

HOUSE BILL NO. 273

INTRODUCED BY C. KNUDSEN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EXEMPTIONS TO PRACTICES REGULATED UNDER NUTRITIONIST LICENSING LAWS; AMENDING SECTIONS 37-25-301 AND 37-25-304, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 37-25-301, MCA, is amended to read:

"37-25-301. Scope of dietetic-nutrition practice. ~~Only~~ Except as provided in 37-25-304, only a nutritionist can provide the following services:

- (1) assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;
- (2) establishing priorities and objectives that meet nutritive needs and are consistent with available resources and constraints;
- (3) providing nutrition counseling for any individual;
- (4) developing, implementing, and managing nutrition care systems; and
- (5) evaluating, adjusting, and maintaining appropriate standards of quality in food and nutrition services."

Section 2. Section 37-25-304, MCA, is amended to read:

"37-25-304. Exemptions from licensure requirements. This chapter does not prevent:

- (1) a student or intern in an approved academic program or a paraprofessional with approved dietetic-nutrition training from engaging in the practice of dietetics-nutrition if a licensed nutritionist is available for direct supervision and if the student, intern, or paraprofessional does not represent to the public that the individual is a nutritionist;
- (2) a licensed physician or nurse from engaging in the practice of dietetics-nutrition when it is incidental to the practice of that profession;
- (3) a person licensed under any other law from engaging in the profession or business for which the person is licensed if the person does not represent to the public that the person is a nutritionist;

1 (4) an educator or adviser employed by a nonprofit agency acceptable to the board or by an accredited
2 degree-granting institution or an accredited elementary or secondary school from engaging in an activity within
3 the scope of the individual's salaried position;

4 (5) a person employed by or under contract with an agency of the state or federal government from
5 discharging an official duty if the person does not represent to the public that the person is a nutritionist;

6 (6) a person from furnishing general nutritional information, including dissemination of literature, as to
7 the use of food, food materials, or dietary supplements or from engaging in the explanation as to the use of foods
8 or food products, including dietary supplements, in connection with the marketing and distribution of those
9 products if the person does not represent to the public that the person is a nutritionist;

10 (7) a person from ~~furnishing general nutrition information or disseminating literature~~ providing
11 individualized nutrition assessment, guidance, encouragement, or recommendations if the person does not
12 represent to the public that the person is a dietitian or a nutritionist; or

13 (8) a person from fulfilling state or federal regulations governing the delivery or provision of nutritional
14 health services to hospitals or long-term care facilities if the person does not represent to the public that the
15 person is a nutritionist."

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17 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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