

Amendments to House Bill No. 478  
1st Reading Copy

Requested by Representative Kathleen Williams

For the House Agriculture Committee

Prepared by Joe Kolman  
February 17, 2015 (2:36PM)

1. Title, page 1, line 11.

**Following:** "SECTIONS"

**Insert:** "30-12-301,"

2. Page 4, line 14.

**Following:** line 13

**Insert:** "Section 5. Section 30-12-301  
, MCA, is amended to read:

**"30-12-301. Method of sale of commodities -- general.** (1)

Commodities in liquid form ~~shall~~ may be sold only by liquid measure or by weight, and, except as otherwise provided in parts 1 through 5, commodities not in liquid form ~~shall~~ may be sold only by weight, by measure of length or area, or by count. Liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if those methods give accurate information as to the quantity of commodity sold. This section does not apply to:

- x weights  
+ measures*
- (a) commodities when sold for immediate consumption on the premises where sold;
  - (b) vegetables when sold by the head or bunch;
  - (c) commodities in containers standardized by a law of this state or by federal law;
  - (d) commodities in package form when there exists a general consumer usage to express the quantity in some other manner;
  - (e) concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure; ~~or~~
  - (f) unprocessed vegetable and animal fertilizer when sold by cubic measure; or
  - (g) cottage food products as defined in 50-50-102.

(2) The department may adopt reasonable rules necessary to ~~assure~~ ensure that amounts of commodity sold are determined in accordance with good commercial practice and are ~~so~~ determined and represented as to be accurate and informative to all parties at interest."

{ Internal References to 30-12-301:  
30-12-407 }

"

**Renumber:** subsequent sections

*flexibility*

*redundant*

*drafting error*

*apply to all*

*exchanges*

*ability to shut down*

*inspection for temp + mobile (not cottage unless problem)*

3. Page 11, line 2.

**Following:** "kitchen"

**Strike:** "of that person's primary"

**Insert:** "in a registered area of a"

4. Page 11, line 5 through line 6.

**Strike:** "that do not" on line 5 through "safety" on line 6

5. Page 13, line 1.

**Strike:** "or acidity"

6. Page 15, line 9.

**Strike:** "(20) (c) (xiii)"

**Insert:** "(21) (c) (xiii)"

7. Page 17, line 18.

**Strike:** "in a cottage food operation"

**Insert:** "served to the public"

8. Page 19, line 4 through line 5.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) A person who exchanges foods in a nonmonetary transaction is exempt from permitting, licensure, and registration."

9. Page 22, line 19.

**Following:** "received."

**Insert:** "This subsection does not prohibit the cancellation of a permit in the event of an immediate threat to the public health. The permitholder retains the right of appeal."

10. Page 24, line 18.

**Following:** "licensed"

**Insert:** "or permitted"

- END -