

HOUSE BILL 674

Introduced by Cobb

2/07	Introduced
2/07	Referred to Business & Economic Development
2/07	First Reading
2/08	Rereferred to Agriculture, Livestock & Irrig.
2/18	Hearing
2/19	Committee Report--Bill Passed as Amended
2/21	Placed on Consent Calendar
2/23	3rd Reading Passed
	Transmitted to Senate
2/25	First Reading
2/25	Referred to Agriculture, Livestock & Irrig.
3/06	Hearing
3/12	Committee Report--Bill Concurred
3/14	2nd Reading Concur Motion Failed
3/14	2nd Reading Indefinitely Postponed

1 HOUSE BILL NO. 674
2 INTRODUCTION BY Cobb

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT A LABEL
5 STATING "WATER ADDED" BE PLACED ON ALL CHICKEN AND TURKEY
6 PACKAGES WHEN THE CONTENTS HAVE ABSORBED WATER IN
7 PROCESSING."

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

10 NEW SECTION. **Section 1.** Labeling of chicken and turkey
11 required when water added in processing. When the means of
12 processing chicken or turkey causes moisture absorption and
13 retention, this must be indicated on the chicken or turkey
14 package label by the words "WATER ADDED".

15 NEW SECTION. **Section 2.** Codification instruction.
16 [Section 1] is intended to be codified as an integral part
17 of Title 50, chapter 31, and the provisions of Title 50,
18 chapter 31, apply to [section 1].

-End-



INTRODUCED BILL
HB 674

HOUSE BILL NO. 674

INTRODUCED BY COBB

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT ~~A LABEL~~
~~STATING "WATER ADDED" BE PLACED ON ALL~~ RULES BE ADOPTED TO
DETERMINE WHEN EXCESSIVE ADDED WATER OR ICE RENDERS CHICKEN
AND TURKEY PACKAGES WHEN THE CONTENTS HAVE ABSORBED WATER IN
PROCESSING ADULTERATED; AND AMENDING SECTION 50-31-202,
MCA."

STATEMENT OF INTENT

A STATEMENT OF INTENT IS PROVIDED FOR THIS BILL BECAUSE
IT IS INTENDED TO AUTHORIZE THE DEPARTMENT OF HEALTH AND
ENVIRONMENTAL SCIENCES TO PROVIDE RULES FOR THE REGULATION
OF THE SALE AS WELL AS THE LABELING OF CHICKEN OR TURKEY
THAT IS PACKAGED WITH EXCESSIVE ADDED WATER OR ICE.

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 50-31-202, MCA, is amended to read:

"50-31-202. When food adulterated. A food shall be deemed to be adulterated if:

(1) it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in

case the substance is not an added substance, such food shall not be considered adulterated under this subsection if the quantity of such substance in such food does not ordinarily render it injurious to health;

(2) it bears or contains any added poisonous or added deleterious substance, other than one which is:

(a) a pesticide chemical in or on a raw agricultural commodity;

(b) a food additive; or

(c) a color additive, which is unsafe within the meaning of 50-31-109;

(3) it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 408(a) of the federal act as amended;

(4) it is or it bears or contains any food additive which is unsafe within the meaning of section 409 of the federal act as amended; provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under section 408 of the federal act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of 50-31-108, 50-31-109, and subsection (4) of this section,

SECOND READING

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1 not be deemed unsafe if such residue in or on the raw
2 agricultural commodity has been removed to the extent
3 possible in good manufacturing practice and the
4 concentration of such residue in the processed food when
5 ready to eat is not greater than the tolerance prescribed
6 for the raw agricultural commodity;

7 (5) it consists in whole or in part of a diseased,
8 contaminated, filthy, putrid, or decomposed substance or if
9 it is otherwise unfit for food;

10 (6) it has been produced, prepared, packed, or held
11 under unsanitary conditions whereby it may have become
12 contaminated with filth or whereby it may have been rendered
13 diseased, unwholesome, or injurious to health;

14 (7) it is the product of a diseased animal or an animal
15 which has died otherwise than by slaughter or that has been
16 fed upon the uncooked offal from a slaughterhouse;

17 (8) its container is composed in whole or in part of
18 any poisonous or deleterious substance which may render the
19 contents injurious to health;

20 (9) any valuable constituent has been in whole or in
21 part omitted or abstracted therefrom;

22 (10) any substance has been substituted wholly or in
23 part therefor;

24 (11) damage or inferiority has been concealed in any
25 manner;

1 (12) any substance has been added thereto or mixed or
2 packed therewith so as to increase its bulk or weight,
3 reduce its quality or strength, or make it appear better or
4 of greater value than it is;

5 (13) it is confectionery and it bears or contains any
6 alcohol or nonnutritive article or substance except harmless
7 coloring, harmless flavoring, harmless resinous glaze not in
8 excess of .4%, harmless natural wax not in excess of .4%, or
9 harmless natural gum and pectin; provided that this
10 paragraph shall not apply to any confectionery by reason of
11 its containing less than .5% by volume of alcohol derived
12 solely from the use of flavoring extracts or to any chewing
13 gum by reason of its containing harmless nonnutritive
14 masticatory substances;

15 (14) it is or bears or contains any color additive which
16 is unsafe within the meaning of the federal act;

17 (15) it is chicken or turkey packaged with excessive
18 added water or ice as determined by department rule."

-End-

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1 case the substance is not an added substance, such food
 2 shall not be considered adulterated under this subsection if
 3 the quantity of such substance in such food does not
 4 ordinarily render it injurious to health;
 5 (2) it bears or contains any added poisonous or added
 6 deleterious substance, other than one which is:
 7 (a) a pesticide chemical in or on a raw agricultural
 8 commodity;
 9 (b) a food additive; or
 10 (c) a color additive, which is unsafe within the
 11 meaning of 50-31-109;
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 13 contains a pesticide chemical which is unsafe within the
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THIRD READING

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 2 agricultural commodity has been removed to the extent
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 4 concentration of such residue in the processed food when
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