



MARIJUANA COMBINED-USE LICENSES

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MONTANA STATE LEGISLATURE

MARIJUANA COMBINED-USE LICENSES

A new Montana law allows the eight federally recognized tribes the opportunity to sell marijuana across most of the state.

Voters approved Initiative 190 (I-190) in November 2020 to allow recreational marijuana in addition to medical marijuana sales in Montana. House Bill 701 (HB701), passed during the 2021 Legislative Session, implements I-190 with a January 1, 2022 effective date for the recreational marijuana program. Included in HB701 is an 18-month moratorium for new marijuana licensees to enter the market. From January 1, 2022 through June 30, 2023, only former medical marijuana providers are allowed to apply for marijuana business licenses. However, in order to allow the federally recognized tribes in Montana the opportunity to participate in the recreational market immediately, the bill includes a special license that bypasses the moratorium.

COMBINED-USE LICENSE

The combined-use license is specifically for Montana's eight federally recognized tribes or entities that are majority owned by one of the tribes. Each tribe is allowed one combined-use license and may not obtain another combined-use license until the prior license is relinquished, has lapsed, or is revoked.¹

MAKEUP OF COMBINED-USE LICENSE

As outlined in 16-12-225, MCA, the combined-use license consists of "one tier 1 canopy license and one dispensary license allowing for the operation of a dispensary. Cultivation and dispensary facilities must be located at the same licensed premises."² A tier 1 canopy license allows for a cultivator to have one indoor cultivation facility of up to 1,000 square feet of canopy.³

Applicants must satisfy the same licensing requirements as other licensees under the Montana Marijuana Regulation and Taxation Act, and are subject to the same fees and taxes associated with the cultivation and sale of marijuana or marijuana products, including any local option taxes passed in the county in which the business is located.⁴

LOCATION OF COMBINED-USE LICENSE

Operation of a combined-use license is allowed in "green" counties, cities, or municipalities that are located within 150 air-miles of the exterior boundary of the associated tribal reservation of the licensee. For the Little Shell Chippewa tribe, the location must be within 150 air-miles of the tribal service area.

¹ 16-12-225(6), MCA

² 16-12-225(2)

³ 16-12-223(1)(b)(ii)

⁴ 16-12-225(4), (5)

A "green" county, city, or municipality means the majority of voters approved I-190 in the November 3, 2020, general election, and the same county, city, or municipality has not since held an election in which the voters reversed the decision of the 2020 election.

For example, in the 2020 general election, Yellowstone County voted in favor of I-190, so is a "green" county. However, in the 2021 general election, voters in the City of Billings approved a ballot measure prohibiting adult-use dispensary licenses within city limits. Therefore, a tribe that is located within 150 air-miles of Yellowstone County could operate within the county itself but could not locate its combined-use location within the city limits of Billings.

MAJOR CITIES & TOWNS LOCATED IN AUTHORIZED COMBINED-USE LICENSE AREAS

| TRIBE | MAJOR CITIES/TOWNS | TRIBE | MAJOR CITIES/TOWNS |
|--------------------------|---|------------------------------|--|
| BLACKFEET | Great Falls Havre Helena Kalispell Libby Lolo Missoula | CROW | Belgrade Bozeman Forsyth Glendive Laurel Livingston Three Forks |
| FLATHEAD | Butte Great Falls Helena Kalispell Libby Lolo Missoula Three Forks | FORT BELKNAP | Glasgow Great Falls Havre |
| FORT PECK | Forsyth Glasgow Glendive Havre | LITTLE SHELL CHIPPEWA | Belgrade Bozeman Butte Great Falls Havre Helena Kalispell Livingston Lolo Missoula Three Forks |
| NORTHERN CHEYENNE | Forsyth Glendive Lauren | ROCKY BOY'S | Glasgow Great Falls Havre Helena |

AUTHORIZED COMBINED-USE LICENSE AREAS FOR TRIBES

