

1 HOUSE BILL NO. 948
2 INTRODUCED BY S. GALLOWAY
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MARIJUANA LAWS; PROHIBITING THE
5 MANUFACTURE AND DISTRIBUTION OF SYNTHETIC MARIJUANA PRODUCTS; PROVIDING
6 DEFINITIONS; PROVIDING FOR ENFORCEMENT BY DEPARTMENTS AND LAW ENFORCEMENT;
7 PROVIDING FOR RESTRICTIONS BY LOCAL GOVERNMENTS; CLARIFYING UNLAWFUL
8 TRANSACTIONS REGARDING THE DISTRIBUTION OF SYNTHETIC MARIJUANA PRODUCTS TO
9 CHILDREN; CLARIFYING THE OFFENSE OF ALTERING A LABEL ON DANGEROUS DRUGS; REQUIRING
10 PUBLIC REPORTING OF VIOLATIONS; CREATING A TEMPORARY ADVISORY COUNCIL; ESTABLISHING
11 REPORTING REQUIREMENTS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 16-12-101, 16-
12 12-102, 16-12-108, 16-12-125, 16-12-208, 45-5-623, 45-9-105, 50-32-222, AND 80-18-101, MCA; AND
13 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 **NEW SECTION. Section 1. Synthetic marijuana products prohibited -- restriction on sale of**
18 **marijuana products.** (1) A person may not manufacture, process, or offer for sale a synthetic marijuana
19 product.

20 (2) Products containing or consisting of cannabinoids produced and processed for any type of
21 consumption into a human body, whether marketed as containing or consisting of cannabinoids or not, that
22 exceed a THC concentration of 0.3% may only be sold by a manufacturer licensed under 16-12-222 or a
23 dispensary licensed under 16-12-224 unless the products are authorized as a drug by the United States food
24 and drug administration. Products under this section may not exceed the potency levels established in 16-12-
25 224.

26 ~~(3) Products containing a THC concentration of 0.3% or less sold by any person other than a~~
27 ~~licensed manufacturer under 16-12-222 or a licensed dispensary under 16-12-224 must contain at least a 20:1~~

Amendment - 1st Reading/2nd House-blue - Requested by: Fiona Nave - (S) Local Government

- 2023
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Drafter: Erin Sullivan, 406-444-3594

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1 ~~ratio of cannabidiol or other non-THC cannabinoids to THC and may not exceed 2.0.5 milligrams of THC for~~
2 ~~each serving AND MAY NOT EXCEED 2 MILLIGRAMS PER PACKAGE.~~

3 ~~(4)(3)~~ This section does not apply to unadulterated hemp flower that is not further processed into
4 extracts, infused products, or concentrates.

5
6 NEW SECTION. Section 2. Enforcement -- ordinances -- investigations -- INJUNCTIONS --
7 violation. (1) A local government may, by ordinance or otherwise, impose regulations regarding products under
8 [section 1(1) and (3)].

9 (2) The department of agriculture, the department of justice, the department of public health and
10 human services, local sheriff departments, municipal police departments, A COUNTY ATTORNEY'S OFFICE, and the
11 department of revenue may inspect any business to investigate unlawful activity under [section 1(1)].

12 (3) (A) IF AN INVESTIGATION RESULTS IN REASONABLE CAUSE TO BELIEVE THAT A VIOLATION OF [SECTION
13 1] OCCURRED, THE INVESTIGATING AGENCY MAY ISSUE A CEASE AND DESIST ORDER TO BE SERVED PURSUANT TO RULE
14 4, M.R.CIV.P. THE ORDER IS EFFECTIVE UPON SERVICE. PROOF OF SERVICE CONSTITUTES NOTICE TO THE PERSON OF
15 THE EXISTENCE AND CONTENTS OF THE ORDER.

16 (B) THE INVESTIGATING AGENCY MAY ASSESS A PENALTY OF NOT MORE THAN \$1,000 PER DAY FOR EACH
17 DAY A CEASE AND DESIST ORDER ISSUED UNDER THIS SECTION IS VIOLATED. FIFTY PERCENT OF THE PENALTY MUST BE
18 DEPOSITED INTO THE HEALING AND ENDING ADDICTION THROUGH RECOVERY AND TREATMENT ACCOUNT UNDER 16-12-
19 122, AND THE REMAINDER MUST BE DEPOSITED IN THE MARIJUANA STATE SPECIAL REVENUE ACCOUNT UNDER 16-12-
20 111.

21 (4) (A) THE INVESTIGATING AGENCY MAY INSTITUTE AND MAINTAIN IN THE NAME OF THE STATE AN ACTION
22 FOR INJUNCTION OR ANOTHER CIVIL REMEDY IN DISTRICT COURT TO ENFORCE A CEASE AND DESIST ORDER UNDER THIS
23 SECTION. PROOF OF INADEQUACY OF A LEGAL REMEDY OR PROOF OF SUBSTANTIAL OR IRREPARABLE DAMAGE FROM
24 CONTINUED VIOLATION IS NOT REQUIRED. IT IS SUFFICIENT TO CHARGE THAT THE PERSON ENGAGED IN THE UNLAWFUL
25 CONDUCT SUBJECT TO [SECTION 1] ON A CERTAIN DAY IN A CERTAIN COUNTY WITHOUT AVERRING FURTHER OR MORE
26 PARTICULAR FACTS CONCERNING THE VIOLATION.

27 (B) THE DEPARTMENT IS ENTITLED TO ITS COSTS, INCLUDING THE COSTS OF INVESTIGATION AND

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1 **Section 7.** Section 16-12-125, MCA, is amended to read:

2 "**16-12-125. Hotline -- REPORTING -- REFERRALS.** (1) The department shall create and maintain a
3 hotline to receive reports of suspected abuse of the provisions of this chapter.

4 (2) An individual making a complaint must be a resident and shall provide the individual's name,
5 street address, and phone number.

6 (3) (a) The department shall provide a copy of the complaint to the person or licensee that is the
7 subject of the complaint.

8 (b) The department may not redact the individual's name or city of residence from the complaint
9 copy.

10 (4) The department may:

11 (a) investigate reports of suspected abuse of the provisions of this chapter; or

12 (b) refer reports of suspected abuse to the law enforcement agency having jurisdiction in the area
13 where the suspected abuse is occurring.

14 ~~(5) The department shall make available to the public complaints about violations of [section 1(3)],~~
15 ~~including:~~

16 ~~(a) information regarding the types of businesses or products being reported; and~~

17 ~~(b) any disciplinary action taken against a person in violation of [section 1(3)].~~

18 ~~(6)(5) THE DEPARTMENT REPORTS MADE TO THE LEGISLATURE PURSUANT TO 16-12-110 MUST INCLUDE THE~~
19 ~~NUMBER OF INVESTIGATIONS AND COMPLAINTS THE DEPARTMENT REFERRED TO LAW ENFORCEMENT AND THE~~
20 ~~COMPLAINTS' DISPOSITION."~~

21
22 **SECTION 8.** SECTION 16-12-208, MCA, IS AMENDED TO READ:

23 "**16-12-208. Restrictions.** (1) A cultivator or manufacturer may not cultivate marijuana or manufacture
24 marijuana products in a manner that is visible from the street or other public area without the use of binoculars,
25 aircraft, or other optical aids.

26 (2) A cultivator or manufacturer may not cultivate, process, test, or store marijuana at any location
27 other than the licensed premises approved by the department and within an enclosed area that is secured in a