

SENATE BILL NO. 415

INTRODUCED BY G. HERTZ

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LABELING REQUIREMENTS FOR PASTEURIZED MILK PLACED FOR SALE; REQUIRING THE DEPARTMENT OF LIVESTOCK TO REVISE ADMINISTRATIVE RULE TO REFLECT THE LAW; PROHIBITING NEW RULEMAKING; DIRECTING THE AMENDMENT OF ARM 32.8.101; REPEALING ARM 32.8.202, 32.8.203, 32.8.204, 32.8.205, AND 32.8.206; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Labeling of milk placed for sale -- seizure -- rulemaking prohibited.

(1) The processor of a unit of grade A milk shall establish a "best by" date indicating the number of days after pasteurization that the unit of grade A milk should be fresh, healthful, and safe when purchased by a consumer. This date may also be referred to as a "use by" date.

(2) Each container into which grade A pasteurized milk is placed for sale for public consumption must be marked with the "best by" date and pasteurization date by the packager of the milk.

(3) (a) The "best by" date and pasteurization date required by subsection (1) must be displayed in Arabic numerals or standard abbreviations for day and month.

(b) Labels required by this section must be of a color clearly contrasting with the area immediately surrounding the label. The labels may be put on by printing, stamping, burning, or a combination of any of those methods or by some other method specifically approved in writing by the department.

(c) Labels placed on cartons or similar containers must be located on the top sealing fin. Labels on molded plastic jugs may be placed anywhere on the upper half of the container or on the printed product label except the lid.

(d) Labels for containers must be at least 1/8 inch in height.

(e) All characters in labels must be at least 1/8 inch in height.

(4) Milk offered for sale contrary to the provisions of this section may be seized and destroyed by

1 agents of the department.

2 (5) The department may not adopt rules related to implementation of this section.

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4 NEW SECTION. **Section 2. Department to amend rule.** The department of livestock shall amend
5 ARM 32.8.101 to eliminate the definition of a "sell by" date.

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7 NEW SECTION. **Section 3. Repealer.** ARM 32.8.202, 32.8.203, 32.8.204, 32.8.205, and 32.8.206
8 are repealed.

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10 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
11 integral part of Title 81, chapter 21, and the provisions of Title 81, chapter 21, apply to [section 1].

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13 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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