

HOUSE BILL NO. 568

INTRODUCED BY L. SHELDON-GALLOWAY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO ADULT-USE MARIJUANA DISPENSARIES; PROVIDING LIMITATIONS ON THE NUMBER AND PERMISSIBLE LOCATION OF ADULT-USE DISPENSARIES; AND AMENDING SECTION 16-12-207, MCA."

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

NEW SECTION. Section 1. Limit on adult-use dispensary licenses for each county. The number of adult-use dispensaries that may operate in a county must be determined by population according to the most recent federal decennial census, as follows:

(1) in a county with a population of fewer than 10,000 inhabitants, not more than one adult-use dispensary; and

(2) in a county with a population of more than 10,000 inhabitants, not more than one additional adult-use dispensary for each additional 10,000 inhabitants or major fraction of 10,000 inhabitants, up to a maximum of 10 adult-use dispensaries in a single county.

Section 2. Section 16-12-207, MCA, is amended to read:

"16-12-207. (Effective October 1, 2021) Licensing as privilege -- criteria. (1) An adult-use provider license, adult-use marijuana-infused products provider license, adult-use dispensary license, or endorsement for manufacturing is a privilege that the state may grant to an applicant and is not a right to which an applicant is entitled. In making a licensing decision, the department shall consider:

(a) the qualifications of the applicant; and

(b) the suitability of the proposed registered premises.

(2) The department may deny or revoke a license based on proof that the applicant made a knowing and material false statement in any part of the original application or renewal application.

(3) The department may deny an adult-use provider license, adult-use marijuana-infused products

provider license, adult-use dispensary license, or endorsement for manufacturing if the applicant's proposed registered premises is situated within a zone of a locality where an activity related to the use of marijuana conflicts with an ordinance, a certified copy of which has been filed with the department.

(4) (a) The department may deny a license for an adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary or an endorsement for manufacturing if the applicant's proposed registered premises:

(i) is not approved by local building, health, or fire officials; or

(ii) is within 500-1,000 feet of ~~and on the same street as~~ a building used exclusively as a church, synagogue, or other place of worship, ~~or as a day-care facility, preschool, school or postsecondary school other than a commercially operated school, unless the locality allows for a reduced distance, or a park, recreational facility, or playground.~~ This distance must be measured in a straight line from the ~~center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises~~ to the nearest entrance of the place of worship, day-care facility, preschool, or school or nearest exterior boundary of the park, recreational facility, or playground.

(b) For the purposes of this subsection (4):

(i) "preschool", "school", and "postsecondary school" have the meanings provided in 20-5-402; and

(ii) "day-care facility" has the meaning provided in 52-2-703.

(5) An adult-use provider, adult-use marijuana-infused products provider, or adult-use dispensary licensee may operate at a shared location with a provider, marijuana-infused products provider, or dispensary as defined in 50-46-302 if the provider, marijuana-infused products provider, or dispensary is owned by the same person."

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 16, chapter 12, part 3, and the provisions of Title 16, chapter 12, part 3, apply to [section 1].

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