4-16-2014

SB84-13/14: Legalization of Cannabis

Eamon Ormseth
The Associated Students of the University of Montana
Resolution Regarding Legalization of Cannabis
April 16, 2014
SB84-13/14
Authored by: Eamon Ormseth, ASUM Senator
Sponsored by: Erik Lillquist, ASUM Senator; Jacob Foster, ASUM Senator; and Anita Green, ASUM Senator

Whereas, the terms marijuana and cannabis are synonymous;


Whereas, cannabis is widely available for illicit purchase in the state of Montana;

Whereas, MCA § 45-9-102 reads:
“possession of less than 60 grams (g) (first offense) is a misdemeanor punishable by up to 6 months in prison and a fine not to exceed $500;
possession of less than 60g (second offense) is a misdemeanor punishable by up to 3 years in prison and a $1,000 fine and more than 60g is a felony punishable by up to 5 years in prison and a $50,000 fine”;

Whereas, MCA § 45-9-110 reads:
“cultivation of up to 1 pound or 30 plants of marijuana is a felony punishable by up to 10 years imprisonment and/or a fine up to $50,000.
Cultivation of more than 1 pound or 30 plants is a felony punishable by a minimum of 2 years to a maximum of life imprisonment and a fine up to $50,000. A second or subsequent offense for cultivation of marijuana is punishable by twice the term of imprisonment and twice the authorized fine for the first offense”;

Whereas, MCA § 45-9-101(4) reads:
“distribution of any amount of marijuana, with or without compensation, is punishable by a mandatory minimum of 1 year and a maximum sentence of life imprisonment and/or a fine up to $50,000”;

Whereas, MCA § 45-9-103(3), § 45-9-101(5), § 45-9-109, among other statutes, provide further penalties relating to cannabis;

Whereas, peer reviewed scientific journals have established that marijuana use is generally less harmful than alcohol consumption;

Whereas, studies have shown that criminalization of marijuana does not reduce usage;

Whereas, prosecuting individuals for marijuana use is costly and wastes taxpayer dollars;
Whereas, cannabis has many scientifically documented medical uses, including treatment of epilepsy, lack of appetite, glaucoma, and complications arising from chemotherapy;

Whereas, criminalization of cannabis cultivation increases demand for cannabis grown by violent drug cartels;

Whereas, the states of Colorado and Washington recently legalized cannabis via statewide referendum in November of 2012;

Whereas, said states imposed significant taxes on cannabis and regulations requiring oversight and sale in state-owned stores;

Whereas, the US Justice Department has elected to not prosecute individuals for cannabis cultivation in said states;

Whereas, Montana would stand to gain from taxing the sale of cannabis;

Therefore, Let it Be Resolved, that the Associated Students of the University of Montana (ASUM) requests the Montana Legislature explore ways to tax and regulate the sale of cannabis in Montana;

Therefore, Let it Be Further Resolved, that ASUM encourages the Montana Legislature either (1) enact said proposal into law or (2) send it to the voters of the state of Montana for a referendum in November of 2016;

Therefore, Let it Be Further Resolved, that a copy of this resolution be sent to Steve Bullock, Governor of Montana; Mark Blasdel, Speaker of the Montana House of Representatives; Jeff Essmann, President of Montana State Senate; Chuck Hunter, Minority Leader of the Montana House of Representatives, Jon Sesso, Montana Senate Minority Leader; Michael Hyde, Cannabis Activist; and the Montana Chapter of the National Organization for the Reform of Marijuana Laws.

Passed by Committee: April 14, 2014
Passed by ASUM Senate: April 16, 2014
Final Vote: 11Y-8N-1A

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Sean McQuillan,    Mariah Williams,
Relations and Affairs Chair   Chair of the Senate