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Section 1. Section 16-12-224, MCA, is amended to read:

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

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

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

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

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

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

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

(7) The department may adopt rules:

(a) for inspection of proposed dispensaries;

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

(c) for establishing or limiting the THC content of the marijuana or marijuana products that may be sold at an ~~adult-use dispensary or a~~ medical marijuana dispensary.

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

(b) The THC concentration of any marijuana or marijuana-derived product may not exceed 15%

1 total THC. This includes all forms of marijuana, including but not limited to flower, concentrates, tinctures,
 2 edibles, capsules, transdermal patches, and any other infused products. As used in this subsection (8)(b), "total
 3 THC" includes Delta-9, THC, THC-A, and THCP converted to delta-9 THC.

4 ~~(b)~~ (c) Except as provided in subsection (8)~~(d)~~ (e), 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%~~ 15%.

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 single serving of an edible marijuana product may not exceed 10 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 ~~(e)~~ (d) There may be a deviation of 10% above or below the allowed amount under subsection
 20 (8)(b)(iv).

21 ~~(d)~~ (e) 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."

26 - END -