

1 SENATE BILL NO. 279

2 INTRODUCED BY K. BOGNER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXEMPTION FROM MEAT ESTABLISHMENT
5 LICENSES FOR A PERSON SUPPLYING LOCAL RETAIL MEAT ESTABLISHMENTS; PROVIDING A
6 DEFINITION; AND AMENDING SECTIONS 81-9-217 AND 81-9-218, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 **Section 1.** Section 81-9-217, MCA, is amended to read:

11 **"81-9-217. Definitions.** As used in 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236, the
12 following definitions apply:

13 (1) "Adulterated" means the term applied to meat if:

14 (a) it bears or contains a poisonous or deleterious substance that may render it injurious to health,
15 except that if the substance is not an added substance, the product may not be considered adulterated if the
16 quantity of the substance is insufficient to ordinarily render it injurious to health;

17 (b) it bears or contains, by reason of administration of any substance to the meat, an added
18 poisonous or added deleterious substance other than a color additive, a food additive, or a pesticide chemical
19 in or on a raw agricultural commodity, any of which may in the board's judgment make the meat unfit for human
20 food;

21 (c) it is in whole or in part a raw agricultural commodity and bears or contains a pesticide chemical
22 that is unsafe as provided in the Federal Food, Drug and Cosmetic Act;

23 (d) it bears or contains a food additive that is unsafe as provided in the Federal Food, Drug, and
24 Cosmetic Act;

25 (e) it bears or contains a color additive that is unsafe as provided in the Federal Food, Drug, and
26 Cosmetic Act; however, the meat that is not otherwise considered adulterated under subsection (1)(c), (1)(d), or
27 (1)(e) is considered adulterated if use of the pesticide chemical, food additive, or color additive in or on the
28 article is prohibited by rule of the board;

1 (f) it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other
2 reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

3 (g) it has been prepared, packed, or held under unsanitary conditions whereby it may have become
4 contaminated with filth or rendered injurious to health;

5 (h) it is in whole or in part the product of an animal, including poultry, that has died otherwise than by
6 slaughter;

7 (i) its container is composed in whole or in part of any poisonous or deleterious substance that may
8 render the contents injurious to health;

9 (j) it has been intentionally subjected to radiation, unless the use of the radiation was in conformity
10 with a regulation or exemption in effect pursuant to 21 U.S.C. 348; or

11 (k) any valuable constituent has been in whole or in part omitted or abstracted from the meat, any
12 substance has been substituted wholly or in part for meat, damage or inferiority has been concealed in any
13 manner, or any substance has been added to it or mixed or packed with it so as to increase its bulk or weight or
14 make it appear better or of greater value than it is.

15 (2) "Cell-cultured edible product" means the concept of meat, including but not limited to muscle cells,
16 fat cells, connective tissue, blood, and other components produced via cell culture, rather than from a whole
17 slaughtered animal.

18 (3) "Chief" means the chief meat inspector appointed as provided in 81-9-226.

19 (4) "Federal Food, Drug, and Cosmetic Act" means 21 U.S.C. 301 through 392, as that law read on
20 October 1, 1987.

21 (5) "Livestock" means cattle, buffalo, sheep, swine, goats, rabbits, horses, mules or other equines,
22 and alternative livestock, as defined in 87-4-406, whether alive or dead.

23 (6) "Livestock product" or "poultry product" means a product capable of use as human food that is
24 wholly or partially made from meat and is not specifically exempted by rule of the board.

25 (7) "Local retail meat establishment" means a commercial establishment at which meat or meat
26 products processed by a person subject to 81-9-218(1)(c) are displayed for sale or provision to the public, with
27 or without charge.

28 ~~(7)~~(8) "Meat" means the edible flesh of livestock or poultry and includes livestock and poultry

1 products. This term does not include cell-cultured edible products as defined in this section.

2 ~~(8)~~(9) "Misbranded" means the term applied to meat:

3 (a) if its labeling is false or misleading in any particular;

4 (b) if it is offered for sale under the name of another food;

5 (c) if it is not entirely derived from the edible flesh of livestock or poultry or livestock and poultry
6 products. A cell-cultured edible product derived from meat muscle cells, fat cells, connective tissue, blood, or
7 other meat components is not considered to be misbranded if it is labeled in accordance with 50-31-103 to
8 indicate it is derived from those cells, tissues, blood, or components.

9 (d) if it is an imitation of a meat product, unless its label bears, in type of uniform size and
10 prominence, the word "imitation" and immediately thereafter the name of the food being imitated;

11 (e) if its container is so made, formed, or filled as to be misleading;

12 (f) if it does not bear a label showing:

13 (i) the name and place of business of the manufacturer, packer, or distributor; and

14 (ii) an accurate statement of the quantity of the product in terms of weight, measure, or numerical
15 count. The board may adopt rules exempting small meat packages, meat not in containers, and other
16 reasonable variations.

17 (g) if any word, statement, or other information required by 81-9-216 through 81-9-220 and 81-9-226
18 through 81-9-236 to appear on the label is not prominently placed on the label, as compared with other words,
19 statements, designs, or devices in the labeling, and is not stated in terms that render it likely to be read and
20 understood by the ordinary individual under customary conditions of purchase and use;

21 (h) if it is represented as a food for which a definition and standard of identity or composition has been
22 prescribed by the rules of the board, unless:

23 (i) it conforms to the definition and standard; and

24 (ii) its label bears the name of the food specified in the definition and standard and, if required by the
25 rules, the common names of optional ingredients present in the food, other than spices, flavoring, and coloring;

26 (i) if it is represented as a food for which a standard of fill of container has been prescribed by rules of
27 the board and it falls below the standard of fill of container applicable to the food, unless its label bears, in the
28 manner and form that the rules specify, a statement that it falls below the standard;

1 (j) if it is not subject to the provisions of subsection ~~(8)(h)~~ (9)(h), unless its label bears:
 2 (i) the common or usual name of the food, if any; and
 3 (ii) in case it is fabricated from two or more ingredients, the common or usual name of each ingredient,
 4 except that spices, flavorings, and colorings may, when authorized by the board, be designated as spices,
 5 flavorings, and colorings without naming each. To the extent that compliance with the requirements of this
 6 subsection ~~(8)(j)(ii)~~ (9)(j)(ii) is impracticable or results in deception or unfair competition, exemptions must be
 7 established by rules promulgated by the board.

8 (k) if it purports to be for special dietary uses, unless its label bears information concerning its vitamin,
 9 mineral, and other dietary properties as the board, after consultation with the U.S. secretary of agriculture, by
 10 rule prescribes as necessary in order to fully inform purchasers as to its value for those uses;

11 (l) if it bears or contains an artificial flavoring, artificial coloring, or chemical preservative, unless it
 12 bears labeling stating that fact, provided that to the extent that compliance with the requirements of this
 13 subsection ~~(8)(l)~~ (9)(l) is impracticable, exemptions must be established by rules promulgated by the board; or

14 (m) if it fails to bear directly on the meat and on its containers, as the board may by rule prescribe, the
 15 official inspection legend and establishment number of the establishment where the product was prepared and
 16 other information that the board may require to ensure that it will not have false or misleading labeling and that
 17 the public will be informed of the manner of handling required to maintain the meat in a wholesome condition.

18 ~~(9)(10)~~ (a) "Mobile slaughter facility" means a mobile unit that is operated by a person licensed by the
 19 board to slaughter livestock or poultry, that is capable of providing onsite slaughter services for the owner of the
 20 livestock or poultry, and at which inspection of the slaughter of livestock or poultry or the preparation of meat
 21 food products is regulated under 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236.

22 (b) The term does not mean a person engaged in custom slaughtering as provided in 81-9-218(2).

23 ~~(10)(11)~~ "Official establishment" means an establishment licensed by the board at which inspection of
 24 the slaughter of livestock or poultry or the preparation of meat food products is maintained under 81-9-216
 25 through 81-9-220 and 81-9-226 through 81-9-236. The term includes a mobile slaughter facility.

26 ~~(11)(12)~~ "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" have
 27 the same meanings as provided in 21 U.S.C. 321.

28 ~~(12)(13)~~ "Poultry" means any domesticated bird, whether alive or dead.

