

1 SENATE BILL NO. 161

2 INTRODUCED BY G. HERTZ

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE REGULATION AND SALE OF  
5 AQUACULTURE; PROVIDING DEFINITIONS; PROVIDING EXEMPTIONS; PROVIDING RULEMAKING  
6 AUTHORITY; ~~AND~~ AMENDING SECTIONS 30-12-301, 50-49-203, 50-50-102, AND 80-3-302, MCA; AND  
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 30-12-301, MCA, is amended to read:

12 **"30-12-301. Method of sale of commodities -- general.** (1) Commodities in liquid form may be sold  
13 only by liquid measure or by weight, and, except as otherwise provided in parts 1 through 5, commodities not in  
14 liquid form may be sold only by weight, by measure of length or area, or by count. Liquid commodities may be  
15 sold by weight and commodities not in liquid form may be sold by count only if those methods give accurate  
16 information as to the quantity of commodity sold. This section does not apply to:

17 (a) commodities when sold for immediate consumption on the premises where sold;

18 (b) vegetables when sold by the head or bunch;

19 (c) commodities in containers standardized by a law of this state or by federal law;

20 (d) commodities in package form when there exists a general consumer usage to express the  
21 quantity in some other manner;

22 (e) concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel,  
23 crushed stone, and the like, when sold by cubic measure;

24 (f) unprocessed vegetable and animal fertilizer when sold by cubic measure;

25 (g) cottage food products as defined in 50-50-102; or

26 (h) homemade food or homemade food products sold pursuant to Title 50, chapter 49, part 2; or

27 (i) aquaculture products as defined in 80-3-302.

1 designated by department rule.

2                   (b)     The term does not include livestock and its byproducts, poultry and its byproducts, apiary  
3     products, dairy products, or grain.

4                   (5)(8) "Produce dealer" means a person who engages in a business involving or who as part of a  
5 business participates in purchasing, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer  
6 of produce in this state, except vegetative seed potato products intended or used for planting purposes.

(6)(9) "Produce unit" means the standard size container for a given type of produce. A produce unit may be established by department rule.

9 (7)(10) "Retail" means sale of produce to the ultimate consumer.

10                   ~~(8)(11)~~ "Shipping point inspection" means an inspection of produce at the location from which it was  
11                   shipped.

12 (9)(12) "Stop sale order" means a written notice to hold produce from sale or movement until a  
13 violation has been resolved and the produce is released by the department.

14 (10)(13)(a) "Wholesale" means the sale of produce intended for resale.

15                   (b)       The term does not include the sale of Montana-grown produce when sold by the Montana  
16 grower for purposes of resale or vegetative seed potato products intended or used for planting purposes."

18 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

**NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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