

## HOUSE BILL NO. 333

INTRODUCED BY PRICE, HILL, LIESER, B. SMITH, STEENBERG, WASHBURN, WOODS

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE SALE OF HOT BEVERAGES AT FARMERS' MARKETS FROM FOOD LICENSING REQUIREMENTS; AMENDING SECTION 50-50-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 50-50-202, MCA, is amended to read:**"50-50-202. Establishments exempt from license requirement -- farmer's market records.** (1)

Establishments owned or operated by the state or a political subdivision of the state that employ a full-time sanitarian are exempt from licensure but shall comply with the requirements of this chapter and rules adopted by the department under this chapter.

(2) (a) A license is not required to operate an establishment if it is operated by a nonprofit organization for a period of less than 14 days in 1 calendar year. An establishment exempt from licensure under this subsection:

(i) must be operated in compliance with the remaining provisions of this chapter and rules adopted by the department under this chapter; and

(ii) prior to each operation, shall register with the local health officer or sanitarian on forms provided by the department.

(b) Nonprofit organizations or persons selling baked goods or preserves exclusively for a charitable community purpose are exempt from registration if they notify the local health officer or sanitarian, by phone or in person, before the event. The notification required is limited to the date and time of the event, items planned to be sold, and an estimate of the number of people expected to be served at the event.

(3) (a) A license is not required of a gardener, farm owner, or farm operator who sells raw and unprocessed farm products at a farmer's market.

(b) A license is not required of a person ~~selling~~:

(i) selling or offering hot coffee or HOT tea at a farmer's market; or

(ii) selling baked goods or preserves at a farmer's market or exclusively for a charitable community

1 purpose.

2 (c) Coffee or tea exempted under this subsection (3) may not be prepared or served with fresh milk or  
3 cream.

4 (4) (a) A farmer's market that is an organized market authorized by a municipal or county authority shall  
5 keep registration records of all individuals and organizations that sell baked goods or preserves at the market.

6 (b) The registration records must include but are not limited to the name of the seller, the seller's address  
7 and telephone number, the products sold by the seller, and the date the products were sold.

8 (c) The registration records must be made available to the local health officer or the officer's agent."  
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10 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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