

1 HOUSE BILL NO. 488

2 INTRODUCED BY J. O'NEIL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE LOCATIONS WHERE THE USE OF MARIJUANA
5 FOR MEDICAL PURPOSES MAY OCCUR; LIMITING SMOKING OF MARIJUANA TO A PERSON'S
6 RESIDENCE; PROHIBITING THE SMOKING OF MARIJUANA IN THE PRESENCE OF CHILDREN; AMENDING
7 SECTION 50-46-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 50-46-205, MCA, is amended to read:12 **"50-46-205. Limitations of Medical Marijuana Act.** (1) This chapter does not permit:13 (a) any person to operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or
14 motorboat while under the influence of marijuana;

15 (b) the use of marijuana by a caregiver; or

16 (c) the ~~smoking use~~ use of marijuana by a qualifying patient:

17 (i) in a school bus or other form of public transportation;

18 (ii) on any school grounds;

19 (iii) in any correctional facility; ~~or~~20 (iv) at any public park, public beach, public recreation center, or youth center; or21 (v) in plain view of the public.22 (2) A qualifying patient who has a valid registry identification card may smoke marijuana only in the
23 qualifying patient's residence. The patient may not smoke the marijuana in the presence of children.24 ~~(2)(3)~~ Nothing in this chapter may be construed to require:25 (a) a government medical assistance program or private health insurer to reimburse a person for costs
26 associated with the medical use of marijuana; or

27 (b) an employer to accommodate the medical use of marijuana in any workplace.

28 ~~(3)(4)~~ Nothing in this chapter may be construed to allow a caregiver to use marijuana or to prevent
29 criminal prosecution of a caregiver who uses marijuana or paraphernalia for the caregiver's personal use."

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