SENATE BILL NO. 370

INTRODUCED BY M. ANDERSON, S. BROWN

IN THE SENATE February 5, 1981 Introduced and referred to Committee on Business and Industry. Committee recommend bill do Pebruary 20, 1981 pass as amended. Report adopted. Bill printed and placed on February 21, 1981 members' deske. February 24, 1981 Second reading, do pass as amended. February 25, 1981 On motion rules suspended. Bill placed on calendar for third reading this day. Third reading, passed. Ayes, 44; Noes, 5. Transmitted to House. IN THE HOUSE Introduced and referred to March 3, 1981 Committee on Business and Industry. Committee recommend bill be March 12, 1981 concurred in. Report adopted. Second reading, pass con-March 21, 1981 sideration. March 23, 1981 Second reading, pass consideration to the 67th legislative day. Second reading, concurred in March 26, 1981 as amended. Third reading, concurred in as March 28, 1981

amended. Ayes, 59; Noes, 35.

IN THE SENATE

Harch 30, 1981

April 2, 1981

April 4, 1981

Returned from House with amendments.

Second reading, amendments concurred in.

Third reading, amendments concurred in. Ayes, 46; Noss, 0. Sent to enrolling.

Reported correctly enrolled.

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Ainst BILL NO. 370 1 2 INTRODUCED BY 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE THE SALE OF 4 HAMBURGER OR GROUND BEEF IN THE VARIOUS FORMS IN WHICH IT IS 5 6 SOLD AT RETAIL: AMENDING SECTIONS 50-31-103, 50-31-110, AND 7 50-31-208+ MCA-" 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 50-31-103, MCA, is amended to read: 11 *50-31-103. Definitions. Unless the context requires 12 otherwise, in this chapter the following definitions apply: (1) "Advertisement" means representations disseminated 13 in any manner or by any means, other than by labeling, for 14 15 the purpose of inducing or which are likely to induce, 16 directly or indirectly, the purchase of food, drugs, 17 devices, or cosmetics. (2) "Beef patty" or "beef patty mix" means "bamburger" 18 19 or _ground_beef* to which has been_added_binders_or

20 <u>extenders_as_those_terms_are_understood_by_general_custom</u>
21 <u>and_usage_in_the_food_industrym</u>

22 (2) (2) (3) "Color" includes black, white, and intermediate 23 grays.

24 (3) "Color additive" means a material which:
25 (1) is a dye, pigment, or other substance made by a

process of synthesis or similar artifice or extracted,
 isolated, or otherwise derived, with or without intermediate
 or final change of identity, from a vegetable, animal,
 mineral, or other source; or

5 (ii) when added or applied to a food, drug, or cosmetic 6 or to the human body is capable (alone or through reaction 7 with other substance) of imparting color thereto.

8 (b) This term does not include material which has been
9 or hereafter is exempted under the federal act.

10 (4415) "Consumer commodity", except as otherwise 11 specifically provided by this subsection, means any food, 12 drug, device, or cosmetic as those terms are defined by this 13 chapter or by the federal act and regulations pursuant 14 thereto. The term does not include:

15 (a) any tobacco or tobacco product;

(b) a commodity subject to packaging or labeling
requirements imposed under the Federal Insecticide,
Fungicide, and Rodenticide Act or the provisions of the
eighth paragraph under the heading "Bureau of Animal
Industry" of the act of March 4, 1913 (37 Stat. 832-833; 21
U.S.C. 151-157), commonly known as the virus, serum, and
toxin act;

23 (c) a drug subject to 50-31-306(1)(m) or 24 50-31-307(1)(c) or section 503(b)(1) or 506 cf the federal 25 act;

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1 (d) a beverage subject to or complying with packaging 2 or labeling requirements imposed under the Federal Alcohol 3 Administration Act (27 U.S.C., et seg.); or

4 (e) a commodity subject to the Federal Seed Act (7
5 U.S.C. 1551-1610).

6 (5)(6) "Contaminated with filth" applies to a food,
7 drug, device, or cosmetic not securely protected from dust,
8 dirt, and, as far as may be necessary by all reasonable
9 means, from foreign or injurious contaminations.

+6+(7) "Cosmetic" means:

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11 (a) articles intended to be rubbed, poured, sprinkled, 12 sprayed on, introduced into, or otherwise applied to the 13 human body for cleansing, beautifying, promoting 14 attractiveness, or altering the appearance;

15 (b) articles intended for use as a component of these
16 articles, except that the term does not include scap.

17 f7+181 "Counterfeit drug" means a drug, drug 18 container, or drug label which, without authorization bears 19 the trademark, trade name, or other identifying mark, 20 imprint, or device or any likeness thereof of a drug manufacturer, processor, packer, or distributor other than 21 22 the person who in fact manufactured, processed, packed, or 23 distributed the drug and which falsely purports or is 24 represented to be the product of or to have been packed or 25 distributed by the other drug manufacturer, processor,

packer, or distributor. 1 (07(2) "Department" means the department of health and 2 environmental sciences, provided for in Title 2, chapter 15, 3 part 21. 4 f9f(10) "Device" (except when used in 50-31-107(2); 5 50-31-203(6), 50-31-306(1)(c) and (1)(q), 50-31-402(3), and 6 apparatus, and means instruments, 50-31-501(10)) 7 contrivances, including their components, parts, and 8 accessories, intended: 9 (a) for use in the diagnosis, cure, mitigation, 10 treatment, or prevention of disease in man or other animals; 11 (b) to affect the structure or function of the body of 12 13 man or other animals. (10)(11) "Drug" means: 14 (a) articles recognized in the official United States 15 Pharmacopoeia, official National Formulary, or a supplement 16 17 to either of these; 18 (b) articles intended for use in the diagnosis, cure, 19 mitigation, treatment, or prevention of disease in man or 20 other animals; (c) articles (other than food) intended to affect the 21 structure or function of the body of man or other animals; 22 (d) articles intended for use as components of any 23 article specified in subsections (a), (b), or (c) out does 24

25 not include devices or their components, parts, or

1 accessories.

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2 (11)(12) "Federal act" means the Federal Food, Drug,
3 and Cosmetic Act, as amended (Title 21 U.S.C. 301 et seq.).

4 <u>t12)(13)</u> "Food" means:

5 (a) articles used for food or drink for man or other 6 animals;

(b) chewing gum; and

(c) articles used for components of these articles.

ftat(14) (a) "Food additive" means a substance, the 9 10 intended use of which results or may be reasonably expected 11 to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of food 12 13 (including a substance intended for use in producing, 14 manufacturing, packing, processing, preparing, treating, 15 packaging, transporting, or holding food and including a 16 source of radiation intended for this use}, if the substance is not generally recognized, among experts qualified by 17 scientific training and experience to evaluate its safety, 18 19 as having been adequately shown through scientific 20 procedures (or. in the case of a substance used in a food 21 prior to January 1. 1958, through either scientific 22 procedures or experience based on common use in food) to be 23 safe under the conditions of its intended use.

24 (b) This term does not include:

25 (i) a pesticide chemical in or on a raw agricultural

1 commodity;

2 (ii) a pesticide chemical to the extent that it is
3 intended for use or is used in the production, storage, or
4 transportation of a raw agricultural commodity;

5 (iii) color additive;

6 (iv) substance used in accordance with a sanction or 7 approval granted prior to the enactment of the Food 8 Additives Amendment of 1958, pursuant to the federal act, 9 the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), 10 or the Meat Inspection Act of March 4, 1907 (34 Stat. 1260), 11 as amended and extended (21 U.S.C. 71 et seq.).

12 <u>ti4i(15)</u> "Food service establishment" means a 13 restaurant, catering vehicle, vending machine, delicatessen, 14 fast-food retailer, or any other place that serves food to 15 the public for consumption either at or away from the point 16 of service, and any facility operated by a governmental 17 entity where food is served.

18 (15)(16) "Hamburger" or "ground beef" means ground 19 fresh or frozen beef or a combination of both fresh and 20 frozen beef, with or without the addition of suet, and-with or-without-the-addition-of-seasoningy-if-no-fat--cther--that 21 22 sust-is-incorporated-in-the-hamburgery-the-total-fet-content 23 extenders are added. There are three grades of hamburger or 24 25 ground_heef:

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1	<pre>(a) "econogy_hamburger" or "economy_ground_beef" which</pre>			
2	must have a maximum fat content no greater than the federal			
3	standard_set_forth_in_9_C_F_R319.15;			
4	<u> (b] "regular hamburger" or "regular ground beef" must</u>			
5	bave_a_waximum_fat_content_eo_greater_tban_24%:			
6	<pre>(c)extra_lean_bamburger extra_lean_ground_beef *</pre>			
7	<u>must_bave_a_maximum_fat_content_no_greater_than_18%.</u>			
8	(16)[17] "Honey" means the nectar and saccharine			
9	exudations of plants gathered, modified, and stored in the			
10	comb by honey bees; is levorotatory, contains not more than			
11	25% of water, not more than +25% of ash, and not more than			
12	8% sucrose.			
13	(17)-"InitationNomburger"Means"Nomburger"yas			
14	defined-in-subsection-(15)y-to-which-has-been-addedbinders			
15	orextendersorboth-binders-and-extenders-as-those-terms			
16	are-understood-by-generalcustomandusageinthefood			
17	industry:			
18	(18) "Label" means a display of written, printed, or			
19	graphic matter on the immediate container of an article.			
zo	("Immediate container" does not include package liners.)			
21	(19) "Labeling" means labels and other written;			
22	printed, or graphic matter:			
23	(a) on an article or its containers or wrappers;			
24	(b) accompanying the article.			
25	(20) "Menu" means any list presented to the patron			

which states the food items for sale in a food service 1 establishment. Z (21) "New drug" means a drug, the composition of which 3 4 is such that: (a) it is not generally recognized, among experts 5 qualified by scientific training and experience to evaluate 6 the safety and effectiveness of drugs, as safe and effective 7 for use under the conditions prescribed, recommended, or 8 suggested in its labeling; or 9 (b) the drug, as a result of investigations to 10 determine its safety and effectiveness for use under the 11 conditions prescribed, has become so recognized but which 12 has not, otherwise than in the investigations, been used to 13 a material extent or for a material time under the 14 conditions prescribed. 15 (22) "Official compendium" means the official United 16 States Pharmacopoeia, official National Formulary, or a 17 supplement to either of these. 18 19 (23) "Package" means a container or wrapping in which a 20 consumer commodity is enclosed for use in the delivery or display of that consumer commodity to retail purchasers but 21 22 does not include: (a) shipping containers or wrappings used solely for 23

24 the transportation of a consumer commodity in bulk or in 25 quantity to manufacturers, packers, or processors or to

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1 wholesale or retail distributors;

(b) shipping containers or outer wrappings used by
retailers to ship or deliver a commodity to retail customers
if the containers and wrappings bear no printed matter
pertaining to a particular commodity.

6 (24) "Person" includes an individual, partnership,7 corporation, and association.

a (25) "Pesticide chemical" means a substance which
alone, in chemical combination, or in formulation with one
or more other substances is an "economic poison" under the
Federal Insecticide, Fungicide, and Rodenticide Act (7
U.S.C., secs. 135-135k), as amended, and which is used in
the production, storage, or transportation of raw
aqricultural commodities.

15 (26) "Placard" means any nonpermanent sign used to
16 display or describe food items for sale in a food service
17 establishment or retail establishment.

(27) "Principal display panel" means that part of a
label that is most likely to be displayed, presented, shown,
or examined under normal and customary conditions of display
for retail sale.

(28) "Raw agricultural commodity" means food in its raw
or natural state, including fruits that are washed, colored,
or otherwise treated in their unpeeled natural form prior to
marketing.

1 (29) "Retail___establishment"___means_____commercial 2 establishment at which meat or meat products are displayed for sale or provision to the public with or without charge. 3 t291(30) "State board" or "board" means the board of 4 health and environmental sciences, provided for in 5 2-15-2104. 6 7 +30)-*Wattboard#--means--any--permanent--sign--used--to a display-or-describe-food-items-for-sale-in--a--food--service establishment*" 9 10 Section 2. Section 50-31-208, MCA, is amended to read: *50-31-208. Sale of hamburger and imitation-hamburger 11 12 beef patty or beef patty mix. (1) No food service 13 establishment or retail establishment may use the terms "hamburger", "burger", or other similar term in any 14 15 advertisement or menu to refer to any imitation-hamburger 16 beef patty or beef patty mix. A food service establishment 17 or retail establishment selling or serving imitation 18 homburger beef patty or beef patty mix may refer to the product as "imitation--hamburger beef patty or beef patty 19 20 mix" or by any other term which accurately informs the 21 customer of the nature of the food product which he is sold 22 or served. 23 (2) If imitation-hamburger beef patty or beef patty

24 mix is sold or served in a food service establishment or 25 retail establishment, a list of ingredients must appear on

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the menu <u>or_label</u>, or, if there is no menu <u>or_label</u>, on a
 wallboard-or placard as follows:

3 (a) The term "imitation-hamburger beef_patty_or_beef 4 patty_mix" or any other term which accurately informs the 5 customer of the nature of the food product and its 6 ingredients must be included.

7 (b) The ingredients must be listed in descending order
8 of predominance by weight.

9 (c) If there is no menu <u>or label</u>, the lettering on the 10 wallboard--or placard must be at least 1 inch in height 11 (72-point letters) in boldface and in colors that contrast 12 with the wallboard-or placard.

13 (d) The wallboard-or placard must be posted in a
14 permanent place, conspicuous to the customer, in each room
15 or area where food is served <u>or sold at retail</u>.

16 (3) If hamburger or ground beef is sold in a retail establishment: the grade: as defined in section 17 18 50-31-103(16), and the maximum fat content must appear on a 19 label or placard. If a placard is used it must satisfy the 20 requirements of subsections (2)(c) and (2)(d) of this 21 section. The provisions of this subsection do not apply to 22 the service of prepared bamburger or ground beef at a food 23 service_establishment."

24Section 3. Section 50-31-110, MCA; is amended to read:25#50-31-110. Certain agricultural chemicals not color

additives. Subsections (2) (3) and (3) (4) of 50-31-103 do not apply to a pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological process of produce of the soil and thereby affecting its color, whether before or after harvest."

-End-

47th Legislature

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Approved by Committee on <u>Business and Industry</u>

1	SENATE BILL ND. 370	1	P
2	INTRODUCED BY M. ANDERSON, S. BROWN	2	i
3		3	o
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE THE SALE OF	4	л
5	HAMBURGER UR GROUND BEEF IN THE VARIOUS FORMS IN WHICH IT IS	5	
5	SCLD AT RETAIL; AMENDING SECTIONS 50-31-103+ 50-31-110+ AND	6	c
7	50-31-208. MCA."	٦	×
8		8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	c
10	Section 1. Section 50-31-103, MCA, is amended to read:	10	
11	"50-31-103. Definitions. Unless the context requires	11	s
12	otherwise, in this chapter the following definitions apply:	12	¢
13	(1) "Advertisement" means representations disseminated	13	¢
14	in any manner or by any means, other than by labeling, for	14	1
15	the purpose of inducing or which are likely to induce,	15	
16	directly or indirectly, the purchase of food, drugs,	16	
17	devices, or cosmetics.	17	r
18	(2) "Beef patty" or "beef patty mix" means "hamburger"	18	f
19	or "ground beef" to which has been added binders or	19	e
20	<u>extenders_as_those_terms_are_understood_by_general_custom</u>	20	1
21	and usage in the food industry.	21	نر
22	<pre>{2)(3) "Color" includes black, white, and intermediate</pre>	22	1
23	ÿrays.	23	
24	[3]<u>(4)</u> (a) "Color additive" means a material which:	24	5
25	(i) is a dye, pigment, or other substance made by a	25	ć

process of synthesis or similar artifice or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source; or

5 (ii) when added or applied to a food, drug, or cosmetic 6 or to the human body is capable (alone or through reaction 7 with other substance) of imparting color thereto.

8 (b) This term does not include material which has been
 9 or hereafter is exempted under the federal act.

10 (49<u>(5)</u> "Consumer commodity", except as otherwise
11 specifically provided by this subsection, means any food,
12 drug, device, or cosmetic as those terms are defined by this
13 chapter or by the federal act and regulations pursuant
14 thereto. The term does not include:

5 (a) any tobacco or tobacco product;

(b) a commodity subject to packaging or labeling requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act or the provisions of the eighth paragraph under the heading "Bureau of Animal Industry" of the act of March 4, 1913 (37 Stat. 832-833; 21 U.S.C. 151-157), commonly known as the virus, serum, and toxin act;

23 (c) a drug subject to 50-31-306(1)(m) or
24 50-31-307(1)(c) or section 503(b)(1) or 506 of the federal
25 act;

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Ł (d) a beverage subject to or complying with packaging Z or labeling requirements imposed under the Federal Alcohol 3 Administration Act (27 U-S-C++ et seg.); or 4 (e) a commodity subject to the Federal Seed Act (7 5 U-S-C- 1551-1610). 6 +5+(6) "Contaminated with filth" applies to a food, 7 drug, device, or cosmetic not securely protected from dust, 8 dirt, and, as far as may be necessary by all reasonable 9 means, from foreign or injurious contaminations. 10 f6f(7) "Cosmetic" means: (a) articles intended to be rubbed, poured, sprinkled, 11 12 sprayed on, introduced into, or otherwise applied to the 13 human body for cleansing. beautifying, promoting 14 attractiveness, or altering the appearance; 15 (b) articles intended for use as a component of these articles, except that the term does not include soap. 16 17 {7)(8) "Counterfeit drug" means a drug. drug 18 container, or drug label which, without authorization bears 19 the trademark, trade name, or other identifying mark, 20 imprinty or device or any likeness thereof of a drug 21 manufacturer, processor, packer, or distributor other than 22 the person who in fact manufactured, processed, packed, or 23 distributed the drug and which falsely purports or is 24 represented to be the product of or to have been packed or 25 distributed by the other drug manufacturer, processor,

packers or distributor. 1 2 (8)(9) "Department" means the department of health and 3 environmental sciences, provided for in Title 2, chapter 15, 4 part 21. 5 +9+(10) "Device" (except when used in 50-31-107(2), 6 50-31-203(6), 50-31-306(1)(c) and (1)(q), 50-31-402(3), and 7 50-31-501(10)) means instruments. apparatus. and contrivances, including their components, parts, and 8 9 accessories, intended: 10 (a) for use in the diagnosis, cure, mitigation, 11 treatment, or prevention of disease in man or other animals; 12 (b) to affect the structure or function of the body of 13 man or other animals. 14 (10)(11) "Drug" means: (a) articles recognized in the official United States 15 Pharmacopoeia, official National Formulary, or a supplement 16 to either of these: 17 18 (b) articles intended for use in the diagnosis, cure, 19 mitigation, treatment, or prevention of disease in man or 20 other animals: 21 (c) articles (other than food) intended to affect the 22 structure or function of the body of man or other animals; 23 (d) articles intended for use as components of any 24 article specified in subsections (a), (b), or (c) but does 25 not include devices or their components, parts, or

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1 accessories.

2 <u>filt(12)</u> "Federal act" means the Federal Food, Drug, 3 and Cosmetic Act, as amended (Title 21 U.S.C. 301 et seq.). 4 <u>filt(13)</u> "Food" means:

5 (a) articles used for food or drink for man or other 6 animals:

7 (b) chewing gum; and

8 (c) articles used for components of these articles. 9 fi3+{14} (a) "Food additive" means a substance, the 10 intended use of which results or may be reasonably expected 11 to result. directly or indirectly. in its becoming a 12 component or otherwise affecting the characteristics of food 13 (including a substance intended for use in producing, 14 manufacturing, packing, processing, preparing, treating, 15 packaging, transporting, or holding food and including a 16 source of radiation intended for this use}, if the substance 17 is not generally recognized, among experts qualified by 18 scientific training and experience to evaluate its safety. 19 as having been adequately shown through scientific 20 procedures (or, in the case of a substance used in a food 21 prior to January 1, 1958, through either scientific 22 procedures or experience based on common use in food} to be 23 safe under the conditions of its intended use.

24 (b) This term does not include:

25 (i) a pesticide chemical in or on a raw agricultural

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l commodity:

2 {ii} a pesticide chemical to the extent that it is
3 intended for use or is used in the production, storage, or
4 transportation of a raw agricultural commodity;

5 (iii) color additive;

6 (iv) substance used in accordance with a sanction or 7 approval granted prior to the enactment of the Food 8 Additives Amendment of 1958, pursuant to the federal act; 9 the Poultry Products Inspection Act (21 U.S.C. 451 et seq.); 10 or the Meat Inspection Act of March 4, 1907 (34 Stat. 1260); 11 as amended and extended (21 U.S.C. 71 et seq.).

12 (14)(15) "Food service establishment" means a 13 restaurant, catering vehicle, vending machine, delicatessen, 14 fast-food retailer, or any other place that serves food to 15 the public for consumption either at or away from the point 16 of service, and any facility operated by a governmental 17 entity where food is served.

18 (15) "Hamburger" or "ground beef" means ground 19 fresh or frozen beef or a combination of both fresh and 20 frozen beef, with or without the addition of suet, and-with 21 or-without-the-addition-of-seasoningy-if-no-fat--other--that 22 suct-is-incorporated-in-the-hamburgery-the-total-fat-content 23 does--not--exceed--20%--y-ond to which no water, binders, or 24 extenders are added. There are three grades of hamburger or 25 around beef:

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1	<pre>[a]economy_hamburger*_or_*economy_ground_beef* which</pre>
Z	must have a maximum fat content no greater than the federal
3	<u>standard set forth in 9 CoFoRo 319015;</u>
4	<pre>[b] "regular hamburger" or "regular ground beef" must</pre>
5	<u>have a maximum fat content no greater than 24%;</u>
6	(c) "extra lean hamburger" or "extra lean ground beef"
7	must have a maximum fat content no greater than 18%.
8	flot(17) "Honey" means the nectar and saccharine
9	exudations of plants gathered, modified, and stored in the
10	comb by honey bees; is levorotatory, contains not more than
11	25% of water, not more than .25% of ash, and not more than
12	8% sucrose.
13	f±7)- ^w ∃mitationhamburger#means [#] hamburger"▼as
14	defined-in-subsection-(15);-to-which-has-been-addedbinders
15	orextendersorboth-binders-and-extenders-as-those-terms
16	are-understood-by-generalcustomandusageinthefood
17	industry.
18	(18) "Label" means a display of written, printed, or
19	graphic matter on the immediate container of an article.
8 20 -	("Immediate container" does not include package liners.)
21 C	(19) "Labeling" means labels and other written.
22	printed, or graphic matter:
23	(a) on an article or its containers or wrappers;
24	(b) accompanying the article.
25	(20) "Menu" means any list presented to the patron

which states the food items for sale in a food service establishment.

3 (21) "New drug" means a drug, the composition of which
4 is such that:

5 (a) it is not generally recognized, among experts 6 qualified by scientific training and experience to evaluate 7 the safety and effectiveness of drugs, as safe and effective 8 for use under the conditions prescribed, recommended, or 9 suggested in its labeling; or

10 (b) the drug, as a result of investigations to 11 determine its safety and effectiveness for use under the 12 conditions prescribed, has become so recognized but which 13 has not, otherwise than in the investigations, been used to 14 a material extent or for a material time under the 15 conditions prescribed.

16 (22) "Official compendium" means the official United 17 States Pharmacopoeia, official National Formulary, or a 18 supplement to either of these.

19 (23) "Package" means a container or wrapping in which a
20 consumer commodity is enclosed for use in the delivery or
21 display of that consumer commodity to retail purchasers but
22 does not include:

(a) shipping containers or wrappings used solely for
 the transportation of a consumer commodity in bulk or in
 quantity to manufacturers, packers, or processors or to

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1 wholesale or retail distributors;

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(b) shipping containers or outer wrappings used by
retailers to ship or deliver a commodity to retail customers
if the containers and wrappings bear no printed matter
pertaining to a particular commodity.

6 (24) "Person" includes an individualy partnershipy
7 corporation, and association.

8 (25) "Pesticide chemical" means a substance which 9 alone, in chemical combination, or in formulation with one 10 or more other substances is an "economic poison" under the 11 Federal Insecticide, Fungicide, and Rodenticide Act (7 12 U.S.C., secs. 135-135k), as amended, and which is used in 13 the production, storage, or transportation of raw 14 agricultural commodities.

15 (26) "Placard" means any nonpermanent sign used to
16 display or describe food items for sale in a food service
17 establishment or retail establishment.

18 (27) "Principal display panel" means that part of a 19 label that is most likely to be displayed, presented, shown, 20 or examined under normal and customary conditions of display 21 for retail sale.

(28) "Raw agricultural commodity" means food in its raw
or natural state, including fruits that are washed, colored,
or otherwise treated in their unpealed natural form prior to
marketing.

1 (29) "Retail establishment" means a commercial 2 establishment_at_which meat or meat products are displayed 3 for sale or provision to the public with or without charge. 4 (29)(30) "State board" or "board" means the board of 5 health and environmental sciences, provided for in 6 2-15-2104. 7 (30)-"Wallboard"--means--any--permanent--sign--used--to 8 display-or-describe-food-items-for-sale-in--a--food--service 9 establishment*" ŁO Section 2. Section 50-31-208. MCA. is amended to read: 11 "50-31-208. Sale of hamburger and imitation-homburger 12 beef patty or beef patty mix+ (1) No food service 13 establishment or retail establishment may use the terms "hamburger", "burger", or other similar term in any 14 15 advertisement or menu to refer to any imitation-hamburger 16 beef patty or beef patty mix. A food service establishment 17 or retail establishment selling or serving imitation 18 hamburger beef patty or beef patty mix may refer to the 19 product as "imitation--hamburger beef patty or beef patty 20 mix" or by any other term which accurately informs the 21 customer of the nature of the food product which he is sold 22 or served. 23 (2) If imitation-hamburger beef patty or beef patty

24 <u>mix</u> is sold or served in a food service establishment or
 25 retail establishment, a list of ingredients must appear on

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the menu or label, or, if there is no menu or label, on a wallboard-or placard as follows:

3 [a] The term "imitation-hamburger beef patty or beef 4 <u>patty mix</u>" or any other term which accurately informs the 5 customer of the nature of the food product and its 6 ingredients must be included.

7 (b) The ingredients must be listed in descending order
8 of predominance by weight.

9 (c) If there is no menu <u>or label</u>, the lettering on the 10 wallboard-or placard must be at least 1 inch in height 11 (72-point letters) in boldface and in colors that contrast 12 with the wallboard-or placard.

13 (d) The wallboard-or placard must be posted in a
14 permanent place, conspicuous to the customer, in each room
15 or area where food is served or sold at retail.

16 (3) If hamburger or ground beef is sold in a retail establishment, the grade, as defined in section 17 18 50-31-103(16), and the maximum fat content must appear on a 19 tobet-or-ptacord EACH DISPLAYED PACKAGE, DR IF THE PRODUCT IS NOT PACKAGED FOR DISPLAY, DN & PLACARD, If a placard is , 20 ÷ 21 used it must satisfy the requirements of subsections (2)(c) 22 and (2)(d) of this section. The provisions of this 23 subsection do not apply to the service of prepared hamourger 24 or ground beef at a food service establishment." 25 Section 3. Section 50-31-110. MCA. is amended to read:

*50-31-110. Certain agricultural chemicals not color 1 additives. Subsections (2) (3) and (3) (4) of 50-31-103 do 2 not apply to a pesticide chemical, soil or plant nutrient, 3 or other agricultural chemical solely because of its effect 4 in aiding, retarding, or otherwise affecting, directly or 5 indirectly, the growth or other natural physiological 6 process of produce of the soil and thereby affecting its 7 color, whether before or after harvest." R

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1	SENATE BILL NO. 370	l	process of synthesis or similar artifice or extracted,
2	INTRODUCED BY M. ANDERSON, S. BROWN	2	isolated, or otherwise derived, with or without intermediate
3		3	or final change of identity, from a vegetable, animal,
4	A BILL FOR AN ACT ENTITLED: " "AN ACT TO REGULATE THE SALE OF	4	mineral, or other source; or
5	HAMBURGER OR GROUND BEEF IN THE VARIOUS FORMS IN WHICH IT IS	5	(ii) when added or applied to a food, drug, or cosmetic
6	SOLD AT RETAIL; AMENDING SECTIONS 50-31-103+ 50-31-110+ AND	6	or to the human body is capable (alone or through reaction
7	50-31-208, NCA."	7	with other substance) of imparting color thereto.
8		8	(b) This term does not include material which has been
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	or hereafter is exempted under the federal act.
10	Section 1. Section 50-31-103, MCA, is amended to read:	10	(4)<u>(5)</u> "Consumer commodity", except as otherwise
11	"50-31-103. Definitions. Unless the context requires	11	specifically provided by this subsection, means any food,
12	otherwise, in this chapter the following definitions apply:	12	drug, device, or cosmetic as those terms are defined by this
13	 "Advertisement" means representations disseminated 	13	chapter or by the federal act and regulations pursuant
14	in any manner or by any means, other than by labeling, for	14	thereto. The term does not include:
15	the purpose of inducing or which are likely to induce,	15	(a) any tobacco or tobacco product;
16	directly or indirectly, the purchase of food, drugs,	16	(b) a commodity subject to packaging or labeling
17	devices, or cosmetics.	17	requirements imposed under the Federal Insecticide.
18	(2) "Beef petty"-or-"beef patty mix" means "hamburger"	18	Fungicide, and Rodenticide Act or the provisions of the
19	or "ground beef" to which has been added binders or	19	eighth paragraph under the heading "Bureau of Animal
20	extenders as those terms are understood by general custom	20	Industry" of the act of March 4, 1913 (37 Stat. 832-833; 21
21	and usage in the food industry.	21	U.S.C. 151-157], commonly known as the virus, serum, and
22	<pre>t2)[3] "Color" includes black, white, and intermediate</pre>	22	toxin act;
23	grays.	23	(c) a drug subject to 50-31-306(1)(m) or
24	(3)[<u>4)</u> (a) "Color additive" means a material which:	24	50-31-307(1)(c) or section 503(b)(1) or 506 of the federal
25	(i) is a dye, pigment, or other substance made by a	25	act;

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1 (d) a beverage subject to or complying with packaging 2 or labeling requirements imposed under the Federal Alcohol 3 Administration Act {27 U-S+C++ et seq+}; or

4 (e) a commodity subject to the Federal Seed Act {7
5 U.S.C. 1551-1610}.

6 (5)(6) "Contaminated with filth" applies to a food.
7 drug. device. or cosmetic not securely protected from dust.
8 dirt. and. as far as may be necessary by all reasonable
9 means. from foreign or injurious contaminations.

10 tot(7) "Cosmetic" means:

11 (a) articles intended to be rubbed, poured, sprinkled, 12 sprayed on, introduced into, or otherwise applied to the 13 human body for cleansing, beautifying, promoting 14 attractiveness, or altering the appearance;

(b) articles intended for use as a component of these
articles, except that the term does not include soap.

17 +7+(8) "Counterfeit drug" means a drug, drug 18 container, or drug label which, without authorization bears 19 the trademark, trade name, or other identifying mark, imprint, or device or any likeness thereof of a drug 20 21 manufacturer, processor, packer, or distributor other than 22 the person who in fact manufactured, processed, packed, or 23 distributed the drug and which falsely purports or is 24 represented to be the product of or to have been packed or 25 distributed by the other drug manufacturer, processor,

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1 packer, or distributor. (0)(9) "Department" means the department of health and 2 environmental sciences, provided for in Title 2, chapter 15, 3 part 21. 4 +9+(10) "Device" (except when used in 50-31-107(2). 5 6 50-31-203(6), 50-31-306(1)(c) and (1)(g), 50-31-402(3), and 7 50-31-501(10)) means instruments. apparatus. and contrivances, including their components, parts, and R 9 accessories, intended: 10 (a) for use in the diagnosis, cure, mitigation, 11 treatment, or prevention of disease in man or other animals; 12 (b) to affect the structure or function of the body of man or other animals. 13 14 (10)(11) "Drug" means: 15 (a) articles recognized in the official United States Pharmacopoeia, official National Formulary, or a supplement 16 to either of these; 17 18 (b) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or 19 20 other animals: 21 (c) articles (other than food) intended to affect the 22 structure or function of the body of man or other animals; 23 (d) articles intended for use as components of any 24 article specified in subsections (a), (b), or (c) but does 25 not include devices or their components, parts, or

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l accessories.

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2 (11)(12) "Federal act" means the federal Food, Drug,
3 and Cosmetic Act, as amended (Title 21 U.S.C. 301 et seq.).
4 (12)(13) "Food" means:

5 (a) articles used for food or drink for man or other 6 animals:

7 (b) chewing gum; and

(c) articles used for components of these articles.

9 +13+(14) (a) "Food additive" means a substance, the 10 intended use of which results or may be reasonably expected to result, directly or indirectly, in its becoming a 11 component or otherwise affecting the characteristics of food 12 13 (including a substance intended for use in producing, manufacturing, packing, processing, preparing, treating, 14 packaging, transporting, or holding food and including a 15 source of radiation intended for this use), if the substance 16 is not generally recognized, among experts qualified by 17 18 scientific training and experience to evaluate its safety, 19 as having been adequately shown through scientific 20 procedures (or, in the case of a substance used in a food 21 prior to January 1, 1958, through either scientific 22 procedures or experience based on common use in food) to be 23 safe under the conditions of its intended use.

24 (b) This term does not include:

25 (i) a pesticide chemical in or on a raw agricultural

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1 commodity;

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2 (ii) a pesticide chemical to the extent that it is
3 intended for use or is used in the production, storage, or
4 transportation of a raw agricultural commodity;

(iii) color additive;

6 (iv) substance used in accordance with a sanction or 7 approval granted prior to the enactment of the Food 8 Additives Amendment of 1958, pursuant to the federal act, 9 the Poultry Products Inspection Act (21 U-S-C- 451 et seq.), 10 or the Meat Inspection Act of March 4, 1907 (34 Stat. 1260), 11 as amended and extended (21 U-S-C- 71 et seq.).

12 (14)(15) "Food service establishment" means a 13 restaurant, catering vehicle, vending machine, delicatessen, 14 fast-food retailer, or any other place that serves food to 15 the public for consumption either at or away from the point 16 of service, and any facility operated by a governmental 17 entity where food is served.

18 (15)(16) "Hamburger" or "ground beef" means ground 19 fresh or frozen beef or a combination of both fresh and 20 frozen beef, with or without the addition of suet, and-with 21 ar-without-the-addition-of-seasonings-if-no-fat--other--that suet-is-incorporated-in-the-hamburgery-the-total-fat-content 22 23 does--not--exceed--20%--y-and to which no watery binders, or 24 extenders are added. There are three grades of hamburger or 25 ground beef:

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1	(a) "economy hamburger" or "economy ground beef" which
2	must have a maximum fat content no greater than the federal
3	standard set forth in 9 CoF.R. 319.15;
4	(b) <u>"reqular hamburger" or "regular ground beef"</u> must
5	<u>have a maximum fat content no greater than 24%;</u>
6	(c) "extra lean hamburger" or "extra lean ground beef"
7	must have a maximum fat content no greater than 18%.
8	[16][17] "Honey" means the nectar and saccharine
9	exudations of plants gathered, modified, and stored in the
10	comb by honey bees; is levorotatory, contains not more than
11	25% of water, not more than "25% of ash, and not more than
12	8% sucrose.
13	{17}-#Imitotionhamburger#means#homburger= as
14	d efined-in-subsection-{15} y-to-which-has-been-addedbinders
15	orextendersorboth-binders-and-extenders-as-those-terms
16	are-understood-by-generaleustomandusageinthefood .
17	industry.
18	(18) "Label" means a display of written, printed, or
19	graphic matter on the immediate container of an article.
20	{"Immediate container" does not include package liners.}
21	(19) "Labeling" means labels and other written;
22	printed, or graphic matter:
23	(a) on an article or its containers or wrappers;
24	(b) accompanying the article.
25	(20) "Menu" means any list presented to the patron

1 which states the food items for sale in a food service

2 establishment.

3 (21) "New drug" means a drug, the composition of which
4 is such that:

5 (a) it is not generally recognized, among experts 6 qualified by scientific training and experience to evaluate 7 the safety and effectiveness of drugs, as safe and effective 8 for use under the conditions prescribed, recommended, or 9 suggested in its labeling; or

10 (b) the drug, as a result of investigations to 11 determine its safety and effectiveness for use under the 12 conditions prescribed, has become so recognized but which 13 has not, otherwise than in the investigations, been used to 14 a material extent or for a material time under the 15 conditions prescribed.

16 (22) "Official compendium" means the official United
17 States Pharmacopoeia, official National Formulary, or a
18 supplement to either of these.

19 (23) "Package" means a container or wrapping in which a
20 consumer commodity is enclosed for use in the delivery or
21 display of that consumer commodity to retail purchasers but
22 does not include:

23 (a) shipping containers or wrappings used solely for
 24 the transportation of a consumer commodity in bulk or in
 25 quantity to manufacturers, packers, or processors or to

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1 wholesale or retail distributors:

(b) shipping containers or outer wrappings used by 2 retailers to ship or deliver a commodity to retail customers 3 if the containers and wrappings bear no printed matter 4 5 pertaining to a particular commodity.

6 (24) "Person" includes an individual, partnership. 7 corporation, and association.

(25) "Pesticide chemical" means a substance which 8 alone, in chemical combination, or in formulation with one 9 or more other substances is an "economic poison" under the 10 Federal Insecticide, Fungicide, and Rodenticide Act (7 11 U.S.C., secs. 135-135k), as amended, and which is used in 12 13 the production, storage, or transportation of raw agricultural commodities. 14

(26) "Placard" means any nonpermanent sign used to 15 display or describe food items for sale in a food service 16 establishment or retail establishment. 17

(27) "Principal display panel" means that part of a 18 19 label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display 20 21 for retail sale.

22 (28) "Raw agricultural commodity" means food in its raw or natural state, including fruits that are washed, colored. 23 or otherwise treated in their unpeeled natural form prior to 24 25 marketing.

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1 [29] "Retail establishment" means a commercial establishment at which meat or meat products are displayed for sale or provision to the public with or without charge-(29)(30) "State board" or "board" means the board of health and environmental sciences, provided for in 2-15-2104-(38)-#Wallboard#--means--any--permanent--sign--used--to display-or-describe-food-items-for-sale-in--a--food--service establishment."

10 Section 2. Section 50-31-208, NCA, is amended to read: 11 *50-31-208. Sale of hamburger and imitation-hamburger 12 beef--potty--or beef patty mix. (1) No food service 13 establishment or retail establishment may use the terms 14 "hamburger", "burger", or other similar term in any 15 advertisement or menu to refer to any imitation-hamburger 16 beef_patty-or beef patty mix. A food service establishment 17 or retail establishment selling or serving imitation 18 homburger beef-patty-or beef patty mix may refer to the product as "imitation-hamburger beef patty or beef patty 19 20 mix" or by any other term which accurately informs the 21 customer of the nature of the food product which he is sold 22 or served. 23 (2) If imitation-homburger beef-patty-or beef patty

24 mix is sold or served in a food service establishment or 25 retail establishment, a list of ingredients must appear on

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1 the menu <u>or label</u>, or, if there is no menu <u>or label</u>, on a
2 wallboard-or placard as follows:

3 (a) The term "imitation-homburger beef-patty--or beef
4 patty mix" or any other term which accurately informs the
5 customer of the nature of the food product and its
6 ingredients must be included.

7 (b) The ingredients must be listed in descending order
8 of predominance by weight.

9 (c) If there is no menu <u>or label</u>, the lettering on the 10 weilboard-or placard must be at least 1 inch in height 11 (72-point letters) in boldface and in colors that contrast 12 with the weilboard-or placard.

13 (d) The wellboard—or placard must be posted in a 14 permanent place, conspicuous to the customer, in each room 15 or area where food is served or sold at_retail.

16 (3) If hamburger or ground beef is sold in a retail establishment, the grade, as defined in section 17 18 50-31-103(16); and the maximum fat content must appear on a 19 tobet-or-proceed EACH DISPLAYED PACKAGE, OR IF THE PRODUCT 20 15 NOT PACKAGED FOR DISPLAY, ON A PLACARD. If a placard is 21 used it must satisfy the requirements of subsections (2)(c) 22 and (Z)(d) of this section. The provisions of this 23 subsection do not apply to the service of prepared hamburger 24 or ground beef at a food service establishment." 25 Section 3. Section 50-31-110. MCA, is amended to read:

1 "50-31-110. Certain agricultural chemicals not color 2 additives. Subsections +2+ (3) and +3+ (4) of 50-31-103 do 3 not apply to a pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect * 5 in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological 6 7 process of produce of the soil and thereby affecting its color, whether before or after harvest." 8

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L	SENATE BILL ND. 370	1	process of synthesis or similar artifice or extracted,
2	INTRODUCED BY M. ANDERSON, 5. BROWN	2	isolated, or otherwise derived, with or without intermediate
3		3	or final change of identity, from a vegetable, animal,
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE THE SALE OF	4	mineral, or other source; or
5	HAMBURGER OR GROUND BEEF IN THE VARIOUS FORMS IN WHICH IT IS	5	(ii) when added or applied to a food, drug, or cosmetic
6	SOLD AT RETAIL; AMENDING SECTIONS 50-31-103+ 50-31-110+ AND	6	or to the human pody is capable (alone or through reaction
7	50-31-208. MCA."	7	with other substance) of imparting color thereto.
8		8	(b) This term does not include material which has been
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	or hereafter is exempted under the federal act.
10	Section 1. Section 50-31-103, MCA, is amended to read:	10	<pre>f4f(5) "Consumer commodity", except as otherwise</pre>
11	*50-31-103. Definitions. Unless the context requires	11	specifically provided by this subsection, means any food,
12	otherwise, in this chapter the following definitions apply:	12	drug, device, or cosmetic as those terms are defined by this
13	 "Advertisement" means representations disseminated 	13	chapter or by the federal act and regulations pursuant
14	in any manner or by any means, other than by labeling, for	14	thereto. The term does not include:
15	the purpose of inducing or which are likely to induce.	15	<pre>{a} any tobacco or tobacco product;</pre>
16	directly or indirectly, the purchase of food, drugs,	16	(b) a commodity subject to packaging or labeling
17	devices, or cosmetics.	17	requirements imposed under the Federal Insecticide.
18	(2) "Beef eater"-"beef patty mix" means "hamburger"	18	Fungicide, and Rodenticide Act or the provisions of the
19	or "ground beef" to which has been added binders or	19	eighth paragraph under the heading "Bureau of Animal
20	<u>extenders as those terms are understood by general custom</u>	20	Industrym of the act of March 4+ 1913 (37 Stat+ 832-833; 21
21	and usage in the food industry.	21	U+S+C+ 151-157); commonly known as the virus; serum; and
22	<pre>(2)(3) "Color" includes black, white, and intermediate</pre>	22	toxin act;
23	grays.	23	(c) a drug subject to 50-31-306(1)(m) or
24	(3)[(4] [a] "Color additive" means a material which:	24	50-31-307(1){c) or section 503(b)(1) or 506 of the federal
25	(i) is a dye, pigment, or other substance made by a	25	act;

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(d) a beverage subject to or complying with packaging
 or labeling requirements imposed under the Federal Alcohol
 Administration Act (27 U+S+C++ et seq+); or

4 (e) a commodity subject to the Federal Seea Act (7
5 U+S+C+ 1551-1610).

6 (5)(6) "Contaminated with filth" applies to a food,
7 drug, device, or cosmetic not securely protected from dust,
8 dirt, and, as far as may be necessary by all reasonable
9 means, from foreign or injurious contaminations.

10 (6)(7) "Cosmetic" means:

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11 (a) articles intended to be rubbed, poured, sprinkled, 12 sprayed on, introduced into, or otherwise applied to the 13 human body for cleansing, beautifying, promoting 14 attractiveness, or altering the appearance;

15 (b) articles intended for use as a component of these16 articles, except that the term does not include soap.

17 +7+(8) "Counterfeit drug" means a drug, drug container, or drug label which, without authorization bears 18 19 the trademark, trade name, or other identifying mark, imprint, or device or any likeness thereof of a drug 20 manufacturer. processor. packer, or distributor other than 21 22 the person who in fact manufactured, processed, packed, or 23 distributed the drug and which falsely purports or is represented to be the product of or to have been packed or 24 distributed by the other drug manufacturer, processor, 25

1 packer, or distributor. 2 (19) "Department" means the department of health and 3 environmental sciences, provided for in Title 2, chapter 15, 4 part 21. 5 (10) "Device" (except when used in 50-31-107(2)+ 50-31-203(6), 50-31-306(1)(c) and (1)(a), 50-31-402(3), and 6 7 50-31-501(10)) means instruments. apparatus, and contrivances, including their components, parts, and 8 Q accessories, intended: 10 (a) for use in the diagnosis, cure, mitigation, 11 treatment, or prevention of disease in man or other animals; 12 (b) to affect the structure or function of the hody of 13 man or other animals. 14 {10+(11) "Drug" means: 15 (a) articles recognized in the official United States 16 Pharmacopoeia, official National Formulary, or a supplement 17 to either of these; 18 (b) articles intended for use in the diagnosis, cure, 19 mitigation, treatment, or prevention of disease in man or 20 other animals; 21 (c) articles (other than food) intended to affect the 22 structure or function of the body of man or other animals; 23 (d) articles intended for use as components of any

24 article specified in subsections (a), (b), or (c) but does
25 not include devices or their components, parts, or

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1 accessories.

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2 (112) "Federal act" means the Federal Food, Drug,
3 and Cosmetic Act, as amended (Title 21 U+S+C+ 301 et seq+).

5 (a) articles used for food or drink for man or other
6 animals;

7 (b) chewing gum; and

(c) articles used for components of these articles. 8 9 +t3+(14) (a) "Food additive" means a substance, the intended use of which results or may be reasonably expected 10 to result, directly or indirectly, in its becoming a 11 component or otherwise affecting the characteristics of food 12 13 (including a substance intended for use in producing, 14 manufacturing, packing, processing, preparing, treating, 15 packaging, transporting, or holding food and including a source of radiation intended for this use; if the substance 16 17 is not generally recognized, among experts gualified by scientific training and experience to evaluate its safety, 18 as having been adequately shown through scientific 19 20 procedures (or, in the case of a substance used in a food 21 prior to January 1, 1958, through either scientific 22 procedures or experience based on common use in food) to be safe under the conditions of its intended use. 23

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(b) This term does not include:

25 (i) a pesticide chemical in or on a raw agricultural

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1 commodity;

2 (ii) a pesticide chemical to the extent that it is
3 intended for use or is used in the production, storage, or
4 transportation of a raw agricultural commodity;

5 (iii) color additive;

6 (iv) substance used in accordance with a sanction or
7 approval granted prior to the enactment of the Food
8 Additives Amendment of 1958, pursuant to the federal act,
9 the Poultry Products Inspection Act (21 U.S.C. 451 et seq.),
10 or the Meat Inspection Act of March 4, 1907 (34 Stat. 1260),
11 as amended and extended (21 U.S.C. 71 et seq.).

12 <u>(14)(15)</u> "Food service establishment" means a 13 restaurant, catering vehicle, vending machine, delicatessen, 14 fast-food retailer, or any other place that serves food to 15 the public for consumption either at or away from the point 16 of service, and any facility operated by a governmental 17 entity where food is served.

(15)(16) "Hamburger" or "ground beef" means ground 18 fresh or frozen beef or a combination of both fresh and 19 20 frozen beef, with or without the addition of suet, and-with 21 or-without-the-addition-of-seasoningy-if-no-fat--other--that 22 suct-is-incorporated-in-the-hamburgery-the-total-fat-content 23 does--not--exceed--20%--v-and to which no water, binders, or 24 extenders are added. There are three grades of hamburger or 25 ground beef:

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1	(a) "economy hamburger" or "aconomy ground beef" which
z	MAY must have a maximum fat content no greater than the
3	federal standard set forth in 9 CoFoRo 319-15;
4	[b] "regular hamburger" or "regular ground beef" must
5	MAY have a moximum fat content no greater than 24% 21%;
6	(c) "extra lean hamburger" or "extra lean ground beef"
7	must MAY have a maximum fat content no greater than 18%.
8	<pre>the nector and saccharine</pre>
9	exudations of plants gathered, modified, and stored in the
10	comb by honey bees; is levorotatory, contains not more than
11	25% of water, not more than +25% of ash, and not more than
12	8% sucrose.
13	{±?→-#łmźtation~hamburger#means#hamburger¤as
14	defined-in-subsection-(15)+-to-which-has-been-addedbinders
15	orextendersorboth-binders-and-extenders-as-those-terms
16	are-understood-by-generalcustomandusageinthefood
17	industry.
18	(18) "Label" means a display of written, printed, or
19	graphic matter on the immediate container of an article.
20	("Immediate container" does not include package liners.)
21	(19) "Labeling" means labels and other written,
122	printed, or graphic matter:
23	(a) on an article or its containers or wrappers;
24	(b) accompanying the article.
25	(20) "Menu" means any list presented to the patron

1 which states the food items for sale in a food service
2 establishment.

3 (21) "New drug" means a drug, the composition of which 4 is such that:

5 (a) it is not generally recognized, among experts 6 qualified by scientific training and experience to evaluate 7 the safety and effectiveness of drugs, as safe and effective 8 for use under the conditions prescribed, recommended, or 9 suggested in its labeling; or

10 (b) the drug, as a result of investigations to 11 determine its safety and effectiveness for use under the 12 conditions prescribed, has become so recognized but which 13 has not, otherwise than in the investigations, been used to 14 a material extent or for a material time under the 15 conditions prescribed.

16 (22) *Official compendium* means the official United
 17 States Pharmacopoeia, official National Formulary, or a
 18 supplement to either of these.

(23) "Package" means a container or wrapping in which a
consumer commodity is enclosed for use in the delivery or
display of that consumer commodity to retail purchasers but
does not include:

(a) shipping containers or wrappings used solely for
the transportation of a consumer commodity in bulk or in
quantity to manufacturers, packers, or processors or to

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1 wholesale or retail distributors;

2 (b) shipping containers or outer wrappings used by
3 retailers to ship or deliver a commodity to retail customers
4 if the containers and wrappings bear no printed matter
5 pertaining to a particular commodity.

6 (24) "Person" includes an individual, partnership.
7 corporation, and association.

(25) "Pesticide chemical" means a substance which alone, in chemical combination, or in formulation with one or more other substances is an "economic poison" under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C., secs. 135-135k), as amended, and which is used in the production, storage, or transportation of raw apricultural commodities.

(26) "Placard" means any nonpermanent sign used to
display or describe food items for sale in a food service
establishment or retail establishment.

18 (27) "Principal display panel" means that part of a
19 label that is most likely to be displayed, presented, shown,
20 or examined under normal and customary conditions of display
21 for retail sale.

(28) "Raw agricultural commodity" means food in its raw
or natural state, including fruits that are washed, colored,
or otherwise treated in their unpeeled natural form prior to
marketing.

з for sale or provision to the public with or without charge. 4 (29)(30) "State board" or "board" means the board of 5 health and environmental sciences, provided for in 6 2-15-2104-7 t38)-=Wallboord=--means--any--permanent--sign--used--to 8 display-or-describe-food-itens-for-sple-in--a--food--service 9 establishmenty" 10 Section 2. Section 50-31-208. MCA. is amended to read: 11 *50-31-208. Sale of hamburger and imitation-homburger 12 beef--patty--or beef patty mix- (1) No food service 13 establishment or retail establishment may use the terms "hamburger", "burger", or other similar term in any 14 advertisement or menu to refer to any imitation-hamburger 15 beef-patty-or beef patty mix. A food service establishment 16 17 or retail establishment selling or serving imitation 18 hamburger beef-patty-or beef patty mix may refer to the 19 product as "imitation--howburger beef-patty-or beef patty 20 mix" or by any other term which accurately informs the customer of the nature of the food product which he is sold 21 22 or served. 23 (2) If imitation-homburger beef-patty-or beef patty

(29) "Retail establishment" means a commercial

establishment at which meat products are displayed

(2) If furtation numburger <u>peer potty or over patty</u>
 <u>mix</u> is sold or served in a food service establishment <u>or</u>
 <u>retail establishment</u>, a list of ingredients must appear on

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1 the menu or label, or, if there is no menu or label, on a 2 wollboard-or placard as follows:

3 (a) The term "imitation-hamburger beef-patty-or beef 4 patty mix" or any other term which accurately informs the 5 customer of the nature of the food product and its 6 ingredients must be included.

7 (b) The ingredients must be listed in descending order8 of predominance by weight.

9 (c) If there is no menu <u>or label</u>, the lettering on the 10 wellboard--or placard must be at least 1 inch in height 11 (72-point letters) in boldface and in colors that contrast 12 with the wellboard-or placard.

13 (d) The wałłboard-or placard must be posted in a
14 permanent place, conspicuous to the customer, in each room
15 or area where food is served or sold at retail.

16 [3] If hamburger or ground beef is sold in a retail 17 establishment, the grade, as defined in section 18 50-31-103(16). and the maximum fat content must appear on a 19 topet-or-ptocord EACH DISPLAYED PACKAGE, OR IF THE PRODUCT 20 IS NOT PACKAGED FOR DISPLAY. ON A PLACARD. If a placard is 21 used_it_must_satisfy_the requirements_of subsections _[2](c) and (2)(d) of this section. The provisions of this 22 23 subsection do not apply to the service of prepared hamburger 24 or ground beef at a food service_establishment." 25 Section 3. Section 50-31-110, MCA, is amended to read: 1 "50-31-110. Certain agricultural chemicals not color additives. Subsections (2) (3) and (3) (4) of 50-31-103 do 2 not apply to a pesticide chemical, soil or plant nutrient, 3 4 or other agricultural chemical solely because of its effect 5 in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological 6 process of produce of the soil and thereby affecting its 7 color, whether before or after harvest." 8

-End-

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House amendments to Senate Bill 370

1. Page 7, line 1. Following: "beef"" Strike: "which" Insert: "may" 2. Page 7, line 2. Strike: "must" Following: "a" Strike: "maximum" 3. Page 7, line 4. Following: "beef"" Strike: "must" Insert: "may" 4. Page 7, line 5. Following: "a" Strike: "maximum" Following: "a" Strike: "maximum" Following: "than" Strike: "24%" Insert: "21%"

5.	Page	7,	line	7.
Str	ike:		ıst"	
Ins	ert:	"ma	ay"	
Fol	lowing	-	"a"	
Str	ike:	"ma	axīmun	n"