

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. Some states allow the sale of raw milk; federal law and rule requires pasteurization for milk and milk products for “direct human consumption.”

Legislative Services Division Materials:

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

Other Materials:

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

Introduced Legislation

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) 2nd 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.

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