

HOUSE BILL NO. 273

1/19 Introduced  
1/19 Referred to Business & Labor  
1/24 Hearing  
Died in Committee

1 HOUSE BILL NO. 273  
2 INTRODUCED BY Pistoria

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT OPERATION  
5 OF A FOOD VENDING MACHINE THAT IS ALSO USED FOR THE PURPOSE  
6 OF DISPENSING OR SELLING CIGARETTES; AMENDING SECTIONS  
7 50-50-102 AND 50-50-201, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 50-50-102, MCA, is amended to read:

11 "50-50-102. Definitions. Unless the context requires  
12 otherwise, in this chapter the following definitions apply:

13 (1) "Board" means the board of health and  
14 environmental sciences, provided for in 2-15-2104.

15 (2) "Department" means the department of health and  
16 environmental sciences, provided for in Title 2, chapter 15,  
17 part 21.

18 (3) "Establishment" means a food manufacturing  
19 establishment, meat market, food service establishment,  
20 frozen food plant, commercial food processor, or perishable  
21 food dealer.

22 (4) "Food" means an edible substance, beverage, or  
23 ingredient used, intended for use, or for sale for human  
24 consumption.

25 (5) "Food manufacturing establishment" means a

1 commercial establishment and buildings or structures in  
2 connection with it used to manufacture or prepare food for  
3 sale or human consumption, but does not include milk  
4 producers' facilities, milk pasteurization facilities, milk  
5 product manufacturing plants, slaughterhouses, or meat  
6 packing plants.

7 (6) "Food service establishment" means a fixed or  
8 mobile restaurant, coffee shop, cafeteria, short-order cafe,  
9 luncheonette, grille, tearoom, sandwich shop, soda fountain,  
10 food store serving food or beverage samples, food or drink  
11 vending machine, tavern, bar, cocktail lounge, nightclub,  
12 industrial feeding establishment, catering kitchen,  
13 commissary, private organization routinely serving the  
14 public, or similar place where food or drink is prepared,  
15 served, or provided to the public with or without charge.  
16 The term does not include establishments, vendors, or  
17 vending machines which sell or serve only packaged  
18 nonperishable foods in their unbroken original containers or  
19 a private organization serving food only to its members.

20 (7) "Frozen food plant" means a place used to freeze,  
21 process, or store food including facilities used in  
22 conjunction with the frozen food plant and a place where  
23 individual compartments are offered to the public on a  
24 rental or other basis.

25 (8) "Meat market" means a commercial establishment and

1 buildings or structures in connection with it used to  
2 process, store, or display meat or meat products for sale to  
3 the public or for human consumption.

4 (9) "Perishable food dealer" means a person or  
5 commercial establishment which is in the business of  
6 purchasing and selling perishable food to the public.

7 (10) "Person" means a person, partnership, corporation,  
8 association, cooperative group, or other entity engaged in  
9 operating, owning, or offering services of an establishment.

10 (11) "Vending machine" means any device offered for  
11 public use that upon insertion of a coin, coins, or tokens,  
12 or by other means, dispenses foodstuffs, beverages, and  
13 other food products."

14 Section 2. Section 50-50-201, MCA, is amended to read:

15 "50-50-201. License required. (1) A person operating  
16 an establishment shall procure an annual license from the  
17 department.

18 (2) A separate license is required for each  
19 establishment, but if more than one type of establishment is  
20 operated on the same premises and under the same management,  
21 only one license is required.

22 (3) Only one license is required for a person owning  
23 and operating one or more vending machines. The department  
24 shall deny or revoke a license to operate any vending  
25 machine used for the purpose of dispensing or selling both

1 food products and cigarettes as defined in 16-11-102.

2 (4) Before a license may be issued by the department  
3 it must be validated by the local health officer, or if  
4 there is no local health officer the sanitarian, in the  
5 county where the establishment is located."

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