

HOUSE BILL NO. 373

INTRODUCED BY R. MARSHALL, M. MALONE, T. WELCH, F. ANDERSON, C. KNUDSEN, S. GIST, K. ZOLNIKOV, D. FERN, B. MITCHELL, S. VINTON, T. MOORE, L. BREWSTER, B. MERCER, N. NICOL, M. BINKLEY, B. LER, S. GALLOWAY, E. BUTTREY, D. LOGE, C. HINKLE, J. READ, R. FITZGERALD, M. HOPKINS, J. BERGSTROM, G. PARRY, M. YAKAWICH, S. HINEBAUCH, K. BOGNER, G. KMETZ, J. ETCHART, R. MINER, J. KASSMIER, B. PHALEN, B. BEARD, J. FIELDER, L. HELLEGAARD, T. SMITH, R. KNUDSEN, N. HASTINGS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CRIMINAL OFFENSE OF UNLAWFUL TRANSACTIONS WITH CHILDREN; PROHIBITING SELLING OR GIVING TO CHILDREN A PRODUCT CONTAINING ANY INTOXICATING HEMP-DERIVED CANNABINOID; PROHIBITING SELLING OR GIVING TO CHILDREN A PRODUCT CONTAINING KRATOM; AND AMENDING SECTION 45-5-623, MCA."

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

Section 1. Section 45-5-623, MCA, is amended to read:

"45-5-623. Unlawful transactions with children. (1) Except as provided for in 16-6-305, a person commits the offense of unlawful transactions with children if the person knowingly:

- (a) sells or gives explosives to a child except as authorized under appropriate city ordinances;
(b) sells or gives intoxicating substances other than alcoholic beverages to a child;
(c) sells or gives an alcoholic beverage to a person under 21 years of age;
(d) sells or gives to a child a tobacco product, alternative nicotine product, or vapor product, as

defined in 16-11-302;

(e) sells or gives to a child a product containing any intoxicating hemp-derived cannabinoid, including but not limited to delta-8, delta-9, or delta-10 tetrahydrocannabinol and isomers of delta-8, delta-9, or delta-10 tetrahydrocannabinol;

(f) sells or gives to a child a product containing any quantity of kratom or any parts of the plant Mitragyna speciosa, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or

1 preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine;

2 ~~(e)(g)~~ being a junk dealer, pawnbroker, or secondhand dealer, receives or purchases goods from a  
3 child without authorization of the parent or guardian; or

4 ~~(f)(h)~~ tattoos or provides a body piercing on a child without the explicit in-person consent of the  
5 child's parent or guardian. For purposes of this subsection (1)~~(f)(h)~~, "tattoo" and "body piercing" have the  
6 meaning provided in 50-48-102. Failure to adequately verify the identity of a parent or guardian is not an  
7 excuse for violation of this subsection (1)~~(f)(h)~~.

8 (2) A person convicted of the offense of unlawful transactions with children shall be fined an  
9 amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A  
10 person convicted of a second offense of unlawful transactions with children shall be fined an amount not to  
11 exceed \$1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both. (See compiler's  
12 comments for contingent termination of certain text.)"

13 - END -