

1 HOUSE BILL NO. 91

2 INTRODUCED BY G. PIERSON

3 BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AUTHORITY TO THE DEPARTMENT OF
6 AGRICULTURE TO ADOPT REGULATIONS UNDER THE FEDERAL FDA FOOD SAFETY MODERNIZATION
7 ACT; AND AMENDING SECTION 80-3-303, MCA."

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

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11 **Section 1.** Section 80-3-303, MCA, is amended to read:

12 **"80-3-303. Powers and duties of department.** (1) The department may:

13 (a) enter a premises at any reasonable time to inspect produce for condition, for grade, ~~or~~ for determining
14 compliance with the provisions of this part, or for compliance with the FDA Food Safety Modernization Act, 21
15 U.S.C. 2201, et seq.; and

16 (b) cooperate with and enter into agreements with governmental agencies of this state, agencies of other
17 states, agencies of the U.S. government, and private associations, in furtherance of this part.

18 (2) (a) The department shall adopt rules necessary for the efficient implementation of this part.

19 (b) The department may adopt by reference regulations adopted under the FDA Food Safety
20 Modernization Act, 21 U.S.C. 2201, et seq."

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22 NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that matured,
23 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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25 NEW SECTION. **Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are severable
26 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
27 remains in effect in all valid applications that are severable from the invalid applications.

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