

House BILL NO. 336
Murphy

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 46-208, R.C.M. 1947, TO PERMIT THE DEPARTMENT OF LIVESTOCK TO CHARGE FOR LABORATORY TESTS AND OTHER MATERIALS RELATED TO DISEASE CONTROL; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 46-208, R.C.M. 1947, is amended to read as follows:

"46-208. Powers of department. The department may:

(1) Supervise the sanitary conditions of livestock in this state, under the provisions of the constitution and statutes of this state and the rules adopted by the department. The department may quarantine a lot, yard, land, building, room, premises, inclosure, or other place or section in this state, which is or may be used or occupied by livestock, and which, in the judgment of the department is infected or contaminated with an infectious, contagious, communicable, or dangerous disease, or disease-carrying medium by which the disease may be communicated. The department may quarantine livestock in this state, when the livestock is affected with, or has been exposed to disease

or disease-carrying medium. The department may prescribe treatments and enforce sanitary rules which are necessary and proper to circumscribe, extirpate, control, or prevent the diseases.

(2) Foster, promote, and protect the livestock industry in this state by the investigation of diseases and other subjects related to ways and means of prevention, extirpation, and control of diseases, or to the care of livestock and its products; and to this end to establish and maintain a laboratory, and to make, or cause to be made, biologic products, curatives, and preventative agents; and to do or perform any other acts and things as may be necessary or proper in the fostering, promotion, or protection of the livestock industry in this state.

(3) Impose and collect such fees as the department considers appropriate for the tests and services performed by the laboratory and for such biologic products, curatives and preventative agents made or caused to be made by the department. In fixing such fees the department shall take into consideration the costs, both direct and indirect, of such tests, services, products, curatives and agents. All fees shall be deposited in the earmarked revenue fund for the use of the animal health functions of the department.

~~(3)~~ (4) Adopt rules and orders which it considers necessary or proper to prevent the introduction or spreading

1 of infectious, contagious, communicable, or dangerous
 2 diseases affecting livestock in this state, and to this end
 3 may adopt rules and orders necessary or proper governing
 4 inspections and tests of livestock intended for importation
 5 into this state, before it may be imported into this state.

6 ~~(4)~~ (5) Adopt rules and orders which it considers
 7 necessary or proper for the inspection, testing, and
 8 quarantine of all livestock imported into this state.

9 ~~(5)~~ (6) Adopt rules and orders which it considers
 10 necessary or proper for the supervision, inspection, and
 11 control of the standards and sanitary conditions of
 12 slaughterhouses, meat depots, meat and meat food products,
 13 dairies, milk depots, milk and its by-products, barns, dairy
 14 cows, factories, and other places and premises where meat,
 15 or meat foods, milk or its products, or any thereof intended
 16 for sale or consumption as food are produced, kept, handled,
 17 or stored. For the purposes of this act an authorized
 18 representative of the department, may take samples of a
 19 product so produced, kept, handled, or stored, for analysis
 20 or testing by the department's chemist, bacteriologist, or
 21 the state chemist, and the records of the samples and their
 22 analysis and test, when identified, as to the sample by the
 23 oath of the officer taking it, and verified, as to the
 24 analysis or test, by the oath of the chemist or
 25 bacteriologist making it, is prima facie evidence of the

1 facts set forth in it, when offered in evidence in a
 2 prosecution or action at law or in equity for violation of
 3 this act, or a rule or order of the board adopted under this
 4 act. These standards, in so far as they relate to dairies or
 5 milk and its by-products, may not include standards of
 6 weight or measurement.

7 ~~(6)~~ (7) Adopt rules and orders which seem necessary or
 8 proper for the supervision and control of manufactured and
 9 refined foods for livestock, and the manufacture,
 10 importation, sale, and method of using a biologic remedy or
 11 curative agent for the treatment of diseases of livestock.
 12 However, as far as practicable the standards approved by the
 13 United States department of agriculture shall be adopted.

14 ~~(7)~~ (8) Install an adequate system of meat inspection
 15 at any time and in such places as public welfare may demand
 16 under the rules which may provide fees for the maintenance
 17 of such inspection, and which shall provide ways and means
 18 for shipping home-grown and home-killed meats into any city
 19 in this state. As far as practicable, the rules shall
 20 conform with the meat-inspection requirements of the United
 21 States ~~bureau-of-animal-industry~~ department of agriculture.

22 ~~(8)~~ (9) Slaughter or cause to be slaughtered, any
 23 livestock in this state known to be affected with, or which
 24 has been exposed to, an infectious, contagious,
 25 communicable, or dangerous disease, when such slaughter is

1 necessary for the protection of other livestock; and
2 destroy, or cause to be destroyed, all barns, stables,
3 sheds, out-buildings, fixtures, furniture, and personal
4 property infected with any such infectious, contagious,
5 communicable, or dangerous disease, when they cannot be
6 thoroughly cleaned and disinfected and the destruction is
7 necessary to prevent the spreading of the disease.

8 ~~(9)~~ (10) Indemnify the owner of any property destroyed
9 by order of the department under this act, or any rules or
10 orders adopted by the department under this act.

11 ~~(10)~~ (11) Require persons, firms, and corporations
12 engaged in the production or handling of meat or meat food
13 products, or dairy products or any thereof, to furnish
14 statistics of the quantity and cost of the food and food
15 products produced or handled, and the name and address of
16 persons supplying them any of the products."

17 Section 2. This act is effective on its passage and
18 approval.

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

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2 INTRODUCED BY *Murphy*
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