

HOUSE BILL NO. 948

INTRODUCED BY S. GALLOWAY

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MARIJUANA LAWS; PROHIBITING THE
5 MANUFACTURE AND DISTRIBUTION OF SYNTHETIC MARIJUANA PRODUCTS; PROVIDING
6 DEFINITIONS; PROVIDING FOR ENFORCEMENT BY DEPARTMENTS AND LAW ENFORCEMENT;
7 PROVIDING FOR RESTRICTIONS BY LOCAL GOVERNMENTS; CLARIFYING UNLAWFUL
8 TRANSACTIONS REGARDING THE DISTRIBUTION OF SYNTHETIC MARIJUANA PRODUCTS TO
9 CHILDREN; CLARIFYING THE OFFENSE OF ALTERING A LABEL ON DANGEROUS DRUGS; REQUIRING
10 PUBLIC REPORTING OF VIOLATIONS; CREATING A TEMPORARY ADVISORY COUNCIL; ESTABLISHING
11 REPORTING REQUIREMENTS; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 16-12-101, 16-
12 12-102, 16-12-108, 16-12-125, 16-12-208, 45-5-623, 45-9-105, 50-32-222, AND 80-18-101, MCA; AND
13 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 NEW SECTION. **Section 1. Synthetic marijuana products prohibited -- restriction on sale of**
18 **marijuana products.** (1) A person may not manufacture, process, or offer for sale a synthetic marijuana
19 product.

20 (2) Products containing or consisting of cannabinoids produced and processed for any type of
21 consumption into a human body, whether marketed as containing or consisting of cannabinoids or not, that
22 exceed a THC concentration of 0.3% may only be sold by a manufacturer licensed under 16-12-222 or a
23 dispensary licensed under 16-12-224 unless the products are authorized as a drug by the United States food
24 and drug administration. Products under this section may not exceed the potency levels established in 16-12-
25 224.

26 ~~(3) Products containing a THC concentration of 0.3% or less sold by any person other than a~~
27 ~~licensed manufacturer under 16-12-222 or a licensed dispensary under 16-12-224 must contain at least a 20:1~~
28 ~~ratio of cannabidiol or other non-THC cannabinoids to THC and may not exceed 2 0.5 milligrams of THC for~~

1 each serving AND MAY NOT EXCEED 2 MILLIGRAMS PER PACKAGE.

2 (3) PRODUCTS CONTAINING A THC CONCENTRATION OF 0.3% OR LESS SOLD BY ANY PERSON OTHER
3 THAN A LICENSED MANUFACTURER UNDER 16-12-222 OR A LICENSED DISPENSARY UNDER 16-12-224 MAY NOT EXCEED
4 0.5 MILLIGRAMS OF THC FOR EACH SERVING AND MAY NOT EXCEED 2 MILLIGRAMS PER PACKAGE.

5 ~~(4)(3)(4)~~ This section does not apply to unadulterated hemp flower that is not further processed
6 into extracts, infused products, or concentrates.

7
8 NEW SECTION. Section 2. Enforcement -- ordinances -- investigations -- INJUNCTIONS --

9 violation. (1) A local government may, by ordinance or otherwise, impose regulations regarding products under
10 [section 1(1) and (3)].

11 (2) The department of agriculture, the department of justice, the department of public health and
12 human services, local sheriff departments, municipal police departments, A COUNTY ATTORNEY'S OFFICE, and the
13 department of revenue may inspect any business to investigate unlawful activity under [section 1(1)].

14 (3) (A) IF AN INVESTIGATION RESULTS IN REASONABLE CAUSE TO BELIEVE THAT A VIOLATION OF [SECTION
15 1] OCCURRED, THE INVESTIGATING AGENCY MAY ISSUE A CEASE AND DESIST ORDER TO BE SERVED PURSUANT TO RULE
16 4, M.R.CIV.P. THE ORDER IS EFFECTIVE UPON SERVICE. PROOF OF SERVICE CONSTITUTES NOTICE TO THE PERSON OF
17 THE EXISTENCE AND CONTENTS OF THE ORDER.

18 (B) THE INVESTIGATING AGENCY MAY ASSESS A PENALTY OF NOT MORE THAN \$1,000 PER DAY FOR EACH
19 DAY A CEASE AND DESIST ORDER ISSUED UNDER THIS SECTION IS VIOLATED. FIFTY PERCENT OF THE PENALTY MUST BE
20 DEPOSITED INTO THE HEALING AND ENDING ADDICTION THROUGH RECOVERY AND TREATMENT ACCOUNT UNDER 16-12-
21 122, AND THE REMAINDER MUST BE DEPOSITED IN THE MARIJUANA STATE SPECIAL REVENUE ACCOUNT UNDER 16-12-
22 111.

23 (4) (A) THE INVESTIGATING AGENCY MAY INSTITUTE AND MAINTAIN IN THE NAME OF THE STATE AN ACTION
24 FOR INJUNCTION OR ANOTHER CIVIL REMEDY IN DISTRICT COURT TO ENFORCE A CEASE AND DESIST ORDER UNDER THIS
25 SECTION. PROOF OF INADEQUACY OF A LEGAL REMEDY OR PROOF OF SUBSTANTIAL OR IRREPARABLE DAMAGE FROM
26 CONTINUED VIOLATION IS NOT REQUIRED. IT IS SUFFICIENT TO CHARGE THAT THE PERSON ENGAGED IN THE UNLAWFUL
27 CONDUCT SUBJECT TO [SECTION 1] ON A CERTAIN DAY IN A CERTAIN COUNTY WITHOUT AVERRING FURTHER OR MORE
28 PARTICULAR FACTS CONCERNING THE VIOLATION.

1 (B) THE DEPARTMENT IS ENTITLED TO ITS COSTS, INCLUDING THE COSTS OF INVESTIGATION AND
2 ATTORNEY FEES, INCURRED IN SEEKING A DISTRICT COURT ORDER UNDER THIS SECTION.

3 (C) A PERSON WHO KNOWINGLY OR PURPOSELY VIOLATES A DISTRICT COURT INJUNCTION UNDER THIS
4 SECTION IS GUILTY OF A FELONY AND SUBJECT TO THE PENALTIES SET FORTH IN 46-18-213.

5 (5) AN OFFICER, AGENT, PARTNER, OR MEMBER OF A BUSINESS ENTITY WHO KNOWINGLY AND PERSONALLY
6 PARTICIPATES IN A VIOLATION OF THIS SECTION IS SUBJECT TO THE PENALTIES PRESCRIBED IN THIS SECTION.

7 (6) THE REMEDIES PROVIDED FOR IN THIS SECTION ARE IN ADDITION TO AND DO NOT LIMIT THE REMEDIES
8 AND ACTIONS OTHERWISE PERMITTED OR REQUIRED BY LAW.

9 ~~(3)~~(7) A violation of [section 1(1)] may be enforced under:

- 10 (a) criminal distribution of dangerous drugs as defined in 45-9-101;
- 11 (b) criminal possession of dangerous drugs as defined in 45-9-102; or
- 12 (c) criminal production or manufacture of dangerous drugs as defined in 45-9-110.

13

14 NEW SECTION. Section 3. Synthetic marijuana products advisory council. (1) The department
15 of revenue shall establish a synthetic marijuana products advisory council in accordance with 2-15-122 that is
16 composed of the following members:

- 17 (a) one member from the department of agriculture;
- 18 (b) one member from the department of justice;
- 19 (c) one member from the department of public health and human services;
- 20 (d) one member from the department of revenue;
- 21 (e) one member from the board of pharmacy;
- 22 (f) two members from the marijuana industry; and
- 23 (g) one public member. The public member must have expertise in:
 - 24 (i) toxicology;
 - 25 (ii) organic chemistry; or
 - 26 (iii) regulatory affairs in nutraceutical, pharmaceutical, or dietary supplements.

27 (2) The department shall provide staff and support services for the advisory council.

28 (3) Members are entitled to reimbursement for travel expenses as provided in 2-18-501 through 2-

1 18-503.

2 (4) The advisory council shall review available research, data, and regulations of other jurisdictions
3 related to synthetic marijuana products, including but not limited to:

4 (a) definitions of the term "impairing" in relation to cannabinoids, as well as definitions of the terms
5 "artificial cannabinoids" and "synthetically derived cannabinoids"; and

6 (b) recommendations on potential guidelines for safe methods of manufacturing, extracting, and
7 synthesizing cannabinoids, including the sale of synthetic marijuana products.

8 (5) The advisory committee shall compile findings and make recommendations in a report to the
9 economic affairs interim committee, in accordance with 5-11-210, regarding regulating synthetic marijuana
10 products in the adult-use marijuana market by September 15, 2024.

11

12 **Section 4.** Section 16-12-101, MCA, is amended to read:

13 **"16-12-101. Short title -- purpose.** (1) This chapter may be cited as the "Montana Marijuana
14 Regulation and Taxation Act".

15 (2) The purpose of this chapter is to:

16 (a) provide for legal possession and use of limited amounts of marijuana legal for adults 21 years
17 of age or older;

18 (b) provide for the licensure and regulation of the cultivation, manufacture, production, distribution,
19 transportation, and sale of marijuana and marijuana products;

20 (c) eliminate the illicit market for marijuana and marijuana products;

21 ~~(d)~~ (d) prevent the manufacture and distribution of synthetic marijuana products;

22 ~~(d)(e)~~ (e) prevent the distribution of marijuana sold under this chapter to persons under 21 years of age;

23 ~~(e)(f)~~ (f) ensure the safety of marijuana and marijuana products;

24 ~~(f)(g)~~ (g) ensure the security of licensed premises;

25 ~~(g)(h)~~ (h) establish reporting requirements for licensees;

26 ~~(h)(i)~~ (i) establish inspection requirements for licensees, including data collection on energy use,
27 chemical use, water use, and packaging waste to ensure a clean and healthy environment;

28 ~~(i)(j)~~ (j) provide for the testing of marijuana and marijuana products by licensed testing laboratories;

1 ~~(j)~~(k) give local governments authority to allow for the operation of marijuana businesses in their
2 community and establishing standards for the cultivation, manufacture, and sale of marijuana that protect the
3 public health, safety, and welfare of residents within their jurisdictions;

4 ~~(k)~~(l) tax the sale of marijuana and marijuana products to provide compensation for the economic
5 and social costs of marijuana;

6 ~~(l)~~(m) authorize courts to resentence persons who are currently serving sentences for acts that are
7 permitted under this chapter or for which the penalty is reduced by this chapter and to redesignate or expunge
8 those offenses from the criminal records of persons who have completed their sentences as set forth in this
9 chapter; and

10 ~~(m)~~(n) preserve and protect Montana's well-established hemp industry by drawing a clear distinction
11 between those participants and programs and the participants and programs associated with the marijuana
12 industry.

13 (3) Marijuana and marijuana products are not agricultural products, and the cultivation, processing,
14 manufacturing or selling of marijuana or marijuana products is not considered agriculture subject to regulation
15 by the department of agriculture unless expressly provided."

16

17 **Section 5.** Section 16-12-102, MCA, is amended to read:

18 **"16-12-102. Definitions.** As used in this chapter, the following definitions apply:

19 (1) "Adult-use dispensary" means a licensed premises from which a person licensed by the
20 department may:

21 (a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or
22 other licensee approved under this chapter; and

23 (b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age
24 or older, or both.

25 (2) "Affiliate" means a person that directly, or indirectly through one or more intermediaries,
26 controls or is controlled by, or is under common control with, another person.

27 (3) "Beneficial owner of", "beneficial ownership of", or "beneficially owns an" is determined in
28 accordance with section 13(d) of the federal Securities and Exchange Act of 1934, as amended.

1 (4) "Canopy" means the total amount of square footage dedicated to live plant production at a
2 licensed premises consisting of the area of the floor, platform, or means of support or suspension of the plant.

3 (5) "Consumer" means a person 21 years of age or older who obtains or possesses marijuana or
4 marijuana products for personal use from a licensed dispensary but not for resale.

5 (6) "Control", "controls", "controlled", "controlling", "controlled by", and "under common control
6 with" mean the possession, direct or indirect, of the power to direct or cause the direction of the management or
7 policies of a person, whether through the ownership of voting owner's interests, by contract, or otherwise.

8 (7) "Controlling beneficial owner" means a person that satisfies one or more of the following:

9 (a) is a natural person, an entity that is organized under the laws of and for which its principal
10 place of business is located in one of the states or territories of the United States or District of Columbia, or a
11 publicly traded corporation, and:

12 (i) acting alone or acting in concert, owns or acquires beneficial ownership of 5% or more of the
13 owner's interest of a marijuana business;

14 (ii) is an affiliate that controls a marijuana business and includes, without limitation, any manager;
15 or

16 (iii) is otherwise in a position to control the marijuana business; or

17 (b) is a qualified institutional investor acting alone or acting in concert that owns or acquires
18 beneficial ownership of more than 15% of the owner's interest of a marijuana business.

19 (8) "Correctional facility or program" means a facility or program that is described in 53-1-202(2) or
20 (3) and to which an individual may be ordered by any court of competent jurisdiction.

21 (9) "Cultivator" means a person licensed by the department to:

22 (a) plant, cultivate, grow, harvest, and dry marijuana; and

23 (b) package and relabel marijuana produced at the location in a natural or naturally dried form that
24 has not been converted, concentrated, or compounded for sale through a licensed dispensary.

25 (10) "Debilitating medical condition" means:

26 (a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune
27 deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the
28 patient's health status;

- 1 (b) cachexia or wasting syndrome;
- 2 (c) severe chronic pain that is a persistent pain of severe intensity that significantly interferes with
- 3 daily activities as documented by the patient's treating physician;
- 4 (d) intractable nausea or vomiting;
- 5 (e) epilepsy or an intractable seizure disorder;
- 6 (f) multiple sclerosis;
- 7 (g) Crohn's disease;
- 8 (h) painful peripheral neuropathy;
- 9 (i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;
- 10 (j) admittance into hospice care in accordance with rules adopted by the department; or
- 11 (k) posttraumatic stress disorder.
- 12 (11) "Department" means the department of revenue provided for in 2-15-1301.
- 13 (12) (a) "Employee" means an individual employed to do something for the benefit of an employer.
- 14 (b) The term includes a manager, agent, or director of a partnership, association, company,
- 15 corporation, limited liability company, or organization.
- 16 (c) The term does not include a third party with whom a licensee has a contractual relationship.
- 17 (13) (a) "Financial interest" means a legal or beneficial interest that entitles the holder, directly or
- 18 indirectly through a business, an investment, or a spouse, parent, or child relationship, to 5% or more of the net
- 19 profits or net worth of the entity in which the interest is held.
- 20 (b) The term does not include interest held by a bank or licensed lending institution or a security
- 21 interest, lien, or encumbrance but does include holders of private loans or convertible securities.
- 22 (14) "Former medical marijuana licensee" means a person that was licensed by or had an
- 23 application for licensure pending with the department of public health and human services to provide marijuana
- 24 to individuals with debilitating medical conditions on November 3, 2020.
- 25 (15) (a) "Indoor cultivation facility" means an enclosed area used to grow live plants that is within a
- 26 permanent structure using artificial light exclusively or to supplement natural sunlight.
- 27 (b) The term may include:
- 28 (i) a greenhouse;

1 (ii) a hoop house; or

2 (iii) a similar structure that protects the plants from variable temperature, precipitation, and wind.

3 (16) "Licensed premises" means all locations related to, or associated with, a specific license that is
4 authorized under this chapter and includes all enclosed public and private areas at the location that are used in
5 the business operated pursuant to a license, including offices, kitchens, restrooms, and storerooms.

6 (17) "Licensee" means a person holding a state license issued pursuant to this chapter.

7 (18) "Local government" means a county, a consolidated government, or an incorporated city or
8 town.

9 (19) "Manufacturer" means a person licensed by the department to convert or compound marijuana
10 into marijuana products, marijuana concentrates, or marijuana extracts and package, repackage, label, or
11 relabel marijuana products as allowed under this chapter.

12 (20) (a) "Marijuana" means all plant material from the genus Cannabis containing
13 tetrahydrocannabinol (THC) or seeds of the genus capable of germination.

14 (b) The term does not include hemp, ~~including any part of that plant, including the seeds and all~~
15 ~~derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a~~
16 ~~delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or commodities or~~
17 ~~products manufactured with hemp, or any other ingredient combined with marijuana to prepare topical or oral~~
18 ~~administrations, food, drink, or other products as provided in 80-18-101.~~

19 (c) The term does not include synthetic marijuana products.

20 ~~(e)(d)~~ The term does not include a drug approved by the United States food and drug administration
21 pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, et seq.

22 (21) "Marijuana business" means a cultivator, manufacturer, adult-use dispensary, medical
23 marijuana dispensary, combined-use marijuana licensee, testing laboratory, marijuana transporter, or any other
24 business or function that is licensed by the department under this chapter.

25 (22) "Marijuana concentrate" means any type of marijuana product consisting wholly or in part of the
26 resin extracted from any part of the marijuana plant.

27 (23) "Marijuana derivative" means any mixture or preparation of the dried leaves, flowers, resin, or
28 byproducts of the marijuana plant, including but not limited to marijuana concentrates and other marijuana

1 products.

2 (24) "Marijuana product" means a product that contains marijuana and is intended for use by a
3 consumer by a means other than smoking. The term includes but is not limited to edible products, ointments,
4 tinctures, marijuana derivatives, and marijuana concentrates.

5 (25) "Marijuana transporter" means a person that is licensed to transport marijuana and marijuana
6 products from one marijuana business to another marijuana business, or to and from a testing laboratory, and
7 to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but
8 is not authorized to sell marijuana or marijuana products to consumers under any circumstances.

9 (26) "Mature marijuana plant" means a harvestable marijuana plant.

10 (27) "Medical marijuana" means marijuana or marijuana products that are for sale solely to a
11 cardholder who is registered under Title 16, chapter 12, part 5.

12 (28) "Medical marijuana dispensary" means the location from which a registered cardholder may
13 obtain marijuana or marijuana products.

14 (29) "Outdoor cultivation" means live plants growing in an area exposed to natural sunlight and
15 environmental conditions including variable temperature, precipitation, and wind.

16 (30) "Owner's interest" means the shares of stock in a corporation, a membership in a nonprofit
17 corporation, a membership interest in a limited liability company, the interest of a member in a cooperative or in
18 a limited cooperative association, a partnership interest in a limited partnership, a partnership interest in a
19 partnership, and the interest of a member in a limited partnership association.

20 (31) "Paraphernalia" has the meaning provided for "drug paraphernalia" in 45-10-101.

21 (32) "Passive beneficial owner" means any person acquiring an owner's interest in a marijuana
22 business that is not otherwise a controlling beneficial owner or in control.

23 (33) "Person" means an individual, partnership, association, company, corporation, limited liability
24 company, or organization.

25 (34) "Qualified institutional investor" means:

26 (a) a bank or banking institution including any bank, trust company, member bank of the federal
27 reserve system, bank and trust company, stock savings bank, or mutual savings bank that is organized and
28 doing business under the laws of this state, any other state, or the laws of the United States;

1 (b) a bank holding company as defined in 32-1-109;

2 (c) a company organized as an insurance company whose primary and predominant business
3 activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is
4 subject to regulation or oversight by the insurance department of the office of the state auditor or a similar
5 agency of another state, or any receiver or similar official or any liquidating agent for such a company, in their
6 capacity as such an insurance company;

7 (d) an investment company registered under section 8 of the federal Investment Company Act of
8 1940, as amended;

9 (e) an employee benefit plan or pension fund subject to the federal Employee Retirement Income
10 Security Act of 1974, excluding an employee benefit plan or pension fund sponsored by a licensee or an
11 intermediary holding company licensee that directly or indirectly owns 10% or more of a licensee;

12 (f) a state or federal government pension plan; or

13 (g) any other entity identified by rule by the department.

14 (35) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical
15 condition who has received and maintains a valid registry identification card.

16 (36) "Registry identification card" means a document issued by the department pursuant to 16-12-
17 503 that identifies an individual as a registered cardholder.

18 (37) (a) "Resident" means an individual who meets the requirements of 1-1-215.

19 (b) An individual is not considered a resident for the purposes of this chapter if the individual:

20 (i) claims residence in another state or country for any purpose; or

21 (ii) is an absentee property owner paying property tax on property in Montana.

22 (38) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height
23 and 12 inches in diameter.

24 (39) "State laboratory" means the laboratory operated by the department of public health and
25 human services to conduct environmental analyses.

26 (40) "Synthetic cannabinoids" has the meaning provided in 50-32-222 and includes any
27 cannabinoids produced artificially, whether from chemical synthesis or biosynthesis using recombinant
28 biological agents, including but not limited to yeast and algae.

1 (41) "Synthetic marijuana product" means marijuana or marijuana products that contain synthetic
2 cannabinoids.

3 ~~(40)~~(42) "Testing laboratory" means a qualified person, licensed under this chapter that:

4 (a) provides testing of representative samples of marijuana and marijuana products; and

5 (b) provides information regarding the chemical composition and potency of a sample, as well as
6 the presence of molds, pesticides, or other contaminants in a sample.

7 ~~(41)~~(43) (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant that are
8 appropriate for the use of marijuana by an individual.

9 (b) The term does not include the seeds, stalks, and roots of the plant. (Subsection (15)(b)(ii)
10 terminates October 1, 2023--sec. 117(1), Ch. 576, L. 2021.)"

11

12 **Section 6.** Section 16-12-108, MCA, is amended to read:

13 "**16-12-108. Limitations of act.** (1) This chapter does not permit:

14 (a) any individual to operate, navigate, or be in actual physical control of a motor vehicle, train,
15 aircraft, motorboat, or other motorized form of transport while under the influence of marijuana or marijuana
16 products;

17 (b) consumption of marijuana or marijuana products while operating or being in physical control of
18 a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated;

19 (c) smoking or consuming marijuana while riding in the passenger seat within an enclosed
20 compartment of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being
21 operated;

22 (d) production, delivery, distribution, purchase, or consumption of synthetic marijuana products;

23 ~~(d)~~(e) delivery or distribution of marijuana or marijuana products, with or without consideration, to a
24 person under 21 years of age;

25 ~~(e)~~(f) purchase, consumption, or use of marijuana or marijuana products by a person under 21 years
26 of age;

27 ~~(f)~~(g) possession or transport of marijuana or marijuana products by a person under 21 years of age
28 unless the underage person is at least 18 years of age and is an employee of a marijuana business licensed

1 under this chapter and engaged in work activities;

2 ~~(g)~~(h) possession or consumption of marijuana or marijuana products or possession of marijuana
3 paraphernalia:

4 (i) on the grounds of any property owned or leased by a school district, a public or private
5 preschool, school, or postsecondary school as defined in 20-5-402;

6 (ii) in a school bus or other form of public transportation;

7 (iii) in a health care facility as defined in 50-5-101;

8 (iv) on the grounds of any correctional facility; or

9 (v) in a hotel or motel room;

10 ~~(h)~~(i) using marijuana or marijuana products in a location where smoking tobacco is prohibited;

11 ~~(i)~~(j) consumption of marijuana or marijuana products in a public place, except as allowed by the
12 department;

13 ~~(j)~~(k) conduct that endangers others;

14 ~~(k)~~(l) undertaking any task while under the influence of marijuana or marijuana products if doing so
15 would constitute negligence or professional malpractice; or

16 ~~(l)~~(m) performing solvent-based extractions on marijuana using solvents other than water, glycerin,
17 propylene glycol, vegetable oil, or food-grade ethanol unless licensed for this activity by the department.

18 (2) A person may not cultivate marijuana in a manner that is visible from the street or other public
19 area.

20 (3) A hospice or residential care facility licensed under Title 50, chapter 5, may adopt a policy that
21 allows use of marijuana by a registered cardholder.

22 (4) Nothing in this chapter may be construed to:

23 (a) require an employer to permit or accommodate conduct otherwise allowed by this chapter in
24 any workplace or on the employer's property;

25 (b) prohibit an employer from disciplining an employee for violation of a workplace drug policy or
26 for working while intoxicated by marijuana or marijuana products;

27 (c) prevent an employer from declining to hire, discharging, disciplining, or otherwise taking an
28 adverse employment action against an individual with respect to hire, tenure, terms, conditions, or privileges of

1 employment because of the individual's violation of a workplace drug policy or intoxication by marijuana or
2 marijuana products while working;

3 (d) prohibit an employer from including in any contract a provision prohibiting the use of marijuana
4 for a debilitating medical condition; or

5 (e) permit a cause of action against an employer for wrongful discharge pursuant to 39-2-904 or
6 discrimination pursuant to 49-1-102.

7 (5) Nothing in this chapter may be construed to prohibit a person from prohibiting or otherwise
8 regulating the consumption, cultivation, distribution, processing, sale, or display of marijuana, marijuana
9 products, and marijuana paraphernalia on private property the person owns, leases, occupies, or manages,
10 except that a lease agreement executed after January 1, 2021, may not prohibit a tenant from lawfully
11 possessing and consuming marijuana by means other than smoking unless required by federal law or to obtain
12 federal funding.

13 (6) A licensee who violates 15-64-103 or 15-64-104 or fails to pay any other taxes owed to the
14 department under Title 15 is subject to revocation of the person's license from the date of the violation until a
15 period of up to 1 year after the department certifies compliance with 15-64-103 or 15-64-104.

16 (7) Unless specifically exempted by this chapter, the provisions of Title 45, chapter 9, apply to the
17 conduct of consumers, licensees, and registered cardholders."
18

19 **Section 7.** Section 16-12-125, MCA, is amended to read:

20 **"16-12-125. Hotline -- REPORTING -- REFERRALS.** (1) The department shall create and maintain a
21 hotline to receive reports of suspected abuse of the provisions of this chapter.

22 (2) An individual making a complaint must be a resident and shall provide the individual's name,
23 street address, and phone number.

24 (3) (a) The department shall provide a copy of the complaint to the person or licensee that is the
25 subject of the complaint.

26 (b) The department may not redact the individual's name or city of residence from the complaint
27 copy.

28 (4) The department may:

- 1 (a) investigate reports of suspected abuse of the provisions of this chapter; or
- 2 (b) refer reports of suspected abuse to the law enforcement agency having jurisdiction in the area
- 3 where the suspected abuse is occurring.

4 ~~(5) The department shall make available to the public complaints about violations of [section 1(3)],~~
5 ~~including:~~

- 6 ~~(a) information regarding the types of businesses or products being reported; and~~
- 7 ~~(b) any disciplinary action taken against a person in violation of [section 1(3)].~~

8 (5) THE DEPARTMENT SHALL MAKE AVAILABLE TO THE PUBLIC COMPLAINTS ABOUT VIOLATIONS OF
9 [SECTION 1(3)], INCLUDING:

- 10 (A) INFORMATION REGARDING THE TYPES OF BUSINESSES OR PRODUCTS BEING REPORTED; AND
- 11 (B) ANY DISCIPLINARY ACTION TAKEN AGAINST A PERSON IN VIOLATION OF [SECTION 1(3)].

12 ~~(6)(5)(6) THE DEPARTMENT REPORTS MADE TO THE LEGISLATURE PURSUANT TO 16-12-110 MUST~~
13 ~~INCLUDE THE NUMBER OF INVESTIGATIONS AND COMPLAINTS THE DEPARTMENT REFERRED TO LAW ENFORCEMENT AND~~
14 ~~THE COMPLAINTS' DISPOSITION."~~

15

16 **SECTION 8. SECTION 16-12-208, MCA, IS AMENDED TO READ:**

17 **"16-12-208. Restrictions.** (1) A cultivator or manufacturer may not cultivate marijuana or manufacture
18 marijuana products in a manner that is visible from the street or other public area without the use of binoculars,
19 aircraft, or other optical aids.

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

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

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

26 (5) Edible marijuana products manufactured as candy may not be sold in shapes or packages that
27 are attractive to children or that are easily confused with commercially sold candy that does not contain
28 marijuana.

1 (6) (a) Marijuana or marijuana products must be sold or otherwise transferred in resealable, child-
2 resistant exit packaging that complies with federal child resistance standards and is designed to be significantly
3 difficult for children under 5 years of age to open and not difficult for adults to use properly.

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

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

7 (B) the name of the product; and

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

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

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

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

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

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

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

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

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

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

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

- 1 (A) the nonmarijuana additive's list of ingredients; and
2 (B) in a form and manner prescribed by the department, information regarding the additive or
3 additives and the manufacturer of the additive or additives.

4 (9) For the purpose of this section, "exit packaging" means a sealed, child-resistant certified
5 receptacle into which marijuana or marijuana products already within a container are placed at the retail point of
6 sale."
7

8 **Section 9.** Section 45-5-623, MCA, is amended to read:

9 **"45-5-623. Unlawful transactions with children.** (1) Except as provided for in 16-6-305, a person
10 commits the offense of unlawful transactions with children if the person knowingly:

- 11 (a) sells or gives explosives to a child except as authorized under appropriate city ordinances;
12 (b) sells or gives intoxicating substances other than alcoholic beverages to a child;
13 (c) sells or gives an alcoholic beverage to a person under 21 years of age;
14 (d) sells or gives to a child a tobacco product, alternative nicotine product, or vapor product, as
15 defined in 16-11-302;

16 (e) sells or gives to a child a synthetic marijuana product, as defined in 16-12-102;

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

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

23 (2) A person convicted of the offense of unlawful transactions with children shall be fined an
24 amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A
25 person convicted of a second offense of unlawful transactions with children shall be fined an amount not to
26 exceed \$1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both. (See compiler's
27 comments for contingent termination of certain text.)"
28

1 **Section 10.** Section 45-9-105, MCA, is amended to read:

2 **"45-9-105. Altering labels on dangerous drugs.** (1) A person commits the offense of altering labels
3 on dangerous drugs if the person affixes a false, forged, or altered label to or otherwise misrepresents a
4 package or receptacle containing a dangerous drug, as defined in 50-32-101.

5 (2) The offense of altering labels on dangerous drugs includes falsely labeling or otherwise
6 misrepresenting marijuana or a marijuana product, as those terms are defined in 16-12-102, as hemp, as
7 defined in 80-18-101."

8

9 **Section 11.** Section 50-32-222, MCA, is amended to read:

10 **"50-32-222. Specific dangerous drugs included in Schedule I.** Schedule I consists of the drugs
11 and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this
12 section.

13 (1) Opiates. Unless specifically excepted or listed in another schedule, any of the following are
14 opiates, including isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the
15 existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation:

16 (a) acetyl-alpha-methylfentanyl, also known as N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-
17 phenylacetamide;

18 (b) acetylmethadol, also known as 4-(dimethylamino)-1-ethyl-2,2-diphenylpentyl acetate or
19 methadyl acetate;

20 (c) allylprodine, also known as 1-methyl-4-phenyl-3-(prop-2-en-1-yl)piperidin-4-yl propanoate;

21 (d) alphacetylmethadol, except levo-alphacetylmethadol, also known as levo-alpha-
22 acetylmethadol, levomethadyl acetate, or LAAM;

23 (e) alphameprodine;

24 (f) alphamethadol;

25 (g) alpha-methylfentanyl, also known as (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]
26 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

27 (h) alpha-methylthiofentanyl, also known as N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-
28 phenylpropanamide;

- 1 (i) benzethidine;
- 2 (j) betacetylmethadol;
- 3 (k) beta-hydroxyfentanyl, also known as N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-
4 phenylpropanamide;
- 5 (l) beta-hydroxy-3-methylfentanyl, also known as N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-
6 piperidinyl]-N-phenylpropanamide;
- 7 (m) betameprodine;
- 8 (n) betamethadol;
- 9 (o) betaprodine;
- 10 (p) clonitazene;
- 11 (q) dextromoramide;
- 12 (r) diampromide;
- 13 (s) diethylthiambutene;
- 14 (t) difenoxin;
- 15 (u) dimenoxadol;
- 16 (v) dimepheptanol;
- 17 (w) dimethylthiambutene;
- 18 (x) dioxaphetyl butyrate;
- 19 (y) dipipanone;
- 20 (z) ethylmethylthiambutene;
- 21 (aa) etonitazene;
- 22 (bb) etoxeridine;
- 23 (cc) furethidine;
- 24 (dd) hydroxypethidine;
- 25 (ee) ketobemidone;
- 26 (ff) levomoramide;
- 27 (gg) levophenacymorphan;
- 28 (hh) 3-methylfentanyl, also known as N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-

- 1 phenylpropanamide;
- 2 (ii) 3-methylthiofentanyl, also known as N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-
- 3 phenylpropanamide;
- 4 (jj) morpheridine;
- 5 (kk) MPPP, also known as desmethylprodine and (1-methyl-4-phenyl-4-propionoxypiperidine);
- 6 (ll) noracymethadol;
- 7 (mm) norlevorphanol;
- 8 (nn) normethadone;
- 9 (oo) norpipanone;
- 10 (pp) para-fluorofentanyl, also known as N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
- 11 piperidinyl]propanamide;
- 12 (qq) PEPAP, also known as (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 13 (rr) phenadoxone;
- 14 (ss) phenampromide;
- 15 (tt) phenomorphan;
- 16 (uu) phenoperidine;
- 17 (vv) piritramide;
- 18 (ww) proheptazine;
- 19 (xx) properidine;
- 20 (yy) propiram;
- 21 (zz) racemoramide;
- 22 (aaa) thiofentanyl, also known as N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;
- 23 (bbb) tilidine; and
- 24 (ccc) trimeperidine.
- 25 (2) For the purposes of subsection (1)(hh), the term "isomer" includes the optical, positional, and
- 26 geometric isomers.
- 27 (3) Opium derivatives. Unless specifically excepted or listed in another schedule, any of the
- 28 following are opium derivatives, including salts, isomers, and salts of isomers whenever the existence of those

- 1 salts, isomers, and salts of isomers is possible within the specific chemical designation:
- 2 (a) acetorphine;
 - 3 (b) acetyldihydrocodeine;
 - 4 (c) benzylmorphine;
 - 5 (d) codeine methylbromide;
 - 6 (e) codeine-N-oxide;
 - 7 (f) cyprenorphine;
 - 8 (g) desomorphine;
 - 9 (h) dihydromorphine;
 - 10 (i) drotebanol;
 - 11 (j) etorphine, except hydrochloride salt;
 - 12 (k) heroin;
 - 13 (l) hydromorfinol;
 - 14 (m) methyl-desorphine;
 - 15 (n) methyldihydromorphine;
 - 16 (o) morphine methylbromide;
 - 17 (p) morphine methylsulfonate;
 - 18 (q) morphine-N-oxide;
 - 19 (r) myrophine;
 - 20 (s) nicocodeine;
 - 21 (t) nicomorphine;
 - 22 (u) normorphine;
 - 23 (v) pholcodine; and
 - 24 (w) thebacon.
- 25 (4) Hallucinogenic substances. Unless specifically excepted or listed in another schedule, any
26 material, compound, mixture, or preparation that contains any quantity of the following is a hallucinogenic
27 substance, including salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and
28 salts of isomers is possible within the specific chemical designation:

- 1 (a) alpha-ethyltryptamine, also known as etryptamine, monase, alpha-ethyl-1H-indole-3-
2 ethanamine, 3-(2-aminobutyl) indole, alpha-ET, and AET;
- 3 (b) alpha-methyltryptamine, also known as AMT;
- 4 (c) 4-bromo-2,5-dimethoxyamphetamine, also known as 4-bromo-2, 5-dimethoxy-alpha-
5 methylphenethylamine, and 4-bromo-2,5-DMA;
- 6 (d) 4-bromo-2,5-dimethoxyphenethylamine, also known as 2-(4-bromo-2,5-dimethoxyphenyl)-1-
7 aminoethane, alpha-desmethyl DOB, and 2C-B, Nexus;
- 8 (e) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-alpha-methylphenethylamine and
9 2,5-DMA;
- 10 (f) 2,5-dimethoxy-4-(N)-propylthiophenethylamine, also known as 2C-T-7;
- 11 (g) 3,4-methylenedioxyamphetamine;
- 12 (h) 2,5-dimethoxy-4-ethylamphetamine, also known as DOET;
- 13 (i) 5-methoxy-NN, -diisopropyltryptamine, also known as 5-MeO-DIPT;
- 14 (j) 5-methoxy-NN, -dimethyltryptamine, also known as 5-MeO-DMT;
- 15 (k) 4-methoxyamphetamine, also known as 4-methoxy-alpha-methylphenethylamine;
- 16 (l) 5-methoxy-3,4-methylenedioxyamphetamine;
- 17 (m) 4-methyl-2,5-dimethoxyamphetamine, also known as 4-methyl-2, 5-dimethoxy-alpha-
18 methylphenethylamine, DOM, and STP;
- 19 (n) 3,4-methylenedioxymethamphetamine, also known as MDMA;
- 20 (o) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-alpha-methyl-
21 3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;
- 22 (p) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-hydroxy-alpha-methyl-3,4
23 (methylenedioxy)phenethylamine and N-hydroxy MDA;
- 24 (q) 3,4,5-trimethoxyamphetamine;
- 25 (r) bufotenine, also known as 3-(beta-dimethylaminoethyl)-5-hydroxyindole, 3-(2-
26 dimethylaminoethyl)-5-indolol, NN, -dimethylserotonin, 5-hydroxy-NN, -dimethyltryptamine, and mappine;
- 27 (s) diethyltryptamine, also known as NN, -diethyltryptamine and DET;
- 28 (t) dimethyltryptamine, also known as DMT;

- 1 (u) hashish;
- 2 (v) ibogaine, also known as 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-
3 pyrido [1', 2':1,2] azepine [5,4-b] indole and tabernanthe iboga;
- 4 (w) lysergic acid diethylamide, also known as LSD;
- 5 (x) marijuana;
- 6 (y) mescaline;
- 7 (z) parahexyl, also known as 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,8,9-trimethyl-6H-dibenzo[bd,
8]pyran and synhexyl;
- 9 (aa) peyote, meaning all parts of the plant presently classified botanically as *lophophora williamsii*
10 lemaire, whether growing or not; the seed of the plant; any extract from any part of the plant; and every
11 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed, or extracts;
- 12 (bb) N-ethyl-3-piperidyl benzilate;
- 13 (cc) N-methyl-3-piperidyl benzilate;
- 14 (dd) psilocybin;
- 15 (ee) psilocyn;
- 16 (ff) tetrahydrocannabinols, neutral compounds, and their corresponding acids, including synthetic
17 equivalents of the substances contained in the plant or in the resinous extractives of cannabis, or synthetic
18 substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, such as
19 those listed in subsections (4)(ff)(i) through (4)(ff)(iii). Because nomenclature of these substances is not
20 internationally standardized, compounds of these structures, regardless of numerical designation of atomic
21 positions covered, are included in the category as follows:
- 22 (i) delta ~~4-9~~ (delta 9_1) cis or trans tetrahydrocannabinol and its optical isomers;
- 23 (ii) delta ~~6-8~~ (delta 6) cis or trans tetrahydrocannabinol and its optical isomers; and
- 24 (iii) delta 6a, 10a, (delta 3,4) cis or trans tetrahydrocannabinol and its optical isomers;
- 25 (gg) ethylamine analog of phencyclidine, also known as N-ethyl-1-phenylcyclohexylamine, (1-
26 phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, and PCE;
- 27 (hh) pyrrolidine analog of phencyclidine, also known as 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy,
28 and PHP;

- 1 (ii) thiophene analog of phencyclidine, also known as 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-
2 thienyl analog of phencyclidine, TPCP, and TCP;
- 3 (jj) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, also known as TCPy;
- 4 (kk) synthetic cannabinoids, including:
- 5 (i) unless specifically excepted or listed in another schedule, any chemical compound chemically
6 synthesized from or structurally similar to any material, compound, mixture, or preparation that contains any
7 quantity of a synthetic cannabinoid found in any of the following chemical groups, or any of those groups that
8 contain synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of those salts,
9 isomers, or salts of isomers is possible within the specific chemical designation, including all synthetic
10 cannabinoid chemical analogs in the following groups:
- 11 (A) naphthoylindoles, whether or not substituted in the indole ring to any extent or the naphthyl ring
12 to any extent;
- 13 (B) naphthylmethyloindoles, whether or not substituted in the indole ring to any extent or the
14 naphthyl ring to any extent;
- 15 (C) naphthoylpyrroles, whether or not substituted in the pyrrole ring to any extent or the naphthyl
16 ring to any extent;
- 17 (D) naphthylmethyloindenes, whether or not substituted in the indene ring to any extent or the
18 naphthyl ring to any extent;
- 19 (E) acetylindoles, whether or not substituted in the indole ring to any extent or the acetyl group to
20 any extent;
- 21 (F) cyclohexylphenols, whether or not substituted in the cyclohexyl ring to any extent or the phenyl
22 ring to any extent;
- 23 (G) dibenzopyrans, whether or not substituted in the cyclohexyl ring to any extent or the phenyl ring
24 to any extent; and
- 25 (H) benzoylindoles, whether or not substituted in the indole ring to any extent or the phenyl ring to
26 any extent;
- 27 (ii) any compound that has been demonstrated to have agonist binding activity at one or more
28 cannabinoid receptors or is a chemical analog or isomer of a compound that has been demonstrated to have

- 1 agonist binding activity at one or more cannabinoid receptors;
- 2 (iii) 1-pentyl-3-(1-naphthoyl)indole (also known as JWH-018);
- 3 (iv) (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
- 4 tetrahydrobenzo[c]chromen-1-ol (also known as HU-210 or 1,1-dimethylheptyl-11-hydroxy-delta8-
- 5 tetrahydrocannabinol);
- 6 (v) 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol (also known as CP-47,497), and the
- 7 dimethylhexyl, dimethyloctyl, and dimethylnonyl homologues of CP-47,497;
- 8 (vi) 1-butyl-3-(1-naphthoyl)indole (also known as JWH-073);
- 9 (vii) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole (also known as JWH-200);
- 10 (viii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (also known as JWH-250);
- 11 (ix) 1-hexyl-3-(1-naphthoyl)indole (also known as JWH-019);
- 12 (x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (also known as JWH-398);
- 13 (xi) JWH-081: 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, also known as 4-methoxynaphthalen-1-yl-
- 14 (1-pentylindol-3-yl)methanone;
- 15 (xii) the following substances, except where contained in cannabis or cannabis resin, namely
- 16 tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives:
- 17 (A) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-
- 18 naphthalenylmethanone (also known as WIN-55,212-2);
- 19 (B) 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (also known as HU-243); or
- 20 (C) [9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-
- 21 1-yl]acetate;
- 22 (II) *Salvia divinorum*, also known as salvinorin A (2S,4aR,6aR,7R,9S,10aS,10bR)-9- (acetyloxy)-2-
- 23 (3-furanyl)dodecahydro-6a,10b-dimethyl-4, 10-dioxo-2H-naphtho[2,1-c] pyran-7-carboxylic acid methyl ester;
- 24 (mm) substituted cathinones, including any compound, except bupropion or compounds listed in
- 25 another schedule, structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the
- 26 following ways:
- 27 (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl,
- 28 hydroxyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other

1 univalent substituents;

2 (ii) by substitution at the 3-position with an alkyl substituent;

3 (iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen
4 atom in a cyclic structure; and

5 (iv) any lengthening of the propanone chain between carbons 1 and 2 to any extent with alkyl
6 groups, whether further substituted or not;

7 (nn) any compound not listed in this code, in an administrative rule regulating controlled substances
8 or approved for use by the United States food and drug administration that is structurally derived from 2-amino-
9 1-phenyl-1-propane by modification in any of the following ways:

10 (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, or
11 halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent
12 substituents;

13 (ii) by substitution at the 3-position with an alkyl substituent;

14 (iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen
15 atom in a cyclic structure; and

16 (iv) any lengthening of the propane chain between carbons 1 and 2 to any extent with alkyl groups,
17 whether further substituted or not.

18 (5) (a) For the purposes of subsection (4), the term "isomer" includes the optical, positional, and
19 geometric isomers.

20 (b) Subsection (4)(kk) does not apply to synthetic cannabinoids approved by the United States
21 food and drug administration and obtained by a lawful prescription through a licensed pharmacy. The
22 department of public health and human services shall adopt a rule listing the approved cannabinoids and shall
23 update the rule as necessary to keep the list current.

24 (6) Depressants. Unless specifically excepted or listed in another schedule, any material,
25 compound, mixture, or preparation that contains any quantity of the following substances is a depressant
26 having a depressant effect on the central nervous system, including salts, isomers, and salts of isomers
27 whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical
28 designation:

- 1 (a) gamma-hydroxybutyric acid, also known as gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-
2 hydroxybutanoic acid, sodium oxybate, sodium oxybutyrate, and GHB;
- 3 (b) mecloqualone; and
- 4 (c) methaqualone.
- 5 (7) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound,
6 mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant
7 effect on the central nervous system, including its salts, isomers, and salts of isomers:
- 8 (a) aminorex, also known as aminoxaphen, 2-amino-5-phenyl-2-oxazoline, and 4,5-dihydro-5-
9 phenyl-2-oxazolamine;
- 10 (b) cathinone, also known as 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-
11 aminopropiophenone, and norephedrone;
- 12 (c) fenethylamine;
- 13 (d) methcathinone, also known as 2-(methylamino)-propionophenone, alpha-
14 (methylamino)propionophenone, 2-(methylamino)-1-phenylpropan-1-one, alpha-N-methylaminopropiophenone,
15 monomethylpropion, ephedrone, N-methylcathinone, methylcathinone, AL-464, AL-422, AL-463, and UR1432,
16 including its salts, optical isomers, and salts of optical isomers;
- 17 (e) 4-Methylaminorex (cis isomer), also known as U4Euh, McN-422;
- 18 (f) (levo-dextro) cis-4-methylaminorex, also known as (levo-dextro) cis-4, 5-dihydro-4-methyl-5-
19 phenyl-2-oxazolamine;
- 20 (g) N-benzylpiperazine, also known as 1-benzylpiperazine or BZP;
- 21 (h) N-ethylamphetamine; and
- 22 (i) NN, -dimethylamphetamine, also known as NN, -alpha-trimethyl-benzeneethanamine and NN, -
23 alpha-trimethylphenethylamine.
- 24 (8) Substances subject to emergency scheduling. Any material, compound, mixture, or preparation
25 that contains any quantity of the following substances is included in this category:
- 26 (a) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and
27 salts of isomers); and
- 28 (b) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers,

1 salts, and salts of isomers).

2 (9) If prescription or administration is authorized by the Federal Food, Drug and Cosmetic Act, then
3 any material, compound, mixture, or preparation containing tetrahydrocannabinols listed in subsection (4) must
4 automatically be rescheduled from Schedule I to the same schedule it is placed in by the United States drug
5 enforcement administration.

6 (10) Dangerous drug analogues. Unless specifically excepted or listed in another schedule, this
7 designation includes any material, compound, mixture, or preparation defined in 50-32-101 as a dangerous
8 drug analogue."
9

10 **Section 12.** Section 80-18-101, MCA, is amended to read:

11 **"80-18-101. Definitions.** As used in this part, the following definitions apply:

12 (1) (a) "Hemp" means all parts and varieties of the plant Cannabis consistent with the United
13 States department of agriculture's definition of hemp and rules established by the department the plant species
14 Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids,
15 isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9 tetrahydrocannabinol
16 concentration of not more than 0.3% on a dry weight basis.

17 (b) The term does not include synthetic cannabinoids.

18 (2) "Hemp crude" means a hemp derivative in a temporary state of not complying with the legal
19 definition of hemp, the amount of tetrahydrocannabinol, or the amount of tetrahydrocannabinolic acid that will
20 be further processed in order to comply.

21 (3) "Hemp derivatives" means all products that contain or are processed from, extracted from, or
22 manufactured from hemp.

23 (4) "Marijuana" means all plant material from the genus Cannabis containing tetrahydrocannabinol
24 (THC) or seeds of the genus capable of germination.

25 (5) "Synthetic cannabinoids" has the meaning provided in 50-32-222 and includes any
26 cannabinoids produced artificially, whether from chemical synthesis or biosynthesis using recombinant
27 biological agents, including but not limited to yeast and algae."
28

