

Montana Cannabis Industry Association v. State, 2016 MT 44 (February 25, 2016)

Provision	Require DPHHS to notify BME of any Dr. who certifies 25 or more patients in a year for marijuana (50-46-303(10))	3 patient limit for provider/2 patient limit for provider who is also registered cardholder (50-46-308(3) & (4))	Provider may not accept anything of value or buy or sell plants, etc. (50-46-308(6)(a) & (b))	Prohibition on advertising marijuana or marijuana-related products (50-46-341)	Prohibition on probationers becoming registered cardholders (50-46-307(4))	Authorization of warrantless inspections of providers' businesses by DPHHS and law enforcement agencies (50-46-329)
District Court Holding	Unconstitutional; fails rational basis review; ENJOINED	Unconstitutional; fails rational basis review; ENJOINED	Unconstitutional; fails rational basis review; ENJOINED	Unconstitutional; fails strict scrutiny; ENJOINED	Constitutional; withstands facial challenge under rational basis review	Constitutional
Supreme Court Majority Opinion	REVERSED; INJUNCTION VACATED.	REVERSED; INJUNCTION VACATED.	AFFIRMED; INJUNCTION UPHELD.	REVERSED; INJUNCTION VACATED.	AFFIRMED.	AFFIRMED.
J. McKinnon (concurring and dissenting) Would uphold all of the provisions of Act as valid exercise of police power.						
J. Rice (concurring and dissenting) Would uphold all of the provisions of Act.						
J. Wheat (dissenting) Would enjoin all of the provisions of the Act.						
Total Vote on Each Provision	6-1	6-1	5-2	6-1	6-1	6-1

**As of February 25, 2016, the only provision of the Marijuana Act that is unconstitutional and permanently enjoined is 50-46-308(6)(a) &(b), which provides:

“(6) A provider or marijuana-infused products provider may not:

- (a) accept anything of value, including monetary remuneration, for any services or products provided to a registered cardholder; [or]
- (b) buy or sell mature marijuana plants, seedlings, cuttings, clones, usable marijuana, or marijuana-infused products”.