

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the adoption of NEW)	NOTICE OF PUBLIC HEARING ON
RULES I and II and the amendment)	PROPOSED ADOPTION AND
of ARM 42.39.102, 42.39.123,)	AMENDMENT
42.39.314, 42.39.315, 42.39.316,)	
42.39.317, 42.39.318, 42.39.319,)	
42.39.320 pertaining to packaging)	
and labeling of marijuana, marijuana)	
wholesaling, and marijuana)	
advertising)	

TO: All Concerned Persons

1. On January 19, 2024, at 10:00 a.m., the Department of Revenue will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed adoption and amendment of the above-stated rules.

2. The Department of Revenue will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, please advise the department of the nature of the accommodation needed, no later than 5 p.m. on December 29, 2023. Please contact Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696; or todd.olson@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I LABELING OF SEEDS OR PLANTS (1) Each package of marijuana seeds or plants shall be labeled with the following information:

- (a) name and license number of the dispensary selling the seeds or plants and the cultivator that produced the seeds or plants;
- (b) net weight or number of individual seeds;
- (c) number or plants;
- (d) name of the strain; and
- (e) the universal marijuana symbol as required in ARM 42.39.314.

AUTH: 16-12-112, 16-12-208, MCA

IMP: 16-12-122, 16-12-208, 16-12-223, MCA

REASONABLE NECESSITY: The department proposes to adopt NEW RULE I which is necessary for the department to establish minimal labeling protocols involved in the sale or transfer of marijuana seeds or plants.

When the department adopted ARM 42.39.314, effective January 1, 2022, the need to include packaging and labeling for the sale or transfer of marijuana seeds or

plants had not been established. However, as of the date of this proposal, those circumstances have changed and the adoption of NEW RULE I is the department's preference versus the amendment of ARM 42.39.314 because it is narrow in scope.

The department believes the proposed requirements in (1) provide a minimal level of product identification, in the interest of public health and safety, without creating undue administrative burdens on dispensaries or cultivators.

NEW RULE II WHOLESALE PACKAGE AND LABEL APPLICATIONS

(1) For purposes of this rule and ARM 42.39.320, "wholesale" means the act of a licensed cultivator, manufacturer, or dispensary engaged in selling marijuana or marijuana products in bulk or in quantities sufficient for resale, repackaging, or distribution by another licensee. The term does not include the sale of marijuana flower from licensed cultivator to licensed cultivator.

(2) Wholesalers of marijuana or marijuana products must comply with the package and label application requirements of ARM 42.39.320.

(3) All label and package applications for wholesale marijuana and marijuana products must contain photographs or accurate renderings of proposed labels and packages.

(4) A wholesaler must apply and receive approval to use all wholesale packaging and labels before distributing wholesale products.

AUTH: 16-12-112, 16-12-208, MCA

IMP: 16-12-112, 16-12-208, MCA

REASONABLE NECESSITY: ARM 42.39.320 provides packaging and labeling requirements applicable to all licensees, but does not specifically provide for wholesale transactions, which has resulted in duplicate packaging and labeling approvals for licensees engaging in the sale or transfer of wholesale marijuana.

The department proposes to adopt NEW RULE II to establish wholesale marijuana packaging and labeling requirements to comply with 16-12-208(8), MCA, while lessening the administrative burden of packaging and labeling applications for certain wholesale transactions.

4. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

42.39.102 DEFINITIONS The following definitions apply to this chapter:

(1) through (11) remain the same.

(12) "Edible marijuana-infused product" or "edible" means an ingestible marijuana-infused product that is intended to be taken by mouth, swallowed, and primarily absorbed through the gastrointestinal tract. Edible marijuana-infused products may be psychoactive when used as intended. Without limitation, edible marijuana-infused products may be in the form of a food, beverage, capsule, ~~or tablet,~~ or tincture.

(13) through (21) remain the same.

(22) "Label" or "labeling" means the ~~written, printed,~~ analytical information ~~or graphic matter~~ pertaining to the marijuana flower or marijuana product displayed

on the packaging in which marijuana or a marijuana product is dispensed or displayed to a customer.

(23) and (24) remain the same.

(25) "Major food allergen" or "allergen" means milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, sesame, and soybeans, any additional ingredient identified by the United States Food and Drug Administration, and any ingredient containing a protein derived from these foods.

(26) remains the same.

(27) "Marijuana" means the same as the definition in 16-12-102, MCA, and includes the biomass of the marijuana plant which contains greater than 0.3% total THC concentration and appreciable concentrations of other cannabinoids of interest including flower, bud, shake, trim, and manicure.

(28) through (30) remain the same.

(31) "Marijuana laws" for the purposes of these rules, means any combination of regulatory authority pursuant to the Montana Marijuana Regulation and Taxation Act (Title 16, chapter 12, MCA), rules of the department, ~~rules of the Department of Public Health and Human Services regarding marijuana testing laboratories,~~ or local ordinances applicable to marijuana businesses.

(32) and (33) remain the same.

(34) "Mixed strain" means multiple strains of marijuana.

(34) through (37) remain the same but are renumbered (35) through (38).

~~(38)~~ (39) "Package" or "packaging" means the immediate container in which a finished marijuana product is placed for retail sale to consumers and any outer container or wrapping used in the retail display of the marijuana or marijuana product to customers, and includes graphics, logos, and design elements.

(39) through (42) remain the same but are renumbered (40) through (43).

(44) "Reconcile" for purposes of seed-to-sale tracking means to ensure that what is recorded in the seed-to-sale tracking system is consistent with what is physically located at the licensed premises.

(43) through (46) remain the same but are renumbered (45) through (48).

(49) "Safety data sheet (SDS)" means a summary document that provides information about the hazards of a product and advice about safety precautions written by the manufacturer or supplier of the product. An SDS must be provided by a supplier of a hazardous product at the time of sale.

(47) remains the same but is renumbered (50).

(51) "Standard operating procedure (SOP)" means a written document that provides detailed instructions for the performance of all aspects of an analysis, operation, or action.

(52) "Strain" means a pure breed or hybrid variety of cannabis reflecting similar or identical combinations of properties such as appearance, taste, color, smell, cannabinoid profile, and potency.

(48) remains the same but is renumbered (53).

~~(49)~~ (54) "THC" means delta-9 tetrahydrocannabinol.

(50) and (51) remain the same but are renumbered (55) and (56).

~~(52)~~ (57) "Total potential psychoactive THC" or "Total THC" means the highest theoretical concentration of psychoactive THC available in a marijuana item achievable only through the complete conversion of THCa to THC with the

application of heat during administration/consumption. Total potential psychoactive THC is the sum of THC and THCa calculated using the following equation: Total potential psychoactive THC = (THCa x 0.877) + THC.

(53) remains the same but is renumbered (58).

~~(54)~~ (59) "Transmucosal marijuana-infused product" means an ingestible marijuana-infused product that is intended to be placed in a body cavity and absorbed through the mucosal lining of the cavity, and may be psychoactive when used as intended. ~~Transmucosal marijuana-infused products include, but are not limited to, marijuana-infused tinctures, anal suppositories, lozenges, and nasal sprays.~~

AUTH: 16-12-112, MCA

IMP: 16-12-101, 16-12-102, 16-12-104, 16-12-105, 16-12-112, 16-12-201, 16-12-207, 16-12-208, 16-12-210, 16-12-301, 16-12-501, 16-12-503, 16-12-508, 16-12-515, 16-12-533, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.39.102 to propose new definitions or revise existing definitions which are necessary to: (a) implement and align the rule with statutory changes enacted under House Bills 128 and 229 (2023); (b) support quality assurance testing or packaging and labeling requirements throughout the chapter; (c) support the department's proposed amendments to ARM 42.39.123; (d) or provide improved clarity of regulatory terminology.

42.39.123 ADVERTISING (1) remains the same.

(2) "Advertise or advertising" means the publication, dissemination, solicitation, or circulation of visual, oral, or written communication to directly induce any person to purchase or consume marijuana or marijuana products. Advertising includes the promotion of special pricing, events, sales, or discounts. Advertising does not include branding, marketing, or packaging and labeling of marijuana and marijuana products.

(3) remains the same.

(4) "Brand" or "branding" means creating a unique identity for a business to target an audience or consumers. Branding does not include references to specific marijuana or marijuana products.

(5) "Market" or "marketing" means an action a business uses to promote their brand, location, or services. Marketing does not include references to specific marijuana or marijuana products.

(4) remains the same but is renumbered (6).

~~(5)~~ (7) 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) and (7) remain the same but are renumbered (8) and (9).

~~(8)~~ (10) 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. A marijuana business that uses a QR code in an electronic advertisement must utilize appropriate measures to verify that individuals visiting the QR code's webpage are 21 years of age or older.

(9) remains the same but is renumbered (11).

~~(10)~~ (12) The prohibition in ~~(9)~~(11)(c) does not prohibit the use of informational pamphlets for dissemination at marijuana trade conferences or the use or distribution of business cards. Nothing in this rule shall be construed to allow the sale or possession of marijuana or marijuana products outside of a licensed premises, including at tradeshow.

~~(11)~~ (13) The prohibition in ~~(9)~~(11)(d) does not prohibit a marijuana business from asserting that its products have been tested by a licensed marijuana testing laboratory.

AUTH: 16-12-112, 16-12-211, MCA

IMP: 16-12-112, 16-12-211, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.39.123 to provide additional, necessary guidance about what is marketing and branding versus what is advertising. The department fields numerous questions in this regard, and the proposed amendments reflect identified issues and seek to improve guidance to licensees about what is allowable, or prohibited, under the law.

42.39.314 GENERAL LABELING REQUIREMENTS (1) Labeling requirements apply to marijuana and marijuana products sold from a dispensary to customers and wholesale from one licensee to another. ~~A licensee that sells marijuana or marijuana products to other licensees is not required to comply with labeling requirements.~~

(2) remains the same.

(3) All marijuana or marijuana products shall be labeled with the following information:

(a) the strain name, except when the marijuana or marijuana product contains a mixed strain, then indicate mixed strain;

(b) and (c) remain the same.

(d) the unique identification number generated from the seed-to-sale tracking system correlated to the marijuana or marijuana product's final form testing results;

(e) remains the same.

(f) the net quantity of contents of the marijuana product. The statement of quantity shall be:

(i) through (iii) remain the same.

(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), Net Contents: 2 fl. oz. (2 mL or milliliters));

(g) and (h) remain the same.

(i) the universal symbol, available from the department's website. The universal symbol may be a sticker if the sticker meets the requirements of this section. The universal symbol:

(i) remains the same.

(ii) may be downloaded from the department's website; ~~and~~

(iii) may not be colored by hand and/or using a highlighter, marker, etc.; and

(iii) remains the same but is renumbered (iv).

(4) All marijuana and marijuana products shall be labeled verbatim with the following warnings:

(a) through (5) remain the same.

(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(s) used in the manufacturing process.

(7) remains the same.

(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 verbatim:

(a) through (9) remain the same.

AUTH: 16-12-112, MCA

IMP: 16-12-101, 16-12-112, 16-12-208, 16-12-224, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.39.314 to support the department's proposals in NEW RULES I and II and to improve clarity and consistency of this rule within the quality assurance testing and sampling requirements found in ARM Title 42, chapter 39, subchapter 6, and the authorities referenced therein.

42.39.315 LABELING REQUIREMENTS FOR MARIJUANA FLOWER

(1) For purposes of this rule and ARM 42.39.318, "flower" includes marijuana pre-rolls, but excludes infused marijuana pre-rolls.

(1) through (3) remain the same but are renumbered (2) through (4).

AUTH: 16-12-112, MCA

IMP: 16-12-101, 16-12-112, 16-12-208, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.39.315 through the addition of new (1) because the department must distinguish marijuana pre-rolls, which are flower, from infused marijuana pre-rolls, which are concentrates/extracts, for purposes of determining which labeling rules apply under statute. The remaining sections will be renumbered.

42.39.316 LABELING OF INGESTIBLE MARIJUANA-INFUSED PRODUCTS

(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) remains the same.

(b) an allergen statement that shall must declare the presence, or absence, of major food allergens in plain language;

(c) a marijuana facts panel containing the following information:

(i) the actual milligrams per serving size or dose of:

(A) through (ii) remain the same.

(iii) for multi-serving packages, the total actual milligrams per package of:

(A) and (B) remain the same.

(C) CBD; and

(D) ~~and~~ CBDa;

(d) through (3) remain the same.

AUTH: 16-12-112, MCA

IMP: 16-12-101, 16-12-112, 16-12-208, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.39.316 to clarify that marijuana product sold as an edible or a food product or for an edible marijuana product must provide information for actual milligrams for serving size or dose and actual milligrams for multi-serving packages.

The department also proposes amendments to improve clarity regarding required product allergen disclosures which is necessary for overall product and consumer safety.

Section (1)(c)(iii)(C) and (D) are amended to fix a text error with placement of the word "and" from a prior rulemaking.

42.39.317 LABELING OF NON-INGESTIBLE MARIJUANA-INFUSED PRODUCTS (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) remains the same.

(b) an allergen statement that must declare the presence, or absence, of major food allergens in plain language; and

(b) remains the same but is renumbered (c).

(2) and (3) remain the same.

AUTH: 16-12-112, MCA

IMP: 16-12-101, 16-12-112, 16-12-208, MCA

REASONABLE NECESSITY: Similar to the department's proposal for ARM 42.39.316, the department proposes to amend ARM 42.39.317 to improve clarity regarding required product allergen disclosures which is necessary for overall product and consumer safety.

42.39.318 LABELING REQUIREMENTS FOR MARIJUANA CONCENTRATES AND EXTRACTS (1) In addition to the general labeling requirements set forth in ARM 42.39.314, each package of marijuana concentrate, including infused marijuana pre-rolls, sold to a customer shall be labeled with the following information:

- (a) remains the same.
- (b) an allergen statement that ~~shall~~ declares the presence, or absence, 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) remains the same.
 - (B) the number of servings or doses per package, except for vapes and other smokable marijuana products;
 - (ii) for marijuana concentrates that do not require the application of heat before they are administered or consumed:
 - (A) the percentage concentration of:
 - (I) through (III) remain the same.
 - (IV) CBDa; or
 - (B) the milligrams per serving size or dose of:
 - (I) THC;
 - (II) THCa;
 - (III) CBD; and
 - (IV) CBDa; and
 - (B) remains the same but is renumbered (C).
 - (d) through (3) remain the same.

AUTH: 16-12-112, MCA

IMP: 16-12-101, 16-12-112, 16-12-208, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.39.318 which is necessary to distinguish infused pre-rolls, which are concentrates/extracts, from marijuana pre-rolls, which are flower, for purposes of determining which labeling rules apply under statute. Like the department's proposals for ARM 42.39.316 and 42.39.317, the department proposes amendments to improve clarity regarding required product allergen disclosures which is necessary for overall product and consumer safety.

The department's proposed amendments in (1)(c)(i)(B) reflect the difficulty with setting a service size for vapes and other smokable marijuana products so the department proposes to provide an exception for those products.

The department's proposed amendments in (1)(c)(ii)(B) for dosage apply to infused marijuana pre-rolls which arguably fall into two categories: flower and concentrate. Since the department is proposing other amendments to accommodate infused marijuana pre-rolls, this amendment is necessary.

42.39.319 PACKAGING REQUIREMENTS (1) through (3) remain the same.

(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. Exit packaging may not reference specific or general marijuana or marijuana products and may not include advertisements, including the promotion of events, sales, or special pricing.

(5) Exit packaging of marijuana and marijuana products provided to customers at the point of sale may contain:

- (a) a QR code provided, the code utilizes appropriate measures to verify that individuals visiting the QR code's webpage are 21 years of age or older;
- (b) a licensee's phone number or address;
- (c) marketing and branding elements.

AUTH: 16-12-112, MCA

IMP: 16-12-101, 16-12-112, 16-12-208, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.39.319 as a necessary extension of the proposed amendments to ARM 42.39.123. As stated in the statement of reasonable necessity for ARM 42.39.123, the department fields numerous questions regarding marketing and branding versus advertising, and the proposed amendments in (4) support allowable or prohibited advertising restrictions which also apply to exit packaging.

42.39.320 PACKAGING AND LABELING APPLICATIONS, FEES AND DEPARTMENT APPROVAL PROCESSES; EXIT PACKAGE APPROVAL; INITIAL REQUIREMENTS APPLICABLE TO ALL LICENSEES (1) through (4) remain the same.

(5) All applicants, whether as an initial license applicant or existing licensee, must ~~submit an application~~ apply to the department for approval of the labeling of each marijuana product category intended for sale to customers.

(6) An applicant must submit a separate application for each label - up to a maximum of ~~eight~~ nine total label applications - based on the applicant's sale of some or all of the following marijuana or marijuana product categories:

(a) seed/plants;

(a) through (h) remain the same but are renumbered (b) through (i).

(7) An applicant will be given the following labeling options for the product categories listed in (6):

(a) selecting and affirming its use of a pre-approved template label available for download from the department, at no cost to the applicant, as provided in ~~(15)~~ (16); or

(b) use of a custom label design and pay the custom label application fee, as provided in ~~(15)~~ (16).

(8) through (14) remain the same.

(15) Licensees do not need to apply for package and label approvals for products purchased wholesale that have been previously approved by the department.

~~(15)~~ (16) Except as provided in (17), An applicant must submit the following fees to the department:

(a) through (d) remain the same.

(17) Wholesale label applicants must submit the following fees to the department:

(a) no charge (\$0.00) for label applications described in (7)(a) or packaging applications in (12)(a);

(b) \$100 per label application described in (7)(b) for custom label design; and
(c) \$50 per package application described in (12)(b).

(16) through (18) remain the same but are renumbered (18) through (20).

(19) remains the same but is renumbered (21).

~~(20) In order to fully implement the packaging and labeling requirements of the Act, all licensees must submit their packaging and label applications to the department by August 1, 2022. Licensees may continue to use packaging and labeling that is compliant with the former Montana Medical Marijuana Act (Title 50, chapter 46, MCA) during the pendency of the department's approval(s), provided the licensee's applications were submitted by August 1, 2022.~~

~~(21) A licensee that fails to submit applications for approval of packaging and labeling by August 1, 2022 shall be subject to disciplinary proceedings.~~

(22) remains the same.

~~(23) All marijuana and marijuana products must be in approved packaging and affixed with approved labeling no later than January 1, 2023. Licensees shall repackage and/or relabel all marijuana and marijuana products on or before January 1, 2023, as necessary, to comply with this provision.~~

~~(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.~~

AUTH: 16-12-112, MCA

IMP: 16-12-112, 16-12-208, 16-12-215, 16-12-224, MCA

REASONABLE NECESSITY: The department proposes to amend ARM 42.39.320 to support the wholesale packaging and labeling rules changes proposed in this rulemaking and to implement a wholesale packaging and labeling fee structure.

Proposed (6)(a) expands marijuana product categories to include marijuana seeds or plants, as provided in NEW RULE I.

Proposed (15) implements the adoption of NEW RULE II so wholesale marijuana packaging and labeling requirements comply with the department's statutory directive in 16-12-208(8), MCA, while lessening the administrative burden of wholesale packaging and labeling applications.

Proposed (17) establishes wholesale packaging and labeling application fees, including the no-fee options described in (17)(a), which are identical to other license types provided in (16)(a). The department contends the fees proposed in (17)(b) and (c) - required by 16-12-208(8)(d)(i), MCA - are reasonable and guided by 16-12-112(1)(q), MCA, given the amount of department review and processing of custom label and packaging applications and related submissions, and the required tracking of wholesale product from wholesale licensees through industry supply chains.

The department proposes to strike current (20), (21), and (23) as they were required for initial implementation of the rule but are now obsolete. Current (24) is proposed for removal because the information is available to the department and the department desires to lessen an administrative burden on licensees.

FISCAL IMPACT: In accordance with 2-4-302(1)(c), MCA, the department is required to estimate the fiscal impact of the payment of the wholesaler packaging and labeling application fees described in proposed ARM 42.39.320(17), if known, and the number of persons affected.

The department cannot accurately estimate the fiscal impact of the proposed wholesaler application fees because the number of marijuana product packages, labels, and exit packages which require a wholesale application and payment of fees are directly relative to the number of licensees who engage in wholesaling and the variety of their wholesale inventory. Further, any fiscal impact does not factor any cost savings for packaging and labeling that received prior department approval.

The department provides the following data regarding fee revenue for wholesale packaging and labeling for the period December 1, 2022 to December 1, 2023, but makes no assumptions about the current level of wholesale activity in the industry and how the proposed fees may impact the number of wholesale packages and labels on a go-forward basis.

Packages:

2,764 were identified as wholesale products in some way.
1,112 unique packages.

\$27,640 in fees received by the department from wholesale packages.
\$11,120 in fees received from unique packages.

Labels:

695 labels were identified as wholesale labels.
714 labels were unique labels.

\$17,375 in fees received from wholesale labels.
\$17,850 in fees received from unique packages.

The above information is based on the names that were provided by the licensee when they submitted packaging and labeling applications, and could not be manually validated due to volume. The label numbers do not include laboratory labels, as they would not be able to submit for a wholesale application since they do not have a dispensary license.

As of December 4, 2023, there are 185 cultivator licensees operating 362 cultivator sites and 170 dispensary licensees operating 435 dispensary sites in Montana.

5. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to: Todd Olson, Department of Revenue, Director's Office, P.O. Box 7701, Helena, Montana 59604-7701; telephone (406) 444-7905; fax (406) 444-3696;

or e-mail todd.olson@mt.gov and must be received no later than 5:00 p.m., January 22, 2024.

6. Todd Olson, Department of Revenue, Director's Office, has been designated to preside over and conduct the hearing.

7. The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the person in number 5 or faxed to the office at (406) 444-3696, or may be made by completing a request form at any rules hearing held by the Department of Revenue.

8. An electronic copy of this notice is available on the department's web site at www.mtrevenue.gov, or through the Secretary of State's web site at sosmt.gov/ARM/register.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor of HB 128, Representative Kassmier, was contacted by email on June 5, 2023 and on December 7, 2023. The primary bill sponsor of HB 229, Representative Hopkins, was contacted by email on August 11, 2023 and on December 7, 2023.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the proposed adoption and amendment of the above-referenced rules may significantly and directly impact small businesses. While the extent of any potential impact is fact-dependent on the circumstances of each licensee, the department notes the impactful changes correlate to the fiscal impact of wholesaler license fees discussed above.

/s/ Todd Olson
Todd Olson
Rule Reviewer

/s/ Scott Mendenhall
Scott Mendenhall
Deputy Director of Revenue

Certified to the Secretary of State December 12, 2023.