



ADMINISTRATIVE RULES OF MONTANA



37.111.106 LICENSURE, RENEWAL, AND INSPECTION

- (1) The local regulatory authority must make a pre-licensing inspection to determine compliance with the requirements of this subchapter before a license is issued by the department or validated by the local health officer.
- (2) The local regulatory authority must inspect each licensed establishment within the jurisdiction of the local board of health to determine compliance with this subchapter at least once each calendar year, unless that schedule is modified by signed agreement with the department.
- (3) The local regulatory authority, after proper identification, must be provided access to the establishment at all reasonable hours for the purpose of conducting inspections and investigations as required under this subchapter.
- (4) Inspection findings must be written to reference any rule violated, state the correction to be made, and specify a reasonable period of time for the correction.
- (5) The written inspection report must be made on a form authorized by the department.
- (6) Inspection findings must be given to the person in charge of the establishment at the conclusion of the inspection.
- (7) A copy of the completed inspection form must be given to the establishment owner or designee within three business days.
- (8) The local regulatory authority must retain all documentation of enforcement of this subchapter including inspection reports, consumer complaints, illness investigations, plans of correction, and enforcement actions for at least five years.
- (9) The completed inspection report is a public document that must be made available for public review upon request, distribution to any person upon payment of copying costs, or provided to the department upon request.
- (10) Obtaining a license under this subchapter does not relieve the applicant from satisfying other applicable plan review, licensing, and inspection requirements. Other requirements may include, but are not limited to the following:
 - (a) building code permit and inspection;
 - (b) fire and life safety inspection;
 - (c) retail food licensing;
 - (d) public swimming pool, spa, and other water feature licensing; and
 - (e) business licensing.

- (11) Notification of noncompliance from the building or fire authority may prevent a license from being issued by the department or validated by the local health officer.

Authorizing statute(s): 50-51-103, 50-51-303, MCA

Implementing statute(s): 50-51-103, 50-51-301, 50-51-303, MCA

History: NEW, 1982 MAR p. 1049, Eff. 5/14/82; AMD, 1994 MAR p. 2941, Eff. 11/11/94; TRANS, from DHES, 2001 MAR p. 2425; AMD, 2012 MAR p. 1042, Eff. 5/25/12; AMD, 2022 MAR p. 1750, Eff. 9/10/22.