

SB 207 INTRODUCED BY LYBECK, MANNING, BOYLAN, ET AL.
MONTANA QUALITY LABEL AND CERTIFICATION (BEEF)

1/24 INTRODUCED

1/24 REFERRED TO AGRICULTURE, LIVESTOCK &
IRRIGATION

1/24 FISCAL NOTE REQUESTED

1/27 FISCAL NOTE RECEIVED

2/02 HEARING

2/09 TABLED IN COMMITTEE

1 *Senate* BILL NO. *207*
 2 INTRODUCED BY *Richard E. Hoffman* *Byron Hirsch*
 3 *Jerguson* *Hollowtail* *Wendy* *Ryan* *Steffen* *Keefe*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE *Switzer*
 5 REQUIREMENTS FOR USE OF THE MONTANA QUALITY LABEL; TO *Wolfin*
 6 PROVIDE FOR CERTIFICATION OF PRODUCTS BEARING THE LABEL; AND *CRINA*
 7 AMENDING SECTIONS 81-8-701, 81-8-703, AND 81-8-705, MCA." *Supp*
 8 *Roy Smith* *M. Hansen*
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Technie*

10 Section 1. Section 81-8-701, MCA, is amended to read: *Hansen*
 11 "81-8-701. Definitions. Unless the context requires
 12 otherwise, in this part the following definitions apply:
 13 (1) "Agricultural and food product" includes a
 14 horticultural, viticultural, dairy, livestock, poultry, bee,
 15 other farm or garden product, fish or fishery product, and
 16 other foods.
 17 (2) "Continuous official inspection" means that an
 18 employee or a licensed representative of the department of
 19 agriculture or the department of livestock or the United
 20 States department of agriculture regularly and continuously
 21 examines the commodity as it is being packed so as to have
 22 knowledge of the origin of the product and the quality that
 23 goes into each package.
 24 (3) "Person" includes an individual, partnership,
 25 association, union, or corporation."

1 Section 2. Section 81-8-703, MCA, is amended to read:
 2 "81-8-703. ~~Limitation-on-use~~ Use of label -- rules.
 3 (1) The Montana quality label may not be used except under
 4 the rules made for its use by the department of livestock,
 5 and it may not be used on the label, tag, seal, container,
 6 or product of a farm, factory, mill, or other producing,
 7 processing, packing, preparing, or dressing establishment
 8 unless the product is produced, processed, packed, prepared,
 9 or dressed under continuous official inspection.

10 (2) Rules adopted for use of the label may:
 11 (a) establish standards and requirements relating to
 12 all aspects of feeding, raising, and processing of the
 13 product;
 14 (b) establish procedures for certification of any
 15 product bearing the label; and
 16 (c) set fees for certification services commensurate
 17 with the cost of providing such services.
 18 (3) Rules adopted by the department of livestock
 19 pertaining to the labeling and certification of beef or beef
 20 products must be promulgated in consultation with the
 21 Montana beef council."

22 Section 3. Section 81-8-705, MCA, is amended to read:
 23 "81-8-705. Wrongful use of label -- penalty --
 24 injunction -- prosecutions. (1) A person who uses the
 25 Montana quality label in violation of this part, or who,



1 with the intent to mislead or deceive, uses an imitation,
2 counterfeit, or likeness thereof on the label, tag, seal,
3 container, sign, or otherwise on any product which is sold
4 or offered for sale or who uses the Montana quality label
5 or, with intent to mislead or deceive, uses an imitation,
6 counterfeit, or likeness thereof on or in connection with an
7 offer to sell or advertisement for the sale or use of any
8 product which does not in fact lawfully bear the Montana
9 quality label is guilty of a misdemeanor and shall be fined
10 not less than \$10 or more than \$500.

11 ~~{2}--The word "Montana" may not be used on a brand or~~
12 ~~label not of No. 1 quality, its equivalent, or better.~~

13 {3}(2) A district court in this state has jurisdiction
14 to enjoin the use of the Montana quality label or an
15 imitation, counterfeit, or likeness thereof used in
16 violation of this part.

17 {4}(3) The department of livestock may cause
18 prosecutions for violations of this part, as well as the
19 injunction proceedings under this section, to be instituted
20 through the attorneys for the state or the counties and
21 cities or otherwise in its discretion."

22 NEW SECTION. Section 4. Extension of authority. Any
23 existing authority of the department of livestock to make
24 rules on the subject of the provisions of this act is
25 extended to the provisions of this act.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB207, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill would revise the requirements for use of the Montana Quality Label; to provided for certification of products bearing the label; and amending sections 81-8-701, 81-8-703, and 81-8-705, MCA.

ASSUMPTIONS:

The Montana Beef Council will monitor the certification of beef or beef products; therefore there will be no cost to the Department of Livestock.

FISCAL IMPACT:

No fiscal impact.

David L. Hunter DATE 1/26/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Ray Lybeck DATE 1-26-87
RAY LYBECK, PRIMARY SPONSOR

Fiscal Note for SB207, as introduced.

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