



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; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, current Montana law contains a complex food code with jurisdiction spread between multiple departments and levels of government; and

WHEREAS, there is a growing movement to support locally sourced and community-based food production, sometimes referred to as "cottage food", which benefits local communities, small businesses, public health, and environmental sustainability; and

WHEREAS, numerous states have passed laws that allow small business entrepreneurs to use their home kitchens to prepare for sale foods that are not potentially hazardous, while Montana has not; and

WHEREAS, new federal rules and regulations under the Food Safety Modernization Act will require updates to Montana food safety laws.

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

**Section 1. Montana food policy modernization project -- guidelines.** (1) The departments of public health and human services, agriculture, and livestock shall coordinate to conduct a project to assess Montana's food laws and develop a report for the economic affairs interim committee, including any proposed legislation for the 2015 legislature. The project must assess:

(a) potential changes in Montana laws and administrative rules necessitated by the passage and implementation of the federal Food Safety Modernization Act pursuant to Title 21, chapter 27, of the United States

Code;

(b) the extent to which home kitchens can be used to prepare foods for sale that are not potentially hazardous while maintaining food safety for the public;

(c) the relative availability of community-based commercial kitchens and their use; and

(d) inconsistencies and inefficiencies in Montana's food laws that could be improved and streamlined.

(2) In conducting the project the departments shall form a steering committee and coordinate with stakeholders, including but not limited to:

(a) producers;

(b) institutional buyers;

(c) the food safety advisory council created under 50-50-103;

(d) county health officials; and

(e) community groups interested in locally sourced foods.

(3) The departments must use at least 50% of the money appropriated for this project to contract with a convening organization to hold at least one facilitated public meeting or conference to assist in forming consensus recommendations in the final report.

(4) The department of agriculture shall ensure that a final report of the project's findings and recommendations is presented to the economic affairs interim committee no later than May 15, 2014.

**Section 2. Appropriation.** (1) There is appropriated from the state general fund to the department of agriculture \$18,000 for the biennium beginning July 1, 2013.

(2) The appropriation must be used to pay for the costs of the project described in [section 1].

**Section 3. Effective date.** [This act] is effective on passage and approval.

**Section 4. Termination.** [This act] terminates June 30, 2014, or upon completion of the duties described in [section 1], whichever occurs first.

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