



# Cannabis Control Division Inspection Checklist

V4 8/2023

## 1. Person of interest (1 Per Licensee Tech Level?)

Reference	Requirement	Violations		
		Yes	No	N/A
16-12-104	(5) The department shall assess applications for licensure or renewal to determine if an applicant, controlling beneficial owner, or a person with a financial interest in the applicant meets any of the criteria established in this chapter for denial of a license.			
	(14) A person who is not a controlling beneficial owner in a licensee may not receive or otherwise obtain an ownership interest in a licensee that results in the person becoming a controlling beneficial owner unless the licensee notifies, in writing, the department of the proposed transaction and the department determines that the person qualifies for ownership under the provisions of this chapter.			
16-12-108	(6) A licensee who violates 15-64-103 or 15-64-104 or fails to pay any other taxes owed to the department under Title 15 is subject to revocation of the person's license from the date of the violation until a period of up to 1 year after the department certifies compliance with 15-64-103 or 15-64-104.			
16-12-109	(5) The department shall revoke and may not reissue a license or endorsement belonging to a person:			
	(a) whose controlling beneficial owner is an individual convicted of a felony drug offense			
	(b) who allows another person not authorized or lawfully allowed to be in possession of the license			
16-12-203	(1) (a) Subject to subsection (3) and this subsection (1), the department shall issue a license to or renew a license for a person who is applying to be a cultivator, manufacturer, medical marijuana dispensary, adult-use dispensary, or testing laboratory if the person submits to the department:			
	(ii) proof that the actual person having day-to-day operational control over the business is a Montana resident			
	(iii) a statement, on a form prescribed by the department, that the person:			
	(B) has no pending citations for violations occurring under this chapter or the marijuana laws of any other state or jurisdiction			
	(v) proof that the applicant has source of funding from a suitable source. A lender or other source of money or credit may be found unsuitable if the source:			
	(A) is a person whose prior financial or other activities or criminal record poses a threat to the public interest of the state			
	(B) poses a threat to the effective regulation and control of marijuana and marijuana products			
	(C) creates a danger of illegal practices, methods, or activities in the conduct of the licensed business			
	(2) The department may not license a person under this chapter if the person or an owner, including a person with a financial interest:			
	(a) has a felony conviction or a conviction for a drug offense, including but not limited to, a conviction for a violation of any marijuana law in any other state within the past 5 years and, after an investigation, the department finds that the applicant has not been sufficiently rehabilitated as to warrant the public trust;			
	(b) is in the custody of or under the supervision of the department of corrections or a youth court;			
	(c) has been convicted of a violation under 16-12-524 or of making a fraudulent representation under the former medical marijuana program administered by the Department of Public Health and Human Services;			

Reference	Requirement	Violations		
		Yes	No	N/A
16-12-203 (continued)	(d) is under 21 years of age.			
	(e) has failed to:			
	(ii) comply with any provisions of Title 15 or Title 16, including the failure to file any tax return or report.			
	(iii) stay out of default on a government-issued student loan.			
	(iv) pay child support			
	(v) remedy an outstanding delinquency for child support or for taxes or judgments owed to a government agency			
	(f) has had a license issued under this chapter or a former medical marijuana license revoked within 3 years of the date of the application			
	(g) has resided in Montana for less than 1 year.			
16-12-207	(2) The department may deny or revoke a license based on proof that the applicant made a false statement in any part of the original application or renewal application.			
16-12-520	(2) A person licensed under this chapter may not:			
	(a) arrange for a physician to conduct a physical examination or review of medical records required under this part, either in the physician's office or at another location			
	(b) pay all or a portion of the costs for an individual to be seen by a physician for the purposes of obtaining a written certification.			
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 2. Advertising

Reference	Requirement	Violations		
		Yes	No	N/A
16-12-211	(1) Except as provided in subsection (3), persons with licenses may not advertise marijuana or marijuana products.			
	(2) A listing in a directory of businesses authorized under this chapter is not advertising for the purposes of this section.			
	(3) (a) A licensee may engage in electronic advertising such as maintaining a website and advertising on web applications, provided that no electronic advertisement produced by the licensee contains a statement or illustration that:			
	(i) is false or misleading			
	(ii) promotes overconsumption of marijuana or marijuana products			
	(iii) depicts the actual consumption of marijuana or marijuana products			
	(iv) depicts a person under 21 years of age consuming marijuana			
	(vi) is designed in a way that is likely to appeal to minors. and includes cartoons, animals, children, or any other likeness to images, characters, or phrases that are designed in any manner to be appealing or to encourage consumption of marijuana by persons under 21 years of age.			
	(b) A licensee may not advertise marijuana or marijuana products using pop-up advertisements that play in a new internet browser window.			
	(c) A licensee may not direct advertising of marijuana or marijuana products toward mobile devices in the form of push notifications unless users affirmatively opt in to receiving push notifications related to marijuana or marijuana products.			

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.123	(1) A licensee may promote its business and market its brand but may not advertise marijuana or marijuana products except in electronic advertising.			
	(5) A licensee's outdoor signage may not use colloquial terms for marijuana or marijuana products (e.g., pot, reefer, ganja, weed) and may not use an image or visual representation of useable marijuana, marijuana-infused products, marijuana concentrates, marijuana paraphernalia, or an image that indicates the presence of a product such as smoke, edibles, etc.			
	(6) A licensee's outdoor signage must comply with any applicable local jurisdiction sign ordinances and regulations.			
	(7) A marijuana business that maintains a webpage must utilize appropriate measures to verify that individuals visiting the webpage are 21 years of age or older.			
	(8) Marijuana business social media accounts that advertise marijuana or marijuana products must be private and must contain a clearly visible notice on the main page stating that only persons 21 years of age or older may follow the account.			
	(9) A marijuana business may not:			
	(a) engage in advertising via marketing directed towards location-based devices, including, but not limited to cellular phones, unless users affirmatively opt in to receiving push notifications related to marijuana or marijuana-related products			
	(b) utilize unsolicited pop-up or push-to advertising on the internet			
	(c) advertise on television, radio, or in print such as newspapers, magazines, flyers, and mailers			
	(d) engage in advertising or utilize signage that asserts its products are safe			
	(e) utilize a billboard			
	(f) use objects such as toys or inflatables, movie or cartoon characters, or any other depiction or image likely to be appealing to youth, where the objects, images, or depictions indicate an intent to cause youth to become interested in the purchase or consumption of marijuana products			
	(g) use or employ a commercial mascot outside of, and in proximity to, a licensed marijuana business. A "commercial mascot" means a live human being, animal, or mechanical device used for attracting the attention of motorists and passersby so as to make them aware of marijuana products or the presence of a marijuana business. Commercial mascots include, but are not limited to, inflatable tube displays, persons in costume, or wearing, holding, or spinning a sign with a marijuana-related commercial message or image, where the intent is to draw attention to a marijuana business or its products.			
(10) The prohibition in (9)(c) does not prohibit the use of informational pamphlets for dissemination at marijuana trade conferences or the use or distribution of business cards.				
<b>Notes/Deficiencies/Corrections (If Any):</b>				

### 3. General Facility

Reference	Requirement	Violations		
		Yes	No	N/A
16-12-106	(3) A licensee may not cultivate hemp or engage in hemp manufacturing at a licensed premises.			
	(6) A license issued pursuant to this chapter must be displayed by the licensee as provided for in rule by the department.			
	(9) Licenses issued under this chapter must be renewed annually.			
16-12-106 (1)(c)	(iv) no portion of a private residence used for cultivation of marijuana and manufacture of marijuana products for personal use may be shared with, rented, or leased to a marijuana business;			
16-12-203	(5) (a) A person licensed under this section may cultivate marijuana and manufacture marijuana products for use by consumers or registered cardholders only at one of the following locations:			
	(i) a property that is owned by the licensee			
	(ii) with written permission of the property owner filed with the department when applying for or renewing a license, a property that is rented or leased by the licensee.			
	(b) No portion of the property used for cultivation of marijuana or manufacture of marijuana products or marijuana concentrate may be shared with or rented or leased to another licensee.			
	(c) Marijuana or marijuana products may not be consumed on the premises of any licensed premises.			
16-12-207	(1) A cultivator license, manufacturer license, adult-use dispensary license, medical marijuana dispensary license, combined-use marijuana license, marijuana transporter license, or any other license authorized under this chapter is a privilege that the state may grant to an applicant and is not a right to which an applicant is entitled. In making a licensing decision, the department shall consider:			
	(b) the suitability of the proposed licensed premises, including but not limited to cultivation centers, dispensaries, and manufacturing facilities.			
	(3) (a) The department shall deny a cultivator license, manufacturer license, adult-use dispensary license, or medical marijuana license if the applicant's proposed licensed premises:			
	(i) is situated within a zone of a locality where an activity related to the use of marijuana conflicts with an ordinance, a certified copy of which has been filed with the department;			
	(ii) is not approved by local building, health, or fire officials as provided for in this chapter; or			
	(iii) is within 500 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship, or as a school or postsecondary school other than a commercially operated school, unless the locality requires a greater distance. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises. This subsection (3)(a)(iii) does not apply if the application is for license renewal and the licensed premises was established before the church, synagogue, or other place of worship or school or postsecondary school existed on the same street.			
	(5) A marijuana business may not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises.			
	(6) A marijuana business may not utilize the United States Postal Service or an alternative carrier other than a licensed marijuana transporter to transport, distribute, ship, or otherwise deliver marijuana or marijuana products.			

Reference	Requirement	Violations		
		Yes	No	N/A
<b>16-12-207</b> (continued)	(10) Each marijuana business shall install a video monitoring system that must, at a minimum:			
	(a) allow for the transmission and storage, by digital means, of a video feed that displays the interior and exterior of the cannabis establishment			
	(b) be capable of being recorded as prescribed by the department.			
	(12) A person under 21 years of age is not permitted inside a marijuana business unless the person is a registered cardholder.			
<b>16-12-208</b>	(2) A cultivator or manufacturer may not cultivate, process, test, or store marijuana at any location other than the licensed premises approved by the department and within an enclosed area that is secured in a manner that prevents access by unauthorized persons.			
	(4) A licensee may not allow a person under 18 years of age to volunteer or work for the licensee.			
<b>16-12-226</b>	(1) A marijuana worker permit is required for an employee who performs work for or on behalf of a marijuana business if the individual participates in any aspect of the marijuana business.			
	(2) (a) Except as provided in subsection (2)(b), a marijuana business may not allow an employee to perform any work at the licensed premises until it has verified that the employee has obtained a valid marijuana worker permit issued in accordance with this chapter.			
	(b) An employee of a former medical marijuana licensee in good standing with the department as of January 1, 2022, shall obtain a marijuana worker permit within 90 days of January 1, 2022.			
	(6) An employee of a licensee shall carry the employee's worker permit at all times when performing work on behalf of a marijuana business.			
<b>16-12-301</b>	(1) (a) Except as provided in subsection (1)(b), a marijuana business may not operate in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election until:			
	(i) the category or categories of license that the marijuana business seeks has or have been approved by the local jurisdiction where the marijuana business intends to operate as provided in subsection (3) or (4); and			
	(ii) the business is licensed by the department pursuant to this chapter.			
<b>42.39.105</b>	(1) Licensee must ensure that all employees wear a department-issued worker permit in a clearly visible manner on the outermost layer of clothing while working on behalf of the licensee. A licensee is responsible for the security of all marijuana and marijuana products on a licensed premises, during transit, and under the supervision of the licensee or its employee until the marijuana or marijuana product is sold.			
	(2) A licensee is responsible for ensuring the department has a current and working email address and a current and valid mailing address on file to receive department correspondence.			
	(3) A licensee is responsible for providing the department with its hours of operation for each licensed premises. A licensee or its employee must be on-site during hours of operation and must make the licensed premises available to department inspectors during those hours.			
	(4) A licensee must use a weighing device, pursuant to 30-12-203, MCA, and ARM 24.351.101, whenever marijuana is:			
	(a) packaged for sale by weight			
	(b) bought and sold by weight			
	(c) weighed for entry into the seed-to-sale tracking system.			
	(5) A licensee must establish, maintain, and make available for department inspection at all licensed premises written emergency procedures to be followed in case of a fire, chemical spill, or other emergency.			

Reference	Requirement	Violations		
		Yes	No	N/A
<b>42.39.105</b> (Continued)	(6) A licensee must maintain and make available for department inspection at all licensed premises the following documentation or information in a single binder, file, or other organized and readily accessible format:			
	(a) proof that any signage at the licensed premises complies with local jurisdiction sign ordinances and regulations			
	(b) proof that licensees and employees of licensees are current on the required trainings			
	(c) the emergency procedures required by (5)			
	(d) the written security plan required by ARM 42.39.121(1)			
	(e) for marijuana manufacturer licensees, the written standard operating procedures required by ARM 42.39.401(16)			
	(f) for marijuana cultivator licensees, the written standard operating procedures required by ARM 42.39.405(8)			
	(g) for marijuana dispensary licensees, a written standard operating procedure for the destruction of returned marijuana or marijuana products.			
<b>42.39.107</b>	(12) A licensee may not operate until on or after the effective date of the license.			
<b>42.39.115</b>	(1) A marijuana worker permit is required for any individual age 18 and over who performs work for or on behalf of any aspect of a marijuana business.			
	(3) All individuals required to have a worker permit shall undergo a criminal background before March 31, 2022, on a form provided by the department.			
<b>42.39.121</b>	(1) All licensees must have a written, proactive security plan maintained on the licensed premises that safeguards against theft, diversion, or tampering of marijuana or marijuana products both on the licensed premises and during transit, if applicable. The security plan must, at a minimum, contain the following policies or procedures of how a licensee:			
	(a) restricts access to the areas of the licensed premises containing marijuana or marijuana products to authorized persons only			
	(b) provides for identification of authorized persons to be in the areas of the marijuana business that contain marijuana or marijuana products			
	(c) provides electronic monitoring of the licensed premises.			
	(2) A licensed premises must have only one single secure entrance to the building or licensed premises for public ingress and egress.			
	(3) A licensed premises must have a security alarm system on all perimeter entry points and perimeter windows, as applicable.			
	(4) A licensed premises must have a video monitoring system with cameras that:			
	(a) have a minimum digital resolution of 640 x 470 pixels or pixel equivalent for analog			
	(b) record continuously twenty-four hours per day, or on a motion-sensor system, at a minimum of ten frames per second			
	(c) are placed to allow for optimal identification of any person and activities in limited access areas			
	(d) are placed to record all entrances and exits to an indoor facility from both indoor and outdoor vantage points			
	(5) The video monitoring system described in (4) must also:			
	(a) keep all recordings for a minimum of 60 days			
	(b) record images with clear and accurate date and time display.			
	(6) All monitoring system videos are subject to inspection by the department and must be copied and provided to the department upon request.			

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.122	(1) A marijuana business licensee must conspicuously display and make available its site identification certificate at each licensed premises.			
	(2) All marijuana business licensees, except for marijuana dispensaries, must conspicuously post a notice at each entry to a licensed premises that contains all of the following: "Persons under twenty-one years of age not permitted on these premises without a valid worker permit."			
	(3) All marijuana dispensaries must conspicuously post a notice or notices at each entry to the licensed premises that contains all of the following language:			
	(a) "Persons under twenty-one years of age not permitted on these premises without a valid registry identification card or valid worker permit. Registered cardholders under the age of 18 must be accompanied by a legal guardian."			
	(b) "No on-site consumption of marijuana or marijuana products."			
	(c) "No on-site opening of marijuana or marijuana products."			
	(4) A marijuana business licensee that is not permitted to sell marijuana or marijuana products to adult use consumers, or a marijuana business licensee that elects not to sell marijuana or marijuana products to adult use consumers, must conspicuously post a notice at the entry to the licensed premises visible from outside that contains all of the following language: "This dispensary is licensed for medical marijuana sales only. No sales will be permitted without a valid registry identification card."			
42.39.312	(3) A licensee must develop a recall plan that establishes the procedures the licensee will follow in the event of a recall of its product or products. A recall plan must, at a minimum:			
	(a) designate a member of the licensee's staff who serves as the licensee's recall coordinator			
	(b) establish procedures for identifying and isolating product to prevent or minimize its distribution to customers			
	(c) establish procedures to retrieve and destroy product			
	(d) establish a communications plan to notify those affected by the recall, including:			
	(i) how the affected licensee will notify registered cardholders and other licensees in possession of affected product			
	(ii) the use of a press release and other appropriate notifications to ensure customers are notified of the recall and affected product information.			
42.39.320	(24) A licensee must maintain approval letters for all product packaging, labels, and exit packages at the licensed premises and shall make those letters available to department inspectors upon request.			
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 4. Cultivation

Reference	Requirement	Violations		
		Yes	No	N/A
16-12-104	(4) A person licensed to cultivate or manufacture marijuana or marijuana products is subject to the provisions contained in the Montana Pesticides Act provided for in Title 80, chapter 8.			
16-12-107	(1) A cultivator may have the canopy allotment allowed by the department.			
16-12-108	(2) A person may not cultivate marijuana in a manner that is visible from the street or other public area.			
16-12-203	(3) Marijuana for use pursuant to this chapter must be cultivated and manufactured in Montana unless federal law otherwise allows for the interstate distribution of marijuana.			
	(6) A cultivator licensed under this chapter in accordance with licensing requirements set forth in this chapter and rules adopted by the department:			
	(c) may not engage in outdoor cultivation of marijuana, except as provided in 16-12-223(6).			
16-12-208	(1) A cultivator or manufacturer may not cultivate marijuana or manufacture marijuana products in a manner that is visible from the street or other public area without the use of binoculars, aircraft, or other optical aids.			
16-12-223	(1) (a) The department shall license cultivators according to a tiered canopy system. Except as provided in subsection (6), all cultivation that is licensed under this chapter may only occur at an indoor cultivation facility.			
	(b) Except as provided in subsection (6), the system shall include, at a minimum, the following license types:			
	(i) A micro tier canopy license allows for a canopy of up to 250 square feet at one indoor cultivation facility.			
	(ii) A tier 1 canopy license allows for a canopy of up to 1,000 square feet at one indoor cultivation facility.			
	(iii) A tier 2 canopy license allows for a canopy of up to 2,500 square feet at up to two indoor cultivation facilities			
	(iv) A tier 3 canopy license allows for a canopy of up to 5,000 square feet at up to three indoor cultivation facilities.			
	(v) A tier 4 canopy license allows for a canopy of up to 7,500 square feet at up to four indoor cultivation facilities.			
	(vi) A tier 5 canopy license allows for a canopy of up to 10,000 square feet at up to five indoor cultivation facilities.			
	(vii) A tier 6 canopy license allows for a canopy of up to 13,000 square feet at up to five indoor cultivation facilities.			
	(viii) A tier 7 canopy license allows for a canopy of up to 15,000 square feet at up to five indoor cultivation facilities.			
	(ix) A tier 8 canopy license allows for a canopy of up to 17,500 square feet at up to five indoor cultivation facilities.			
	(xii) A tier 11 canopy license allows for a canopy of up to 40,000 square feet at up to eight indoor cultivation facilities.			
	(xiii) A tier 12 canopy license allows for a canopy of up to 50,000 square feet at up to nine indoor cultivation facilities.			
	(c) A cultivator shall demonstrate that the local government approval provisions in 16-12-301 have been satisfied for the jurisdiction where each proposed indoor cultivation facility or facilities is or will be located if a proposed facility would be located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.			
(6) A former medical marijuana licensee who engaged in outdoor cultivation before November 3, 2020, may continue to engage in outdoor cultivation.				

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.405	(1) A marijuana cultivator license allows a marijuana cultivator to plant, cultivate, grow, dry, package, and label marijuana and sell marijuana to licensed marijuana manufacturers, licensed dispensaries, and to other licensed marijuana cultivators, and to sell marijuana products to licensed dispensaries. Marijuana cultivator licensees may not sell marijuana flower to other marijuana cultivator licensees			
	(5) A former medical marijuana licensee who engaged in outdoor cultivation before November 3, 2020, may continue to engage in outdoor cultivation but may not expand their existing outdoor cultivation space.			
	(7) A marijuana cultivator licensee that cultivates above its licensure level may be subject to administrative proceedings.			
	(8) A marijuana cultivator licensee must create and maintain a manual of written standard operating procedures to produce marijuana. The marijuana cultivator licensee must keep the manual at the licensed premises and make it available for department inspection at all times. The manual must include, at a minimum:			
	(a) when and how all pesticides or other chemicals are to be applied during the production process			
	(b) water usage and wastewater disposal protocols			
	(c) a waste disposal plan.			
	(9) If a marijuana cultivator licensee makes a material change to the standard operating procedures, it must document the change and revise the written standard operating procedures manual accordingly			
	(10) A marijuana cultivator licensee must maintain on the licensed premises:			
	(a) the material safety data sheet for all pesticides, fertilizers, or other agricultural chemicals used in the production of marijuana at the licensed premises			
	(b) the original label, or a copy, for all pesticides, fertilizers, or other agricultural chemicals used in the production of marijuana at the licensed premises.			
	(11) A marijuana cultivator licensee must maintain a log of all pesticides, fertilizers, or other agricultural chemicals used in the production of marijuana in the seed-to-sale tracking system.			
	(12) A marijuana cultivator licensee may not cultivate hemp at a licensed premises.			
(13) A marijuana cultivator licensee and an employee of a marijuana cultivator licensee may transport their own marijuana and marijuana products in accordance with 16-12-222(4), MCA, and ARM 42.39.413(4) through (15) but may not transport the marijuana or marijuana products of other licensees without a marijuana transporter license.				
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 5. Manufacturer

Reference	Requirement	Violations		
		Yes	No	N/A
16-12-108	(1) This chapter does not permit:			
	(l) performing solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol unless licensed for this activity by the department.			
16-12-109	(5) The department shall revoke and may not reissue a license or endorsement belonging to a person:			
	(d) who operates a carbon dioxide or hydrocarbon extraction system without obtaining a manufacturing license			
16-12-203	(3) Marijuana for use pursuant to this chapter must be cultivated and manufactured in Montana unless federal law otherwise allows for the interstate distribution of marijuana.			
16-12-208	(1) A cultivator or manufacturer may not cultivate marijuana or manufacture marijuana products in a manner that is visible from the street or other public area without the use of binoculars, aircraft, or other optical aids.			
16-12-221	(1) A person licensed as a manufacturer shall:			
	(a) prepare marijuana products at a licensed premises exclusively			
	(b) use equipment that is used exclusively for the manufacture and preparation of marijuana products.			
	(2) All licensed premises on which marijuana products are manufactured must meet any applicable standards set by a local board of health for a retail food establishment as defined in 50-50-102.			
	(3) An applicant for a manufacturer license shall demonstrate that the local government approval provisions contained in 16-12-301 have been satisfied in the jurisdiction where each proposed manufacturing facility is located if a proposed facility would be located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election			
	(6) (a) The department shall charge a manufacturer license fee for an initial application and at each renewal. The license fee is based on the amount of concentrate produced at a manufacturing facility on a monthly basis. The annual fees for licensees are:			
	(i) \$5,000 for each manufacturing facility that produces, on a monthly basis, less than 1 pound of concentrate and up to 10 pounds of concentrate;			
	(ii) \$10,000 for each manufacturing facility that produces, on a monthly basis, between 10 pounds of concentrate and 15 pounds of concentrate; and			
	(iii) \$20,000 for each manufacturing facility that produces, on a monthly basis, 15 pounds or more of concentrate.			
42.39.401	(1) A marijuana manufacturer license allows a marijuana manufacturer to convert or to compound marijuana into marijuana products. A marijuana manufacturer licensee may buy marijuana and marijuana products from licensed marijuana cultivators and licensed marijuana manufacturers and may sell marijuana products to licensed marijuana dispensaries.			
	(7) A marijuana manufacturer licensee must take all reasonable measures and precautions to ensure the following:			
	(a) that the placement of equipment and storage of materials allow for the maintenance of sanitary operations for the manufacture of marijuana products			
	(b) that all surfaces, including utensils and equipment used for the preparation of marijuana products, shall be cleaned and sanitized as frequently as is necessary to protect against contamination			
	(c) that the water supply is safe and potable			
	(d) that the storage and transport of finished marijuana products shall be under conditions that will protect products against physical, chemical, and microbial contamination.			

Reference	Requirement	Violations		
		Yes	No	N/A
<b>42.39.401</b> (Continued)	(8) A marijuana manufacturer licensee must:			
	(a) use equipment, counters, and surfaces for manufacturing that are food grade, do not react adversely with any solvent being used, reduce the potential for development of microbials, molds, and fungi, and can be easily cleaned			
	(b) maintain detailed instructions for making each infused product, concentrate, or extract, which shall be kept confidential by the department			
	(c) conduct necessary safety checks prior to commencing processing.			
	(9) A marijuana manufacturer licensee that engages in chemical manufacturing must:			
	(a) use only hydrocarbon-based solvents that are at least 99 percent pure, except when using solvents outlined in (10)(b)			
	(b) only use nonhydrocarbon-based solvents that are food grade			
	(c) use only potable water and ice made from potable water			
	(d) use a professional grade closed-loop extraction system designed to recover the solvents			
	(e) have equipment used in processing approved for use by the fire official having jurisdiction over the licensed premises			
	(f) have an emergency eye-wash station in any room in which chemical manufacturing is occurring			
	(g) have all applicable safety data sheets readily available			
	(10) A marijuana manufacturer licensee that engages in chemical manufacturing may use:			
	(a) a mechanical and/or physical extraction process			
	(b) a chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol, or ethanol			
	(c) a chemical extraction process using the solvent carbon dioxide, provided that the process:			
	(i) does not involve the use of heat over 180 degrees Fahrenheit			
	(ii) uses a professional grade closed-loop carbon dioxide gas extraction system where every vessel is rated to a minimum of six hundred pounds per square inch.			
	(11) A marijuana manufacturer licensee that engages in chemical manufacturing may not use:			
	(a) class 1 solvents according to the Q3 Tables and List Guidance for Industry published by the U.S. Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research, Center for Biologics Evaluation and Research			
	(b) pressurized, canned fuel intended for use in camp stoves, handheld torch devices, refillable cigarette lighters, and similar products			
	(c) denatured alcohol.			
	(12) A marijuana manufacturer licensee shall not utilize a branded, commercially manufactured food product (e.g., Chex Mix, Nerds Ropes) as an edible marijuana product except when commercially manufactured food products are used as ingredients in an edible marijuana product in a way that renders them unrecognizable as the commercial food product in the final edible marijuana product; and the licensee does not state or advertise to the consumer that the final edible marijuana product contains the commercially manufactured food product.			
	(13) A marijuana manufacturer licensee may not infuse any food with marijuana that requires heated, time-temperature control or a hot holding unit to keep it safe for human consumption and may not serve hot or heated foods that promote onsite consumption.			
	(14) Any foods that require refrigeration or freezing to keep them safe for human consumption must be stored in a refrigerator or freezer until the time of sale and must be affixed with a label that indicates the product must be kept refrigerated or frozen, as appropriate.			
	(15) A marijuana manufacturer licensee may not treat or otherwise alter a marijuana product with any synthetic cannabinoid additive, including Delta-8 tetrahydrocannabinol, that would increase potency, toxicity, or addictive potential.			

Reference	Requirement	Violations		
		Yes	No	N/A
<b>42.39.401</b> (continued)	(16) A marijuana manufacturer licensee must have current, written standard operating procedures at the licensed premises and available for inspection for the following:			
	(a) each category and type of marijuana product that it produces			
	(b) cleaning all equipment, counters, and surfaces thoroughly			
	(c) proper handling and storage of any solvent, gas, or other chemical used in processing or on the licensed premises			
	(d) proper disposal of any waste produced during processing			
	(e) training employees on how to use the closed-loop system and handle and store the solvents and gasses safely.			
	(17) A marijuana manufacturer licensee and an employee of a marijuana manufacturer licensee may transport their marijuana and marijuana products in accordance with 16-12-222(4), MCA, and ARM 42.39.413(4) through (15) but may not transport the marijuana or marijuana products of other licensees without a marijuana transporter license.			
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 6. Dispensary

Reference	Requirement	Violations		
		Yes	No	N/A
<b>16-12-108</b>	(1) This chapter does not permit:			
	(d) delivery or distribution of marijuana or marijuana products, with or without consideration, to a person under 21 years of age			
<b>16-12-109</b>	(5) The department shall revoke and may not reissue a license or endorsement belonging to a person:			
	(f) who sells, distributes, or transfers marijuana or marijuana products to a person the licensee knows or should know is under 21 years of age.			
<b>16-12-207</b>	(4) A licensee may not sell or otherwise transfer marijuana or marijuana products through a drive-up window, except that a dispensary may hand-deliver marijuana or marijuana products to a registered cardholder in a vehicle that is parked immediately outside the subject dispensary.			
	(7) A marijuana business may not provide free marijuana or marijuana products or offer samples of marijuana or marijuana products.			
	(8) Marijuana or a marijuana product may not be given as a prize, premium, or consideration for a lottery, contest, game of chance, game of skill, or competition of any kind.			
	(9) (a) Except as provided in subsection (9)(c), an adult-use dispensary or medical marijuana dispensary must have a single, secured entrance for patrons and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance in accordance with department rule.			
	(b) Except as provided in subsection (9)(c), a marijuana business that is not an adult-use dispensary or medical marijuana dispensary must implement security measures in accordance with department rule to deter and prevent the theft of marijuana and unauthorized entrance.			
	(c) The provisions of this subsection (9) do not supersede any state or local requirements relating to minimum numbers of points of entry or exit or any state or local requirements relating to fire safety			

Reference	Requirement	Violations		
		Yes	No	N/A
16-12-208	(5) Edible marijuana products manufactured as candy may not be sold in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marijuana.			
	(7) An adult-use dispensary or medical marijuana dispensary may not sell or otherwise transfer hemp flower, hemp plants, synthetic cannabinoids, or alcohol from a licensed premises.			
16-12-224	(1) Except as provided in 16-12-201(2), an applicant for a dispensary license shall demonstrate that the local government approval provisions in 16-12-301 have been satisfied in the jurisdiction where each proposed dispensary is located if the proposed dispensary would be located in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.			
	(3) An adult-use dispensary licensee may operate at a shared location with a medical marijuana dispensary if the adult-use dispensary and medical marijuana dispensary are owned by the same person.			
	(4) A medical marijuana dispensary is authorized to sell exclusively to registered cardholders marijuana, marijuana products, and live marijuana plants.			
	(5) An adult-use dispensary is authorized to sell marijuana, marijuana products, and live marijuana plants to consumers or registered cardholders.			
	(8) (a) Marijuana and marijuana products sold at a dispensary are regulated and sold on the basis of the concentration of THC in the products and not by weight.			
	(b) Except as provided in subsection (8)(c), for purposes of this chapter, a single package is limited to			
	(i) for marijuana sold as flower, 1 ounce of usable marijuana. The total potential psychoactive THC of marijuana flower may not exceed 35%.			
	(ii) for a marijuana product sold as a capsule, no more than 100 milligrams of THC per capsule and no more than 800 milligrams of THC per package.			
	(iii) for a marijuana product sold as a tincture, no more than 800 milligrams of THC			
	(iv) for a marijuana product sold as an edible or a food product, no more than 100 milligrams of THC. A single serving of an edible marijuana product may not exceed 10 milligrams of THC.			
	(v) for a marijuana product sold as a topical product, a concentration of no more than 6% THC and no more than 800 milligrams of THC per package			
	(vi) for a marijuana product sold as a suppository or transdermal patch, no more than 100 milligrams of THC per suppository or transdermal patch and no more than 800 milligrams of THC per package			
	(vii) for any other marijuana product, no more than 800 milligrams of THC.			
	(c) A dispensary may sell marijuana or marijuana products having higher THC potency levels than described in subsection (8) to registered cardholders.			
(9) A licensee or employee is prohibited from conducting a transaction that would result in a consumer or registered cardholder exceeding the personal possession amounts set forth in 16-12-106 and 16-12-515.				
42.39.409	(6) A marijuana dispensary licensee and its employees must not sell marijuana or marijuana products to any person obviously or apparently under the influence of drugs or alcohol.			
	(7) A marijuana dispensary licensee and its employees may sell marijuana paraphernalia to registered cardholders 18 years of age and older and to consumers 21 years of age and older			
	(8) Marijuana dispensary customers must not handle marijuana or marijuana products outside of its packaging prior to purchase. Customers may return marijuana or marijuana products, but the dispensary must destroy those products and the destruction must be entered into the seed-to-sale tracking system. Nothing in this rule prevents a marijuana dispensary licensee from refusing product returns.			

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.409 (continued)	(9) A marijuana dispensary licensee and its employees are prohibited from engaging in the unlicensed practice of medicine. A marijuana dispensary licensee and its employees must not:			
	(a) offer or undertake to diagnose or cure any human or animal disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, by use of marijuana or marijuana products or any other means or instrumentality			
	(b) recommend or suggest modification or elimination of any course of treatment that does not involve the medical use of marijuana or marijuana products.			
	(10) All sales of marijuana and marijuana products must be recorded in real time in the seed-to-sale tracking system.			
	(11) A marijuana dispensary licensee and its employees must refuse to sell marijuana or marijuana products at the medical marijuana tax rate to registered cardholders who do not possess and present a valid registry identification card or temporary registry identification card at the time of sale.			
	(12) A marijuana dispensary licensee and its employees must refuse to sell marijuana or marijuana products to any consumer unless the consumer possesses and presents one of the following forms of valid and unexpired photo identification showing that the consumer is 21 years of age or older:			
	(a) a driver's license or temporary driver's permit issued by Montana or any other state or territory of the United States			
	(b) an identification card issued by Montana or any other state or territory of the United States for the purpose of proof of age of the holder of the card			
	(c) United States military identification card			
	(d) a Merchant Mariner Credential or other similar document issued by the United States Coast Guard			
	(e) a passport issued by, or recognized by, the United States Government or a permanent resident card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security			
	(f) a tribal identification card issued by a tribal government which requires proof of the age of the holder of the card for issuance.			
	(14) A marijuana dispensary licensee and its employees cannot sell marijuana or marijuana products in excess of the THC levels provided for in 16-12- 224, MCA, except to registered cardholders.			
	(15) A marijuana dispensary licensee and an employee of a marijuana dispensary licensee may transport marijuana and marijuana products in accordance with 16-12-222(4), MCA, and ARM 42.39.413(4) through (15) but may not transport marijuana or marijuana products of other licensees without a marijuana transporter license.			
	(16) A marijuana dispensary licensee, its employees, or a commercial third party must not deliver marijuana or marijuana products to consumers.			
	(17) A marijuana dispensary licensee may continue to sell marijuana and marijuana products that have been tested under the medical marijuana program statutes and administrative rules.			
	<b>Notes/Deficiencies/Corrections (If Any):</b>			

## a. Labels

Reference	Requirement	Violations		
		Yes	No	N/A
16-12-208	(6) (a) Marijuana or marijuana products must be sold or otherwise transferred in resealable, child-resistant exit packaging that complies with federal child resistance standards and is designed to be significantly difficult for children under 5 years of age to open and not difficult for adults to use properly.			
	(b) (i) Packaging of individual products may contain only the following design elements and language on a white label:			
	(A) the seller's business name and any accompanying logo or design mark			
	(B) the name of the product			
	(C) the THC content or CBD content, health warning messages as provided in 16-12-215, and ingredients.			
	(ii) All packaging and outward labeling, including business logos and design marks, must also comply with any standards or criteria established by the department, including but not limited to allowable symbols and imagery.			
	(8) (a) Prior to selling, offering for sale, or transferring marijuana or marijuana product that is for ultimate sale to a consumer or registered cardholder, a licensee or license applicant shall submit both a package and a label application, in a form prescribed by the department, to receive approval from the department.			
16-12-209	(8) Marijuana or a marijuana product must include a label indicating that the marijuana or marijuana product has been tested.			
16-12-215	A person may not manufacture, package, sell, or transfer any marijuana or marijuana product unless the package containing the marijuana or marijuana product bears the following statements in a form required by the department:			
	(1) "WARNING: Consumption of marijuana may cause anxiety, agitation, paranoia, psychosis, and cannabinoid hyperemesis."			
	(2) "WARNING: Consumption of marijuana by pregnant women may result in fetal injury and low birth weight."			
	(3) "WARNING: Consumption of marijuana by nursing mothers may result in infant hyperactivity and poor cognitive function."			
42.39.314	(1) Labeling requirements apply to marijuana and marijuana products sold from a dispensary to customers. A licensee that sells marijuana or marijuana products to other licensees is not required to comply with labeling requirements.			
	(2) All information required on the label of marijuana or a marijuana product shall be:			
	(a) unobstructed and conspicuous. A licensee may affix multiple labels to a package, or use a booklet, accordion, or other type of label, provided that no required information is completely and permanently obstructed			
	(b) displayed in a legible font, such as Times New Roman, Arial, or Helvetica. The lowercase letter "o" must be at least one-sixteenth of an inch in height			
	(c) displayed in a color that contrasts conspicuously with the background			
	(d) displayed in English, although a licensee may choose to display required information in additional languages.			
	(3) All marijuana or marijuana products shall be labeled with the following information:			
	(a) strain name			
	(b) the common or usual name of the marijuana product (e.g., flower, inhaled extract, edible, cookie, or drinkable, topical, transdermal patch)			
	(c) the name of the marijuana dispensary that sold the product and the license number or numbers of the cultivator and manufacturer, as applicable			
(d) the unique identification number generated from the seed-to-sale tracking system				

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.314 (continued)	(e) date of harvest for marijuana flower or date of manufacture for marijuana products			
	(f) the net quantity of contents of the marijuana product. The statement of quantity shall be:			
	(i) stated in U.S. Customary Units and Metric (SI) Units, with the latter enclosed in parentheses			
	(ii) if the product is a liquid			
	(A) expressed in terms of fluid measure			
	(B) preceded by the phrase "Net Contents" or "Net"			
	(iii) if the product is a solid, semi-solid, or viscous			
	(A) expressed in terms of weight			
	(B) preceded by the phrase "Net Weight," the abbreviation "Nt. Wt.," or "Net."			
	(iv) In addition to weight or fluid measure, a licensee shall include the number of servings in the net quantity of contents statement if the product is a multi-serving marijuana product (e.g., Net Weight: 2 oz. (56.7 g) (10 cookies))			
	(g) the following statement: "This product has been tested and meets the requirements of the state of Montana."			
	(h) a QR code that links to the product's certificate of analysis with a statement informing customers they can scan the code to see additional product information			
	(i) the universal symbol, available from the department's website. The universal symbol:			
	(i) shall be at least .33 inches wide and .33 inches high			
	(ii) may be downloaded from the department's website			
	(iii) shall be in the form shown to the left			
	(4) All marijuana and marijuana products shall be labeled with the following warnings:			
	(a) "Keep out of reach of children and pets"			
	(b) "This product may be addictive"			
	(c) "This product may have intoxicating effects. Do not drive while under the influence of marijuana."			
	(5) Marijuana or marijuana product labeling shall not contain any statement or information that is false or misleading.			
	(6) The label of manufactured marijuana products must identify the method of manufacturing (e.g., mechanical, chemical) and, for chemical manufacturing, must identify the solvent used in the manufacturing process.			
	(7) Marijuana or marijuana products that, because of their size, do not have sufficient space for all of the information required for compliance with the Act and department rules may, if approved by the department pursuant to 16-12-208, MCA, display the information required in (3) in a legible font that does not meet the minimum size requirement established in (2)(b).			
(8) Marijuana or marijuana products in excess of the THC limits in 16-12-224, MCA, may only be sold to registered cardholders and must contain the following additional information				
(a) "For medical use only"				
(b) "This product is not approved by the U.S. Food and Drug Administration to treat, cure, or prevent any disease."				
(9) Marijuana or marijuana products that do not require heat to administer or consume shall not have a total THC or total potential psychoactive THC value listed on the marijuana facts panel.				



**Notes/Deficiencies/Corrections (If Any):**

## i. Flower

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.315	(1) In addition to the general labeling requirements set forth in ARM 42.39.314, each package of marijuana flower sold to a customer shall be labeled with a marijuana facts panel.			
	(2) A marijuana facts panel shall include the percentage of concentration of:			
	(a) total potential psychoactive THC;			
	(b) THC			
	(c) THCa			
	(d) CBD			
	(e) CBDa			
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## ii. Concentrate

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.315	(1) In addition to the general labeling requirements set forth in ARM 42.39.314, each package of marijuana concentrate sold to a customer shall be labeled with the following information:			
	(a) an ingredients list that shall include all ingredients in the marijuana concentrate listed by common or usual name in descending order of predominance by weight and the word "marijuana" followed by the part of the plant (e.g., flower, trim) from which the marijuana concentrate is derived. Any substance that is present in a marijuana concentrate in an insignificant amount and that does not have any technical or functional effect in the finished product may be excluded from the ingredients list			
	(b) an allergen statement that shall declare the presence of major food allergens in plain language unless the marijuana concentrate is not intended to be cooked with, eaten, or otherwise swallowed and digested			
	(c) a marijuana facts panel containing the following information:			
	(i) for marijuana concentrates that require the application of heat before they are administered or consumed:			
	(A) the percentage concentration of:			
	(I) total potential psychoactive THC			
	(II) THC			
	(III) THCa			
	(III) CBD			
	(III) CBDa			
	(B) the number of servings or doses per package			

Reference	Requirement	Violations		
		Yes	No	N/A
<b>42.39.315</b> (continued)	(ii) for marijuana concentrates that do not require the application of heat before they are administered or consumed			
	(A) the percentage concentration of:			
	(I) total potential psychoactive THC			
	(II) THC			
	(III) THCa			
	(III) CBD			
	(III) CBDa			
	(B) the number of servings or doses per package			
	(d) in addition to the required warnings in ARM 42.39.314, each package of activated concentrate that is intended to be cooked with, eaten, or otherwise swallowed and digested shall be labeled with the following: "The intoxicating effects of this product may be delayed by two or more hours."			
	(2) A marijuana facts panel for marijuana concentrates that do not require the application of heat to be administered or consumed may not contain information on the total potential psychoactive THC, total THC, or otherwise mislead customers into believing the product has higher THC levels than it does.			

**Notes/Deficiencies/Corrections (If Any):**

### iii. Infused Ingestible

Reference	Requirement	Violations		
		Yes	No	N/A
<b>42.39.316</b>	(1) In addition to the general labeling requirements set forth in ARM 42.39.314, each package of ingestible marijuana-infused product sold to a customer shall be labeled with the following information:			
	(a) an ingredients list that shall include all ingredients in the ingestible marijuana-infused product listed by common or usual name in descending order of predominance by weight and the word "marijuana" followed by the part of the plant (e.g., flower, trim) or form of concentrate (e.g., oil, infused butter) used as an ingredient in the manufacturing process. Any substance that is present in an ingestible marijuana-infused product in an insignificant amount and that does not have any technical or functional effect in the finished product may be excluded from the ingredients list;			
	(b) an allergen statement that shall declare the presence of major food allergens in plain language			
	(c) a marijuana facts panel containing the following information			
	(i) the milligrams per serving size or dose of:			
	(A) THC			
	(B) THCa			
	(C) CBD			
	(D) CBDa			

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.316 (Continued)	(ii) the number of servings or doses per package			
	(iii) for multi-serving packages, the total milligrams per package of			
	(A) THC			
	(B) THCa			
	(C) CBD			
	(D) CBDa			
	(d) in addition to the required warnings in ARM 42.39.314, each package of ingestible marijuana-infused product sold to a customer shall be labeled with the following information: "The intoxicating effects of this product may be delayed by two or more hours."			
(2) A marijuana facts panel for ingestible marijuana-infused products may not contain information on the total potential psychoactive THC, total THC, or otherwise mislead customers into believing the product has higher THC levels than it does.				
<b>Notes/Deficiencies/Corrections (If Any):</b>				

### iii. Infused non-ingestible

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.317	(1) In addition to the general labeling requirements set forth in ARM 42.39.314, each packaging of non-ingestible marijuana-infused products shall be labeled with the following information:			
	(a) an ingredients list that shall include all ingredients in the non-ingestible marijuana-infused product listed by common or usual name in descending order of predominance by weight and the word "marijuana" followed by the part of the plant (e.g., flower, trim) or form of concentrate (e.g., oil, infused butter) used as an ingredient in the manufacturing process. Any substance that is present in a non-ingestible marijuana-infused product in an insignificant amount and that does not have any technical or functional effect in the finished product may be excluded from the ingredients list			
	(b) a marijuana facts panel containing the following information			
	(i) the <b>milligrams per application</b> size or dose of:			
	(A) THC			
	(B) THCa			
	(C) CBD			
	(D) CBDa			
	(ii) the number of servings or doses per package			
	(iii) for multi-serving packages, the total milligrams per package of			
	(A) THC			
	(B) THCa			
	(C) CBD			
	(D) CBDa			

Reference	Requirement	Violations		
		Yes	No	N/A
<b>42.39.317</b> (Continued)	(2) A marijuana facts panel for non-ingestible marijuana-infused products may not contain information on the total potential psychoactive THC, total THC, or otherwise mislead customers into believing the product has higher THC levels than it does.			
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 7. Packaging

Reference	Requirement	Violations		
		Yes	No	N/A
<b>42.39.319</b>	(1) All packaging of marijuana and marijuana products shall:			
	(a) protect the product from contamination and shall not impart any toxic or deleterious substance to the marijuana or marijuana product			
	(b) be capable of being resealed if the package contains more than one serving size			
	(c) not primarily appeal to children. Packaging that primarily appeals to children includes but is not limited to packaging that:			
	(i) depicts a child			
	(ii) portrays objects, images, celebrities, or cartoon figures that primarily appeal to children or are commonly used to market products to children			
	(iii) otherwise has special attractiveness for children beyond the general attractiveness for adults			
	(d) not bear any reasonable resemblance to the trademarked or characteristic packaging of any commercially available product including, but not limited, to candy, snacks, baked goods, or beverages			
	(2) All marijuana and marijuana products provided to customers at the point of sale shall be in exit packaging that:			
	(a) is child resistant as defined in ARM 42.39.102			
	(b) is opaque			
	(c) contains the warnings required by 16-12-215, MCA, in the format required by 16-12-208, MCA.			
	(3) Drinkable marijuana products that contain more than one serving per package must include a device or mechanism for measuring a single serving of the product.			
	(4) Exit packaging of marijuana and marijuana products provided to customers at the point of sale may not contain any other information or design elements than what is allowed under 16-12-208(6)(b)(ii), MCA.			
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 8. Transporter

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.413	(1) A marijuana transporter license allows a marijuana transporter to physically distribute and deliver marijuana and marijuana products to a licensed premises and to registered cardholders within the state of Montana that present a valid registry identification card.			
	(12) A marijuana transporter licensee or employee of a marijuana transporter licensee must not sell marijuana or marijuana products; or transport marijuana or marijuana products directly to consumers.			
	(13) A marijuana transport licensee must contact the department within 24 hours if a vehicle transporting marijuana items is involved in an accident that involves product loss.			
	(14) If a marijuana transporter licensee maintains a licensed premises to temporarily store marijuana or marijuana products, the licensee must have a marijuana storage facility endorsement for each storage facility as provided in ARM 42.39.420.			
42.39.420	(1) A marijuana transporter or a marijuana testing laboratory shall obtain a marijuana storage facility endorsement for any overnight storage of marijuana or marijuana products. A marijuana storage facility endorsement allows a marijuana transporter or marijuana testing laboratory to maintain a separate, off-site storage facility.			
	(2) A marijuana storage facility may only be used for the temporary storage of marijuana or marijuana products, not to exceed 48 hours. A storage facility may not be used to grow, process, test, manufacture, consume, or sell marijuana or marijuana products			
	(3) A marijuana transporter licensee or marijuana testing laboratory with a marijuana storage facility endorsement may not share its storage facility with any other marijuana business.			
	(4) A marijuana storage facility may only be located in a jurisdiction that allows for the operation of a marijuana business pursuant to 16-12-301, MCA.			
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 9. Combined Use

Reference	Requirement	Violations		
		Yes	No	N/A
16-12-225	(1) The department may issue a total of eight combined-use marijuana licenses to entities that are:			
	(a) a federally recognized tribe located in the state.			
	(b) a business entity that is majority-owned by a federally recognized tribe located in the state.			
	(2) A combined-use marijuana license consists of one tier 1 canopy license and one dispensary license allowing for the operation of a dispensary. Cultivation and dispensary facilities must be located at the same licensed premises.			
	(3) A combined-use marijuana licensee shall operate its cultivation and dispensary facilities on land that is located:			
	(a) within 150 air-miles of the exterior boundary of the associated tribal reservation or, for the Little Shell Chippewa tribe only, within 150 air-miles of the tribal service area			
	(b) in a county that has satisfied the local government approval provisions in 16-12-301 if the majority of voters in the county voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election.			
	(4) An applicant under this section must satisfy all licensing requirements under this chapter and is subject to all fees and taxes associated with the cultivation and sale of marijuana or marijuana products provided for in this chapter.			
	(6) After a tribe or a majority-owned business of that tribe is licensed under this section, that tribe or another majority-owned business of that tribe may not obtain another combined-use license until the prior license is relinquished, lapses, or is revoked by the department.			

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.415	(1) A combined use license allows a federally recognized tribe located in the state or a business entity that is majority-owned by a federally recognized tribe located in the state to maintain a marijuana cultivation facility and marijuana dispensary on the same licensed premises.			
	(3) A combined use licensee is subject to the marijuana laws, including 16-12-223, MCA.			
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 10. Tracking (Every Facility)

Reference	Requirement	Violations		
		Yes	No	N/A
16-12-203	(4) Except as provided in 16-12-209, a cultivator, manufacturer, medical marijuana dispensary, or adult-use dispensary shall:			
	(c) participate as required by the department by rule in a seed-to-sale tracking system established by the department pursuant to 16-12-105.			
42.39.202	(1) A licensee must have a department seed-to-sale tracking system account activated and functional prior to operating or exercising any privileges of the license and must maintain an active account while licensed			
	(3) To obtain and maintain a seed-to-sale tracking system user account, a licensee or licensee employee must successfully complete all required department seed-to-sale tracking system training			
	(4) An individual entering data into the seed-to-sale tracking system may only use that individual's seed-to-sale tracking system account.			
	(5) A licensee must ensure:			
	(a) all seed-to-sale tracking system users are up to date on seed-to-sale tracking system user training requirements			
	(b) any data that is entered into the seed-to-sale tracking system in error is corrected.			
	(6) A licensee and any designated seed-to-sale tracking system user must enter data into the seed-to-sale tracking system that accounts for all seed-to-sale tracking activities			
	(7) A licensee is accountable for all actions seed-to-sale tracking system users take while logged into the seed-to-sale tracking system.			
	(8) A licensee is responsible for the accuracy of all information entered into the seed-to-sale tracking system.			
	(10) If a licensee uses a separate software application that links to the seed-to-sale tracking system it must get approval from the seed-to-sale tracking system vendor contracting with the department and the software application must:			
	(a) accurately transfer all relevant inventory tracking system data to and from the seed-to-sale tracking system			
	(b) preserve original seed-to-sale tracking system data when transferred to and from a secondary application.			
	(11) If a licensee loses access to the seed-to-sale tracking system due to a power outage or other connectivity issue, the licensee must keep and maintain comprehensive records detailing all seed-to-sale inventory activities that were conducted during the loss of access.			
	(12) Once access is restored, all seed-to-sale tracking activities that occurred during the loss of access must be entered into the seed-to-sale tracking system.			
(13) A licensee must document when access to the seed-to-sale tracking system was lost and when it was restored.				
(14) All compliance notifications from the seed-to-sale tracking system must be resolved in a timely fashion.				

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.203	(1) A licensee must use the department's seed-to-sale tracking system as the primary inventory and record keeping system.			
	(2) Each individual marijuana plant that reaches a height of twelve inches must be issued a unique identification number in the seed-to-sale tracking system, which follows the plant through all phases of production and final sale to a registered cardholder.			
	(3) All marijuana items, test batches, harvest lots, and process lots must be issued a unique identification number in the seed-to-sale tracking system.			
	(4) Unique identification numbers cannot be reused.			
	(5) Each marijuana plant, marijuana item, test batch, harvest lot, and process lot that has been issued a unique identification number must have a physical tag placed on it with the unique identification number.			
	(6) The tag must be legible and placed in a position that can be clearly read and must be kept free from dirt and debris.			
	(7) Licensees must use unique identification tags purchased from the seed-to-sale tracking system vendor.			
	(8) All on-premises and in-transit marijuana item inventories must be reconciled in the seed-to-sale tracking system at the close of business each day.			
	(9) For each marijuana sale or transfer to a registered cardholder, the licensee or its employee must verify the registered cardholder's eligibility and daily and monthly purchase limits and record in the seed-to-sale tracking system at the time of sale or transfer:			
	(a) the quantity of each item sold or transferred to a registered cardholder			
	(b) the price before tax			
	(c) the date of the sale or transfer to a customer			
(10) Licensees must record in the seed-to-sale tracking system:				
(a) wet weight of all harvested marijuana plants immediately after harvest				
(b) information for marijuana items by unit count				
(c) weight per unit of a product				
(d) weight and disposal of post-harvest waste materials, per the requirements described in ARM 42.39.310				
(e) theft or loss of marijuana items				
(f) other information as may be required by the department				
(12) All samples taken for quality assurance testing must be recorded in the seed-to-sale tracking system				
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 11. Testing (Every Facility)

Reference	Requirement	Violations		
		Yes	No	N/A
16-12-203	(4) Except as provided in 16-12-209, a cultivator, manufacturer, medical marijuana dispensary, or adult-use dispensary shall:			
	(a) prior to selling marijuana or marijuana products, submit samples to a testing laboratory pursuant to this chapter and administrative rules			
16-12-209	(1) A cultivator, manufacturer, adult-use dispensary, or medical marijuana dispensary may not sell marijuana or marijuana products until the marijuana or marijuana products have been tested by a testing laboratory and meet the requirements of this section. The licensee shall pay for the testing.			
42.39.307	(6) A licensee is not permitted to sell or transfer to a registered cardholder, marijuana items that have failed a test.			
42.39.107	(7) Failed harvests, lots, or test batches may be remediated so long as the remediation method does not impart any toxic or deleterious substance to the usable marijuana, marijuana concentrates, or marijuana-infused product.			
	(8) Remediation methods used on the marijuana item must be disclosed to the department.			
	(9) No remediated harvests, lots, or test batches may be sold until the completion and successful passage of quality assurance testing as required in these rules and Montana statute.			
	(10) If a sample fails and cannot be remediated or sterilized, the test batch must be destroyed.			
	(11) Licensee must document all sampling, testing, sterilization, remediation, and destruction that are a result of failing a test under these rules.			
42.39.610	(12) Failed or remediated marijuana items shall be re-tested at the same testing laboratory from which the original failed test results came unless explicit written permission from the state laboratory is granted prior to re-testing.			
42.39.613	(10) A licensee is not permitted to sell or transfer to customers marijuana items that have a failed quality assurance test.			
	(11) Failed harvest lots, process lots, or test batches may be remediated as long as the remediation method does not impart any substance or effect to the usable marijuana, marijuana concentrates and extracts, or marijuana-infused products that may have a toxic or deleterious effect on the health of the customer.			
	(12) Remediation methods used on specific lots or batches of marijuana or marijuana-infused products that have failed initial quality assurance testing must be disclosed to the state laboratory prior to remediation.			
	(13) No remediated harvest lots, process lots, or test batches may be sold or transferred until the completion and successful passage of all quality assurance testing, and the results certified in a certificate of analysis, as required in these rules and Montana statute.			
	(14) With the exception of moisture analysis or residual solvent screening, a laboratory test sample from a remediated harvest lot, process lot, or test batch that fails quality assurance testing cannot be remediated again and the harvest lot, process lot, or test batch must be destroyed. Harvest lots, process lots, or test batches that fail initial quality assurance testing for moisture analysis or residual solvent screening may be remediated and retested a maximum of two times.			

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.614	(1) Except as provided in (10), a licensee must submit for testing a sample of every test batch from a harvest lot of marijuana and process lots of marijuana-infused products, extracts, and concentrates intended for use by a customer prior to selling or transferring the marijuana item to a customer.			
	(2) All marijuana items intended for direct sale or transfer to customers shall be tested in its final form. The addition of any ingredient after final quality assurance compliance testing will require retesting.			
	(3) The cannabinoid profile/potency for each sample must include:			
	(a) THCA			
	(b) THC			
	(c) Total potential psychoactive THC for marijuana items that require the application of heat for administration/consumption only			
	(d) CBDA			
	(e) CBD			
	(12) Licensees must adhere to testing requirements for all marijuana and marijuana products intended for sale or transfer to customers.			
	(a) Usable marijuana, including trim and manicure must be tested for:			
	(i) pesticides			
	(ii) moisture content			
	(iii) cannabinoid profile/potency			
	(iv) microbiological			
	(v) mycotoxin			
	(vi) filth and foreign matter			
	(vii) heavy metals (random testing)			
	(b) Licensee has the option to forgo testing of usable marijuana, including trim and manicure, if that usable marijuana is subject to further processing before sale or transfer to customers.			
	(c) Marijuana extract and concentrate that is intended for direct sale or transfer to customers must be tested for:			
	(i) pesticides			
	(ii) cannabinoid profile/potency			
	(iii) microbiological			
	(iv) mycotoxin			
	(v) heavy metals (random testing)			
	(vi) residual solvents			
	(d) Marijuana extract and concentrate that is intended for further processing before direct sale or transfer to customers must be tested for:			
	(i) pesticides			
	(ii) residual solvents			
	(iii) mycotoxin			
	(v) heavy metals (random testing)			

Reference	Requirement	Violations		
		Yes	No	N/A
<b>42.39.614</b> (continued)	(e) Marijuana infused products intended for human consumption, ingestion, or used as suppositories, topicals, and transdermal patches must be tested for:			
	(i) cannabinoid profile/potency			
	(ii) microbiological.			
	(f) All marijuana products listed in (e) must use marijuana extract and concentrate that has passed quality assurance testing requirements as set forth in (d)			
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 12. Transportation (Every Facility)

Reference	Requirement	Violations		
		Yes	No	N/A
<b>16-12-109</b>	(5) The department shall revoke and may not reissue a license or endorsement belonging to a person:			
	(c) who transports marijuana or marijuana products outside of Montana, unless otherwise allowed by federal law;			
<b>42.39.413</b>	(4) All distribution and delivery of marijuana and marijuana products must:			
	(a) occur in a motor vehicle as defined by ARM 42.39.102			
	(b) depart from a licensed premises and be delivered to a licensed premises or to a registered cardholder's address, in which case the registered cardholder must provide a valid registry identification card to the transporter			
	(c) be accompanied by a transport manifest derived from the seed-to-sale tracking system that contains the following information:			
	(i) the physical address and license number of the departure location			
	(ii) the physical address and license number or registered cardholder number of the arrival location			
	(iii) date and time of departure			
	(iv) date and time of arrival			
	(v) transporter's driver's license number, vehicle make, model, and license plate number			
	(vi) name and signature of each licensee or its employee accompanying the transport			
	(vii) a complete description of the marijuana or marijuana product being transported. The description must include:			
	(A) the name and type of product being transported			
	(B) amount of product being transported			
	(C) RFID tracking tag numbers of the product being transported			
	(d) be accomplished within 48 hours from the date and time of departure			
(5) The transport manifest may not be voided or changed after leaving the departure location.				

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.413 (Continued)	(6) A copy of the transport manifest must be given to each licensed premises receiving the inventory described in the transport manifest.			
	(7) A receiving licensed premises is prohibited from receiving any marijuana or marijuana products without a valid transport manifest.			
	(8) A receiving licensed premises is responsible for ensuring that the marijuana or marijuana products match the description in the transport manifest. A receiving licensed premises must immediately record receipt of the transported inventory.			
	(9) The receiving licensed premises must document any differences between the items described for transport in the transport manifest versus what was actually received and immediately report discrepancies to the department.			
	(10) While in transport, all marijuana and marijuana products must be shielded from public view and secured in a locked storage compartment inside the body of the transport vehicle.			
	(11) All vehicles used to transport marijuana or marijuana products:			
	(a) shall be considered a licensed premises for purposes of inspection by the department. Transport vehicles may be stopped and inspected by the department at any licensed premises or during transport			
	(b) shall be lockable and equipped with a security alarm system			
	(c) shall not leave the state of Montana while any amount of marijuana or marijuana product is in the motor vehicle			
	(d) shall not have any external markings, words, or symbols that indicate the vehicle is used for the transport of marijuana or marijuana products or that it is owned or leased by a marijuana business.			
	(12) A marijuana transporter licensee or employee of a marijuana transporter licensee must not sell marijuana or marijuana products; or transport marijuana or marijuana products directly to consumers.			
	(13) A marijuana transport licensee must contact the department within 24 hours if a vehicle transporting marijuana items is involved in an accident that involves product loss.			
	(14) Copies of the transport manifest and delivery receipts must be presented to law enforcement officers or authorized department employees, if requested.			
(15) If a marijuana transporter licensee maintains a licensed premises to temporarily store marijuana or marijuana products, the licensee must have a marijuana storage facility endorsement for each storage facility as provided in ARM 42.39.420.				
<b>Notes/Deficiencies/Corrections (If Any):</b>				

### 13. Waste (Every Facility)

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.310	(1) A licensee must store, manage, and dispose of solid and liquid waste generated during marijuana production and processing in accordance with applicable state and local laws and regulations.			
	(2) A licensee must store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee.			
	(3) Waste that must be rendered unusable prior to disposal includes:			
	(a) marijuana plant waste, including roots, stalks, leaves, and stems that have not been processed with solvent			
	(b) waste solvents used in the marijuana process			
	(c) spent solvents, laboratory waste, and excess marijuana from any quality assurance testing			
	(d) marijuana items that ultimately fail to meet testing requirements.			

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.310 (Narrow)	(7) Marijuana testing laboratories, marijuana manufacturers, and other licensees that generate hazardous waste shall follow all applicable rules and regulations for the disposal of hazardous waste, including ARM 17.53.105 and 17.53.113. Licensees need to contact the Department of Environmental Quality Hazardous Waste Program for assistance.			
	(8) A licensee must maintain accurate and comprehensive records regarding waste material in the seed-to-sale tracking system that accounts for, reconciles, and evidences all waste activity related to the disposal of marijuana to include:			
	(a) what was disposed			
	(b) quantity by weight or volume			
	(c) date disposed			
	(d) video evidence of disposal to be retained for 30 days			
	(e) reason for the disposal.			
	(9) A licensee must provide a minimum of 72 hours' notice in the seed-to-sale tracking system prior to rendering the marijuana item unusable and disposing of it.			
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 14. Inspections (Every Facility)

Reference	Requirement	Violations		
		Yes	No	N/A
16-12-203	(4) Except as provided in 16-12-209, a cultivator, manufacturer, medical marijuana dispensary, or adult-use dispensary shall:			
	(b) allow the department to collect samples of marijuana or marijuana products during inspections of licensed premises for testing as provided by the department by rule			
16-12-210	(3) (d) The department may require a licensee to furnish information that the department considers necessary for the proper administration of this chapter.			
	(4) (a) Each licensed premises, including any places of storage, where marijuana is cultivated, manufactured, sold, stored, or tested are subject to entry by the department or state or local law enforcement agencies for the purpose of inspection or investigation.			
	(b) If any part of a licensed premises consists of a locked area, the licensee shall make the area available for inspection immediately upon request of the department or state or local law enforcement officials.			
42.39.501	(3) A licensee and its employees must cooperate with the department during an inspection. A licensee must allow inspectors full access to the licensed premises, provide requested copies of documents or videos, and allow inspectors to complete an inspection. Failure on the part of a licensee to cooperate could result in denial, reprimand, suspension, or revocation of a license.			
42.39.502	(3) A licensee shall have ten days from the date of the deficiency report to cure any deficiencies.			
	(5) If a licensee fails to respond to a deficiency report within ten days, the department may issue a notice of proposed department action.			
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 15. Record Keeping (1 Per Licensee)

Reference	Requirement	Violations		
		Yes	No	N/A
<b>16-12-208</b>	(3) A licensee shall make the licensed premises, books, and records available to the department for inspection and audit under 16-12-210 during normal business hours.			
<b>16-12-210</b>	(3) (a) Each licensee shall keep a complete set of records necessary to show all transactions with consumers and registered cardholders. The records must be open for inspection by the department or state laboratory, as appropriate, and state or local law enforcement agencies.			
	(c) The records and data required under this subsection (3) must be open for inspection by the department and state or local law enforcement agencies.			
<b>42.39.311</b>	(3) A licensee must notify the department within ten days of any changes in the following:			
	(a) anyone identified as an applicant or controlling beneficial owner or anyone with a financial interest in the license			
	(b) its standard operating hours			
	(c) temporary closure of longer than 30 days			
	(d) permanent closure of the business.			
	(5) A licensee who intends to make any material or substantial changes to the licensed premises must submit the changes to the department for approval prior to making any such changes. Material or substantial changes include:			
	(a) any increase or decrease in the total physical size or capacity of the licensed premises			
	(b) alterations to public ingress or egress of limited access areas			
	(c) any changes to the security plan.			
	(6) A licensee must notify the department as soon as reasonably practical but in no case more than 24 hours following the theft of marijuana items or money from the licensed premises.			
<b>Notes/Deficiencies/Corrections (If Any):</b>				

## 16. Suspension

Reference	Requirement	Violations		
		Yes	No	N/A
42.39.504	(5) During a suspension, a licensee and its employees may not operate the licensed premises that is subject to the suspension. The suspended licensee may not sell, deliver, service, remove, transport, or receive marijuana or marijuana products or otherwise engage in business from the licensed premises. The department may negotiate terms with a licensee to prevent the potential loss of marijuana or marijuana products during a suspension.			
42.39.508	(1) When any marijuana business license is suspended or revoked by the department, the department shall provide a written notice to the licensee and require the licensee to post the notice on the inside of the licensed premises so that it can be seen from the outside. The notice shall state, for the benefit of the public, that the license has been suspended or revoked. The notice must identify the name of the licensee, the reason for the suspension or revocation, and the period of suspension. The suspension or revocation notice must be dated and signed. In the case of a license suspension, the notice must be posted at all times during the suspension. In the case of a revocation, the notice must be posted on the licensed premises for ten days.			
	(2) If a notice is removed or caused to be removed by a licensee or its employee or agent during a suspension, the license shall be subject to revocation. A licensee or its employees may not place or permit the placement of any statement on the licensed premises indicating that the premises have been closed for any reason other than what is stated on the notice.			
	(3) The license or licenses suspended will be held by the department during the period of suspension.			

**Notes/Deficiencies/Corrections (If Any):**