

## MILK

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

---

### Background Materials and Research

**Topic Summary:** The state of Montana licenses milk plants, dairies, and manufactured dairy products plants. The state also regulates sanitation, quality, and labeling. Milk sales are regulated two ways: producer price regulation through a pooling system, and retail sell-by dates. Milk laws were adopted beginning in the 1930s due to public health concerns and to fair pricing and competition. While maintaining the state’s dairy industry remains a focus of these milk regulations, some have recently sought to allow the sale of unpasteurized, raw milk. Federal law and rule requires pasteurization for milk and milk products for “direct human consumption.” A Montana administrative rule prohibits the sale of raw milk, however some states allow the sale of raw milk.

#### Legislative Services Division Materials:

Economic Affairs Interim Committee, [Montana’s Milk Policies](#) (2014).

Economic Affairs Interim Committee, [Milk Sales in Montana](#) (2014).

#### Other Materials:

[Montana Milk Market Regulation Study](#), Board of Milk Control (2018)

[Core-Mark v. Board of Livestock](#), 2014 Mont. 197 (2014)

National Conference of State Legislatures, [State Milk Laws website](#) (2012)

## Introduced Legislation

2019

[House Bill 490](#)—(H) Died in process. AN ACT PROVIDING FOR THE SALE OF RAW MILK FOR HUMAN CONSUMPTION; CREATING A SMALL SCALE RAW MILK LICENSE; CREATING A COMMERCIAL RAW MILK LICENSE; LIMITING THE SALE OF RAW MILK TO FLUID MILK; PROVIDING DEPARTMENT OF LIVESTOCK RULEMAKING AUTHORITY FOR LICENSING, LICENSING COSTS, ANIMAL HEALTH, TRACEBACK PROVISIONS, AND CONTAINER LABEL REQUIREMENTS; REQUIRING RECORDKEEPING OF RAW MILK LICENSEES; PROHIBITING RESALE OF RAW MILK; PROVIDING A STATEMENT OF THE INHERENT RISKS OF DRINKING RAW MILK; PROVIDING FOR HEALTH INSPECTOR POWERS IN CERTAIN INSTANCES; REQUIRING A WARNING PLACARD AT PLACE OF SALE FOR RAW MILK; PROVIDING FOR TESTING OF RAW MILK FROM A COMMERCIAL RAW MILK LICENSEE; PROVIDING RAW MILK LICENSE RENEWAL, SUSPENSION, AND REVOCATION PROCEDURES; CREATING EXCEPTIONS.

[HB516](#)—(H) Died in process. AN ACT ESTABLISHING A SMALL HERD EXEMPTION REGISTRATION AND FEE FOR CERTAIN PRODUCERS OF RAW MILK AND RAW MILK PRODUCTS; REQUIRING THE DEPARTMENT OF LIVESTOCK TO ADOPT RULES TO ADMINISTER THE SMALL HERD EXEMPTION; PROVIDING FOR SALES OF RAW MILK; PROVIDING FOR SAMPLING AND TESTING FOR RAW MILK AND RAW MILK PRODUCTS; PROVIDING PENALTIES; EXEMPTING CERTAIN INDIVIDUALS FROM PARTICULAR PRODUCTION, USE, AND SALES REQUIREMENTS; PROVIDING LABELING AND NOTIFICATION REQUIREMENTS; PROVIDING CERTAIN RULEMAKING AUTHORITY.

[HB521](#)—(H) Died in process. AN ACT PROVIDING FOR THE DISTRIBUTION AND ACQUISITION OF RAW MILK FOR PERSONAL USE AND CONSUMPTION; LIMITING DEPARTMENT OF LIVESTOCK POWERS OVER THE DISPENSING AND ACQUIRING OF RAW MILK; PROVIDING A LICENSING EXCEPTION; LIMITING CERTAIN POWERS OF THE BOARD OF MILK CONTROL.

[HB592](#)—(S) Died in standing committee. AN ACT REVISING THE PROCESS FOR THE CREATION OF MILK POOLING ARRANGEMENTS; REVISING THE PROCESS FOR RESCINDING A MILK POOLING ARRANGEMENT; REVISING THE AUTHORITY OF THE BOARD OF MILK CONTROL OVER POOLING ARRANGEMENTS.

[Senate Bill 230](#)—(S) Died in process. AN ACT REQUIRING A HEALTH WARNING FOR RAW MILK OR RAW MILK PRODUCTS SALES.

2017

[House Bill 272](#) – (H) Died in standing committee. AN ACT ESTABLISHING LABELING REQUIREMENTS FOR PASTEURIZED MILK PLACED FOR SALE; PROVIDING REQUIREMENTS FOR A LAST SALE DATE AND A "BEST BY" DATE; PROHIBITING CERTAIN SALES; PROVIDING EXCEPTIONS; PROVIDING DEPARTMENT AUTHORITY; REQUIRING THE DEPARTMENT OF LIVESTOCK TO AMEND ARM 32.8.101 TO ELIMINATE THE DEFINITION OF A "SELL BY" DATE; REPEALING ADMINISTRATIVE RULES RELATED TO MILK FRESHNESS DATING AND LABELING; PROHIBITING NEW RULEMAKING; AMENDING SECTION 81-2-102, MCA; REPEALING ARM 32.8.202, 32.8.203, 32.8.204, 32.8.205, AND 32.8.206.

[HB 325](#) – (S) Died in process. ~~AN ACT ESTABLISHING A SMALL HERD EXEMPTION PERMIT AND FEE FOR CERTAIN PRODUCERS OF MILK; PROVIDING FOR HERD SHARING; REQUIRING THE DEPARTMENT OF LIVESTOCK TO ADOPT RULES TO ADMINISTER SMALL HERD EXEMPTION PERMITS; EXEMPTING CERTAIN INDIVIDUALS FROM PARTICULAR PRODUCTION, USE, AND SALES REQUIREMENTS; PROVIDING LABELING AND NOTIFICATION REQUIREMENTS; PROVIDING CERTAIN RULEMAKING AUTHORITY; AND AMENDING SECTIONS 81-2-102, 81-21-102, 81-21-103, 81-22-101, 81-22-102, 81-22-202, 81-22-303, 81-22-304, 81-22-413, 81-22-415, 81-22-416, 81-22-501, AND 81-23-106~~ AN EXEMPTION A SMALL HERD EXEMPTION REGISTRATION AND FEE FOR CERTAIN PRODUCERS OF MILK; PROVIDING FOR HERD SHARING; REQUIRING THE DEPARTMENT OF LIVESTOCK TO ADOPT RULES TO ADMINISTER SMALL HERD EXEMPTION REGISTRATION; EXEMPTING CERTAIN INDIVIDUALS FROM PARTICULAR PRODUCTION, USE, AND SALES REQUIREMENTS; PROVIDING LABELING AND NOTIFICATION REQUIREMENTS; PROVIDING GOVERNMENTAL IMMUNITY; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 81-2-101, 81-2-102, 81-2-105, 81-21-101, 81-21-102, 81-21-103, 81-21-104, 81-21-105, 81-22-101, 81-22-102, 81-23-103, 81-23-401, AND 81-23-405 81-22-202, 81-22-303, 81-22-304, 81-22-413, 81-22-415, 81-22-416, 81-22-501, AND 81-23-106, MCA.

[HB 352](#) – (S) Died in standing committee. AN ACT PROVIDING FOR THE MONTANA LOCAL FOOD CHOICE ACT; EXEMPTING CERTAIN FOOD PRODUCERS FROM FOOD LICENSURE, PERMITTING, CERTIFICATION, PACKAGING, LABELING, AND INSPECTION REGULATIONS AS WELL AS CERTAIN OTHER STANDARDS AND REQUIREMENTS; PROVIDING EXCEPTIONS TO CERTAIN REQUIREMENTS; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 30-12-301, 50-31-104, 50-31-106, 50-31-108, 50-31-201, 50-50-301, ~~81-2-101, 81-2-102, 81-2-105, 81-9-201, 81-9-218, 81-21-101, 81-21-102, 81-21-103, 81-22-101, 81-22-102, 81-22-201, 81-22-303, 81-22-304, 81-22-401, 81-22-405, 81-22-412, 81-22-413, 81-22-416, 81-22-420, 81-22-421, AND 81-22-503, 81-23-103, 81-23-401, AND 81-23-405~~, MCA.

[HB 377](#) – Chapter number assigned. AN ACT REQUIRING THE BOARD OF MILK CONTROL TO ADOPT RULES RELATED TO THE CALCULATION OF MILK LICENSE FEES; AND AMENDING SECTION 81-23-202, MCA.

[Senate Bill 157](#) – Chapter number assigned. AN ACT EXTENDING DEPARTMENT OF LIVESTOCK REGULATIONS TO INCLUDE MILK PRODUCED BY A HOOFED MAMMAL; MODIFYING DEFINITIONS; AND AMENDING SECTION 81-22-101, MCA.

[SB 300](#) – (H) Died in standing committee. AN ACT REQUIRING HEALTH WARNING SIGNS FOR RAW MILK OR RAW MILK PRODUCTS SALES.

## 2015

[HB 245](#) – (S) 2<sup>nd</sup> reading indefinitely postponed. AN ACT ESTABLISHING A SMALL HERD EXEMPTION PERMIT AND FEE FOR CERTAIN PRODUCERS OF MILK; ~~PROVIDING FOR HERD SHARING;~~ REQUIRING THE DEPARTMENT OF LIVESTOCK TO ADOPT RULES TO ADMINISTER SMALL HERD EXEMPTION PERMITS; EXEMPTING CERTAIN INDIVIDUALS FROM PARTICULAR PRODUCTION, USE, AND SALES REQUIREMENTS; ~~MAKING CONSUMERS~~ PROVIDING FOR A WARNING THAT CONSUMERS ARE LIABLE FOR HEALTH ISSUES; REQUIRING A REPORT TO AN INTERIM COMMITTEE; AND AMENDING SECTIONS 81-2-102, 81-21-102, 81-21-103, 81-22-101, 81-22-102, 81-22-202, 81-22-303, 81-22-304, 81-22-413, 81-22-415, 81-22-416, 81-22-501, AND 81-23-106, MCA.

[HB 399](#) – (H) Missed deadline for general bill transmittal. AN ACT ESTABLISHING LABELING REQUIREMENTS FOR PASTEURIZED MILK PLACED FOR SALE; REQUIRING THE DEPARTMENT OF LIVESTOCK TO AMEND ADMINISTRATIVE RULE TO REFLECT THE LAW; PROHIBITING NEW RULEMAKING; REPEALING ARM 32.8.202, 32.8.203, 32.8.204, 32.8.205, AND 32.8.206.

[SB 183](#) – Chapter number assigned. AN ACT REVISING MILK LICENSING ASSESSMENTS; REQUIRING MONTHLY PAYMENTS; ELIMINATING AUTOMATIC TERMINATION OF A LICENSE FOR NONPAYMENT; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTION 81-23-202, MCA.

## 2013

[HB 574](#) – (S) Died in process. AN ACT ESTABLISHING A ~~SMALL HERD EXEMPTION~~ RAW MILK PERMIT FOR CERTAIN PRODUCERS OF MILK; REQUIRING THE DEPARTMENT OF LIVESTOCK TO ADOPT RULES TO ADMINISTER ~~SMALL HERD EXEMPTION~~ RAW MILK PERMITS; EXEMPTING CERTAIN INDIVIDUALS FROM PARTICULAR PRODUCTION, USE, AND SALES REQUIREMENTS; AMENDING SECTIONS ~~81-2-102, 81-21-102, 81-21-103, 81-22-101, 81-22-102, 81-22-202, 81-22-303, 81-22-304, 81-22-413, 81-22-415, 81-22-416, 81-22-501, AND 81-23-106~~, MCA.

## 2011

[HB 443](#) – (H) Died in standing committee. AN ACT ASSERTING MONTANA'S SOVEREIGNTY REGARDING AND THE STATE'S RIGHT TO REGULATE THE MANUFACTURE, PRODUCTION, SALE, OR GIVING OF FOOD INTENDED TO REMAIN IN THIS STATE AND NOT INTENDED TO ENTER INTERSTATE COMMERCE; CLARIFYING THAT THE MANUFACTURE, PRODUCTION, SALE, OR GIVING OF FOOD THAT IS INTENDED TO ENTER OR HAS ENTERED INTERSTATE COMMERCE IS SUBJECT TO CERTAIN FEDERAL REGULATIONS; AUTHORIZING AN IN-STATE ORGANIC FOOD CERTIFICATION PROGRAM AND ADVISORY COUNCIL; EXTENDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 50-31-103, 50-31-104, 50-31-202, 50-50-102, 80-3-311, 80-3-312, 80-3-313, 80-4-429, 80-4-526, 80-4-531, 80-8-105, 80-8-201, 80-11-601, 81-8-273, 81-9-217, 81-9-219, 81-9-220, 81-20-205, 81-22-101, 81-22-409, 81-22-412, 81-22-421, AND 81-23-101, MCA.

[SB 5](#) – Chapter number assigned. AN ACT REPEALING THE TERMINATION DATE FOR THE TRANSFER OF CERTAIN FUNCTIONS FROM THE DEPARTMENT OF LIVESTOCK TO THE BOARD OF MILK CONTROL UNDER THE MILK CONTROL LAWS; REPEALING SECTION 20, CHAPTER 361, LAWS OF 2009.

## 2009

[HB 664](#) – (S) Died in process. AN ACT DIRECTING THE ECONOMIC AFFAIRS INTERIM COMMITTEE TO CONDUCT A STUDY OF MILK REGULATION AND THE MILK INDUSTRY IN MONTANA; PROVIDING AN APPROPRIATION.

[SB 286](#) – Chapter number assigned. AN ACT REVISING AND CLARIFYING THE MILK CONTROL LAWS; TRANSFERRING CERTAIN FUNCTIONS FROM THE DEPARTMENT OF LIVESTOCK TO THE BOARD OF MILK CONTROL; AMENDING SECTIONS 81-1-101, 81-23-101, 81-23-103, 81-23-104, 81-23-201, 81-23-202, 81-23-203, 81-23-204, 81-23-302, 81-23-303, 81-23-401, 81-23-402, 81-23-404, 81-23-405, AND 81-23-406, MCA; REPEALING SECTIONS 81-23-304 AND 81-23-305, MCA.

Prepared By:  
Jason Mohr, research analyst  
Legislative Environmental Policy Office