

BEFORE THE BOARD OF PHARMACY  
AND THE BOARD OF VETERINARY MEDICINE  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT AND  
ARM 24.174.401, 24.174.2301, ) ADOPTION  
24.225.301, 24.225.401, and )  
24.225.550 and the adoption of NEW )  
RULES I through IV pertaining to )  
veterinary retail dispensing )

TO: All Concerned Persons

1. On November 3, 2023, the Board of Pharmacy and the Board of Veterinary Medicine (agencies) published MAR Notice No. 24-225-43 regarding the public hearing on the proposed changes to the above-stated rules, at page 1509 of the 2023 Montana Administrative Register, Issue No. 21.

2. On November 28, 2023, a public hearing was held on the proposed changes to the above-stated rules via the videoconference and telephonic platform. Comments were received by the deadline.

3. The agencies have thoroughly considered the comments received. A summary of the comments and the agencies' responses are as follows:

Comment 1: Several commenters thanked the boards for their work on this rules project.

Response 1: The boards appreciate all comments received during the rulemaking process.

Comment 2: One commenter stated these rules seem like an economic bid for pharmacies to take away business from the veterinary profession.

Response 2: The rules do not impact a veterinarian's ability to dispense a medication from the veterinarian's practice and are narrowly drawn to apply to those non-controlled substances prescribed for on-label use in livestock.

Comment 3: One commenter noted that the boards did not address controlled substances rules.

Response 3: Veterinary retail facilities are not allowed to dispense controlled substances per 37-18-804(2)(a), MCA, and the boards are not unnecessarily duplicating the statutory provision in rule.

Comment 4: One commenter noted the boards did not define the veterinary client patient relationship in the proposed rules.

Response 4: The veterinary client patient relationship is already defined at ARM 24.225.301(12). The boards reviewed the definition when considering these rule changes and did not find it necessary to alter the definition.

Comment 5: Several commenters noted that NEW RULE III(3)(a) could be confusing and read as though facilities only need to keep records for the first two years, rather than for two years after the record is made.

Response 5: The boards agree, and the Board of Pharmacy is amending the rule accordingly.

Comment 6: One commenter suggested adding a requirement that veterinary retail facilities have access to a pharmaceutical veterinary reference.

Response 6: The boards cannot make this significant change in the final adoption stage but can add the recommendation to the education project and consider adding the requirement in a future rulemaking.

Comment 7: Several commenters noted that NEW RULE IV(1)(b) says "licensed veterinarian" while NEW RULE III refers to "Montana licensed veterinarian." The commenters suggested utilizing the same term in both rules.

Response 7: The boards agree, and the Board of Veterinary Medicine is amending NEW RULE IV accordingly.

4. The Board of Pharmacy has amended ARM 24.174.401 and 24.174.2301 as proposed.

5. The Board of Pharmacy has adopted NEW RULE II (24.174.1901) as proposed.

6. The Board of Pharmacy has adopted NEW RULE III (24.174.1902) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE III (24.174.1902) VETERINARY RETAIL FACILITY REQUIREMENTS (1) and (2) remain as proposed.

(3) All licensed veterinary retail facilities shall:

(a) ~~for two years~~, maintain readily accessible written or electronic records of veterinary prescription drug inventory and prescriptions ~~received~~ for two years after dispensing, and make the records available for board inspection;

(b) through (4) remain as proposed.

AUTH: 37-18-803, MCA

IMP: 37-18-803, 37-18-804, MCA

BOARD OF PHARMACY  
PAUL BRAND, PHARMACIST, PRESIDENT

7. The Board of Veterinary Medicine has amended ARM 24.225.301, 24.225.401, and 24.225.550 as proposed.

8. The Board of Veterinary Medicine has adopted NEW RULE I (24.225.801) as proposed.

9. The Board of Veterinary Medicine has adopted NEW RULE IV (24.225.802) with the following changes, stricken matter interlined, new matter underlined:

NEW RULE IV (24.225.802) VETERINARY DISPENSING TECHNICIAN SCOPE OF PRACTICE (1) A veterinary dispensing technician, working in a veterinary retail facility licensed by the Board of Pharmacy, must:

(a) remains as proposed.

(b) dispense veterinary prescription drugs upon receipt of a prescription order, standing order, or other order as authorized by a Montana licensed veterinarian;

(c) through (g) remain as proposed.

AUTH: 37-1-131, MCA

IMP: 37-1-131, MCA

BOARD OF VETERINARY MEDICINE  
TIA NELSON, DVM, PRESIDENT

/s/ DARCEE L. MOE  
Darcee L. Moe  
Rule Reviewer

/s/ SARAH SWANSON  
Sarah Swanson, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State January 2, 2024.