

Amendment - 1st Reading-white - Requested by: Daniel Emrich - (S) Public Health, Welfare and Safety

- 2025

69th Legislature 2025

Drafter: Pad McCracken,

SB0155.001.001

SENATE BILL NO. 155

INTRODUCED BY D. EMRICH

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF AGRICULTURE TO LIMIT CERTAIN FOODS BASED ON RECOMMENDATIONS FROM THE PANEL ON FOOD SAFETY; CREATING THE PANEL ON FOOD SAFETY; PROVIDING QUALIFICATIONS FOR CERTAIN MEMBERS OF THE PANEL; REQUIRING ENFORCEMENT BY THE DEPARTMENT OF AGRICULTURE WITH ASSISTANCE FROM THE UNITED STATES FOOD AND DRUG ADMINISTRATION; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 50-31-108 AND 80-1-102, MCA."

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

NEW SECTION. Section 1. Panel on food safety. (1) There is a panel on food safety.

(2) (a) The panel consists of ~~three~~ seven members. Three members must be appointed by the governor, two members must be appointed by the speaker of the house, and two members must be appointed by the president of the senate.

(b) The members appointed by the governor must have scientific expertise in:

~~(a)~~(i) chemical risk assessment and safety assessment of food additives and flavoring substances;

~~(b)~~(ii) toxicology;

~~(c)~~(iii) toxicity testing;

~~(d)~~(iv) toxicokinetics and toxicodynamics of substances;

~~(e)~~(v) chemistry;

~~(f)~~(vi) exposure assessment and consumption surveys; or

~~(g)~~(vii) food technology.

(3) A vacancy among the governor's appointees on the panel must be filled by the governor in the same manner with the qualifications in subsection (2)(b).

(4) The panel shall meet quarterly.

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(5) Panel members shall serve without compensation but may be reimbursed as provided in 2-18-501 through 2-18-503.

(6) The panel shall:

(a) consider and study the cumulative effect of food additives and food colors in the diet, as well as any chemically or pharmacologically related substance or substances in the diet; and

(b) advise and make recommendations to the department of agriculture on limiting the availability of food containing a food additive or a food color determined to have a negative toxic effect.

(7) The panel is attached to the department of agriculture for administrative purposes only as provided in 2-15-121.

Section 2. Section 50-31-108, MCA, is amended to read:

"50-31-108. Regulations concerning additives. (1) The department, ~~upon~~on its own motion or ~~upon~~on the petition of any interested party requesting that a rule be established, whenever public health or other considerations in the state require, is authorized to adopt, amend, or repeal rules, whether or not in accordance with regulations promulgated under the federal act, ~~;~~

(a) prescribing tolerances for any added poisonous or deleterious substances for food additives;

(b) for pesticide chemicals in or on raw agricultural commodities, or for color additives, including but not limited to zero tolerances and exemptions from tolerances in the case of pesticide chemicals in or on raw agricultural commodities, and;

(c) prescribing the conditions under which a food additive or a color additive may be safely used and exemptions when the food additive or color additive is to be used solely for investigational or experimental purposes; and

(d) authorizing the department of agriculture to limit the availability of food containing a food additive or food color identified by the panel on food safety in [section 1] as having a negative toxic effect based on a cumulative effects analysis of food additives and food colors conducted pursuant to [section 1].

(2) A petitioner or the panel on food safety shall establish by data submitted to the department that a necessity exists for the rule and that its effect will not be detrimental to the public health. If the data furnished