

Montana Medical Marijuana Laws

2016-2017

Initiative 148 -- Approved by 62% of voters on Nov. 2, 2004

Effective: Nov. 2, 2004

Approved Conditions: Cancer, glaucoma, or positive status for HIV/AIDS, or the treatment of these conditions; a chronic or debilitating disease or medical condition or its treatment that produces cachexia or wasting syndrome, severe or chronic pain, severe nausea, seizures, including seizures caused by epilepsy, or severe or persistent muscle spasms, including spasms caused by multiple sclerosis or Crohn's disease; admittance to hospice care; or any other medical condition or treatment for a medical condition adopted by the department by rule.

Possession/Cultivation: "Registered cardholders are limited to 12 seedlings (<12"), 4 mature flowering plants, and 1 ounce of usable marijuana. If a registered cardholder assigns a provider, they cannot grow for themselves."

Amended: SB 423 -- Passed on Apr. 28, 2011 and transmitted to the Governor on May 3, 2011

Effective: July 1, 2011

SB 423 changes the application process to require a Montana driver's license or state issued ID card. A second

physician is required to confirm a chronic pain diagnosis.

"A provider or marijuana-infused products provider may assist a maximum of three registered cardholders..." and "may not accept anything of value, including monetary remuneration, for any services or products provided to a registered cardholder."

Approved Conditions: Cancer, glaucoma, or positive status for HIV/AIDS when the condition or disease results in symptoms that seriously and adversely affect the patient's health status; Cachexia or wasting syndrome; Severe, chronic pain that is persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician; Intractable nausea or vomiting; Epilepsy or intractable seizure disorder; Multiple sclerosis; Chron's Disease; Painful peripheral neuropathy; A central nervous system disorder resulting in chronic, painful spasticity or muscle spasms; Admittance into hospice care.

Possession/Cultivation: Amended to 12 seedlings (less than 12"), four mature flowering plants, and one ounce of usable marijuana.

On Nov. 6, 2012, Montana voters approved initiative referendum No. 124 by a vote of 56.5% to 43.5%, upholding SB 423.

Medical Marijuana Program

Montana Department of Health and Human Services
Licensure Bureau
2401 Colonial Drive, 2nd Floor
P.O. Box 202953
Helena, MT 59620-2953
Phone: 406-444-0596

jbuska@mt.gov

Website:

MT Medical Marijuana Program

-Definitions

Marijuana Infused Products Provider (MIPP): means a Montana resident who meets the requirements of the law, and who has applied for and received a registry ID card to manufacture and provide marijuana-infused products for a registered cardholder.

Provider: means a Montana resident, 18 years or older, who is authorized by the department to assist a registered cardholder (as allowed by law) to obtain marijuana.

Registered cardholder: means a Montana resident with a debilitating medical condition who has received and maintains a valid registry ID card.

Resident: means a person who meets the requirements

of the law and who does not claim residency in another state or country for any purposes. An absentee property owner who pays property tax in Montana is not resident.

2nd Degree of Kinship (by blood or marriage): means a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, grandchild-in-law, stepfather, stepmother, stepsister, stepson, stepdaughter, step grandparent or step grandchild.

Seedling: means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

Patient Registry Fee:

\$75 new application / \$75 renewal

Accepts other states' registry ID cards?

No (reciprocity ended when SB 423 took effect)

Registration:

Mandatory

Frequently Asked Questions:

How do I get a card?

Complete required forms which can be found at:

<http://dphhs.mt.gov/marijuana/MMPForms>

Verify application is complete and required signatures are included. (Every complete application will include at least the signed application form, signed physician statement, fee, and valid Montana driver's license or Montana state issued identification card.)

Submit required information:

- applicable completed application form
- physician statement
- correct fee (individual fee for each application submitted)
- valid Montana driver's license or Montana State issued identification card.

If you are cultivating or manufacturing marijuana for your own use and the property where this marijuana is cultivated or manufactured is rented or leased, a completed Landlord Permission Form must also be included.

Incomplete application packets will be returned with explanation.

How long does it take to get a card?

Applications are processed in the date order received. (All mail received in one day is completed before going on to

the mail that was received the next day.) The processing time between when an application is received and when a card is mailed out is determined by the number of applications received. Once all completed application material is received, cards will be printed and mailed. An individual is not considered a valid cardholder until the Montana Marijuana Program card is in their possession.

How long is my card valid?

Registered cardholder's cards expire on the expiration date printed on the card. Cards are valid for one year unless a shorter time period is specified by the doctor on the physician statement form. Cardholders must carry their registry card with them at all times, along with a picture ID.

Can I get a card if I have a severe chronic pain diagnosis?

A severe chronic pain diagnosis requires using a physician's form for a severe chronic pain diagnosis. This form is available on the website at <http://dphhs.mt.gov/marijuana/MMPForms>

The requirements are:

The registered cardholder's doctor must state that the pain is persistent and severe and can be proven by necessary and relevant x-ray, MRI or other diagnostics; OR

A second physician may confirm the severe chronic pain diagnosis, after performing a physical exam if the registered cardholder's first physician did not order diagnostic testing.

I am not a Montana resident; can I get a card?

No. Individuals must be a Montana resident to apply to be a registered cardholder or a provider. The application requires a copy of the applicant's valid Montana driver's license or Montana State issued ID card.

How many plants can I have if I'm on the Montana Marijuana Registry?

Registered cardholders are limited to 12 seedlings (<12"), 4 mature flowering plants, and 1 ounce of usable marijuana. If a registered cardholder assigns a provider, they cannot grow for themselves.

If I grow my own marijuana, do I need to have a background check? Will my name be on a list given to law enforcement?

No. If registered cardholders are growing marijuana for their use only, they do not need to have a background check and their name will not be on a list given to law enforcement. Law enforcement can call the department to verify that individuals are registered cardholders or providers.

Can my minor child be on the registry?

Yes, if all the following requirements are fulfilled:

A parent or legal guardian of a minor child may apply for the minor child to be on the registry by:

completing the Minor Registered Card Application being approved as a Marijuana Infused Products Provider (MIPP) (submit a provider application, an application fee, and your fingerprints to the department for determination of MIPP eligibility)

A completed Physician Statement for Minors is approved and signed by two doctors.

I am under the supervision of the Department of Corrections (or a youth court), can I be on the Marijuana Program?

No, individuals under the supervision of the Department of corrections or a youth court are not eligible to be on the Montana Marijuana Program.

If I have a card and get convicted of a crime what happens?

The registry card can be revoked.

Can I still have a card if I am convicted of a DUI?

If a cardholder's driver's license is revoked for DUI, the

registered cardholder and/or provider's marijuana card must be surrendered and will not be reissued until the DUI revocation period has ended.

Can a temporary driver's license be used when submitting application materials?

Yes, a temporary driver's license can be used for identification.

Can I be tested for marijuana if I am pulled over?

Registered cardholders who drive may be required (through a search warrant) to provide a blood sample, if they are suspected of driving under the influence. Probable cause is required.

I live in a rented house. Can I grow my own marijuana here?

Any cardholder or provider applicant must submit a signed and notarized Landlord Permission Form with their application materials if marijuana is to be cultivated and/or manufactured at a rental or leased property.

Can I be a provider and a marijuana infused products provider?

Yes.

How do I sign up to be a provider?

In order to become a provider, individuals must be named by a registered cardholder on the cardholder's application or on a change request form. Individuals who are named by a registered cardholder must submit fingerprints to the department along with a provider application form and a check or money order for the amount of the fee. Fee information and a provider application are available on the department's website at

<http://dphhs.mt.gov/qad/Licensure/MMP>

How do prospective providers get a fingerprint background check?

Individuals who want to be providers must take the following steps in order to submit fingerprints to the department:

Call the department at 406-444-0596 and request fingerprint cards (you may also request a full provider/MIPP application). Cards will be mailed to you within 2 business days.

Take the fingerprint cards to a law enforcement agency to have your fingerprints rolled. Only the fingerprint cards provided by the department can be used.

Bring a postage paid envelope to the law enforcement agency with you, addressed to: PHHS/MMP, PO Box 202953, Helena, MT 59620-2953. The law enforcement agency may charge a fee to roll your fingerprints. You are

responsible for the fee.

Have your fingerprints rolled onto both fingerprint cards by the law enforcement personnel. Give the postage paid, addressed envelope to the individual rolling your fingerprints. Both fingerprint cards must be placed in the envelope and the envelope must be sealed and mailed to DPHHS by the individual rolling your fingerprints.

You may include your full provider application in the envelope with your fingerprint cards or you may send it separately.

What are the limitations for being a provider?

Approval as a provider will not be granted if there are any drug convictions (felony or misdemeanor) or any other felony conviction in the applicant's background history. Providers must also attest on the application that they:

- Are not under the supervision of the Department of Corrections or a youth court.
- Do not owe any back taxes, interest, penalties or judgments to any government agency;
- Are not in default on a student loan;
- Have not failed to pay child support.

Are there special rules or considerations specifically for Marijuana Infused Product Providers?

Yes, Marijuana infused products providers must use dedicated cookware used only for producing marijuana

infused products. The cookware cannot be used for general household cooking and is subject to local health department food preparation rules.

What are the growing limitations for registered providers?

Providers will be limited to 12 seedlings (<12”), 4 mature flowering plants, and 1 ounce of usable marijuana in possession per approved registered cardholder.

Do I have to pay to be a provider?

There will be a fee to register with the department as a provider. This fee must cover the cost of handling the application and the fingerprint background check. Fee information is available at the website at <http://dphhs.mt.gov/qad/Licensure/MMP> and is indicated on the provider/marijuana infused provider application form.

Are there limits as to where I can cultivate or manufacture my products?

Yes, products cannot be possessed or manufactured within 1,000 feet of schools, playgrounds; or within 100 feet of a youth center, public swimming pool, or video arcade facility.

What are the debilitating conditions, for which I can recommend marijuana for my patients?

The debilitating conditions for which you can recommend marijuana include:

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

cachexia or wasting syndrome;

severe chronic pain that is persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician and by:

objective proof of the etiology of the pain, including relevant and necessary diagnostic tests that may include but are not limited to the results of an x-ray, computerized tomography scan, or magnetic resonance imaging; or confirmation of that diagnosis from a second physician who is independent of the treating physician and who conducts a physical examination;

intractable nausea or vomiting;

epilepsy or an intractable seizure disorder;

multiple sclerosis;

Crohn's disease;

painful peripheral neuropathy;

a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;

admittance into hospice care in accordance with rules adopted by the department; or

any other medical condition or treatment for a medical condition approved by the legislature.

What are the requirements for the severe chronic pain diagnosis?

There are two options for certifying a severe chronic pain diagnosis:

-The physician must attest (on the Physician Statement for a Severe Chronic Pain Diagnosis) that the registered cardholder applicant's pain is persistent and severe and can be proven by necessary and relevant x-ray or MRI;

OR

-A second physician, after conducting a physical examination of the registered cardholder applicant, is required to confirm the severe chronic pain diagnosis; if the primary care physician has not completed the relevant and necessary diagnostic testing.

Where will I find the department physician forms?

Forms for physicians, registered cardholder applicants and provider applicants are available on the website at <http://dphhs.mt.gov/qad/Licensure/MMP/MMPForms>