

[House Bill 128](#) has been signed into law. This new law will impact marijuana concentrates with changes to both the definition of what a marijuana product entails, and to the single package delta-9-THC limits for adult-consumers.

What is the definition of a marijuana product?

It is a product containing marijuana that is intended for sale to and use by an eligible consumer. The term includes (but is not limited to) marijuana concentrates—including concentrates to be consumed by smoking or vaping.

May a licensee still sell up to 8 grams of concentrate per day to an adult-use consumer or medical cardholder?

A licensee may still sell to 8 grams of concentrate daily to an adult consumer or medical cardholder. The purchase and personal possession limits for eligible consumers and cardholders have not changed.

If personal possession limits have not changed, what has changed with this new law?

Essentially, there is now a packaging limit for adult-use consumers: a single package of concentrate sold to an adult-consumer cannot exceed 800 milligrams of delta-9-THC.

Does the 800-milligram package limit apply to all cannabinoids contained in the product?

No. It applies only to a concentrate's delta-9-THC content. The delta-9-THC content is defined separately from THCa and Total Potential Psychoactive THC (aka total THC).

When will the Department of Revenue begin to enforce this new law?

The department is granting licensees a grace period through 12/31/2023, to allow licensees the opportunity to sell out of their current inventory.

Not sure if your concentrate will exceed the adult-use single package limits?

Let's look at 2 examples:

Example #1: A concentrate that is 0.9 grams at 89% delta-9-THC:
0.9 grams = 900 milligrams

$900 \text{ mg} \times .89(\%) = 801 \text{ milligrams of Delta-9-THC in the package}$

This product WOULD exceed the single package delta-9-THC limits for sale to an adult-consumer.

Example #2: A concentrate that is 0.5 grams at 89% delta-9-THC:
0.5 grams = 500 milligrams

$500 \text{ mg} \times .89(\%) = 445 \text{ milligrams of delta-9-THC in the package}$

This product would NOT exceed the single package delta-9-THC limits for sale to an adult-consumer.

After the grace period concludes on 12/31/2023, what action will licensees need to take to sell concentrates that exceed these single package limits?

Licensees will now need to apply for a generic or custom “medical only” label for concentrates exceeding these single package limits, as these particular concentrates cannot be sold to adult consumers.

These generic or custom labels can be applied for in the [TransAction Portal \(TAP\)](#).

Using **Example #1** above (0.9 grams of a concentrate containing 89% delta-9-THC), here's how to convert the “adult use” product label into a “medical only” label:

Concentrates & Extracts-Heat Required-Medical Use Only

Scan QR



Product Name: Concentrate Dispensary Name: XYZ Dispensary
Cultivator License: C-12345678 Manufacturer License: M-12345678
Strain or mixed: mixed strain Metrc ID: Metrc ID/24 digit UID number
Manuf. Date: 01/01/2024 Method of manufacturing: chemical Solvent: butane
Net: 0.0317 oz. (.9 g), XX no. of servings
Total THC%^x THC%⁸⁹ THCa%^x CBD%^x CBDa%^x
Ingredients list: marijuana flower and marijuana trim

This product has been tested and meets the requirements of the state of Montana. Keep out of reach of children and pets. This product may be addictive. This product may have intoxicating effects. Do not drive while under the influence of marijuana. For medical use only. This product is not approved by the U.S. Food and Drug Administration to treat, cure, or prevent any disease.



The converted label contains the additional statements required for medical only marijuana and marijuana products, per ARM 42.39.314:

1. “For medical use only”
2. “This product is not approved by the U.S. Food and Drug Administration to treat, cure, or prevent any disease”

Questions? Please contact the Cannabis Control Division at DORCCD@mt.gov