

2-18-10

11-3-31, Medical Marijuana

- A. Medical marijuana dispensaries shall be allowed as a permitted use in the WBSD as well as the WB-2 with a Casino Overlay, or with a conditional use permit in the WB-1, WB-2, WB-3, WB-4, WI district, and in the SAG-5 district on properties fronting Highway 93 South only, subject to the following provisions:
1. No dispensary shall be located within 200'400', measured in a straight line regardless of intervening structures from property line to property line, of the following:
 - a. Public and private schools, pre-school through twelfth grade
 - b. Public libraries
 - c. Public playgrounds and parks
 - d. State licensed daycares, groups homes, pre-release centers, and personal care facilities
 - e. Churches
 - e-f. Another medical marijuana dispensary
 2. Dispensing, cultivation, and storage activities must take place indoors, and plants, products, accessories, or paraphernalia shall not be visible from public sidewalks or rights-of-way
 3. Smoking or Consumption of medical marijuana shall be allowed within the dispensary, provided that both of the following conditions are met:
 - a. Any on site consumption by smoking shall be in a fully enclosed, separately ventilated room which is separate from other areas of the dispensary, and which is vented directly to the exterior of the building
 - a. Any on site consumption shall conform to the Montana Clean Indoor Air Act.
 - a-b. The dispensary shall ensure that no person who has consumed medical marijuana on-site is allowed to leave the premises if he/she is in a condition that may cause a hazard to themselves or others.
 4. No marijuana consumption shall be allowed outside of the dispensary building, including in the parking lot, common areas, or sidewalks surrounding the property, and a notice stating that shall be displayed in a manner legible and visible to the clientele
 5. Each dispensary shall have provide a safety and security plan, including the requirement for security cameras monitoring the exterior and all entrances into the premises
 6. The dispensary shall keep records of all transactions and require proper identification of legal patients
 7. No patients under the age of --eighteen (18) shall be permitted in the dispensary at any time except in the presence of his/her parent or guardian,

and a notice of that shall be displayed in a manner legible and visible to the clientele

8. No retail sales of paraphernalia or other items are permitted at the dispensary except to patients or their designees
 9. Parking requirements shall be the same as those for medical and dental offices, with the exception that portions of a building used for manufacturing or other non-office uses shall be calculated separately.
 10. Advertisements, signs, displays, or other promotional material depicting medical marijuana, leaves, buds, cigarettes, or smoking paraphernalia shall not be visible from public sidewalks or rights-of-way unless associated with a registered trademark as part of a business logo on the primary sign.
- B. Medical marijuana caregivers operating out of private residences and caring for up to twenty-ten (2010) patients are allowed subject to the requirements for Home Occupations, Section 11-3-13
- C. Medical marijuana growing facilities for more than twenty-ten (2010) patients, with or without multiple caregivers and with distribution through an off-site dispensary only, shall be allowed in the W, AG-40, AG-20, SAG-10, WA, SAG-5, and WCR districts.

11-9-2 Definitions

Caregiver, Primary: An individual, 18 years of age or older, who has agreed to undertake responsibility for the well-being of a patient with respect to the cultivation and administration of medical marijuana and has registered with the State of Montana as a qualifying caregiver. A qualifying patient may have only one caregiver at any one time (per MCA 50-46-102).

Dispensary, Medical Marijuana: The use of any property or structure to cultivate and distribute, transmit, give, dispense, deliver, or otherwise provide marijuana in any manner in accordance with state statutes and administrative regulations to over ten twenty-(20 10) patients, typically associated with more than one care-giver and visible to the public as a commercial or professional office storefront.

Patient, Medical Marijuana: A person who has been diagnosed by a physician as having a debilitating medical condition and that has registered with the State of Montana as a qualifying medical marijuana patient