



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-142.1

Summary

Sanitarian Program updates to sanitarian-in-training rules and implementation of House Bill 246 pertaining to substantial equivalency

Hearing Date and Time

Thursday, July 30, 2026, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/89654397567>

Meeting ID: 896 5439 7567; Password: 5276440512

Dial by Telephone: +1 646 558 8656

Meeting ID: 896 5439 7567; Password: 5276440512

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, August 7, 2026, at 5:00 p.m.

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, July 23, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

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

24.217.508 SANITARIAN-IN-TRAINING

- (1) Applicants meeting all licensure qualifications except for the approved microbiology course per ARM 24.217.504 will be issued a sanitarian-in-training permit and must pass the microbiology course during the one-year permit period.
- (2) Sanitarians-in-training who work must do so under the supervision of a registered sanitarian.
 - (a) Applicants must provide the supervisor's name and description of the expected work experience to the department.
 - (b) "Supervision" means the supervisor is available for immediate communication and consultation.
 - (c) The supervising registered sanitarian will be responsible for signing off on the work performed by the sanitarian-in-training, including but not limited to permits, evaluations, plan reviews, and inspections.

Authorizing statute(s): 37-40-203, MCA

Implementing statute(s): 37-40-203, MCA

Reasonable Necessity Statement

This amendment is reasonably necessary to protect public health and safety by ensuring that work performed by a sanitarian-in-training is reviewed and approved by a fully registered sanitarian before being relied upon by the department, local jurisdictions, regulated entities, or the public. The amendment also provides clear notice to applicants, permit holders, supervisors, employers, and the department regarding who is accountable for work performed during the training period. Clarifying the supervisor's sign-off responsibility will promote consistent supervision practices, improve documentation of training and field experience, and help ensure that sanitarians-in-training gain practical experience while maintaining appropriate professional oversight.

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

- (1) The department adopts and incorporates by reference the 2026 substantial equivalency list for the Sanitarian Program publication. The publication is available on the department's website.
- (2) The department intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.
- (3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-40-203, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill 246 which was signed by the Governor April 3, 2025, and became effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and

programs. House Bill 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the department is proposing to adopt NEW RULE 1 as it pertains to the Sanitarian Program. The department has compared current licensure standards of the fifty United States for sanitarian licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the department's initial approved list of states having substantially equivalent licensing standards. The list will be published on the department's website. The department will analyze other states' licensing standards annually, and update the published list as needed.

Small Business Impact

The proposed amendments regarding substantial equivalency determinations are not expected to have a significant direct impact on small businesses operating in Montana. The rules primarily affect professional licensure and regulatory administration of sanitarians working for public health departments by establishing criteria for evaluating whether licensing requirements in other jurisdictions are substantially equivalent to Montana's requirements.

The amendments do not impose new fees, reporting obligations, operational requirements, or compliance costs on small businesses. Additionally, the rules do not create new regulatory burdens or alter existing business practices for Montana small businesses. Any impacts associated with the rule changes are limited to individual applicants seeking professional licensure and the administrative processes of the licensing program.

Bill Sponsor Notification

The primary bill sponsor was notified by email on June 4, 2026.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner