

NEW RULE IV MARIJUANA DISPENSARY LICENSES (1) A marijuana

dispensary license allows a marijuana dispensary to sell marijuana and marijuana products to registered cardholders and to consumers 21 years of age and older and to purchase marijuana and marijuana products from licensed cultivators, licensed manufacturers, and other licensed dispensaries.

(2) The department shall begin accepting applications for marijuana dispensaries from applicants that are not former medical marijuana licensees as defined in 16-12-102, MCA, on July 1, 2023.

(3) A former medical marijuana licensee with a dispensary located in a green county may continue to sell to registered cardholders and may begin selling to adult use consumers on January 1, 2022, under its existing license and may apply for a marijuana dispensary license at its next renewal date.

(4) A former medical marijuana licensee with a dispensary located in a red county may only sell to registered cardholders under its existing license until the local government approval process in 16-12-301, MCA, allows for adult use dispensaries.

(5) The fee for a marijuana dispensary license is per licensed premises and is the same regardless of whether a marijuana dispensary licensee sells only to registered cardholders or to registered cardholders and consumers.

(6) A marijuana dispensary licensee and its employees must not sell marijuana or marijuana products to any person obviously or apparently under the influence of drugs or alcohol.

(7) A marijuana dispensary licensee and its employees may sell marijuana paraphernalia to registered cardholders 18 years of age and older.

(8) Marijuana dispensary customers must not handle marijuana or marijuana products outside of its packaging prior to purchase. Customers may not return marijuana or marijuana products unless the items are unopened and in their original packaging. Nothing in this rule prevents a marijuana dispensary licensee from refusing product returns.

(9) A marijuana dispensary licensee and its employees are prohibited from engaging in the unlicensed practice of medicine. A marijuana dispensary licensee and its employees must not:

(a) offer or undertake to diagnose or cure any human or animal disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, by use of marijuana or marijuana products or any other means or instrumentality; or

(b) recommend or suggest modification or elimination of any course of treatment that does not involve the medical use of marijuana or marijuana products.

(10) All sales of marijuana and marijuana products must be recorded in real time in the seed-to-sale tracking system.

(11) A marijuana dispensary licensee and its employees must refuse to sell marijuana or marijuana products to registered cardholders who do not possess and present a valid registry identification card or temporary registry identification card at the time of sale.

(12) A marijuana dispensary licensee and its employees must refuse to sell marijuana or marijuana products to any consumer unless the consumer possesses and presents one of the following forms of valid and unexpired photo identification showing that the consumer is 21 years of age or older:

(a) a driver's license or temporary driver's permit issued by Montana or any other state or territory of the United States;

- (b) an identification card issued by Montana or any other state or territory of the United States for the purpose of proof of age of the holder of the card;
- (c) United States military identification card;
- (d) a Merchant Mariner Credential or other similar document issued by the United States Coast Guard;
- (e) a passport issued by, or recognized by, the United States Government or a permanent resident card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security; or
- (f) a tribal identification card issued by a tribal government which requires proof of the age of the holder of the card for issuance.

~~(13) The prohibition in 16-12-208, MCA, on marijuana dispensaries selling hemp also includes the prohibition of selling cannabidiol products.~~

(13) A marijuana dispensary licensee and its employees cannot sell marijuana or marijuana products in excess of the THC levels provided for in 16-12-224, MCA, except to registered cardholders.

(14) A marijuana dispensary licensee and an employee of a marijuana dispensary licensee may transport marijuana and marijuana products in accordance with 16-12-222(4), MCA, and [NEW RULE V(4) through (15)] but may not transport marijuana or marijuana products of other licensees without a marijuana transporter license.

AUTH: 16-12-112, 16-12-222, MCA

IMP: 16-12-112, 16-12-201, 16-12-222, 16-12-224, MCA