

BEFORE THE DEPARTMENT OF REVENUE
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PUBLIC HEARING ON
ARM 42.39.106, 42.39.107,)	PROPOSED AMENDMENT AND
42.39.117, 42.39.118, 42.39.202,)	REPEAL
42.39.203, 42.39.310, 42.39.311,)	
42.39.312 and the repeal of ARM)	
42.39.103, 42.39.108, 42.39.111,)	
42.39.113, 42.39.114, 42.39.119,)	
42.39.201, 42.39.301, 42.39.302,)	
42.39.305, 42.39.306, and 42.39.313)	
pertaining to medical marijuana)	
program rules and the)	
implementation of the Montana)	
Marijuana Regulation and Taxation)	
Act)	

TO: All Concerned Persons

1. On November 30, 2021, at 11:30 a.m., the Department of Revenue (department) 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 amendment and repeal of the above-stated rules. The auditorium is most readily accessed by entering through the north (basement) doors of the building.

2. The department 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 November 12, 2021. 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. GENERAL STATEMENT OF REASONABLE NECESSITY The 67th Montana Legislature passed House Bill 701 (HB 701), which amends the Montana Marijuana Regulation and Taxation Act, codified at 16-12-101, *et. seq.*, MCA (MRTA), and transfers substantive portions of the Montana Medical Marijuana Act, formerly in Title 50, chapter 46, part 3, MCA, into the MRTA.

The department proposes to amend and repeal the above-described rules, as applicable, to reflect the substantive changes made to the marijuana statutes, to implement the repeal of the Montana Medical Marijuana Act, and to remove redundant or superfluous provisions from what is found in the MRTA or the department's other rules, including those rules pending adoption in the department's concurrent rulemaking under MAR Notice Nos. 42-1033 and 42-1040. The

department also proposes to amend rule sections for brevity and content organization and to improve the general readability of the rules.

Based on the statutory transfer and repeal described above, it is also necessary for the department to update internal cross references, where necessary, and amend the authorizing and implementing authority statutes to those in the MRTA for the remaining rules to comply with 2-4-305, MCA.

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

42.39.106 REGISTERED CARDHOLDER APPLICATION PROCESS (1) An applicant must be a resident of the State of Montana ~~under 1-1-215, MCA.~~

(2) and (3) remain the same.

(4) The registry identification card expires one year from the date of issuance ~~with the exception of the following:~~

(a) unless the physician statement provides a written certification for a shorter period of time; ~~or,~~

(b) ~~a registered cardholder changes provider or marijuana-infused products provider.~~

(5) ~~Renewal applications must be submitted within 30 calendar days prior to the expiration date of the license.~~ A physician statement must be dated within 60 days of the application date. The department shall deny an application submitted with a physician statement dated more than 60 days from the application date.

(6) remains the same.

(7) A registered cardholder who submits a renewal application less than 30 days prior to the registry identification card's expiration date assumes the risk and possibility of the card expiring until the department processes and approves the renewal application.

~~(7)~~ (8) A custodial parent or legal guardian may submit an application for a minor under ~~50-46-307~~ 16-12-508, MCA.

AUTH: ~~50-46-344, 16-12-112,~~ MCA

IMP: ~~50-46-303, 50-46-307, 50-46-310, 50-46-344~~ 16-12-112, 16-12-503, 16-12-508, 16-12-509, MCA

42.39.107 LICENSE AND ENDORSEMENT APPLICATION PROCESS

(1) An applicant must be a resident of the State of Montana ~~under 1-1-215,~~ MCA.

(2) remains the same.

~~(3) A complete application must include the required fee, statements, forms, diagrams, operation plans, and other applicable documents required in the application packet to be accepted and processed by the department.~~

~~(4) Applicants include, but are not limited to:~~

~~(a) any individual or legal entity who holds or controls an interest, ownership, or partnership in the business or entity;~~

~~(b) all directors; and~~

~~(c) principal officers of corporate applicants.~~

~~(5)~~ (3) The licenses will expire one year from the date of issuance, except for marijuana transporter licenses which expire two years from the date of issuance.

~~(6)~~ (4) Renewal applications must be submitted at least 30 calendar 60 days prior to the expiration date of the license.

~~(7)~~ (5) The department will approve or deny an a new application within 30 calendar 120 days of receiving a complete application and will approve or deny a renewal application within 60 days of receiving a complete application. An application is considered complete when the applicant or licensee, as applicable, has provided all statements, forms, diagrams, operation plans, and other applicable documents required in the application and has paid the nonrefundable processing fee pursuant to [MAR Notice No. 42-1033, NEW RULE I(2)] and has paid the remaining balance of the license fee upon notification by the department of its pending approval.

~~(6)~~ If a renewal application is received less than 60 days prior to license expiration, the department will process the application, but the licensee assumes the risk and possibility of having to suspend operations until the department processes and approves the renewal application.

(8) remains the same but is renumbered (7).

~~(9)~~ (8) Prior to issuing a license or endorsement, the department will inspect the proposed premises to determine if the applicant complies with these rules and Montana statute the marijuana laws.

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

~~(11)~~ If a renewal application is received within 30 days of expiration, the department may process the application.

~~(12)~~ (10) The department will not consider a renewal applications received more than 30 days after the license or endorsement expiration date, in which case the license will lapse.

~~(11)~~ The department will not amend or extend a license's expiration date unless the licensee can demonstrate that its failure to timely submit a renewal application was due to circumstances beyond its control.

~~(13)~~ An applicant or licensee may request a chemical manufacturing endorsement or dispensary license upon submission of an initial application or at any time following licensure.

~~(14)~~ Chemical manufacturing endorsements and dispensary licenses issued under this rule will expire the same date of the provider license or marijuana-infused product provider license.

~~(15)~~ (12) A licensee:

~~(a)~~ may not operate until on or after the effective date of the license; and

~~(b)~~ must display proof of licensure in a prominent place on the registered premises.

~~(16)~~ A license or endorsement may not be sold or transferred.

~~(17)~~ (13) Any denial under this part these rules is subject to judicial review a contested case hearing before the department's Office of Dispute Resolution, as provided for under ARM 42.2.621.

AUTH: ~~50-46-344, 16-12-112, MCA~~

IMP: ~~50-46-303, 50-46-308, 50-46-309, 50-46-344, 16-12-112, 16-12-201, 16-~~

12-203, 16-12-503, MCA

42.39.117 DENIAL OF REGISTRY IDENTIFICATION CARD APPLICATION OR REVOCATION OF REGISTRY IDENTIFICATION CARD

(1) The department, after written notice to the applicant or registered cardholder, may deny or revoke an application or registry identification card if:

- (a) remains the same.
 - (b) the department determines the information provided in the application was inaccurate, misleading, or falsified;
 - (c) remains the same.
 - (d) the applicant or registered cardholder does not have, or no longer has, a debilitating medical condition as defined in ~~50-46-302~~ 16-12-102, MCA;
 - (e) and (f) remain the same.
 - ~~(g) the applicant or registered cardholder has been convicted of driving under the influence of alcohol or drugs under 50-46-320, MCA;~~
 - ~~(h)~~ (g) the applicant or registered cardholder is found to be in violation of ~~50-46-330~~ 16-12-523, MCA;
 - ~~(i) the department is notified in writing by a property owner revoking permission under 50-46-307, MCA;~~
 - (j) and (k) remain the same but are renumbered (h) and (i).
 - ~~(l)~~ (j) the cardholder violates the daily possession or purchase limitations contained in ~~50-46-319~~ 16-12-515, MCA; or
 - ~~(m)~~ (k) the registered cardholder is found to be in violation of any provision under Title ~~50~~ 16, chapter ~~46~~ 12, part ~~3~~ 5, MCA.
- (2) remains the same.

AUTH: ~~50-46-344~~ 16-12-112, MCA

IMP: ~~16-12-108, 16-12-112, 16-12-203, 16-12-503, 16-12-515, 45-9-203, 50-46-303, 50-46-308, 50-46-319, 50-46-320, 50-46-344, 61-11-101~~, MCA

42.39.118 LEGAL PROTECTIONS—ALLOWABLE AMOUNTS ~~(1) A registered cardholder who has not elected to obtain marijuana or marijuana-infused products through the system of licensed providers may possess up to 16 ounces of usable marijuana at their registered physical address reported on their registry identification card and 1 usable ounce at any location other than the registered physical address reported on their registry identification card.~~

~~(2)~~ (1) A registered cardholder may submit a petition for an increase in the monthly purchase limits defined in ~~50-46-319~~ 16-12-505, MCA, on a form approved by the department and submitted through the licensing system.

- (a) remains the same.
- (b) The department may approve increases to the monthly purchase limits up to a maximum of 8 ounces of usable marijuana or the equivalent in marijuana-infused products as described in ~~(3)~~ (2).

~~(3)~~ (2) Usable marijuana may be in the form of flower, or ~~marijuana-infused products, or concentrates~~. The following conversion shall be used to determine the allowable amounts of non-flower marijuana:

- (a) remains the same.

(b) A registered cardholder may purchase or possess any combination of marijuana flower, or ~~marijuana-infused products, and marijuana concentrate~~ if the total calculated conversion is equal to or less than the legal purchase or possession amount.

AUTH: ~~50-46-344~~ 16-12-112, MCA

IMP: ~~50-46-303, 50-46-312, 50-46-319, 50-46-328, 50-46-329, 50-46-344~~ 16-12-112, 16-12-207, 16-12-210, 16-12-301, 16-12-503, 16-12-515, MCA

42.39.202 INVENTORY SEED-TO-SALE TRACKING SYSTEM USER REQUIREMENTS

(1) A licensee must have a department inventory 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.

(2) Additional licensees or licensee employees may be authorized to obtain inventory seed-to-sale tracking system user accounts.

(3) To obtain and maintain an inventory a seed-to-sale tracking system user account, a licensee or licensee employee must successfully complete all required department inventory seed-to-sale tracking system training.

(4) An individual entering data into the inventory seed-to-sale tracking system may only use that individual's inventory seed-to-sale tracking system account.

(5) A licensee must ensure:

(a) all inventory seed-to-sale tracking system users are up to date on inventory seed-to-sale tracking system user training requirements; and

(b) any data that is entered into the inventory seed-to-sale tracking system in error is corrected.

(6) A licensee and any designated inventory seed-to-sale tracking system user must enter data into the inventory seed-to-sale tracking system that accounts for all inventory seed-to-sale tracking activities.

(7) A licensee is accountable for all actions inventory seed-to-sale tracking system users take while logged into the inventory seed-to-sale tracking system.

(8) A licensee is responsible for the accuracy of all information entered into the inventory seed-to-sale tracking system.

(9) Nothing in this rule prohibits a licensee from using secondary separate software applications to collect information to be used by the business, including secondary inventory tracking or point-of-sale systems.

(10) If a licensee uses a separate software application that links to the inventory seed-to-sale tracking system it must get approval from the inventory 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 inventory seed-to-sale tracking system; and

(b) preserve original inventory seed-to-sale tracking system data when transferred to and from a secondary application.

(11) If a licensee loses access to the inventory seed-to-sale tracking system, the licensee must keep and maintain comprehensive records detailing all tracking seed-to-sale inventory activities that were conducted during the loss of access.

(12) Once access is restored, all inventory seed-to-sale tracking activities that occurred during the loss of access must be entered into the inventory seed-to-sale tracking system.

(13) A licensee must document when access to the inventory seed-to-sale tracking system was lost and when it was restored.

(14) All compliance notifications from the inventory seed-to-sale tracking system must be resolved in a timely fashion.

AUTH: ~~50-46-344~~ 16-12-112, MCA

IMP: ~~50-46-303, 50-46-308, 50-46-311, 50-46-319, 50-46-326, 50-46-329, 16-12-105, 16-12-112, 16-12-203~~, MCA

42.39.203 INVENTORY SEED-TO-SALE TRACKING AND RECONCILIATION (1) A licensee must use the department's ~~selected~~ inventory 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 inventory 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 inventory seed-to-sale tracking system.

(4) through (6) remain the same.

(7) Licensees must use unique identification tags ~~provided by the department~~ purchased from the seed-to-sale tracking system vendor.

(8) All on-premises and in-transit marijuana item inventories must be reconciled in the inventory 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 ~~licensee~~ its employee must:

(a) verify the registered cardholder's eligibility and daily and monthly purchase limits: and

~~(i) A licensee may not complete a sale that exceeds a registered cardholder's daily or monthly purchase limit.~~

(b) record in the seed-to-sale tracking system at the time of sale or transfer:

(i) and (ii) remain the same but are renumbered (a) and (b).

~~(iii) (c) the date of the sale or transfer to a registered cardholder customer.~~

(10) Licensees must record in the seed-to-sale tracking system:

(a) through (c) remain the same.

(d) weight and disposal of post-harvest waste materials, per the requirements described in ARM 42.39.310;

(e) through (13) remain the same.

~~(14) All transport manifests must be generated by the seed to sale tracking system and contain all the information required by these rules.~~

~~(15) A receiving location must document in the seed-to-sale tracking system any marijuana items received and any discrepancies between the quantity specified in the transport manifest and the quantities received.~~

AUTH: 50-46-344 16-12-112, MCA

~~IMP: 50-46-303, 50-46-308, 50-46-311, 50-46-319, 50-46-326, 50-46-329 16-12-105, 16-12-108, 16-12-112, 16-12-203, 16-12-209, 16-12-210, 16-12-515, MCA~~

42.39.310 WASTE MANAGEMENT (1) and (2) remain the same.

~~(3) A licensee must render marijuana plant waste unusable by:~~

- ~~(a) grinding or otherwise rendering the waste unrecognizable and mixing it with at least 50 percent nonmarijuana waste by volume before disposal; or~~
- ~~(b) grinding, compacting, or chopping the waste into pieces smaller than three inches.~~

~~(4) A licensee may create compostable mixed waste for compost feedstock or another organic waste, such as an anaerobic digester, by mixing marijuana plant waste with food waste, yard waste, or vegetable based grease or oils.~~

~~(5) A licensee may create noncompostable mixed waste to be disposed in a landfill or another disposal method, such as an incinerator, by mixing marijuana plant waste with paper waste, cardboard waste, plastic waste, or soil.~~

~~(6) remains the same but is renumbered (3).~~

(4) The allowable method to render a marijuana item unusable is by grinding (for solids) and incorporating or absorbing (for liquids) the marijuana item with other ground materials so the resulting mixture is undesirable, unrecognizable, unfit for human use, and incapable of growth or germination. For whole marijuana plants, the resulting mixture must be at least 50 percent nonmarijuana waste by volume.

(5) For purposes of this rule, "use" includes, but is not limited to, ingestion, inhalation, topical application, processing, or remediation.

(6) Nonhazardous marijuana waste shall be disposed of as follows:

<u>Marijuana Item</u>	<u>Destruction Method</u>	<u>Disposal Method</u>
<u>Marijuana plants</u>	<u>Mix with yard debris, wood chips, sawdust, soil, manure, vegetable-based grease or oils, other wastes</u>	<u>Compost or anaerobic digester, if available, off site</u>
<u>Usable marijuana</u>	<u>Mix with yard debris, wood chips, sawdust, soil, manure, vegetable-based grease or oils, other wastes</u>	<u>Landfill, transfer station, or incinerator, if composing not available or feasible</u>
<u>Liquid concentrate, extracts, or infused products</u>	<u>Absorb in cat litter, slack lime, soil, or similar substance</u>	<u>Landfill, transfer station, or incinerator</u>
<u>Solid concentrate, extracts, or infused products</u>	<u>Mix with soil, slack lime, garbage, or similar substance</u>	<u>Landfill, transfer station, or incinerator</u>

(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.

~~(7)~~ (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) items what was disposed;
- (b) remains the same.
- (c) date disposed; and
- ~~(d) disposal method;~~
- ~~(e)~~ (d) reason for the disposal; ;
- ~~(f) identity of the individual who disposed the waste; and~~
- ~~(g) record of the destination of marijuana waste rendered unusable.~~
- (8) remains the same but is renumbered (9).

AUTH: ~~50-46-344~~ 16-12-112, MCA

IMP: ~~50-46-303, 50-46-308, 50-46-311~~ 16-12-103, 16-12-105, 16-12-112, 16-12-203, 16-12-210, MCA

42.39.311 REPORTING REQUIREMENTS (1) A registered cardholder must notify the department within ten ~~calendar~~ days of any changes in the following:

- (a) remains the same.
- (b) referral physician; or
- ~~(c) provider or marijuana-infused products provider; or~~
- (d) remains the same but is renumbered (c).

~~(2) A registered cardholder that is their own provider, must notify the department ten calendar days prior to the change in location of plants or seedlings.~~

(3) remains the same but is renumbered (2).

~~(4)~~ (3) A licensee must notify the department within ~~30 calendar~~ 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) operating hours;

(b) and (c) remain the same but are renumbered (c) and (d).

~~(5)~~ (4) A licensee who wishes to change the location of a registered licensed premises must submit a completed application for the new premises including all required forms, documents, and fees.

~~(6)~~ (5) A licensee who intends to make any material or substantial changes to the registered 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 registered licensed premises;

(b) and (c) remain the same.

~~(7)~~ (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 registered licensed premises.

AUTH: ~~50-46-344~~ 16-12-112, 16-12-533, MCA
IMP: ~~50-46-303, 50-46-307, 50-46-308, 50-46-311~~ 16-12-112, 16-12-202, 16-12-203, 16-12-503, 16-12-508, 16-12-533, MCA

42.39.312 MARIJUANA ITEM RECALLS ~~(1) The department may require a licensee to recall any marijuana item that the licensee has sold or transferred to a registered cardholder that poses a risk to public health and safety.~~

~~(2) A recall may be based on evidence that a usable marijuana item is contaminated or otherwise unfit for human use, consumption, or application.~~

~~(3) If the department determines that a recall is required, the licensee must notify the registered cardholder or cardholders to whom the marijuana item was sold and destroy the recalled product.~~

(1) For purposes of this rule, the following definitions apply:

(a) "affected licensee" means a licensee whose marijuana or marijuana products are subject to a recall. More than one licensee may be an affected licensee in a recall;

(b) "affected product" means marijuana or a marijuana product subject to a recall.

(2) A recall is required when marijuana or marijuana products pose a risk to public health and safety. A recall shall be based on evidence that marijuana or a marijuana product is contaminated or otherwise unfit for human use, consumption, or application.

(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; and

(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; and

(ii) the use of a press release and other appropriate notifications to ensure customers are notified of the recall and affected product information.

(4) If the department or the Department of Public Health and Human Services determines that a recall is required, an affected licensee shall:

(a) immediately notify registered cardholders and other licensees that received the affected product;

(b) immediately issue a press release or other appropriate public notification to inform customers of the recall and identifying information about the affected product recalled;

(c) provide the department with a copy of the press release or other appropriate public notification in (4)(b);

(d) post on its website, if applicable, information about the recall and the affected product; and

(e) perform a causation analysis to determine the issue or issues leading to the recall and provide to the department a corrective action report and preventative action report, as both are defined by the Department of Public Health and Human Services, which details how the affected licensee plans to correct and prevent future recalls

(5) An affected licensee must coordinate with the department for destruction of the affected product and allow the department to oversee the destruction.

(6) An affected licensee must track the total amount of affected product and the amount of affected product returned to the affected licensee as part of the recall effort. The affected licensee must periodically report to the department on the progress of the recall efforts.

(7) If an affected licensee determines that a recall is required, it must immediately notify the department. The affected licensee must then follow the procedures established in (4) through (6).

(8) If the department determines that a recall is successful, and the risk to public health and safety is no longer present, the department shall notify the affected licensee and close the recall.

(9) The department shall maintain a marijuana recall page on its website of all current recalls.

AUTH: ~~50-46-344~~ 16-12-112, MCA

IMP: ~~50-46-326~~ 16-12-105, 16-12-112, 16-12-209, MCA

5. The department proposes to repeal the following rules:

42.39.103 PROOF OF MONTANA RESIDENCY

AUTH: 50-46-344, MCA

IMP: 50-46-303, 50-46-308, 50-46-311, MCA

42.39.108 FEES

AUTH: 50-46-344, MCA

IMP: 50-46-344, MCA

42.39.111 MARIJUANA AND MARIJUANA-INFUSED PRODUCTS
PROVIDER LICENSEE REQUIREMENTS

AUTH: 50-46-344, MCA

IMP: 50-46-303, 50-46-308, 50-46-312, 50-46-319, 50-46-326, 50-46-328, 50-46-329, 50-46-330, MCA

42.39.113 MARIJUANA EMPLOYEE PERMIT

AUTH: 50-46-344, MCA

IMP: 50-46-303, 50-46-308, 50-46-311, MCA

42.39.114 TRANSPORTATION AND DELIVERY OF MARIJUANA ITEMS

AUTH: 50-46-344, MCA

IMP: 50-46-303, 50-46-308, 50-46-311, 50-46-319, 50-46-326, 50-46-329,
MCA

42.39.119 DENIAL OR REVOCATION OF APPLICATION, LICENSE, OR
ENDORSEMENT

AUTH: 50-46-344, MCA

IMP: 50-46-303, 50-46-308, 50-46-312, 50-46-329, 50-46-330, MCA

42.39.201 PRODUCING MARIJUANA-INFUSED PRODUCTS,
CONCENTRATES, AND EXTRACTS

AUTH: 50-46-344, MCA

IMP: 50-46-303, 50-46-308, 50-46-312, 50-46-328, 50-46-329, 50-46-330,
MCA

42.39.301 LABELING OF MARIJUANA ITEMS

AUTH: 50-46-344, MCA

IMP: 50-46-303, 50-46-308, 50-46-326, MCA

42.39.302 PACKAGING FOR SALE TO CONSUMER

AUTH: 50-46-344, MCA

IMP: 50-46-303, 50-46-308, 50-46-326, MCA

42.39.305 QUALITY ASSURANCE TESTING SAMPLE REQUIREMENTS

AUTH: 50-46-344, MCA

IMP: 50-46-303, 50-46-308, 50-46-311, 50-46-326, 50-46-329, MCA

42.39.306 QUALITY ASSURANCE TESTING REQUIREMENTS

AUTH: 50-46-344, MCA

IMP: 50-46-303, 50-46-308, 50-46-311, 50-46-326, MCA

42.39.313 INSPECTIONS

AUTH: 50-46-344, MCA

IMP: 50-46-303, 50-46-308, 50-46-311, 50-46-312, 50-46-319, 50-46-328, 50-
46-329, MCA

6. 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., December 6, 2021.

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

8. 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 6 above 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.

9. 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.

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor of HB 701, Representative Hopkins, was contacted by email on October 26, 2021.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and repeal of the above-referenced rules may significantly and directly impact small businesses, but any such significant or direct small business impact is attributable to the department through the implementation of the statutory requirements of HB 701 and the Act.

/s/ Todd Olson
Todd Olson
Rule Reviewer

/s/ Brendan Beatty
Brendan Beatty
Director of Revenue

Certified to the Secretary of State October 26, 2021.