



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-93.1

Summary

Revisions to Marijuana Packaging and Labeling Rules to Implement House Bill 792 (2025)

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 354 based on the total number of affected licensees active in Montana. The number of hearing requests necessary for the department to conduct a public hearing shall be 25, which is less than ten percent of the number of persons affected.

Hearing Requests

If the persons directly affected by the proposed rulemaking wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request to the department using the contact information below. Hearing requests must be received by Monday, July 6, 2026, at 5:00 p.m.

Comments

Comments may be submitted using the contact information below. Comments must be received by Monday, July 6, 2026, 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, June 12, 2026, at 5:00 p.m.

Contact

Todd Olson, Rule Reviewer - Department of Revenue, Legal Services Office
(406) 444-7905
todd.olson@mt.gov

General Reasonable Necessity Statement

The department proposes to amend ARM 42.39.122, 42.39.314, and 42.39.319, which is necessary to implement House Bill 792 (2025) (HB 792). HB 792 revised 16-12-112, MCA, which expands the department's rulemaking authority regarding: (1) consumer warning posters to be displayed at all dispensary licensee points of sale; and (2) customer resource assistance and education in overcoming marijuana addiction. HB 792 also amended 16-12-215, MCA, which now requires consumer warnings on exit packaging as well as the newly required consumer warning posters and customer resource assistance in overcoming marijuana addiction (with quick response (QR) code).

As a part of the department's implementation of HB 792, the department will not require licensees to apply for exit package approval pursuant to ARM 42.39.320. Rather, exit bag compliance with 16-12-215, MCA, will be determined at licensee inspection. Licensees are also permitted to affix a sticker, which includes the new required warnings and QR code, to any remaining inventories of approved exit package until replacement exit packaging that complies with the revised law is obtained.

Rulemaking Actions

AMEND

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

42.39.122 LICENSED PREMISES – MANDATORY SIGNAGE

- (1) A marijuana business licensee must conspicuously display and make available its site identification certificate at each licensed premises.
- (2) All marijuana business licensees, except for marijuana dispensaries, must conspicuously post a notice at each entry to a licensed premises that contains all of the following: "Persons under twenty-one years of age not permitted on these premises without a valid worker permit."
- (3) All marijuana dispensaries must conspicuously post a notice or notices at each entry to the licensed premises that contains all of the following language:
 - (a) "Persons under twenty-one years of age not permitted on these premises without a valid registry identification card or valid worker permit. Registered cardholders under the age of 18 must be accompanied by a legal guardian."
 - (b) "No on-site consumption of marijuana or marijuana products." and
 - (c) "No on-site opening of marijuana or marijuana products."
- (4) All marijuana dispensaries must conspicuously display the poster required by 16-12-215, MCA, at each point-of-sale such that it is clearly visible to a customer. The poster is provided by the department and available for download at <https://revenue.mt.gov/card/cannabis/#programResources>.
- ~~(4)~~(5) A marijuana business licensee dispensary that is not permitted to sell marijuana or marijuana products to adult use consumers, or a marijuana business licensee dispensary that elects not to sell marijuana or marijuana products to adult use consumers, must conspicuously post a notice at the entry to the licensed premises visible from outside that contains all of the following language: "This dispensary is licensed for medical marijuana sales only. No sales will be permitted without a valid registry identification card."

Authorizing statute(s): 16-12-112, MCA

Implementing statute(s): 16-12-101, 16-12-112, 16-12-203, 16-12-207, MCA

Reasonable Necessity Statement

In addition to the general statement of reasonable necessity, the proposed amendment to ARM 42.39.122 adds new (4) as licensee guidance for the requirement under 16-12-215, MCA, that marijuana dispensaries display at any point-of-sale location a consumer education poster containing statutory warnings, the universal warning symbol, and a website address, phone number, and quick response (QR) code for a resource that aids persons with overcoming marijuana addiction.

Section (4) also specifies that marijuana dispensaries must use the poster provided by the department, which is available for download at <https://revenue.mt.gov/card/cannabis/#programResources> so that the required statutory content is presented uniformly, is clearly visible to customers, and can be enforced consistently across all licensed dispensaries. The department suggests that licensees display the required poster on the front of or on top of product display counters, on walls behind each point-of-sale location, or in any other manner that ensures it is clearly visible to customers.

42.39.314 GENERAL LABELING REQUIREMENTS

- (1) Labeling requirements apply to marijuana and marijuana products sold from a dispensary to customers and wholesale products intended for final sale to customers from one licensee to another.
- (2) All information required on the label of marijuana or a marijuana product shall be:
 - (a) unobstructed and conspicuous. A licensee may affix multiple labels to a package, or use a booklet, accordion, or other type of label, provided that no required information is completely and permanently obstructed;
 - (b) displayed in a legible font, ~~such as Times New Roman, Arial, or Helvetica. The lowercase letter "o" must be at least one-sixteenth of an inch in height~~ which complies with 16-12-215, MCA;
 - (c) displayed in a color that contrasts conspicuously with the background; and
 - (d) displayed in English, although a licensee may choose to display required information in additional languages.
- (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) the common or usual name of the marijuana product (e.g., flower, inhaled extract, edible, cookie, or drinkable, topical, transdermal patch);
 - (c) the unique identification number generated from the seed-to-sale tracking system correlated to the marijuana or marijuana product's final form testing results;

- (d) date of harvest for marijuana flower or date of manufacture for marijuana products;
- (e) the net quantity of contents of the marijuana product. The statement of quantity shall be:
 - (i) stated in U.S. Customary Units and Metric (SI) Units, with the latter enclosed in parentheses;
 - (ii) if the product is a liquid:
 - (A) expressed in terms of fluid measure; and
 - (B) preceded by the phrase "Net Contents" or "Net"; or
 - (iii) if the product is a solid, semi-solid, or viscous:
 - (A) expressed in terms of weight; and
 - (B) preceded by the phrase "Net Weight," the abbreviation "Nt. Wt.," or "Net."
 - (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));
- (f) the following statement: "This product has been tested and meets the requirements of the state of Montana."
- (g) a QR code that links to the product's certificate of analysis with a statement informing customers they can scan the code to see additional product information;
- (h) 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) shall be at least .33 inches wide and .33 inches high;
 - (ii) may be downloaded from the department's website;
 - (iii) may not be colored by hand and/or using a highlighter, marker, etc.; and
 - (iv) shall be in the following form:



- (4) All marijuana and marijuana products shall be labeled verbatim with the following warnings:
 - (a) "Keep out of reach of children and pets";
 - (b) "This product may be addictive"; and
 - (c) "This product may have intoxicating effects. Do not drive while under the influence of marijuana."
- (5) Marijuana or marijuana product labeling shall not contain any statement or information that is false or misleading.
- (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) Marijuana or marijuana products that, because of their size, do not have sufficient space for all of the information required for compliance with the Act and department rules may, if approved by the department pursuant to 16-12-208, MCA, display the information required in (3) in a legible font that does not meet the minimum size requirement established in (2)(b).
- (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) "For medical use only"; and
 - (b) "This product is not approved by the U.S. Food and Drug Administration to treat, cure, or prevent any disease."
- (9) Marijuana or marijuana products that do not require heat to administer or consume shall not have a total THC or total potential psychoactive THC value listed on the marijuana facts panel.

Authorizing statute(s): 16-12-112, MCA

Implementing statute(s): 16-12-101, 16-12-112, 16-12-208, 16-12-224, MCA

Reasonable Necessity Statement

In addition to the general statement of reasonable necessity, the department proposes to amend ARM 42.39.314(2)(b) to remove unnecessary verbiage because packaging font requirements are now codified in 16-12-215, MCA. Striking the language from rule also ensures consistency between the statute and rule should statutory formatting requirements change in the future.

42.39.319 PACKAGING REQUIREMENTS

- (1) All packaging of marijuana and marijuana products shall:
 - (a) protect the product from contamination and shall not impart any toxic or deleterious substance to the marijuana or marijuana product;
 - (b) be capable of being resealed if the package contains more than one serving size;
 - (c) not primarily appeal to children. Packaging that primarily appeals to children includes but is not limited to packaging that:
 - (i) depicts a child;
 - (ii) portrays objects, images, celebrities, or cartoon figures that primarily appeal to children or are commonly used to market products to children; or
 - (iii) otherwise has special attractiveness for children beyond the general attractiveness for adults;
 - (d) not bear any reasonable resemblance to the trademarked or characteristic packaging of any commercially available product including but not limited to candy, snacks, baked goods, or beverages.
- (2) All marijuana and marijuana products provided to customers at the point of sale shall be in exit packaging that:
 - (a) is child resistant as defined in ARM 42.39.102;
 - (b) is opaque;~~and~~
 - (c) contains the warnings required by 16-12-215, MCA, in the format required by 16-12-208, MCA; and

- (d) contains the quick response (QR) code required by 16-12-215, MCA. Licensees must use the QR code provided by the department which is available for download at <https://revenue.mt.gov/card/cannabis/#programResources>.
- (3) Drinkable marijuana products that contain more than one serving per package must include a device or mechanism for measuring a single serving of the product.
- (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.

Authorizing statute(s): 16-12-112, MCA

Implementing statute(s): 16-12-101, 16-12-112, 16-12-208, MCA

Reasonable Necessity Statement

In addition to the general statement of reasonable necessity, the proposed amendment to ARM 42.39.319(2)(d) is reasonably necessary because 16-12-215, MCA, requires each exit package to include a quick response (QR) code for a resource that provides consumer education and assistance with overcoming marijuana addiction.

To ease the transition for licensees to meet the required exit-packaging QR code, the department proposes licensees to use the QR code link provided by the department, available for download at <https://revenue.mt.gov/card/cannabis/#programResources>. Initially, the QR code links customers to www.samhsa.gov/substance-use/learn/marijuana-cbd. The department contends that the website promotes uniform compliance, reduces confusion about acceptable resource links, and facilitates administration and enforcement of the new statutory requirement. As the need arises, the department will amend the QR code link and inform licensees of any changes through normal channels of correspondence.

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 analyzed the proposed rule amendments and the group or class of businesses directly affected by this rulemaking, and concludes those impacted small businesses are the testing laboratories, cultivators, dispensaries, or manufacturers of marijuana and marijuana products if they meet the definition of a small business under 2-4-102(13), MCA. As of April 1, 2026, there are 211 cultivators, 143 manufacturers, and two testing laboratory licensees active within Montana.

The department contends that any small business impact directly related to the enhanced packaging and labeling requirements does not arise from the proposed rulemaking, as they are secondary to the public policy goals articulated by the Legislature under HB 792 and the department's implementation of the bill.

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

Bill Sponsor Notification

The primary bill sponsor of House Bill 792 was contacted by electronic mail on May 5, 2026, and again on May 31, 2026. The department received no comments from the bill sponsor 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 of Revenue