

SENATE BILL NO. 443

INTRODUCED BY G. HERTZ, L. SCHUBERT, L. BENNETT, C. SCHOMER, M. BERTOGLIO, E. BUTTREY, M. CUFFE, J. ELLSWORTH, J. FULLER, N. NICOL, D. LOGE, M. REGIER, M. YAKAWICH, C. GLIMM, G. OBLANDER, J. ETCHART, B. USHER, B. CARTER, T. MCGILLVRAY, M. NOLAND, G. PARRY, K. SEEKINS-CROWE, Z. WIRTH, J. DARLING, B. PHALEN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DRUG LAWS TO REGULATE THC LEVELS; REDUCING THC CONCENTRATIONS; REVISING THC AMOUNTS IN EACH PACKAGE; AND AMENDING SECTION 16-12-224, MCA."

WHEREAS, the people of Montana have suffered great harm and loss of life from the tobacco industry's addictive nicotine products; and

WHEREAS, high-potency THC is more destructive and dangerous than nicotine; and

WHEREAS, high-potency THC is even more destructive to children than adults; and

WHEREAS, pursuant to Article II, section 3, of the Montana Constitution, all persons are born free with the inalienable right to their own health and safety; and

WHEREAS, because Montanans were not born into slavery but rather were born free pursuant to Article II, section 3, we reject the slavery of addiction that comes from the high-potency THC industry and its destructive products; and

WHEREAS, pursuant to the Preamble of the Montana Constitution, Montanans are striving to improve their quality of life and secure their liberty; and

WHEREAS, high-potency THC products are destructive to Montanans' quality of life and liberty; and

WHEREAS, it is proven that high-potency THC products substantially increase the risk of addiction, psychotic episodes, schizophrenia, depression, and anxiety; and

WHEREAS, it is proven that where adult recreational THC products are legalized, the rates of childhood use increase; and

WHEREAS, we will jealously guard the lives of our children and protect them from addiction to destructive drugs like high-potency THC; and

1 WHEREAS, THC exposure causes more severe and permanent damage to a child than to an adult.

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3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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5 **Section 1.** Section 16-12-224, MCA, is amended to read:

6 **"16-12-224. Licensing of dispensaries.** (1) Except as provided in 16-12-201(2), an applicant for a
7 dispensary license shall demonstrate that the local government approval provisions in 16-12-301 have been
8 satisfied in the jurisdiction where each proposed dispensary is located if the proposed dispensary would be
9 located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the
10 November 3, 2020, general election.

11 (2) When evaluating an initial or renewal application, the department shall evaluate each proposed
12 dispensary for compliance with the provisions of 16-12-207 and 16-12-210.

13 (3) An adult-use dispensary licensee may operate at a shared location with a medical marijuana
14 dispensary if the adult-use dispensary and medical marijuana dispensary are owned by the same person.

15 (4) A medical marijuana dispensary is authorized to sell exclusively to registered cardholders
16 marijuana, marijuana products, and live marijuana plants.

17 (5) An adult-use dispensary is authorized to sell marijuana, marijuana products, and live marijuana
18 plants to consumers or registered cardholders.

19 (6) (a) The department shall charge a dispensary license fee for an initial application and at each
20 renewal.

21 (b) The dispensary license fee is \$5,000 for the first location that a licensee operates as an adult-
22 use dispensary or a medical marijuana dispensary. The dispensary license fee increases cumulatively by
23 \$5,000 for each additional location under the same license.

24 (7) The department may adopt rules:

25 (a) for inspection of proposed dispensaries;

26 (b) for investigating owners or applicants for a determination of financial interest; and

27 (c) for establishing or limiting the THC content of the marijuana or marijuana products that may be
28 sold at an ~~adult-use dispensary or a~~ medical marijuana dispensary.

1 (8) (a) Marijuana and marijuana products sold at a dispensary are regulated and sold on the basis
2 of the concentration of THC in the products and not by weight.

3 (b) The THC concentration of any marijuana or marijuana-derived product may not exceed 15%
4 total THC. This includes all forms of marijuana, including but not limited to flower, concentrates, tinctures,
5 edibles, capsules, transdermal patches, and any other infused products. As used in this subsection (8)(b), "total
6 THC" includes Delta-9, THC, THC-A, and THCP converted to delta-9 THC.

7 (b) (c) Except as provided in subsection (8)(d)(e), for purposes of this chapter, a single package is
8 limited to:

9 (i) for marijuana sold as flower, 1 ounce of usable marijuana. The total potential psychoactive
10 THC of marijuana flower may not exceed ~~35%~~ 15%.

11 (ii) for a marijuana product sold as a capsule, no more than 100 milligrams of THC per capsule
12 and no more than 800 milligrams of THC per package.

13 (iii) for a marijuana product sold as a tincture, no more than 800 milligrams of THC;

14 (iv) for a marijuana product sold as an edible or a food product, no more than 100 milligrams of
15 THC. A single serving of an edible marijuana product may not exceed 10 milligrams of THC.

16 (v) for a marijuana product sold as a topical product, a concentration of no more than 6% THC and
17 no more than 800 milligrams of THC per package;

18 (vi) for a marijuana product sold as a suppository or transdermal patch, no more than 100
19 milligrams of THC per suppository or transdermal patch and no more than 800 milligrams of THC per package;
20 and

21 (vii) for any other marijuana product, no more than 800 milligrams of THC.

22 (e) (d) There may be a deviation of 10% above or below the allowed amount under subsection
23 (8)(b)(iv).

24 (d) (e) A dispensary may sell marijuana or marijuana products having higher THC potency levels than
25 described in subsection (8) to registered cardholders.

26 (9) A licensee or employee is prohibited from conducting a transaction that would result in a
27 consumer or registered cardholder exceeding the personal possession amounts set forth in 16-12-106 and 16-
28 12-515."

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