

MONTANA DEPARTMENT OF PUBIC HEALTH AND HUMAN SERVICES
 FOOD AND CONSUMER SAFETY SECTION

PROGRAM Food Service Establishments

I.D. NO. FS 37-01

LEGAL REF.: HB 218; ARM 37.110.217 (1)&(2);
 75-6, MCA; ARM 17.38.1, 2 & 5

DATE: May 11, 2001

1. **PURPOSE:** Provide guidance on the definition, minimum applicable standards, plan review, operating requirements and licensure of certain potable water haulers that meet the criteria provided in HB 218.

2. **CONSIDERATIONS:** The changes to 50-50-102 MCA provided in HB 218 became effective on passage and approval April 30, 2001. The statutory changes appear as follows in two separate sections:

Section 1. (underlining denotes new language)

50-50-102. Definitions.

(4) "Establishment" means a food manufacturing establishment, meat market, food service establishment, food warehouse, frozen food plant, commercial food processor, perishable food dealer, or water hauler not regulated as a public water supply system as provided in Title 75, chapter 6.

(18) "Water hauler" means a person engaged in the business of transporting water for human consumption and use and that is not regulated as a public water supply system as provided in Title 75, chapter 6. The term does not include a person engaged in the business of transporting water for human consumption that is used for individual family households and family farms and ranches.

Section 2. Water Hauler Requirements. As a requirement for licensure, a water hauler may obtain potable water only from an approved public water supply system, as defined in 75-6-102, or from sources approved and adopted by the department by rule.

POLICY/INTERPRETATION: ARM 37.110.217 (i) provides that a food service establishment water system must comply with public water supply requirements found in Title 75, chapter 6, MCA and ARM Title 17, Chapter 38, Subchapters 1&2. ARM 37.110.217 (2) provides that all potable water not provided directly by pipe to a food service establishment conform to the requirements in ARM Title 17, Chapter 38, Subchapter 5, Water Hauled for Cisterns.

Given the above cited provisions in the current food service regulations, the department has determined that until rules for non public water haulers can be drafted, published and adopted, the requirements provided in ARM Title 17, Chapter 38, Subchapter 5 will apply. Those requirements will apply to new water haulers being regulated due to the passage of HB 218.

Reference: Above stated legal references.

Approved

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