

SENATE BILL NO. 57

INTRODUCED BY J. ELLIS

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING AUTHORITY OF DEPARTMENT OF LIVESTOCK TO INSPECT AND REGULATE HOME-KILLED MEAT; AMENDING SECTION 81-2-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, federal law exempts from inspection meat and meat products from personal slaughtering and processing that is limited to non-paying household members, guests, and employee uses; and

WHEREAS, federal law also exempts from regulation the transportation of personally slaughtered meat and meat products; and

WHEREAS, 81-2-102 allows the department of livestock to regulate personally slaughtered meat and meat products, which would be in violation of federal law.

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

**Section 1.** Section 81-2-102, MCA, is amended to read:

**"81-2-102. Powers of department.** (1) The department may:

(a) supervise the sanitary conditions of livestock in this state, under the provisions of the constitution and statutes of this state and the rules adopted by the department. The department may quarantine a lot, yard, land, building, room, premises, enclosure, or other place or section in this state that is or may be used or occupied by livestock and that in the judgment of the department is infected or contaminated with an infectious, contagious, communicable, or dangerous disease or disease-carrying medium by which the disease may be communicated. The department may quarantine livestock in this state when the livestock is affected with or has been exposed to disease or disease-carrying medium. The department may prescribe treatments and enforce sanitary rules that are necessary and proper to circumscribe, extirpate, control, or prevent the disease.

(b) foster, promote, and protect the livestock industry in this state by the investigation of diseases and other subjects related to ways and means of prevention, extirpation, and control of diseases or to the care of livestock and its products and to this end may establish and maintain a laboratory, may make or cause to be

1 made biologic products, curatives, and preventative agents, and may perform any other acts and things as may  
2 be necessary or proper in the fostering, promotion, or protection of the livestock industry in this state;

3 (c) impose and collect fees that the department considers appropriate for the tests and services  
4 performed by it at the laboratory or elsewhere and for biologic products, curatives, and preventative agents made  
5 or caused to be made by the department. In fixing these fees, the department shall take into consideration the  
6 costs, both direct and indirect, of the tests, services, products, curatives, and agents. All fees must be deposited  
7 in the enterprise fund account established in 81-2-116 for the use of the animal laboratory functions of the  
8 department.

9 (d) subject to subsection (2), adopt rules and orders that it considers necessary or proper to prevent the  
10 introduction or spreading of infectious, contagious, communicable, or dangerous diseases affecting livestock and  
11 alternative livestock in this state;

12 (e) (i) adopt rules and orders that it considers necessary or proper for the inspection, testing, and  
13 quarantine of all livestock and alternative livestock imported into this state; and

14 (ii) adopt rules and orders that it considers necessary or proper governing inspections and tests of  
15 livestock and alternative livestock intended for importation into this state to prevent the introduction or spreading  
16 of infectious, contagious, communicable, or dangerous diseases affecting livestock and alternative livestock;

17 (f) adopt rules and orders that it considers necessary or proper for the supervision, inspection, and  
18 control of the standards and sanitary conditions of slaughterhouses, meat depots, meat and meat food products,  
19 dairies, milk depots, milk and its byproducts, barns, dairy cows, factories, and other places and premises where  
20 meat or meat foods, milk or its products, or any byproducts thereof intended for sale or consumption as food are  
21 produced, kept, handled, or stored. An authorized representative of the department may take samples of a  
22 product so produced, kept, handled, or stored for analysis or testing by the department. The records of the  
23 samples and their analysis and test, when identified as to the sample by the oath of the officer taking it and  
24 verified as to the analysis or test by the oath of the chemist or bacteriologist making it, are prima facie evidence  
25 of the facts set forth in them when offered in evidence in a prosecution or action at law or in equity for violation  
26 of 81-9-201, 81-20-101, 81-21-102, 81-21-103, part 1, 2, or 3 of this chapter, or a rule or order of the board  
27 adopted thereunder. These standards, insofar as they relate to dairies or milk and its byproducts, may not include  
28 standards of weight or measurement.

29 (g) adopt rules and orders that seem necessary or proper for the supervision and control of  
30 manufactured and refined foods for livestock and the manufacture, importation, sale, and method of using a

1 biologic remedy or curative agent for the treatment of diseases of livestock. However, as far as practicable, the  
 2 standards approved by the United States department of agriculture must be adopted.

3 ~~(h) install an adequate system of meat inspection in accordance with 81-9-216 through 81-9-220 and~~  
 4 ~~81-9-226 through 81-9-236 that must provide ways and means for shipping home-grown and home-killed meats~~  
 5 ~~into any city in this state. As far as practicable, the rules must conform with the meat inspection requirements of~~  
 6 ~~the United States department of agriculture.~~

7 ~~(i)(h)~~ slaughter or cause to be slaughtered any livestock in this state known to be affected with or that  
 8 has been exposed to an infectious, contagious, communicable, or dangerous disease, when the slaughter is  
 9 necessary for the protection of other livestock, and destroy or cause to be destroyed all barns, stables, sheds,  
 10 outbuildings, fixtures, furniture, or personal property infected with any infectious, contagious, communicable, or  
 11 dangerous disease when they cannot be thoroughly cleaned and disinfected and the destruction is necessary  
 12 to prevent the spreading of the disease;

13 ~~(j)(i)~~ indemnify the owner of any property destroyed by order of the department or pursuant to any rules  
 14 adopted by the department under 81-20-101, 81-21-102, 81-21-103, or part 1, 2, or 3 of this chapter;

15 ~~(k)(j)~~ require persons, firms, and corporations engaged in the production or handling of meat, meat food  
 16 products, dairy products, or any byproducts thereof to furnish statistics of the quantity and cost of the food and  
 17 food products produced or handled and the name and address of persons supplying them any of the products.

18 (2) (a) As used in subsection (1)(d), "order" means a command, direction, or instruction issued by the  
 19 department, board, or board's administrator in circumstances that clearly constitute an existing imminent peril to  
 20 the public health, safety, or welfare or to animal health or welfare.

21 (b) An order under subsection (1)(d) may last no more than 5 years and may be altered or rescinded as  
 22 necessary to address the circumstances set out in subsection (1)(d). An order may not be used to create a  
 23 permanent program.

24 (c) As used in subsection (2)(b), "program" means a legislatively or administratively created function,  
 25 project, or duty of an agency.

26 (3) When in the exercise of its powers or the discharge of its duties it becomes necessary for employees  
 27 of the department to investigate facts and conditions, they may administer oaths, take affidavits, and compel the  
 28 attendance and testimony of witnesses."  
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30 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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