Legislature enacted restrictions on the state's medical marijuana registry
10 program; and

11 WHEREAS, portions of the 2011 law were on hold during a 5-year legal challenge; and

12 WHEREAS, the Montana Supreme Court upheld most of the challenged provisions in 2016, including
13 a provision limiting marijuana and marijuana-infused products providers to growing or manufacturing marijuana
14 for a maximum of three individuals; and

15 WHEREAS, Montana voters approved Initiative Measure No. 182 in November 2016; and

16 WHEREAS, the initiative lifted the limit on the number of people to whom a provider may provide
17 marijuana, allowed for sale of marijuana at dispensaries, and authorized testing laboratories; and

18 WHEREAS, the changes in the state's medical marijuana laws are likely to result in changes that could
19 affect Montana's communities, law enforcement agencies, state agencies, and individuals with debilitating medical
20 conditions; and

21 WHEREAS, the American Herbal Pharmacopoeia and the American Herbal Products Association have
22 developed qualitative standards for the use of marijuana as a botanical medicine; and

23 WHEREAS, the U.S. Supreme Court has long noted that states may operate as "laboratories of
24 democracy" in the development of innovative public policies; and

25 WHEREAS, 29 states and the District of Columbia have enacted laws allowing for medical marijuana use;
26 and

27 WHEREAS, 16 additional states have enacted laws authorizing the medical use of therapeutic
28 compounds extracted from the marijuana plant; and

29 WHEREAS, more than 20 years of state-level experimentation provides a guide for state and federal law
30 and policy related to the medical use of marijuana.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2 STATE OF MONTANA:

3 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
4 section 5-5-217, MCA, to review the Montana Medical Marijuana Act and determine whether additional state
5 regulation of the medical marijuana program is necessary.

6 BE IT FURTHER RESOLVED, that the committee:

7 (1) consider topics related to producing an adequate supply of marijuana for registered cardholders,
8 including but not limited to the amount and type of marijuana that constitutes an adequate supply for a registered
9 cardholder and the methods of determining the number of plants that will provide that supply;

10 (2) review methods for tracking the amount of marijuana cultivated, manufactured, and distributed as
11 a part of the medical marijuana program to ensure that the marijuana is not diverted into the illicit market,
12 including but not limited to review of both paper and electronic recordkeeping methods;

13 (3) review quality control issues, including but not limited to product testing, packaging, and labeling;

14 (4) review the requirements for registered cardholders and for persons who grow, manufacture, test, and
15 sell marijuana, including but not limited to the use of marijuana by minors and the licensing requirements for
16 providers, marijuana-infused products providers, dispensaries, testing laboratories, and their employees;

17 (5) evaluate the current distribution system and alternatives to the current system, including but not
18 limited to the use of dispensaries and the requirement that cardholders must formally assign providers through
19 the Department of Public Health and Human Services;

20 (6) review funding of the current program as well as the potential costs of an expanded regulatory
21 system, if recommended, including but not limited to whether the program should be funded with fees or taxes
22 and whether it should be revenue neutral or should generate revenue;

23 (7) examine the effects of medical marijuana businesses on local government, law enforcement, and
24 schools, including but not limited to ways to mitigate actual or potential effects through regulations, incentives,
25 or other means; and

26 (8) review experiences in other states that regulate medical marijuana to determine whether those
27 experiences could inform proposals for Montana's medical marijuana program.

28 BE IT FURTHER RESOLVED, that the study include the Department of Public Health and Human
29 Services, the Department of Revenue, the Department of Agriculture, registered cardholders, licensed providers
30 and testing laboratories, physicians with a demonstrated knowledge of the use of marijuana to treat debilitating

1 medical conditions, and representatives of local government, law enforcement, schools, and other interested
2 parties.

3 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
4 requirements, be concluded prior to September 15, 2018.

5 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
6 comments, or recommendations of the appropriate committee, be reported to the 66th Legislature.

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