

## Emerging Issue: Medical Marijuana Summary of Proposed Legislative Changes

Prepared for the Children, Families, Health, and Human Services Interim Committee  
June 2010

The table below summarizes recommendations provided by the work group on medical marijuana and additional ideas provided by other stakeholders. It also indicates the section of law that would be affected and whether additional policy decisions would be needed to put the recommendation into effect.

<b>Work Group Recommendations: Caregivers</b>	<b>Level of Support</b>	<b>MCA Section</b>	<b>Pursue?</b>	<b>Policy Issues?</b>
Create a state-level regulatory board to license, inspect, and regulate caregivers	Full	New		X
Establish a tiered system of licensing and regulation for caregivers	Full	New		X
Allow a parent to select a caregiver for a minor child who has a card	Full	50-46-103(3)		
Allow caregivers to sell marijuana to other caregivers in a "closed-loop" system	Full	New		X
Create a new non-caregiver category for a person who may handle medical marijuana	Full	Throughout		X
Clarify that caregivers may also be patients	Full	Throughout		
Establish additional offenses that would prohibit a person from being a caregiver	Majority	50-46-103(4)(b)		
Require a 50-state background check before registering a caregiver	Majority	50-46-103(4)(b)		
Establish ethical and educational requirements for caregivers	Majority	New		X

<b>Work Group Recommendations: Patients and/or Physicians</b>	<b>Level of Support</b>	<b>MCA Section</b>	<b>Pursue?</b>	<b>Policy Issues?</b>
Review the time period for which a registry card is valid	Full	50-46-107(7)		X
Review issues related to the definition/diagnosis of chronic pain and physician standards	Majority	50-46-102		X
Review the use of mass screening clinics	Minority	New		X
<b>Work Group Recommendations: General Provisions</b>				
<b>Work Group Recommendations: General Provisions</b>	<b>Level of Support</b>	<b>MCA Section</b>	<b>Pursue?</b>	<b>Policy Issues?</b>
Review all definitions	Full	50-46-102		X
Revise confidentiality provisions to allow additional sharing of information among state and local government agencies	Full	50-46-103(8) 50-46-202(1)		X
Review and amend the allowable amounts of marijuana	Full	50-46-201(2)		X
Amend the reciprocity provisions for out-of-state patients and in-state caregivers	Full	50-46-201(8)		X
Establish a procedure for adding to the list of debilitating medical conditions	Full	New		X
Require patients and caregivers to carry their registry cards; establish penalty	Full	New		X
Establish a penalty for intentionally falsifying a registry application	Full	New		X
Clarify that medical marijuana must be grown in Montana	Majority	New or 50-46-103		
Clarify disciplinary authority of licensing boards for unprofessional conduct or other violations related to medical use of marijuana	Majority	50-46-201(1) 50-46-201(4)		
Require diagnosis of a medical condition before use of the affirmative defense	Majority	50-46-206(1)(b)		
Determine whether to strike or amend 50-46-206(1)(b)	Split	50-46-206(1)(b)		

<b>Work Group Recommendations: Prohibitions</b>	<b>Level of Support</b>	<b>MCA Section</b>	<b>Pursue?</b>	<b>Policy Issues?</b>
Amend the term "school grounds" to include any property owned by a school district	Full	50-46-205		
Prohibit use and possession of marijuana on school property	Majority	50-46-205		
Give local governments authority to regulate public use of marijuana	Majority	50-46-205		
Prohibit involuntary exposure to medical use of marijuana	Minority	50-46-205		

The following ideas were raised during the Committee's April meeting, in public comment received on the issue, or by state agency representatives. However, they were not fully discussed by the work group members so were not among the group's formal recommendations. The ideas are presented here in case the Committee would like to obtain additional information or incorporate any of them into draft legislation.

<b>Ideas Raised But Not Resolved: Caregivers</b>	<b>Additional Information?</b>	<b>Draft Legislation?</b>
Limit the number of patients a caregiver may have		
Require caregivers to pay a fee for the registry card		
Consider establishing fire, safety, and zoning regulations for caregiver operations		
Prohibit caregiver operations within 1,000 feet of schools		
Establish residency requirements for caregivers		
Allow laboratory testing of medical marijuana		
Prohibit financial relationships between a physician and caregiver in connection with a physician's appointments with patients seeking written certification		

<b>Ideas Raised But Not Resolved: Patients and/or Physicians</b>	<b>Additional Information?</b>	<b>Draft Legislation?</b>
Allow physicians to revoke a written certification and notify DPHHS		
Require certifying physicians to be Montana residents and have an established practice in Montana		
Prohibit or regulate the use of telemedicine for written certifications		
Require more detailed information on applications to ensure medical marijuana is a treatment of last resort		
Allow an expedited process for certain medical conditions		
Require in-person meetings between the physician and patient and a physical exam or complete medical records exam		
Require physicians, not a third party, to keep records of patient visits		
<b>Ideas Raised But Not Resolved: General Provisions</b>	<b>Additional Information?</b>	<b>Draft Legislation?</b>
Establish penalties for violations of various requirements for patients and caregivers		
Allow a registry card to be revoked for a violation of a drug law involving marijuana		
Establish a waiting period before a person whose card has been revoked may apply for a card again		
Require state-level health care programs that subsidize or provide reimbursement for prescription drugs to do the same for medical marijuana for patients who qualify for health care support		
<b>Ideas Raised But Not Resolved -- Prohibitions</b>	<b>Additional Information?</b>	<b>Draft Legislation?</b>
Amend the Clean Indoor Air Act to specify that medical marijuana is a prohibited smokable product		
Clarify that the workers' compensation program doesn't have to cover the costs of medical marijuana		

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