



AN ACT EXEMPTING THE SALE OF EGGS AT A FARMER'S MARKET FROM LICENSURE AND GRADING REQUIREMENTS; AMENDING SECTIONS 50-50-202 AND 81-20-206, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 50-50-202, MCA, is amended to read:

"50-50-202. Establishments exempt from license requirement -- farmer's market records. (1)

Establishments owned or operated by the state or a political subdivision of the state that employ a full-time sanitarian are exempt from licensure but shall comply with the requirements of this chapter and rules adopted by the department under this chapter.

(2) (a) A license is not required to operate an establishment if it is operated by a nonprofit organization for a period of less than 14 days in 1 calendar year. An establishment exempt from licensure under this subsection:

(i) must be operated in compliance with the remaining provisions of this chapter and rules adopted by the department under this chapter; and

(ii) prior to each operation, shall register with the local health officer or sanitarian on forms provided by the department.

(b) Nonprofit organizations or persons selling baked goods or preserves exclusively for a charitable community purpose are exempt from registration if they notify the local health officer or sanitarian, by phone or in person, before the event. The notification required is limited to the date and time of the event, items planned to be sold, and an estimate of the number of people expected to be served at the event.

(3) (a) (i) A license is not required of a gardener, farm owner, or farm operator who sells raw and unprocessed farm products or whole shell eggs at a farmer's market.

(ii) Whole shell eggs sold at a farmer's market by a farm owner or operator must:

(A) be clean, free of cracks, and stored in clean cartons;

(B) be kept at a temperature established by the department; and

(C) carry a label indicating the name and address of the farm owner or operator selling the eggs.

(b) A license is not required of a person selling baked goods or preserves at a farmer's market or exclusively for a charitable community purpose.

(4) (a) A farmer's market that is an organized market authorized by a municipal or county authority shall keep registration records of all individuals and organizations that sell baked goods or preserves at the market.

(b) The registration records must include but are not limited to the name of the seller, the seller's address and telephone number, the products sold by the seller, and the date the products were sold.

(c) The registration records must be made available to the local health officer or the officer's agent."

Section 2. Section 81-20-206, MCA, is amended to read:

"81-20-206. Notice to purchaser of grade of eggs. It is unlawful for a person to sell, offer, or expose for sale at wholesale or retail any eggs for human consumption without notifying the person purchasing or intending to purchase the eggs of the exact grade or quality and size or weight of the eggs, according to the standards prescribed by the department of livestock, by stamping or printing on the container of the eggs the grade or quality and size or weight ~~and, if, if the eggs are offered for sale in bulk, without also displaying in a conspicuous place at the point where the eggs are offered or exposed for sale~~ a placard or sign printed in letters 2 inches high must be displayed in a conspicuous place at the point where the eggs are offered or exposed for sale giving the grade, quality, size, weight, and date of grading. This part does not affect the sale of eggs by ~~the producers~~ a producer when the consumer purchases the eggs at the place of production or at a farmer's market as defined in 50-50-102."

Section 3. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 0399, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2013.

President of the Senate

Signed this _____ day
of _____, 2013.

HOUSE BILL NO. 399

INTRODUCED BY BALLANCE, CUFFE, THOMAS, VINCENT, WOODS

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