April 13, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Milburn and President Peterson:


On November 2, 2004, Montana voters passed citizens’ initiative I-148, encaptioned, “The Medical Marijuana Act,” allowing for the lawful use of marijuana for medical purposes under state law. The act was passed by Montanans on a vote of 276,042 to 170,579, almost 62% of those casting a ballot. I issue this veto of HB 161 because I do not believe it is right that 91 legislators overturn the will of the people of Montana, who passed this citizen initiative in 2004 by this significant margin.

Having twice been elected to statewide office, I bring to this issue an ever-abiding respect for Montana’s electoral process. I know it is the people of Montana I serve, and so it is the people of Montana I listen to as I execute the laws of this state day in and day out. I understand that the vast majority of Montana citizens and even the promoters of I-148 agree that the Medical Marijuana Act, written as broadly as it was, came to be something never anticipated when the voters passed it in 2004. However, balancing that fact with the medical needs of Montana citizens, I believe the proper resolution of this unanticipated outcome is not outright repeal, but amendment to serve the original intent – to provide a medicinal option for Montanans “to alleviate the symptoms or effects of the patient’s debilitating medical condition.” Sec. 2(4), I-148, now codified at Mont. Code Ann. § 50-46-102(5).

For the stated reasons, I respectfully ask the members of the Legislature to sustain my veto.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division