1	**** BILL NO. ****
2	INTRODUCED BY ****
3	BY REQUEST OF THE ****
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MARIJUANA LAWS; ALLOWING FOR A VARIANCE IN
6	THE MEASUREMENT OF A MARIJUANA PRODUCT SOLD AS A CAPSULE, TINCTURE, TOPICAL
7	PRODUCT, SUPPOSITORY, TRANSDERMAL PATCH, AND OTHER MARIJUANA PRODUCTS; AND
8	AMENDING SECTION 16-12-224, MCA."
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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12	Section 1. Section 16-12-224, MCA, is amended to read:
13	"16-12-224. Licensing of dispensaries. (1) Except as provided in 16-12-201(2), an applicant for a
14	dispensary license shall demonstrate that the local government approval provisions in 16-12-301 have been
15	satisfied in the jurisdiction where each proposed dispensary is located if the proposed dispensary would be
16	located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the
17	November 3, 2020, general election.
18	(2) When evaluating an initial or renewal application, the department shall evaluate each proposed
19	dispensary for compliance with the provisions of 16-12-207 and 16-12-210.
20	(3) An adult-use dispensary licensee may operate at a shared location with a medical marijuana
21	dispensary if the adult-use dispensary and medical marijuana dispensary are owned by the same person.
22	(4) A medical marijuana dispensary is authorized to sell exclusively to registered cardholders
23	marijuana, marijuana products, and live marijuana plants.
24	(5) An adult-use dispensary is authorized to sell marijuana, marijuana products, and live marijuana
25	plants to consumers or registered cardholders.
26	(6) (a) The department shall charge a dispensary license fee for an initial application and at each
27	renewal.
28	(b) The dispensary license fee is \$5,000 for the first location that a licensee operates as an adult-use

1	dispensary or a medical marijuana dispensary. The dispensary license fee increases cumulatively by \$5,000 for	
2	each additional location under the same license.	
3	(7) The department may adopt rules:	
4	(a) for inspection of proposed dispensaries;	
5	(b) for investigating owners or applicants for a determination of financial interest; and	
6	(c) establishing or limiting the THC content of the marijuana or marijuana products that may be sold	
7	at an adult-use dispensary or medical marijuana dispensary.	
8	(8) (a) Marijuana and marijuana products sold at a dispensary are regulated and sold on the basis of	
9	the concentration of THC in the products and not by weight.	
10	(b) Except as provided in subsection (8)(d), for purposes of this chapter, a single package is limited	
11	to:	
12	(i) for marijuana sold as flower, 1 ounce of usable marijuana. The total potential psychoactive THC of	
13	marijuana flower may not exceed 35%.	
14	(ii) for a marijuana product sold as a capsule, no more than 100 milligrams of THC per capsule and	
15	no more than 800 milligrams of THC per package.	
16	(iii) for a marijuana product sold as a tincture, no more than 800 milligrams of THC;	
17	(iv) for a marijuana product sold as an edible or a food product, no more than 100 milligrams of THC.	
18	A single serving of an edible marijuana product may not exceed 10 milligrams of THC.	
19	(v) for a marijuana product sold as a topical product, a concentration of no more than 6% THC and no	
20	more than 800 milligrams of THC per package;	
21	(vi) for a marijuana product sold as a suppository or transdermal patch, no more than 100 milligrams	
22	of THC per suppository or transdermal patch and no more than 800 milligrams of THC per package; and	
23	(vii) for any other marijuana product, no more than 800 milligrams of THC.	
24	(c) There may be a deviation of 10% above or below the allowed amount under subsection	
25	<u>subsections <del>(8)(b)(iv)</del>(8)(b)(ii) through (8)(b)(vii)</u> .	
26	(d) A dispensary may sell marijuana or marijuana products having higher THC potency levels than	
27	described in subsection (8) to registered cardholders.	
28	(9) A licensee or employee is prohibited from conducting a transaction that would result in a	

- 1 consumer or registered cardholder exceeding the personal possession amounts set forth in 16-12-106 and 16-
- 2 12-515."
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