

Proposed Amendments
HOUSE BILL NO. 406
INTRODUCED BY B. BERGREN
BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE DEPARTMENT OF AGRICULTURE AND THE ADOPTING THE COUNTRY OF ORIGIN PLACARDING ACT; REQUIRING A COUNTRY OF ORIGIN PLACARD ON SPECIFIC COMMODITIES OFFERED FOR SALE IN MONTANA; PROVIDING PENALTIES FOR OFFERING FOR SALE SPECIFIC COMMODITIES WITHOUT INDICATING THE COUNTRY OF ORIGIN AND FOR REMOVING LABELS; AND AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRY TO DEVELOP RULES TO IMPLEMENT THE COUNTRY OF ORIGIN PLACARDING ACT." LABELLING TASK FORCE, AN ACT PROVIDING FOR THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF LABOR TO REPORT TO THE 60TH LEGISLATURE WITH THE RESULTS OF THE WORK OF THE TASK FORCE.

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

NEW SECTION. Section 1. Short title. [Sections 1 through 5] may be cited as the "Country of Origin Placarding Act". ~~Labelling Task Force Act.~~

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 5], the following definitions apply:

- (1) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17; and the department of agriculture provided for in the Title 2, Chapter _____, part _____.
- (2) "Honey" has the meaning provided in 50-31-103.
- (3) "Label" has the meaning provided in 50-31-103.
- (4) "Labeling" has the meaning provided in 50-31-103.
- (5) "Package" has the meaning provided in 50-31-103.
- (6) "Person" means an individual, partnership, corporation, company, society, or association.
- ~~(7) "Placard" has the meaning provided in 50-31-103.~~

NEW SECTION. Section 3. Labeling permitted -- when placarding required -- removal of label prohibited. (1) All producers, growers, and shippers of grains, honey, beef, pork, poultry, or lamb in this state are permitted to label each individual portion, piece, or package of grains, honey, beef, pork, poultry, or lamb in a conspicuous place as legibly, indelibly, and permanently as the nature of the commodity will permit, in a manner that indicates to an ultimate purchaser that the product was produced in Montana.

~~(2) Grains, honey, beef, pork, poultry, or lamb, including any package that contains any blending of foreign and domestic product, that is produced in any country other than the United States and offered for retail sale in Montana must be labeled with a placard in a manner that indicates to an ultimate purchaser the country of origin.~~

~~(3) If one of the products enumerated in subsection (2) is unlabeled and the retail vendor is unable to determine its country of origin, the product must be labeled with a placard as "country of origin unknown".~~

(4) (2) All retail vendors engaged in the business of selling products that are labeled or identified as to country of origin are prohibited from willfully or knowingly removing the labels or identifying marks pursuant to subsection (1).

NEW SECTION. Section 4. Penalties. (1) A person engaged in the business of retail vending of grains, honey, beef, pork, poultry, or lamb who *removes labeling as provided in [Section 3(2)]*. ~~offers these products for sale without ensuring that the products are clearly labeled as to the country of origin, as provided in [section 3(2)]~~, is subject to the following penalties:

(a) for a first offense, a vendor shall be fined an amount not to exceed \$100;

(b) for a second offense, a vendor shall be fined an amount not to exceed \$250;

(c) for a third offense, a vendor shall be fined an amount not to exceed \$500; and

(d) for a fourth and subsequent offense, a vendor is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$1,000. This offense is an absolute liability offense as provided in 45-2-104.

~~(2) A person engaged in the business of retail vending of grains, honey, beef, pork, poultry, or lamb who knowingly removes any labels or identifying marks from grains, honey, beef, pork, poultry, or lamb that is labeled as to the country of origin is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.~~

(3) As used in this section, "knowingly" has the meaning provided in 45-2-101.

NEW SECTION. Section 5. Department authorized to adopt rules. (1) The department of labor and industry may develop, adopt, and administer rules for the efficient enforcement of [sections 1 through 5 4]. The rules adopted by the department may include but are not limited to:

~~(a) statements that delineate the difference between imported and unimported raw agricultural commodities for the purpose of [sections 1 through 5];~~

~~—(b) the preferred labeling or placarding method for each commodity type identified in [sections 1 through 5]; and~~

~~—(c) other rules that the department considers necessary to enforce [sections 1 through 5].~~

(2) The rules adopted to implement [sections 1 through 5 4] may not unduly restrict a person from conducting business.

NEW SECTION. Section 6. Country of Origin Labelling Task Force.

(1) *The department of agriculture shall develop a task force for the purpose of seeking adoption of country of origin labeling by the federal government.*

(2) *The task force set forth in (1) shall be comprised of the following:*

- a. Two (2) producers of beef cattle who are Montana residents;*
- b. Two (2) producers of grains who are Montana residents;*
- c. One (1) producer of lamb who is a Montana resident;*
- d. One (1) producer of pork who is a Montana resident;*
- e. One (1) producer of poultry who is a Montana resident;*
- f. One (1) producer of other commodities who is a Montana resident;*
- g. Two (2) representatives of the retail industry who are Montana residents.*

(3) *The task force established in (2) shall work with the department of agriculture to pursue the adoption of federal legislation and regulation on a country of origin labeling program which provides for the following:*

- a. All processed and unprocessed commodities shall be labeled;*
- b. Is applicable to both domestic and imported products;*

- c. *Allows a U.S. Country of Origin label to be used exclusively on product from an animal born, raised, and processed in the United States;*
- d. *Authorizes the use of an appropriate verification system to certify the county of origin of any product or commodity;*
- e. *Places all audit and verification authority with the Secretary of Agriculture;*
- f. *Establishes that the country of origin labeling program shall be mandatory;*
- g. *Any program does not place costly requirements on the producers of commodities or animals;*
- h. *The task force shall be attached to the department of agriculture for administration purposes only.*
- i. *The department of labor and industry and the department of agriculture shall report to the 60th legislature the results of implementation of [Sections 1-5] and the results of the work of the task force under [Section 6] and the status of federal programs on country of origin labeling.*

COORDINATION SECTION. Section 6 7. Coordination instruction. If __Bill No. __ [LC 433] is passed and approved and if it reestablishes the made in Montana program within the department of commerce, then [section 2(1)] must read as follows:

"(1) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18."

NEW SECTION. Section 7 8. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 30, chapter 12, and the provisions of Title 30, chapter 12, apply to [sections 1 through 5 4]. *The provisions of [Section 6] are intended to be conditioned as an integral part of Title 80, Chapter _____, and the provisions of Title 80, Chapter _____, apply to [Section 6].*

NEW SECTION. Section 8 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

- END -

Latest Version of HB 406 (HB0406.01)

Processed for the Web on January 21, 2005 (4:57pm)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the [status of this bill](#) for the bill's primary sponsor.

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