



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-292.1

Summary

Updates to Responsible Alcohol Sales and Service Training Program Requirements and Implementation of Third Party Delivery Service Training Requirements

Hearing Date and Time

Monday, November 3, 2025, at 11:00 a.m.

Hearing Information

Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana

Comments

Comments may be submitted using the contact information below. Comments must be received by Monday, November 10, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, October 17, 2025, at 5:00 p.m.

Contact

General Reasonable Necessity Statement

The department proposes to amend ARM 42.13.901, 42.13.902, 42.13.904, 42.13.905, 42.13.906, and 42.13.907 to update Responsible Alcohol Sales and Service (RASS) curricula requirements which is necessary for the department to implement House Bill 157 (2025) (HB 157) (revise alcohol laws related to responsible server and sales training) and House Bill 211 (2025) (HB 211) (third party delivery service training requirements). Other amendments throughout the rulemaking propose formalizing electronic communication between training providers and the department as a result of stakeholder feedback to the department and the department's transition to, and general preference of, conducting business primarily through electronic means, to the greatest extent practicable.

The department also notes that certain phrasing or drafting style of several rules lacks brevity, necessary subject modifiers, or is grammatically deficient. So several amendments are proposed to improve clarity, grammar, or phrasing of the rules with the goal(s) of simplifying and improving the content, which is a goal of Governor Gianforte's Red Tape Relief Initiative (to lessen or improve administrative regulation), where possible.

While this general statement of reasonable necessity covers the basis for the proposed rule amendments, it is supplemented below to explain rule-specific proposals.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

42.13.901 DEFINITIONS

The following definitions apply to this subchapter:

- (1) "Acceptable forms of identification" include:
 - (a) any state-issued driver's license or identification card;

- (b) any Canadian government-issued driver's license or identification card;
 - (c) a passport;
 - (d) any federally-recognized tribal identification card; and
 - (e) any form of government-issued identification whether issued digitally or in a hard-copy version in a digital or physical form.
- (2) ~~"Combined exam score" means the overall score of an exam administered by a private training provider where the Montana portion of the exam is weighted as 50 percent of the overall exam score.~~
- (3) ~~"House policies" means a company policy that dictates how a certain situation, activity, or process should be handled.~~
- (4) ~~"Incident log" means a document that tracks situations occurring on the licensed premises.~~
- (2) "Licensee" means the same as defined in 16-4-1003, MCA. For purposes of implementing 16-4-1002, MCA, and for RASS training compliance, a licensee may be referred to as:
- (a) an "off-premises licensee" - a person or entity licensed by the department under 16-4-115, MCA, with or without delivery endorsement and operating the licensed business in accordance with ARM 42.13.1105;
 - (b) an "on-premises licensee" - a person or entity licensed by the department under 16-3-213, 16-4-105, 16-4-201, 16-4-213, 16-4-311, 16-4-401, or 16-4-420, MCA, and operating the licensed business in accordance with ARM 42.13.405, 42.13.601, 42.13.802, 42.13.1102, 42.13.1103, 42.13.1104, or 42.13.1107, as applicable. An on-premises licensee also includes a concessionaire who has entered into a concession agreement with the on-premises licensee, authorized under 16-4-418, MCA, and ARM 42.12.133, and its employees; or
 - (c) a "third party delivery licensee" defined in [Sec. 1, Ch. 75, Laws of Montana (2025)].
- (5)(3) ~~"Private training provider" means a private business that provides responsible alcohol sales and service providing RASS training using a department-approved program that is approved by the department.~~
- (6)(4) ~~"Proof of training document" means a document stating showing the RASS training program name, training date, participant's name, and participant's date of birth, that is issued to a and the participant who obtained a passing score of 80 percent or more on the exam.~~
- (5) "RASS training" means the Responsible Alcohol Sales Service and Delivery Act training required under 16-4-1001, MCA, et seq.

- (6) "State trainer" means ~~an~~ department-approved individual that is approved by the department to provide responsible alcohol sales and service providing RASS training using the department's curriculum training program.
- ~~(8)~~(7) "Training records" means ~~records~~ documentation or information submitted electronically to the department by a state trainer or private training provider that includes showing the RASS training program name, training date, whether training was online or in person, and each participant's name, date of birth, and combined exam score.

Authorizing statute(s): 16-4-1009, MCA

Implementing statute(s): Sec. 1, Ch. 75, Laws of Montana (2025), 16-4-1002, 16-4-1006, MCA

Reasonable Necessity Statement

In addition to the department's general statement of reasonable necessity, the department proposes to amend ARM 42.13.901 to incorporate new terms "off-premises licensee" and "on-premises licensee" as sub-definitions to the statutory definition of licensee (which is also proposed for addition to the rule) because HB 211 introduces this industry variation of reference to license categories based on where the consumption of alcoholic beverages is authorized (i.e., off of a licensed premises, or on the licensed premises). And adoption of the terms – and what license types are included - is preferred versus stating each license type that the department administers each time the rule requires it. The department also proposes to incorporate the definitions for "RASS training," since that is the type of training program to which the rules pertain, and "third party delivery licensee" to implement terminology created under HB 211.

The department proposes to repeal the definition of "combined exam score" because the lack of a common exam hampers the department's ability to analyze program effectiveness of each authorized training provider. However, a common exam allows the department to recognize weaknesses in training curricula and the department proposes to provide the exam for trainers to use as proposed in ARM 42.13.904(1)(f). The department also proposes the repeal of "house policies" and "incident log" as it is unnecessary to define commonly used terms and the department revised rule text in ARM 42.13.907(1) which obviates the need for these definitions.

Lastly, the rule's authorizing and implementing statutes are proposed for amendment to comply with 2-4-305(3), MCA.

42.13.902 STATE TRAINING PROGRAM; DEPARTMENT AND STATE TRAINER RESPONSIBILITIES

- (1) The department shall:
 - (a) ~~effective January 1, 2026, develop a curriculum~~ implement two RASS training programs: one for on-premises licensees, and one for off-premises licensees and third party delivery licensees that meeting the requirements of [Secs. 1 and 11, Ch. 75, Laws of Montana (2025)], 16-4-115, 16-4-1006, and ARM 42.13.907, as applicable;
 - (b) update the curriculum training programs in (1)(a) following each legislative session, as needed;
 - ~~(c) — conduct a full review of the curriculum every five years;~~
 - ~~(d) — issue determinations on state trainer applications within 30 days of the recruitment period closing;~~
 - ~~(e)~~(c) facilitate the training ~~off~~ for state trainers;
 - ~~(f)~~(d) provide RASS training materials electronically;
 - ~~(g)~~(e) grade RASS training exams; and
 - ~~(h)~~(f) issue proof of RASS training documents.
- (2) A state trainer shall:
 - (a) ~~provide a minimum of three hours of~~ deliver RASS training utilizing the department's curriculum training programs;
 - (b) ~~adhere to~~ follow the department's ~~curriculum~~ RASS training programs delivery requirements;
 - (c) ~~establish the time and location of~~ schedule training sessions and notify the department at least two weeks in advance of the training;
 - (d) ~~administer a~~ training program exam provided by the department;
 - (e) electronically submit the training records attendance roster and all completed exams to the department within two weeks of a training session; and
 - (f) ~~abide by~~ comply with all applicable laws, regulations, and department policies concerning the confidentiality of training participants' personally identifiable information in training records. Training records must be transmitted securely.
- (3) The department shall ~~will~~ not ~~compensate~~ pay state trainers for providing RASS training. State trainers may charge participants ~~up to \$15 per person~~ a fee for each training session.

Authorizing statute(s): Sec. 11, Ch. 75, Laws of Montana (2025), 16-4-1009, MCA

Implementing statute(s): Secs. 1 and 11, Ch. 75, Laws of Montana (2025), 16-4-115, 16-4-1006, MCA

Reasonable Necessity Statement

In addition to the department's general statement of reasonable necessity, the department proposes to amend ARM 42.13.902 to: (1) reflect the HB 157 requirement that RASS training curricula be separated into on-premises licensee and off-premises licensee versions based on the defined terms in ARM 42.13.901; and (2) implement HB 211 RASS training requirements for third party delivery licensees. However, since off-premises licensee RASS training requirements are so similar to that of third party delivery licensees, the department intends to implement a combined training program for these license types. Stated differently, as in (1)(a) the department proposes to implement two RASS training programs: one for on-premises licensees, and the other for off-premises licensees and/or third party delivery licensees.

The department proposes to repeal the five-year curriculum review in current (1)(c) because operation of the industry, changes in alcoholic beverage types, legislatively mandated public policy changes, and changes in the law, require curriculum review more frequently than every five years. The department also proposes the repeal of (1)(d) because the department no longer recruits trainers.

The department proposes to remove the minimum training length in (2)(a) and restate it in ARM 42.13.907 because that rule will include all training program curricula requirements.

The department proposes to require trainers to notify the department at least two weeks prior to a training session in (2)(c) to allow adequate notice for the department to conduct any necessary training curriculum audits for compliance with the RASSD Act and these rules.

The department lastly proposes to strike the stated maximum fee amount a trainer may charge a participant to take a RASS training class in (3) in favor of an open-ended fee structure. While the department understands that a fixed price model may be more economical for certain licensees in limited circumstances, the maximum fee structure has disincentivized trainers from providing training in Montana's more remote locations. The department contends that allowing "market price" fees for RASS training sessions, which is an incentive for trainers to service remote locations, outweighs the inability of receiving RASS training (a requirement for licensure) or any theoretical savings in a fixed price model.

Lastly, the rule's authorizing and implementing statutes are proposed for amendment to comply with 2-4-305(3), MCA.

42.13.904 PRIVATE TRAINING PROGRAMS; DEPARTMENT AND PRIVATE TRAINER RESPONSIBILITIES

- (1) The department shall:
 - (a) effective January 1, 2026, issue determinationsdecisions on private training program applicationssubmissions for on-premises licensee training within 4560 days, and for off-premises licensee or third party delivery licensee training within 30 days;
 - (b) publish private training providers' contact information on the department's web-sitewebsite;
 - (c) provide notice of new legislation impacting curriculumnotify private training providers of statutory changes to RASS training within 30 days of passagewhich require action by the providers;
 - (d) evaluate private training provider program effectiveness, as needed, including consideration of the percentage of program participants who sell to underage or intoxicated persons; and
 - (e) notify the a private training provider of any required changes based upon training program deficiencies; and
 - (f) provide private training providers with a Montana specific exam for program participants to complete at the end of a training.
- (2) A private training provider shall:
 - ~~(a)~~ provide a minimum of three hours of training utilizing the provider's approved curriculum;
 - ~~(b)~~(a) update and electronically submit its curriculumtraining program materials for department approval within 30 days of receiving the notice of new legislationin (1)(c);
 - ~~(c)~~(b) submit updated curriculum to the department for review and only utilize updated curriculumtraining program materials upon receipt of departmental approval;
 - ~~(d)~~(c) establish the time and location of in-person training sessions and notify the department at least two weeks in advance of any training;
 - ~~(e)~~(d) administer anthe required Montana exam that includes a Montana portion provided by the department and questions based upon the curriculumtraining program content requirements set forth in ARM 42.13.907;
 - ~~(f)~~(e) grade exams;

- ~~(g)~~(f) issue proof of training documents;
 - ~~(h)~~(g) electronically submit training records to the department on a monthly basis in the form prescribed by the department within two weeks of a training session; and
 - (h) contact training participants who fail a compliance check, while employed, to determine the reason for failure and report findings to the department; and
 - (i) abide by comply with all applicable laws, regulations, and department policies concerning the confidentiality of training participant's' personally identifiable information in training records. Training records must be transmitted to the department by secure means only.
- (3) The department may review a private training provider's training program if any five of the provider's training participants fails a compliance check, while employed, in any consecutive four-month period.
- ~~(3)~~(4) Upon determining that an approved training program is ineffective or that the private training provider failed to adhere to any requirement in (2), the department shall notify the provider, and the provider shall cease instructing the program may be subject to corrective action, including suspension or decertification of its training program. TheTo continue to offer training, the private training provider may must cure program deficiencies and reapply to have aits new training program reviewed and approved under the application processby the department.
- ~~(4)~~(5) The department ~~shall will~~ not compensate a private training providers for ~~providing~~ training services. ~~The~~A providers may charge participants for ~~the a~~ training session.

Authorizing statute(s): 16-4-1009, MCA

Implementing statute(s): 16-4-1006, MCA

Reasonable Necessity Statement

In addition to the department's general statement of reasonable necessity, the department proposes to amend ARM 42.13.904 to clarify the respective responsibilities of the department and private training program providers in the approval of training programs given the bifurcation of training curricula in HB 157 and the new third party delivery licensee and training requirements enacted by HB 211.

The department proposes amendments to (1)(a), effective January 1, 2026, to increase allowable time for the department to review and approve private training program provider submissions of on-premises licensee training programs because providers will now have the

option to create two separate curricula, which the department anticipates may double the number of trainings that require approval. Since HB 211 statutorily mandates a 30-day review and approval of third party delivery licensee training, (1)(a) acknowledges and incorporates that requirement upon the department and also includes off-premises licensees since the operation and training requirements are so similar to that of third party delivery licensees.

The department also proposes an amendment in new (1)(f), and alluded to in the amendments to ARM 42.13.902, to require training providers to use a Montana specific exam provided by the department which will allow the department to analyze any provider's rigor and effectiveness in its training program curricula.

Similar to the department's proposed amendments in ARM 42.13.902, the department proposes to: (1) remove the minimum training length in (2)(a) and restate it in ARM 42.13.907 because that rule will include all training program curricula requirements; and (2) require private training program providers to notify the department at least two weeks prior to a training session in (2)(c) to allow adequate notice for the department to conduct any necessary training curriculum audits for compliance with the RASSD Act and these rules.

The department proposes new (2)(i) to require a private training program provider to contact individuals who have failed any alcoholic beverage sales compliance check and report those findings to the department because determining the cause(s) why a training attendee failed a compliance check may indicate curricula construction deficiencies or expected outcomes. And as an extension of proposed (2)(i), the department proposes (3) to subject a private training program provider to a curriculum review as an early stage corrective action before the department is compelled to suspend or decertify the private training program provider.

Finally, the department proposes necessary clarifying amendments to proposed (5) to align corrective action standards with statute and with other administrative rules. Other amendments to (5) clarify procedures available to a private training program provider who desires to reapply for consideration of reinstatement to conduct RASS training. Absent these amendments, the corrective action and post-corrective action process is somewhat unclear to the detriment of a private training program provider and the department.

42.13.905 STATE TRAINER APPLICATION AND APPROVAL PROCESS

- (1) To become a state trainer, an individual must complete an application form provided by the department, meet the criteria provided in this rule, and obtain department approval. The department, ~~in its sole discretion,~~ may approve an application ~~for an individual to be a state trainer in its sole discretion.~~
- (2) ~~To apply to be a state trainer, an applicant must:~~
 - (a) ~~possess a minimum of one year combined experience in:~~

- (i) ~~law enforcement;~~
 - (ii) ~~communications;~~
 - (iii) ~~public relations;~~
 - (iv) ~~healthcare; or~~
 - (v) ~~education;~~
 - (b) ~~serve on a drug or alcohol related coalition;~~
 - (c) ~~have endured an alcohol related life changing experience; or~~
 - (d) ~~possess experience equivalent to the criteria above, as approved by the department.~~
- (3) ~~In addition to the requirements in (2), an applicant must:~~
- (a) ~~possess a minimum of one year experience in public speaking;~~
 - (b) ~~be a high school graduate or possess the GED equivalent;~~
 - (c) ~~be at least 21 years of age; and~~
 - (d) ~~have no alcohol related convictions within the past five years.~~
- (4)(2) ~~Upon the department's approval of an application, the applicant~~Applicants must attend the department's training program, complete an exam, and pass the exam with a minimum achieve a minimum exam score of 90 percent to be certified as a state trainer.
- (3) To remain certified, a state trainer must:
- (a) conduct at least two RASS training sessions in any twelve-month period;
 - (b) attend department training seminars when required; and
 - (c) pass an annual competency exam with at least a 90 percent score.
- (4) Failure to comply with the requirements of this rule or with other training requirements provided in law, may result in suspension or revocation of a trainer's certification.
- (5) ~~A state trainer shall retain certification unless it is revoked or suspended by the department or withdrawn by the trainer. The department may also revoke or suspend~~ a state trainer's certification upon determining that the trainer is unsuitable for issues due to crimes or unprofessional conduct.
- (6) A state trainer whose certification has been revoked may reapply for certification under this rule after 180 days from the date of revocation.

Authorizing statute(s): 16-4-1009, MCA

Implementing statute(s): 16-4-1006, MCA

Reasonable Necessity Statement

In addition to the department's general statement of reasonable necessity, the department proposes to amend ARM 42.13.905 to remove outdated or unnecessary state trainer requirements and to clarify the department's state trainer application process. The department makes the following proposals with the desired outcome that there will be an increase in the number of state trainers available to Montana's alcoholic beverages licensees:

- Clarify and restate in (1) the general state trainer application requirements and required department approval
- Strike current state trainer experience requirements in current (2) and (3) because they are burdensome, outdated, and unnecessary
- Amend proposed (2) and (3) to implement new requirements for a state trainer to remain certified by validating that the state trainer maintains current knowledge and expertise on the material they are presenting for certification of their training program participants
- Clarify in new (4) and current (5), as amended, of the disposition of a state trainer's certification for failure to comply with the law and/or these rules. The department also proposes to strike vague references to suitability of a trainer and restate to concern issues of criminal activity or unprofessional conduct.

As an extension of the corrective action amendments proposed in (4) and (5), the department last proposes a necessary amendment, as proposed (6), to provide an opportunity for a state trainer to apply for re-certification under the rule if a prior certification is revoked. While this allowance has not previously been in the rule, similar opportunities under other licenses, registrations, or certifications exist and the department believes it equitable to extend potential re-certification to former state trainers.

42.13.906 PRIVATE TRAINING PROGRAM PROVIDER APPLICATION APPROVAL PROCESS

- (1) The department, ~~in its sole discretion, has the authority~~ is authorized to approve a private training provider's program pursuant to 16-4-1006, MCA.
- (2) ~~A private training provider's programs must adhere to~~ Private training provider's programs must adhere to ~~the curriculum training program requirements set forth in~~ 16-4-1006, MCA, and ARM 42.13.907.
- (3) ~~An applicant seeking to provide in-classroom training~~ To offer in-person training, a private training program provider must submit:

- (a) ~~the curriculum~~training program materials, including the Montana specific training supplement;
 - (b) classroom materials used by the trainer and participants;
 - (c) instructional aids, including videos or other visual components; and
 - (d) a sample proof of training document; ~~and.~~
 - (e) ~~the exam, its answers, and an explanation of how the combined exam score will be calculated.~~
- (4) ~~An applicant seeking to provide online training~~ To offer online training, a private training program provider must:
- (a) make the training program available to the department in its online format;
 - (b) incorporate videos, scenarios, or ~~games~~other materials into the training program; and
 - (c) provide a sample proof of training document; ~~and.~~
 - (d) ~~submit the exam, its answers, and an explanation of how the combined exam score will be calculated.~~
- (5) A private training ~~provider's program shall retain its approval status~~ is approved for ~~five~~two years unless it is revoked or suspended by the department, ~~or withdrawn by the training provider.~~ Prior to the expiration of the five~~two~~-year term, the department shall notify the training provider of the current program's expiration and the provider may apply~~must submit its prospective training program materials under this rule and subject to ARM 42.13.903 to have its training program reapproved under the application process~~renewed.

Authorizing statute(s): 16-4-1009, MCA

Implementing statute(s): 16-4-1006, MCA

Reasonable Necessity Statement

In addition to the department's general statement of reasonable necessity, the department proposes to amend ARM 42.13.906 to simplify and reorganize the text of the rule, include necessary statutory cross-references, update private training program provider requirements consistent with Montana specific exam content, and to clarify the rule's title regarding the department's approval process for private training program providers.

The proposed amendment to the rule's title is necessary because there is no application form that is submitted by a private training program provider and the existing title may be confusing.

The department proposes necessary amendments to (1) and (2) to acknowledge 16-4-1006, MCA, as the department's implementing authority to certify all server and sales training programs.

The department proposes an amendment in this rule to strike the combined exam language in (3)(e), opting instead to require training providers to use a Montana specific exam provided by the department which will allow the department to analyze any provider's rigor and effectiveness in its training programs.

Last, the department proposes to amend (5) to shorten the duration of department approval for a private training provider program from five years to two years because operation of the industry, changes in alcoholic beverage types, legislatively mandated public policy changes, and changes in the law, require curriculum review more frequently than every five years. In connection with the department's periodic review and reapproval of a private training provider program, the department proposes to provide additional guidance in (5) about notification and submission which is lacking in the current version of the rule.

42.13.907 CURRICULUM REQUIREMENTS FOR STATE AND PRIVATE ON PREMISES, OFF-PREMISES, AND THIRD PARTY DELIVERY LICENSEE RASS TRAINING PROGRAMS

- (1) In addition to the requirements in 16-4-1006, MCA, ~~the curriculum a RASS training program for on-premises consumption licensees~~ must cover the:
 - ~~(a)~~ effects of alcohol on the body, including behavioral cues and absorption rates;
 - ~~(a)~~ provide the following minimum content:
 - ~~(b)~~(i) standard drink sizes and equivalency;
 - ~~(c)~~(ii) methods to identify and prevent sales to underage or intoxicated persons ~~and prevent sales thereto~~;
 - ~~(d)~~(iii) strategies used by underage persons to obtain alcohol;
 - ~~(e)~~(iv) acceptable forms of identification;
 - ~~(f)~~(v) actions that can be taken to prevent an alcohol-related incident from occurring;
 - ~~(g)~~(vi) maintenance of documentation that may affect liability, including an incident log and house policies the benefits of effective operational policies and document maintenance practices related to the service of alcoholic beverages for licensees, and licensee liability; and

- ~~(h)~~(vii) techniques for denying alcohol sales best practices in the delivery of alcoholic beverages permitted under 16-4-201, MCA;
 - (b) consist of a minimum of two hours of content; and
 - (c) contain a minimum of six Montana specific techniques for denying alcohol sales using videos or other interactive training tools.
- (2) In addition to the requirements in 16-4-115 and 16-4-1006, MCA, a RASS training program for off-premises consumption licensees and/or third party delivery licensees must:
- (a) provide the following minimum content:
 - (i) methods to identify underage or intoxicated persons and preventing sales of alcoholic beverages to them;
 - (ii) strategies used by underage persons to obtain alcoholic beverages;
 - (iii) acceptable forms of identification used to purchase alcoholic beverage purchases;
 - (iv) methods to prevent an alcohol-related incident from occurring;
 - (v) best practices in the delivery of alcoholic beverages; and
 - (vi) the benefits of effective operational policies and document maintenance practices related to the service of alcoholic beverages for licensees, and licensee liability.
 - (b) consist of a minimum of one hour of content; and
 - (c) contain a minimum of three Montana specific techniques for denying alcohol sales using videos or other interactive training tools.
- (3) All RASS training programs must require participants to pass an exam with a score of 80 percent or better. A training program may allow participants to retake an exam if a first exam score was no lower than 70 percent. If participants score less than 70 percent on a first exam, the training program must require those participants to retake the entire training program and obtain a passing score on the retake exam.

Authorizing statute(s): Sec. 1, Ch. 75, Laws of Montana (2025), 16-4-1009, MCA

Implementing statute(s): Secs. 1 and 11, Ch. 75, Laws of Montana (2025), 16-4-115, 16-4-1006, MCA

Reasonable Necessity Statement

In addition to the department's general statement of reasonable necessity, the department proposes to amend ARM 42.13.907 to simplify and reorganize the text of the rule, include necessary statutory cross-references, update private training program provider requirements consistent with Montana specific exam content, and to clarify the rule's title relative to the types of RASS training programs approved through the department (i.e., on-premises, off-premises, or third party delivery licensees).

The proposed amendment to the rule's title is necessary to sufficiently describe the rule's content.

The reorganization of rule sections and content is proposed as follows: (1) for on-premises licensees; (2) for off-premises licensees and for third party delivery licensees; and (3) RASS training exam passing. The department contends the proposed structure is necessary to implement the separate curriculum requirements for on-premises licensees from the off-premises mandates of HB 157 together with the third party delivery licensee and off-premises licensee delivery endorsement requirements from HB 211.

Lastly, the rule's authorizing and implementing statutes are proposed for amendment to comply with 2-4-305(3), MCA.

Small Business Impact

With regard to the small business impact analysis requirements of 2-4-111, MCA, as amended by HB 592 (2025), the department has determined that the group or class of businesses directly affected by this rulemaking are the current state trainers and private training program providers. As of September 1, 2025, there are 303 state trainers and nine private training program providers active within Montana.

The department does not contemplate that promulgation of this rulemaking will have any direct or adverse impact to those identified above because any perceived impact is a result of the underlying legislation being implemented.

Notwithstanding, retail licensees and/or RASS training participants could view the department's proposed amendment to ARM 42.13.902(3) (removing maximum RASS training fees) as potentially impactful, but to what degree is unknown and is relative among licensees. As stated in the statement of reasonable necessity for the proposed amendment, the maximum fee structure has disincentivized trainers from providing training in Montana's more remote locations. The department contends that allowing "market price" fees for RASS training sessions, which is an incentive for trainers to service remote locations, outweighs the inability

of receiving RASS training (a requirement for licensure) or any theoretical savings in a fixed price model.

Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The primary bill sponsors of House Bill 157 and House Bill 211 were contacted by electronic mail on July 22 and 23, 2025, respectively, and again on September 18, 2025. The department received no comments from the bill sponsors to incorporate into the proposal notice.

Interested Persons

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 contact person in this notice or may be made by completing a request form at any rules hearing held by the Department of Revenue.

Rule Reviewer

Todd Olson

Approval

Brendan Beatty, Director