

HOUSE BILL NO. 54

INTRODUCED BY G. VANCE

BY REQUEST OF THE ECONOMIC AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "ORDER" AND "PROGRAM" WITH RESPECT TO ORDERS ISSUED BY THE DEPARTMENT OF LIVESTOCK THAT IT CONSIDERS NECESSARY OR PROPER TO PREVENT THE INTRODUCTION OR SPREADING OF INFECTIOUS, CONTAGIOUS, COMMUNICABLE, OR DANGEROUS DISEASES AFFECTING LIVESTOCK AND ALTERNATIVE LIVESTOCK IN THIS STATE; AMENDING SECTION 81-2-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 81-2-102, MCA, is amended to read:

"81-2-102. Powers of department. (1) The department may:

(a) supervise the sanitary conditions of livestock in this state, under the provisions of the constitution and statutes of this state and the rules adopted by the department. The department may quarantine a lot, yard, land, building, room, premises, enclosure, or other place or section in this state that is or may be used or occupied by livestock and that in the judgment of the department is infected or contaminated with an infectious, contagious, communicable, or dangerous disease or disease-carrying medium by which the disease may be communicated. The department may quarantine livestock in this state when the livestock is affected with or has been exposed to disease or disease-carrying medium. The department may prescribe treatments and enforce sanitary rules that are necessary and proper to circumscribe, extirpate, control, or prevent the disease.

(b) foster, promote, and protect the livestock industry in this state by the investigation of diseases and other subjects related to ways and means of prevention, extirpation, and control of diseases or to the care of livestock and its products and to this end may establish and maintain a laboratory, may make or cause to be made biologic products, curatives, and preventative agents, and may perform any other acts and things as may be necessary or proper in the fostering, promotion, or protection of the livestock industry in this state;

(c) impose and collect fees that the department considers appropriate for the tests and services performed by it at the laboratory or elsewhere and for biologic products, curatives, and preventative agents made or caused to be made by the department. In fixing these fees, the department shall take into consideration the

1 costs, both direct and indirect, of the tests, services, products, curatives, and agents. All fees must be deposited
2 in the state special revenue fund for the use of the animal health functions of the department.

3 (d) subject to subsection (2), adopt rules and orders that it considers necessary or proper to prevent the
4 introduction or spreading of infectious, contagious, communicable, or dangerous diseases affecting livestock and
5 alternative livestock in this state ~~and to this end may adopt rules and orders necessary or proper governing~~
6 ~~inspections and tests of livestock and alternative livestock intended for importation into this state before it may~~
7 ~~be imported into this state;~~

8 (e) (i) adopt rules and orders that it considers necessary or proper for the inspection, testing, and
9 quarantine of all livestock and alternative livestock imported into this state; and

10 (ii) adopt rules and orders that it considers necessary or proper governing inspections and tests of
11 livestock and alternative livestock intended for importation into this state to prevent the introduction or spreading
12 of infectious, contagious, communicable, or dangerous diseases affecting livestock and alternative livestock;

13 (f) adopt rules and orders that it considers necessary or proper for the supervision, inspection, and
14 control of the standards and sanitary conditions of slaughterhouses, meat depots, meat and meat food products,
15 dairies, milk depots, milk and its byproducts, barns, dairy cows, factories, and other places and premises where
16 meat or meat foods, milk or its products, or any byproducts thereof intended for sale or consumption as food are
17 produced, kept, handled, or stored. An authorized representative of the department may take samples of a
18 product so produced, kept, handled, or stored for analysis or testing by the department. The records of the
19 samples and their analysis and test, when identified as to the sample by the oath of the officer taking it and
20 verified as to the analysis or test by the oath of the chemist or bacteriologist making it, are prima facie evidence
21 of the facts set forth in them when offered in evidence in a prosecution or action at law or in equity for violation
22 of 81-9-201, 81-20-101, 81-21-102, 81-21-103, part 1, 2, or 3 of this chapter, or a rule or order of the board
23 adopted thereunder. These standards, insofar as they relate to dairies or milk and its byproducts, may not include
24 standards of weight or measurement.

25 (g) adopt rules and orders that seem necessary or proper for the supervision and control of
26 manufactured and refined foods for livestock and the manufacture, importation, sale, and method of using a
27 biologic remedy or curative agent for the treatment of diseases of livestock. However, as far as practicable, the
28 standards approved by the United States department of agriculture must be adopted.

29 (h) install an adequate system of meat inspection in accordance with 81-9-216 through 81-9-220 and
30 81-9-226 through 81-9-236 that must provide ways and means for shipping home-grown and home-killed meats

1 into any city in this state. As far as practicable, the rules must conform with the meat-inspection requirements of
2 the United States department of agriculture.

3 (i) slaughter or cause to be slaughtered any livestock in this state known to be affected with or that has
4 been exposed to an infectious, contagious, communicable, or dangerous disease, when the slaughter is
5 necessary for the protection of other livestock, and destroy or cause to be destroyed all barns, stables, sheds,
6 outbuildings, fixtures, furniture, or personal property infected with any infectious, contagious, communicable, or
7 dangerous disease when they cannot be thoroughly cleaned and disinfected and the destruction is necessary
8 to prevent the spreading of the disease;

9 (j) indemnify the owner of any property destroyed by order of the department or pursuant to any rules
10 adopted by the department under 81-20-101, 81-21-102, 81-21-103, or part 1, 2, or 3 of this chapter;

11 (k) require persons, firms, and corporations engaged in the production or handling of meat, meat food
12 products, dairy products, or any byproducts thereof to furnish statistics of the quantity and cost of the food and
13 food products produced or handled and the name and address of persons supplying them any of the products.

14 (2) (a) As used in subsection (1)(d), "order" means a command, direction, or instruction issued by the
15 department, board, or board's administrator in circumstances that clearly constitute an existing imminent peril to
16 the public health, safety, or welfare or to animal health or welfare.

17 (b) An order under subsection (1)(d) must be temporary in nature and may be altered or rescinded as
18 necessary to address the circumstances set out in subsection (1)(d). An order may not be used to create a
19 permanent program.

20 (c) As used in subsection (2)(b), "program" means a legislatively or administratively created function,
21 project, or duty of an agency.

22 ~~(2)~~(3) When in the exercise of its powers or the discharge of its duties it becomes necessary for
23 employees of the department to investigate facts and conditions, they may administer oaths, take affidavits, and
24 compel the attendance and testimony of witnesses."
25

26 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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