

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 32.8.202 pertaining to time from )  
processing that fluid milk may be sold )  
for public consumption )

TO: All Concerned Persons

1. On September 24, 2021, the Department of Livestock published MAR Notice No. 32-21-320 pertaining to the proposed amendment of the above-stated rule at page 1192 of the 2021 Montana Administrative Register, Issue Number 18.

2. The department has amended the above-stated rule as proposed.

3. The department has thoroughly considered any comments and testimony received. A summary of one comment received, and the department's response is as follows:

COMMENT #1: The Montana Milk Producers Association (MMPA) is writing to express support for the proposed amendments to ARM 32.8.202. There are two primary reasons that MMPA supports this proposal.

- 1) MMPA supports the "dual dating" concept of providing a sell by date and a "use by" date for consumers. MMPA believes that the decision of whether to add a "use by" date to packaged fluid milk should be left at the discretion of the processor.
- 2) The proposed amendment to insert the language "as packaged" is a reasonable method of ensuring that only fresh packaged milk is sold while providing flexibility for those who may use packaged fluid milk in additional processing or other areas of their business that extends beyond the "sell by" date.

RESPONSE #1: The department thanks the Montana Milk Producers Association for their comment.

BY: /s/ Michael S. Honeycutt  
Michael S. Honeycutt  
Executive Officer  
Board of Livestock  
Department of Livestock

BY: /s/ Cinda Young-Eichenfels  
Cinda Young-Eichenfels  
Rule Reviewer

Certified to the Secretary of State November 9, 2021.