



Department of Public Health and Human Services 399

Public Health & Safety Division ♦ Communicable Disease Control & Prevention Bureau
Food & Consumer Safety ♦ PO Box 202951 ♦ 1400 Broadway ♦ Helena, MT 59602-2951
Phone: (406) 444-2408 ♦ Fax: (406) 444-5055

Steve Bullock, Governor
Richard H. Opper, Director

POSITION ON LEGISLATION – MONTANA FOOD SAFETY ADVISORY COUNCIL

Presented to: Human Services Committee

Hearing Date/Time/Location: February 18, 2013; 3:00 P.M., Room 152

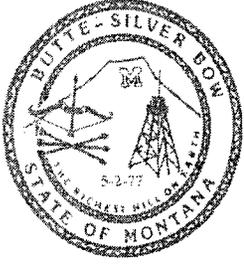
Bill Number & Sponsor: HB 399; Nancy Ballance

Title: Allow sale of eggs at farmer's market

Recommendation of the Food Advisory Council: There are six members of the Food Safety Advisory Council. Of the four members responding: one approved, one was opposed and two indicated no opinion. Four provided written comments (attached).

(Please see attached comments from Council Members)

Presented by Jim Murphy, DPHHS, jmurphy@mt.gov 444-4016



BUTTE-SILVER BOW HEALTH DEPARTMENT

25 West Front Street
Butte, Montana 59701
Office Number: (406)497-5020
Fax Number: (406)723-7245

To: Montana State Legislature

From: John Rolich, R.S., Food Safety Advisory Council Member

Date: February 12, 2013

Subject: Senate Bill 399: "An Act Exempting the Sale of Eggs at a Farmer's market from licensure and Grading."

Thank you for allowing me to comment on Senate Bill 399: "An Act Exempting the Sale of Eggs at a Farmer's market from licensure and Grading."

Comments: I endorse this change to the statute.

If you have any questions, I can be reached at 406-497-5027 or jrolich@bsb.mt.gov



LEWIS & CLARK CITY-COUNTY
Health Department

1930 Ninth Avenue
Helena, MT 59601
PH: 406.4HEALTH or 406.443.2584
Fax: 406.457.8997

February 15, 2013

From: Laurel Riek, RS
Food Safety Advisory Council Member

RE: **House Bill 399** AN ACT EXEMPTING THE SALE OF EGGS AT A FARMER'S
MARKET FROM LICENSURE AND GRADING REQUIREMENTS

I am neutral on this bill providing that the cold holding requirements of the eggs remain intact.



Flathead City-County Health Department

1035 First Ave. West Kalispell, MT 59901
(406) 751-8101 FAX 751-8102
www.flatheadhealth.org

Community Health Services
751-8110 FAX 751-8111
Environmental Health Services
751-8130 FAX 751-8131
Family Planning Services
751-8150 FAX 751-8151
Home Health Services
751-6800 FAX 751-6807
WIC Services
751-8170 FAX 751-8171
Animal Shelter
752-1310 FAX 752-1546

January 12, 2013

To: Food Safety Advisory Council

RE: HB 399

From: Kelly David, R.S.
Food Safety Advisory Council Member

I am neutral in regards to House Bill 399 as introduced.

I have two suggestions to make bill stronger. First, is to include a requirement for candling and grading of the eggs so that a standard quality of egg is sold. Becoming certified to candle and grade is a relatively simple and inexpensive process that would not be a great hardship for farmers. Second, in addition to labeling with the farm from which the eggs came from, include a requirement for labeling with a disclaimer that states "farm eggs, not from a licensed, inspected facility" so that there is no misunderstanding on behalf of the consumer.

Sincerely,
Flathead City-County Health Department

Kelly David
Registered Environmental Health Sanitarian

Providing quality public health services to ensure the conditions for a healthy community.

C:\Users\CS4621\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\4TZSCUEP\Hb 339 Draft Response.Doc



Public Health

Cox, Christine

From: Mary Jane Heisler <mjheisler@hotmail.com>
Sent: Thursday, February 07, 2013 3:03 PM
To: Cox, Christine
Subject: RE: Food Safety Advisory Council HB 399 Allow sale of eggs at farmer's market

No egg sales at Farmers market

From: CCox@mt.gov
To: dekaul@montanamail.us; jrolich@bsb.mt.gov; kdavid@flathead.mt.gov; lriek@co.lewis-clark.mt.us; mjheisler@hotmail.com; thomas.campbell@umontana.edu
CC: jmurphy@mt.gov; MTuemmler@mt.gov
Subject: Food Safety Advisory Council HB 399 Allow sale of eggs at farmer's market
Date: Thu, 7 Feb 2013 17:04:39 +0000

Good Morning,

HB 399: Allow sale of eggs at farmer's market. This bill was introduced February 6, 2013 and falls under the review requirement of the Advisory Council. . Pease review and submit your comments **within 3 days** to hhsfcs@mt.gov. No hearing is scheduled at this time I will keep you posted.

To read the bill go
to [http://laws.leg.mt.gov/legprd_pref/LAW0210w\\$BSIV.ActionQuery?P_BILL_DFT_NO5=LC2008&Z_ACTION=Find&P_SESS=20131](http://laws.leg.mt.gov/legprd_pref/LAW0210w$BSIV.ActionQuery?P_BILL_DFT_NO5=LC2008&Z_ACTION=Find&P_SESS=20131)

Thank You

Christine Cox, RS, REHS
Retail Food Program Manager
MT DPHHS/FCSS
1400 Broadway Street, Rm C214
Helena, MT 59620
406 444-2089
ccox@mt.gov



Department of Public Health and Human Services

Public Health & Safety Division ♦ Communicable Disease Control & Prevention Bureau 32

PO Box 202951 ♦ 1400 Broadway ♦ Helena, MT 59602-2951 **DATE** 2/18/13

Voice: 406-444-0919 ♦ Fax: 406-444-3044

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Steve Bullock, Governor

Richard H. Opper, Director

Jim Murphy, Bureau Chief
Communicable Disease Control and Prevention Bureau
Public Health and Safety Division
Montana Department of Public Health and Human Services
444-4016

Testimony in support of House Bill 399: AN ACT EXEMPTING THE SALE OF EGGS AT A FARMER'S MARKET FROM LICENSURE AND GRADING REQUIREMENTS

Presented to the House Human Services Committee, Monday, February 18, 2013

On behalf of the Department, I am here to express our support for House Bill 399. This bill would allow for the sale of eggs by unlicensed individuals at farmer's markets or roadside stands owned and operated by a farmer.

At the present time, such sales by unlicensed individuals are not allowed under the current statute which was intended to ensure only the lowest-risk products are sold at these venues. DPHHS has consulted with the Department of Livestock, which regulates larger egg producers, as well as local environmental health programs on this issue.

HB 399 outlines quality, packaging, temperature and labeling requirements that we feel are sufficient to protect the public health. If passed, DPHHS will work closely with local public health departments, egg producers and others to ensure safe and consistent implementation of the statute.

I would be happy to answer any questions the committee may have regarding this bill.

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