

## 1 SENATE BILL NO. 156

2 INTRODUCED BY B. BENNETT, P. FIELDER, B. MITCHELL, D. SKEES, K. SULLIVAN, K. BOGNER, P.

3 FLOWERS, C. FRIEDEL

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS FOR THE SALE OF PRODUCTS  
6 RESTRICTED BY AGE; REVISING LAWS FOR THE SALE OF ALCOHOL, TOBACCO, ALTERNATIVE  
7 NICOTINE PRODUCTS, VAPOR PRODUCTS, AND MARIJUANA; PROHIBITING MISUSE OF DATA AND  
8 METADATA FROM SCANS OF DRIVER'S LICENSES; REQUIRING PERIODIC DELETION OF DATA AND  
9 METADATA FROM SCANS OF DRIVER'S LICENSES; AND AMENDING SECTIONS 16-11-305 AND 16-12-  
10 104, MCA."

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

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14 NEW SECTION. **Section 1. Periodic driver's license data destruction.** A business that scans a  
15 person's driver's license to determine the person's age:

- 16 (1) shall only use data or metadata from the scan to determine the person's age;  
17 (2) may not transfer or sell that data or metadata to another party; and  
18 (3) shall permanently delete any data or metadata from the scan within 180 days.

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20 **Section 2.** Section 16-11-305, MCA, is amended to read:

21 "**16-11-305. Sale or distribution of tobacco products, alternative nicotine products, or vapor**  
22 **products to persons under 18 years of age prohibited.** (1) A person may not sell or distribute a tobacco  
23 product, alternative nicotine product, or vapor product to an individual under 18 years of age, whether over the  
24 counter, by vending machine, or otherwise.

25 (2) If there is a reasonable doubt as to the individual's age, the seller shall require presentation of a  
26 driver's license or other generally accepted identification that includes a picture of the individual.

27 (3) If the seller scans a person's driver's license or other identification, the seller shall handle data and  
28 metadata from the scan in accordance with [section 1]."

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2           **Section 3.** Section 16-12-104, MCA, is amended to read:

3           **"16-12-104. (Effective October 1, 2021) Department responsibilities -- licensure.** (1) The  
4 department shall establish and maintain a registry of persons who receive licenses under this chapter. The  
5 department shall issue:

6           (a) licenses:

7           (i) to persons who apply to operate as adult-use providers or adult-use marijuana-infused products  
8 providers and who submit applications meeting the requirements of this chapter; and

9           (ii) for adult-use dispensaries established by adult-use providers or adult-use marijuana-infused  
10 products providers; and

11           (b) endorsements for manufacturing to an adult-use provider or an adult-use marijuana-infused  
12 products provider that applies for a manufacturing endorsement and meets requirements established by the  
13 department by rule.

14           (2) A person who obtains an adult-use provider license, adult-use marijuana-infused products  
15 provider license, or adult-use dispensary license or an employee of a licensed adult-use provider or adult-use  
16 marijuana-infused products provider is authorized to cultivate, manufacture, possess, sell, and transport  
17 marijuana as allowed by this chapter.

18           (3) A person who obtains a testing laboratory license or an employee of a licensed testing laboratory  
19 is authorized to possess, test, and transport marijuana as allowed by this chapter.

20           (4) The department shall conduct criminal history background checks as required by 50-46-307 and  
21 50-46-308 before issuing a license to a person named as a provider or marijuana-infused products provider.

22           (5) Licenses issued pursuant to this chapter must:

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

25           (b) indicate whether an adult-use provider or an adult-use marijuana-infused products provider has an  
26 endorsement for manufacturing;

27           (c) state the date of issuance and the expiration date of the license; and

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

1           (6) (a) The department shall make application forms available and begin accepting applications for  
2 licensure and endorsement under this chapter on or before January 1, 2022.

3           (b) The department shall review the information contained in an application or renewal submitted  
4 pursuant to this chapter and shall approve or deny an application:

5           (i) within 30 days of receiving the application or renewal and all related application materials from an  
6 existing licensed provider or marijuana-infused products provider; and

7           (ii) within 90 days of receiving the application and all related application materials from a new  
8 applicant.

9           (c) If the department fails to act on a completed application within the time allowed under subsection  
10 (6)(b), the department shall:

11           (i) reduce the cost of the licensing fee for a new applicant for licensure or endorsement or for a  
12 licensee seeking renewal of a license by 5% each week that the application is pending; and

13           (ii) allow a licensee to continue operation until the department takes final action.

14           (d) Applications that are not processed within the time allowed under subsection (6)(b) remain active  
15 until the department takes final action.

16           (e) (i) The department may not take final action on an application for a license or renewal of a license  
17 until the department has completed a satisfactory inspection as required by this chapter and related  
18 administrative rules.

19           (ii) Failure by the department to complete the required inspection within the time allowed under  
20 subsection (6)(b) does not prevent an application from being considered complete for the purpose of subsection  
21 (6)(c).

22           (f) The department shall issue a license or endorsement within 5 days of approving an application or  
23 renewal.

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

26           (8) Licenses and endorsements issued to adult-use providers and adult-use marijuana-infused  
27 products providers must be renewed annually.

28           (9) The department shall provide the names and phone numbers of adult-use providers and adult-use

1 marijuana-infused products providers and the city, town, or county where registered premises and testing  
2 laboratories are located to the public on the department's website. The department may not disclose the  
3 physical location or address of an adult-use provider, adult-use marijuana-infused products provider, adult-use  
4 dispensary, or testing laboratory.

5 (10) The department may not prohibit an adult-use provider, adult-use marijuana-infused products  
6 provider, or adult-use dispensary licensee from operating at a shared location with a provider, marijuana-  
7 infused products provider, or dispensary as defined in 50-46-302 if the provider, marijuana-infused products  
8 provider, or dispensary is owned by the same person.

9 (11) (a) The department may not adopt rules requiring a consumer to provide an adult-use provider,  
10 adult-use marijuana-infused products provider, or adult-use dispensary licensee with identifying information  
11 other than identification to determine the consumer's age or require the recording of personal information about  
12 consumers other than information typically required in a retail transaction.

13 (b) The department shall adopt a rule requiring an adult-use provider, adult-use marijuana-infused  
14 products provider, or adult-use dispensary licensee that scans a consumer's driver's license to determine the  
15 consumer's age to handle data and metadata from the scan in accordance with [section 1]."

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17 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an  
18 integral part of Title 16, chapter 3, part 3, and the provisions of Title 16, chapter 3, part 3, apply to [section 1].

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