No. 505

BOARD OF HEALTH — LICENSES — RESTAURANTS — CAFES—FRATERNITIES—SORORITIES

Held: Montana University fraternity and sorority houses and student cooperatives where meals are served only to members do not come within the provisions of Section 2589, Revised Codes of Montana, 1935, requiring a license from the State Board of Health of Montana.

November 2, 1942.

State Board of Health
State of Montana
Helena, Montana
Attention: Mr. Elton M. Andrews
Acting Director
Food and Drug Division

Gentlemen:

You have asked this office if Montana University fraternity and sorority houses and student cooperatives where meals are served to members

are to be licensed under the provisions of Section 2589, Revised Codes of Montana, 1935. I shall assume meals are served only to members of such organizations.

Section 2589, Revised Codes of Montana, 1935, provides in part:

> "It shall be unlawful for any person, persons, firm or corporation to conduct any restaurant, cafe, lunch counter, dining car, manufacturing bakery, manufacturing confectionery, meat market, cannery, soda fountain, ice cream parlor, soft drink establishment or bottling works, without having a license issued by the state board of health of Montana; . . ."

The only words in the above quotation which could conceivably apply to the organizations to which you refer are "restaurant" and "cafe." However, I find the words "restaurant" and "cafe" are defined to contemplate a public eating house where refreshments or meals may be obtained by the public. (See Words and Phrases and Webster's International Dictionary.)

Hence, I am of the opinion Montana University fraternity and sorority houses and students cooperatives where meals are served only to members do not come within the provisions of Section 2589, Revised Codes of Montana, 1935, requiring a license from the State Board of Health of Montana.

Sincerely yours,

R. V. BOTTOMLY
Attorney General