
STATE OF MONTANA

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Information on Montana Local Food Choice Act

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The goal of this document is to answer general questions regarding Montana Local Food Choice Act, ([SB 199 \(2021\) \(Chapter 320, L. 2021\)](#)). Regulatory officials should work with the public to answer questions about possible food business ideas and concerns from the public.

Intended Audience for this Document:

Sanitarians, Meat and Poultry Inspectors, and other public health officials involved in food safety.

Background:

In April 2021, The Montana Local Food Choice Act was signed into law. This law allows for direct sale of food from processor to consumer with some restrictions still in place.

Definitions:

Cottage Food Products ([Montana Code Annotated \(M.C.A.\) 50.50.1 \(4\)](#)): foods that are not potentially hazardous and are processed or packaged in a cottage food operation, including jams, jellies, dried fruit, dry mixes, and baked goods. Other similar foods that are not potentially hazardous may be defined by the department by rule.

Potentially hazardous food ([M.C.A. 50.50.1\(16\)](#)): foods that require time and temperature control for safety to limit toxin formation or the growth of pathogenic microorganisms.

Homemade Food ([M.C.A. 50-49-202 \(3\)](#)): food or a food product that is prepared in a private home and that is not licensed, permitted, certified, packaged, labeled, or inspected per any official regulations.

Informed end consumer ([M.C.A. 50-49-202\(4\)](#)): 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.

Livestock ([M.C.A. 81-2-702 \(5\)](#)): cattle, horses, mules, asses, sheep, llamas, alpacas, bison, swine, ostriches, rheas, emus, goats, alternative livestock as defined in [M.C.A. 87-4-406](#), and other animals.

Meat ([M.C.A. 81-9-217\(7\)](#)): the edible flesh of livestock or poultry and includes livestock and poultry products.

Temporary Food Establishment ([M.C.A. 50-50-102\(22\)](#)): a retail food establishment that in a licensing year either:

- (a) operates at a fixed location for no more than 21 days in conjunction with a single event or celebration; or
- (b) uses a fixed menu and operates within a single county at a recurring event or celebration for no more than 45 days.

Supplemental Information:

1,000 Bird Exemption: A person may slaughter and process on his or her premises, poultry that he or she raised, and distribute such poultry without mandatory inspection when the following five criteria are met:

1. The poultry grower slaughters no more than 1,000 healthy birds of his or her own raising in a calendar year for distribution as human food;
2. The poultry grower does not engage in buying or selling poultry products other than those produced from poultry raised on his or her own farm;
3. The slaughter and processing are conducted under sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for human food (not adulterated);
4. The producer keeps records necessary for the effective enforcement of the Act [[Title 9 C.F.R. 381.175](#)]; and
5. The poultry products do not move in commerce.

What restrictions exist?

- Wholesaling of any food products. The law clearly states that these sales must be from the person making the food to the person consuming the food. This would exclude the ability to make products in a home kitchen from being sold by/to a third-party entity.
- Products containing wild game. [M.C.A. 87-6-206](#) states that, "A person may not purposely or knowingly sell, purchase, or exchange all or part of any game fish, bird, game animal, or fur-bearing animal".

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- Products containing meat. Under 7 (A) of this law, "...meat or meat products processed at a state-licensed establishment or a federally approved meat establishment, by the producer, or by any third party may not be used in preparation of homemade food..."
- Food containing chicken products that do not qualify under the 1,000 bird exemption. If someone is making a product that includes other chicken ingredients (chicken stock, chicken bouillon, etc.), they would not be able to sell this as homemade food.
- Interstate commerce. The products can only be made and sold within the state of Montana.
- Food being sold or served in a retail food establishment.
- No food preparation is allowed outside the private home. Food must be prepared in a private home. Licensing, such as a temporary permit, is required for onsite preparation.
- Consumer must be informed that the product is not licensed, permitted, certified, packaged, labeled or inspected per any official regulations.

What should I do if someone is selling something that does not seem to be compliant with this law?

- For products containing poultry: Notify the Department of Livestock and the [Department of Health and Human Services](#).
- For products containing meat: Notify the [Department of Health and Human Services](#) and Department of Livestock.
- For non-meat and non-poultry products: Notify the [Department of Health and Human Services](#).
- For rabbit products: Notify the [Department of Health and Human Services](#).
- For products containing drugs, or dietary supplements: Notify the [Department of Health and Human Services](#).
- For products containing alcohol or marijuana: Notify the [Department of Health and Human Services](#) and [Department of Revenue](#).