

Emerging Issue: Medical Marijuana

Proposed Changes to LC MM01

Prepared for the Children, Families, Health, and Human Services Interim Committee
August 24, 2010

Background

The Children, Families, Health, and Human Services Interim Committee reviewed draft legislation on Aug. 23, 2010, that revised the Montana Medical Marijuana Act and created a new regulatory structure modeled on recent Colorado legislation.

The Committee made decisions on various aspects of the legislation on Aug. 23, with the intent of reviewing changes to the bill draft on Aug. 24. This document summarizes questions that were decided by the committee and either resulted in the removal or retention of language. Because those changes will not be easily identified if the final bill draft, the changes are summarized below.

Draft Language Removed or Retained from the Bill

The following two tables below reflect the section number in which the provision was located, the general language involved, and the page number on which it was located. The tables must be read in conjunction with the version of LC MM01 dated Aug. 19, 2010.

Section	Language Removed	Page
2	Definitions of immature and mature marijuana plants	5
10	Failure to carry a card or license a misdemeanor	24
11	Prohibition on growing marijuana in a residence unless for personal use	26
14	Formula for determining number of FTE for state licensing authority	28
15	Requirement that the state ask the Drug Enforcement Administration to make marijuana a Schedule II controlled substance	29
17	Optional Colorado language establishing what a provider may charge	34
17	Requirement that state maintain a list of providers to match with cardholders	34/35
22	Denial of license to persons not of good moral character	41/42
22	Exemption for an application for a provider license from the requirement to have paid taxes, child support, or student loans	42
22	Consideration of a license applicant's rehabilitation and references if they had served a sentence for a felony crime	43
30	Sale of medical marijuana limited to between the hours of 8 a.m. and 7 p.m.	51

Section	Language Retained	Page
7	Requiring a provider to maintain records showing that no more than 2 ounces of marijuana is provided to a patient each month	18/19
17	Limiting providers to five patients	34
18	Allowing a dispensary to buy or sell up to 30% of its on-hand inventory	35/36
22	Requiring a licensee to have been a Montana resident for 2 years	43
24	Giving local governments the ability to vary 1,000-foot distance restriction	45
31	Requiring quarterly reporting requirements for licensees	53/54
33	Requiring excess funds in special revenue account revert to general fund	57