

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~~ GOVERNMENT OR TRIBAL-ISSUED
9 IDENTIFICATION; REQUIRING PERIODIC DELETION OF DATA AND METADATA FROM SCANS OF
10 DRIVER'S LICENSES GOVERNMENT OR TRIBAL-ISSUED IDENTIFICATION; AND AMENDING SECTIONS
11 16-11-305 AND 16-12-104, MCA."

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

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15 NEW SECTION. Section 1. Periodic driver's license GOVERNMENT OR TRIBAL-ISSUED IDENTIFICATION
16 **data destruction.** A business that scans a person's ~~driver's license~~ GOVERNMENT OR TRIBAL-ISSUED
17 IDENTIFICATION to determine the person's age SOLELY FOR THE SALE OF AGE-RESTRICTED ITEMS:

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

21

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

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

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

1 (3) ~~If the seller scans a person's driver's license or other identification~~ GOVERNMENT OR TRIBAL-ISSUED
 2 IDENTIFICATION, the seller shall handle data and metadata from the scan in accordance with [section 1]."

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

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

8 (a) licenses:

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

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

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

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

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

22 (4) The department shall conduct criminal history background checks as required by 50-46-307 and
 23 50-46-308 before issuing a license to a person named as a provider or marijuana-infused products provider.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (8) Licenses and endorsements issued to adult-use providers and adult-use marijuana-infused

1 products providers must be renewed annually.

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

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

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

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

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20 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
21 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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