GREG GIANFORTE
GOVERNOR

DEPARTMENT OF
PUBLIC HEALTH &
HUMAN SERVICES

CHARLIE BRERETON
DIRECTOR

September 23, 2026

Sent via Email

Representative Jodee Etchart, Presiding Officer
Children, Families, Health, and Human Services Interim Committee
c/o Emily McKay, Attorney
Emily.McKay@legmt.gov

Re: Response to CFHHS formal objection to MAR Notice No. 2026-847.1

Dear Representative Etchart:

Pursuant to § 2-4-406(3), MCA, this letter serves as the response of the Department of Public Health and Human Services (the Department) to the Children, Families, Health, and Human Services Interim Committee's (the Interim Committee) September 9, 2026, formal objection to MAR Notice No. 2026-847.1.

Please be advised that the Department is withdrawing the rulemaking. While the Department respectfully disagrees with the Interim Committee's stated reasons for the formal objection, the Department has determined that the rulemaking cannot feasibly be adopted before expiration of the statutory six-month deadline under § 2-4-305(7), MCA.

Under this statute, a rule is invalid unless notice of adoption is published within six months of publication of the proposal notice. This time period may only be extended by filing an amended or supplemental notice. § 2-4-305(7), MCA.

Notice of the proposed rulemaking was published on April 24, 2026. The sixth-month deadline to publish an adoption notice will therefore expire on October 24, 2026. To publish an adoption notice by this date, the Department would be required to file an adoption notice with the Office of the Secretary of State by October 6, 2026.

However, the Department is precluded from filing such an adoption notice due to the Interim Committee's informal objection to the rulemaking and the statutory prohibition under § 2-4-305(11), MCA, against adopting rules after October 1 in a year preceding a legislative session.

Given these circumstances, the Department is withdrawing the rulemaking and will take into consideration the Interim Committee's feedback in a future rulemaking.

Sincerely,

Charles T. Brereton (Sep 23, 2026 10:12:15 MDT)

Charles T. Brereton
Director