

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

required by 16-12-105;

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

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

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

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

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

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

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

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

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

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

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

~~(q)~~(s) the fees for testing laboratories, the fingerprint-based and name-based background checks 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%."

