



AN ACT CLARIFYING THAT STATE BUILDING CODE MAY NOT PROHIBIT THE USE OF CERTAIN REFRIGERANTS; AND AMENDING SECTION 50-60-203, MCA.

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

**Section 1.** Section 50-60-203, MCA, is amended to read:

**"50-60-203. Department to adopt state building code by rule.** (1) (a) The department shall adopt rules relating to the construction of, the installation of equipment in, and standards for materials to be used in all buildings or classes of buildings, including provisions dealing with safety, accessibility to persons with disabilities, sanitation, and conservation of energy. The adoption, amendment, or repeal of a rule is of significant public interest for purposes of 2-3-103.

(b) Rules concerning the conservation of energy must conform to the policy established in 50-60-801 and to relevant policies developed under the provisions of Title 90, chapter 4, part 10.

(2) The department may adopt by reference nationally recognized building codes in whole or in part, except as provided in subsection (5), and may adopt rules more stringent than those contained in national codes.

(3) The rules, when adopted as provided in parts 1 through 4, constitute the "state building code" and are acceptable for the buildings to which they are applicable.

(4) The department shall adopt rules that permit the installation of below-grade liquefied petroleum gas-burning appliances.

(5) The department may not include in the state building code a requirement for the installation of a fire sprinkler system in a single-family dwelling or a residential building that contains no more than two dwelling units.

(6) (a) The department shall, by rule, adopt by reference the most recently published edition of the

national fire protection association's publication NFPA 99C for the installation of medical gas piping systems. The department may, by rule, issue plumbing permits for medical gas piping systems and require inspections of medical gas piping systems.

(b) A state, county, city, or town building code compliance officer shall, as part of any inspection, request proof of a medical gas piping installation endorsement from any person who is required to hold an endorsement or who, in the inspector's judgment, appears to be involved with onsite medical gas piping activity. The inspector shall report any instance of endorsement violation to the inspector's employing agency, and the employing agency shall report the violation to the board of plumbers.

(7) The department may not prohibit or limit in the state building code the use of refrigerants listed as acceptable for use by the United States environmental protection agency pursuant to 42 U.S.C. 7671k as safe alternatives to class I and class II ozone-depleting substances. Any equipment containing the alternative refrigerant must be installed in accordance with applicable safety standards and use conditions as determined by the environmental protection agency."

- END -

I hereby certify that the within bill,  
HB 433, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

HOUSE BILL NO. 433

INTRODUCED BY T. WELCH, W. SALES

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