SJ 11: INTERIM STUDY ON FARMER'S MARKETS AND FOOD SYSTEMS

FINAL REPORT TO THE 70TH MONTANA LEGISLATURE

Economic Affairs Interim Committee (EAIC)
Matthew Weaver, Research Analyst
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LEGISLATIVE SERVICES DIVISION

P.O. Box 201706
Helena, MT 59620-1706
Phone: (406) 444-3064
Fax: (406) 444-3971

Website:
https://committees.legmt.gov/#/nonStandingCommittees/9

TABLE OF CONTENTS

Introduction 1
Study Directives 1
Summary of Committee Work and Materials 2
November 12, 2025 2
January 20, 2026 2
March 10, 2026 3
Study Materials 3
Recommendations 4
Appendix A: Economic Affairs Interim Committee Members i
Senate Members i
House Members i

This report is a summary of the work of the Economic Affairs Interim Committee (EAIC), specific to EAIC's 2025-2026 farmer's markets and food systems study as outlined in the EAIC 2025-2026 Work Plan and Senate Joint Resolution 11 (2025). Members received additional information and public testimony on the subject, and this report is an effort to highlight key information and the processes followed by the EAIC in reaching its conclusions. To review additional information, including audio minutes and exhibits, visit the EAIC website: https://committees.legmt.gov/#/nonStandingCommittees/9.

A full report, including links to the documents referenced in this print report, is available at the EAIC website: https://committees.legmt.gov/#/nonStandingCommittees/9.

SJ 11: FARMER'S MARKETS AND FOOD SYSTEMS

INTRODUCTION

The Legislative Council assigned Senate Joint Resolution 11: Interim Study on Farmer's Markets and Food Systems to EAIC for the 2025-2026 interim. The study ranked 21st out of 36 study resolutions passed and approved by the 69th Legislature and was one of six studies assigned to EAIC.

STUDY DIRECTIVES

The intent of the study was "to examine farmer's markets and food systems in the state of Montana for the purpose of promoting regional food system infrastructure and coordination." Specifically, the study requested the assigned committee to:

(1) collaborate on this issue with relevant stakeholders;
(2) study the current economic impact of farmer's markets in Montana;
(3) review barriers to growth and opportunities for farmer's market improvement, including analyzing infrastructure, market access, regulatory frameworks, and statutory definitions;
(4) study the impact, opportunities, and challenges of the Montana Local Food Choice Act, as provided in Title 50, chapter 49, part 2, MCA, and the state cottage food laws provided in Title 50, chapter 50, MCA;
(5) study the role of farmer's markets in advancing food security and nutrition, especially in underserved areas;
(6) review contributions of farmer's markets to local and regional food system resilience, focusing on national security concerns related to food supply disruptions;
(7) review current statutes governing consumer protection and liability for food producers and markets;
(8) study potential collaborations between local governments, nonprofit organizations, and private entities to support farmer's markets; and
(9) study strategies to integrate farmer's markets into broader rural and community development initiatives.

EAIC allocated approximately 10% (.10 full-time equivalent [FTE]) of its total work time to SJ 11, which included the following activities:

1) **a panel discussion with relevant stakeholders; and**
2) **a review of relevant laws, policies, and legal decisions, including the Montana Local Food Choice Act and cottage food laws.**

SUMMARY OF COMMITTEE WORK AND MATERIALS

NOVEMBER 12, 2025

EAIC hosted a panel of experts, including Peter Strauss, vice chair of Helena Farmers' Market; Rachel Prevost, executive director of Montana Farmers Union, for Grow Montana; and Sadie Overlie, lead sanitarian, of the Montana Department of Public Health and Human Services (DPHHS).

Helena Farmers' Market provided information about its business operations and local impact, such as the number of participating vendors and business ventures formed; donations and grants to public services; and contributions to the Supplemental Nutrition Assistance Program (SNAP).

Grow Montana recommended an update to the Montana Code Annotated (MCA) definition of "farmer's market" to reflect the U.S. Department of Agriculture description, "two or more farmer producers that sell their own agricultural products directly to the general public at a fixed location, which includes fruits and vegetables, meat, fish, poultry, dairy products, and grains." Grow Montana stated that the existing MCA definition combined different types of business operations (e.g., farm premises, food stands owned and operated by farmers, and organized markets), which could lead to confusion as to what a farmer's market is and how it should be regulated.

EAIC asked if Grow Montana's proposed definition change prompted any concern for DPHHS, to which the department responded, "No." EAIC requested that a proposed definition change by Grow Montana be brought to the next meeting on January 20, 2026.

JANUARY 20, 2026

A proposed definition change was presented by Maura Henn, coordinator, of Grow Montana, with informational statements provided by Sadie Overlie of DPHHS.

Grow Montana proposed a revised definition of "farmer's market" to read "a collection of two or more food vendors selling products directly to consumers at a common, recurrent physical location authorized by the appropriate municipal or county authority." Grow Montana noted a distinction between farmer's markets operated on public property and businesses operated on privately owned premises, such as onsite farm stores or food stands owned by farmers. Grow Montana also noted that farmer's markets were subject to different licensing and permitting requirements than onsite farm stores and food stands, which the current definition did not reflect.

EAIC asked DPHHS whether food stands were regulated separately from farmer's markets (*Response: Yes, they are regulated under the Montana Local Food Choice Act [MLFCA].*) and whether the proposed language of "two or more vendors" would harm farmer-owned premises (*Response: No, the MLFCA would continue to apply.*).

EAIC voted to approve a provisional draft (PD) incorporating the definition change but expressed concern that the language "a common, recurrent" location might limit farmer's markets' ability to change locations if necessary; EAIC expressed the intent to avoid this limitation.

MARCH 10, 2026

EAIC voted to incorporate the proposed definition change and adopt PD SJ11 1.1.

Staff presented PD SJ11 1.1 to EAIC, having removed the language "common, recurrent" in order to meet EAIC's intent to avoid potential location limitations. EAIC adopted the PD as a committee bill, assigning Sen. Ellie Boldman, D-Missoula, as the carrier.

STUDY MATERIALS

- Staff Background Paper
- Grow Montana Proposed Definition Change
- Provisional Draft SJ11_1.1

RECOMMENDATIONS

EAIC recommends passage and approval of the committee bill PD SJ11 1.1, which would amend the definition of "farmer's market" in section 50-50-102, MCA, as follows:

> (8) "Farmer's market" means a ~~farm premises, a food stand owned and operated by a farmer, or an organized market~~ collection of two or more food vendors selling products directly to consumers at a physical location, authorized by the appropriate municipal or county authority under 7-21-3301.

APPENDIX A:
ECONOMIC AFFAIRS INTERIM COMMITTEE MEMBERS

Before the close of each legislative session, House and Senate leadership appoint lawmakers to interim committees. The members of the Economic Affairs Interim Committee, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with section 2-15-155, MCA.

SENATE MEMBERS

Senator Ellie Boldman, Vice Chair
Missoula County (SD 47)
Ph: (406) 218-9608
Email: Ellie.Boldman@legmt.gov

Senator Kenneth Bogner
Custer County (SD 18)
Ph: (406) 916-9690
Email: Kenneth.Bogner@legmt.gov

Senator Josh Kassmier
Chouteau County (SD 13)
Ph: (406) 781-5386
Email: Josh.Kassmier@legmt.gov

Senator Mark Noland
Flathead County (SD 6)
Ph: (406) 253-8982
Email: Mark.Noland@legmt.gov

HOUSE MEMBERS

Representative Brandon Ler, Chair
Richland County (HD 33)
Ph: (406) 480-5687
Email: Brandon.Ler@legmt.gov

Representative Ed Buttrey
Cascade County (HD 21)
Ph: (406) 452-6460
Email: Ed.Buttrey@legmt.gov

Representative Brian Close
Gallatin County (HD 65)
Ph: (406) 582-0478
Email: Brian.Close@legmt.gov

Representative Jamie Isaly
Gallatin County (HD 58)
Ph: (406) 209-2568
Email: Jamie.Isaly@legmt.gov

Representative Nelly Nicol
Yellowstone County (HD 53)
Ph: (406) 670-1745
Email: Nelly.Nicol@legmt.gov

Representative Peter Strand
Gallatin County (HD 63)
Ph: (406) 579-5130
Email: Peter.Strand@legmt.gov

Representative Morgan Thiel
Richland County (HD 30)
Ph: (406) 480-6271
Email: Morgan.Thiel@legmt.gov

Economic Affairs Interim Committee Staff

Jameson Walker, Attorney | Matthew Weaver, Legislative Research Analyst | Maddelyn Pennington, Secretary