

Live Plant Hemp Regulations

1. Currently, there is no requirement for an out of state entity selling seed or live hemp plants into the state of MT to acquire any MT specific hemp license. However, entities must have a valid hemp registration/license in the state they are operating within.
2. Live plant sellers must comply with the “requirements for the sale of live hemp plants” policy which is as follows;
 - a. Seller must have a valid hemp license
 - b. Seller must verify MT buyer has a valid hemp license
 - i. Verification can be done through MDA website
 - ii. MT license number must be on invoice/BOL
 - iii. MT licensee must notify the state of new Category C varieties
 - c. Seller must notify MDA of new varieties, as well as provide a COA performed on mother stock at typical maturity.
3. All plant shipments must be accompanied by a manifest that includes the following:
 - a. A BOL
 - i. Shippers name, address and license number
 - ii. Buyers name, address and license number
 - iii. Description and quantity of varieties being sold
 - b. A copy of resident state hemp license
 - c. A copy of resident state nursery license
 - d. A copy of the buyers MT license
 - e. COA for varieties in transit
 - f. A phytosanitary certificate and Japanese Beetle certification

Nursery and Plant Health Requirements

As per Montana’s Exterior Japanese Beetle Quarantine ([click here](#))

1. Shipments of live plants from an out of state entity in a regulated area (see quarantine) must be accompanied by the following:
 - a. Seller must have a valid nursery license from their state of operation.
 - b. Advance pre-notification of regulated articles is required. Notification must occur 48 hours prior to entry into Montana.
 - i. Advance pre-notification must include:
 1. Name, contact information, and address of shipping nursery
 2. Date of notification
 3. Copy of Bill of Lading or Invoice;
 4. Description of regulated articles – scientific name of plant(s), quantity, size description
 5. Means of conveyance
 6. Shipping date
 7. Arrival date(s)
 8. Name and address of receiving individuals, business(es), or nursery(ies)

a. If multiple drops are planned, order of delivery and above information for each delivery point is required, and

9. Statement “This notification is given in accordance with Montana Quarantine MTQ-2013-01.” Notifications must be e-mailed to MDANursery@mt.gov .

c. A phytosanitary certificate or other document attesting to quarantine compliance must accompany all regulated articles.

i) All field grown live hemp plants being shipped from these regulated areas will need to be in the state prior to May 31, greenhouse grown plants may be accepted after June 1 under certain quarantine compliance conditions (see quarantine).

ii) The accompanying phytosanitary certificate shall bear the Additional Declaration corresponding to the quarantine compliance condition.

10. Montana hemp licenses are required to file and maintain records of live plant purchases for a minimum of 3 years.

Seed Law- Hemp

Assuming all criteria have been met under the MT state hemp program, these additional considerations need be made for seed sales.

1. Out of state seed sellers must obtain a MT non-resident seed dealers license.
2. Any person whose name and address appear on the label of agricultural seed sold in Montana shall obtain a seed labeler's license before doing business in Montana.
3. Any person who sells and/or labels seed that he or she produces, and has gross annual sales of \$5,000.00 or more, shall obtain a Montana seed growers license.
4. Seed sellers must pay the annual seed assessment fee, payable to the department before June 30.

For more information visit <https://agr.mt.gov/Topics/Seed> or to obtain a seed license contact Kay Deskins at (406) 444-0510.