

1 HOUSE BILL NO. 568

2 INTRODUCED BY L. SHELDON-GALLOWAY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO ADULT-USE
5 MARIJUANA DISPENSARIES; PROVIDING LIMITATIONS ON THE NUMBER AND PERMISSIBLE
6 LOCATION OF ADULT-USE DISPENSARIES; AND AMENDING SECTION 16-12-207, MCA."

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

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10 **NEW SECTION. Section 1. Limit on adult-use dispensary licenses for each county.** The number
11 of adult-use dispensaries that may operate in a county must be determined by population according to the most
12 recent federal decennial census, as follows:

13 (1) in a county with a population of fewer than 10,000 inhabitants, not more than one adult-use
14 dispensary; and

15 (2) in a county with a population of more than 10,000 inhabitants, not more than one additional adult-
16 use dispensary for each additional 10,000 inhabitants or major fraction of 10,000 inhabitants, up to a maximum
17 of 10 adult-use dispensaries in a single county.

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19 **Section 2.** Section 16-12-207, MCA, is amended to read:

20 **"16-12-207. (Effective October 1, 2021) Licensing as privilege -- criteria.** (1) An adult-use provider
21 license, adult-use marijuana-infused products provider license, adult-use dispensary license, or endorsement
22 for manufacturing is a privilege that the state may grant to an applicant and is not a right to which an applicant
23 is entitled. In making a licensing decision, the department shall consider:

24 (a) the qualifications of the applicant; and

25 (b) the suitability of the proposed registered premises.

26 (2) The department may deny or revoke a license based on proof that the applicant made a knowing
27 and material false statement in any part of the original application or renewal application.

28 (3) The department may deny an adult-use provider license, adult-use marijuana-infused products

1 provider license, adult-use dispensary license, or endorsement for manufacturing if the applicant's proposed
 2 registered premises is situated within a zone of a locality where an activity related to the use of marijuana
 3 conflicts with an ordinance, a certified copy of which has been filed with the department.

4 (4) (a) The department may deny a license for an adult-use provider, adult-use marijuana-infused
 5 products provider, or adult-use dispensary or an endorsement for manufacturing if the applicant's proposed
 6 registered premises:

7 (i) is not approved by local building, health, or fire officials; or

8 (ii) is within 500-1,000 feet of ~~and on the same street as~~ a building used exclusively as a church,
 9 synagogue, or other place of worship, ~~or as a day-care facility, preschool,~~ school or postsecondary school ~~other~~
 10 ~~than a commercially operated school, unless the locality allows for a reduced distance,~~ or a park, recreational
 11 facility, or playground. This distance must be measured in a straight line from the ~~center of the nearest entrance~~
 12 ~~of the place of worship or school to the nearest entrance of the licensee's premises~~ to the nearest entrance of
 13 the place of worship, day-care facility, preschool, or school or nearest exterior boundary of the park,
 14 recreational facility, or playground.

15 (b) For the purposes of this subsection (4):

16 (i) "preschool", "school", and "postsecondary school" have the meanings provided in 20-5-402; and

17 (ii) "day-care facility" has the meaning provided in 52-2-703.

18 (5) An adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary
 19 licensee may operate at a shared location with a provider, marijuana-infused products provider, or dispensary
 20 as defined in 50-46-302 if the provider, marijuana-infused products provider, or dispensary is owned by the
 21 same person."
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23 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
 24 integral part of Title 16, chapter 12, part 3, and the provisions of Title 16, chapter 12, part 3, apply to [section 1].

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