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HOUSE BILL NO. 373

INTRODUCED BY R. MARSHALL, M. MALONE, T. WELCH, F. ANDERSON, C. KNUDSEN, S. GIST, K. ZOLNIKOV, D. FERN, B. MITCHELL, S. VINTON, T. MOORE, L. BREWSTER, B. MERCER, N. NICOL, M. BINKLEY, B. LER, S. GALLOWAY, E. BUTTREY, D. LOGE, C. HINKLE, J. READ, R. FITZGERALD, M. HOPKINS, J. BERGSTROM, G. PARRY, M. YAKAWICH, S. HINEBAUCH, K. BOGNER, G. KMETZ, J. ETCHART, R. MINER, J. KASSMIER, B. PHALEN, B. BEARD, J. FIELDER, L. HELLEGAARD, T. SMITH, R. KNUDSEN, N. HASTINGS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CRIMINAL OFFENSE OF UNLAWFUL TRANSACTIONS WITH CHILDREN; PROHIBITING SELLING OR GIVING TO CHILDREN A PRODUCT CONTAINING ~~ANY INTOXICATING HEMP DERIVED CANNABINOID; PROHIBITING SELLING OR GIVING TO CHILDREN A PRODUCT CONTAINING KRATOM~~ CERTAIN SCHEDULED DRUGS; PROVIDING AN EXCEPTION; AND AMENDING SECTION 45-5-623, MCA."

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

Section 1. Section 45-5-623, MCA, is amended to read:

"45-5-623. Unlawful transactions with children. (1) Except as provided for in 16-6-305, a person commits the offense of unlawful transactions with children if the person knowingly:

- (a) sells or gives explosives to a child except as authorized under appropriate city ordinances;
- (b) sells or gives intoxicating substances other than alcoholic beverages to a child;
- (c) sells or gives an alcoholic beverage to a person under 21 years of age;
- (d) sells or gives to a child a tobacco product, alternative nicotine product, or vapor product, as

defined in 16-11-302;

(e) except as provided in subsection (3), sells or gives to a child a product containing any intoxicating hemp-derived cannabinoid, including but not limited to delta-8, delta-9, or delta-10 tetrahydrocannabinol and isomers of delta-8, delta-9, or delta-10 tetrahydrocannabinol;

(f) sells or gives to a child a product containing any quantity of kratom or any parts of the plant



Amendment - 1st Reading-white - Requested by: Jennifer Carlson - (H) Judiciary

- 2023

68th Legislature 2023

Drafter: Rachel Weiss, 406-444-5367

HB0373.001.002

1 Mitragyna speciosa, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or
2 preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine substance listed in
3 50-32-222, 50-32-224, 50-32-226, or 50-32-229;

4 ~~(e)(g)(f)~~ being a junk dealer, pawnbroker, or secondhand dealer, receives or purchases goods from a
5 child without authorization of the parent or guardian; or

6 ~~(f)(h)(g)~~ tattoos or provides a body piercing on a child without the explicit in-person consent of the
7 child's parent or guardian. For purposes of this subsection (1)~~(f)(h)(g)~~, "tattoo" and "body piercing" have the
8 meaning provided in 50-48-102. Failure to adequately verify the identity of a parent or guardian is not an
9 excuse for violation of this subsection (1)~~(f)(h)(g)~~.

10 (2) A person convicted of the offense of unlawful transactions with children shall be fined an
11 amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A
12 person convicted of a second offense of unlawful transactions with children shall be fined an amount not to
13 exceed \$1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both. (See compiler's
14 comments for contingent termination of certain text.)

15 (3) The provisions of subsection (2)(e) do not apply to a person who gives or sells a product
16 containing the substances listed in 50-32-224, 50-32-226, or 50-32-229 to a child when the product is
17 prescribed by a doctor."

18 - END -