

Sullivan, Erin

From: Cosgrove, Courtney
Sent: Friday, August 12, 2022 10:47 AM
To: Sullivan, Erin
Cc: Barbour, Kristan
Subject: definitions for "marijuana product"

Hi Erin,

I was just reviewing the most recent draft of the committee bill and saw the amendment to 20-1-220(5)(b) and the definition of "marijuana product" as "a product that contains marijuana and is intended for use by a consumer. The term includes but is not limited to edible products, ointments, tinctures, marijuana derivatives, marijuana concentrates, and marijuana intended for use by smoking or vaping."

Is this definition is meant to include flower? I assume so, under "marijuana intended for use by smoking." And that makes sense in the Title 20 context.

This new definition is different from the definition of marijuana product from 16-12-102(24) which states that a "marijuana product" means "a product that contains marijuana and is intended for use by a consumer by a means other than smoking. The term includes but is not limited to edible products, ointments, tinctures, marijuana derivatives, and marijuana concentrates." The distinction is that the Title 20 definition includes smokable concentrates (like vape cartridges) whereas ours does not. An important result of our definition is that there is currently no THC limit for concentrates that are intended for use by smoking. Section 16-12-224(8) sets forth THC limits by product type. It does not list concentrates but does include a purported catchall "for any other marijuana product" that sets a value of "no more than 800 mg of THC." But, because "marijuana product" excludes smokable concentrates, the catchall does not apply.

We would like consistency between these definitions, but recognize that the Title 20 definition might need to be more broad to include flower. We need to keep flower distinct from marijuana products for our purposes.

Regardless, we want to make the committee aware of the issue concerning THC limits in vape cartridges and if they are inclined to address it, to propose amending the definition of "marijuana product" in 16-12-102(24) as follows:

"Marijuana product" means a product that contains marijuana and is intended for use by a consumer. The term includes but is not limited to edible products, ointments, tinctures, marijuana derivatives, and marijuana concentrates, including concentrates intended for use by smoking or vaping.

Please let me know if you have any questions.

Thanks,
Courtney

Courtney Cosgrove

Legal Counsel
Cannabis Control Division
Montana Department of Revenue
Courtney.Cosgrove@mt.gov
406-444-3717
125 N Roberts St, Helena MT 59601
MTRevenue.gov



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