

## Summary of Medical Marijuana Work Group Session June 9, 2010

The Medical Marijuana Work Group formed at the direction of the Children, Families, Health, and Human Services Interim Committee focused on finalizing recommendations for the Committee during its third meeting. No additional meetings are scheduled at this time.

The following list contains recommendations by the work group. The ideas for the recommendations generally were raised and discussed either during work group meetings, by state agency representatives, or during the public comment period of the April 27th Committee meeting. The recommendations will be forwarded to the Committee for consideration at its June 28 meeting.

The table below groups the idea by the level of support it received: full support, majority support, split support, or minority support. The work group agreed to forward to the committee any idea that had any level of support. The recommendations will be discussed in more detail in a report to be presented to the Committee on June 28.

<b>Recommendation</b>	<b>Level of Support</b>	<b>MCA Section</b>
Create a regulatory board to license, inspect, and regulate caregivers	Full	New
Establish a tiered level of licensing and regulation based on the number of patients a caregiver serves	Full	New
Review all definitions to determine whether new definitions are needed and existing definitions need refinement (including the need for "grower," "handler," "plant," and "standard of care" definitions; a possible change in use of the term "caregiver;" and issues relating to the definition of "qualifying patient" and "physician")	Full	50-46-102
Allow a parent to select a caregiver for the parent's minor child, while still retaining sole responsibility for obtaining the marijuana and controlling the minor's use	Full	50-46-103(3)
Establish a penalty for a person who has intentionally falsified information on a registry application	Full	New
Revise the confidentiality provisions to allow additional sharing of information among state and local government agencies	Full	50-46-103(8) 50-46-202(1)

<b>Recommendation</b>	<b>Level of Support</b>	<b>MCA Section</b>
Create a new category of person who can handle medical marijuana but is not a caregiver or patient	Full	Throughout
Review the time period for which a patient registry card is valid, with a minimum 1-year standard but the possibility of expanding the length for some conditions or giving doctor the option to shorten or lengthen the time period for which the card is valid or to require follow-up care in less than a year	Full	50-46-107(7)
Clarify that caregivers may also be patients	Full	Throughout
Review and amend the allowable amount of medical marijuana to address variations in weight involving tinctures, edible products, hashish and other forms	Full	
Amend reciprocity statutes to clarify that a person from another state is subject to the provisions of Montana law and to allow Montana caregivers to provide marijuana to out-of-state patients for a specified period of time (with a limit on the number of caregivers a patient could use and a requirement that a patient obtain a Montana card after a certain length of time)	Full	
Establish a procedure for allowing people to petition the state to add medical conditions to the list of debilitating medical conditions; the request would trigger a review process by the state	Full	New
Clarify that school grounds covers any property owned by the school district	Full	50-46-205
Require caregivers and patients to carry their registry cards, similar to driver's license requirements	Full	New
Allow caregivers to sell marijuana to other caregivers in order to meet the needs of their patients, with appropriate "closed-loop" tracking and documentation	Full	New
Establish educational and ethical requirements for caregivers (probably through a board procedure, if one is created)	Majority	New
Prohibit use and possession of medical marijuana on school grounds and school buses	Majority	50-46-205
Review issues related to the definition/diagnosis of chronic pain and physician standards with more input from the medical community	Majority	50-46-102
Establish additional offenses that would prohibit a person from being registered as a caregiver	Majority	50-46-103(4)(b)

<b>Recommendation</b>	<b>Level of Support</b>	<b>MCA Section</b>
Require 50-state background check for caregivers	Majority	New or 50-46-103
Clarify that medical marijuana must be grown in Montana	Majority	New or 50-46-103
Clarify that professional licensing boards may discipline a person for unprofessional conduct	Majority	50-46-201(1) and (4)
Explicitly give local governments the authority to establish limitations on the public use of marijuana	Majority	50-46-205
Require that a medical condition be diagnosed and documented in order for a person to raise the affirmative defense	Majority	50-46-206(1)(a)
Review the language allowing a person to use the affirmative defense if they are providing marijuana for medical use to determine whether it needs to be stricken or amended	Split	50-46-206(1)(b)
Review the use of mass screening clinics to certify the use of medical marijuana and determine whether the issue should be addressed by a regulatory board or in statute	Minority	New
Prohibit a patient from involuntarily exposing anyone else to their medical use of marijuana	Minority	50-46-205

### **The Role of a Regulatory Board**

Participants thought some of the ideas proposed by work group members or by other stakeholders may be more appropriately addressed by a regulatory board, if one is created. These ideas included:

- establishing specific educational and/or ethical requirements for caregivers to obtain licensure
- establishing limits on the amount of marijuana a patient may receive in a given time period
- determining the provisions for inspection of caregiver operations;
- establishing how caregiver-to-caregiver sales would be handled and monitored to ensure that the amount of marijuana involved did not exceed allowable per-patient limits;

### **Participants**

Industry

Rick Rosio, Montana Pain Management

Jason Christ, Ardyce Taylor, and John Phillips, Montana Caregivers Network  
Tom Daubert, Patients & Families United/Montana Cannabis  
Chris Lindsey, attorney  
Jim Gingery, Montana Medical Growers Association  
Rebecca Gross, A Kinder Caregiver, Inc.  
Kenney Lindeman

Law Enforcement/Local Government

Kris Hansen, Deputy Hill County Attorney (via phone)  
Jim Smith, Montana Sheriffs and Peace Officers Association/Montana County Attorneys Association  
Pat Brinkman, Great Falls Police Department  
Greg Sullivan, Bozeman City Attorney

Schools

Aaron Bouschor, Montana School Boards Association

DRAFT