

FOOD INGREDIENTS, ADDITIVES AND COLOR

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: Ingredients are routinely added to foods for safety, freshness, nutrition, taste, and appearance. The Food and Drug Administration regulates food additives (roughly defined as "anything added to food") and color additives (any dye, pigment or substance that imparts color). The FDA maintains a database of "Everything Added to Food in the United States."

The FDA's regulatory authority stems mainly from the Food, Drug, and Cosmetic Act (21 U.S.C. 301, et seq.); Montana laws emulate and follow this act (Montana Food, Drug, and Cosmetic Act, Title 50, chapter 31)

The FDA has primary legal responsibility for determining the safe use of additives—providing a "reasonable certainty of no harm." Both natural and artificial ingredients are tested for safety. Those proposing a new additive must petition the FDA. For example, nine synthetically produced colors have been approved for use. (Status of food additive petitions may be found [here](#); a color additive list is [here](#).) Some ingredients are exempt from regulation, including substances determined safe before the passage of 1958 legislation and those "generally recognized as safe" by experts.

Other Materials:

[Overview of Food Ingredients, Additives & Colors](#) (FDA website)

[Substances Added to Food](#) (formerly "Everything Added to Food in the United States," an FDA website)

Introduced Legislation

*Chapter number assigned means bill was passed and approved.

2021

SB 199 Chapter Number Assigned. AN ACT PROVIDING FOR THE MONTANA LOCAL FOOD CHOICE ACT; EXEMPTING CERTAIN HOMEMADE FOOD PRODUCERS FROM FOOD LICENSURE, PERMITTING, CERTIFICATION, PACKAGING, LABELING, AND INSPECTION REGULATIONS AS WELL AS CERTAIN OTHER STANDARDS AND REQUIREMENTS.

SJ30 (S) Died in Process. A JOINT RESOLUTION REQUESTING AN INTERIM STUDY OF FOOD, FOOD PROCESSING, AND FOOD SAFETY REGULATIONS

2019

None.

2017

HB352 (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.

2015

None.

2013

HB630 Chapter Number Assigned AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, THE DEPARTMENT OF AGRICULTURE, AND THE DEPARTMENT OF LIVESTOCK TO CONDUCT A PROJECT EXAMINING AND RECOMMENDING UPDATES FOR MONTANA FOOD LAWS; REQUIRING THE DEPARTMENTS TO COORDINATE WITH STAKEHOLDERS AND REPORT TO THE ECONOMIC AFFAIRS INTERIM COMMITTEE; REQUIRING THE ECONOMIC AFFAIRS INTERIM COMMITTEE TO REVIEW A FINAL REPORT OF THE PROJECT AND RECOMMEND APPROPRIATE LEGISLATION; PROVIDING AN APPROPRIATION.

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