



**BOARD OF PHARMACY  
DEPARTMENT OF LABOR AND INDUSTRY**

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**NOTICE OF ADOPTION**

**MAR NOTICE NO. 2025-206.2**

**Summary**

Implementing House Bills (HB) 246, 414, and 794 and Senate Bill (SB) 456

**Previous Notice(s) and Hearing Information**

On October 10, 2025, the Board of Pharmacy (agency) published MAR Notice No. 2025-174.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 19.

On October 24, 2025, in Issue No. 20 of the Register, the Board of Pharmacy published MAR Notice No. 2025-206.1, a supplemental notice to the original notice that explained that the original notice was not numbered correctly.

On October 31, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. Comments were received by the comment deadline.

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**Final Rulemaking Action – Effective December 6, 2025**

**ADOPT AS PROPOSED**

The agency has adopted the following rules as proposed:

**NEW RULE 1 (24.174.2001) DEVICE, DURABLE MEDICAL EQUIPMENT, AND MEDICAL GAS SUPPLIER LICENSURE REQUIREMENTS FOR A NON-PHARMACY FACILITY**

**NEW RULE 2 (24.174.2002) DEVICE NON-PHARMACY FACILITY REQUIREMENTS**

**NEW RULE 3 (24.174.511) SUBSTANTIAL EQUIVALENCY**

**AMEND AS PROPOSED**

The agency has amended the following rules as proposed:

**24.174.301 DEFINITIONS**

**24.174.401 FEE SCHEDULE**

**24.174.411 PHARMACIST MEAL/REST BREAKS**

**24.174.503 ADMINISTRATION OF VACCINES BY PHARMACISTS, INTERNS, AND PHARMACY TECHNICIANS**

**24.174.526 CLINICAL PHARMACIST PRACTITIONER QUALIFICATIONS AND REQUIREMENTS**

**24.174.701 PHARMACY TECHNICIAN LICENSE REQUIREMENTS**

**24.174.703 USE AND TRAINING OF PHARMACY TECHNICIANS**

**24.174.711 RATIO OF PHARMACY TECHNICIANS AND INTERNS TO SUPERVISING PHARMACISTS**

**24.174.715 TECH-CHECK-TECH PROGRAM**

**24.174.803 CHANGE IN LOCATION**

**24.174.804 CHANGE IN OWNERSHIP**

**24.174.823 CENTRALIZED FILLING AND REMOTE ORDER PROCESSING OF PRESCRIPTIONS IN COMMUNITY PHARMACIES**

**24.174.835 TRANSFER OF PRESCRIPTIONS**

**24.174.1001 LICENSURE OF OUT-OF-STATE MAIL ORDER PHARMACIES**

**24.174.1003 IDENTIFICATION OF PHARMACIST-IN-CHARGE OF DISPENSING TO MONTANA**

**24.174.1004 CHANGE IN LOCATION AND CHANGE IN OWNERSHIP**

**24.174.1009 COMPLIANCE**

**24.174.1201 WHOLESALE DISTRIBUTOR AND THIRD-PARTY LOGISTICS PROVIDER LICENSING**

**24.174.1202 MANUFACTURER AND REPACKAGER LICENSING**

**24.174.1204 MEDICAL GAS DISTRIBUTOR**

**24.174.1205 MEDICAL GAS SUPPLIER**

**24.174.1207 CHANGE IN LOCATION AND CHANGE IN OWNERSHIP**

**24.174.1801 QUALIFICATIONS FOR DISPENSER REGISTRATION**

**24.174.1802 DISPENSING REQUIREMENTS**

**24.174.1803 DISPENSER RECORDKEEPING REQUIREMENTS**

**REPEAL**

The agency has repealed the following rules as proposed:

**24.174.704 PHARMACY TECHNICIAN TRAINING**

**24.174.705 TASKS AND FUNCTIONS OF PHARMACY TECHNICIAN**

**24.174.712 APPLICATION FOR APPROVAL OF UTILIZATION PLAN**

**24.174.713 CONTENTS OF TRAINING COURSE**

**24.174.714 INSPECTION OF UTILIZATION PLAN AND TRAINING RECORD**

**24.174.1002 CONDITIONS OF REGISTRATION**

**24.174.1005 CHANGE IN OWNERSHIP**

**24.174.1008 USE OF PHARMACY TECHNICIANS BY OUT-OF-STATE MAIL SERVICE PHARMACIES**

**24.174.1208 CHANGE IN OWNERSHIP**

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**Statement of Reasons**

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: Several commenters opposed a proposed deletion in ARM 24.174.526(1)(f), regarding clinical pharmacist practitioner applications, requesting that the Board of Medical Examiners continue to review and approve the collaborative practice agreements and applications.

Response 1: The Board of Medical Examiners, in collaboration with the Board of Pharmacy, will still review applications under new proposed language in (1)(a) of the rule. To clarify the

application review process, clinical pharmacist practitioner applicants must submit a collaborative practice agreement, pursuant to ARM 24.174.526(1)(e). However, such agreements are approved by the practitioner(s) and the pharmacist(s) who are parties to the agreement, not by the Board of Pharmacy or the Board of Medical Examiners, as described in ARM 24.174.524, regarding collaborative practice agreement requirements.

**Comment 2:** Numerous commenters expressed support for the proposed changes, noting that the changes reduce the administrative burden on pharmacies and pharmacists.

**Response 2:** The board appreciates all comments received during the rulemaking process.

**Comment 3:** Several commenters requested the board consider allowing medical practitioners who are registered dispensers to mail prescriptions to their patients.

**Response 3:** The board appreciates the comments and may consider this as part of its next rulemaking package.

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### **Contact**

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### **Rule Reviewer**

Jennifer Stallkamp

### **Approval**

Sarah Swanson, Commissioner

### **Approval**

Jeff Nikolaisen, Pharmacist, Presiding Officer, Board of Pharmacy