

MONTANA**PRODUCTS:**

- Single entity and combination pseudoephedrine (PSE) and ephedrine (EPH) products

PRODUCT EXEMPTIONS:

- PSE and EPH products dispensed pursuant to a prescription are not subject to sales limit, restrictions, ID, record keeping and product placement requirements;
- Combination PSE and EPH products in liquid, liquid capsule or gel capsule form are not subject to sales limit, restrictions, ID, record keeping and product placement requirements; (MT Code 50-32-502)
- Products that upon manufacturer application to the pharmacy board are determined to be formulated in a manner as to effectively prevent the conversion into methamphetamine are not subject to sales limit, restrictions, ID, record keeping and product placement requirements. (MT Code 50-32-502)

SALES LIMITS:

- Sales limited to no more than 9 grams of nonexempt PSE or EPH products per thirty days. Sellers must take action necessary to ensure that a person does not purchase or acquire more than 9 g in a 30-day period. (MT Code 50-32-502)

SALES RESTRICTIONS:

- Nonexempt PSE and EPH products may be sold only in a licensed pharmacy, or if a county does not have a pharmacy, they may be sold in retail establishments certified by the Department of Justice (DOJ).

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ID REQUIREMENTS:

- Purchaser must produce a driver's license or other form of photo ID when purchasing nonexempt PSE or EPH products and sign a record of the sale (see recordkeeping requirements below).

RECORDKEEPING REQUIREMENTS:

- Purchaser must sign a record of sale or acquisition that includes the transaction date, purchaser name and signature, number of grams of the nonexempt PSE or EPH products purchased, a record that the purchaser provided proper ID (driver's license or other photo ID and a record of the ID number), and a record of the name and signature of the employee who made the sale; (MT Code 50-32-502)
- Retailer must maintain records for the cumulative grams of product sold to an individual consumer during any 30-day period; (MT Code 50-32-502)

- Retailers must maintain sales records in a secure, centralized location for 2 years, and access to records must be provided to law enforcement. (MT Code 50-32-502)

PRODUCT PLACEMENT:

- Nonexempt PSE or EPH products must be displayed behind the store counter in an area not accessible to customers or in a locked case so that customer must ask for employee assistance. (MT Code 50-32-502)

PENALTIES:

- Persons who knowingly or negligently violate sales limit, restrictions, ID, record keeping and product placement requirements are guilty of a misdemeanor punishable by fine ranging from \$100 to \$500 and up to one year jail time. (MT Code 50-32-502)

METH WATCH PROGRAM:

- Authorizes DoJ to establish a voluntary meth watch program for retailers and others that, among other things, establishes procedures and develops forms for retailers and others to use in reporting to law enforcement incidents of theft, suspicious purchases or other transactions.
- Sellers that opt to participate should make reasonable efforts to deter theft and improper sale by implementing product management practices that deter theft or suspicious purchases and providing annual training to employees.

RETAILER LIABILITY EXEMPTION:

- Retail distributors, wholesale distributors, manufacturers, pharmacists and licensed health professionals not subject to 9 g possession limit that would for other individuals constitute a rebuttable presumption of intent to use products as a precursor to methamphetamine; (MT Code 50-32-502)
- Sellers that report in good faith and in substantial compliance with reporting procedures established under the meth watch program may not be held liable for any damages arising from reporting. (MT Code 50-32-502)

OTHER:

- DoJ rules establish criteria for certification of retail establishments with the intent of limiting the available supply of nonexempt PSE or EPH products to prevent the manufacture of methamphetamine; retail establishments are certified based on this criterion.
- Certified retail establishments subject to training program given by DoJ or local law enforcement covering the record keeping requirements, including but not limited to a record keeping system that tracks sales in order to prevent a

customer from purchasing more than 9 grams of products containing EPH or PSE per 30days, and issues related to the production of methamphetamine.