

HOUSE BILL NO. 336

INTRODUCED BY B. LER, D. ANKNEY, M. BLASDEL, K. BOGNER, J. ELLSWORTH, J. ESP, G. HERTZ, S. HINEBAUCH, D. KARY, R. OSMUNDSON, C. SMITH, G. VANCE, D. BARTEL, B. BEARD, S. BERGLEE, M. BINKLEY, J. CARLSON, J. DOOLING, P. FIELDER, S. GALLOWAY, W. GALT, J. GILLETTE, S. GIST, S. GUNDERSON, C. HINKLE, J. HINKLE, K. HOLMLUND, L. JONES, J. KASSMIER, C. KNUDSEN, R. KNUDSEN, M. MALONE, R. MARSHALL, B. MITCHELL, T. MOORE, M. NOLAND, B. PHALEN, J. READ, A. REGIER, J. SCHILLINGER, K. SEEKINS-CROWE, D. SKEES, F. SMITH, B. TSCHIDA, B. USHER, S. VINTON, K. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE INTERSTATE COOPERATIVE MEATPACKING COMPACT; PROVIDING FOR COMMERCE BETWEEN STATES FOR STATE-INSPECTED MEAT; PROVIDING THAT STATE INSPECTIONS MUST BE AT LEAST EQUAL TO FEDERAL LAWS AND REGULATIONS; ESTABLISHING PARTICIPATION CRITERIA; PROVIDING FOR A COMPACT ADMINISTRATOR IN PARTICIPATING STATES; PROVIDING A PROCESS FOR DISPUTE RESOLUTION AND REVOCATION OF PARTICIPATION; PROVIDING DEFINITIONS; AND PROVIDING AN A CONTINGENT EFFECTIVE DATE."

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

NEW SECTION. Section 1. Enactment -- provisions -- interstate cooperative program. The

Interstate Cooperative Meatpacking Compact is enacted into law with all other participating states in the following form:

Article I. Purpose

(1) The compacting states to this interstate compact recognize the importance of providing the public with a safe, wholesome, and unadulterated meat supply.

(2) The purpose of this compact, through joint and cooperative action among the compacting states is to:

(a) expand opportunities for the livestock and meatpacking economy throughout the western United

1 States; and

2 (b) promote commerce between the compacting states.

3 (3) It is the policy of the compacting states to cooperate and to observe their individual and collective
4 duties and responsibilities for the appropriate inspection, sanitation, recordkeeping, sampling, labeling, public
5 health, and humane methods of slaughtering for those establishments subject to this compact.

6 (4) The intent of the compacting states is to maintain and enhance a state-based meat inspection
7 process that is at least equal to applicable federal laws and rules, including the authorities under the:

8 (a) Federal Meat Inspection Act, 21 U.S.C. 501 through 695;

9 (b) federal Poultry Products Inspection Act, 21 U.S.C. 451 through 470, as those acts read on March
10 27, 2013;

11 (c) federal Humane Methods of Slaughter Act of 1978, 7 U.S.C. 1901, 1902, 1904, 1906, and 1907,
12 as that act read on March 27, 2007;

13 (d) the labelling requirements of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 through
14 392, as that law read on October 1, 1987; and

15 (e) federal regulations promulgated under these federal acts.

16 Article II. Definitions

17 (1) "Compacting state" means any state that has enacted the enabling legislation for this compact.

18 (2) "Livestock" means cattle, buffalo, sheep, swine, goats, rabbits, horses, mules, or other equines,
19 whether alive or dead.

20 (3) "Livestock product" or "poultry product" means a product capable of use as human food that is
21 wholly or partially made from meat.

22 (4) "Meat" means the edible flesh of livestock or poultry and includes livestock and poultry products.
23 This term does not include cell-cultured edible products.

24 (5) "Meat establishment" means an establishment licensed by a state at which inspection of the
25 slaughter of livestock or poultry or the preparation of meat food products is maintained under applicable meat
26 and poultry inspection laws, including those listed in Article I. The term includes a mobile slaughter facility.

27 (6) (a) "Retail food establishment" means an operation, whether mobile or at a temporary or
28 stationary facility or location, that meets one or more of the conditions in subsections (6)(a)(i) and (6)(a)(ii) and

1 that may include a central processing facility that supplies a transportation vehicle or a vending location or
2 satellite feeding location. A retail food establishment:

3 (i) stores, processes, packages, serves, or vends food directly to the consumer or otherwise provides
4 food for human consumption at a venue that may include:

5 (A) a restaurant;

6 (B) a market;

7 (C) a satellite or catered feeding location;

8 (D) a catering operation if the catering operation provides food directly to a consumer or to a
9 conveyance used to transport people;

10 (E) a vending location;

11 (F) a conveyance used to transport people;

12 (G) an institution; or

13 (H) a food bank; and

14 (ii) relinquishes possession of food to a consumer directly or indirectly by using either a delivery
15 service, as is done for grocery or restaurant orders, or a common carrier that provides deliveries.

16 (b) The term is not dependent on whether consumption is on or off the premises or whether there is a
17 charge for food served to the public.

18 (c) The term does not include:

19 (i) milk producers' facilities, milk pasteurization facilities, or milk product manufacturing plants;

20 (ii) slaughterhouses, meat packing plants, or meat depots;

21 (iii) growers or harvesters of raw agricultural commodities;

22 (iv) a cottage food operation;

23 (v) a person that sells or serves only commercially prepackaged foods that are not potentially
24 hazardous;

25 (vi) a food stand that offers raw agricultural commodities;

26 (vii) a wholesale food establishment, including those wholesale food establishments that are located
27 on the same premises as a retail food establishment;

28 (viii) a kitchen in a domestic residence used for preparing food to sell or serve at a function by a

1 nonprofit organization as provided in subsection (6)(c)(xiii);

2 (ix) custom meat and game animal processors that receive from an owner the remains of a carcass
3 and process those remains for delivery to the owner for the exclusive use in the owner's household by the
4 owner or members of the owner's household, including the owner's family pets, or of the owner's nonpaying
5 guests or employees. For this exemption to apply, the carcass must be kept separate from other meat food
6 products and parts that are to be prepared for sale.

7 (x) private, religious, fraternal, youth, patriotic, or civic organizations that serve or sell food to the
8 public over no more than 4 days in a 12-month period;

9 (xi) a private organization that serves food only to its members and their guests;

10 (xii) a bed and breakfast, a hotel, a motel, a roominghouse, a guest ranch, an outfitting and guide
11 facility, a boardinghouse, or a tourist home as defined in 50-51-102 that serves food only to registered guests
12 and day visitors;

13 (xiii) a nonprofit organization that operates a temporary food establishment under a permit as provided
14 in 50-50-120;

15 (xiv) persons who sell or serve at a farmer's market or a food stand whole shell eggs, hot coffee, hot
16 tea, or other food not meeting the definition of potentially hazardous, as authorized by the appropriate municipal
17 or county authority;

18 (xv) a day-care center under 52-2-721(1)(a) or day-care providers who are not subject to licensure
19 under 52-2-721(1)(a);

20 (xvi) a private domestic residence that receives catered or home-delivered food;

21 (xvii) a contract cook; or

22 (xviii) a provider of free samples to the public as a marketing activity if the provider is a licensed
23 wholesale food establishment, a cottage food operation, or a seller at a farmer's market.

24 (7) "Retail meat establishment" means a commercial establishment at which meat or meat products
25 are displayed for sale or provision to the public, with or without charge.

26 (8) "State" means a state within the United States, the District of Columbia or its designee, the
27 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern
28 Marianas Islands.

1 (9) "Western cooperative program" means the participating, compacting states that promise to adhere
2 to this compact.

3 Article III. Cooperative commerce

4 (1) A meat establishment in a compacting state may participate in the western cooperative program.

5 (2) A meat establishment participating in the western cooperative program may sell and transport
6 meat, livestock products, or poultry products to a retail food establishment, retail meat establishment, or meat
7 depot in another compacting state.

8 Article IV. Applicability of other laws

9 This compact does not prohibit compacting states from participating in the United States department of
10 agriculture food safety and inspection service's cooperative interstate shipment program.

11 Article V. Compact administrator and interchange of information

12 (1) The head of the licensing authority of each party state is the administrator of this compact for the
13 administrator's state. The administrators, acting jointly, shall have the power to formulate all necessary and
14 proper procedures for the exchange of information under this compact.

15 (2) The administrator of each party state shall furnish to the administrator of each other party state
16 any information or documents reasonably necessary to facilitate the administration of this compact.

17 Article VI. Defaulting and resolution of disputes

18 (1) The administrator of each party state shall resolve disputes among the compacting states by
19 simple majority vote.

20 (2) If the administrators determine that a compacting state has defaulted in the performance of any of
21 its obligations or responsibilities under this compact, the administrators may suspend or revoke membership in
22 the compact. The administrators may suspend a participating state only after all other reasonable means of
23 securing compliance under the terms of this compact have been exhausted and the administrators have
24 determined that the offending state is in default.

25 (3) On determining default, the administrators shall:

26 (a) immediately notify the defaulting state in writing of the penalty imposed by the administrators and
27 a cure for the default; and

28 (b) stipulate the conditions and the time period within which the defaulting state shall cure its default.

1 (4) (a) If the defaulting state fails to cure the default within the time period specified by the interstate
2 commission, the defaulting state must be terminated from the compact on an affirmative vote of a majority of
3 the compacting states. All rights, privileges, and benefits conferred by this compact must be terminated from
4 the effective date of the termination.

5 (b) The administrators shall give immediate notice of suspension or termination to the governors of
6 each state.

7 (5) The administrators may, by a simple majority vote, initiate legal action in the United States district
8 court for the District of Columbia or other court of competent jurisdiction to enforce compliance with the
9 provisions of the compact. If judicial enforcement is necessary, the prevailing party must be awarded all costs
10 of the litigation, including reasonable attorney fees.

11 Article VII. Effective date and amendment

12 (1) The compact becomes effective and binding on legislative enactment of the compact into law by
13 the participating states. The initial effective date is July 1, 2021. Thereafter, it becomes effective and binding as
14 to any other compacting state on enactment of the compact into law by that state.

15 (2) The administrators may propose amendments to the compact for enactment by the compacting
16 states. An amendment is effecting and binding on the interstate commission and the compacting states when it
17 is enacted into law by the consent of the compacting states.

18 Article VIII. Severability

19 (1) The provisions of this compact are severable, and if any phrase, clause, sentence, or provision is
20 unenforceable, the remaining provisions of the compact remain enforceable.

21 (2) The provisions of this compact must be liberally constructed to effectuate its purposes.

22 Article IX. Withdrawal and termination

23 (1) When effective, the compact must continue in force and remain binding on each compacting state.
24 However, a compacting state may withdraw from the compact by specifically repealing the statute that enacted
25 the compact into law.

26 (2) The effective date of withdrawal is the effective date of the repeal.

27 (3) The withdrawing state shall immediately notify the compact administrators in each participating
28 state on the introduction of legislation repealing this compact in the withdrawing state.

1 (4) Reinstatement following withdrawal of any compacting state must occur on the withdrawing state
2 reenacting the compact or on a later date as determined by the compact administrators.

3 (5) The compact dissolves effective on the date of the withdrawal or default of the compacting state,
4 which reduced membership in the compact to one compacting state.

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6 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
7 integral part of Title 81, chapter 9, and the provisions of Title 81, chapter 9, apply to [section 1].

8
9 **NEW SECTION. SECTION 3. CONTINGENT EFFECTIVE DATE. (1) [THIS ACT] IS EFFECTIVE ON THE DATE**
10 **THAT EITHER OF THE FOLLOWING OCCURS:**

11 **(A) THE DIRECTOR OF THE DEPARTMENT OF LIVESTOCK CERTIFIES TO THE CODE COMMISSIONER THAT THE**
12 **INTERSTATE COOPERATIVE MEATPACKING COMPACT HAS BEEN RATIFIED BY THE UNITED STATES CONGRESS; OR**

13 **(B) THE ATTORNEY GENERAL CERTIFIES TO THE CODE COMMISSIONER THAT A COURT OF COMPETENT**
14 **JURISDICTION HAS ENTERED A FINAL JUDGMENT ON THE MERITS FINDING THAT THE INTERSTATE COOPERATIVE**
15 **MEATPACKING COMPACT IS NOT PREEMPTED BY FEDERAL LAW AND THE ACTION IS NO LONGER SUBJECT TO APPEAL.**

16 **(2) THE DIRECTOR OF THE DEPARTMENT OF LIVESTOCK OR THE ATTORNEY GENERAL SHALL SUBMIT**
17 **CERTIFICATION WITHIN 14 DAYS OF THE OCCURRENCE OF THE CONTINGENCY THAT OCCURS FIRST.**

18 - END -