HOUSE BILL NO. 568
INTRODUCED BY L. SHELDON-GALLOWAY

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

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

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

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

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

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

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

(a) the qualifications of the applicant; and

(b) the suitability of the proposed registered premises.

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

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

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

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

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

(b) For the purposes of this subsection (4),

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

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

(5) An adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary licensee may operate at a shared location with a provider, marijuana-infused products provider, or dispensary as defined in 50-46-302 if the provider, marijuana-infused products provider, or dispensary is owned by the same person."

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 16, chapter 12, part 3, and the provisions of Title 16, chapter 12, part 3, apply to [section 1].