

1 HOUSE BILL NO. 636

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MARIJUANA LAWS; RESTRICTING
6 EDIBLE MARIJUANA PRODUCT TYPES, THC SERVING SIZE, AND SERVINGS A PACKAGE; AND
7 AMENDING SECTIONS 16-12-208 AND 16-12-224, MCA."

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

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11 **Section 1.** Section 16-12-208, MCA, is amended to read:

12 **"16-12-208. Restrictions.** (1) A cultivator or manufacturer may not cultivate marijuana or manufacture
13 marijuana products in a manner that is visible from the street or other public area without the use of binoculars,
14 aircraft, or other optical aids.

15 (2) A cultivator or manufacturer may not cultivate, process, test, or store marijuana at any location
16 other than the licensed premises approved by the department and within an enclosed area that is secured in a
17 manner that prevents access by unauthorized persons.

18 (3) A licensee shall make the licensed premises, books, and records available to the department
19 for inspection and audit under 16-12-210 during normal business hours.

20 (4) A licensee may not allow a person under 18 years of age to volunteer or work for the licensee.

21 (5) Edible marijuana products manufactured as:

22 (a) candy may not be sold in shapes or packages that are attractive to children or that are easily
23 confused with commercially sold candy that does not contain marijuana; and

24 (b) desserts may not be sold in shapes or packages that are attractive to children or that are easily
25 confused with common dessert-like products, including but not limited to brownies, cakes, cookies, and
26 cupcakes.

27 (6) (a) Marijuana or marijuana products must be sold or otherwise transferred in resealable, child-
28 resistant exit packaging that complies with federal child resistance standards and is designed to be significantly

1 difficult for children under 5 years of age to open and not difficult for adults to use properly.

2 (b) (i) Packaging of individual products may contain only the following design elements and
3 language on a white label:

4 (A) the seller's business name and any accompanying logo or design mark;

5 (B) the name of the product; and

6 (C) the THC content or CBD content, health warning messages as provided in 16-12-215, and
7 ingredients.

8 (ii) All packaging and outward labeling, including business logos and design marks, must also
9 comply with any standards or criteria established by the department, including but not limited to allowable
10 symbols and imagery.

11 (7) An adult-use dispensary or medical marijuana dispensary may not sell or otherwise transfer
12 hemp flower, hemp plants, synthetic cannabinoids, or alcohol from a licensed premises.

13 (8) (a) Prior to selling, offering for sale, or transferring marijuana or marijuana product that is for
14 ultimate sale to a consumer or registered cardholder, a licensee or license applicant shall submit both a
15 package and a label application, in a form prescribed by the department, to receive approval from the
16 department.

17 (b) The initial submission must be made electronically if required by the department. The licensee
18 or license applicant shall submit a physical prototype upon request by the department.

19 (c) If a license applicant submits packages and labels for preapproval, final determination for
20 packages and labels may not be made until the applicant has been issued a license.

21 (d) A packaging and label application must include:

22 (i) a fee provided for in rule by the department;

23 (ii) documentation that all exit packaging has been certified as child-resistant by a federally
24 qualified third-party child-resistant package testing firm;

25 (iii) a picture or rendering of and description of the item to be placed in each package; and

26 (iv) for label applications for inhalable marijuana products that contain nonmarijuana additives:

27 (A) the nonmarijuana additive's list of ingredients; and

28 (B) in a form and manner prescribed by the department, information regarding the additive or

1 additives and the manufacturer of the additive or additives.

2 (9) For the purpose of this section, "exit packaging" means a sealed, child-resistant certified
3 receptacle into which marijuana or marijuana products already within a container are placed at the retail point of
4 sale."

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6 **Section 2.** Section 16-12-224, MCA, is amended to read:

7 **"16-12-224. Licensing of dispensaries.** (1) Except as provided in 16-12-201(2), an applicant for a
8 dispensary license shall demonstrate that the local government approval provisions in 16-12-301 have been
9 satisfied in the jurisdiction where each proposed dispensary is located if the proposed dispensary would be
10 located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the
11 November 3, 2020, general election.

12 (2) When evaluating an initial or renewal application, the department shall evaluate each proposed
13 dispensary for compliance with the provisions of 16-12-207 and 16-12-210.

14 (3) An adult-use dispensary licensee may operate at a shared location with a medical marijuana
15 dispensary if the adult-use dispensary and medical marijuana dispensary are owned by the same person.

16 (4) A medical marijuana dispensary is authorized to sell exclusively to registered cardholders
17 marijuana, marijuana products, and live marijuana plants.

18 (5) An adult-use dispensary is authorized to sell marijuana, marijuana products, and live marijuana
19 plants to consumers or registered cardholders.

20 (6) (a) The department shall charge a dispensary license fee for an initial application and at each
21 renewal.

22 (b) The dispensary license fee is \$5,000 for the first location that a licensee operates as an adult-
23 use dispensary or a medical marijuana dispensary. The dispensary license fee increases cumulatively by
24 \$5,000 for each additional location under the same license.

25 (7) The department may adopt rules:

26 (a) for inspection of proposed dispensaries;

27 (b) for investigating owners or applicants for a determination of financial interest; and

28 (c) establishing or limiting the THC content of the marijuana or marijuana products that may be

1 sold at an adult-use dispensary or medical marijuana dispensary.

2 (8) (a) Marijuana and marijuana products sold at a dispensary are regulated and sold on the basis
3 of the concentration of THC in the products and not by weight.

4 (b) Except as provided in subsection (8)(d), for purposes of this chapter, a single package is
5 limited to:

6 (i) for marijuana sold as flower, 1 ounce of usable marijuana. The total potential psychoactive
7 THC of marijuana flower may not exceed 35%.

8 (ii) for a marijuana product sold as a capsule, no more than 100 milligrams of THC per capsule
9 and no more than 800 milligrams of THC per package.

10 (iii) for a marijuana product sold as a tincture, no more than 800 milligrams of THC;

11 (iv) for a marijuana product sold as an edible or a food product, no more than 100 milligrams of
12 THC a package. A single serving of an edible marijuana product may not exceed 10-5 milligrams of THC.

13 (v) for a marijuana product sold as a topical product, a concentration of no more than 6% THC and
14 no more than 800 milligrams of THC per package;

15 (vi) for a marijuana product sold as a suppository or transdermal patch, no more than 100
16 milligrams of THC per suppository or transdermal patch and no more than 800 milligrams of THC per package;
17 and

18 (vii) for any other marijuana product, no more than 800 milligrams of THC.

19 (c) There may be a deviation of 10% above or below the allowed amount under subsection
20 (8)(b)(iv).

21 (d) A dispensary may sell marijuana or marijuana products having higher THC potency levels than
22 described in subsection (8) to registered cardholders.

23 (9) A licensee or employee is prohibited from conducting a transaction that would result in a
24 consumer or registered cardholder exceeding the personal possession amounts set forth in 16-12-106 and 16-
25 12-515."

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