

BEFORE THE DEPARTMENT OF REVENUE  
OF THE STATE OF MONTANA

In the matter of the transfer of ARM ) NOTICE OF TRANSFER  
Title 37, chapter 107, subchapter 3 )  
pertaining to the Montana Marijuana )  
Regulation and Taxation Act (Title 16, )  
chapter 12, MCA), and marijuana )  
testing laboratory licensees )

TO: All Concerned Persons

1. The Department of Public Health and Human Services transfers the above-stated rules to the Department of Revenue, ARM Title 42, chapter 39, subchapter 6.

2. This transfer is required because House Bill 128 enacted by the 2023 Montana Legislature transferred statutory authority and operations of the state testing laboratory from the Department of Public Health and Human Services to the Department of Revenue. This transfer also includes, but is not limited to, regulatory authority over marijuana testing laboratory licensees in the state.

3. The transferred rules are assigned the following numbers under the Department of Revenue:

| <u>OLD</u> | <u>NEW</u> |   |
|------------|------------|---|
| 37.107.303 | 42.39.601  | DEFINITIONS   |
| 37.107.302 | 42.39.602  | TESTING LABORATORY GENERAL REQUIREMENTS   |
| 37.107.301 | 42.39.603  | TESTING LABORATORY ENDORSEMENT REQUIREMENTS                                     |
| 37.107.307 | 42.39.604  | TESTING LABORATORY QUALITY ASSURANCE PROGRAM                                    |
| 37.107.311 | 42.39.607  | TESTING LABORATORY REQUIRED PROFICIENCY TESTING                                 |
| 37.107.313 | 42.39.608  | TESTING LABORATORY SATISFACTORY AND UNSATISFACTORY PROFICIENCY TEST PERFORMANCE |
| 37.107.309 | 42.39.609  | TESTING LABORATORY QUALITY CONTROL  |
| 37.107.310 | 42.39.610  | QUALITY ASSURANCE SAMPLING PROTOCOL   |
| 37.107.315 | 42.39.613  | TESTING LABORATORY FAILED LABORATORY TEST SAMPLES                               |
| 37.107.316 | 42.39.614  | TESTING LABORATORY QUALITY ASSURANCE TESTING REQUIREMENTS                       |
| 37.107.304 | 42.39.617  | SUSPENSION OF TESTING LABORATORIES  |

4. The transfer of the above-described rules shall be effective July 2, 2023.

/s/ Todd Olson  
Todd Olson  
Rule Reviewer

/s/ Brendan Beatty  
Brendan Beatty  
Director of Revenue

Certified to the Secretary of State June 13, 2023.