

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: Chairman Roy Brown, on February 6, 2009 at 3:00 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Roy Brown, Chairman (R)
Sen. Terry Murphy, Vice Chairman (R)
Sen. Greg Hinkle (R)
Sen. Cliff Larsen (D)
Sen. Dave Lewis (R)
Sen. Trudi Schmidt (D)

Members Excused:

Sen. Carol C. Juneau (D)

Members Absent: None.

Staff Present: Joan Linkenbach, Committee Secretary
Lisa Mecklenberg Jackson, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 325, 1/31/2009; SB 326,
1/31/2009

Executive Action: SB 44

00:00:49 Chairman Brown

HEARING ON SB 325

Opening Statement by Sponsor:

00:01:26 Sen. Gary Perry (R), SD 35, opened the hearing on SB 325, Clarifying provisions of the Medical Marijuana Act.

Proponents' Testimony:

00:05:24 Pam Bucy, Montana Police Protective Association (MPPA), and the Montana Association of Chiefs of Police (MACOP)
00:05:56 Pat Melby, Montana Medical Association
00:06:33 Craig Allen Campbell, Executive Director, Montana Narcotics Officers Association (MNOA); and Detective, Helena Police Department
00:09:49 Tom Daubert, Government and Public Relations Consultant; Founder of Patients and Family United (PFU)
00:14:23 Bruce Hanson

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:20:51 Chairman Brown
00:21:18 Sen. Perry

Closing by Sponsor:

00:21:21 Sen. Perry

HEARING ON SB 326

Opening Statement by Sponsor:

00:21:46 Sen. Ron Erickson (D), SD 47, opened the hearing on SB 326, Revise medical marijuana laws.

[EXHIBIT \(phs28a01\)](#)

[EXHIBIT \(phs28a02\)](#)

00:22:02 Chairman Brown left the room.
00:22:03 Vice Chairman Murphy assumed the chair.

Proponents' Testimony:

00:31:57 Eric Billings, Caregiver
00:38:18 May Simmons, Patient and Caregiver
00:39:01 Sen. Juneau now present
00:43:34 Bob Meharg, Patient
00:47:08 Anthony Swartz, Patient
00:50:12 Cindy Gaffney, Private Citizen
00:50:59 Allen Matt, Flathead Indian Tribal Member
00:54:48 Mark Higgins, Patient
01:00:14 Chris Lindsey, Criminal Defense Attorney, Patient
01:03:38 Bruce Scharf, Patient
01:06:32 Niki Zupanic, Public Policy Director, American Civil
Liberties Union
01:08:02 Tom Daubert, PFU

EXHIBIT (phs28a03)

01:17:42 Frank Gary
01:19:43 Angela Goodhope
01:20:00 Chairman Brown now present
01:20:13 Sen. Juneau left the room.

Opponents' Testimony:

01:20:22 Bruce Hanson
01:23:09 Sen. Juneau now present
01:25:50 Craig Allen Campbell, MNOA
01:31:15 Pam Bucy, MACOP, MPPA
01:32:56 Pat Melby, MMA

Informational Testimony: None.

Questions from Committee Members and Responses:

01:34:26 Sen. Schmidt
01:35:14 Mr. Daubert, PFU
01:37:57 Sen. Schmidt
01:38:16 Mr. Daubert, PFU
01:39:55 Sen. Larsen
01:41:29 Mr. Daubert, PFU
01:43:11 Sen. Larsen
01:44:03 Mr. Daubert, PFU
01:46:46 Sen. Larsen
01:47:27 Mr. Daubert, PFU
01:47:56 Chairman Brown
01:49:20 Sen. Erickson
01:50:51 Sen. Juneau
01:52:10 Sen. Erickson
01:54:06 Sen. Schmidt

01:54:51 Ms. Simmons
01:57:31 Sen. Schmidt
01:57:42 Ms. Simmons
01:58:31 Sen. Schmidt
01:58:39 Ms. Simmons
02:03:21 Sen. Juneau
02:04:18 Mr. Daubert, PFU
02:05:43 Sen. Juneau
02:06:05 Mr. Daubert, PFU
02:06:28 Sen. Juneau
02:06:55 Sen. Schmidt
02:07:23 Mr. Campbell, MOA
02:08:31 Sen. Schmidt
02:09:06 Mr. Campbell, MOA

Closing by Sponsor:

02:10:07 Sen. Erickson

EXECUTIVE ACTION ON SB 44

SB 44 was previously amended on February 2, 2009. SB004401.apm

02:12:34 Chairman Brown

02:16:30 **Motion:** Sen. Murphy moved that **SB 44 DO PASS.**
EXHIBIT (phs28a04)

02:16:25 Chairman Brown informed committee that amendment
(Exhibit 4) had previously been added to the bill and
was now part of the bill being considered on this date.

02:17:03 **Motion:** Sen. Schmidt moved that **SB 44 BE AMENDED.**
EXHIBIT (phs28a05)

02:18:23 **Motion:** Sen. Murphy corrected his original motion and
moved that **SB 44 DO PASS AS AMENDED.**

Discussion:

02:18:28 Sen. Schmidt

02:18:45 **Motion/Vote:** Sen. Schmidt moved that **SB 44 BE AMENDED.**
(Exhibit 5) Motion carried unanimously by voice vote.

02:19:07 **Motion:** Sen. Murphy moved that **SB 44 DO PASS AS**
AMENDED.

Discussion:

02:19:20 Sen. Schmidt

02:23:11 Sen. Juneau

02:25:18 Sen. Larsen

02:26:58 Sen. Schmidt

02:27:17 Chairman Brown

02:30:36 **Vote:** Motion failed 2-5 by roll call vote with Sen.
Brown and Sen. Larsen voting aye.

02:31:09 Without objection, Chairman Brown reversed the vote and
tabled the bill.

ADJOURNMENT

Adjournment: 5:40 P.M.

Joan Linkenbach, Secretary

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Additional Documents:

EXHIBIT ([phs28aad.pdf](#))