

HOUSE BILL NO. 577

INTRODUCED BY D. ZOLNIKOV

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA MEDICAL MARIJUANA ACT TO INCLUDE PROTECTIONS FOR POSSESSION AND PURCHASE OF FIREARMS; PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM PROVIDING INFORMATION RELATING TO BACKGROUND CHECKS FOR PURCHASE OF FIREARMS; AMENDING SECTION 50-46-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Gun possession and purchase by cardholder. (1) A registered cardholder is not considered to be ineligible to possess a firearm or considered to be an unlawful user of or addicted to a controlled substance as provided in 18 U.S.C. 922(g)(3) and related federal regulations solely because the person uses marijuana for a debilitating medical condition as allowed under this part.

(2) The department may not provide the identity of cardholders to a law enforcement agency for the purpose of facilitating a background check related to the transfer of firearms.

Section 2. Section 50-46-303, MCA, is amended to read:

"50-46-303. Department responsibilities -- issuance of cards and licenses -- confidentiality -- inspections -- reports. (1) The department shall establish and maintain a program for:

(a) the issuance of registry identification cards to Montana residents who have debilitating medical conditions and who submit applications meeting the requirements of this part;

(b) the issuance of licenses:

(i) to persons who apply to operate as providers, marijuana-infused products providers, or testing laboratories and who submit applications meeting the requirements of this part; and

(ii) for dispensaries established by providers or marijuana-infused products providers;

(c) the issuance of endorsements for chemical manufacturing to a provider or a marijuana-infused products provider who applies for a chemical manufacturing endorsement and meets requirements established by the department by rule; and



1 (d) the tracking of marijuana and marijuana-infused products from either the seed or the immature plant
2 stage until the marijuana or marijuana-infused product is sold to a registered cardholder to ensure that the
3 marijuana or marijuana-infused product cultivated, manufactured, possessed, and sold under this part is not sold
4 or otherwise provided to an individual who is not authorized under this part to possess the item. The tracking
5 system must be provided to providers, marijuana-infused products providers, dispensaries, and testing
6 laboratories at no additional cost.

7 (2) (a) An individual who obtains a registry identification card and does not name a provider or
8 marijuana-infused products provider is authorized to cultivate, manufacture, possess, and transport marijuana
9 as allowed by this part.

10 (b) An individual who obtains a registry identification card and names a provider or marijuana-infused
11 products provider is authorized to possess marijuana as allowed by this part.

12 (c) A person who obtains a provider, marijuana-infused products provider, or dispensary license or an
13 employee of a licensee is authorized to cultivate, manufacture, possess, sell, and transport marijuana as allowed
14 by this part.

15 (d) A person who obtains a testing laboratory license or an employee of a licensee is authorized to
16 possess, test, and transport marijuana as allowed by this part.

17 (3) The department shall conduct criminal history background checks as required by 50-46-307 and
18 50-46-308 before issuing a license to a person named as a provider or marijuana-infused products provider.

19 (4) (a) Registry identification cards and licenses issued pursuant to this part must:

20 (i) be laminated and produced on a material capable of lasting for the duration of the time period for
21 which the card or license is valid;

22 (ii) state the name, address, and date of birth of the registered cardholder and of the cardholder's provider
23 or marijuana-infused products provider, if any;

24 (iii) indicate whether a provider or marijuana-infused products provider has an endorsement for chemical
25 manufacturing;

26 (iv) state the date of issuance and the expiration date of the registry identification card or license;

27 (v) contain a unique identification number; and

28 (vi) contain other information that the department may specify by rule.

29 (b) Except as provided in subsection (4)(c), in addition to complying with subsection (4)(a), registry
30 identification cards issued pursuant to this part must:

- 1 (i) include a picture of the registered cardholder; and
- 2 (ii) be capable of being used to track registered cardholder purchases.
- 3 (c) The department may issue temporary identification cards valid for 60 days that do not meet the
- 4 requirements of subsection (4)(b).
- 5 (5) (a) The department shall review the information contained in an application or renewal submitted
- 6 pursuant to this part and shall approve or deny an application or renewal within 30 days of receiving the
- 7 application or renewal and all related application materials.
- 8 (b) The department shall issue a registry identification card, license, or endorsement within 5 days of
- 9 approving an application or renewal.
- 10 (6) Rejection of an application or renewal is considered a final department action, subject to judicial
- 11 review.
- 12 (7) (a) Registry identification cards expire 1 year after the date of issuance unless:
- 13 (i) a physician has provided a written certification stating that a card is valid for a shorter period of time;
- 14 or
- 15 (ii) a registered cardholder changes providers or marijuana-infused products providers.
- 16 (b) Licenses and endorsements issued to providers, marijuana-infused products providers, and testing
- 17 laboratories must be renewed annually.
- 18 (8) (a) A registered cardholder shall notify the department of any change in the cardholder's name,
- 19 address, physician, provider, or marijuana-infused products provider or change in the status of the cardholder's
- 20 debilitating medical condition within 10 days of the change.
- 21 (b) A registered cardholder who possesses mature plants or seedlings under 50-46-319(1) shall notify
- 22 the department of the location of the plants and seedlings or any change of location of plants or seedlings. The
- 23 department shall provide the names and locations of cardholders who possess mature plants or seedlings to the
- 24 local law enforcement agency having jurisdiction in the area in which the plants or seedlings are located. The law
- 25 enforcement agency and its employees are subject to the confidentiality requirements of 50-46-332.
- 26 (c) If a change occurs and is not reported to the department, the registry identification card is void.
- 27 (9) The department shall maintain a confidential list of individuals to whom the department has issued
- 28 registry identification cards. Except as provided in [section 1] and subsections (8)(b) and (10) of this section,
- 29 individual names and other identifying information on the list must be confidential and are not subject to
- 30 disclosure, except to:

1 (a) authorized employees of the department as necessary to perform the official duties of the department;
2 and

3 (b) authorized employees of state or local government agencies, including law enforcement agencies,
4 only as necessary to verify that an individual is a lawful possessor of a registry identification card.

5 (10) The department shall provide the names and phone numbers of providers and marijuana-infused
6 products providers and the city, town, or county where registered premises and testing laboratories are located
7 to the public on the department's website. The department may not disclose the physical location or address of
8 a provider, marijuana-infused products provider, dispensary, or testing laboratory.

9 (11) The department may share only information about providers, marijuana-infused products providers,
10 dispensaries, and testing laboratories with the department of revenue for the purpose of investigation and
11 prevention of noncompliance with tax laws, including but not limited to evasion, fraud, and abuse. The department
12 of revenue and its employees are subject to the confidentiality requirements of 15-64-111(1).

13 (12) The department shall report biannually to the legislature the number of applications for registry
14 identification cards, the number of registered cardholders approved, the nature of the debilitating medical
15 conditions of the cardholders, the number of providers and marijuana-infused products providers licensed, the
16 number of endorsements approved for chemical manufacturing, the number of testing laboratories licensed, the
17 number of dispensaries licensed, the number of registry identification cards and licenses revoked, the number
18 of physicians providing written certification for registered cardholders, and the number of written certifications
19 each physician has provided. The report may not provide any identifying information of cardholders, physicians,
20 providers, marijuana-infused products providers, dispensaries, or testing laboratories.

21 (13) The board of medical examiners shall report annually to the legislature on the number and types of
22 complaints the board has received involving physician practices in providing written certification for the use of
23 marijuana, pursuant to 37-3-203."
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25 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
26 integral part of Title 50, chapter 46, part 3, and the provisions of Title 50, chapter 46, part 3, apply to [section 1].
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28 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.
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