

1 HOUSE BILL NO. 952

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7 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE GOVERNOR TO ENTER INTO
8 AGREEMENTS WITH TRIBAL GOVERNMENTS RELATING TO THE REGULATION OF MARIJUANA;
9 PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

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

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13 NEW SECTION. **Section 1. Authorization to enter agreement -- general contents.** (1) The
14 governor may enter into agreements with a tribal government to coordinate the cross-jurisdictional
15 administration of the laws of this state and the laws of the tribal government relating to the regulation of
16 marijuana to promote a cooperative and mutually beneficial relationship between the state and the tribal
17 government. Marijuana agreements may address any marijuana-related issue that involves both state and tribal
18 interests or otherwise has an impact on tribal-state relations. The agreements may include but are not limited to
19 the following provisions and subject matter:

- 20 (a) criminal and civil law enforcement;
- 21 (b) regulatory issues related to the commercial production, processing, sale, and possession of
22 marijuana and marijuana products, as defined in 16-12-102, for both recreational and medical purposes;
- 23 (c) medical and pharmaceutical research involving marijuana;
- 24 (d) marijuana taxation;
- 25 (e) any tribal immunities or preemption of state law regarding the production, processing, or
26 marketing of marijuana; and
- 27 (f) dispute resolution, including the use of mediation or other nonjudicial processes.
- 28 (2) (a) Marijuana agreements must apply to sales in which tribes, tribal enterprises, or tribal

1 member-owned businesses:

2 (i) deliver or cause delivery to be made to, or receive delivery from, a marijuana producer,
3 processor, or retailer licensed pursuant to 16-12-203; or

4 (ii) physically transfer possession of marijuana from the seller to the buyer within tribal government
5 jurisdiction.

6 (b) The tribe may allow an exemption from tax for sales to the tribe, tribal enterprises, tribal
7 member-owned businesses, or tribal members on marijuana grown, produced, or processed within its
8 jurisdiction. Medical marijuana products used in the course of medical treatments by a clinic, hospital, or similar
9 facility owned and operated by a federally recognized Indian tribe within its Indian country may be exempted
10 from tax under the terms of an agreement entered into under this section.

11 (3) Any marijuana agreement relating to the production, processing, and sale of marijuana in
12 Indian country, whether for recreational or medical purposes, must address the following issues:

13 (a) preservation of public health and safety;

14 (b) security of production, processing, retail, and research facilities; and

15 (c) cross-border commerce in marijuana.

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17 **NEW SECTION. Section 2. Appropriation.** There is appropriated \$1,000 from the general fund to
18 the office of Indian affairs for the fiscal year beginning July 1, 2025, for the purposes established in [section 1].

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20 **NEW SECTION. Section 3. Notification to tribal governments.** The secretary of state shall send a
21 copy of [this act] to each federally recognized tribal government in Montana.

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23 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
24 integral part of Title 18, chapter 11, and the provisions of Title 18, chapter 11, apply to [section 1].

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26 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2025.

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