

Montana Local Food Choice Act Guidance

12 March 2024

Purpose

The purpose of this document is to provide regulatory and food safety guidance to Missoula County producers, consumers, and other interested parties about MCA 50-49 Part 2, the Montana Local Food Choice Act (MLFCA).

Background

The Montana Local Food Choice Act is a law which exempts producers who sell specific homemade food products from licensing, certification, packaging, labeling, and inspection. These exemptions only apply to producers who sell homemade food products in conformance with this law.

This law is intended to promote the expansion of agricultural sales by ranches, farms, and home-based producers and to increase the accessibility of these foods to the local community. This law is not intended to allow exempt food producers unfettered access to or promote competition with the licensed food market.

MLFCA Food Guidelines

- Meat and meat products may not be used in foods sold under MLFCA, with meat being defined as the edible flesh of livestock or poultry as well as livestock and poultry products such as broth. The lone exception to this rule is the ‘1,000 Bird Exemption’ (see below).
- Homemade food sales under MLFCA must take place at either the producer’s home or at a traditional community event. A producer selling homemade foods may not set up a physical storefront outside of these locations.
- MLFCA foods must only be for consumption at the informed end consumer’s home or at a traditional community event.
- A MLFCA producer must inform the end consumer that the homemade food is not licensed, permitted, certified, packaged, labeled, or inspected per any official regulations. We recommend using a label or sticker on your homemade food; you may also use a sign, sandwich board, or the like to inform the end consumer at your point of sale.
- All homemade foods being sold under MLFCA must be sold directly to the informed end consumer. MLFCA vendors may not sell to a third party, retail stores, or other businesses that will in turn re-sell the homemade food.

- The internet may be used to advertise, market, and coordinate MLFCA sales; a producer may use Venmo, PayPal, or other web-based payment services to receive payment for MLFCA foods.
- The exchange of MLFCA foods must occur in person between the informed end consumer and the producer or producer’s designated agent. A farm stand on the producer’s home property may serve as the producer’s designated agent. A cash box or web-based payment service may be used at the farm stand.
- MLFCA producers may not use a third-party delivery service such as Doordash, Grubhub, USPS, UPS, or the like to deliver their homemade foods; these services may not act as the producer’s designated agent.
- If a farm stand has a Department of Livestock Meat Depot License or a State of Montana Retail Meat Market License, then MLFCA foods must be vended separately from the licensed foods. This means that they can not exist under the same roof or share a point of sale. Exempt foods and licensed foods require separate store fronts.

1,000 Bird Exemption: A person may slaughter and process on their premises poultry that they raised, and they may distribute such poultry without mandatory inspection when the following five criteria are met:

- The poultry grower slaughters no more than 1,000 healthy birds of their own raising in a calendar year for distribution as human food.
- The poultry grower does not engage in buying or selling poultry products other than those produced from poultry raised on their own farm.
- The slaughter and processing are conducted under sanitary standards, practices, and procedures that produce poultry products that are sound, clean, and fit for human food (not adulterated).
- The producer keeps records necessary for the effective enforcement as federally required by Title 9 CFR 381.175.
- The poultry products are not available on the regulated market.

Food Service Pathways

	Food Service Pathways	Who can I sell my food to?	Where can I sell my food?	Requires plan review with Missoula Public Health?	Inspected by Missoula Public Health?	Certified Food Protection Manager required?
Licensed and Inspected Food Services	<i>Retail Food License</i>	Directly to the end consumer; no reselling or 3rd party sales.	You may sell from your approved retail food establishment.	Yes	Yes, these establishments will have an initial licensing inspection, an annual routine inspection, and may be inspected as needed based on complaints or illnesses.	Yes
	<i>Wholesale / Manufacturing Food License</i>	To retail food establishments: restaurants, grocery stores, food trucks, bars, etc.	You may sell from your approved wholesale food establishment.	Yes, and process and label review with Montana DPHHS.		Yes
	<i>Temporary Food Service (TFS) Permit</i>	Directly to the end consumer; no reselling or 3rd party sales.	At a traditional community event: farmer's market, fair, organizational gathering, etc.	Yes	Yes, temporary food services may be inspected at an event.	Yes
Exempt Food Services	<i>Cottage Food Registration</i>	To the end consumer; no reselling or 3rd party sales.	In person sales within the State of Montana.	Yes	No, these food services do not require any regulatory inspections, but may be inspected as part of a foodborne illness investigation.	No
	<i>Montana Local Food Choice Act (MLFCA)</i>	To an <i>informed</i> end consumer; no reselling or 3rd party sales.	From your home or traditional community event.	No		No