

SENATE BILL NO. 471

INTRODUCED BY J. TREBAS, L. BREWSTER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CRIMINAL OFFENSE OF UNLAWFUL TRANSACTIONS WITH CHILDREN; PROHIBITING SELLING OR GIVING TO CHILDREN A PRODUCT CONTAINING ANY INTOXICATING HEMP-DERIVED CANNABINOID; PROHIBITING SELLING OR GIVING TO CHILDREN A PRODUCT CONTAINING KRATOM; AMENDING SECTION 45-5-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 45-5-623, MCA, is amended to read:

"45-5-623. Unlawful transactions with children. (1) Except as provided for in 16-6-305, a person commits the offense of unlawful transactions with children if the person knowingly:

- (a) sells or gives explosives to a child except as authorized under appropriate city ordinances;
- (b) sells or gives intoxicating substances other than alcoholic beverages to a child;
- (c) sells or gives an alcoholic beverage to a person under 21 years of age;
- (d) sells or gives to a child a tobacco product, alternative nicotine product, or vapor product, as

defined in 16-11-302;

(e) sells or gives to a child a product containing any intoxicating hemp-derived cannabinoid, including but not limited to delta-8, delta-9, or delta-10 tetrahydrocannabinol and isomers of delta-8, delta-9, or delta-10 tetrahydrocannabinol;

(f) sells or gives to a child a product containing any quantity of kratom or any parts of the plant *Mitragyna speciosa*, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine;

~~(g)~~ being a junk dealer, pawnbroker, or secondhand dealer, receives or purchases goods from a child without authorization of the parent or guardian; or

~~(h)~~ tattoos or provides a body piercing on a child without the explicit in-person consent of the

1 child's parent or guardian. For purposes of this subsection (1)~~(f)~~ (h), "tattoo" and "body piercing" have the
2 meaning provided in 50-48-102. Failure to adequately verify the identity of a parent or guardian is not an
3 excuse for violation of this subsection (1)~~(f)~~ (h).

4 (2) A person convicted of the offense of unlawful transactions with children shall be fined an
5 amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A
6 person convicted of a second offense of unlawful transactions with children shall be fined an amount not to
7 exceed \$1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both. (See compiler's
8 comments for contingent termination of certain text.)"

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10 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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