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Ben Forsyth

# Montana Code Annotated 2021

TITLE 16. ALCOHOL, TOBACCO, AND MARIJUANA  
CHAPTER 12. MARIJUANA REGULATION AND TAXATION

Par: 1. General Provisions

## Short Title -- Purpose

**16-12-101.** (Effective January 1, 2022) **Short title -- purpose.** (1) This chapter may be cited as the "Montana Marijuana Regulation and Taxation Act".

(2) The purpose of this chapter is to:

- (a) provide for legal possession and use of limited amounts of marijuana legal for adults 21 years of age or older;
  - (b) provide for the licensure and regulation of the cultivation, manufacture, production, distribution, transportation, and sale of marijuana and marijuana products;
  - (c) eliminate the illicit market for marijuana and marijuana products;
  - (d) prevent the distribution of marijuana sold under this chapter to persons under 21 years of age;
  - (e) ensure the safety of marijuana and marijuana products;
  - (f) ensure the security of licensed premises;
  - (g) establish reporting requirements for licensees;
  - (h) establish inspection requirements for licensees, including data collection on energy use, chemical use, water use, and packaging waste to ensure a clean and healthy environment;
  - (i) provide for the testing of marijuana and marijuana products by licensed testing laboratories;
  - (j) give local governments authority to allow for the operation of marijuana businesses in their community and establishing standards for the cultivation, manufacture, and sale of marijuana that protect the public health, safety, and welfare of residents within their jurisdictions;
  - (k) tax the sale of marijuana and marijuana products to provide compensation for the economic and social costs of marijuana;
  - (l) authorize courts to resentencing persons who are currently serving sentences for acts that are permitted under this chapter or for which the penalty is reduced by this chapter and to redesignate or expunge those offenses from the criminal records of persons who have completed their sentences as set forth in this chapter; and
  - (m) preserve and protect Montana's well-established hemp industry by drawing a clear distinction between those participants and programs and the participants and programs associated with the marijuana industry.
- (3) Marijuana and marijuana products are not agricultural products, and the cultivation, processing, manufacturing or selling of marijuana or marijuana products is not considered agriculture subject to regulation by the department of agriculture unless expressly provided.