

1 HOUSE BILL NO. 948

2 INTRODUCED BY S. GALLOWAY

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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."

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

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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.

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(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~~  
28 ~~ratio of cannabidiol or other non-THC cannabinoids to THC and may not exceed 2~~ 0.5 milligrams of THC for

1           (5) The department shall make available to the public complaints about violations of [section 1(3)],  
2 including:  
3           (a) information regarding the types of businesses or products being reported; and  
4           (b) any disciplinary action taken against a person in violation of [section 1(3)].  
5           (6) THE DEPARTMENT REPORTS MADE TO THE LEGISLATURE PURSUANT TO 16-12-110 MUST INCLUDE THE  
6 NUMBER OF INVESTIGATIONS AND COMPLAINTS THE DEPARTMENT REFERRED TO LAW ENFORCEMENT AND THE  
7 COMPLAINTS' DISPOSITION."

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

10           **"16-12-208. Restrictions.** (1) A cultivator or manufacturer may not cultivate marijuana or manufacture  
11 marijuana products in a manner that is visible from the street or other public area without the use of binoculars,  
12 aircraft, or other optical aids.

13           (2) A cultivator or manufacturer may not cultivate, process, test, or store marijuana at any location  
14 other than the licensed premises approved by the department and within an enclosed area that is secured in a  
15 manner that prevents access by unauthorized persons.

16           (3) A licensee shall make the licensed premises, books, and records available to the department  
17 for inspection and audit under 16-12-210 during normal business hours.

18           (4) A licensee may not allow a person under 18 years of age to volunteer or work for the licensee.

19           (5) Edible marijuana products manufactured as candy may not be sold in shapes or packages that  
20 are attractive to children or that are easily confused with commercially sold candy that does not contain  
21 marijuana.

22           (6) (a) Marijuana or marijuana products must be sold or otherwise transferred in resealable, child-  
23 resistant exit packaging that complies with federal child resistance standards and is designed to be significantly  
24 difficult for children under 5 years of age to open and not difficult for adults to use properly.

25           (b) (i) Packaging of individual products may contain only the following design elements and  
26 language on a white label:

27           (A) the seller's business name and any accompanying logo or design mark;

28           (B) the name of the product; and

1 (C) the THC content or CBD content, health warning messages as provided in 16-12-215, and  
2 ingredients.

3 (ii) All packaging and outward labeling, including business logos and design marks, must also  
4 comply with any standards or criteria established by the department, including but not limited to allowable  
5 symbols and imagery.

6 (7) An adult-use dispensary or medical marijuana dispensary may not sell or otherwise transfer  
7 hemp flower, hemp plants, synthetic cannabinoids, tobacco, alternative nicotine products, or alcohol from a  
8 licensed premises.

9 (8) (a) Prior to selling, offering for sale, or transferring marijuana or marijuana product that is for  
10 ultimate sale to a consumer or registered cardholder, a licensee or license applicant shall submit both a  
11 package and a label application, in a form prescribed by the department, to receive approval from the  
12 department.

13 (b) The initial submission must be made electronically if required by the department. The licensee  
14 or license applicant shall submit a physical prototype upon request by the department.

15 (c) If a license applicant submits packages and labels for preapproval, final determination for  
16 packages and labels may not be made until the applicant has been issued a license.

17 (d) A packaging and label application must include:

18 (i) a fee provided for in rule by the department;

19 (ii) documentation that all exit packaging has been certified as child-resistant by a federally  
20 qualified third-party child-resistant package testing firm;

21 (iii) a picture or rendering of and description of the item to be placed in each package; and

22 (iv) for label applications for inhalable marijuana products that contain nonmarijuana additives:

23 (A) the nonmarijuana additive's list of ingredients; and

24 (B) in a form and manner prescribed by the department, information regarding the additive or  
25 additives and the manufacturer of the additive or additives.

26 (9) For the purpose of this section, "exit packaging" means a sealed, child-resistant certified  
27 receptacle into which marijuana or marijuana products already within a container are placed at the retail point of  
28 sale."