

SJ48 1.1 – Legislative Considerations

CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE
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SJ48 1.1 is the first draft of one of two pieces of provisional legislation in response to the committee's study of the public health and safety impacts of recreational marijuana in Montana. The following context and questions provide a framework for committee discussion. Blank space is left after each question for committee members to add notes.

DRAFTED SECTIONS

SECTION 1: DATA DASHBOARD

1. Many requirements of the dashboard can be met with publicly available data sources, including dashboards from the Department of Public Health and Human Services and data from surveys like the Youth Risk Behavior Surveillance System. The sole deviation is certain marijuana sales data, prescribed in subsection (2)(a)(iv); subsection (3) requires the Department of Revenue (DOR) to share this information with LSD.

The Cannabis and Alcohol Regulation Division publishes aggregate data. LSD once maintained a dashboard of sales and revenue data, which was discontinued in July 2024 after DOR stopped publishing county-level sales data because of business privacy concerns. Would the committee still like to include sales data in the dashboard?

2. Data dashboards are an appropriate avenue to concentrate and display data that is collected in a standardized manner and routinely updated. With this in mind, are there any other changes to the content or scope of the data dashboard?

SECTION 2: RECREATIONAL MARIJUANA IMPACT REPORT

3. An impact report is an opportunity to extract key findings from data. Are there any changes to the content or scope of the impact report? What should be unique about this report when compared to products from other entities (i.e., key findings published by Monitoring the Future)? How does CFHHS envision future legislatures will use this report?

4. The current draft requires DPHHS to report to the legislature annually. Many public health data sources conduct surveys every other year. Will there be sufficient annual changes in use patterns, trends, and key findings? Would a less frequent reporting schedule allow DPHHS to observe more meaningful changes?

SECTION 5: CODIFICATION

Sections 1 and 2 are codified in Title 16, chapter 12, part 1 of the Montana Code Annotated. This is the general provisions section for marijuana regulation and taxation.

This may seem like an unusual location for code related to the Legislative Services Division and the Department of Public Health and Human Services; however, legislative oversight by the Economic Affairs Interim Committee is codified in this part ([16-12-110, MCA](#)). Since the intent of sections 1 and 2 is to provide additional oversight of recreational marijuana, SJ 48 1.1 places them in the same location – like coworkers within the same office building.

The HEART Fund (including its report by DPHHS) is also codified in this part ([16-12-122, MCA](#)).

SECTION 3: ONE-TIME REPORT

5. This is a non-codified section that requires LSD to present the data dashboard to CFHHS once during the next interim, at the committee's third regular meeting (usually in November). This report provides the committee and LSD with an opportunity to dialogue about any challenges fulfilling the requirements of the database, such as data access. What else would be helpful for CFHHS to know?

SECTION 4: APPROPRIATIONS

6. Data collection requirements in section 1 require a financial commitment from DOR. The report requires DPHHS staff or contractor time to conduct in-depth statistical and epidemiological analysis. Costs to LSD will include additional staff time to pursue data that is not readily available, to ensure compliance with statutory requirements. This bill will receive a fiscal note from all three of these entities. Would the committee like to include appropriations to these entities? What is the source of each appropriation?

EFFECTIVE DATE & REPORT DATES

The legislative concept distributed at the committee’s March meeting proposed that the first marijuana impact report be submitted by December 1, 2027. Committees rarely meet in December, and the standard date for reports to the legislature, provided for in [5-11-210](#) and [5-11-222](#), MCA, is September 1. This draft aligns the reporting process with the usual committee meeting schedule and the standard reporting requirements, but does not require DPHHS to submit the first report until September of 2028 – this gives the department time to analyze the large volume of data and information required to extract the key findings required by the statute.

There is no effective date in the bill, meaning that the effective date is the “default” of July 1 after a legislative session. LSD would report on the dashboard to the committee at its third meeting, around November 2027. This is approximately four months after the effective date of the bill, providing DOR with a few months to implement the new data collection and sharing efforts required in section 1.

7. Would the committee like to change the effective date for any sections of the bill? (The committee may include multiple effective dates.) Considerations include the time required for DOR to implement new data collection efforts and for DPHHS to both access data and conduct a meaningful analysis.

ANOTHER OPTION

THE “HANDSHAKE” OPTION

The Legislative Services Division has the staff capacity and software to create a marijuana data dashboard using publicly available data – without a bill, and at no cost. (Note that this dashboard would not include data on product type and THC concentration.) If the committee would like this option, we can begin work on the dashboard immediately. Staff can report to this interim committee and the next interim committee on the dashboard status.

8. If the committee opts for the “handshake” dashboard, would it still like an impact report from DPHHS?

STUDY FINDINGS

9. Are there any findings the committee would like to identify in its report, such as data collection gaps? While not part of legislation, study findings are important to the public and to future legislatures.