



MONTANA  
ADMINISTRATIVE  
REGISTER



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

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**NOTICE OF PROPOSED RULEMAKING**

**MAR NOTICE NO. 2026-433.1**

**Summary**

Amendment of ARM 37.111.124 pertaining to Food Service Requirements

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**Hearing Date and Time**

Thursday, May 14, 2026, at 11:00 a.m.

**Virtual Hearing Information**

Join Zoom Meeting: <https://mt-gov.zoom.us/j/87985939835?pwd=tgoaDbVqKcamNhfeflANXYb8VhI1VW.1>

Meeting ID: 879 8593 9835 and Password: 081972

Dial by Telephone: +1 646 558 8656

Meeting ID: 879 8593 9835 and Password: 081972

Find your local number: <https://mt-gov.zoom.us/u/kd39BypYXy>

**Comments**

Comments may be submitted using the contact information below. Comments must be received by Friday, May 22, 2026, at 5:00 p.m.

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## Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Thursday, April 30, 2026, at 5:00 p.m.

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## Contact

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(406) 444-6902  
hhsadminrules@mt.gov  
Fax: (406) 444-9744

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## Rulemaking Actions

### AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

### 37.111.124 FOOD SERVICE REQUIREMENTS

- (1) An establishment preparing or serving food that meets the definition of a "retail food establishment" under 50-50-102, MCA, must obtain a separate retail food license.
- (2) ~~An establishment licensed as a public accommodation is exempt from the requirement to obtain a retail food license if it serves food only to registered guests and day visitors pursuant to 50-50-102(21)(c)(xii), MCA. The establishment must comply with all other food safety rules contained under ARM Title 37, chapter 110, subchapter 2.~~

**Authorizing statute(s):** 50-51-103, MCA

**Implementing statute(s):** 50-51-103, MCA

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## General Reasonable Necessity Statement

The Department of Public Health and Human Services (department) proposes to amend ARM 37.111.124 to remove language exempting licensed hotels and motels serving food only to registered guests and day visitors from the requirement to obtain a retail food license. The proposed rule change is necessary to align with House Bill (HB) 853, which was passed and

enacted into law during Montana’s 2025 Legislative Session. HB 853 revised fees relating to licensed establishments and removed statutory language exempting hotels and motels serving food only to registered guests and day visitors from the requirement to obtain a retail food license.

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### **Small Business Impact**

Pursuant to 2-4-111, MCA, the class of small businesses affected by the proposed rule amendment are hotels and motels who serve food only to registered guests and day visitors. As the result of passage and approval of HB 853, these small businesses are now required to obtain a retail food license and pay an annual licensing fee ranging from \$150 to \$275 as set forth under 50-50-205, MCA.

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### **Bill Sponsor Notification**

The bill sponsor contact requirements apply and have been fulfilled. The primary bill sponsor of HB 853 was notified by electronic mail on February 10, 2026.

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### **Interested Persons**

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be emailed, mailed or otherwise delivered to the contact person above.

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### **Rule Reviewer**

Robert Lishman

### **Approval**

Charles T. Brereton, Director

Department of Public Health and Human Services