

Emerging Issue: Medical Marijuana Decision Points for Draft Legislation

Prepared for the CFHHS Subcommittee on Medical Marijuana
August 2010

At its Aug. 12 meeting, the Children, Families, Health, and Human Services Interim Committee's subcommittee on medical marijuana will review a bill draft reflecting decisions made to date on changes to the Montana Medical Marijuana Act. The table below summarizes issues raised in past meetings but not yet resolved. The table indicates which section of the bill draft contains or would contain the item under discussion.

This table is provided to assist subcommittee members in determining which remaining issues to include in a bill draft and the approach to take to an issue, if it is included. The bill draft does not yet contain provisions related to the regulation of the medical marijuana industry, as that issue is still under review by the subcommittee.

Bill Draft Section	Discussion Item	Include/Change?	Subcommittee Proposals for Language
Section 2	Rename/redefine caregiver		
	Create definition for employee who is not a caregiver		
	Create definition for a grower		
	Consider additional requirements for physician definition, as included in draft		
	Create a definition for plant		
	Change definition of usable marijuana		
	Change definition of written certification		
	Require cardholder to be Montana resident		

Bill Draft Section	Discussion Item	Include/Change?	Subcommittee Proposals for Language
Section 3	Establish acceptable forms of proof for Montana residency or allow the department to define in rule		
	Require 6-month delay before reapplication for a card if card is denied because of false information		
	Allow physician to certify use of medical marijuana for less than 1 year		
	Revoke card for failure to notify DPHHS of changes?		
Section 4	Review and determine which elements to include		
	Determine appropriate licensing agency for caregivers		
	Establish license fee; if so, by statute or rule?		
	Revoke license for failure to note change of address?		
	Reconsider subsection (2)(c)		
Section 5	Review physician affiliation limitations modeled after Colorado law		
Section 6	Time period of revocations for various violations		
Section 7	Revise allowable amount of usable marijuana		
	Allow Montana caregivers to sell to out-of-state cardholders		
	Limit the amount of time during which an out-of-state cardholder may use medical marijuana in Montana		
Section 9	Decide whether to include new provision (4)(b)		
Section 10	Penalty for failure to carry card or license		

Bill Draft Section	Discussion Item	Include/Change?	Subcommittee Proposals for Language
Section 11	Review exception for smoking of medical marijuana in licensed hospice		
	Prohibit medical use in health care facilities		
	Prohibit public smoking and/or use		
	Review new language related to DUI offenses		
	Determine penalty for driving under the influence		
	Include all post-secondary schools		
Section 12	Consider penalty for fraudulent use		
Other	Establish a procedure for adding to the list of debilitating medical conditions		
	Preamble discussing reasons for bill draft		
	Add purpose statement to 50-46-101		
	Consider effective dates		

