

1 HOUSE BILL NO. 399

2 INTRODUCED BY G. HERTZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LABELING REQUIREMENTS FOR PASTEURIZED
5 MILK PLACED FOR SALE; REQUIRING THE DEPARTMENT OF LIVESTOCK TO AMEND ADMINISTRATIVE
6 RULE TO REFLECT THE LAW; PROHIBITING NEW RULEMAKING; REPEALING ARM 32.8.202, 32.8.203,
7 32.8.204, 32.8.205, AND 32.8.206; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 NEW SECTION. **Section 1. Labeling of milk placed for sale -- seizure -- rulemaking prohibited.**12 (1) The processor of a unit of grade A milk shall establish a code date indicating the number of days after
13 pasteurization that the unit of grade A milk should be fresh, healthful, and safe when purchased by a consumer.14 (2) Each container into which grade A pasteurized milk is placed for sale for public consumption must
15 be marked with the processor code date and pasteurization date by the packager of the milk.16 (3) (a) The pasteurization date and the processor code date required by subsection (1) must be displayed
17 in Arabic numerals or standard abbreviations for day and month.18 (b) Labels required by this section must be of a color clearly contrasting with the area immediately
19 surrounding the label. The labels may be put on by printing, stamping, burning, or a combination of any of those
20 methods or by some other method specifically approved in writing by the department.21 (c) Labels placed on cartons or similar containers must be located on the top sealing fin. Labels on
22 molded plastic jugs may be placed anywhere on the upper half of the container or on the printed product label
23 except the lid.

24 (d) Labels for containers must be at least 1/8 inch in height.

25 (e) All characters in labels must be at least 1/8 inch in height.

26 (4) Milk offered for sale contrary to the provisions of this section may be seized and destroyed by agents
27 of the department.

28 (5) The department may not adopt rules related to implementation of this section.

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30 NEW SECTION. **Section 2. Department to amend rule.** The department of livestock shall amend ARM

1 32.8.101 to eliminate the definition of a "sell by" date.

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3 NEW SECTION. **Section 3. Repealer.** ARM 32.8.202, 32.8.203, 32.8.204, 32.8.205, and 32.8.206 are
4 repealed.

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6 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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8 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an
9 integral part of Title 81, chapter 21, and the provisions of Title 81, chapter 21, apply to [section 1].

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