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# STATE OF MONTANA

GREG GIANFORTE, GOVERNOR

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## MT DEPARTMENT OF LIVESTOCK

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## Raw Milk and Montana Local Food Choice Act FAQ

### What is raw milk?

Raw milk is another name for unpasteurized milk.

Unpasteurized milk has not been subjected to a heating process which kills pathogens and extends a product's shelf life.

### May one sell raw milk direct to consumers in Montana?

The Montana Local Food Choice Act (MLFCA), passed by the 2021 legislature, allows for a "small dairy" to sell raw milk or cream, to an "informed end consumer".

### What is a "small dairy"?

A "small dairy" is defined in [81-21-101 \(3\) MCA](#) as "a place where no more than 5 lactating cows, 10 lactating goats, or 10 lactating sheep are kept for producing milk".

### Who is an informed end consumer?

An "informed end consumer" is defined in [50-49-202 \(4\) MCA](#) as "a person who is the last person to purchase a product, does not resell the product, and has been informed that the product is not licensed, permitted, certified, packaged, labeled, or inspected per any official regulations".

### How do I operate a "small dairy" as defined by the Montana Local food Choice Act in Montana?

The Environmental Health and Food Safety Section of the MT Department of Public Health has provided a guide to operators of small dairies. Click the link [Raw Milk Guide](#) for more information.

### Is raw milk a healthy choice for me and my family?

Claims that raw milk is a healthier alternative to pasteurized milk are not true. In fact, unpasteurized milk has caused numerous foodborne illness outbreaks. Unpasteurized milk has been documented to contain numerous disease-causing organisms such as *Listeria*, *E. coli*, *Salmonella*, *Campylobacter*, and *Cryptosporidium*. Children, the elderly, and individuals with a compromised immune system are most at risk. Ask your family healthcare provider for more information.

Centers for Disease Control (CDC) and prevention offers the following link with raw milk information. [Raw Milk Questions and Answer](#)

### Do I need a license to sell raw milk or cream from a "small dairy"

No. The MLFCA does not require a license for a "small dairy" to sell raw milk or cream. There are, however, testing requirements for both your lactating animals and the milk itself as noted below.

### What animal tests are required for my milking herd/flock?

Per [50-49-203 \(8\) MCA](#), every lactating cow, lactating goat, or lactating sheep on the "small dairy" shall be tested every year for brucellosis and the records maintained for two (2) years.

### Who will test my milking animals for brucellosis?

Contact your herd/flock veterinarian to schedule an official brucellosis test.

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### **What quality tests are required for a small dairy's raw milk?**

Per [50-49-203 \(8\) MCA](#), tests for standard plate count, coliform count, and somatic cell count shall be conducted every six (6) months and the records maintained for two (2) years.

### **Where do I send my milk sample to be tested for quality?**

The Montana Veterinary Diagnostic Milk Lab (MVDL), per the Board of Livestock, is not accepting raw milk samples from “small dairies” selling raw milk or cream. However, samples from private parties wishing to test their milk for their own personal consumption will continue to be accepted. The department may not endorse or recommend private third- party laboratories, but an internet search will provide several independent certified labs.

### **How do I collect a milk sample for bacterial and quality testing?**

Your herd/flock veterinarian may be a resource for best collection practices or, the lab you choose to test your samples will provide a protocol for sampling and shipping. There are also good sample collection videos available on YouTube. Be sure to check with your chosen lab before freezing your milk samples as the lab may not be able to test frozen samples.

### **Are there other tests recommended?**

Yes! Though not required by the MLFCA, the department highly recommends all milking animals be tested for tuberculosis (TB). TB is a zoonotic disease, meaning it is easily transmissible between animals and humans, and raw milk can be a source of TB infection in humans. In addition, we would encourage raw milk producers to test their milk and cream more frequently than the minimum required six (6) months. Again, this is not required in the MLFCA, but is a good management practice.

### **To whom may I sell my raw milk or cream?**

A “small dairy” may only sell milk or cream to an “informed end consumer” which is defined in [50-49-202 \(4\) MCA](#) as “a person who is the last person to purchase a product, does not resell the product, and has been informed that the product is not licensed, permitted, certified, packaged, labeled, or inspected per any official regulations”.

### **May I sell my raw milk or cream at a Farmer’s Market?**

The MLFCA allows for sales at a “traditional community social event” [50-49-202 \(7\) MCA](#) which includes farmer’s markets. However, many markets have their own boards who approve vendors. Contact your local market to verify their rules and regulations.

### **May I sell my raw milk or cream to a local cafe, restaurant, coffee kiosk, etc.?**

No. A café, restaurant, coffee kiosk, etc. are licensed retail food establishments. Any sales by a “small dairy” or their designated agent must be to an “informed end consumer”. Retail or wholesale establishments licensed with Montana Department of Public Health do not meet the definition of an “informed end consumer” [50-49-202 \(4\) MCA](#).

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### **May I have a delivery route?**

Yes. The “small dairy” owner or a designated agent may have a delivery route. However, the delivery must be to an “informed end consumer”. The milk or cream delivered must only be for home consumption and must occur only in Montana.

**NOTE:** [50-49-203 \(6\) MCA](#) specifies a “small dairy” may not donate milk to a traditional community social event.

### **Are there requirements for labeling my raw milk or cream?**

No. There are no labeling requirements for a “small dairy” selling milk or cream under MLFCA.

### [50-49-203 \(1\)\(d\) MCA](#)

### **Will the Department of Livestock inspect my small dairy or processing area?**

No. The MLFCA amended [81-22-304 \(3\) MCA](#) to exclude a “small dairy” from the department’s right of entry into dairies or plants for inspection. This does not, however, eliminate the department’s right to visit a premise in the event of an animal disease outbreak that warrants investigations into animal health, herd/flock or individual animal movements, or quarantines.

### **Do I need an LLC?**

No. The MLFCA does not require a “small dairy” to be an LLC. Contact your accountant or attorney for further advice.

### **May I buy raw milk or cream from a small dairy and sell products I’ve made?**

No. Raw milk or cream are required to be sold only to an “informed end consumer”, and therefore, may not be resold in any form. Furthermore, The MLFCA only allows sales of milk or cream, not other dairy products.

### **What if I have a larger operation or want to expand to a licensed dairy?**

We are here to help! Getting a new business off the ground can be a daunting task, but our staff is ready to help guide you through the process whether your dream is to sell farm fresh, pasteurized milk or create artisan cheeses or other dairy products. Call us at 406-444-5202, or email

[MMEIOffice@mt.gov](mailto:MMEIOffice@mt.gov) to get started!