

1 SENATE BILL NO. 307
2 INTRODUCED BY T. MCGILLVRAY
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DISTRIBUTION OF MARIJUANA TAX REVENUE;
5 PROVIDING THAT A PORTION OF MARIJUANA TAX REVENUE BE USED FOR PREVENTION SERVICES,
6 MARIJUANA LAW ENFORCEMENT OPERATIONS, AND LOCAL MARIJUANA LAW ENFORCEMENT
7 GRANTS; CREATING A MARIJUANA TAX REVENUE ACCOUNTABILITY COUNCIL; INCREASING THE
8 DISTRIBUTION TO THE HEALING AND ENDING ADDICTION THROUGH RECOVERY AND TREATMENT
9 ACCOUNT; PROVIDING FOR A MARIJUANA IMPACT REPORT; PROVIDING DEFINITIONS; PROVIDING
10 RULEMAKING AUTHORITY; EXPANDING REPORTING REQUIREMENTS; AMENDING SECTIONS 10-2-
11 108, 16-12-111, 16-12-122, 23-1-105, 23-2-108, 53-21-1111, AND 87-5-121, MCA; AND PROVIDING AN
12 EFFECTIVE DATE."
13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15
16 NEW SECTION. Section 1. Marijuana prevention account -- rules. (1) There is a marijuana
17 prevention account in the state special revenue fund established in 17-2-102. The account consists of money
18 transferred to the account pursuant to 16-12-111.
19 (2) Money in the account must be used by the department of public health and human services to
20 fund the marijuana tax revenue accountability council provided for in [section 2] and to provide grants for
21 primary substance misuse prevention and youth suicide prevention in consultation with the council.
22 (3) The programs must be designed to:
23 (a) improve access to, utilization of, and engagement and retention in primary substance misuse
24 prevention services; and
25 (b) expand the availability of community-based services that reflect best practices or are evidence-
26 based.
27 (4) The department of public health and human services shall:

1 (a) manage the programs funded by the special revenue account in consultation with the
2 marijuana tax revenue accountability council provided for in [section 2];
3 (b) provide support for schools to administer the behavioral risk factor surveillance system with
4 marijuana module and the Montana prevention needs assessment for youth trends;
5 (c) adopt rules to implement the programs; and
6 (d) provide a written report to the children, families, health, and human services interim committee
7 in accordance with 5-11-210 no later than September 1 of each year on the programs, grants, and services
8 funded under this section. The report must include the amount of funding each program received.

9 (5) The legislature shall appropriate money from the account provided for in this section for the
10 programs referred to in this section.

11 (6) Programs funded under this section must be funded through contracted services with service
12 providers.

13
14 **NEW SECTION. Section 2. Marijuana tax revenue accountability council -- definition.** (1) The re
15 is a marijuana tax revenue accountability council attached to the department of public health and human
16 services for administrative purposes only as prescribed in 2-15-121.

17 (2) The council is composed of the following members:

18 (a) the director of the department of public health and human services or a designee;
19 (b) a representative of the department of justice appointed by the attorney general;
20 (c) a representative of the department of revenue appointed by the director of the department of
21 revenue;

22 (d) one member who also serves on the board of behavioral health provided for in 2-15-1744
23 appointed by the presiding officer of the board of behavioral health;

24 (e) one member who represents the behavioral health alliance of Montana and who is dually
25 licensed as an addiction counselor and as a licensed practitioner or is a master's social work licensee
26 appointed by the governor;

27 (f) one member who represents the behavioral health alliance of Montana and who is a licensed

1 psychiatrist appointed by the governor;

2 (g) one member who is a certified prevention specialist appointed by the governor; and

3 (h) one public member appointed by the governor.

4 (3) The members provided for in subsections (2)(e) through (2)(h) shall serve 3-year terms. The

5 initial appointments may specify a shorter length of the initial term in order to stagger the terms. Vacancies

6 must be filled for the balance of an unexpired term. A member of the council may be reappointed.

7 (4) Each professional member of a board, while serving as a board member:

8 (a) must be a resident of this state and at least 18 years of age; and

9 (b) must be currently practicing in the profession or occupation and have an active license in this

10 state for at least 1 year and be in good standing for the profession or occupation in which the member is

11 appointed to serve.

12 (5) (a) The public member of the council must be a resident of this state and be at least 18 years of

13 age.

14 (b) The public member may not be:

15 (i) the spouse, parent, or child of a person who provides services or applies for a grant under

16 [section 1]; or

17 (ii) a person who currently or within the 3 years prior to appointment had any material financial

18 interest in the provision of contracted services or engaged in any activity related to the marijuana industry,

19 including holding a license under Title 16, chapter 12, part 2.

20 (6) Each council member shall maintain eligibility to serve on the council by avoiding or disclosing

21 conflicts of interest or relationships that would interfere with the mission of the council.

22 (7) The council shall meet quarterly, and the director of the department of public health and human

23 services or a designee shall serve as presiding officer.

24 (8) The public members of the council shall serve without compensation but may be reimbursed as

25 provided in 2-18-501 through 2-18-503, subject to available funding.

26 (9) The council shall:

27 (a) advise the department of public health and human services on the expenditures of the

1 marijuana prevention account established in [section 1] and any grants made from that account;

2 (b) advise and make recommendations to the department of public health and human services and

3 other state agencies on primary substance misuse prevention and youth suicide prevention;

4 (c) encourage and stimulate research, public awareness, education, and prevention activities; and

5 (d) prepare the marijuana impact report provided for in [section 3].

6 (10) As used in this section, the following definitions apply:

7 (a) "Good standing" means an active license unencumbered by a final order of disciplinary action

8 or administrative suspension.

9 (b) "Primary substance misuse prevention" means preventing the initiation of substance abuse or

10 delaying the age of initiation to prevent health problems before they occur by:

11 (i) addressing risk factors;

12 (ii) enhancing resistance to those risks; and

13 (iii) shifting the focus to help people avoid, reduce, or modify drug use.

14

15 **NEW SECTION. Section 1. Marijuana impact report.** The marijuana tax revenue accountability

16 ~~council~~ DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES shall provide a written marijuana impact report in

17 accordance with 5-11-210 to the children, families, health, and human services interim committee, the

18 economic affairs interim committee, and the law and justice interim committee, no later than September 1 of

19 each year. The report must include:

20 (1) public health and safety objectives that may be impacted by marijuana policy changes,

21 including prevalence and patterns of use; and

22 (2) information on harms, including but not limited to cannabis use disorder, marijuana

23 hospitalizations, environmental impacts of marijuana production, licenses, marijuana business density,

24 marijuana law enforcement actions, criminal and administrative violations, youth access, and cases of driving

25 under the influence of marijuana.

26

27 **NEW SECTION. Section 2. Marijuana law enforcement operations account.** (1) There is a

1 marijuana law enforcement operations account in the state special revenue fund established in 17-2-102. The
2 account consists of money transferred to the account pursuant to 16-12-111.

3 (2) Money in the account must be used by the department of justice as follows:

4 (a) ~~99%~~ 90% for the marijuana law enforcement office provided for in [section 5 3]; and

5 (b) ~~1%~~ 10% for local marijuana law enforcement grants.

6 (3) The local marijuana law enforcement grants provided for in subsection (2)(b) must be
7 administered by the department of justice and provided to local governments that apply for the grants. To apply
8 for a grant, the local government must have satisfied the approval provisions contained in 16-12-301 or be
9 located in a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November
10 3, 2020, general election.

11

12 **NEW SECTION. Section 3. Marijuana law enforcement office.** (1) There is a marijuana law
13 enforcement office in the department of justice under the supervision and control of the ~~attorney general~~
14 division of criminal investigation.

15 (2) The office shall conduct law enforcement operations related to marijuana, including but not
16 limited to combatting black market activities and investigating and prosecuting criminal violations ~~of marijuana~~
17 regulations related to illicit manufacture, distribution, diversion, and trafficking of marijuana and other related
18 criminal violations.

19 (3) The office must include:

20 (a) two marijuana enforcement teams, one based in western Montana and one based in eastern
21 Montana; and

22 (b) ~~a district attorney; and~~

23 (c) ~~a canine unit~~

24 (b) one deputy attorney general prosecutor assigned to support the office as needed.

25 (4) The office is funded with revenue from the marijuana law enforcement operations account
26 provided for in [section 4 2].

27

1 **Section 6.** Section 10-2-108, MCA, is amended to read:

2 **"10-2-108. Veterans and surviving spouses state special revenue account.** (1) There is a
3 veterans and surviving spouses account in the state special revenue fund to be administered by the veterans'
4 affairs division of the department of military affairs. The account consists of revenue deposited pursuant to 16-
5 12-111 and 16-11-119.

6 (2) The account must be used to provide services and assistance for all Montana veterans and
7 surviving spouses and dependents."

8

9 **Section 4.** Section 16-12-111, MCA, is amended to read:

10 **"16-12-111. Marijuana state special revenue account -- operating reserve -- transfer of excess**
11 **funds.** (1) There is a dedicated marijuana state special revenue account within the state special revenue fund
12 established in 17-2-102, to be administered by the department.

13 (2) The account consists of:

14 (a) money deposited into the account pursuant to this chapter;
15 (b) the taxes collected pursuant to Title 15, chapter 64, part 1;
16 (c) license and registered cardholder fees deposited into the account pursuant to this chapter;
17 (d) taxes deposited into the account pursuant to 16-12-310; and
18 (e) civil penalties collected under this chapter.

19 (3) Except as provided in subsection (4), money in the account must be used by the department
20 for the purpose of administering the provisions of this chapter.

21 (4) At the end of each fiscal year, the department shall transfer funds in excess of a 3-month
22 operating reserve necessary to fund operating costs at the beginning of the next fiscal year in the following
23 order:

24 (a) an amount not to exceed \$6 million must be transferred to the healing and ending addiction
25 through recovery and treatment (HEART) account established in 16-12-122;

26 (b) the net balance remaining after distribution to the HEART account must be distributed as
27 follows:

1 (i) 20% to the credit of the department of fish, wildlife, and parks to be used solely as funding for
2 wildlife habitat in the same manner as funding generated under 87-1-242(3) and used pursuant to 87-1-209;
3 (ii) 4% to the state park account established in 23-1-105(1);
4 (iii) 4% to the trails and recreational facilities account established in 23-2-108;
5 (iv) 4% to the nongame wildlife account established in 87-5-121;
6 (v) 3% or \$200,000, whichever is less, to the veterans and surviving spouses state special
7 revenue account provided for in 10-2-108;
8 (vi) for the biennium beginning July 1, 2021, \$300,000 to the department of justice to administer
9 grant funding to local and state law enforcement agencies for the purpose of purchasing and training drug
10 detection canines and canine handlers, including canines owned by local law enforcement agencies to replace
11 canines who were trained to detect marijuana;
12 (vii) \$150,000 to the board of crime control to fund crisis intervention team training as provided in
13 44-7-110; and
14 (viii) the remainder to the general fund ~~\$12 \$6 \$7.3~~ million used for department administrative costs
15 as follows IN THE FOLLOWING ORDER:
16 (a) 52% to the general fund;
17 (A) \$200,000 TO THE VETERANS AND SURVIVING SPOUSES STATE SPECIAL REVENUE ACCOUNT PROVIDED
18 FOR IN 10-2-108;
19 (B) \$150,000 TO THE BOARD OF CRIME CONTROL TO FUND CRISIS INTERVENTION TEAM TRAINING AS
20 PROVIDED IN 44-7-110;
21 (b)(c) 24% ~~40%~~ ^{26%} to the healing and ending addiction through recovery and treatment account
22 established in 16-12-122; AND
23 (c) 16% to the marijuana prevention account established in [section 1]; and
24 (d) ~~8%~~ ^{4%} to the marijuana law enforcement operations account established in [section 4 2]; AND
25 (E) THE REMAINDER TO THE GENERAL FUND. (Subsection (4)(b)(vi) terminates June 30, 2025--sec.
26 117(2), Ch. 576, L. 2021.)"
27

1 **Section 8.** Section 16-12-122, MCA, is amended to read:

2 **"16-12-122. Healing and ending addiction through recovery and treatment account -- report. (1)**

3 There is a healing and ending addiction through recovery and treatment account in the state special revenue
4 fund. The account consists of money transferred to the account pursuant to 16-12-111.

5 (2) Revenue in the account must be used to provide statewide programs for:

6 (a) substance use disorder prevention;

7 (b) youth suicide prevention;

8 (c)(a) mental health promotion; and

9 (d)(b) crisis, treatment, and recovery services for substance use and mental health disorders. The
10 services include but are not limited to crisis stabilization services as defined in 53-21-1401 and provided under
11 Title 53, chapter 6, or Title 53, chapter 21, part 14.

12 (3) The programs must be designed to:

13 (a) increase the number of individuals choosing treatment over incarceration;

14 (b) improve access to, utilization of, and engagement and retention in prevention, treatment, and
15 recovery support services;

16 (c) expand the availability of community-based services that reflect best practices or are evidence-
17 based;

18 (d) leverage additional federal funds when available for the healthy Montana kids plan provided for
19 in Title 53, chapter 4, part 11, and the medicaid program provided for in Title 53, chapter 6, for the purposes of
20 this section;

21 (e) provide funding for programs and services that are described in subsections (2)(a) through
22 (2)(d) and (2)(b) and provided on an Indian reservation located in this state; or

23 (f) provide funding for grants and services to tribes for use in accordance with this section.

24 (4) (a) An amount not to exceed \$500,000, including eligible federal matching sources when
25 applicable, must be used to provide funding for grants and services to tribes for tobacco prevention and
26 cessation, substance use disorder prevention, mental health promotion, and substance use disorder and
27 mental health crisis, treatment, and recovery services.

1 (b) The department of public health and human services shall:

2 (i) manage the programs funded by the special revenue account;

3 (ii) adopt rules to implement the programs; and

4 (iii) provide a written report to the children, families, health, and human services interim committee,

5 in accordance with 5-11-210, no later than September 1 of each year on the programs, grants, and services

6 funded under this section. The report must include the amount of funding each program received.

7 (5) The legislature shall appropriate money from the state special revenue account provided for in

8 this section for:

9 (a) the chemical dependency treatment room and board voucher program provided for in 53-24-

10 218; and

11 (b) the programs referred to in this section.

12 (6) Programs funded under this section must be funded through contracted services with service

13 providers. (Subsection (5)(a) terminates June 30, 2027 sec. 7, Ch. 187, L. 2023.)"

15 **Section 5.** Section 23-1-105, MCA, is amended to read:

16 **"23-1-105. Fees and charges -- use of motor vehicle registration fee.** (1) (a) The department may

17 levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be

18 provided and to grant concessions that it considers advisable, except as provided in subsections (2) and (6).

19 (b) There must be deposited ~~into~~in a state special revenue fund in the state treasury to the credit

20 of the department:

21 (i) all money derived from the activities of the department, except as provided in subsection (5);

22 and

23 (ii) money from marijuana taxes deposited under 16-12-111.

24 (2) Overnight camping fees established by the department under subsection (1) must be

25 discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and is:

26 (a) 62 years of age or older;

27 (b) certified as disabled in accordance with rules adopted by the department; or

9 (4) Money received from the collection of fees and charges is subject to the deposit requirements
10 of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule
11 pursuant to 17-6-105(8).

12 (5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of
13 managing state park visitor services revenue. The fund is to be used by the department to serve the recreating
14 public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of
15 educational, commemorative, and interpretive merchandise and other related goods and services at
16 department sites and facilities. The fund consists of money from the sale of educational, commemorative, and
17 interpretive merchandise and other related goods and services and from donations. Gross revenue from the
18 sale of educational, commemorative, and interpretive merchandise and other related goods and services must
19 be deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund
20 for use as provided in this subsection.

21 (6) In recognition of the fact that individuals support state parks through the payment of certain
22 motor vehicle registration fees, persons who pay the fee provided for in 61-3-321(19)(a) may not be required to
23 pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such
24 as overnight camping fees, are still chargeable and may be collected by the department.

25 (7) Any increase in the motor vehicle registration fee collected pursuant to 61-3-321(19)(a) on or
26 after January 1, 2012, that is dedicated to state parks must be used by the department for maintenance and
27 operation of state parks."

1

2 **Section 6.** Section 23-2-108, MCA, is amended to read:

3 **"23-2-108. Trails and recreational facilities account.** (1) There is a trails and recreational facilities

4 account in the state special revenue fund established in 17-2-102.

5 (2) There must be paid into the account:

6 (a) money collected pursuant to 61-3-321(19)(a)(iii); and

7 (b) money from marijuana taxes deposited under 16-12-111.

8 (3) Money in the account may only be used by the department to provide trails and recreational
9 facilities grants pursuant to 23-2-109.

10 (4) Interest and income earned on the account and any unspent or unencumbered money in the
11 account at the end of a fiscal year must remain in the account."

12

13 **Section 11.** Section 53-21-1111, MCA, is amended to read:

14 **"53-21-1111. Suicide prevention grants.** (1) The department shall administer a grant program from
15 funds appropriated by the legislature for suicide prevention activities pursuant to this section.

16 (2) (a) To be eligible for a grant under this section, an entity shall demonstrate credible evidence to
17 the department that the activity to be funded is effective in preventing suicide.

18 (b) An activity must be considered effective if it meets one or more of the following criteria:

19 (i) it has been cited as effective by peer reviewed research or literature;

20 (ii) it was a formally adopted recommendation of the Montana suicide review team established in
21 section 3, Chapter 353, Laws of 2013; or

22 (iii) it increases knowledge of and response to adverse childhood experiences.

23 (3) The requirements of this section apply to youth suicide prevention programs funded with
24 money from the healing and ending addiction through recovery and treatment account provided for in 16-12-
25 122."

26

27 **Section 7.** Section 87-5-121, MCA, is amended to read:

1 **"87-5-121. Nongame wildlife account.** (1) There is a nongame wildlife account in the state special
2 revenue fund provided for in 17-2-102.

3 (2) There must be deposited ~~into~~in the account:

4 (a) ~~all money collected under 15-30-2387 and all interest earned by the fund before being~~
5 ~~expended under this section; and~~

6 (b) ~~money from marijuana taxes deposited under 16-12-111.~~

7 (3) Money in the account must be used by the department, upon the approval of the commission
8 as determined under 87-5-122, to provide adequate funding for:

9 (a) research and education programs on nongame wildlife in Montana, as provided for in 87-5-104;
10 and

11 (b) any management programs for nongame wildlife approved by the legislature under 87-5-105 as
12 species or subspecies in need of management.

13 (4) The money is available to the department in the same manner as provided in 87-1-601, except
14 that money collected under 15-30-2387 may not be used:

15 (a) for the purchase of any real property; or

16 (b) in such a way as to interfere with the production on or management of private property."

17

18 **NEW SECTION. Section 8. Codification instruction.** (1) ~~[Sections 1 and 4 SECTION 2]~~ are IS
19 intended to be codified as an integral part of Title 16, chapter 12, and the provisions of Title 16, chapter 12,
20 apply to ~~[sections 1 and 4 SECTION 2]~~.

21 (2) ~~[Sections 2 and 3 SECTION 1]~~ are IS intended to be codified as an integral part of Title 2,
22 chapter 15, part 13, and the provisions of Title 2, chapter 15, part 13, apply to ~~[sections 2 and 3 SECTION 1]~~.

23 (3) ~~[Section 5 3]~~ is intended to be codified as an integral part of Title 2, chapter 15, part 20, and the
24 provisions of Title 2, chapter 15, part 20, apply to ~~[section 5 3]~~.

25

26 **NEW SECTION. Section 9. Effective date.** ~~[This act]~~ is effective July 1, 2025.

27

- END -