

HOUSE BILL NO. 792

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO MARIJUANA
LABELING AND EDUCATION; REQUIRING WARNING POSTERS AT POINTS OF MARIJUANA SALE;
PROVIDING RULEMAKING AUTHORITY; ~~AND AMENDING SECTIONS 16-12-112 AND 16-12-215, MCA;~~
AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 16-12-112, MCA, is amended to read:

"16-12-112. Rulemaking authority -- fees. (1) The department may adopt rules to implement and
administer this chapter, including:

- (a) the manner in which the department will consider applications for licenses, permits, and
endorsements and renewal of licenses, permits, and endorsements;
- (b) the acceptable forms of proof of Montana residency;
- (c) the procedures for obtaining fingerprints for the fingerprint-based and name-based background
checks required under 16-12-129;
- (d) the security and operating requirements for licensees;
- (e) the security and operating requirements for manufacturing, including but not limited to
requirements for:
 - (i) safety equipment;
 - (ii) extraction methods, including solvent-based and solvent-free extraction; and
 - (iii) post-processing procedures;
- (f) notice and contested case hearing procedures for fines or license and endorsement
revocations, suspensions, or modifications;
- (g) implementation of a system to allow the tracking of marijuana and marijuana products as

1 required by 16-12-105;

2 (h) labeling and packaging standards that protect public health by requiring the listing of
3 pharmacologically active ingredients, including but not limited to THC, cannabidiol (CBD) and other cannabinoid
4 content, the THC and other cannabinoid amount in milligrams per serving, the number of servings per package,
5 and quantity limits per sale to comply with the allowable possession amount;

6 (i) investigating and making rules to limit, if necessary, the appropriate THC potency percentages
7 for marijuana and marijuana products;

8 (j) requirements that packaging and labels may not be made to be attractive to children, that they
9 have required warning labels as set forth in 16-12-215, and that marijuana and marijuana products be sold in
10 resealable, child-resistant exit packaging to protect public health as provided in 16-12-208;

11 (k) requirements for the warning posters that must be displayed at any point of sale pursuant to
12 16-12-215;

13 (l) recommended resources to provide assistance with overcoming marijuana addiction pursuant
14 to 16-12-215.

15 ~~(k)~~(m) requirements and standards for the testing and retesting of marijuana and marijuana products,
16 including testing of samples collected during the department's inspections of licensed premises;

17 ~~(l)~~(n) the amount of variance allowable in the results of raw testing data that would warrant a
18 departmental investigation of inconsistent results as provided in 16-12-202;

19 ~~(m)~~(o) requirements and standards to prohibit or limit marijuana, marijuana products, and marijuana
20 accessories that are unsafe or contaminated;

21 ~~(n)~~(p) the activities that constitute advertising in violation of 16-12-211 and requirements and
22 standards for electronic advertising as permitted under 16-12-211;

23 ~~(o)~~(q) requirements and incentives to promote renewable energy, reduce water usage, and reduce
24 packaging waste to maintain a clean and healthy environment in Montana;

25 ~~(p)~~(r) procedures for collecting and destroying samples of marijuana and marijuana products that fail
26 to meet testing requirements pursuant to 16-12-209; and

27 ~~(q)~~(s) the fees for testing laboratories, the fingerprint-based and name-based background checks
28 required under 16-12-129, employee certification, the marijuana transporter license, marijuana worker permits,

1 and other fees necessary to administer and enforce the provisions of this chapter. The fees established by the
2 department, taxes collected pursuant to Title 15, chapter 64, part 1, civil penalties imposed pursuant to this
3 chapter, and the licensing fees established by rule and in part 2 of this chapter must be sufficient to offset the
4 expenses of administering this chapter but may not exceed the amount necessary to cover the costs to the
5 department of implementing and enforcing this chapter.

6 (2) The department may not adopt any rule or regulation that is unduly burdensome or undermines
7 the purposes of this chapter.

8 (3) The department may consult or contract with other public agencies in carrying out its duties
9 under this chapter."

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11 **Section 2.** Section 16-12-215, MCA, is amended to read:

12 **"16-12-215. Required warning labels and posters.** (1) A person may not manufacture, package,
13 sell, or transfer any marijuana or marijuana product unless the package containing the marijuana or marijuana
14 product bears ~~the following statements in a form required by the department~~ a warning label. The text of the
15 warning label must be displayed in a legible font, such as times new roman, arial, or helvetica, and the
16 lowercase letter "o" must be at least one-sixteenth of an inch in height. The statement must be placed next to a
17 yellow triangle with an exclamation point THE UNIVERSAL WARNING SYMBOL FOR MARIJUANA and must read:

18 (1)(a) "WARNING: Consumption of marijuana may cause anxiety, agitation, paranoia, psychosis, and
19 cannabinoid hyperemesis excessive vomiting."

20 (2)(b) "WARNING: Consumption of marijuana by pregnant women may result in fetal injury and low
21 birth weight."

22 (3)(c) "WARNING: Consumption of marijuana by nursing mothers may result in infant hyperactivity
23 and poor cognitive function."

24 (d) "WARNING: Driving while under the influence of marijuana is a crime."

25 (2) Each warning statement must be printed on all forms of marijuana exit packaging.

26 (3) In addition to the requirements of subsection (1), a package of marijuana product with a THC
27 content over 10% must include in red, bold print "WARNING: This product contains high-potency THC over
28 10%."

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