



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LIVESTOCK

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-302.1

Summary

Amendment of ARM 32.6.715 pertaining to meat inspection label review

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 25.

Comments

Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to the contact person listed below. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing in writing to the contact person listed below. Comments must be received by Monday, September 8, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, August 18, 2025, at 5:00 p.m.

Contact

Lindsey Simon, Department of Livestock
(406) 444-7631
MDOLcomments@mt.gov
TTY: (800) 253-4091
Fax: (406) 444-4316

General Reasonable Necessity Statement

The department proposes to amend ARM 32.6.715 to make the state meat inspection program's meat product labeling requirements more consistent with the United States Department of Agriculture's Food Safety and Inspection Service labeling requirements found in 9 C.F.R. § 412.1. Currently, claims or special statements are only reviewed and verified by the department on multi-ingredient products. The proposed amendment ensures that single ingredient products will also receive prior review and that their claims or special statements are accurate and not misleading to consumers in accordance with the Federal Meat Inspection Act.

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

32.6.715 LABEL REVIEW

- (1) Except as set forth in (2), ~~t~~The label for a single ingredient product produced in an establishment under state inspection may be used on that product without prior review from the department.

- (2) The label for either a single ingredient product bearing special statements and claims as defined in (3) or a multiple ingredient product produced in an establishment under state inspection may not be used on that product unless the establishment has submitted the label for review and the label has been accepted by the department.
- (3) Special statements and claims are statements, claims, logos, trademarks, and other symbols on labels. Special statements and claims include, but are not limited to, the following:
- (a) Those not defined in the U.S. Department of Agriculture Food Safety and Inspection Service's regulations or Food Standards and Labeling Policy Book. The Code of Federal Regulations is available for review online at www.ecfr.gov, and the Food Standards and Labeling Policy Book is available for review online at www.fsis.usda.gov/sites/default/files/import/Labeling-Policy-Book.pdf. A copy of both documents may be obtained from the department at 301 North Roberts Street, P.O. Box 202001, Helena, Montana 59620-2001;
 - (b) "Natural" claims, regardless of whether they are defined in the Food Standards and Labeling Policy Book; and
 - (c) Health claims (including graphic representations of hearts), ingredient and processing method claims (e.g., breed, high-pressure processing), structure-function claims, claims regarding the raising of animals (e.g., "no antibiotics administered," "grass fed"), organic claims, and instructional or disclaimer statements concerning pathogens (e.g., "for cooking only," "not tested for *E. coli* O157:57").
- (3)(4) Requests for label review must be submitted on an department-approved label application form containing all required information.
- (4)(5) Establishments must maintain a copy of all labels used on products that bear the state mark of inspection.
- (6) The department may grant temporary approval for the use of a label that does not meet all regulatory requirements provided the following conditions are met:
- (a) The proposed label would not misrepresent the product.
 - (b) The use of the label would not present any potential health, safety, or dietary problems to the consumer.
 - (c) Denial of temporary approval would create undue economic hardship.
 - (d) Temporary approval would not result in an unfair competitive advantage.
- (7) Temporary approval under (6) shall not exceed 180 calendar days, provided, however, that the department may extend the temporary approval period when

the applicant demonstrates that new circumstances have developed since the original temporary approval was granted and that all the requirements of (6) are met.

- (5)(8) The department's acceptance of a label is valid for three years from the date the acceptance was issued unless the department provides a shorter time period in its acceptance. Establishments must resubmit labels for renewal after the acceptance period has expired.
- (6)(9) During the acceptance period, the establishment producing the label must ensure that the label is updated to meet all regulatory requirements following changes to the product formulation, processing procedures, regulation, or other events that may render the label noncompliant with applicable regulations.

Authorizing statute(s): 81-2-102, 81-9-220, MCA

Implementing statute(s): 81-9-220, 81-9-226, 81-9-228, 81-9-234, MCA

Small Business Impact

The department has determined that the class or group of businesses that will be directly affected by this proposed rulemaking are meat establishments holding a grant of inspection from the department. There are currently 25 such establishments in Montana. The establishments will be required to acquire prior approval from the department on certain single-ingredient meat product labels that previously did not require prior approval. This will require additional time and documentation, but will not include any department fees. Prior department approval may result in fewer labeling enforcement actions in the future. Livestock producers who wish to include special statements and claims on the meat products produced from their animals will be indirectly affected in the event prior approval is denied. Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, email, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices.

Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person listed in this notice or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Lindsey Simon, Legal Counsel

Approval

Michael Honeycutt, Executive Officer