

HOUSE BILL NO. 563

INTRODUCED BY T. BERRY

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING WHOLESALE FOOD ESTABLISHMENTS FROM CERTAIN REQUIREMENTS REGARDING THE PREPARATION AND SALE OF MEAT PIZZAS; PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM ENFORCING CERTAIN FEDERAL RULES AND REGULATIONS REGARDING THE PREPARATION AND SALE OF MEAT PIZZAS; PROVIDING FOR SPECIAL INSPECTIONS OF WHOLESALE FOOD ESTABLISHMENTS; AMENDING SECTIONS 50-57-103 AND 50-57-302, MCA."

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

Section 1. Section 50-57-103, MCA, is amended to read:

"50-57-103. Department ~~authorized to adopt~~ rules. (1) The department shall adopt rules relating to the operation of establishments, including rules:

- (a) setting standards to ensure sanitation and safety in establishments to protect public health and safety;
- (b) relating to the licensing of establishments;
- (c) providing procedures for enforcement of the laws and rules relating to establishments;
- (d) relating to cooperative agreements between the department and local boards of health; and
- (e) setting performance standards for local boards of health, local health officers, and sanitarians to meet

as a condition to receipt of funds provided by the department pursuant to 50-57-305.

(2) The department may not:

(a) adopt rules that would effectively implement rules or regulations regarding the preparation or sale of meat pizzas that would enforce or are substantially the same as rules or regulations adopted by the U.S. secretary of agriculture pursuant to 21 U.S.C. 623 or 624; or

(b) either directly or through intergovernmental agreement or any contract, enforce rules or regulations regarding the preparation or sale of meat pizzas adopted by the U.S. secretary of agriculture pursuant to 21 U.S.C 623 or 624.

~~(2)~~(3) To the extent feasible, the rules must be consistent with rules adopted to implement chapter 50."

