

HOUSE BILL NO. 594

INTRODUCED BY B. HAMLETT

A BILL FOR AN ACT ENTITLED: "AN ACT ADOPTING THE COUNTRY OF ORIGIN PLACARDING ACT OF 2019; REQUIRING A PLACARD OF COUNTRY OF ORIGIN ON BEEF OR PORK PRODUCTS; PROVIDING PENALTIES FOR REMOVING LABELS AND OTHER VIOLATIONS; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY TO THE DEPARTMENT OF LABOR AND INDUSTRY; AMENDING SECTION 30-12-702, MCA; AND PROVIDING EFFECTIVE DATES."

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] and 30-12-703 may be cited as the "Country of Origin Placarding Act of 2019".

Section 2. Section 30-12-702, MCA, is amended to read:

"30-12-702. Definitions. As used in this part, the following definitions apply:

(1) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(2) "Label" has the meaning provided in 50-31-103.

(3) "Labeling" has the meaning provided in 50-31-103.

~~(2)~~(4) "Package" has the meaning provided in 50-31-103.

(5) "Person" means an individual, partnership, corporation, company, society, or association.

(6) "Placard" has the meaning provided in 50-31-103."

NEW SECTION. **Section 3. Placard requirements -- removal of placard prohibited.** (1) Beef or pork products from an animal that is born, raised, and processed in the United States and offered for sale in Montana must be accompanied by a placard that indicates that the products' country of origin is the United States.

(2) Muscle cuts and ground beef or pork, including any package that contains any blending of foreign and domestic product, that is produced in any country other than the United States and offered for retail sale in Montana must be labeled with a placard in a manner that indicates the country or countries of origin to an ultimate purchaser of the product or products.

1 (3) If a product in subsection (2) is unlabeled and the retail vendor is unable to determine its country of
2 origin, the vendor must label the product with a placard that states "country of origin unknown".

3 (4) A retail vendor engaged in the business of selling products that are labeled or identified as to the
4 country of origin may not willfully or knowingly remove a label, placard, or identifying mark.

5 (5) A placard is not required for prepared foods that are for immediate sale or ready to eat.

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7 **NEW SECTION. Section 4. Penalties.** (1) A retailer of muscle cuts and ground beef or pork who
8 knowingly or purposely offers those products for sale without ensuring the products are clearly labeled with a
9 placard as to the country of origin as provided in [section 3(2)] is subject to the following penalties:

10 (a) for a first offense, a fine not to exceed \$100;

11 (b) for a second offense, a fine not to exceed \$250;

12 (c) for a third or subsequent offense, a fine not to exceed \$500.

13 (2) A retailer of beef or pork who knowingly removes a label, placard, or identifying mark from a beef or
14 pork product that is labeled as to the country of origin is guilty of a misdemeanor. Upon conviction, the retailer
15 may be subject to a fine not to exceed \$500 or imprisonment for not more than 6 months, or both.

16 (3) As used in this section, "knowingly" and "purposely" have the meanings provided in 45-2-101.

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18 **NEW SECTION. Section 5. Rulemaking authority.** (1) The department shall adopt rules to implement
19 [sections 1 through 5] and 30-12-703. The rules must include:

20 (a) statements that delineate the difference between imported and unimported raw agricultural
21 commodities;

22 (b) the preferred labeling or placarding method for each commodity type identified in [sections 1 through
23 5] and 30-12-703;

24 (c) other rules that the department considers necessary to enforce [sections 1 through 5] and 30-12-703.

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26 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be codified
27 as an integral part of Title 30, chapter 12, part 7, and the provisions of Title 30, chapter 12, part 7, apply to
28 [sections 1 through 5].

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30 **NEW SECTION. Section 7. Severability.** If a part of [this act] is invalid, all valid parts that are severable

1 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
2 remains in effect in all valid applications that are severable from the invalid applications.

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4 NEW SECTION. **Section 8. Effective dates.** (1) Except as provided in subsection (2), [this act] is
5 effective October 1, 2019.

6 (2) [Section 3(2)] and this section are effective upon passage and approval.

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