

HOUSE BILL NO. 484

INTRODUCED BY L. JONES, WANZENRIED, BUTCHER, WINDHAM, LAMBERT, TAYLOR

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE LICENSING OF A PERSON, FIRM, OR CORPORATION THAT OPERATES A MOBILE SLAUGHTER FACILITY; DEFINING "MOBILE SLAUGHTER FACILITY"; APPLYING THE SAME INSPECTION PROVISIONS AND REGULATIONS THAT ARE REQUIRED OF ALL OFFICIAL ESTABLISHMENTS TO MOBILE SLAUGHTER FACILITIES; PROVIDING A RESTRICTED APPROPRIATION; AND AMENDING SECTIONS 81-9-201, 81-9-217, 81-9-220, 81-9-227, AND 81-9-228, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 81-9-201, MCA, is amended to read:

"81-9-201. Meat establishment license -- fees and renewals. (1) It is unlawful for a person, firm, or corporation to engage in the business of slaughtering livestock or poultry, including the operation of a mobile slaughter facility as defined in 81-9-217, or processing, storing, or wholesaling ~~the meat~~ livestock or poultry products of either without having a license issued by the department. The department shall establish an annual fee for a license issued under this section, to be paid into the state special revenue fund for the use of the department.

(2) All licenses expire each year on the anniversary date established by rule by the board of review established in 30-16-302 and must be renewed by the department on request of the licensee. However, when the department finds that the establishment for which the license is issued is not conducted in accordance with the rules and orders of the board made under 81-2-102, the department shall revoke the license and may not renew it until the establishment is in a sanitary condition in accordance with department rules.

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

Section 2. Section 81-9-217, MCA, is amended to read:

"81-9-217. Definitions. As used in 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236, the following definitions apply:

- 1 (1) "Adulterated" means the term applied to meat if:
- 2 (a) it bears or contains a poisonous or deleterious substance that may render it injurious to health,
- 3 except that if the substance is not an added substance, the product may not be considered adulterated if the
- 4 quantity of the substance is insufficient to ordinarily render it injurious to health;
- 5 (b) it bears or contains, by reason of administration of any substance to the meat, an added poisonous
- 6 or added deleterious substance other than a color additive, a food additive, or a pesticide chemical in or on a
- 7 raw agricultural commodity, any of which may in the board's judgment make the meat unfit for human food;
- 8 (c) it is in whole or in part a raw agricultural commodity and bears or contains a pesticide chemical that
- 9 is unsafe as provided in the Federal Food, Drug and Cosmetic Act;
- 10 (d) it bears or contains a food additive that is unsafe as provided in the Federal Food, Drug and
- 11 Cosmetic Act;
- 12 (e) it bears or contains a color additive that is unsafe as provided in the Federal Food, Drug and
- 13 Cosmetic Act; however, the meat that is not otherwise considered adulterated under subsection (1)(c), (1)(d),
- 14 or (1)(e) is considered adulterated if use of the pesticide chemical, food additive, or color additive in or on the
- 15 article is prohibited by rule of the board;
- 16 (f) it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason
- 17 unsound, unhealthful, unwholesome, or otherwise unfit for human food;
- 18 (g) it has been prepared, packed, or held under unsanitary conditions whereby it may have become
- 19 contaminated with filth or rendered injurious to health;
- 20 (h) it is in whole or in part the product of an animal, including poultry, that has died otherwise than by
- 21 slaughter;
- 22 (i) its container is composed in whole or in part of any poisonous or deleterious substance that may
- 23 render the contents injurious to health;
- 24 (j) it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with
- 25 a regulation or exemption in effect pursuant to 21 U.S.C. 348; or
- 26 (k) any valuable constituent has been in whole or in part omitted or abstracted from the meat, any
- 27 substance has been substituted wholly or in part for meat, damage or inferiority has been concealed in any
- 28 manner, or any substance has been added to it or mixed or packed with it so as to increase its bulk or weight
- 29 or make it appear better or of greater value than it is.
- 30 (2) "Chief" means the chief meat inspector appointed as provided in 81-9-226.

1 (3) "Federal Food, Drug and Cosmetic Act" means 21 U.S.C. 301 through 392, as that law read on
2 October 1, 1987.

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

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

7 (6) "Meat" means the edible flesh of livestock or 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 particular;

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

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

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

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

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

16 (ii) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count.

17 The board may adopt rules exempting small meat packages, meat not in containers, and other reasonable
18 variations.

19 (f) if any word, statement, or other information required by 81-9-216 through 81-9-220 and 81-9-226
20 through 81-9-236 to appear on the label is not prominently placed on the label, as compared with other words,
21 statements, designs, or devices in the labeling, and is not stated in terms that render it likely to be read and
22 understood by the ordinary individual under customary conditions of purchase and use;

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

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

26 (ii) its label bears the name of the food specified in the definition and standard and, if required by the
27 rules, the common names of optional ingredients present in the food, other than spices, flavoring, and coloring;

28 (h) if it is represented as a food for which a standard of fill of container has been prescribed by rules
29 of the board and it falls below the standard of fill of container applicable to the food, unless its label bears, in the
30 manner and form that the rules specify, a statement that it falls below the standard;

1 (i) if it is not subject to the provisions of 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 ingredients, the common or usual name of each ingredient,
 4 except that spices, flavorings, and colorings may, when authorized by the board, be designated as spices,
 5 flavorings, and colorings without naming each. To the extent that compliance with the requirements of this
 6 subsection (7)(i)(ii) is impracticable or results in deception or unfair competition, exemptions must be established
 7 by rules promulgated by the board.

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

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

14 (l) if it fails to bear directly on the meat and on its containers, as the board may by rule prescribe, the
 15 official inspection legend and establishment number of the establishment where the product was prepared and
 16 other information that the board may require to ensure that it will not have false or misleading labeling and that
 17 the public will be informed of the manner of handling required to maintain the meat in a wholesome condition.

18 (8) (A) "Mobile slaughter facility" means a mobile unit that is operated by a person licensed by the board
 19 to slaughter livestock or poultry, that is capable of providing onsite slaughter services for the owner of the
 20 livestock or poultry, and at which inspection of the slaughter of livestock or poultry or the preparation of meat
 21 food products is regulated under 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236.

22 (B) THE TERM DOES NOT MEAN A PERSON ENGAGED IN CUSTOM SLAUGHTERING AS PROVIDED IN 81-9-218(2).

23 ~~(9)~~(9) "Official establishment" means an establishment licensed by the board at which inspection of the
 24 slaughter of livestock or poultry or the preparation of meat food products is maintained under 81-9-216 through
 25 81-9-220 and 81-9-226 through 81-9-236. The term includes a mobile slaughter facility.

26 ~~(9)~~(10) "Pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" have
 27 the same meanings as provided in 21 U.S.C. 321.

28 ~~(10)~~(11) "Poultry" means any domesticated bird, whether alive or dead.

29 ~~(11)~~(12) "Prepared" means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise
 30 manufactured or processed."

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Section 3. Section 81-9-220, MCA, is amended to read:

"81-9-220. Rules. The board, upon the recommendation of the chief, shall adopt rules consistent with the requirements of the rules of the U.S. department of agriculture governing meat inspection. The rules must:

(1) require antemortem and postmortem inspections, quarantines, segregation, and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock and poultry products at all official establishments;

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

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

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

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

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

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

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

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

(10) prescribe sanitation requirements for all official establishments;

(11) require all persons subject to 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236 to maintain full and complete records of all transactions involving meat, livestock products, or poultry products and to make the records available on request to the chief or his inspectors at any reasonable time; ~~and~~

(12) prescribe additional standards, methods, and procedures as are necessary to effect the purposes of 81-9-216 through 81-9-220 and 81-9-226 through 81-9-236; ~~and~~

(13) provide for the licensing and inspection of mobile slaughter facilities to ensure that the requirements of this part are met with respect to all operations conducted at mobile slaughter facilities."

Section 4. Section 81-9-227, MCA, is amended to read:

1 **"81-9-227. Application for state meat inspection service -- assignment of establishment number.**

2 (1) Any meat establishment or mobile slaughter facility operator licensed under 81-9-201 may apply to the board
3 for state meat and poultry inspection service. The application must include:

4 (a) the name and address of the establishment or, in the case of a mobile slaughter facility, the name
5 and address of the owner of the mobile slaughter facility and a description of any mobile unit to be used as part
6 of the mobile slaughter facility;

7 (b) the type of establishment, whether mobile or in a fixed location;

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

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

10 (e) other information required by the chief.

11 (2) (a) The chief, upon receipt of the application, shall inspect the applicant's facilities and equipment,
12 including any mobile unit to be used as part of a mobile slaughter facility. If the establishment or mobile slaughter
13 facility is found to be clean and sanitary and if it meets the requirements of 81-9-216 through 81-9-220 and
14 81-9-226 through 81-9-236, the board shall authorize the granting of state meat inspection service to the
15 applicant. The board shall then assign an official establishment number to the approved establishment or mobile
16 slaughter facility to be used to mark the meat of the carcasses and parts of carcasses that are offered for sale.

17 (b) In the case of mobile slaughter facilities, a separate establishment number is required for each
18 mobile unit owned and operated by the applicant. The board shall assign an official establishment number to
19 each approved mobile unit, which must be used to mark the meat of carcasses and parts of carcasses that are
20 offered for sale from that mobile unit."

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22 **Section 5.** Section 81-9-228, MCA, is amended to read:

23 **"81-9-228. Inspection stamps.** (1) The board shall provide meat inspection stamps to all official
24 establishments, including mobile slaughter facilities, which must contain the words "Montana Inspected and
25 Passed". The inspection stamps must be designed by the board so as to be not in conflict with inspection stamps
26 of the U.S. department of agriculture.

27 (2) Approved official establishments may use symbols of the inspection stamps on the processed meats
28 and meat food products they offer for sale if they are in compliance with the provisions of 81-9-216 through
29 81-9-220 and 81-9-226 through 81-9-236.

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

