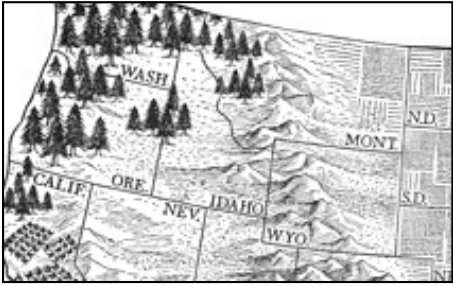


The Montana Saga: Endangered Progress

By Sarah Russo

The Montana medical marijuana initiative passed in 2004 with 62% voter approval. In the ensuing six years, some 80,000 residents became legal users. All the dire warnings of the Drug Warriors proved to be untrue: there were no deaths attributed to marijuana use, no spike in schizophrenia cases, no increased carnage on the highways. The Montana experience proves that marijuana use is not a threat to public health.

Nevertheless, earlier this year the state legislature passed a bill, HB 161, to repeal the medical marijuana law. (Unlike California, in Montana the legislature can repeal or change a citizens' initiative.)



On March 14 — while the legislature was debating and medical marijuana activists were imploring them not to re-impose Prohibition — federal agents raided 26 dispensaries in 13 cities across the state.

The raids “coincidentally” happened while the State Senate Judiciary Committee was deadlocked on whether or not to pass the repeal bill. The bill ended up on the desk of Governor Schweitzer, who vetoed it.

The relief of medical cannabis users and gratitude for the governor were very short-lived. Another bill was in the works —not

totally banning but severely restricting access to medical cannabis. This monster, SB 423, is called the “Regulations Bill.” It creates regulations so strict and unworkable that very few people would retain legal-patient status.

Opponents call it the “Black Market Bill” because it would force Montanans to obtain cannabis through illegal sources. Under SB 423:

- Patients on probation can no longer use cannabis medicinally

- Patients with “severe chronic pain” will require two doctors’ approvals for medical marijuana and must have “proof” that other medications were ineffective

- Minors who need medical cannabis will need a second doctor’s recommendation, the child may only ingest cannabis (no inhalation allowed) and their parents must submit fingerprints for an FBI background check.

- Out-of-state medical cannabis patients can no longer use cannabis legally in Montana.

- Providers (caregivers) wanting to cultivate cannabis will be subject to fingerprinting and a background check by the FBI, and an investigation of their finances.

- There will be zero monetary compensation allowed for medical cannabis cultivation.

- Those applying for a license under SB 423 must bring in all their genetics to local law enforcement for destruction before July 1st

- Gardens may not be shared or combined.

After passage by the legislature, SB 423 went to Gov. Schweitzer, who allowed it to become law.

Resistance

Cannabis advocates across the state are not accepting defeat. In April, The Montana Cannabis Industry Association went to court to block SB 423. In June, Superior Court District Judge James Reynolds granted a temporary injunction that disallowed some of the most onerous provisions, including:

- zero monetary exchange for medical cannabis

- reporting doctors to the Board of Medical Examiners if they approve cannabis use by more than 25 patients in a year

- prohibition on advertising for medical marijuana

- three-patient maximum for providers
- searches without a warrant of registered growing facilities.

Montana Attorney General Steve Bullock appealed Judge Reynolds’s decision in August. As this issue goes to print, SB 423 — the Draconian original — is the law in Montana.

Pro-cannabis forces have begun a signature-gathering drive to put SB 423 on the ballot in 2012, and thus give voters a chance to reject it. Montana is a small state — less than a million people — and signatures from only five percent of registered voters are required to qualify the referendum for the ballot. If 15% of voters (75,000) demand a referendum, SB 423 will not be enforced until after the 2012 election.

Signature gatherers began in July and have until Sept. 30 to reach their goal(s). As of Aug. 24, more than 15,000 Montanans have signed. It appears likely that there will be a referendum on SB 423 in

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2012, but not enough signatures to force a suspension of it till then.

Whatever happens, there has already been irreversible damage to an industry that created jobs and provided useful products and services.

Montana was one of the few medical states with analytical labs and access to CBD-rich strains. Now Montana labs have essentially been forced out of business. Fear of being caught and the gray area of provider cards has brought the testing of cannabis to a halt.

Without analytical labs, there will be zero quality control. Patients will get their cannabis on the black market without knowing its contents. Plant breeders trying to develop CBD-rich strains will put their research on hold or give up. How will this make Montana safer? The situation is as absurd as it is tragic.

While the attack on medical marijuana in Montana directly affects those within the state — patients and their loved ones, providers, lab workers, dispensary operators, etc. — it has serious implications for all of us.

What happened in Montana — gun-wielding federal agents raiding citizens’ homes and businesses, corporate-funded legislators ignoring the will of the people — can happen in your state, too.