



ADMINISTRATIVE RULES OF MONTANA



37.106.2616 FOOD SERVICE

- (1) An adult day care center must provide:
 - (a) at least one meal a day to clients who stay at the center up to 10 hours;
 - (b) two meals per day to clients who stay at the center over 10 hours;
 - (c) three meals per 16-hour period.
- (2) Snacks must be offered between meals.
- (3) The center must establish and maintain standards relative to food sources; refrigeration; refuse handling; pest control; storage, preparation, procuring, serving, and handling food; and dishwashing procedures that are sufficient to prevent food spoilage and the transmission of infectious disease, including the following:
 - (a) Food must be obtained solely from sources that comply with all laws and rules relating to food and food labeling;
 - (b) The use of home canned foods is prohibited;
 - (c) If food subject to spoilage is removed from its original container, it must be kept sealed and labeled; and
 - (d) Food subject to spoilage must be dated.
- (4) Foods must be served in such amounts and in such variety to meet the nutritional needs of each client.
- (5) Foods must be cut, chopped, and ground to meet individual needs.
- (6) Potentially hazardous food, such as meat and milk products, must be stored at 41 ° F or below. Hot food must be kept at 140 ° F or above during preparation and serving.
- (7) Freezers must be kept at a temperature of 0 ° F or below and refrigerators must be kept at a temperature of 41 ° F or below. Thermometers must be placed in the warmest area of the refrigerator and freezer to assure proper temperature.
- (8) Produce, food, and containers of food must be stored a minimum of six inches above the floor in a manner that protects the food from splash and other contamination.
- (9) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practice during all working periods in food service.

- (10) No food service employee who is either infected with a disease in a communicable form that can be transmitted by foods, a carrier of organisms that cause such a disease, or afflicted with a boil, an infected wound, or an acute respiratory infection, may work in the food service area in any capacity in which there is a likelihood of that person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.
- (11) Tobacco products may not be used in the food preparation area.
- (12) If an adult day care center contracts with another establishment to prepare food for the clients, a record of each such contract must be maintained for at least one year.

Authorizing statute(s): 50-5-103, MCA

Implementing statute(s): 50-5-103, MCA

History: NEW, 1994 MAR p. 1838, Eff. 7/8/94; TRANS, from DHES, 2002 MAR p. 185; AMD, 2025 MAR, 37-1099, Eff. 1/11/2025.