

## Supreme Court Decision - Montana Cannabis v. State

The September 11, 2012 Decision of the Supreme Court in *Montana Cannabis v. State*, 2012 MT 201, effectively lifts the injunction imposed by District Court Judge James Reynolds, as to the enforcement of §§ 50-46-308 (3), (4), (6)(a), and (6)(b), MCA. However, the decision of the Supreme Court **does not take effect** until the case is remanded to the District Court (“remittitur”). That does not happen until the expiration of the time for filing a petition for rehearing. The deadline for petitioning for rehearing is 15 days after the Supreme Court’s decision. So, in this case, the deadline for filing is Wednesday, September 26, 2012. If Plaintiffs submit a petition for rehearing, remittitur will not issue until the rehearing petition is resolved.

So, until at least September 26, 2012, the District Court injunction remains in effect because the Supreme Court decision, lifting that injunction, will not take effect until the case is officially remanded to the District Court.

The department is working to determine the best course of action for all registrants and providers in light of the Supreme Court decision. The website will be updated with more information about how the department will be handling the changes as soon as the information is available.

<http://dphhs.mt.gov/marijuana>

If you have further questions you may contact the Montana Marijuana Program by phone at 406-444-0596.