

1 HOUSE BILL NO. 128  
2 INTRODUCED BY J. KASSMIER  
3 BY REQUEST OF THE ECONOMIC AFFAIRS INTERIM COMMITTEE  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MARIJUANA LAWS; REVISING  
6 REPORTS TO THE LEGISLATURE; CLARIFYING PERMISSIVE ACTS AND EXCEPTIONS FOR  
7 REGISTERED CARDHOLDERS; CLARIFYING LIMITATIONS OF THE MONTANA MARIJUANA  
8 REGULATION AND TAXATION ACT; CLARIFYING PENALTIES; REVISING PENALTIES FOR SUSPENDED  
9 LICENSES; COMBINING SECTIONS ON LEGISLATIVE MONITORING; CLARIFYING LEGISLATIVE  
10 MONITORING DUTIES; REMOVING THE IDENTITY DISCLOSURE REQUIREMENT FOR LICENSEE  
11 COMPLAINTS; REMOVING OUTDATED DATES; REMOVING THE BACKGROUND CHECK REQUIREMENT  
12 FOR CERTAIN INDIVIDUALS; EXTENDING THE MORATORIUM FOR NEW MARIJUANA LICENSES;  
13 TRANSFERRING AUTHORITY OVER MARIJUANA TESTING LABORATORIES; CLARIFYING THE  
14 MINIMUM AGE TO ENTER A MARIJUANA BUSINESS; CLARIFYING LEGISLATIVE INTENT ON A  
15 CULTIVATOR'S ABILITY TO INCREASE TIERS; REVISING REQUIREMENTS FOR A COMBINED-USE  
16 LICENSE; REVISING REPORTING REQUIREMENTS FOR EMPLOYEE CONVICTIONS OR VIOLATIONS;  
17 COMBINING SECTIONS ON FRAUDULENT REPRESENTATION; CLARIFYING THE FORMULA FOR  
18 MUNICIPAL TAX REVENUE ALLOCATION; REMOVING CONFLICTING NOTICE REQUIREMENTS;  
19 EXTENDING RULEMAKING AUTHORITY; REVISING DEFINITIONS; PROVIDING AN APPROPRIATION;  
20 AMENDING SECTIONS 5-11-222, 15-64-101, 16-12-102, 16-12-104, 16-12-106, 16-12-108, 16-12-109, 16-12-  
21 110, 16-12-125, 16-12-129, 16-12-201, 16-12-202, 16-12-203, 16-12-206, 16-12-207, 16-12-208, 16-12-209,  
22 16-12-210, 16-12-222, 16-12-223, 16-12-225, 16-12-226, 16-12-301, 16-12-302, 16-12-310, 16-12-311, 16-12-  
23 508, AND 20-1-220, MCA; REPEALING SECTIONS 16-12-524 AND 16-12-532, MCA; AND PROVIDING  
24 EFFECTIVE DATES."  
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26 WHEREAS, during the 2021-2022 interim, the Economic Affairs Interim Committee received testimony  
27 relating to the interpretation and implementation of the Montana Marijuana Regulation and Taxation Act; and

28 WHEREAS, specifically, the committee received testimony that section 16-12-223, MCA, allowed only

1 16-12-532. Legislative monitoring.

2

3 NEW SECTION. Section 30. Appropriation. ~~There~~ For the biennium beginning July 1, 2023, there is  
4 appropriated \$149,285.58 from the marijuana state special revenue account provided for in 16-12-111 to the  
5 department of revenue, which comprises 2 FTE transferred from the department of public health and human  
6 services to the department of revenue.

7

8 NEW SECTION. Section 31. Transition. (1) The legislature directs the department of public health  
9 and human services to assist the department of revenue with the transfer of FTE, information, materials, and  
10 any other marijuana-related assets that the department of revenue considers necessary to implement the  
11 regulation of marijuana testing laboratories in the state and exercise authority over the regulation of marijuana  
12 testing laboratory licensees in the state.

13 (2) On July 1, 2023, the department of public health and human services shall transfer to the  
14 department of revenue the existing endorsements for any marijuana testing laboratory licensees. Existing  
15 endorsements transferred pursuant to this section must be accepted and administered by the department of  
16 revenue.

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18 NEW SECTION. Section 32. Notification to tribal governments. The secretary of state shall send a  
19 copy of [this act] to each federally recognized tribal government in Montana.

20

21 NEW SECTION. Section 33. Effective dates. (1) Except as provided in subsections (2) and (3), [this  
22 act] is effective October 1, 2023.

23 (2) [Sections 3, 8, 11, 13, 20, and 21] and this section are effective on passage and approval.

24 (3) [Sections 12, 14, 15, 17, 18, ~~and 23,~~ and 30] are effective July 1, 2023.

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