

HOUSE BILL NO. 814

INTRODUCED BY DONALDSON, GIACOMETTO, KELLER,  
KOEHNKE, DEVLIN, HAYNE, PETERSON, MENAHAN,  
SWITZER, VINCENT, GRADY, MANUEL, MARKS

IN THE HOUSE

FEBRUARY 18, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON AGRICULTURE, LIVESTOCK & IRRIGATION.

FEBRUARY 21, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

                                      STATEMENT OF INTENT ADOPTED.

                                      PRINTING REPORT.

FEBRUARY 23, 1987                   ON MOTION, TAKEN FROM SECOND READING  
AND REREFERRED TO COMMITTEE  
ON APPROPRIATIONS.

MARCH 20, 1987                    COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

                                      PRINTING REPORT.

MARCH 25, 1987                    SECOND READING, DO PASS.

MARCH 26, 1987                    ENGROSSING REPORT.

                                      THIRD READING, PASSED.  
AYES, 97; NOES, 0.

                                      TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 31, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON FINANCE & CLAIMS.

APRIL 7, 1987                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

APRIL 9, 1987                    SECOND READING, CONCURRED IN.

APRIL 10, 1987

THIRD READING, CONCURRED IN.  
AYES, 37; NOES, 13.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 11, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.



1 contaminated with filth or rendered injurious to health;

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

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

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

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

19 (2) "Chief" means the chief meat inspector appointed  
20 as provided in [section 3].

21 (3) "Federal Food, Drug and Cosmetic Act" means 21  
22 U.S.C. 301 through 392, as that law reads on [the effective  
23 date of this act].

24 (4) "Livestock" means cattle, buffalo, sheep, swine,  
25 goats, rabbits, horses, mules or other equines, and game

1 farm animals as defined in 87-4-406 whether alive or dead.

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

6 (6) "Meat" means the edible flesh of livestock or  
7 poultry and includes livestock and poultry products.

8 (7) "Misbranded" means the term applied to meat:  
9 (a) if its labeling is false or misleading in any  
10 particular;  
11 (b) if it is offered for sale under the name of  
12 another food;  
13 (c) if it is an imitation of a meat product, unless  
14 its label bears, in type of uniform size and prominence, the  
15 word "imitation" and immediately thereafter the name of the  
16 food being imitated;  
17 (d) if its container is so made, formed, or filled as  
18 to be misleading;  
19 (e) if it does not bear a label showing:  
20 (i) the name and place of business of the  
21 manufacturer, packer, or distributor; and  
22 (ii) an accurate statement of the quantity of the  
23 product in terms of weight, measure, or numerical count. The  
24 board may adopt rules exempting small meat packages, meat  
25 not in containers, and other reasonable variations.

1 (f) if any word, statement, or other information  
 2 required by [sections 1 through 16] to appear on the label  
 3 is not prominently placed thereon, as compared with other  
 4 words, statements, designs, or devices in the labeling, and  
 5 is not stated in terms that render it likely to be read and  
 6 understood by the ordinary individual under customary  
 7 conditions of purchase and use;

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

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

12 (ii) its label bears the name of the food specified in  
 13 the definition and standard and, insofar as required by the  
 14 rules, the common names of optional ingredients present in  
 15 such food, other than spices, flavoring, and coloring;

16 (h) if it is represented as a food for which a  
 17 standard of fill of container has been prescribed by rules  
 18 of the board and it falls below the standard of fill of  
 19 container applicable thereto, unless its label bears, in the  
 20 manner and form as the rules specify, a statement that it  
 21 falls below the standard;

22 (i) if it is not subject to the provisions of  
 23 subsection (7)(g), unless its label bears:

24 (i) the common or usual name of the food, if any; and

25 (ii) in case it is fabricated from two or more

1 ingredients, the common or usual name of each ingredient,  
 2 except that spices, flavorings, and colorings may, when  
 3 authorized by the board, be designated as spices,  
 4 flavorings, and colorings without naming each. To the extent  
 5 that compliance with the requirements of this subsection  
 6 (ii) is impracticable or results in deception or unfair  
 7 competition, exemptions must be established by rules  
 8 promulgated by the board.

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

15 (k) if it bears or contains an artificial flavoring,  
 16 artificial coloring, or chemical preservative, unless it  
 17 bears labeling stating that fact, provided that to the  
 18 extent that compliance with the requirements of this  
 19 subsection (k) is impracticable, exemptions must be  
 20 established by rules promulgated by the board; or

21 (l) if it fails to bear directly thereon and on its  
 22 containers, as the board may by rule prescribe, the official  
 23 inspection legend and establishment number of the  
 24 establishment where the product was prepared and other  
 25 information as the board may require to assure that it will

1 not have false or misleading labeling and that the public  
2 will be informed of the manner of handling required to  
3 maintain the meat in a wholesome condition.

4 (8) "Official establishment" means an establishment  
5 licensed by the board at which inspection of the slaughter  
6 of livestock or poultry or the preparation of meat food  
7 products is maintained under [sections 1 through 16].

8 (9) "Pesticide chemical", "food additive", "color  
9 additive", and "raw agricultural commodity" have the same  
10 meanings as provided in 21 U.S.C. 321.

11 (10) "Poultry" means any domesticated bird, whether  
12 alive or dead.

13 (11) "Prepared" means slaughtered, canned, salted,  
14 stuffed, rendered, boned, cut up, or otherwise manufactured  
15 or processed.

16 NEW SECTION. Section 3. Chief meat inspector --  
17 deputies -- qualifications. (1) There is a chief meat  
18 inspector, who must be appointed by the board and shall  
19 serve at its pleasure. Such person must be a veterinarian  
20 licensed in Montana who has practiced veterinary medicine  
21 for 5 years or longer.

22 (2) The chief shall supervise the state meat  
23 inspection program established in [sections 1 through 16]  
24 and shall enforce the provisions of [sections 1 through 16]  
25 to assure the public that only pure, wholesome, and

1 unadulterated meat or meat food products are offered for  
2 sale.

3 (3) Upon recommendation of the chief, the board shall  
4 appoint veterinary meat inspectors and lay meat inspectors,  
5 who must be responsible to the chief and who shall conduct  
6 ante-mortem and post-mortem inspections, enforce sanitary  
7 requirements, and perform other necessary meat inspection  
8 duties.

9 (4) An inspector assigned to an official establishment  
10 may not be related to the management of the establishment or  
11 have any financial interest therein.

12 NEW SECTION. Section 4. Rules. The board, upon the  
13 recommendation of the chief, shall adopt rules consistent  
14 with the requirements of the rules of the U.S. department of  
15 agriculture governing meat inspection. The rules must:

16 (1) require ante-mortem and post-mortem inspections,  
17 quarantines, segregation, and reinspections with respect to  
18 the slaughter of livestock and poultry and the preparation  
19 of livestock and poultry products at all official  
20 establishments;

21 (2) require the identification of livestock and  
22 poultry and the marking and labeling of livestock or poultry  
23 products as "Montana Inspected and Passed" if they are found  
24 upon inspection not to be adulterated;

25 (3) require the destruction for food purposes of all

1 livestock, poultry, livestock products, and poultry products  
2 that have been found to be adulterated;

3 (4) set standards for ingredients of livestock  
4 products, meat, and poultry products;

5 (5) set standards for labeling, marking, or branding  
6 of meat, livestock products, and poultry products;

7 (6) set standards for the weights or measures of  
8 meats, livestock products, and poultry products not  
9 inconsistent with standards established under Title 30,  
10 chapter 12;

11 (7) set standards for the filling of containers for  
12 meat, livestock products, and poultry products;

13 (8) regulate the false or fraudulent advertising of  
14 meat, livestock products, and poultry products;

15 (9) provide for periodic investigations of the  
16 sanitary conditions of each official establishment and  
17 withdraw or otherwise refuse to license and inspect those  
18 establishments where the sanitary conditions are such as to  
19 render adulterated any meat products prepared or handled  
20 therein;

21 (10) prescribe sanitation requirements for all official  
22 establishments;

23 (11) require all persons subject to [sections 1 through  
24 16] to maintain full and complete records of all  
25 transactions involving meat, livestock products, or poultry

1 products and to make the records available on request to the  
2 chief or his inspectors at any reasonable time; and

3 (12) prescribe additional standards, methods, and  
4 procedures as are necessary to effect the purposes of  
5 [sections 1 through 16].

6 NEW SECTION. Section 5. Application for state meat  
7 inspection service -- assignment of establishment number.

8 (1) Any meat establishment licensed under 81-9-201 may apply  
9 to the board for state meat and poultry inspection service.

10 The application must include:

11 (a) the name and address of the establishment;

12 (b) the type of establishment;

13 (c) a complete description of the facilities and  
14 equipment;

15 (d) the day of the week and hours of the day when the  
16 establishment is in operation; and

17 (e) other information required by the chief.

18 (2) The chief, upon receipt of the application, shall  
19 inspect the applicant's facilities and equipment. If the  
20 establishment is found to be clean and sanitary and if it  
21 meets the requirements of [sections 1 through 16], the board  
22 shall authorize the granting of state meat inspection  
23 service to the applicant. The board shall then assign an  
24 official establishment number to the approved establishment  
25 to be used to mark the meat of the carcasses and parts of

1 carcasses that are offered for sale.

2 NEW SECTION. Section 6. Inspection stamps. (1) The  
3 board shall provide meat inspection stamps to all official  
4 establishments, which must contain the words "Montana  
5 Inspected and Passed". The inspection stamps must be  
6 designed by the board so as to be not in conflict with  
7 inspection stamps of the U.S. department of agriculture.

8 (2) Approved official establishments may use symbols  
9 of the inspection stamps on the processed meats and meat  
10 food products they offered for sale if they are in  
11 compliance with the provisions of [sections 1 through 16].

12 (3) The meat inspection stamps must at all times be  
13 under the jurisdiction of the chief.

14 NEW SECTION. Section 7. Assignment of inspectors. (1)  
15 The chief shall assign inspectors to each official  
16 establishment and may assign one inspector to two or more  
17 establishments.

18 (2) No establishment may slaughter or process any  
19 cattle, buffalo, sheep, swine, goats, or poultry unless  
20 there is an assigned inspector present. The hours of the  
21 day and days of each week, including holidays or weekends,  
22 when the establishment is slaughtering or processing meat  
23 must be satisfactorily arranged between the chief and each  
24 establishment. Establishments shall pay overtime fees to  
25 the board when services are rendered in excess of 8 hours a

1 day or on holidays or weekends.

2 NEW SECTION. Section 8. Ante-mortem and post-mortem  
3 inspection required. (1) Official establishments must have  
4 an ante-mortem inspection. The inspector assigned to each  
5 establishment shall examine each animal immediately prior to  
6 slaughter for the purpose of eliminating all unfit animals  
7 and segregating for more thorough examination all animals  
8 suspected of being affected with a condition that might  
9 influence their disposition on post-mortem inspection. The  
10 unfit animals may not enter the slaughtering facilities of  
11 the plant. The suspected animals which after inspection are  
12 permitted to be slaughtered must be handled separately from  
13 the regular kill and given a special post-mortem  
14 examination.

15 (2) Official establishments must have a post-mortem  
16 inspection. The post-mortem inspection must be made at the  
17 time the animals are slaughtered. The inspectors shall  
18 examine the cervical lymph glands, the skeletal lymph  
19 glands, the viscera and organs, with their lymph glands, and  
20 all exposed surfaces of the carcasses of all cattle,  
21 buffalo, sheep, swine, and goats. The examination must be  
22 conducted in the slaughtering facilities of the  
23 establishment during the slaughtering operations.

24 (3) The chief or any of his inspectors may have a  
25 laboratory designated by the board make pathogenic



1 examination of animals or parts thereof for completion of  
2 ante-mortem or post-mortem inspection.

3 NEW SECTION. Section 9. Condemnation and appeal. The  
4 inspector at an official establishment shall condemn all  
5 diseased or otherwise unfit carcasses and parts of  
6 carcasses, including the viscera. The condemned parts must  
7 be removed from the slaughtering facilities of the plant in  
8 equipment designated for that purpose and must be destroyed  
9 for food purposes under the supervision of the inspector. If  
10 an establishment wishes to appeal a decision of an inspector  
11 as to carcasses or parts of carcasses that have been  
12 condemned, the establishment may appeal the decision to the  
13 chief or any veterinarian the chief may designate. If the  
14 establishment is not satisfied and wishes to make a further  
15 appeal, it may submit an appeal to the board, whose decision  
16 is final unless the person aggrieved, within 10 days after  
17 the date of the decision, appeals to the district court of  
18 the district in which the licensed premises are located.

19 NEW SECTION. Section 10. Regulation of equine, game  
20 farm animal, or rabbit carcasses or products. (1) Equines,  
21 game farm animals, and rabbits and their carcasses, parts  
22 thereof, and meat food products must be slaughtered and  
23 prepared in establishments separate from the establishments  
24 where cattle, buffalo, sheep, swine, or goats are  
25 slaughtered or their carcasses, parts thereof, or meat food

1 products are prepared.

2 (2) The board may by rule otherwise limit the entry of  
3 equine, game farm animal, or rabbit carcasses, parts of  
4 carcasses, meat food products, and other materials into any  
5 establishment where inspection under [sections 1 through 16]  
6 is maintained, under conditions as it may prescribe to  
7 assure that allowing the entry of the articles into  
8 inspected establishments will be consistent with the  
9 purposes of [sections 1 through 16].

10 NEW SECTION. Section 11. Exemptions. The following  
11 persons are exempt from [sections 1 through 16] and  
12 81-9-201:

13 (1) a person who slaughters livestock or poultry or  
14 prepares or processes livestock or poultry products for his  
15 own personal or household use;

16 (2) a person engaged in custom slaughtering of  
17 livestock and preparation of the carcasses and parts and  
18 meat food products thereof only with respect to the  
19 slaughter of livestock delivered by the owner for custom  
20 slaughter and the preparation of the carcasses for use by  
21 the owner in his own household or by members of his  
22 household or nonpaying guests; and

23 (3) a person who transports dead, dying, or diseased  
24 animals or poultry for the purpose of treatment, burial, or  
25 disposal in a manner that would prevent the carcasses from

1 being used as human food.

2 NEW SECTION. Section 12. Cooperation with state and  
3 federal authorities. (1) In carrying out the provisions of  
4 [sections 1 through 16], the chief shall consult with the  
5 department of health and environmental sciences and any  
6 appropriate state laboratory in matters relating to  
7 potability of water, sewage systems, and other sanitary  
8 conditions of slaughtering and meat processing  
9 establishments that might endanger public health. If any  
10 official establishment is failing to meet minimum applicable  
11 requirements of the department of health and environmental  
12 sciences, inspection service to the establishment must be  
13 suspended as provided in [section 14] until the condition is  
14 remedied.

15 (2) The board is designated as the agency responsible  
16 for cooperating with the U.S. secretary of agriculture in  
17 receiving advisory assistance in developing the state  
18 program, technical and laboratory assistance and training,  
19 and financial assistance for administration of the program.

20 NEW SECTION. Section 13. Violations -- penalties. (1)  
21 Except as provided in [sections 1 through 16], no person  
22 may:

23 (a) slaughter livestock or poultry or prepare  
24 livestock products or poultry products for human  
25 consumption;

1 (b) sell or transport adulterated, misbranded,  
2 condemned, or uninspected meats, livestock products, or  
3 poultry products;

4 (c) falsely represent that an article has been  
5 inspected and passed or is exempted under [sections 1  
6 through 16] or knowingly make a false statement in any  
7 certificate provided for by rules prescribed by the board;

8 (d) sell or transport slaughtered poultry from which  
9 the blood, feathers, feet, head, or viscera have not been  
10 removed;

11 (e) fail to keep any records required by [sections 1  
12 through 16];

13 (f) forge an official stamp, mark, or certificate;

14 (g) use, alter, deface, detach, or destroy an official  
15 stamp, mark, or certificate without authorization;

16 (h) fail to use or fail to detach, deface, or destroy  
17 an official stamp, mark, or certificate contrary to rules  
18 prescribed by the board;

19 (i) knowingly possess a counterfeit certificate,  
20 stamp, or label or the carcass or parts of the carcass of an  
21 animal bearing a counterfeit or improperly altered official  
22 mark;

23 (j) sell or transport an equine carcass or parts  
24 thereof unless they are conspicuously marked or otherwise  
25 identified to show the kind of animal from which they were

1 derived;

2 (k) buy, sell, or transport livestock products or  
3 poultry products not intended for human food unless they are  
4 naturally inedible by humans or are denatured or identified  
5 as required by rules prescribed by the board;

6 (l) engage in the business of buying, selling, or  
7 transporting dead, dying, disabled, or diseased animals or  
8 parts of the carcasses of animals that died otherwise than  
9 by slaughter, or buy, sell, or transport dead, dying,  
10 disabled, or diseased livestock or poultry or the products  
11 of such livestock or poultry that died otherwise than by  
12 slaughter unless in accordance with rules adopted under  
13 81-9-302 to assure that such livestock or poultry or the  
14 unwholesome parts or products thereof will be prevented from  
15 being used for human food purposes.

16 (2) A person who violates [sections 1 through 16] or  
17 rules adopted under [sections 1 through 16] for which no  
18 other criminal penalty is provided is guilty of a  
19 misdemeanor and upon conviction is punishable by  
20 imprisonment for not more than 1 year or by a fine of not  
21 more than \$1,000, or both. If the violation involves intent  
22 to defraud or any distribution or attempted distribution of  
23 an article that is adulterated, such person is guilty of a  
24 felony and upon conviction is punishable by imprisonment for  
25 not more than 3 years or by a fine of not more than \$10,000,

1 or both.

2 NEW SECTION. Section 14. Suspension or revocation of  
3 inspection service or establishment number -- hearing --  
4 appeal. (1) Any license issued by the board or any state  
5 meat inspection service or establishment number may be  
6 suspended or revoked by the board for noncompliance with  
7 [sections 1 through 16] or any rule adopted pursuant to  
8 [sections 1 through 16].

9 (2) State meat inspection service or establishment  
10 numbers may be suspended or revoked only after a hearing  
11 before the board upon reasonable notice. Notice must be  
12 given the licensee by service of the complaint upon him.

13 (3) The decision of the board is final in any matter  
14 relating to renewal, suspension, or revocation of state meat  
15 inspection service or an establishment number unless the  
16 person aggrieved, within 10 days after the date of the  
17 decision, appeals to the district court of the district in  
18 which the licensed premises are located. The court shall  
19 hear and determine the matter within 10 days after the date  
20 of filing the appeal. After such decision, the person  
21 aggrieved may, in compliance with the statutory provisions  
22 relating thereto, appeal the decision of the district court  
23 to the supreme court of the state, but the suspension or  
24 revocation of state meat inspection service or an  
25 establishment number remains in effect pending the outcome

1 of the appeal.

2 NEW SECTION. Section 15. Injunction. In addition to  
3 remedies provided in [sections 1 through 16], the board is  
4 authorized to apply to the district court for and the court  
5 shall have jurisdiction, upon hearing and for cause shown,  
6 to grant a temporary or permanent injunction restraining any  
7 person from violating a provision of [sections 1 through  
8 16], whether or not there exists an adequate remedy at law.

9 NEW SECTION. Section 16. Application. The provisions  
10 of [sections 1 through 16] apply to persons, establishments,  
11 animals, and articles regulated under the federal Meat  
12 Inspection Act, 21 U.S.C. 601 through 695, or the federal  
13 Poultry Products Inspection Act, 21 U.S.C. 451 through 470,  
14 as those acts read on [the effective date of this act], only  
15 to the extent provided for therein.

16 Section 17. Section 7-21-4202, MCA, is amended to  
17 read:

18 "7-21-4202. Regulation of foodstuffs. The city or town  
19 council has power to provide for and regulate the inspection  
20 of ~~beef, pork,~~ flour, meal, and all provisions and oils; to  
21 regulate the inspection of milk, water, butter, lard, and  
22 other provisions; to regulate the vending of meat, poultry,  
23 fish, game, and vegetables; to restrain and punish the  
24 forestalling of provisions."

25 Section 18. Section 81-2-102, MCA, is amended to read:

1 "81-2-102. Powers of department. (1) The department  
2 may:

3 (a) supervise the sanitary conditions of livestock in  
4 this state, under the provisions of the constitution and  
5 statutes of this state and the rules adopted by the  
6 department. The department may quarantine a lot, yard, land,  
7 building, room, premises, enclosure, or other place or  
8 section in this state which is or may be used or occupied by  
9 livestock and which in the judgment of the department is  
10 infected or contaminated with an infectious, contagious,  
11 communicable, or dangerous disease or disease-carrying  
12 medium by which the disease may be communicated. The  
13 department may quarantine livestock in this state when the  
14 livestock is affected with or has been exposed to disease or  
15 disease-carrying medium. The department may prescribe  
16 treatments and enforce sanitary rules which are necessary  
17 and proper to circumscribe, extirpate, control, or prevent  
18 the disease.

19 (b) foster, promote, and protect the livestock  
20 industry in this state by the investigation of diseases and  
21 other subjects related to ways and means of prevention,  
22 extirpation, and control of diseases or to the care of  
23 livestock and its products and to this end may establish and  
24 maintain a laboratory, may make or cause to be made biologic  
25 products, curatives, and preventative agents, and may

1 perform any other acts and things as may be necessary or  
 2 proper in the fostering, promotion, or protection of the  
 3 livestock industry in this state;

4 (c) impose and collect such fees as the department  
 5 considers appropriate for the tests and services performed  
 6 by it at the laboratory or elsewhere and for biologic  
 7 products, curatives, and preventative agents made or caused  
 8 to be made by the department. In fixing these fees the  
 9 department shall take into consideration the costs, both  
 10 direct and indirect, of the tests, services, products,  
 11 curatives, and agents. All fees shall be deposited in the  
 12 state special revenue fund for the use of the animal health  
 13 functions of the department.

14 (d) adopt rules and orders which it considers  
 15 necessary or proper to prevent the introduction or spreading  
 16 of infectious, contagious, communicable, or dangerous  
 17 diseases affecting livestock in this state and to this end  
 18 may adopt rules and orders necessary or proper governing  
 19 inspections and tests of livestock intended for importation  
 20 into this state before it may be imported into this state;

21 (e) adopt rules and orders which it considers  
 22 necessary or proper for the inspection, testing, and  
 23 quarantine of all livestock imported into this state;

24 (f) adopt rules and orders which it considers  
 25 necessary or proper for the supervision, inspection, and

1 control of the standards and sanitary conditions of  
 2 slaughterhouses, meat depots, meat and meat food products,  
 3 dairies, milk depots, milk and its byproducts, barns, dairy  
 4 cows, factories, and other places and premises where meat or  
 5 meat foods, milk or its products, or any byproducts thereof  
 6 intended for sale or consumption as food are produced, kept,  
 7 handled, or stored. An authorized representative of the  
 8 department may take samples of a product so produced, kept,  
 9 handled, or stored for analysis or testing by the  
 10 department. The records of the samples and their analysis  
 11 and test, when identified as to the sample by the oath of  
 12 the officer taking it and verified as to the analysis or  
 13 test by the oath of the chemist or bacteriologist making it,  
 14 are prima facie evidence of the facts set forth in them when  
 15 offered in evidence in a prosecution or action at law or in  
 16 equity for violation of part 1, 2, or 3 of this chapter,  
 17 81-9-201 through 81-9-207, 81-20-101, 81-21-102, 81-21-103,  
 18 or a rule or order of the board adopted thereunder. These  
 19 standards, insofar as they relate to dairies or milk and its  
 20 byproducts, may not include standards of weight or  
 21 measurement.

22 (g) adopt rules and orders which seem necessary or  
 23 proper for the supervision and control of manufactured and  
 24 refined foods for livestock and the manufacture,  
 25 importation, sale, and method of using a biologic remedy or

1 curative agent for the treatment of diseases of livestock.  
 2 However, as far as practicable the standards approved by the  
 3 United States department of agriculture shall be adopted.

4 (h) install an adequate system of meat inspection--at  
 5 ~~any--time--and--in--such--places--as--public--welfare--may--demand,~~  
 6 ~~under--the--rules--which--may--provide--fees--for--the--maintenance~~  
 7 ~~of--such--inspection--and~~ in accordance with [sections 1  
 8 through 16] which shall provide ways and means for shipping  
 9 home-grown and home-killed meats into any city in this  
 10 state. As far as practicable, the rules shall conform with  
 11 the meat-inspection requirements of the United States  
 12 department of agriculture.

13 (i) slaughter or cause to be slaughtered any livestock  
 14 in this state known to be affected with or which has been  
 15 exposed to an infectious, contagious, communicable, or  
 16 dangerous disease, when such slaughter is necessary for the  
 17 protection of other livestock, and destroy or cause to be  
 18 destroyed all barns, stables, sheds, outbuildings, fixtures,  
 19 furniture, or personal property infected with any such  
 20 infectious, contagious, communicable, or dangerous disease  
 21 when they cannot be thoroughly cleaned and disinfected and  
 22 the destruction is necessary to prevent the spreading of the  
 23 disease;

24 (j) indemnify the owner of any property destroyed by  
 25 order of the department or pursuant to any rules adopted by

1 the department under parts 1, 2, or 3 of this chapter,  
 2 ~~81-9-201 through 81-9-207~~, 81-20-101, 81-21-102, 81-21-103;

3 (k) require persons, firms, and corporations engaged  
 4 in the production or handling of meat, meat food products,  
 5 dairy products, or any byproducts thereof to furnish  
 6 statistics of the quantity and cost of the food and food  
 7 products produced or handled and the name and address of  
 8 persons supplying them any of the products.

9 (2) When in the exercise of its powers or the  
 10 discharge of its duties it becomes necessary for employees  
 11 of the department to investigate facts and conditions, they  
 12 may administer oaths, take affidavits, and compel the  
 13 attendance and testimony of witnesses."

14 Section 19. Section 81-9-112, MCA, is amended to read:

15 "81-9-112. Inspection and marking of hides and meat of  
 16 slaughtered cattle -- records -- bill of sale -- when  
 17 inspection not necessary. (1) All ~~butchers and meat peddlers~~  
 18 slaughtering establishments required to be licensed under  
 19 81-9-201 shall maintain the hide of an animal in its  
 20 entirety with tail and ears attached for each animal  
 21 slaughtered until inspected by a state or deputy state stock  
 22 inspector in the county where the animal was slaughtered.  
 23 The inspector shall mark the hide in the manner prescribed  
 24 by the department. This inspection may be waived for those  
 25 animals inspected by a state or deputy state stock inspector

1 on a preslaughter inspection.

2 (2) Each dressed carcass of such animal shall be  
3 stamped with an ink stamp in a manner specified by the  
4 department. The inspector shall keep a record and issue a  
5 certificate of inspection as specified by the department,  
6 giving the ~~butcher's or peddler's name, the place of~~  
7 business and address of the establishment or person, the  
8 serial number of the inspection of the hide, the brand on  
9 the hide, the date of inspection, and the place where the  
10 inspection was made. The inspector shall forward a copy of  
11 the inspection certificate to the department and issue one  
12 copy to the person requesting the inspection.

13 (3) When ownership of the carcass and hide presented  
14 is claimed on a bill of sale, the officer making the  
15 inspection shall demand and receive the original bill of  
16 sale, which shall be attached to the inspector's certificate  
17 sent to the county clerk and recorder. When the bills of  
18 sale cover cattle not included in the inspection, the  
19 inspector shall issue to the owner of the bill of sale a  
20 receipt for the bill of sale. The receipt shall describe  
21 the balance of the cattle covered by the original bill of  
22 sale.

23 (4) Any person who kills beef or veal in good faith  
24 for his own use shall not be required to have such meat  
25 inspected or stamped."

1 Section 20. Section 81-9-114, MCA, is amended to read:

2 "81-9-114. Duty ~~of butchers and meat peddlers~~ to  
3 report violations. ~~It is made the duty of any butcher or~~  
4 ~~meat peddler licensed under the provisions of 81-9-102 to a~~  
5 person required to be licensed under 81-9-201 shall report  
6 any violation of 81-9-112 to the sheriff of the county  
7 wherein such violation ~~shall occur~~ occurred and of which  
8 such ~~butcher or meat peddler person~~ person has knowledge, ~~and for~~  
9 his Upon failure ~~so to do so~~, ~~such butcher or meat peddler~~  
10 the person shall suffer a revocation of his license and no  
11 license shall again be issued to such person until the  
12 expiration of 1 year from the date of such revocation."

13 Section 21. Section 81-9-115, MCA, is amended to read:

14 "81-9-115. Unlawful to purchase uninspected hide or  
15 carcass -- exception. ~~It shall be unlawful for any~~ No person  
16 ~~or persons~~, firm, corporation, or association to may  
17 purchase the hide or carcass or any part thereof of any beef  
18 or veal without the inspection or identification herein  
19 provided for. The provision of this section ~~shall~~ does not  
20 apply to any person ~~or persons~~ who ~~shall purchase~~ purchases  
21 from a licensed ~~butcher or peddler~~ meat establishment beef  
22 or veal in quantities less than one quarter of an animal."

23 Section 22. Section 81-9-116, MCA, is amended to read:

24 "81-9-116. Officers' authority concerning enforcement  
25 -- seizure and sale of meat held in violation. Any officer

1 having authority to make the inspection herein provided for  
 2 may enter into and inspect ~~butcher-shops, slaughterhouses,~~  
 3 ~~and other places of business of meat peddlers and butchers~~  
 4 meat establishments required to be licensed under 81-9-201  
 5 or places where beef is handled in quantities, for the  
 6 purpose of determining whether the provisions of this part  
 7 have been complied with. In case meat is found which is  
 8 being held in violation of the provisions of this part, the  
 9 officers ~~shall have authority to~~ may seize ~~and take~~ the  
 10 same. All meat so seized shall be sold under the direction  
 11 of a stock inspector, sheriff, or other officer authorized,  
 12 at either public or private sale, for the best price  
 13 obtainable, and the proceeds shall be paid to the county  
 14 treasurer of the county in which said meat is seized for the  
 15 benefit of the general fund of said county."

16 Section 23. Section 81-9-201, MCA, is amended to read:  
 17 "81-9-201. Slaughterhouse Meat establishment license  
 18 -- fees and renewals. (1) It is unlawful for a person, firm,  
 19 or corporation to ~~maintain or conduct a slaughterhouse, meat~~  
 20 ~~packinghouse, or meat depot in this state~~ engage in the  
 21 business of slaughtering livestock or poultry or processing,  
 22 storing, or wholesaling the meat products of either without  
 23 having a license issued by the department. The department  
 24 shall establish an annual fee for a license issued under  
 25 this section, to be paid into the state special revenue fund

1 for the use of the department.

2 (2) All licenses expire on December 31 of the year in  
 3 which they are issued and shall be renewed by the department  
 4 on request of the licensee. However, when the department  
 5 finds that the place establishment for which the license is  
 6 issued is not conducted in accordance with the rules and  
 7 orders of the board made under 81-2-102, the department  
 8 shall revoke the license and may not renew it until the  
 9 place establishment is in a sanitary condition in accordance  
 10 with department rules.

11 (3) A person, firm, or corporation violating this  
 12 section or any rule or order promulgated by authority of  
 13 81-2-102 is guilty of a misdemeanor and upon conviction  
 14 shall be fined not to exceed \$500."

15 NEW SECTION. Section 24. Repealer. Sections 81-9-101  
 16 through 81-9-103, 81-9-117, and 81-9-203 through 81-9-207,  
 17 MCA, are repealed.

18 NEW SECTION. Section 25. Codification instruction.  
 19 Sections 1 through 16 are intended to be codified as an  
 20 integral part of Title 81, chapter 9, part 2, and the  
 21 provisions of Title 81 apply to sections 1 through 16.

-End-



## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB814, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing a state meat inspection program; providing for its enforcement and application by the Board of Livestock; providing for licensing of meat establishments; amending sections 7-21-4202, 81-2-102, 81-9-112, 81-9-114 through 81-9-116, and 81-9-201, MCA; and repealing sections 81-9-101 through 81-9-103, 81-9-117, and 81-9-203 through 81-9-207, MCA.

ASSUMPTIONS:

1. Assume that wages remain at the FY87 level.
2. Assume that there is a funding split of 50/50 between the state general fund and federal government.
3. Assume that there are approximately 30 plants that will require inspection services.
4. Assume that the Department of Livestock can supervise the lay inspectors with the current veterinarian staff, but will need to be reimbursed for the equivalent of one veterinarian FTE.
5. Assume that this act does not apply to the sale of confiscated wild game meat by the Department of Fish, Wildlife and Parks.


FISCAL IMPACT:


	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	0	11.00	11.00	0	11.00	11.00
<u>Expenditures:</u>						
Personal Services	\$ 0	\$ 220,358	\$ 220,358	\$ 0	\$ 220,852	\$ 220,852
Operating Expenses	0	52,000	52,000	0	45,000	45,000
Equipment	0	6,500	6,500	0	1,000	1,000
TOTAL	\$ 0	\$ 278,858	\$ 278,858	\$ 0	\$ 266,852	\$ 266,852
<u>Funding:</u>						
General Fund	\$ 0	\$ 139,429	\$ 139,429	\$ 0	\$ 133,426	\$ 133,426
Federal	\$ 0	\$ 139,429	\$ 139,429	\$ 0	\$ 133,426	\$ 133,426

Total general fund cost to the program would be \$272,855 for the biennium.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The total cost of the Meat Inspection Program could increase or decrease depending on the number of plants that participate in the state inspection program.

 DATE 2/20/87  
 DAVID L. HUNTER, BUDGET DIRECTOR  
 Office of Budget and Program Planning

 DATE \_\_\_\_\_  
 GENE DONALDSON, PRIMARY SPONSOR

Fiscal Note for HB814, as introduced.

**HB 814**

APPROVED BY COMMITTEE  
ON AGRICULTURE LIVESTOCK  
& IRRIGATION

1 STATEMENT OF INTENT

2 HOUSE BILL 814

3 House Agriculture, Livestock, and Irrigation Committee

4  
5 This bill requires a statement of intent because  
6 section 4 requires the board of livestock to adopt rules  
7 implementing the state meat inspection program. Section 4  
8 indicates the scope of the rules. It is intended that the  
9 rules conform in all respects to the requirements of the  
10 Federal Meat Inspection Act and the Federal Poultry Products  
11 Inspection Act, in order to qualify the state program under  
12 those acts. It is also intended that the program be  
13 developed and administered in cooperation with the food  
14 safety and inspection service, United States department of  
15 agriculture, to ensure that it is at least "equal to" the  
16 requirements contained in the federal law.

1                   HOUSE BILL NO. 814  
 2           INTRODUCED BY DONALDSON, GIACOMETTO, KELLER,  
 3           KOEHNKE, DEVLIN, HAYNE, PETERSON, MENAHAN,  
 4           SWITZER, VINCENT, GRADY, MANUEL, MARKS

5  
 6   A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A STATE  
 7   MEAT INSPECTION PROGRAM; PROVIDING FOR ITS ENFORCEMENT AND  
 8   APPLICATION BY THE BOARD OF LIVESTOCK; PROVIDING FOR  
 9   LICENSING OF MEAT ESTABLISHMENTS; APPROPRIATING MONEY TO  
 10 OPERATE THE PROGRAM; AMENDING SECTIONS 7-21-4202, 81-2-102,  
 11 81-9-112, 81-9-114 THROUGH 81-9-116, AND 81-9-201, MCA; AND  
 12 REPEALING SECTIONS 81-9-101 THROUGH 81-9-103, 81-9-117, AND  
 13 81-9-203 THROUGH 81-9-207, MCA."

14  
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA;

16       NEW SECTION. Section 1. Short title. [Sections 1  
 17 through 16] may be cited as the "Meat and Poultry Inspection  
 18 Act".

19       NEW SECTION. Section 2. Definitions. As used in  
 20 [sections 1 through 16], the following definitions apply:

- 21       (1) "Adulterated" means the term applied to meat if:  
 22       (a) it bears or contains a poisonous or deleterious  
 23 substance that may render it injurious to health, except  
 24 that if the substance is not an added substance, the product  
 25 may not be considered adulterated if the quantity of the

1 substance is insufficient to ordinarily render it injurious  
 2 to health;

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

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

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

16       (e) it bears or contains a color additive that is  
 17 unsafe as provided in the Federal Food, Drug and Cosmetic  
 18 Act; provided that the meat that is not otherwise considered  
 19 adulterated under subsection (1)(c), (1)(d), or (1)(e) of  
 20 this section is considered adulterated if use of the  
 21 pesticide chemical, food additive, or color additive in or  
 22 on the article is prohibited by rule of the board;

23       (f) it consists in whole or in part of any filthy,  
 24 putrid, or decomposed substance or is for any other reason  
 25 unsound, unhealthful, unwholesome, or otherwise unfit for



1 human food;

2 (g) it has been prepared, packed, or held under  
3 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  
6 animal, including poultry, that has died otherwise than by  
7 slaughter;

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

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

15 (k) any valuable constituent has been in whole or in  
16 part omitted or abstracted therefrom, any substance has been  
17 substituted wholly or in part therefor, damage or  
18 inferiority has been concealed in any manner, or any  
19 substance has been added to it or mixed or packed with it so  
20 as to increase its bulk or weight, or make it appear better  
21 or of greater value than it is.

22 (2) "Chief" means the chief meat inspector appointed  
23 as provided in [section 3].

24 (3) "Federal Food, Drug and Cosmetic Act" means 21  
25 U.S.C. 301 through 392, as that law reads on [the effective

1 date of this act].

2 (4) "Livestock" means cattle, buffalo, sheep, swine,  
3 goats, rabbits, horses, mules or other equines, and game  
4 farm animals as defined in 87-4-406 whether alive or dead.

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

9 (6) "Meat" means the edible flesh of livestock or  
10 poultry and includes livestock and poultry products.

11 (7) "Misbranded" means the term applied to meat:

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

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

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

20 (d) if its container is so made, formed, or filled as  
21 to be misleading;

22 (e) if it does not bear a label showing:

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

25 (ii) an accurate statement of the quantity of the

1 product in terms of weight, measure, or numerical count. The  
2 board may adopt rules exempting small meat packages, meat  
3 not in containers, and other reasonable variations.

4 (f) if any word, statement, or other information  
5 required by [sections 1 through 16] to appear on the label  
6 is not prominently placed thereon, as compared with other  
7 words, statements, designs, or devices in the labeling, and  
8 is not stated in terms that render it likely to be read and  
9 understood by the ordinary individual under customary  
10 conditions of purchase and use;

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

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

15 (ii) its label bears the name of the food specified in  
16 the definition and standard and, insofar as required by the  
17 rules, the common names of optional ingredients present in  
18 such food, other than spices, flavoring, and coloring;

19 (h) if it is represented as a food for which a  
20 standard of fill of container has been prescribed by rules  
21 of the board and it falls below the standard of fill of  
22 container applicable thereto, unless its label bears, in the  
23 manner and form as the rules specify, a statement that it  
24 falls below the standard;

25 (i) if it is not subject to the provisions of

1 subsection (7)(g), 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  
4 ingredients, the common or usual name of each ingredient,  
5 except that spices, flavorings, and colorings may, when  
6 authorized by the board, be designated as spices,  
7 flavorings, and colorings without naming each. To the extent  
8 that compliance with the requirements of this subsection  
9 (ii) is impracticable or results in deception or unfair  
10 competition, exemptions must be established by rules  
11 promulgated by the board.

12 (j) if it purports to be for special dietary uses,  
13 unless its label bears such information concerning its  
14 vitamin, mineral, and other dietary properties as the board,  
15 after consultation with the U.S. secretary of agriculture,  
16 by rule prescribes as necessary in order to fully inform  
17 purchasers as to its value for such uses;

18 (k) if it bears or contains an artificial flavoring,  
19 artificial coloring, or chemical preservative, unless it  
20 bears labeling stating that fact, provided that to the  
21 extent that compliance with the requirements of this  
22 subsection (k) is impracticable, exemptions must be  
23 established by rules promulgated by the board; or

24 (l) if it fails to bear directly thereon and on its  
25 containers, as the board may by rule prescribe, the official

1 inspection legend and establishment number of the  
 2 establishment where the product was prepared and other  
 3 information as the board may require to assure that it will  
 4 not have false or misleading labeling and that the public  
 5 will be informed of the manner of handling required to  
 6 maintain the meat in a wholesome condition.

7 (8) "Official establishment" means an establishment  
 8 licensed by the board at which inspection of the slaughter  
 9 of livestock or poultry or the preparation of meat food  
 10 products is maintained under [sections 1 through 16].

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

14 (10) "Poultry" means any domesticated bird, whether  
 15 alive or dead.

16 (11) "Prepared" means slaughtered, canned, salted,  
 17 stuffed, rendered, boned, cut up, or otherwise manufactured  
 18 or processed.

19 NEW SECTION. Section 3. Chief meat inspector --  
 20 deputies -- qualifications. (1) There is a chief meat  
 21 inspector, who must be appointed by the board and shall  
 22 serve at its pleasure. Such person must be a veterinarian  
 23 licensed in Montana who has practiced veterinary medicine  
 24 for 5 years or longer.

25 (2) The chief shall supervise the state meat

1 inspection program established in [sections 1 through 16]  
 2 and shall enforce the provisions of [sections 1 through 16]  
 3 to assure the public that only pure, wholesome, and  
 4 unadulterated meat or meat food products are offered for  
 5 sale.

6 (3) Upon recommendation of the chief, the board shall  
 7 appoint veterinary meat inspectors and lay meat inspectors,  
 8 who must be responsible to the chief and who shall conduct  
 9 ante-mortem and post-mortem inspections, enforce sanitary  
 10 requirements, and perform other necessary meat inspection  
 11 duties.

12 (4) An inspector assigned to an official establishment  
 13 may not be related to the management of the establishment or  
 14 have any financial interest therein.

15 NEW SECTION. Section 4. Rules. The board, upon the  
 16 recommendation of the chief, shall adopt rules consistent  
 17 with the requirements of the rules of the U.S. department of  
 18 agriculture governing meat inspection. The rules must:

19 (1) require ante-mortem and post-mortem inspections,  
 20 quarantines, segregation, and reinspections with respect to  
 21 the slaughter of livestock and poultry and the preparation  
 22 of livestock and poultry products at all official  
 23 establishments;

24 (2) require the identification of livestock and  
 25 poultry and the marking and labeling of livestock or poultry

1 products as "Montana Inspected and Passed" if they are found  
2 upon inspection not to be adulterated;

3 (3) require the destruction for food purposes of all  
4 livestock, poultry, livestock products, and poultry products  
5 that have been found to be adulterated;

6 (4) set standards for ingredients of livestock  
7 products, meat, and poultry products;

8 (5) set standards for labeling, marking, or branding  
9 of meat, livestock products, and poultry products;

10 (6) set standards for the weights or measures of  
11 meats, livestock products, and poultry products not  
12 inconsistent with standards established under Title 30,  
13 chapter 12;

14 (7) set standards for the filling of containers for  
15 meat, livestock products, and poultry products;

16 (8) regulate the false or fraudulent advertising of  
17 meat, livestock products, and poultry products;

18 (9) provide for periodic investigations of the  
19 sanitary conditions of each official establishment and  
20 withdraw or otherwise refuse to license and inspect those  
21 establishments where the sanitary conditions are such as to  
22 render adulterated any meat products prepared or handled  
23 therein;

24 (10) prescribe sanitation requirements for all official  
25 establishments;

1 (11) require all persons subject to [sections 1 through  
2 16] to maintain full and complete records of all  
3 transactions involving meat, livestock products, or poultry  
4 products and to make the records available on request to the  
5 chief or his inspectors at any reasonable time; and

6 (12) prescribe additional standards, methods, and  
7 procedures as are necessary to effect the purposes of  
8 [sections 1 through 16].

9 NEW SECTION. Section 5. Application for state meat  
10 inspection service -- assignment of establishment number.

11 (1) Any meat establishment licensed under 81-9-201 may apply  
12 to the board for state meat and poultry inspection service.  
13 The application must include:

- 14 (a) the name and address of the establishment;
- 15 (b) the type of establishment;
- 16 (c) a complete description of the facilities and  
17 equipment;
- 18 (d) the day of the week and hours of the day when the  
19 establishment is in operation; and
- 20 (e) other information required by the chief.

21 (2) The chief, upon receipt of the application, shall  
22 inspect the applicant's facilities and equipment. If the  
23 establishment is found to be clean and sanitary and if it  
24 meets the requirements of [sections 1 through 16], the board  
25 shall authorize the granting of state meat inspection

1 service to the applicant. The board shall then assign an  
2 official establishment number to the approved establishment  
3 to be used to mark the meat of the carcasses and parts of  
4 carcasses that are offered for sale.

5 NEW SECTION. Section 6. Inspection stamps. (1) The  
6 board shall provide meat inspection stamps to all official  
7 establishments, which must contain the words "Montana  
8 Inspected and Passed". The inspection stamps must be  
9 designed by the board so as to be not in conflict with  
10 inspection stamps of the U.S. department of agriculture.

11 (2) Approved official establishments may use symbols  
12 of the inspection stamps on the processed meats and meat  
13 food products they offered for sale if they are in  
14 compliance with the provisions of [sections 1 through 16].

15 (3) The meat inspection stamps must at all times be  
16 under the jurisdiction of the chief.

17 NEW SECTION. Section 7. Assignment of inspectors. (1)  
18 The chief shall assign inspectors to each official  
19 establishment and may assign one inspector to two or more  
20 establishments.

21 (2) No establishment may slaughter or process any  
22 cattle, buffalo, sheep, swine, goats, or poultry unless  
23 there is an assigned inspector present. The hours of the  
24 day and days of each week, including holidays or weekends,  
25 when the establishment is slaughtering or processing meat

1 must be satisfactorily arranged between the chief and each  
2 establishment. Establishments shall pay overtime fees to  
3 the board when services are rendered in excess of 8 hours a  
4 day or on holidays or weekends.

5 NEW SECTION. Section 8. Ante-mortem and post-mortem  
6 inspection required. (1) Official establishments must have  
7 an ante-mortem inspection. The inspector assigned to each  
8 establishment shall examine each animal immediately prior to  
9 slaughter for the purpose of eliminating all unfit animals  
10 and segregating for more thorough examination all animals  
11 suspected of being affected with a condition that might  
12 influence their disposition on post-mortem inspection. The  
13 unfit animals may not enter the slaughtering facilities of  
14 the plant. The suspected animals which after inspection are  
15 permitted to be slaughtered must be handled separately from  
16 the regular kill and given a special post-mortem  
17 examination.

18 (2) Official establishments must have a post-mortem  
19 inspection. The post-mortem inspection must be made at the  
20 time the animals are slaughtered. The inspectors shall  
21 examine the cervical lymph glands, the skeletal lymph  
22 glands, the viscera and organs, with their lymph glands, and  
23 all exposed surfaces of the carcasses of all cattle,  
24 buffalo, sheep, swine, and goats. The examination must be  
25 conducted in the slaughtering facilities of the



1 establishment during the slaughtering operations.

2 (3) The chief or any of his inspectors may have a  
3 laboratory designated by the board make pathogenic  
4 examination of animals or parts thereof for completion of  
5 ante-mortem or post-mortem inspection.

6 NEW SECTION. Section 9. Condemnation and appeal. The  
7 inspector at an official establishment shall condemn all  
8 diseased or otherwise unfit carcasses and parts of  
9 carcasses, including the viscera. The condemned parts must  
10 be removed from the slaughtering facilities of the plant in  
11 equipment designated for that purpose and must be destroyed  
12 for food purposes under the supervision of the inspector. If  
13 an establishment wishes to appeal a decision of an inspector  
14 as to carcasses or parts of carcasses that have been  
15 condemned, the establishment may appeal the decision to the  
16 chief or any veterinarian the chief may designate. If the  
17 establishment is not satisfied and wishes to make a further  
18 appeal, it may submit an appeal to the board, whose decision  
19 is final unless the person aggrieved, within 10 days after  
20 the date of the decision, appeals to the district court of  
21 the district in which the licensed premises are located.

22 NEW SECTION. Section 10. Regulation of equine, game  
23 farm animal, or rabbit carcasses or products. (1) Equines,  
24 game farm animals, and rabbits and their carcasses, parts  
25 thereof, and meat food products must be slaughtered and

1 prepared in establishments separate from the establishments  
2 where cattle, buffalo, sheep, swine, or goats are  
3 slaughtered or their carcasses, parts thereof, or meat food  
4 products are prepared.

5 (2) The board may by rule otherwise limit the entry of  
6 equine, game farm animal, or rabbit carcasses, parts of  
7 carcasses, meat food products, and other materials into any  
8 establishment where inspection under [sections 1 through 16]  
9 is maintained, under conditions as it may prescribe to  
10 assure that allowing the entry of the articles into  
11 inspected establishments will be consistent with the  
12 purposes of [sections 1 through 16].

13 NEW SECTION. Section 11. Exemptions. The following  
14 persons are exempt from [sections 1 through 16] and  
15 81-9-201:

16 (1) a person who slaughters livestock or poultry or  
17 prepares or processes livestock or poultry products for his  
18 own personal or household use;

19 (2) a person engaged in custom slaughtering of  
20 livestock and preparation of the carcasses and parts and  
21 meat food products thereof only with respect to the  
22 slaughter of livestock delivered by the owner for custom  
23 slaughter and the preparation of the carcasses for use by  
24 the owner in his own household or by members of his  
25 household or nonpaying guests; and

1 (3) a person who transports dead, dying, or diseased  
 2 animals or poultry for the purpose of treatment, burial, or  
 3 disposal in a manner that would prevent the carcasses from  
 4 being used as human food.

5 NEW SECTION. Section 12. Cooperation with state and  
 6 federal authorities. (1) In carrying out the provisions of  
 7 [sections 1 through 16], the chief shall consult with the  
 8 department of health and environmental sciences and any  
 9 appropriate state laboratory in matters relating to  
 10 potability of water, sewage systems, and other sanitary  
 11 conditions of slaughtering and meat processing  
 12 establishments that might endanger public health. If any  
 13 official establishment is failing to meet minimum applicable  
 14 requirements of the department of health and environmental  
 15 sciences, inspection service to the establishment must be  
 16 suspended as provided in [section 14] until the condition is  
 17 remedied.

18 (2) The board is designated as the agency responsible  
 19 for cooperating with the U.S. secretary of agriculture in  
 20 receiving advisory assistance in developing the state  
 21 program, technical and laboratory assistance and training,  
 22 and financial assistance for administration of the program.

23 NEW SECTION. Section 13. Violations -- penalties. (1)  
 24 Except as provided in [sections 1 through 16], no person  
 25 may:

1 (a) slaughter livestock or poultry or prepare  
 2 livestock products or poultry products for human  
 3 consumption;

4 (b) sell or transport adulterated, misbranded,  
 5 condemned, or uninspected meats, livestock products, or  
 6 poultry products;

7 (c) falsely represent that an article has been  
 8 inspected and passed or is exempted under [sections 1  
 9 through 16] or knowingly make a false statement in any  
 10 certificate provided for by rules prescribed by the board;

11 (d) sell or transport slaughtered poultry from which  
 12 the blood, feathers, feet, head, or viscera have not been  
 13 removed;

14 (e) fail to keep any records required by [sections 1  
 15 through 16];

16 (f) forge an official stamp, mark, or certificate;

17 (g) use, alter, deface, detach, or destroy an official  
 18 stamp, mark, or certificate without authorization;

19 (h) fail to use or fail to detach, deface, or destroy  
 20 an official stamp, mark, or certificate contrary to rules  
 21 prescribed by the board;

22 (i) knowingly possess a counterfeit certificate,  
 23 stamp, or label or the carcass or parts of the carcass of an  
 24 animal bearing a counterfeit or improperly altered official  
 25 mark;

1 (j) sell or transport an equine carcass or parts  
 2 thereof unless they are conspicuously marked or otherwise  
 3 identified to show the kind of animal from which they were  
 4 derived;

5 (k) buy, sell, or transport livestock products or  
 6 poultry products not intended for human food unless they are  
 7 naturally inedible by humans or are denatured or identified  
 8 as required by rules prescribed by the board;

9 (1) engage in the business of buying, selling, or  
 10 transporting dead, dying, disabled, or diseased animals or  
 11 parts of the carcasses of animals that died otherwise than  
 12 by slaughter, or buy, sell, or transport dead, dying,  
 13 disabled, or diseased livestock or poultry or the products  
 14 of such livestock or poultry that died otherwise than by  
 15 slaughter unless in accordance with rules adopted under  
 16 81-9-302 to assure that such livestock or poultry or the  
 17 unwholesome parts or products thereof will be prevented from  
 18 being used for human food purposes.

19 (2) A person who violates [sections 1 through 16] or  
 20 rules adopted under [sections 1 through 16] for which no  
 21 other criminal penalty is provided is guilty of a  
 22 misdemeanor and upon conviction is punishable by  
 23 imprisonment for not more than 1 year or by a fine of not  
 24 more than \$1,000, or both. If the violation involves intent  
 25 to defraud or any distribution or attempted distribution of

1 an article that is adulterated, such person is guilty of a  
 2 felony and upon conviction is punishable by imprisonment for  
 3 not more than 3 years or by a fine of not more than \$10,000,  
 4 or both.

5 NEW SECTION. Section 14. Suspension or revocation of  
 6 inspection service or establishment number -- hearing --  
 7 appeal. (1) Any license issued by the board or any state  
 8 meat inspection service or establishment number may be  
 9 suspended or revoked by the board for noncompliance with  
 10 [sections 1 through 16] or any rule adopted pursuant to  
 11 [sections 1 through 16].

12 (2) State meat inspection service or establishment  
 13 numbers may be suspended or revoked only after a hearing  
 14 before the board upon reasonable notice. Notice must be  
 15 given the licensee by service of the complaint upon him.

16 (3) The decision of the board is final in any matter  
 17 relating to renewal, suspension, or revocation of state meat  
 18 inspection service or an establishment number unless the  
 19 person aggrieved, within 10 days after the date of the  
 20 decision, appeals to the district court of the district in  
 21 which the licensed premises are located. The court shall  
 22 hear and determine the matter within 10 days after the date  
 23 of filing the appeal. After such decision, the person  
 24 aggrieved may, in compliance with the statutory provisions  
 25 relating thereto, appeal the decision of the district court

1 to the supreme court of the state, but the suspension or  
 2 revocation of state meat inspection service or an  
 3 establishment number remains in effect pending the outcome  
 4 of the appeal.

5 NEW SECTION. Section 15. Injunction. In addition to  
 6 remedies provided in [sections 1 through 16], the board is  
 7 authorized to apply to the district court for and the court  
 8 shall have jurisdiction, upon hearing and for cause shown,  
 9 to grant a temporary or permanent injunction restraining any  
 10 person from violating a provision of [sections 1 through  
 11 16], whether or not there exists an adequate remedy at law.

12 NEW SECTION. Section 16. Application. The provisions  
 13 of [sections 1 through 16] apply to persons, establishments,  
 14 animals, and articles regulated under the federal Meat  
 15 Inspection Act, 21 U.S.C. 601 through 695, or the federal  
 16 Poultry Products Inspection Act, 21 U.S.C. 451 through 470,  
 17 as those acts read on [the effective date of this act], only  
 18 to the extent provided for therein.

19 Section 17. Section 7-21-4202, MCA, is amended to  
 20 read:

21 "7-21-4202. Regulation of foodstuffs. The city or town  
 22 council has power to provide for and regulate the inspection  
 23 of ~~beef, pork,~~ flour, meal, and all provisions and oils; to  
 24 regulate the inspection of milk, water, butter, lard, and  
 25 other provisions; to regulate the vending of meat, poultry,

1 fish, game, and vegetables; to restrain and punish the  
 2 forestalling of provisions."

3 Section 18. Section 81-2-102, MCA, is amended to read:  
 4 "81-2-102. Powers of department. (1) The department  
 5 may:

6 (a) supervise the sanitary conditions of livestock in  
 7 this state, under the provisions of the constitution and  
 8 statutes of this state and the rules adopted by the  
 9 department. The department may quarantine a lot, yard, land,  
 10 building, room, premises, enclosure, or other place or  
 11 section in this state which is or may be used or occupied by  
 12 livestock and which in the judgment of the department is  
 13 infected or contaminated with an infectious, contagious,  
 14 communicable, or dangerous disease or disease-carrying  
 15 medium by which the disease may be communicated. The  
 16 department may quarantine livestock in this state when the  
 17 livestock is affected with or has been exposed to disease or  
 18 disease-carrying medium. The department may prescribe  
 19 treatments and enforce sanitary rules which are necessary  
 20 and proper to circumscribe, extirpate, control, or prevent  
 21 the disease.

22 (b) foster, promote, and protect the livestock  
 23 industry in this state by the investigation of diseases and  
 24 other subjects related to ways and means of prevention,  
 25 extirpation, and control of diseases or to the care of

1 livestock and its products and to this end may establish and  
 2 maintain a laboratory, may make or cause to be made biologic  
 3 products, curatives, and preventative agents, and may  
 4 perform any other acts and things as may be necessary or  
 5 proper in the fostering, promotion, or protection of the  
 6 livestock industry in this state;

7 (c) impose and collect such fees as the department  
 8 considers appropriate for the tests and services performed  
 9 by it at the laboratory or elsewhere and for biologic  
 10 products, curatives, and preventative agents made or caused  
 11 to be made by the department. In fixing these fees the  
 12 department shall take into consideration the costs, both  
 13 direct and indirect, of the tests, services, products,  
 14 curatives, and agents. All fees shall be deposited in the  
 15 state special revenue fund for the use of the animal health  
 16 functions of the department.

17 (d) adopt rules and orders which it considers  
 18 necessary or proper to prevent the introduction or spreading  
 19 of infectious, contagious, communicable, or dangerous  
 20 diseases affecting livestock in this state and to this end  
 21 may adopt rules and orders necessary or proper governing  
 22 inspections and tests of livestock intended for importation  
 23 into this state before it may be imported into this state;

24 (e) adopt rules and orders which it considers  
 25 necessary or proper for the inspection, testing, and

1 quarantine of all livestock imported into this state;

2 (f) adopt rules and orders which it considers  
 3 necessary or proper for the supervision, inspection, and  
 4 control of the standards and sanitary conditions of  
 5 slaughterhouses, meat depots, meat and meat food products,  
 6 dairies, milk depots, milk and its byproducts, barns, dairy  
 7 cows, factories, and other places and premises where meat or  
 8 meat foods, milk or its products, or any byproducts thereof  
 9 intended for sale or consumption as food are produced, kept,  
 10 handled, or stored. An authorized representative of the  
 11 department may take samples of a product so produced, kept,  
 12 handled, or stored for analysis or testing by the  
 13 department. The records of the samples and their analysis  
 14 and test, when identified as to the sample by the oath of  
 15 the officer taking it and verified as to the analysis or  
 16 test by the oath of the chemist or bacteriologist making it,  
 17 are prima facie evidence of the facts set forth in them when  
 18 offered in evidence in a prosecution or action at law or in  
 19 equity for violation of part 1, 2, or 3 of this chapter,  
 20 81-9-201 through-81-9-207, 81-20-101, 81-21-102, 81-21-103,  
 21 or a rule or order of the board adopted thereunder. These  
 22 standards, insofar as they relate to dairies or milk and its  
 23 byproducts, may not include standards of weight or  
 24 measurement.

25 (g) adopt rules and orders which seem necessary or

1 proper for the supervision and control of manufactured and  
 2 refined foods for livestock and the manufacture,  
 3 importation, sale, and method of using a biologic remedy or  
 4 curative agent for the treatment of diseases of livestock.  
 5 However, as far as practicable the standards approved by the  
 6 United States department of agriculture shall be adopted.

7 (h) install an adequate system of meat inspection, ~~at~~  
 8 ~~any-time-and-in-such-places-as-public-welfare-may-demand,~~  
 9 ~~under-the-rules-which-may-provide-fees-for-the-maintenance~~  
 10 ~~of-such-inspection-and~~ in accordance with [sections 1  
 11 through 16] which shall provide ways and means for shipping  
 12 home-grown and home-killed meats into any city in this  
 13 state. As far as practicable, the rules shall conform with  
 14 the meat-inspection requirements of the United States  
 15 department of agriculture.

16 (i) slaughter or cause to be slaughtered any livestock  
 17 in this state known to be affected with or which has been  
 18 exposed to an infectious, contagious, communicable, or  
 19 dangerous disease, when such slaughter is necessary for the  
 20 protection of other livestock, and destroy or cause to be  
 21 destroyed all barns, stables, sheds, outbuildings, fixtures,  
 22 furniture, or personal property infected with any such  
 23 infectious, contagious, communicable, or dangerous disease  
 24 when they cannot be thoroughly cleaned and disinfected and  
 25 the destruction is necessary to prevent the spreading of the

1 disease;

2 (j) indemnify the owner of any property destroyed by  
 3 order of the department or pursuant to any rules adopted by  
 4 the department under parts 1, 2, or 3 of this chapter,  
 5 ~~81-9-201--through-81-9-207,~~ 81-20-101, 81-21-102, 81-21-103;

6 (k) require persons, firms, and corporations engaged  
 7 in the production or handling of meat, meat food products,  
 8 dairy products, or any byproducts thereof to furnish  
 9 statistics of the quantity and cost of the food and food  
 10 products produced or handled and the name and address of  
 11 persons supplying them any of the products.

12 (2) When in the exercise of its powers or the  
 13 discharge of its duties it becomes necessary for employees  
 14 of the department to investigate facts and conditions, they  
 15 may administer oaths, take affidavits, and compel the  
 16 attendance and testimony of witnesses."

17 Section 19. Section 81-9-112, MCA, is amended to read:

18 "81-9-112. Inspection and marking of hides and meat of  
 19 slaughtered cattle -- records -- bill of sale -- when  
 20 inspection not necessary. (1) All ~~butchers-and-meat-peddiers~~  
 21 slaughtering establishments required to be licensed under  
 22 81-9-201 shall maintain the hide of an animal in its  
 23 entirety with tail and ears attached for each animal  
 24 slaughtered until inspected by a state or deputy state stock  
 25 inspector in the county where the animal was slaughtered.

1 The inspector shall mark the hide in the manner prescribed  
2 by the department. This inspection may be waived for those  
3 animals inspected by a state or deputy state stock inspector  
4 on a preslaughter inspection.

5 (2) Each dressed carcass of such animal shall be  
6 stamped with an ink stamp in a manner specified by the  
7 department. The inspector shall keep a record and issue a  
8 certificate of inspection as specified by the department,  
9 giving the ~~butcher's or peddler's name, the place of~~  
10 business and address of the establishment or person, the  
11 serial number of the inspection of the hide, the brand on  
12 the hide, the date of inspection, and the place where the  
13 inspection was made. The inspector shall forward a copy of  
14 the inspection certificate to the department and issue one  
15 copy to the person requesting the inspection.

16 (3) When ownership of the carcass and hide presented  
17 is claimed on a bill of sale, the officer making the  
18 inspection shall demand and receive the original bill of  
19 sale, which shall be attached to the inspector's certificate  
20 sent to the county clerk and recorder. When the bills of  
21 sale cover cattle not included in the inspection, the  
22 inspector shall issue to the owner of the bill of sale a  
23 receipt for the bill of sale. The receipt shall describe  
24 the balance of the cattle covered by the original bill of  
25 sale.

1 (4) Any person who kills beef or veal in good faith  
2 for his own use shall not be required to have such meat  
3 inspected or stamped."

4 Section 20. Section 81-9-114, MCA, is amended to read:  
5 "~~81-9-114. Duty of butchers and meat peddlers~~ to  
6 report violations. ~~It is made the duty of any butcher or~~  
7 ~~meat peddler licensed under the provisions of 81-9-102 to~~ A  
8 person required to be licensed under 81-9-201 shall report  
9 any violation of 81-9-112 to the sheriff of the county  
10 wherein such violation ~~shall occur~~ occurred and of which  
11 such ~~butcher or meat peddler~~ person has knowledge, ~~and for~~  
12 ~~his~~ Upon failure ~~so to do so~~, such ~~butcher or meat peddler~~  
13 the person shall suffer a revocation of his license and no  
14 license shall again be issued to such person until the  
15 expiration of 1 year from the date of such revocation."

16 Section 21. Section 81-9-115, MCA, is amended to read:  
17 "~~81-9-115. Unlawful to purchase uninspected hide or~~  
18 ~~carcass -- exception. It shall be unlawful for any~~ No person  
19 ~~or persons, firm, corporation, or association to~~ may  
20 purchase the hide or carcass or any part thereof of any beef  
21 or veal without the inspection or identification herein  
22 provided for. The provision of this section ~~shall~~ does not  
23 apply to any person ~~or persons who shall purchase~~ purchases  
24 from a licensed ~~butcher or peddler~~ meat establishment beef  
25 or veal in quantities less than one quarter of an animal."

1 Section 22. Section 81-9-116, MCA, is amended to read:

2 "81-9-116. Officers' authority concerning enforcement  
3 -- seizure and sale of meat held in violation. Any officer  
4 having authority to make the inspection herein provided for  
5 may enter into and inspect ~~butcher--shops--slaughterhouses7~~  
6 ~~and--other--places-of-business-of-meat-peddiers-and-butchers~~  
7 meat establishments required to be licensed under 81-9-201  
8 or places where beef is handled in quantities, for the  
9 purpose of determining whether the provisions of this part  
10 have been complied with. In case meat is found which is  
11 being held in violation of the provisions of this part, the  
12 officers ~~shall--have--authority--to~~ may seize and take the  
13 same. All meat so seized shall be sold under the direction  
14 of a stock inspector, sheriff, or other officer authorized,  
15 at either public or private sale, for the best price  
16 obtainable, and the proceeds shall be paid to the county  
17 treasurer of the county in which said meat is seized for the  
18 benefit of the general fund of said county."

19 Section 23. Section 81-9-201, MCA, is amended to read:

20 "81-9-201. Slaughterhouse Meat establishment license  
21 -- fees and renewals. (1) It is unlawful for a person, firm,  
22 or corporation to ~~maintain-or-conduct-a-slaughterhouse7-meat~~  
23 ~~packinghouse7--or--meat--depot--in--this-state~~ engage in the  
24 business of slaughtering livestock or poultry or processing,  
25 storing, or wholesaling the meat products of either without

1 having a license issued by the department. The department  
2 shall establish an annual fee for a license issued under  
3 this section, to be paid into the state special revenue fund  
4 for the use of the department.

5 (2) All licenses expire on December 31 of the year in  
6 which they are issued and shall be renewed by the department  
7 on request of the licensee. However, when the department  
8 finds that the place establishment for which the license is  
9 issued is not conducted in accordance with the rules and  
10 orders of the board made under 81-2-102, the department  
11 shall revoke the license and may not renew it until the  
12 place establishment is in a sanitary condition in accordance  
13 with department rules.

14 (3) A person, firm, or corporation violating this  
15 section or any rule or order promulgated by authority of  
16 81-2-102 is guilty of a misdemeanor and upon conviction  
17 shall be fined not to exceed \$500."

18 NEW SECTION. Section 24. Repealer. Sections 81-9-101  
19 through 81-9-103, 81-9-117, and 81-9-203 through 81-9-207,  
20 MCA, are repealed.

21 NEW SECTION. Section 25. Codification instruction.  
22 Sections 1 through 16 are intended to be codified as an  
23 integral part of Title 81, chapter 9, part 2, and the  
24 provisions of Title 81 apply to sections 1 through 16.

25 NEW SECTION. SECTION 26. APPROPRIATION. (1) THERE IS



1 APPROPRIATED THE FOLLOWING AMOUNTS FROM THE GENERAL FUND TO  
2 THE BOARD OF LIVESTOCK TO MATCH FEDERAL FUNDS AVAILABLE TO  
3 ESTABLISH AND OPERATE A STATE MEAT INSPECTION PROGRAM:

4 (A) FISCAL YEAR ENDING JUNE 30, 1988 \$139,400

5 (B) FISCAL YEAR ENDING JUNE 30, 1989 136,900

6 (2) THERE IS APPROPRIATED THE FOLLOWING AMOUNTS FROM  
7 THE FEDERAL SPECIAL REVENUE FUND TO THE BOARD OF LIVESTOCK  
8 TO ESTABLISH AND OPERATE A STATE MEAT INSPECTION PROGRAM:

9 (A) FISCAL YEAR ENDING JUNE 30, 1988 \$139,400

10 (B) FISCAL YEAR ENDING JUNE 30, 1989 136,900

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 814

3 House Agriculture, Livestock, and Irrigation Committee

4  
5 This bill requires a statement of intent because  
6 section 4 requires the board of livestock to adopt rules  
7 implementing the state meat inspection program. Section 4  
8 indicates the scope of the rules. It is intended that the  
9 rules conform in all respects to the requirements of the  
10 Federal Meat Inspection Act and the Federal Poultry Products  
11 Inspection Act, in order to qualify the state program under  
12 those acts. It is also intended that the program be  
13 developed and administered in cooperation with the food  
14 safety and inspection service, United States department of  
15 agriculture, to ensure that it is at least "equal to" the  
16 requirements contained in the federal law.

HOUSE BILL NO. 814

INTRODUCED BY DONALDSON, GIACOMETTO, KELLER,  
KOEHNKE, DEVLIN, HAYNE, PETERSON, MENAHAN,  
SWITZER, VINCENT, GRADY, MANUEL, MARKS

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A STATE  
MEAT INSPECTION PROGRAM; PROVIDING FOR ITS ENFORCEMENT AND  
APPLICATION BY THE BOARD OF LIVESTOCK; PROVIDING FOR  
LICENSING OF MEAT ESTABLISHMENTS; APPROPRIATING MONEY TO  
OPERATE THE PROGRAM; AMENDING SECTIONS 7-21-4202, 81-2-102,  
81-9-112, 81-9-114 THROUGH 81-9-116, AND 81-9-201, MCA; AND  
REPEALING SECTIONS 81-9-101 THROUGH 81-9-103, 81-9-117, AND  
81-9-203 THROUGH 81-9-207, MCA."

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

NEW SECTION. Section 1. Short title. [Sections 1  
through 16] may be cited as the "Meat and Poultry Inspection  
Act".

NEW SECTION. Section 2. Definitions. As used in  
[sections 1 through 16], the following definitions apply:

- (1) "Adulterated" means the term applied to meat if:
  - (a) it bears or contains a poisonous or deleterious  
substance that may render it injurious to health, except  
that if the substance is not an added substance, the product  
may not be considered adulterated if the quantity of the

substance is insufficient to ordinarily render it injurious  
to health;

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

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

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

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

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

1 human food:

2 (g) it has been prepared, packed, or held under  
3 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  
6 animal, including poultry, that has died otherwise than by  
7 slaughter;

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

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

15 (k) any valuable constituent has been in whole or in  
16 part omitted or abstracted therefrom, any substance has been  
17 substituted wholly or in part therefor, damage or  
18 inferiority has been concealed in any manner, or any  
19 substance has been added to it or mixed or packed with it so  
20 as to increase its bulk or weight, or make it appear better  
21 or of greater value than it is.

22 (2) "Chief" means the chief meat inspector appointed  
23 as provided in [section 3].

24 (3) "Federal Food, Drug and Cosmetic Act" means 21  
25 U.S.C. 301 through 392, as that law reads on [the effective

1 date of this act].

2 (4) "Livestock" means cattle, buffalo, sheep, swine,  
3 goats, rabbits, horses, mules or other equines, and game  
4 farm animals as defined in 87-4-406 whether alive or dead.

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

9 (6) "Meat" means the edible flesh of livestock or  
10 poultry and includes livestock and poultry products.

11 (7) "Misbranded" means the term applied to meat:

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

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

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

20 (d) if its container is so made, formed, or filled as  
21 to be misleading;

22 (e) if it does not bear a label showing:

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

25 (ii) an accurate statement of the quantity of the

1 product in terms of weight, measure, or numerical count. The  
 2 board may adopt rules exempting small meat packages, meat  
 3 not in containers, and other reasonable variations.

4 (f) if any word, statement, or other information  
 5 required by [sections 1 through 16] to appear on the label  
 6 is not prominently placed thereon, as compared with other  
 7 words, statements, designs, or devices in the labeling, and  
 8 is not stated in terms that render it likely to be read and  
 9 understood by the ordinary individual under customary  
 10 conditions of purchase and use;

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

- 14 (i) it conforms to the definition and standard; and
- 15 (ii) its label bears the name of the food specified in
- 16 the definition and standard and, insofar as required by the
- 17 rules, the common names of optional ingredients present in
- 18 such food, other than spices, flavoring, and coloring;

19 (h) if it is represented as a food for which a  
 20 standard of fill of container has been prescribed by rules  
 21 of the board and it falls below the standard of fill of  
 22 container applicable thereto, unless its label bears, in the  
 23 manner and form as the rules specify, a statement that it  
 24 falls below the standard;

25 (i) if it is not subject to the provisions of

1 subsection (7)(g), 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
- 4 ingredients, the common or usual name of each ingredient,
- 5 except that spices, flavorings, and colorings may, when
- 6 authorized by the board, be designated as spices,
- 7 flavorings, and colorings without naming each. To the extent
- 8 that compliance with the requirements of this subsection
- 9 (ii) is impracticable or results in deception or unfair
- 10 competition, exemptions must be established by rules
- 11 promulgated by the board.

12 (j) if it purports to be for special dietary uses,  
 13 unless its label bears such information concerning its  
 14 vitamin, mineral, and other dietary properties as the board,  
 15 after consultation with the U.S. secretary of agriculture,  
 16 by rule prescribes as necessary in order to fully inform  
 17 purchasers as to its value for such uses;

18 (k) if it bears or contains an artificial flavoring,  
 19 artificial coloring, or chemical preservative, unless it  
 20 bears labeling stating that fact, provided that to the  
 21 extent that compliance with the requirements of this  
 22 subsection (k) is impracticable, exemptions must be  
 23 established by rules promulgated by the board; or

24 (l) if it fails to bear directly thereon and on its  
 25 containers, as the board may by rule prescribe, the official

1 inspection legend and establishment number of the  
2 establishment where the product was prepared and other  
3 information as the board may require to assure that it will  
4 not have false or misleading labeling and that the public  
5 will be informed of the manner of handling required to  
6 maintain the meat in a wholesome condition.

7 (8) "Official establishment" means an establishment  
8 licensed by the board at which inspection of the slaughter  
9 of livestock or poultry or the preparation of meat food  
10 products is maintained under [sections 1 through 16].

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

14 (10) "Poultry" means any domesticated bird, whether  
15 alive or dead.

16 (11) "Prepared" means slaughtered, canned, salted,  
17 stuffed, rendered, boned, cut up, or otherwise manufactured  
18 or processed.

19 NEW SECTION. Section 3. Chief meat inspector --  
20 deputies -- qualifications. (1) There is a chief meat  
21 inspector, who must be appointed by the board and shall  
22 serve at its pleasure. Such person must be a veterinarian  
23 licensed in Montana who has practiced veterinary medicine  
24 for 5 years or longer.

25 (2) The chief shall supervise the state meat

1 inspection program established in [sections 1 through 16]  
2 and shall enforce the provisions of [sections 1 through 16]  
3 to assure the public that only pure, wholesome, and  
4 unadulterated meat or meat food products are offered for  
5 sale.

6 (3) Upon recommendation of the chief, the board shall  
7 appoint veterinary meat inspectors and lay meat inspectors,  
8 who must be responsible to the chief and who shall conduct  
9 ante-mortem and post-mortem inspections, enforce sanitary  
10 requirements, and perform other necessary meat inspection  
11 duties.

12 (4) An inspector assigned to an official establishment  
13 may not be related to the management of the establishment or  
14 have any financial interest therein.

15 NEW SECTION. Section 4. Rules. The board, upon the  
16 recommendation of the chief, shall adopt rules consistent  
17 with the requirements of the rules of the U.S. department of  
18 agriculture governing meat inspection. The rules must:

19 (1) require ante-mortem and post-mortem inspections,  
20 quarantines, segregation, and reinspections with respect to  
21 the slaughter of livestock and poultry and the preparation  
22 of livestock and poultry products at all official  
23 establishments;

24 (2) require the identification of livestock and  
25 poultry and the marking and labeling of livestock or poultry

1 products as "Montana Inspected and Passed" if they are found  
 2 upon inspection not to be adulterated;  
 3 (3) require the destruction for food purposes of all  
 4 livestock, poultry, livestock products, and poultry products  
 5 that have been found to be adulterated;  
 6 (4) set standards for ingredients of livestock  
 7 products, meat, and poultry products;  
 8 (5) set standards for labeling, marking, or branding  
 9 of meat, livestock products, and poultry products;  
 10 (6) set standards for the weights or measures of  
 11 meats, livestock products, and poultry products not  
 12 inconsistent with standards established under Title 30,  
 13 chapter 12;  
 14 (7) set standards for the filling of containers for  
 15 meat, livestock products, and poultry products;  
 16 (8) regulate the false or fraudulent advertising of  
 17 meat, livestock products, and poultry products;  
 18 (9) provide for periodic investigations of the  
 19 sanitary conditions of each official establishment and  
 20 withdraw or otherwise refuse to license and inspect those  
 21 establishments where the sanitary conditions are such as to  
 22 render adulterated any meat products prepared or handled  
 23 therein;  
 24 (10) prescribe sanitation requirements for all official  
 25 establishments;

1 (11) require all persons subject to [sections 1 through  
 2 16] to maintain full and complete records of all  
 3 transactions involving meat, livestock products, or poultry  
 4 products and to make the records available on request to the  
 5 chief or his inspectors at any reasonable time; and  
 6 (12) prescribe additional standards, methods, and  
 7 procedures as are necessary to effect the purposes of  
 8 [sections 1 through 16].  
 9 NEW SECTION. Section 5. Application for state meat  
 10 inspection service -- assignment of establishment number.  
 11 (1) Any meat establishment licensed under 81-9-201 may apply  
 12 to the board for state meat and poultry inspection service.  
 13 The application must include:  
 14 (a) the name and address of the establishment;  
 15 (b) the type of establishment;  
 16 (c) a complete description of the facilities and  
 17 equipment;  
 18 (d) the day of the week and hours of the day when the  
 19 establishment is in operation; and  
 20 (e) other information required by the chief.  
 21 (2) The chief, upon receipt of the application, shall  
 22 inspect the applicant's facilities and equipment. If the  
 23 establishment is found to be clean and sanitary and if it  
 24 meets the requirements of [sections 1 through 16], the board  
 25 shall authorize the granting of state meat inspection

1 service to the applicant. The board shall then assign an  
 2 official establishment number to the approved establishment  
 3 to be used to mark the meat of the carcasses and parts of  
 4 carcasses that are offered for sale.

5 NEW SECTION. Section 6. Inspection stamps. (1) The  
 6 board shall provide meat inspection stamps to all official  
 7 establishments, which must contain the words "Montana  
 8 Inspected and Passed". The inspection stamps must be  
 9 designed by the board so as to be not in conflict with  
 10 inspection stamps of the U.S. department of agriculture.

11 (2) Approved official establishments may use symbols  
 12 of the inspection stamps on the processed meats and meat  
 13 food products they offered for sale if they are in  
 14 compliance with the provisions of [sections 1 through 16].

15 (3) The meat inspection stamps must at all times be  
 16 under the jurisdiction of the chief.

17 NEW SECTION. Section 7. Assignment of inspectors. (1)  
 18 The chief shall assign inspectors to each official  
 19 establishment and may assign one inspector to two or more  
 20 establishments.

21 (2) No establishment may slaughter or process any  
 22 cattle, buffalo, sheep, swine, goats, or poultry unless  
 23 there is an assigned inspector present. The hours of the  
 24 day and days of each week, including holidays or weekends,  
 25 when the establishment is slaughtering or processing meat

1 must be satisfactorily arranged between the chief and each  
 2 establishment. Establishments shall pay overtime fees to  
 3 the board when services are rendered in excess of 8 hours a  
 4 day or on holidays or weekends.

5 NEW SECTION. Section 8. Ante-mortem and post-mortem  
 6 inspection required. (1) Official establishments must have  
 7 an ante-mortem inspection. The inspector assigned to each  
 8 establishment shall examine each animal immediately prior to  
 9 slaughter for the purpose of eliminating all unfit animals  
 10 and segregating for more thorough examination all animals  
 11 suspected of being affected with a condition that might  
 12 influence their disposition on post-mortem inspection. The  
 13 unfit animals may not enter the slaughtering facilities of  
 14 the plant. The suspected animals which after inspection are  
 15 permitted to be slaughtered must be handled separately from  
 16 the regular kill and given a special post-mortem  
 17 examination.

18 (2) Official establishments must have a post-mortem  
 19 inspection. The post-mortem inspection must be made at the  
 20 time the animals are slaughtered. The inspectors shall  
 21 examine the cervical lymph glands, the skeletal lymph  
 22 glands, the viscera and organs, with their lymph glands, and  
 23 all exposed surfaces of the carcasses of all cattle,  
 24 buffalo, sheep, swine, and goats. The examination must be  
 25 conducted in the slaughtering facilities of the



1 establishment during the slaughtering operations.

2 (3) The chief or any of his inspectors may have a  
3 laboratory designated by the board make pathogenic  
4 examination of animals or parts thereof for completion of  
5 ante-mortem or post-mortem inspection.

6 NEW SECTION. Section 9. Condemnation and appeal. The  
7 inspector at an official establishment shall condemn all  
8 diseased or otherwise unfit carcasses and parts of  
9 carcasses, including the viscera. The condemned parts must  
10 be removed from the slaughtering facilities of the plant in  
11 equipment designated for that purpose and must be destroyed  
12 for food purposes under the supervision of the inspector. If  
13 an establishment wishes to appeal a decision of an inspector  
14 as to carcasses or parts of carcasses that have been  
15 condemned, the establishment may appeal the decision to the  
16 chief or any veterinarian the chief may designate. If the  
17 establishment is not satisfied and wishes to make a further  
18 appeal, it may submit an appeal to the board, whose decision  
19 is final unless the person aggrieved, within 10 days after  
20 the date of the decision, appeals to the district court of  
21 the district in which the licensed premises are located.

22 NEW SECTION. Section 10. Regulation of equine, game  
23 farm animal, or rabbit carcasses or products. (1) Equines,  
24 game farm animals, and rabbits and their carcasses, parts  
25 thereof, and meat food products must be slaughtered and

1 prepared in establishments separate from the establishments  
2 where cattle, buffalo, sheep, swine, or goats are  
3 slaughtered or their carcasses, parts thereof, or meat food  
4 products are prepared.

5 (2) The board may by rule otherwise limit the entry of  
6 equine, game farm animal, or rabbit carcasses, parts of  
7 carcasses, meat food products, and other materials into any  
8 establishment where inspection under [sections 1 through 16]  
9 is maintained, under conditions as it may prescribe to  
10 assure that allowing the entry of the articles into  
11 inspected establishments will be consistent with the  
12 purposes of [sections 1 through 16].

13 NEW SECTION. Section 11. Exemptions. The following  
14 persons are exempt from [sections 1 through 16] and  
15 81-9-201:

16 (1) a person who slaughters livestock or poultry or  
17 prepares or processes livestock or poultry products for his  
18 own personal or household use;

19 (2) a person engaged in custom slaughtering of  
20 livestock and preparation of the carcasses and parts and  
21 meat food products thereof only with respect to the  
22 slaughter of livestock delivered by the owner for custom  
23 slaughter and the preparation of the carcasses for use by  
24 the owner in his own household or by members of his  
25 household or nonpaying guests; and

1 (3) a person who transports dead, dying, or diseased  
2 animals or poultry for the purpose of treatment, burial, or  
3 disposal in a manner that would prevent the carcasses from  
4 being used as human food.

5 NEW SECTION. Section 12. Cooperation with state and  
6 federal authorities. (1) In carrying out the provisions of  
7 [sections 1 through 16], the chief shall consult with the  
8 department of health and environmental sciences and any  
9 appropriate state laboratory in matters relating to  
10 potability of water, sewage systems, and other sanitary  
11 conditions of slaughtering and meat processing  
12 establishments that might endanger public health. If any  
13 official establishment is failing to meet minimum applicable  
14 requirements of the department of health and environmental  
15 sciences, inspection service to the establishment must be  
16 suspended as provided in [section 14] until the condition is  
17 remedied.

18 (2) The board is designated as the agency responsible  
19 for cooperating with the U.S. secretary of agriculture in  
20 receiving advisory assistance in developing the state  
21 program, technical and laboratory assistance and training,  
22 and financial assistance for administration of the program.

23 NEW SECTION. Section 13. Violations -- penalties. (1)  
24 Except as provided in [sections 1 through 16], no person  
25 may:

1 (a) slaughter livestock or poultry or prepare  
2 livestock products or poultry products for human  
3 consumption;

4 (b) sell or transport adulterated, misbranded,  
5 condemned, or uninspected meats, livestock products, or  
6 poultry products;

7 (c) falsely represent that an article has been  
8 inspected and passed or is exempted under [sections 1  
9 through 16] or knowingly make a false statement in any  
10 certificate provided for by rules prescribed by the board;

11 (d) sell or transport slaughtered poultry from which  
12 the blood, feathers, feet, head, or viscera have not been  
13 removed;

14 (e) fail to keep any records required by [sections 1  
15 through 16];

16 (f) forge an official stamp, mark, or certificate;

17 (g) use, alter, deface, detach, or destroy an official  
18 stamp, mark, or certificate without authorization;

19 (h) fail to use or fail to detach, deface, or destroy  
20 an official stamp, mark, or certificate contrary to rules  
21 prescribed by the board;

22 (i) knowingly possess a counterfeit certificate,  
23 stamp, or label or the carcass or parts of the carcass of an  
24 animal bearing a counterfeit or improperly altered official  
25 mark;

1 (j) sell or transport an equine carcass or parts  
2 thereof unless they are conspicuously marked or otherwise  
3 identified to show the kind of animal from which they were  
4 derived;

5 (k) buy, sell, or transport livestock products or  
6 poultry products not intended for human food unless they are  
7 naturally inedible by humans or are denatured or identified  
8 as required by rules prescribed by the board;

9 (1) engage in the business of buying, selling, or  
10 transporting dead, dying, disabled, or diseased animals or  
11 parts of the carcasses of animals that died otherwise than  
12 by slaughter, or buy, sell, or transport dead, dying,  
13 disabled, or diseased livestock or poultry or the products  
14 of such livestock or poultry that died otherwise than by  
15 slaughter unless in accordance with rules adopted under  
16 81-9-302 to assure that such livestock or poultry or the  
17 unwholesome parts or products thereof will be prevented from  
18 being used for human food purposes.

19 (2) A person who violates [sections 1 through 16] or  
20 rules adopted under [sections 1 through 16] for which no  
21 other criminal penalty is provided is guilty of a  
22 misdemeanor and upon conviction is punishable by  
23 imprisonment for not more than 1 year or by a fine of not  
24 more than \$1,000, or both. If the violation involves intent  
25 to defraud or any distribution or attempted distribution of

1 an article that is adulterated, such person is guilty of a  
2 felony and upon conviction is punishable by imprisonment for  
3 not more than 3 years or by a fine of not more than \$10,000,  
4 or both.

5 NEW SECTION. Section 14. Suspension or revocation of  
6 inspection service or establishment number -- hearing --  
7 appeal. (1) Any license issued by the board or any state  
8 meat inspection service or establishment number may be  
9 suspended or revoked by the board for noncompliance with  
10 [sections 1 through 16] or any rule adopted pursuant to  
11 [sections 1 through 16].

12 (2) State meat inspection service or establishment  
13 numbers may be suspended or revoked only after a hearing  
14 before the board upon reasonable notice. Notice must be  
15 given the licensee by service of the complaint upon him.

16 (3) The decision of the board is final in any matter  
17 relating to renewal, suspension, or revocation of state meat  
18 inspection service or an establishment number unless the  
19 person aggrieved, within 10 days after the date of the  
20 decision, appeals to the district court of the district in  
21 which the licensed premises are located. The court shall  
22 hear and determine the matter within 10 days after the date  
23 of filing the appeal. After such decision, the person  
24 aggrieved may, in compliance with the statutory provisions  
25 relating thereto, appeal the decision of the district court

1 to the supreme court of the state, but the suspension or  
 2 revocation of state meat inspection service or an  
 3 establishment number remains in effect pending the outcome  
 4 of the appeal.

5 NEW SECTION. Section 15. Injunction. In addition to  
 6 remedies provided in [sections 1 through 16], the board is  
 7 authorized to apply to the district court for and the court  
 8 shall have jurisdiction, upon hearing and for cause shown,  
 9 to grant a temporary or permanent injunction restraining any  
 10 person from violating a provision of [sections 1 through  
 11 16], whether or not there exists an adequate remedy at law.

12 NEW SECTION. Section 16. Application. The provisions  
 13 of [sections 1 through 16] apply to persons, establishments,  
 14 animals, and articles regulated under the federal Meat  
 15 Inspection Act, 21 U.S.C. 601 through 695, or the federal  
 16 Poultry Products Inspection Act, 21 U.S.C. 451 through 470,  
 17 as those acts read on [the effective date of this act], only  
 18 to the extent provided for therein.

19 Section 17. Section 7-21-4202, MCA, is amended to  
 20 read:

21 "7-21-4202. Regulation of foodstuffs. The city or town  
 22 council has power to provide for and regulate the inspection  
 23 of ~~beef, pork,~~ flour, meal, and all provisions and oils; to  
 24 regulate the inspection of milk, water, butter, lard, and  
 25 other provisions; to regulate the vending of meat, poultry,

1 fish, game, and vegetables; to restrain and punish the  
 2 forestalling of provisions."

3 Section 18. Section 81-2-102, MCA, is amended to read:  
 4 "81-2-102. Powers of department. (1) The department  
 5 may:

6 (a) supervise the sanitary conditions of livestock in  
 7 this state, under the provisions of the constitution and  
 8 statutes of this state and the rules adopted by the  
 9 department. The department may quarantine a lot, yard, land,  
 10 building, room, premises, enclosure, or other place or  
 11 section in this state which is or may be used or occupied by  
 12 livestock and which in the judgment of the department is  
 13 infected or contaminated with an infectious, contagious,  
 14 communicable, or dangerous disease or disease-carrying  
 15 medium by which the disease may be communicated. The  
 16 department may quarantine livestock in this state when the  
 17 livestock is affected with or has been exposed to disease or  
 18 disease-carrying medium. The department may prescribe  
 19 treatments and enforce sanitary rules which are necessary  
 20 and proper to circumscribe, extirpate, control, or prevent  
 21 the disease.

22 (b) foster, promote, and protect the livestock  
 23 industry in this state by the investigation of diseases and  
 24 other subjects related to ways and means of prevention,  
 25 extirpation, and control of diseases or to the care of

1 livestock and its products and to this end may establish and  
 2 maintain a laboratory, may make or cause to be made biologic  
 3 products, curatives, and preventative agents, and may  
 4 perform any other acts and things as may be necessary or  
 5 proper in the fostering, promotion, or protection of the  
 6 livestock industry in this state;

7 (c) impose and collect such fees as the department  
 8 considers appropriate for the tests and services performed  
 9 by it at the laboratory or elsewhere and for biologic  
 10 products, curatives, and preventative agents made or caused  
 11 to be made by the department. In fixing these fees the  
 12 department shall take into consideration the costs, both  
 13 direct and indirect, of the tests, services, products,  
 14 curatives, and agents. All fees shall be deposited in the  
 15 state special revenue fund for the use of the animal health  
 16 functions of the department.

17 (d) adopt rules and orders which it considers  
 18 necessary or proper to prevent the introduction or spreading  
 19 of infectious, contagious, communicable, or dangerous  
 20 diseases affecting livestock in this state and to this end  
 21 may adopt rules and orders necessary or proper governing  
 22 inspections and tests of livestock intended for importation  
 23 into this state before it may be imported into this state;

24 (e) adopt rules and orders which it considers  
 25 necessary or proper for the inspection, testing, and

1 quarantine of all livestock imported into this state;

2 (f) adopt rules and orders which it considers  
 3 necessary or proper for the supervision, inspection, and  
 4 control of the standards and sanitary conditions of  
 5 slaughterhouses, meat depots, meat and meat food products,  
 6 dairies, milk depots, milk and its byproducts, barns, dairy  
 7 cows, factories, and other places and premises where meat or  
 8 meat foods, milk or its products, or any byproducts thereof  
 9 intended for sale or consumption as food are produced, kept,  
 10 handled, or stored. An authorized representative of the  
 11 department may take samples of a product so produced, kept,  
 12 handled, or stored for analysis or testing by the  
 13 department. The records of the samples and their analysis  
 14 and test, when identified as to the sample by the oath of  
 15 the officer taking it and verified as to the analysis or  
 16 test by the oath of the chemist or bacteriologist making it,  
 17 are prima facie evidence of the facts set forth in them when  
 18 offered in evidence in a prosecution or action at law or in  
 19 equity for violation of part 1, 2, or 3 of this chapter,  
 20 81-9-201 through 81-9-207, 81-20-101, 81-21-102, 81-21-103,  
 21 or a rule or order of the board adopted thereunder. These  
 22 standards, insofar as they relate to dairies or milk and its  
 23 byproducts, may not include standards of weight or  
 24 measurement.

25 (g) adopt rules and orders which seem necessary or

1 proper for the supervision and control of manufactured and  
 2 refined foods for livestock and the manufacture,  
 3 importation, sale, and method of using a biologic remedy or  
 4 curative agent for the treatment of diseases of livestock.  
 5 However, as far as practicable the standards approved by the  
 6 United States department of agriculture shall be adopted.

7 (h) install an adequate system of meat inspection, ~~at~~  
 8 ~~any-time-and-in-such-places-as-public-welfare-may-demand,~~  
 9 ~~under-the-rules-which-may-provide-fees-for-the-maintenance~~  
 10 ~~of-such-inspection-and~~ in accordance with [sections 1  
 11 through 16] which shall provide ways and means for shipping  
 12 home-grown and home-killed meats into any city in this  
 13 state. As far as practicable, the rules shall conform with  
 14 the meat-inspection requirements of the United States  
 15 department of agriculture.

16 (i) slaughter or cause to be slaughtered any livestock  
 17 in this state known to be affected with or which has been  
 18 exposed to an infectious, contagious, communicable, or  
 19 dangerous disease, when such slaughter is necessary for the  
 20 protection of other livestock, and destroy or cause to be  
 21 destroyed all barns, stables, sheds, outbuildings, fixtures,  
 22 furniture, or personal property infected with any such  
 23 infectious, contagious, communicable, or dangerous disease  
 24 when they cannot be thoroughly cleaned and disinfected and  
 25 the destruction is necessary to prevent the spreading of the

1 disease;

2 (j) indemnify the owner of any property destroyed by  
 3 order of the department or pursuant to any rules adopted by  
 4 the department under parts 1, 2, or 3 of this chapter,  
 5 ~~81-9-201--through-81-9-207,~~ 81-20-101, 81-21-102, 81-21-103;

6 (k) require persons, firms, and corporations engaged  
 7 in the production or handling of meat, meat food products,  
 8 dairy products, or any byproducts thereof to furnish  
 9 statistics of the quantity and cost of the food and food  
 10 products produced or handled and the name and address of  
 11 persons supplying them any of the products.

12 (2) When in the exercise of its powers or the  
 13 discharge of its duties it becomes necessary for employees  
 14 of the department to investigate facts and conditions, they  
 15 may administer oaths, take affidavits, and compel the  
 16 attendance and testimony of witnesses."

17 Section 19. Section 81-9-112, MCA, is amended to read:

18 "81-9-112. Inspection and marking of hides and meat of  
 19 slaughtered cattle -- records -- bill of sale -- when  
 20 inspection not necessary. (1) All butchers-and-meat-peddlers  
 21 slaughtering establishments required to be licensed under  
 22 81-9-201 shall maintain the hide of an animal in its  
 23 entirety with tail and ears attached for each animal  
 24 slaughtered until inspected by a state or deputy state stock  
 25 inspector in the county where the animal was slaughtered.

1 The inspector shall mark the hide in the manner prescribed  
2 by the department. This inspection may be waived for those  
3 animals inspected by a state or deputy state stock inspector  
4 on a preslaughter inspection.

5 (2) Each dressed carcass of such animal shall be  
6 stamped with an ink stamp in a manner specified by the  
7 department. The inspector shall keep a record and issue a  
8 certificate of inspection as specified by the department,  
9 giving the ~~butcher's--or--peddler's name,--the--place--of~~  
10 business and address of the establishment or person, the  
11 serial number of the inspection of the hide, the brand on  
12 the hide, the date of inspection, and the place where the  
13 inspection was made. The inspector shall forward a copy of  
14 the inspection certificate to the department and issue one  
15 copy to the person requesting the inspection.

16 (3) When ownership of the carcass and hide presented  
17 is claimed on a bill of sale, the officer making the  
18 inspection shall demand and receive the original bill of  
19 sale, which shall be attached to the inspector's certificate  
20 sent to the county clerk and recorder. When the bills of  
21 sale cover cattle not included in the inspection, the  
22 inspector shall issue to the owner of the bill of sale a  
23 receipt for the bill of sale. The receipt shall describe  
24 the balance of the cattle covered by the original bill of  
25 sale.

1 (4) Any person who kills beef or veal in good faith  
2 for his own use shall not be required to have such meat  
3 inspected or stamped."

4 Section 20. Section 81-9-114, MCA, is amended to read:  
5 "~~81-9-114. Duty of--butchers--and--meat--peddlers to~~  
6 ~~report violations. It--is--made--the--duty--of--any--butcher--or~~  
7 ~~meat--peddler--licensed--under--the--provisions--of--81-9-102--to~~ A  
8 person required to be licensed under 81-9-201 shall report  
9 any violation of 81-9-112 to the sheriff of the county  
10 wherein such violation ~~shall--occur~~ occurred and of which  
11 such ~~butcher--or--meat--peddler~~ person has knowledge, ~~and--for~~  
12 his Upon failure ~~so to do so~~, ~~such--butcher--or--meat--peddler~~  
13 the person shall suffer a revocation of his license and no  
14 license shall again be issued to such person until the  
15 expiration of 1 year from the date of such revocation."

16 Section 21. Section 81-9-115, MCA, is amended to read:  
17 "~~81-9-115. Unlawful to purchase uninspected hide or~~  
18 ~~carcass -- exception. It--shall--be--unlawful--for--any~~ No person  
19 ~~or--persons, firm, corporation, or association to~~ may  
20 purchase the hide or carcass or any part thereof of any beef  
21 or veal without the inspection or identification herein  
22 provided for. The provision of this section ~~shall~~ does not  
23 apply to any person ~~or--persons who shall--purchase~~ purchases  
24 from a licensed ~~butcher--or--peddler~~ meat establishment beef  
25 or veal in quantities less than one quarter of an animal."

1 Section 22. Section 81-9-116, MCA, is amended to read:

2 "81-9-116. Officers' authority concerning enforcement  
3 -- seizure and sale of meat held in violation. Any officer  
4 having authority to make the inspection herein provided for  
5 may enter into and inspect ~~butcher--shops,--slaughterhouses,~~  
6 ~~and--other--places-of-business-of-meat-peddiers-and-butchers~~  
7 meat establishments required to be licensed under 81-9-201  
8 or places where beef is handled in quantities, for the  
9 purpose of determining whether the provisions of this part  
10 have been complied with. In case meat is found which is  
11 being held in violation of the provisions of this part, the  
12 officers ~~shall--have--authority--to~~ may seize and take the  
13 same. All meat so seized shall be sold under the direction  
14 of a stock inspector, sheriff, or other officer authorized,  
15 at either public or private sale, for the best price  
16 obtainable, and the proceeds shall be paid to the county  
17 treasurer of the county in which said meat is seized for the  
18 benefit of the general fund of said county."

19 Section 23. Section 81-9-201, MCA, is amended to read:

20 "81-9-201. Slaughterhouse Meat establishment license  
21 -- fees and renewals. (1) It is unlawful for a person, firm,  
22 or corporation to ~~maintain-or-conduct-a-slaughterhouse, meat~~  
23 ~~packinghouse,--or--meat--depot--in--this--state~~ engage in the  
24 business of slaughtering livestock or poultry or processing,  
25 storing, or wholesaling the meat products of either without

1 having a license issued by the department. The department  
2 shall establish an annual fee for a license issued under  
3 this section, to be paid into the state special revenue fund  
4 for the use of the department.

5 (2) All licenses expire on December 31 of the year in  
6 which they are issued and shall be renewed by the department  
7 on request of the licensee. However, when the department  
8 finds that the place establishment for which the license is  
9 issued is not conducted in accordance with the rules and  
10 orders of the board made under 81-2-102, the department  
11 shall revoke the license and may not renew it until the  
12 place establishment is in a sanitary condition in accordance  
13 with department rules.

14 (3) A person, firm, or corporation violating this  
15 section or any rule or order promulgated by authority of  
16 81-2-102 is guilty of a misdemeanor and upon conviction  
17 shall be fined not to exceed \$500."

18 NEW SECTION. Section 24. Repealer. Sections 81-9-101  
19 through 81-9-103, 81-9-117, and 81-9-203 through 81-9-207,  
20 MCA, are repealed.

21 NEW SECTION. Section 25. Codification instruction.  
22 Sections 1 through 16 are intended to be codified as an  
23 integral part of Title 81, chapter 9, part 2, and the  
24 provisions of Title 81 apply to sections 1 through 16:

25 NEW SECTION. SECTION 26. APPROPRIATION. (1) THERE IS



1 APPROPRIATED THE FOLLOWING AMOUNTS FROM THE GENERAL FUND TO  
2 THE BOARD OF LIVESTOCK TO MATCH FEDERAL FUNDS AVAILABLE TO  
3 ESTABLISH AND OPERATE A STATE MEAT INSPECTION PROGRAM:

4 (A) FISCAL YEAR ENDING JUNE 30, 1988 \$139,400

5 (B) FISCAL YEAR ENDING JUNE 30, 1989 136,900

6 (2) THERE IS APPROPRIATED THE FOLLOWING AMOUNTS FROM  
7 THE FEDERAL SPECIAL REVENUE FUND TO THE BOARD OF LIVESTOCK  
8 TO ESTABLISH AND OPERATE A STATE MEAT INSPECTION PROGRAM:

9 (A) FISCAL YEAR ENDING JUNE 30, 1988 \$139,400

10 (B) FISCAL YEAR ENDING JUNE 30, 1989 136,900

-End-

## 1 HOUSE BILL NO. 814

2 INTRODUCED BY DONALDSON, GIACOMETTO, KELLER,  
3 KOEHNKE, DEVLIN, HAYNE, PETERSON, MENAHAN,  
4 SWITZER, VINCENT, GRADY, MANUEL, MARKS  
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A STATE  
7 MEAT INSPECTION PROGRAM; PROVIDING FOR ITS ENFORCEMENT AND  
8 APPLICATION BY THE BOARD OF LIVESTOCK; PROVIDING FOR  
9 LICENSING OF MEAT ESTABLISHMENTS; APPROPRIATING MONEY TO  
10 OPERATE THE PROGRAM; AMENDING SECTIONS 7-21-4202, 81-2-102,  
11 81-9-112, 81-9-114 THROUGH 81-9-116, AND 81-9-201, MCA; AND  
12 REPEALING SECTIONS 81-9-101 THROUGH 81-9-103, 81-9-117, AND  
13 81-9-203 THROUGH 81-9-207, MCA."  
14

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

16 NEW SECTION. Section 1. Short title. [Sections 1  
17 through 16] may be cited as the "Meat and Poultry Inspection  
18 Act".

19 NEW SECTION. Section 2. Definitions. As used in  
20 [sections 1 through 16], the following definitions apply:

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

22 (a) it bears or contains a poisonous or deleterious  
23 substance that may render it injurious to health, except  
24 that if the substance is not an added substance, the product  
25 may not be considered adulterated if the quantity of the

THERE ARE NO CHANGES ON HB 814 AND DUE  
TO LENGTH WILL NOT BE REPRINTED. PLEASE  
REFER TO SECOND READING (YELLOW) OR  
THIRD READING (BLUE) FOR COMPLETE TEXT.

REFERENCE BILL  
HB 814