

SENATE BILL NO. 479
INTRODUCED BY J. ELLIOTT

A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING THE DESCRIPTION OF MONTANA HUCKLEBERRY PRODUCTS; PROVIDING PENALTIES FOR MISLABELING; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, Montana huckleberries grow wild in a Rocky Mountain Region that includes northwestern Montana, the panhandle area of Idaho, and the Inland Empire of northwestern Washington and have yet to be cultivated, despite attempts at Montana State University and elsewhere; and

WHEREAS, the use of the wild Montana huckleberry in food products is unregulated and in danger of being devalued by a combination of the wild Montana huckleberry with wild blueberries or other similar berries that are cultivated in other climates but that are being called wild Montana huckleberries to capitalize on the popularity of this flavorful native berry.

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

NEW SECTION. **Section 1. Content criteria for Montana huckleberry products.** (1) The label for a product that contains the terms "Montana" and "huckleberry" must meet the following criteria:

(a) The huckleberries must have been picked in the wild from a designated area in Montana that the producer has placed on file with the department. The department shall maintain the designated area information as confidential information but may respond generally to inquiries about whether a producer has listed a designated area for its huckleberry products.

(b) A product that lists only huckleberries as the berry used in the product must meet the criteria listed in subsection (1)(a).

(c) A product that lists huckleberries mixed with other berries must state the proportions and must distinguish the proportion of Montana huckleberries, as designated under subsection (1)(a), from huckleberries grown elsewhere or other types of berries.

(2) A huckleberry product that meets the criteria in subsection (1)(a) and the requirements of 7 CFR 205.207 and the labeling requirements of 7 CFR 205.300, et seq., may be labeled organic.

(3) (a) For the purposes of this section, "huckleberry" means a berry referring to various wild species of

the Vaccinium genus, commonly referred to in this state as a huckleberry or Montana huckleberry. The berries usually are less than 5 millimeters in diameter. Among these species are Vaccinium membranaceum and Vaccinium globulare.

(b) The term does not include berries of the species Vaccinium myrtilloides, the Vaccinium angustifolium, Vaccinium ashei, or Vaccinium corymbosum.

NEW SECTION. Section 2. Penalties for false labeling. (1) (a) It is unlawful for a person to sell or offer for sale or list on a package label for sale either inside or outside this state any product that contains the words Montana and huckleberry in violation of the provisions of [section 1].

(b) A printer whose job does not involve the marketing of a product described in [section 1] is not liable under this section.

(2) A person who knowingly violates subsection (1)(a) is guilty of a misdemeanor and shall be punished under 46-18-212.

NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 80, chapter 11, and the provisions of Title 80, chapter 11, apply to [sections 1 and 2].

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

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