

HOUSE BILL NO. 172

INTRODUCED BY DONALDSON

BY REQUEST OF THE DEPARTMENT
OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

January 12, 1981	Introduced and referred to Committee on Business and Industry.
January 14, 1981	Referred to Committee on Public Health.
January 29, 1981	Committee recommend bill do pass. Report adopted.
January 30, 1981	Bill printed and placed on members' desks.
January 31, 1981	Second reading, do pass.
February 2, 1981	Considered correctly engrossed.
February 3, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 4, 1981	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 14, 1981	Committee recommend bill be concurred in. Report adopted.
March 17, 1981	Second reading, concurred in.
March 19, 1981	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 20, 1981

Returned from Senate.
Concurred in. Sent
to enrolling.

Reported correctly enrolled.

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 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAW
 7 RELATING TO THE DETAINER OF ADULTERATED OR MISBRANDED
 8 ARTICLES; AMENDING SECTION 50-31-509, MCA."

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

11 Section 1. Section 50-31-509, MCA, is amended to read:
 12 "50-31-509. Detainer of adulterated or misbranded
 13 articles. (1) If an agent of the department finds or has
 14 probable cause to believe that any food, drug, device, or
 15 cosmetic is adulterated or so misbranded as to be dangerous
 16 or fraudulent within the meaning of this chapter, he shall
 17 affix to the article a tag or other appropriate marking
 18 giving notice that the article is or is suspected of being
 19 adulterated or misbranded and has been detained or embargoed
 20 and warning all persons not to remove or dispose of the
 21 article by sale or otherwise until permission for removal or
 22 disposal is given by the agent or the court. It is unlawful
 23 for a person to remove or dispose of a detained or embargoed
 24 article by sale or otherwise without permission. ~~The owner~~
 25 ~~of an embargoed article or another authorized person and the~~

1 ~~department may enter into a disposal agreement providing for~~
 2 ~~the disposal, reconditioning, or other disposition of the~~
 3 ~~embargoed article. If such an agreement is executed or if~~
 4 ~~the embargo is otherwise removed by the department or the~~
 5 ~~court, neither the department nor the state may be held~~
 6 ~~liable for damages caused by such embargo provided that~~
 7 ~~probable cause existed for its imposition.~~

8 (2) If an article detained or embargoed under
 9 subsection (1) is found by the agent to be adulterated or
 10 misbranded, ~~he and a disposal agreement is not executed as~~
 11 ~~provided in subsection (1), the agent~~ shall petition the
 12 justice of peace, city judge, or district court in whose
 13 jurisdiction the article is detained or embargoed for an
 14 order for condemnation of the article. If the agent finds
 15 that an article so detained or embargoed is not adulterated
 16 or misbranded, he shall remove the tag or other marking.

17 (3) If the court finds that a detained or embargoed
 18 article is adulterated or misbranded, the article shall,
 19 after entry of the decree, be destroyed at the expense of
 20 the claimant thereof under the supervision of the agent and
 21 all court costs and fees and storage and other proper
 22 expenses shall be taxed against the claimant of the article
 23 or his agent.

24 (4) If the adulteration or misbranding can be
 25 corrected by proper labeling or processing of the article,

1 the court, after entry of the decree and after the costs,
2 fees, and expenses have been paid and a good and sufficient
3 bond, conditioned that the article will be so labeled or
4 processed, has been executed, may by order direct that the
5 article be delivered to the claimant thereof for the
6 labeling or processing under the supervision of an agent of
7 the department. The expense of the supervision shall be paid
8 by claimant. The article shall be returned to the claimant
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11 that the expenses of the supervision have been paid."

-End-

Approved by Comm. on

Public Health, Safety and Welfare

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SECOND READING
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