



Summary of I-190 Implementation Bill

In the 2020 general election, 57% of Montana voters voted in favor of Initiative 190, which established a law to legalize, regulate, and tax cannabis for adults 21 and older. After much debate, the state legislature later approved [House Bill 701](#) in April 2021 to make some modifications to the voter-approved measure while maintaining most of its key provisions. Gov. Gianforte signed the implementation bill in May 2021. Below is a summary of the legislation.

Personal use of cannabis

- Adults 21 and older are permitted to possess and purchase up to one ounce of cannabis, which may include up to eight grams of concentrate and/or up to 800 mg of THC in edible form.
 - Adults may cultivate up to two cannabis plants in their home, with no more than four plants per household. Any excess cannabis produced by plants grown by an individual in a private residence may also be kept in a secure, locked location.
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Adult-use cannabis industry regulations

- The Montana Department of Revenue is the primary agency tasked with establishing and regulating the adult-use cannabis market.
 - The department is authorized to accept applications and issues licenses for the cultivation, manufacture, production, distribution, transportation, and retail sale of cannabis.
 - Retail sales of adult-use cannabis are scheduled to begin in January 2022.
 - Between January 1, 2022 and June 30, 2023, the department may only issue adult-use cultivation, manufacture, and retail licenses to existing medical cannabis businesses.
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Product regulations

- Cannabis flower is capped at 35% THC.
 - Edible products may not contain more than 100 mg of THC, with no more than 10 mg per serving size.
 - Further potency limits may be enacted through regulations.
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Tax rate and revenue distribution

- A 20% tax is imposed at the point of sale of cannabis products to adult consumers.
- Local governments may impose an additional tax of up to 3% on the sale price of cannabis

products.

- After reserving funds necessary for the continued implementation and regulation of the adult-use cannabis market, tax revenue generated from cannabis sales will be distributed in the following order:
 - Up to \$6 million into the HEART Fund to support addiction recovery programs;
 - 20% to the Department of Fish, Wildlife, and Parks for conservation efforts;
 - 3% OR \$200,000, whichever is less, to veterans' services;
 - \$450,000 to law enforcement agencies; and
 - The remainder is deposited into the state's general fund.
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Local control

- In counties where a majority of voters supported I-190, local governments may not prohibit the establishment of adult-use cannabis businesses.
 - In counties where a majority of voters voted against I-190, adult-use cannabis businesses are not permitted to operate until a local government has approved them.
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Expungement policy

- A special administrative judge will be appointed to process petitions to expunge prior criminal records for cannabis-related activities that are permitted or decriminalized under the legalization law.
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Non-discrimination provisions

- Parents may not be denied adoption, custody, or visitation rights with a child for lawful cannabis-related activities.
 - A person may not be denied access to an organ transplant for lawful cannabis-related activities.
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