60th Legislature SB0479.02

1	SENATE BILL NO. 479
2	INTRODUCED BY ELLIOTT
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4	A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING THE DESCRIPTION OF MONTANA HUCKLEBERRY
5	PRODUCTS; PROVIDING PENALTIES FOR MISLABELING; AND PROVIDING AN IMMEDIATE EFFECTIVE
6	DATE."
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8	WHEREAS, Montana huckleberries grow wild in a Rocky Mountain Region that includes northwestern
9	Montana, the panhandle area of Idaho, and the Inland Empire of northwestern Washington and have yet to be
10	cultivated, despite attempts at Montana State University and elsewhere; and
11	WHEREAS, the use of the wild Montana huckleberry in food products is unregulated and in danger of
12	being devalued by a combination of the wild Montana huckleberry with wild blueberries or other similar berries
13	that are cultivated in other climates but that are being called wild Montana huckleberries to capitalize on the
14	popularity of this flavorful native berry.
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16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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18	NEW SECTION. Section 1. Content criteria for Montana huckleberry products. (1) The label for
19	a product that contains the terms "Montana" and "huckleberry" must meet the following criteria:
20	(a) The huckleberries must have been picked in the wild from a designated area in Montana that the
21	producer has placed on file with the department. The department shall maintain the designated area information
22	as confidential information but may respond generally to inquiries about whether a producer has listed a
23	designated area for its huckleberry products.
24	(b) A product that lists only huckleberries as the berry used in the product must meet the criteria listed
25	in subsection (1)(a).
26	(c) A product that lists huckleberries mixed with other berries must state the proportions and must
27	distinguish the proportion of Montana huckleberries, as designated under subsection (1)(a), from huckleberries
28	grown elsewhere or other types of berries.
29	(2) A huckleberry product that meets the criteria in subsection (1)(a) and the requirements of 7 CFR
30	205.207 and the labeling requirements of 7 CFR 205.300, et seq., may be labeled organic.

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1	(3) (a) For the purposes of this section, "huckleberry" means a berry referring to various wild species of
2	the Vaccinium genus, commonly referred to in this state as a huckleberry or Montana huckleberry. The berries
3	usually are less than 5 millimeters in diameter. Among these species are Vaccinium membranaceum and
4	Vaccinium globulare.
5	(b) The term does not include berries of the species Vaccinium myrtilloides, the Vaccinium angustifolium,
6	Vaccinium ashei, or Vaccinium corymbosum.
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8	NEW SECTION. Section 2. Penalties for false labeling. (1) (a) It is unlawful for a person to sell or
9	offer for sale or list on a package label for sale either inside or outside this state any product that contains the
10	words Montana and huckleberry in violation of the provisions of [section 1].
11	(b) A printer whose job does not involve the marketing of a product described in [section 1] is not liable
12	under this section.
13	(2) A person who knowingly violates subsection (1)(a) is guilty of a misdemeanor and shall be punished
14	under 46-18-212.
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16	NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified
17	as an integral part of Title 80, chapter 11, and the provisions of Title 80, chapter 11, apply to [sections 1 and 2].
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19	NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.
20	- END -

