69th Legislature 2025 HB 952



AN ACT AUTHORIZING THE GOVERNOR TO ENTER INTO AGREEMENTS WITH TRIBAL GOVERNMENTS RELATING TO THE REGULATION OF MARIJUANA; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

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

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

- (a) criminal and civil law enforcement:
- (b) regulatory issues related to the commercial production, processing, sale, and possession of marijuana and marijuana products, as defined in 16-12-102, for both recreational and medical purposes;
 - (c) medical and pharmaceutical research involving marijuana;
 - (d) marijuana taxation;
- (e) any tribal immunities or preemption of state law regarding the production, processing, or marketing of marijuana; and
 - (f) dispute resolution, including the use of mediation or other nonjudicial processes.
- (2) (a) Marijuana agreements must apply to sales in which tribes, tribal enterprises, or tribal member-owned businesses:
 - (i) deliver or cause delivery to be made to, or receive delivery from, a marijuana producer,



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processor, or retailer licensed pursuant to 16-12-203; or

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

- (b) The tribe may allow an exemption from tax for sales to the tribe, tribal enterprises, tribal member-owned businesses, or tribal members on marijuana grown, produced, or processed within its jurisdiction. Medical marijuana products used in the course of medical treatments by a clinic, hospital, or similar facility owned and operated by a federally recognized Indian tribe within its Indian country may be exempted from tax under the terms of an agreement entered into under this section.
- (3) Any marijuana agreement relating to the production, processing, and sale of marijuana in Indian country, whether for recreational or medical purposes, must address the following issues:
 - (a) preservation of public health and safety;
 - (b) security of production, processing, retail, and research facilities; and
 - (c) cross-border commerce in marijuana.

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

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

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

Section 5. Effective date. [This act] is effective July 1, 2025.

- END -



I hereby certify that the within bill,	
HB 952, originated in the House.	
Chief Clerk of the House	
Speaker of the House	
Signed this	day
of	, 2025
President of the Senate	
Signed this	
of	, 2025.

HOUSE BILL NO. 952

INTRODUCED BY F. SMITH, J. FULLER, W. MCKAMEY, P. FLOWERS, D. HAYMAN, M. DUNWELL, A.
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