_____ BILL NO. _____

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: “AN ACT ELIMINATING THE FOOD SAFETY ADVISORY COUNCIL; AND AMENDING SECTION 50-50-103, MCA.”

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-50-103, MCA, is amended to read:

"**50-50-103. Department authorized to adopt rules ~~-- advisory council~~.** (1) Except as provided in subsection (3), to protect public health, the department may adopt rules relating to:

(a) the operation of retail food establishments and cottage food operations. The rules may address sanitation standards related to food, personnel, food equipment and utensils, and facilities and may address other controls, construction and fixtures, and housekeeping.

(b) licensure of retail food establishments; and

(c) registration for cottage food operations, including the fees to be charged for registration. The department shall specify in rule any fees for farmer's markets and cottage food operations that may be imposed by a regulatory authority.

(2) The department may adopt rules regarding permitting fees, statewide standards, plans to be provided by mobile food establishments as part of a mobile food establishment's licensing requirements, and an appeals process at the state and local levels.

(3) The department and local boards of health may not adopt rules or ordinances, respectively, that prohibit:

(a) the sale of cottage food products;

(b) the use of commercially processed wild game or fish meat in meals served by nonprofit retail food establishments pursuant to 50-50-126; or

(c) the sale of homemade food or a homemade food product pursuant to Title 50, chapter 49.

~~(4) (a) The department shall establish a food safety task force or advisory council to assist in the development of administrative rules or to review any proposed legislation related to the provisions of this chapter.~~

~~(b) The task force or advisory council must be composed of equal numbers of representatives of the departments of public health and human services, agriculture, and livestock and of registered sanitarians from local regulatory authorities and no more than six members of the public. Each department head shall appoint two of the public members and confer with other department heads to provide geographic representation. Each public member must be an owner or employee of a licensed retail food establishment or a representative of the food industry.~~

~~(c) The department shall present administrative rules and any legislation to be proposed by the department to the task force or advisory council prior to its proposal or introduction. When the department learns of proposed legislation related to the provisions of this chapter that has not been proposed by the department, the department shall provide copies of that legislation for review by the task force or advisory council and shall provide to the legislature any comments of the task force or advisory council.~~"

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